

# FLORIDA STATUTES

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### Volume 2

### TITLE XXIII

#### MOTOR VEHICLES

##### CHAPTER 316

###### STATE UNIFORM TRAFFIC CONTROL

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316.301	Display of warning lights and devices when vehicle is stopped or disabled.	316.001	<b>Short title.</b> —This chapter may be known and cited as the "Florida Uniform Traffic Control Law."
316.302	Transportation of hazardous materials, explosives, flammable liquids, radioactive materials, etc.		<i>History.</i> —s. 1, ch. 71-135.
316.303	Television receivers.	316.002	<b>Purpose.</b> —It is the legislative intent in the adoption of this chapter to make uniform traffic laws to apply throughout the state and its several counties and uniform traffic ordinances to apply in all municipalities. The legislature recognizes that there are conditions which require municipalities to pass certain other traffic ordinances in regulation of municipal traffic that are not required to regulate the movement of traffic outside of such municipalities. Section 316.008 enumerates the area within which municipalities may control certain traffic movement or parking in their respective jurisdictions. This section shall be supplemental to the other laws or ordinances of this chapter and not in conflict therewith. It is unlawful for any local authority to pass or to attempt to enforce any ordinance in conflict with the provisions of this chapter.
316.304	Wearing of headsets.		<i>History.</i> —s. 1, ch. 71-135.
316.400	Headlamps.	316.003	<b>Definitions.</b> —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:
316.405	Motorcycle headlights to be turned on.		(1) <b>AUTHORIZED EMERGENCY VEHICLES.</b> —Vehicles of the fire department (fire patrol), police vehicles and such ambulances and emergency vehicles of municipal departments, public service corporations operated by private corporations, and the Department of Transportation as are designated or authorized by the department or the chief of police of an incorporated city or any sheriff of any of the various counties.
316.410	Taillamps.		(2) <b>BICYCLE.</b> —Any device propelled by human power, or any "moped" propelled by a pedal-activated helper motor with a manufacturer's certified maximum rating of 1½ brake horsepower, upon which any person may ride, having 2 tandem wheels, either of which is 20 inches or more in diameter, and including any device generally recognized as a bicycle though equipped with 2 front or 2 rear wheels.
316.415	Reflectors.		(3) <b>BUS.</b> —Any motor vehicle designed for carrying more than 10 passengers and used for the transportation of persons and any motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.
316.420	Stop lamps.		(4) <b>BUSINESS DISTRICT.</b> —The territory contiguous to, and including, a highway when 50 percent or more of the frontage thereon, for a distance of 300 feet or more, is occupied by buildings in use for business.
316.425	Lamps on parked motorcycles.		(5) <b>CANCELLATION.</b> —Cancellation means that a license which was issued through error or fraud is declared void and terminated. A new license may be obtained only as permitted in this chapter.
316.430	Multiple-beam road-lighting equipment.		(6) <b>CROSSWALK.</b> —
316.435	Lighting equipment for motor-driven cycles.		(a) That part of a roadway at an intersection included within the connections of the lateral lines of
316.440	Brake equipment required.		
316.445	Performance ability of motorcycle brakes.		
316.450	Brakes on motor-driven cycles.		
316.455	Other equipment.		
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316.645	Arrest authority of officer at scene of an accident.		

the sidewalks on opposite sides of the highway, measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway;

(b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

(7) DAYTIME.—The period from a half hour before sunrise to a half hour after sunset. Nighttime means at any other hour.

(8) DEPARTMENT.—The Department of Highway Safety and Motor Vehicles as defined in s. 20.24. Any reference herein to Department of Transportation shall be construed as referring to the Department of Transportation, defined in s. 20.23, or the appropriate division thereof.

(9) DIRECTOR.—Director of the Division of the Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles.

(10) DRIVER.—Any person who drives or is in actual physical control of a vehicle on a highway or who is exercising control of a vehicle or steering a vehicle being towed by a motor vehicle.

(11) EXPLOSIVE.—Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing that an ignition by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effect on contiguous objects or of destroying life or limb.

