

1 A bill to be entitled
 2 An act relating to noncriminal traffic infractions;
 3 amending s. 316.0083; revising the procedures applied
 4 to persons identified as having care, custody, and
 5 control of a motor vehicle used to commit a red-light
 6 camera violation; providing an effective date.

7
 8 Be It Enacted by the Legislature of the State of Florida:
 9

10 Section 1. Paragraphs (a) and (d) of subsection (1) of
 11 section 316.0083, Florida Statutes, are amended to read:

12 316.0083 Mark Wandall Traffic Safety Program;
 13 administration; report.—

14 (1) (a) For purposes of administering this section, the
 15 department, a county, or a municipality may authorize a traffic
 16 infraction enforcement officer under s. 316.640 to issue a
 17 traffic citation for a violation of s. 316.074(1) or s.
 18 316.075(1)(c)1. A notice of violation and a traffic citation may
 19 not be issued for failure to stop at a red light if the driver
 20 is making a right-hand turn in a careful and prudent manner at
 21 an intersection where right-hand turns are permissible. This
 22 paragraph does not prohibit a review of information from a
 23 traffic infraction detector by an authorized employee or agent
 24 of the department, a county, or a municipality before issuance
 25 of the traffic citation by the traffic infraction enforcement
 26 officer. This paragraph does not prohibit the department, a
 27 county, or a municipality from issuing notification as provided
 28 in paragraph (b) to the registered owner of the motor vehicle or

29 to another person identified as having care, custody, and
 30 control of the motor vehicle involved in the violation of s.
 31 316.074(1) or s. 316.075(1)(c)1.

32 (d)1. The owner of the motor vehicle involved in the
 33 violation is responsible and liable for paying the uniform
 34 traffic citation issued for a violation of s. 316.074(1) or s.
 35 316.075(1)(c)1. when the driver failed to stop at a traffic
 36 signal, unless the owner can establish that:

37 a. The motor vehicle passed through the intersection in
 38 order to yield right-of-way to an emergency vehicle or as part
 39 of a funeral procession;

40 b. The motor vehicle passed through the intersection at
 41 the direction of a law enforcement officer;

42 c. The motor vehicle was, at the time of the violation, in
 43 the care, custody, or control of another person; or

44 d. A uniform traffic citation was issued by a law
 45 enforcement officer to the driver of the motor vehicle for the
 46 alleged violation of s. 316.074(1) or s. 316.075(1)(c)1.

47 2. In order to establish such facts, the owner of the
 48 motor vehicle shall, within 30 days after the date of issuance
 49 of the traffic citation, furnish to the appropriate governmental
 50 entity an affidavit setting forth detailed information
 51 supporting an exemption as provided in this paragraph.

52 a. An affidavit supporting an exemption under sub-
 53 subparagraph 1.c. must include the name, address, date of birth,
 54 and, if known, the driver's license number of the person who
 55 leased, rented, or otherwise had care, custody, or control of
 56 the motor vehicle at the time of the alleged violation. If the

57 | vehicle was stolen at the time of the alleged offense, the
 58 | affidavit must include the police report indicating that the
 59 | vehicle was stolen.

60 | b. If a traffic citation for a violation of s. 316.074(1)
 61 | or s. 316.075(1)(c)1. was issued at the location of the
 62 | violation by a law enforcement officer, the affidavit must
 63 | include the serial number of the uniform traffic citation.

64 | 3. Upon receipt of an affidavit, the person designated as
 65 | having care, custody, and control of the motor vehicle at the
 66 | time of the violation may be issued a notice of violation
 67 | pursuant to paragraph (b) ~~traffic citation~~ for a violation of s.
 68 | 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop
 69 | at a traffic signal. The affidavit is admissible in a proceeding
 70 | pursuant to this section for the purpose of providing proof that
 71 | the person identified in the affidavit was in actual care,
 72 | custody, or control of the motor vehicle. The owner of a leased
 73 | vehicle for which a traffic citation is issued for a violation
 74 | of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to
 75 | stop at a traffic signal is not responsible for paying the
 76 | traffic citation and is not required to submit an affidavit as
 77 | specified in this subsection if the motor vehicle involved in
 78 | the violation is registered in the name of the lessee of such
 79 | motor vehicle.

80 | 4. Subparagraphs (b) and (c) of subsection (1) apply to
 81 | the person identified on the affidavit, except that the
 82 | notification under subparagraph(b)1.a. must be sent within 30
 83 | days after receipt of an affidavit and the traffic citation
 84 | mailed pursuant to subparagraph (c)1.d. must be mailed no later

PCS For HB 343

ORIGINAL

2012

85 | than 60 days after the date of receipt of an affidavit.

86 | 5 4. The submission of a false affidavit is a misdemeanor
87 | of the second degree, punishable as provided in s. 775.082 or s.
88 | 775.083.

89 | Section 2. This act shall take effect July 1, 2012.