

By Senator Baker

20-00616-09

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1 A bill to be entitled
 2 An act relating to motor vehicle operators; amending
 3 s. 316.304, F.S.; prohibiting writing, sending, or
 4 receiving a text message on an electronic
 5 communications device while operating a motor vehicle;
 6 providing for enforcement; providing exceptions;
 7 providing penalties; providing an effective date.

8
 9 Be It Enacted by the Legislature of the State of Florida:

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 11 Section 1. Section 316.304, Florida Statutes, is amended to
 12 read:

13 316.304 Using listening or communications devices ~~Wearing~~
 14 ~~of headsets.~~-

15 (1) (a) ~~A~~ ~~no~~ person may not shall operate a vehicle while
 16 wearing a headset, headphone, or other listening device, other
 17 than a hearing aid or instrument for the improvement of
 18 defective human hearing.

19 (b) ~~(2)~~ This subsection ~~section~~ does not apply to:

20 1. ~~(a)~~ Any law enforcement officer equipped with any
 21 communication device necessary in performing his or her assigned
 22 duties or to any emergency vehicle operator equipped with any
 23 ear protection device.

24 2. ~~(b)~~ Any applicant for a license to operate a motorcycle
 25 while taking the examination required by s. 322.12(5).

26 3. ~~(e)~~ Any person operating a motorcycle who is using a
 27 headset that is installed in a helmet and worn so as to prevent
 28 the speakers from making direct contact with the user's ears so
 29 that the user can hear surrounding sounds.

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30 ~~4.(d)~~ Any person using a headset in conjunction with a
31 cellular telephone that only provides sound through one ear and
32 allows surrounding sounds to be heard with the other ear.

33 ~~5.(e)~~ Any person using a headset in conjunction with
34 communicating with the central base operation that only provides
35 sound through one ear and allows surrounding sounds to be heard
36 with the other ear.

37 ~~(c)(3)~~ The Department of Highway Safety and Motor Vehicles
38 shall adopt ~~promulgate~~, by ~~administrative rule~~, standards and
39 specifications for headset equipment the use of which is
40 permitted under this section. The department shall inspect and
41 review all such devices submitted to it and shall publish a list
42 by name and type of approved equipment.

43 ~~(d)(4)~~ A violation of this section is a noncriminal traffic
44 infraction, punishable as a nonmoving violation as provided in
45 chapter 318.

46 (2)(a) A person may not operate a motor vehicle while using
47 an electronic communications device in order to write, send, or
48 read text-based communications, including text messages, instant
49 messages, or electronic mail.

50 (b) It is not a violation of this subsection to read,
51 select, or enter a telephone number or name in an electronic
52 communications device in order to make or receive a telephone
53 call.

54 (c) This subsection does not apply to a person who writes a
55 text message on an electronic communications device to:

- 56 1. Report illegal activity;
57 2. Summon medical or other emergency help; or
58 3. Prevent injury or damage to a person or property.

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59 (d) A violation of this subsection is a noncriminal traffic
60 infraction, punishable as a moving violation as provided in
61 chapter 318.

62 Section 2. This act shall take effect July 1, 2009.