(12) FARM TRACTOR.—Any motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

(13) FLAMMABLE LIQUID.—Any liquid which has a flash point of 70° Fahrenheit or less, as determined by a Tagliabue or equivalent closed-cup test device.

(14) GROSS WEIGHT.—The weight of a vehicle without load plus the weight of any load thereon.

(15) HOUSE TRAILER.—

(a) A trailer or semitrailer which is designed, constructed, and equipped as a dwelling place, living abode, or sleeping place (either permanently or temporarily) and is equipped for use as a conveyance on streets and highways, or

(b) A trailer or a semitrailer the chassis and exterior shell of which is designed and constructed for use as a house trailer, as defined in paragraph (a), but which is used instead, permanently or temporarily, for the advertising, sales, display, or promotion of merchandise or services or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

(16) IMPLEMENT OF HUSBANDRY.—Any vehicle designed and adapted exclusively for agricultural, horticultural, or livestock-raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highways.

(17) INTERSECTION.—

(a) The area embraced within the prolongation or connection of the lateral curblines; or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles; or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(b) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

(18) LANED HIGHWAY.—A highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.

(19) LIMITED ACCESS FACILITY.—A street or highway especially designed for through traffic and over, from, or to which owners or occupants of abutting land or other persons have no right or easement, or only a limited right or easement, of access, light, air, or view by reason of the fact that their property abuts upon such limited access facility or for any other reason. Such highways or streets may be parkways from which trucks, buses, and other commercial vehicles are excluded; or they may be freeways open to use by all customary forms of street and highway traffic.

(20) LOCAL AUTHORITIES.—Includes all officers and public officials of the several counties and municipalities of this state.

(21) MOTOR VEHICLE.—Any vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, but not including any bicycle or "moped" as defined in subsection (2).

(22) MOTORCYCLE.—Any motor vehicle with a motor rated in excess of 1½ brake horsepower having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

(23) MOTOR-DRIVEN CYCLES.—Every motorcycle and every motor scooter with a motor which produces not to exceed five brake horsepower, including every bicycle propelled by a helper motor rated in excess of 1½ brake horsepower.

(24) OFFICIAL TRAFFIC CONTROL SIGNAL.—Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

(25) OFFICIAL TRAFFIC CONTROL DEVICES.—All signs, signals, markings, and devices, not inconsistent with this chapter, placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic.

(26) OPERATOR.—Any person who is in actual physical control of a motor vehicle upon the highway, or who is exercising control over or steering a vehicle being towed by a motor vehicle.

(27) OWNER.—A person who holds the legal title of a vehicle, or, in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance

of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee, or lessee, or mortgagor shall be deemed the owner, for the purposes of this chapter.

(28) PARK OR PARKING.—The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers as may be permitted by law under this chapter.

(29) PEDESTRIAN.—Any person afoot.

(30) PERSON.—Any natural person, firm, co-partnership, association, or corporation.

(31) PNEUMATIC TIRE.—Any tire in which compressed air is designed to support the load.

(32) POLE TRAILER.—Any vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

(33) POLICE OFFICER.—Any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations, including Florida highway patrolmen, sheriffs, deputy sheriffs, and municipal police officers.

(34) PRIVATE ROAD OR DRIVEWAY.—Any privately owned way or place used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

(35) RADIOACTIVE MATERIALS.—Any materials or combination of materials which emit ionizing radiation spontaneously in which the radioactivity per gram of material, in any form, is greater than 0.002 microcuries.

(36) RAILROAD.—A carrier of persons or property upon cars operated upon stationary rails.

(37) RAILROAD SIGN OR SIGNAL.—Any sign, signal, or device erected by authority of a public body or official, or by a railroad, and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

(38) RAILROAD TRAIN.—A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except a streetcar.

(39) RESIDENCE DISTRICT.—The territory contiguous to, and including, a highway, not comprising a business district, when the property on such highway, for a distance of 300 feet or more, is, in the main, improved with residences or residences and buildings in use for business.

