



616598

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/26/2015	.	
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The Committee on Transportation (Grimsley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsections (94) and (95) are added to section
316.003, Florida Statutes, to read:

316.003 Definitions.—The following words and phrases, when
used in this chapter, shall have the meanings respectively
ascribed to them in this section, except where the context
otherwise requires:



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11 (94) BODILY INJURY.—
12 (a) A cut, abrasion, bruise, burn, or disfigurement;
13 (b) Physical pain;
14 (c) Illness;
15 (d) Impairment of the function of a bodily member, organ,
16 or mental faculty; or
17 (e) Any other injury to the body, no matter how temporary.
18 (95) VULNERABLE USER OF A PUBLIC ROADWAY OR VULNERABLE
19 USER.—
20 (a) A pedestrian, including a person actually engaged in
21 work upon a highway, work upon utility facilities along a
22 highway, or the provision of emergency services within the
23 right-of-way;
24 (b) A person operating, or who is a passenger on, a
25 bicycle, motorcycle, scooter, or moped lawfully on the roadway;
26 (c) A person riding an animal; or
27 (d) A person lawfully operating on a public roadway,
28 crosswalk, or shoulder of the roadway:
29 1. A farm tractor or similar vehicle designed primarily for
30 farm use;
31 2. A horse-drawn carriage;
32 3. An electric personal assistive mobility device; or
33 4. A wheelchair.
34 Section 2. Paragraph (b) of subsection (1) of section
35 316.027, Florida Statutes, is amended to read:
36 316.027 Crash involving death or personal injuries.—
37 (1) As used in this section, the term:
38 (b) “Vulnerable ~~road~~ user” has the same meaning as in s.
39 316.003 means:



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40 ~~1. A pedestrian, including a person actually engaged in~~
41 ~~work upon a highway, or in work upon utility facilities along a~~
42 ~~highway, or engaged in the provision of emergency services~~
43 ~~within the right-of-way;~~

44 ~~2. A person operating a bicycle, motorcycle, scooter, or~~
45 ~~moped lawfully on the roadway;~~

46 ~~3. A person riding an animal; or~~

47 ~~4. A person lawfully operating on a public right-of-way,~~
48 ~~crosswalk, or shoulder of the roadway:~~

49 ~~a. A farm tractor or similar vehicle designed primarily for~~
50 ~~farm use;~~

51 ~~b. A skateboard, roller skates, or in-line skates;~~

52 ~~c. A horse-drawn carriage;~~

53 ~~d. An electric personal assistive mobility device; or~~

54 ~~e. A wheelchair.~~

55 Section 3. Section 316.0275, Florida Statutes, is created
56 to read:

57 316.0275 Noncriminal traffic infractions leading to serious
58 bodily injury or death; reclassification.-

59 (1) Notwithstanding any other provision of law, if an
60 individual commits a noncriminal traffic infraction under this
61 chapter which causes serious bodily injury or death to a person
62 and, within 5 years after that violation, commits another
63 noncriminal traffic infraction under this chapter which causes
64 serious bodily injury or death to a person, the second such
65 violation shall be reclassified as a misdemeanor of the first
66 degree, punishable as provided in s. 775.082 or s. 775.083, and
67 the individual will have his or her license revoked under s.
68 322.26(10).



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69 (2) As used in this section, the term "serious bodily
70 injury" means an injury to a person, excluding the at-fault
71 driver, which consists of a physical condition that creates a
72 substantial risk of death, serious personal disfigurement, or
73 protracted loss or impairment of the function of any bodily
74 member or organ.

75 Section 4. Section 316.083, Florida Statutes, is amended to
76 read:

77 316.083 Overtaking and passing a vehicle.—The following
78 provisions ~~rules shall~~ govern the overtaking and passing of
79 vehicles proceeding in the same direction, ~~subject to those~~
80 ~~limitations, exceptions, and special rules hereinafter stated:~~

81 (1) The driver of a vehicle overtaking another vehicle
82 proceeding in the same direction shall give an appropriate
83 signal as provided for in s. 316.156, shall pass to the left
84 thereof at a safe distance, and shall not again drive to the
85 right side of the roadway until safely clear of the overtaken
86 vehicle.

