

By Senator Baxley

12-00486-19

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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.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19       Section 1. Section 318.195, Florida Statutes, is created to  
20 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

12-00486-19

2019158\_\_

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 the  
36 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 for  
56 farm use.

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

58 3. A horse-drawn carriage.

12-00486-19

2019158\_\_

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.