(40) REVOCATION.—Revocation means that a licensee's privilege to drive a motor vehicle is terminated. A new license may be obtained only as permitted by law.

(41) RIGHT-OF-WAY.—The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed, and proximity as to give rise to danger of collision unless

one grants precedence to the other.

(42) ROAD TRACTOR.—Any motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon, either independently or as any part of the weight of a vehicle or load so drawn.

(43) ROADWAY.—That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately, but not to all such roadways collectively.

(44) SADDLE MOUNT.—An arrangement whereby the front wheels of one vehicle rest in a secured position upon another vehicle. All of the wheels of the towing vehicle are upon the ground and only the rear wheels of the towed vehicle rest upon the ground.

(45) SAFETY ZONE.—The area or space officially set apart within a roadway for the exclusive use of pedestrians and protected or so marked by adequate signs or authorized pavement markings as to be plainly visible at all times while set apart as a safety zone.

(46) SCHOOL BUS.—Any motor vehicle that complies with the color and identification requirements of chapter 234 and is used to transport children to or from school or in connection with school activities, but not including buses operated by common carriers in urban transportation of school children.

(47) SEMITRAILER.—Any vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon, or is carried by, another vehicle.

(48) SIDEWALK.—That portion of a street between the curbline, or the lateral line, of a roadway and the adjacent property lines, intended for use by pedestrians.

(49) SPECIAL MOBILE EQUIPMENT.—Any vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including, but not limited to, ditchdigging apparatus, well-boring apparatus, and road construction and maintenance machinery, such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving carryalls and scrapers, power shovels and draglines, and self-propelled cranes and earth-moving equipment. The term does not include house trailers, dump trucks, truck-mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

(50) STAND OR STANDING.—The halting of a vehicle, whether occupied or not, otherwise than temporarily, for the purpose of, and while actually engaged in, receiving or discharging passengers, as may be permitted by law under this chapter.

(51) STATE ROAD.—Any highway designated

as a state maintained road by the Department of Transportation.

(52) STOP.—When required, complete cessation from movement.

(53) STOP OR STOPPING.—When prohibited, any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or to comply with the directions of a law enforcement officer or traffic control sign or signal.

(54) STREET OR HIGHWAY.—The entire width between the boundary lines of every way or place of whatever nature when any part thereof is open to the use of the public for purposes of vehicular traffic.

(55) SUSPENSION.—Temporary withdrawal of a licensee's privilege to drive a motor vehicle.

(56) THROUGH HIGHWAY.—Any highway or portion thereof on which vehicular traffic is given the right-of-way and at the entrances to which vehicular traffic from intersecting highways is required to yield right-of-way to vehicles on such through highway in obedience to either a stop sign or yield sign, or otherwise in obedience to law.

(57) TIRE WIDTH.—Tire width is that width stated on the surface of the tire by the manufacturer of the tire, if the width stated does not exceed 2 inches more than the width of the tire contacting the surface.

(58) TRAFFIC.—Pedestrians, ridden or herded animals, and vehicles, streetcars, and other conveyances either singly or together while using any street or highway for purposes of travel.

(59) TRAILER.—Any vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle.

(60) TRUCK.—Any motor vehicle designed, used, or maintained primarily for the transportation of property.

(61) TRUCK TRACTOR.—Any motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(62) MIGRANT FARM WORKER.—Any person employed in the planting, cultivation, or harvesting of agricultural crops who is not indigenous to, or domiciled in, the locale where so employed.

(63) MIGRANT FARM WORKER CARRIER.—Any person who transports, or who contracts or arranges for the transportation of, nine or more migrant farm workers to or from their employment by motor vehicle other than a passenger automobile or station wagon, except a migrant farm worker transporting himself or his immediate family.

(64) VEHICLE.—Any device, in, upon, or by which any person or property is or may be transported or drawn upon a highway, except bicycles or "mopeds" as defined in subsection (2) or devices used exclusively upon stationary rails or tracks.

(65) CHILD.—A child as defined in s. 39.01.

(66) COURT.—The court having jurisdiction over traffic offenses.