87 (2) The driver of a motor vehicle overtaking a person
88 operating a bicycle or other vulnerable user of a public roadway
89 ~~nonmotorized vehicle~~ must pass the person operating the bicycle
90 or other vulnerable user ~~nonmotorized vehicle~~ at a safe distance
91 of not less than 3 feet between any part of or attachment to the
92 motor vehicle, any thing extending from the motor vehicle, any
93 trailer or other thing being towed by the motor vehicle and the
94 bicycle, the person operating the bicycle, or other vulnerable
95 user ~~nonmotorized vehicle~~.

96 (3) ~~(2)~~ Except when overtaking and passing on the right is
97 permitted, the driver of an overtaken vehicle shall give way to



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98 the right in favor of the overtaking vehicle, on audible signal
99 or upon the visible blinking of the headlamps of the overtaking
100 vehicle if such overtaking is being attempted at nighttime, and
101 shall not increase the speed of his or her vehicle until
102 completely passed by the overtaking vehicle.

103 (4)~~(3)~~ A violation of this section is a noncriminal traffic
104 infraction, punishable as a moving violation as provided in
105 chapter 318. If a violation of this section contributed to the
106 bodily injury of a vulnerable user of a public roadway, the law
107 enforcement officer issuing the citation for the violation shall
108 note such information on the citation.

109 Section 5. Section 316.0833, Florida Statutes, is created
110 to read:

111 316.0833 Turning when passing vulnerable user.-

112 (1) A person operating a vehicle who overtakes and passes a
113 vulnerable user of a public roadway proceeding in the same
114 direction may not make a right or left turn at an intersection
115 or into a private road or driveway unless the turn can be made
116 at a safe distance from the vulnerable user with reasonable
117 safety and will not impede the travel of the vulnerable user.

118 (2) A violation of subsection (1) is a noncriminal traffic
119 infraction, punishable as a moving violation as provided in
120 chapter 318. If a violation of subsection (1) contributed to the
121 bodily injury of a vulnerable user of a public roadway, the law
122 enforcement officer issuing the citation for the violation shall
123 note such information on the citation.

124 Section 6. Subsection (3) of section 316.0875, Florida
125 Statutes, is amended to read:

126 316.0875 No-passing zones.-



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127 (3) This section does not apply:

128 (a) When an obstruction exists making it necessary to drive
129 to the left of the center of the highway; ~~nor~~

130 (b) To the driver of a vehicle turning left into or from an
131 alley, private road, or driveway; or

132 (c) When the driver of a motor vehicle is required to cross
133 pavement striping indicating a no-passing zone when passing a
134 vulnerable user of a public roadway in order to provide at least
135 3 feet between the motor vehicle and the vulnerable user.

136 Section 7. Section 316.1921, Florida Statutes, is created
137 to read:

138 316.1921 Harassing, taunting, or throwing object at person
139 riding a bicycle.—It is unlawful to harass, taunt, or
140 maliciously throw an object at or in the direction of a person
141 riding a bicycle. A person who violates this section commits a
142 misdemeanor of the first degree, punishable by a fine of at
143 least \$250 or by imprisonment of not more than 30 days, or both.

144 Section 8. Section 316.1925, Florida Statutes, is amended
145 to read:

146 316.1925 Careless driving.—

147 (1) A ~~Any~~ person operating a vehicle upon the streets or
148 highways within the state shall drive the same in a careful and
149 prudent manner, having regard for the width, grade, curves,
150 corners, traffic, and all other attendant circumstances, so as
151 not to endanger the life, limb, or property of any person. A
152 person who fails ~~Failure~~ to drive in such manner commits ~~shall~~
153 ~~constitute~~ careless driving and ~~a violation of this section.~~

154 ~~(2) Any person who violates this section shall be cited for~~
155 ~~a moving violation, punishable as provided in chapter 318.~~



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156 (2) If a violation under this section contributed to the
157 bodily injury of a vulnerable user of a public roadway, the law
158 enforcement officer issuing the citation for the violation shall
159 note such information on the citation.

