

By Senator Lynn

7-00847-10

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1                   A bill to be entitled  
2           An act relating to driver's license restrictions;  
3           amending s. 322.16, F.S.; restricting the number of  
4           passengers under the age of 18 permitted in a vehicle  
5           operated by a person under the age of 18 unless  
6           accompanied by a driver at least 21 years of age;  
7           providing exceptions; providing for secondary  
8           enforcement; providing penalties; providing for  
9           applicability; amending s. 318.14, F.S.; providing  
10          citation procedures for a violation of such  
11          restrictions; providing an effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

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15           Section 1. Present subsections (4), (5), and (6) of section  
16   322.16, Florida Statutes, are renumbered as subsections (5),  
17   (6), and (7), respectively, and amended, and a new subsection  
18   (4) is added to that section, to read:

19           322.16 License restrictions.—

20           (4) (a) During the first 6 months after the date of his or  
21 her licensure, a person who has not attained 18 years of age may  
22 not operate a motor vehicle while a passenger is in the vehicle  
23 who has not attained 18 years of age unless accompanied by a  
24 driver who holds a valid license to operate the type of vehicle  
25 being operated and who is at least 21 years of age. Thereafter,  
26 until attaining 18 years of age, such person may not operate a  
27 motor vehicle while more than three passengers are in the  
28 vehicle who have not attained 18 years of age. This subsection  
29 does not apply to passengers who are siblings or children of the

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30 driver, whether related by whole or half blood, by affinity, or  
31 by adoption.

32 (b) State and local law enforcement agencies shall enforce  
33 this subsection only as a secondary action when the driver of a  
34 motor vehicle has been detained for a suspected violation of  
35 another section of this chapter, chapter 316, or chapter 320.

36 (c) This subsection applies to any person younger than 18  
37 years of age who is issued a driver's license on or after  
38 October 1, 2010.

39 (d) This subsection does not apply to a minor whose  
40 disability of nonage has been removed pursuant to s. 743.01.

41 (5)~~(4)~~ The department may, upon receiving satisfactory  
42 evidence of any violation of the restriction upon such a  
43 license, except a violation of paragraph (1)(d), subsection (2),  
44 ~~or~~ subsection (3), or subsection (4), suspend or revoke the  
45 license, but the licensee is entitled to a hearing as upon a  
46 suspension or revocation under this chapter.

47 (6)~~(5)~~ It is a misdemeanor of the second degree, punishable  
48 as provided in s. 775.082 or s. 775.083, for any person to  
49 operate a motor vehicle in any manner in violation of the  
50 restrictions imposed in a license issued to him or her except  
51 for a violation of paragraph (1)(d), subsection (2), ~~or~~  
52 subsection (3), or subsection (4).

53 (7)~~(6)~~ Any person who operates a motor vehicle in violation  
54 of the restrictions imposed in subsection (2), ~~or~~ subsection  
55 (3), or subsection (4) commits a noncriminal traffic infraction,  
56 punishable as ~~will be charged with~~ a moving violation as  
57 provided in ~~and fined in accordance with~~ chapter 318.

58 Section 2. Subsection (1) of section 318.14, Florida

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59 Statutes, is amended to read:

60 318.14 Noncriminal traffic infractions; exception;  
61 procedures.-

62 (1) Except as provided in ss. 318.17 and 320.07(3)(c), any  
63 person cited for a violation of chapter 316, s. 320.0605, s.  
64 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.16(2), ~~or~~  
65 (3), or (4), s. 322.161(5), s. 322.19, or s. 1006.66(3) is  
66 charged with a noncriminal infraction and must be cited for such  
67 an infraction and cited to appear before an official. If another  
68 person dies as a result of the noncriminal infraction, the  
69 person cited may be required to perform 120 community service  
70 hours under s. 316.027(4), in addition to any other penalties.

71 Section 3. This act shall take effect October 1, 2010.