History.—s. 1, ch. 71-135; s. 1, ch. 72-179; s. 1, ch. 74-213; s. 1, ch. 76-286; s. 1, ch. 77-174.

**316.006 Jurisdiction.**—Jurisdiction to control traffic is vested as follows:

(1) STATE.—The Department of Transportation shall have all original jurisdiction over all state roads throughout this state, including those within the grounds of all state institutions and the boundaries of all dedicated state parks, and may place and maintain such traffic control devices which conform to its manual and specifications upon all such highways as it shall deem necessary to indicate and to carry out the provisions of this chapter or to regulate, warn, or guide traffic.

(2) MUNICIPALITIES.—Chartered municipalities shall have original jurisdiction over all streets and highways located within their boundaries, except state roads, and may place and maintain such traffic control devices which conform to the manual and specifications of the Department of Transportation upon all streets and highways under their original jurisdiction as they shall deem necessary to indicate and to carry out the provisions of this chapter or to regulate, warn, or guide traffic. This subsection shall not limit those counties which have the charter powers to provide and regulate arterial, toll, and other roads, bridges, tunnels, and related facilities from the proper exercise of those powers by the placement and maintenance of traffic control devices which conform to the manual and specifications of the Department of Transportation on streets and highways located within municipal boundaries.

(3) COUNTIES.—Counties shall have original jurisdiction over all streets and highways located within their boundaries, except all state roads and those streets and highways specified in subsection (2), and may place and maintain such traffic control devices which conform to the manual and specifications of the Department of Transportation upon all streets and highways under their original jurisdiction as they shall deem necessary to indicate and to carry out the provisions of this chapter or to regulate, warn, or guide traffic. Notwithstanding the provisions of subsection (2), each county shall have original jurisdiction to regulate parking, by resolution of the board of county commissioners and the erection of signs conforming to the manual and specifications of the Department of Transportation, in parking areas located on property owned or leased by the county, whether or not such areas are located within the boundaries of chartered municipalities.

History.—s. 1, ch. 71-135; s. 1, ch. 71-982; s. 2, ch. 79-246.

**316.007 Provisions uniform throughout state.**—The provisions of this chapter shall be applicable and uniform throughout this state and in all political subdivisions and municipalities therein, and no local authority shall enact or enforce any ordinance on a matter covered by this chapter unless expressly authorized. However, this section shall not prevent any local authority from enacting an ordinance when such enactment is necessary to vest jurisdiction of violation of this chapter in the local court.

History.—s. 1, ch. 71-135; s. 2, ch. 71-982.

**316.008 Powers of local authorities.—**

(1) The provisions of this chapter shall not be deemed to prevent local authorities, with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power, from:

(a) Regulating or prohibiting stopping, standing, or parking;

(b) Regulating traffic by means of police officers or official traffic control devices;

(c) Regulating or prohibiting processions or assemblies on the streets or highways, including all state or federal highways lying within their boundaries;

(d) Designating particular highways or roadways for use by traffic moving in one direction;

(e) Establishing speed limits for vehicles in public parks;

(f) Designating any street as a through street or designating any intersection as a stop or yield intersection;

(g) Restricting the use of streets;

(h) Regulating the operation of bicycles;

(i) Regulating or prohibiting the turning of vehicles or specified types of vehicles;

(j) Altering or establishing speed limits within the provisions of this chapter;

(k) Requiring written accident reports;

(l) Designating no-passing zones;

(m) Prohibiting or regulating the use of controlled access roadways by any class or kind of traffic;

(n) Prohibiting or regulating the use of heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic;

(o) Designating hazardous railroad grade crossings in conformity to criteria promulgated by the Department of Transportation;

(p) Designating and regulating traffic on play streets;

(q) Prohibiting pedestrians from crossing a roadway in a business district or any designated highway except on a crosswalk;

(r) Regulating pedestrian crossings at unmarked crosswalks;

(s) Regulating persons upon skates, coasters, and other toy vehicles;

(t) Adopting and enforcing such temporary or experimental regulations as may be necessary to cover emergencies or special conditions.