160 Section 9. Section 318.142, Florida Statutes, is created to
161 read:

162 318.142 Infractions contributing to bodily injury of a
163 vulnerable user of a public roadway.—In addition to any other
164 penalty imposed for a violation under s. 316.083, s. 316.0833,
165 or s. 316.1925, if the violation contributed to the bodily
166 injury of a vulnerable user of a public roadway as defined in s.
167 316.003, the designated official shall impose a fine of not more
168 than \$2,000.

169 Section 10. Section 318.19, Florida Statutes, is amended to
170 read:

171 318.19 Infractions requiring a mandatory hearing.—Any
172 person cited for the infractions listed in this section shall
173 not have the provisions of s. 318.14(2), (4), and (9) available
174 to him or her but must appear before the designated official at
175 the time and location of the scheduled hearing:

176 (1) Any infraction which results in a crash that causes the
177 death of another;

178 (2) Any infraction which results in a crash that causes
179 “serious bodily injury” of another as defined in s. 316.1933(1);

180 (3) Any infraction of s. 316.172(1)(b);

181 (4) Any infraction of s. 316.520(1) or (2); ~~or~~

182 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
183 316.189 of exceeding the speed limit by 30 m.p.h. or more; or

184 (6) Any infraction of s. 316.083, s. 316.0833, or s.



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185 316.1925 which contributes to bodily injury of a vulnerable user
186 of a public roadway as defined in s. 316.003.

187 Section 11. Subsection (2) of section 322.0261, Florida
188 Statutes, is amended to read:

189 322.0261 Driver improvement course; requirement to maintain
190 driving privileges; failure to complete; department approval of
191 course.—

192 (2) With respect to an operator convicted of, or who
193 pleaded nolo contendere to, a traffic offense giving rise to a
194 crash identified in paragraph (1)(a) or paragraph (1)(b), the
195 department shall require that the operator, in addition to other
196 applicable penalties, attend a department-approved driver
197 improvement course in order to maintain his or her driving
198 privileges. The department shall include in the course
199 curriculum instruction specifically addressing the rights of
200 vulnerable ~~road~~ users as defined in s. 316.003 ~~s. 316.027~~
201 relative to vehicles on the roadway. If the operator fails to
202 complete the course within 90 days after receiving notice from
203 the department, the operator's driver license shall be canceled
204 by the department until the course is successfully completed.

205 Section 12. Subsection (10) is added to section 322.26,
206 Florida Statutes, to read:

207 322.26 Mandatory revocation of license by department.—The
208 department shall forthwith revoke the license or driving
209 privilege of any person upon receiving a record of such person's
210 conviction of any of the following offenses:

211 (10) A violation of s. 316.0275.

212 Section 13. This act shall take effect October 1, 2015.

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214 ===== T I T L E A M E N D M E N T =====

215 And the title is amended as follows:

216 Delete everything before the enacting clause

217 and insert:

218 A bill to be entitled

219 An act relating to traffic safety; amending s.

220 316.003, F.S.; providing definitions; amending s.

221 316.027, F.S.; redefining the term "vulnerable user";

222 deleting obsolete provisions; creating s. 316.0275,

223 F.S.; providing criminal penalties for certain

224 noncriminal traffic infractions that cause serious

225 bodily injury or death to a person; defining the term

226 "serious bodily injury"; amending s. 316.083, F.S.;

227 revising provisions relating to the passing of a

228 vehicle; creating s. 316.0833, F.S.; prohibiting

229 passing and turning in front of a vulnerable user in

230 an unsafe manner; providing penalties; amending s.

231 316.0875, F.S.; revising exceptions to provisions for

232 designated no-passing zones; creating s. 316.1921,

233 F.S.; prohibiting harassing, taunting, or throwing an

234 object at a person riding a bicycle; providing fines

235 and penalties; amending s. 316.1925, F.S.; revising

236 provisions relating to careless driving; creating s.

237 318.142, F.S.; providing fines and penalties for

238 specified infractions contributing to bodily injury of

239 a vulnerable user; amending s. 318.19, F.S.; requiring

240 a hearing for specified offenses; amending s.

241 322.0261, F.S.; conforming a cross-reference; amending

242 s. 322.26, F.S.; providing mandatory revocation of



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license for a specified conviction; providing an
effective date.