

1                                   A bill to be entitled  
 2           An act relating to traffic offenses; creating s.  
 3           318.195, F.S.; providing a short title; providing  
 4           criminal penalties for a person who commits a moving  
 5           violation that causes serious bodily injury to, or  
 6           causes the death of, a vulnerable road user; requiring  
 7           that the person pay a specified fine, serve a minimum  
 8           period of house arrest, and attend a driver  
 9           improvement course; requiring that the court revoke  
 10          the person's driver license for a minimum specified  
 11          period; defining the term "vulnerable road user";  
 12          providing that the act does not prohibit the person  
 13          from being charged with, convicted of, or punished for  
 14          any other violation of law; providing an effective  
 15          date.

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 17 Be It Enacted by the Legislature of the State of Florida:

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 19           Section 1.   Section 318.195, Florida Statutes, is created  
 20 to read:

21           318.195   Enhanced penalties for moving violations causing  
 22 injury or death.—

23           (1)   This section may be cited as the "Vulnerable Road User  
 24 Act."

25           (2)   A person who commits a moving violation that causes

26 serious bodily injury, as defined in s. 316.1933, to a  
27 vulnerable road user commits a misdemeanor of the second degree,  
28 punishable as provided in s. 775.082 or s. 775.083, and, upon  
29 conviction, shall pay a fine of not less than \$1,500, serve a  
30 minimum of 30 days of house arrest, and attend a department-  
31 approved driver improvement course relating to the rights of  
32 vulnerable road users relative to vehicles on the roadway as  
33 provided in s. 322.0261(2). The court shall also revoke the  
34 person's driver license for at least 30 days.

35 (3) A person who commits a moving violation that causes  
36 the death of a vulnerable road user commits a misdemeanor of the  
37 first degree, punishable as provided in s. 775.082 or s.  
38 775.083, and, upon conviction, shall pay a fine of not less than  
39 \$5,000, serve a minimum of 180 days of house arrest, and attend  
40 a department-approved driver improvement course relating to the  
41 rights of vulnerable road users relative to vehicles on the  
42 roadway as provided in s. 322.0261(2). The court shall also  
43 revoke the person's driver license for at least 1 year.

44 (4) As used in this section, the term "vulnerable road  
45 user" means any of the following:

46 (a) A pedestrian, including a person actually engaged in  
47 work upon a highway, or in work upon utility facilities along a  
48 highway, or engaged in the provision of emergency services  
49 within the right-of-way.

50 (b) A person lawfully operating a bicycle, motorcycle,

51 scooter, or moped on the roadway.

52 (c) A person riding an animal.

53 (d) A person lawfully operating any of the following on a  
 54 public right-of-way, crosswalk, or shoulder of the roadway:

55 1. A farm tractor or similar vehicle designed primarily  
 56 for farm use.

57 2. A skateboard, roller skates, or in-line skates.

58 3. A horse-drawn carriage.

59 4. An electric personal assistive mobility device.

60 5. A wheelchair.

61 (5) This section does not prohibit a person from being  
 62 charged with, convicted of, or punished for any other violation  
 63 of law.

64 Section 2. This act shall take effect July 1, 2019.