(u) Enacting ordinances or erecting signs in the rights-of-way to control, regulate, or prohibit hitchhiking on streets or highways, including all state or federal highways lying within their boundaries.

(2) The municipality, through its duly authorized officers, shall have nonexclusive jurisdiction over the prosecution, trial, adjudication, and punishment of violations of this chapter when a violation occurs within the municipality and the person so charged is charged by a municipal police officer. The disposition of such matters in the municipality shall be in accordance with that municipality's charter. This subsection shall not limit those counties which have the charter power to provide and regulate arterial, toll, and other roads, bridges, tunnels, and related

facilities from the proper exercise of those powers pertaining to the consolidation and unification of a traffic court system within said counties.

(3) No local authority shall erect or maintain any official traffic control device at any location so as to regulate the traffic on any state road unless approval in writing has first been obtained from the Department of Transportation.

*History.*—s. 1, ch. 71-135; s. 3, ch. 71-982; s. 1, ch. 76-72.

**316.027 Accidents involving death or personal injuries.—**

(1) The driver of any vehicle involved in an accident resulting in injury or death of any person shall immediately stop such vehicle at the scene of the accident, or as close thereto as possible, and shall forthwith return to, and in every event shall remain at the scene of, the accident until he has fulfilled the requirements of s. 316.062.

(2) Any person willfully failing to stop or to comply with the requirements of subsection (1) under such circumstances is guilty of a felony and, upon conviction, shall be punished by imprisonment in the state penitentiary for not more than 1 year or by fine of not more than \$5,000 or by both such fine and imprisonment.

(3) The department shall revoke the operator's or chauffeur's license of the person so convicted.

(4) Every stop shall be made without obstructing traffic more than is necessary, and, if a damaged vehicle is obstructing traffic, the driver of such vehicle shall make every reasonable effort to move the vehicle or have it moved so as not to obstruct the regular flow of traffic. Any person failing to comply with the provisions of this subsection shall be punished as provided in s. 316.655.

*History.*—s. 1, ch. 71-135; s. 1, ch. 75-72; s. 5, ch. 76-31.

**316.061 Accidents involving damage to vehicle or property.—**

(1) The driver of any vehicle involved in an accident resulting only in damage to a vehicle or other property which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible, and shall forthwith return to, and in every event shall remain at, the scene of the accident until he has fulfilled the requirements of s. 316.062. Any person failing to stop or comply with said requirements shall, upon conviction, be punished by a fine of not more than \$500 or by imprisonment for not more than 60 days or by both such fine and imprisonment.

(2) Every stop shall be made without obstructing traffic more than is necessary, and, if a damaged vehicle is obstructing traffic, the driver of such vehicle shall make every reasonable effort to move the vehicle or have it moved so as not to block the regular flow of traffic. Any person failing to comply with the provisions of this subsection shall be punished as provided in s. 316.655.

*History.*—s. 1, ch. 71-135; s. 3, ch. 74-377; s. 2, ch. 75-72; s. 9, ch. 76-31.

**316.062 Duty to give information and render aid.—**

(1) The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle or other property which is

driven or attended by any person shall give his name, address, and the registration number of the vehicle he is driving, and shall upon request and if available exhibit his license or permit to drive, to any person injured in such accident or to the driver or occupant of or person attending any vehicle or other property damaged in the accident and shall give such information and, upon request, exhibit such license or permit to any police officer at the scene of the accident or who is investigating the accident and shall render to any person injured in the accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that treatment is necessary, or if such carrying is requested by the injured person.

(2) In the event none of the persons specified are in condition to receive the information to which they otherwise would be entitled under subsection (1), and no police officer is present, the driver of any vehicle involved in such accident, after fulfilling all other requirements of s. 316.027 and subsection (1), insofar as possible on his part to be performed, shall forthwith report the accident to the nearest office of a duly authorized police authority and submit thereto the information specified in subsection (1).

History.—s. 1, ch. 71-135.

### **316.063 Duty upon damaging unattended vehicle or other property.—**

(1) The driver of any vehicle which collides with, or is involved in an accident with, any vehicle or other property which is unattended, resulting in any damage to such other vehicle or property, shall immediately stop and shall then and there either locate and notify the operator or owner of the vehicle or other property of his name and address and the registration number of the vehicle he is driving, or shall attach securely in a conspicuous place in or on the vehicle or other property a written notice giving his name and address and the registration number of the vehicle he is driving, and shall without unnecessary delay notify the nearest office of a duly authorized police authority. Every such stop shall be made without obstructing traffic more than is necessary. If a damaged vehicle is obstructing traffic, the driver shall make every reasonable effort to move the vehicle or have it moved so as not to obstruct the regular flow of traffic. Any person failing to comply with the provisions of this section shall be punished as provided in s. 316.655.

(2) The law enforcement officer at the scene of an accident required to be reported in accordance with the provisions of subsection (1) or the law enforcement officer receiving a report by a driver as required by subsection (1) shall, if part or any of the property damaged is a fence or other structure used to house or contain livestock, promptly make a reasonable effort to notify the owner, occupant, or agent of this damage.

History.—s. 1, ch. 71-135; s. 3, ch. 75-72; s. 10, ch. 76-31; s. 1, ch. 77-265.

### **316.064 When driver unable to report.—**

(1) An accident report is not required under this chapter from any person who is physically incapable

of making a report during the period of such incapacity.

(2) Whenever the driver of a vehicle is physically incapable of making an immediate or a written report of an accident, as required in ss. 316.065 and 316.066, and there was another occupant in the vehicle at the time of the accident capable of making a report, such occupant shall make or cause to be made the report not made by the driver.

(3) Whenever the driver is physically incapable of making a written report of an accident as required in this chapter, then the owner of the vehicle involved in the accident shall, within 5 days after the accident, make such report not made by the driver.

History.—s. 1, ch. 71-135.

### **316.065 Accidents; reports; penalties.—**

(1) The driver of a vehicle involved in an accident resulting in injury to or death of any persons or property damage shall immediately by the quickest means of communication give notice of the accident to the local police department, if such accident occurs within a municipality; otherwise, to the office of the county sheriff or the nearest office or station of the Florida Highway Patrol.

(2) Every coroner or other official performing like functions, upon learning of the death of a person in his jurisdiction as the result of a traffic accident, shall immediately notify the nearest office or station of the department.

(3) Any person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been struck by a bullet, or any other person to whom is brought for the purpose of repair a motor vehicle showing such evidence, shall make a report, or cause a report to be made, to the nearest local police station or Florida Highway Patrol office within 24 hours after the motor vehicle is received and before any repairs are made to the vehicle. The report shall contain the year, license number, make, model, and color of the vehicle and the name and address of the owner or person in possession of the vehicle.

(4) Any person who knowingly repairs a motor vehicle without having made a report as required by subsection (3) shall be punished as provided in s. 316.655. The owner and driver of a vehicle involved in an accident who makes a report thereof in accordance with subsection (1) or s. 316.066(1) shall not be liable hereunder.

History.—s. 1, ch. 71-135; s. 1, ch. 72-164; s. 1, ch. 73-25; s. 11, ch. 76-31.

### **316.066 Written reports of accidents.—**

(1) The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or total damage to all property to an apparent extent of \$100 or more shall, within 5 days after the accident, forward a written report of such accident to the department. However, when the investigating officer has made a written report of the accident, no written report need be forwarded to the department by the driver.

(2) The department may require any driver of a vehicle involved in an accident of which written report must be made as provided in this section to file supplemental written reports whenever the original report is insufficient in the opinion of the department.

ment, and may require witnesses of accidents to render reports to the department.

(3) Every law enforcement officer who in the regular course of duty investigates a motor vehicle accident in which damage to property exceeds the amount of \$100, or bodily injury, or death occurs, either at the time of and at the scene of the accident, or thereafter by interviewing participants or witnesses, shall, within 24 hours after completing the investigation, forward a written report of the accident to the department.

(4) All accident reports made by persons involved in accidents shall be without prejudice to the individual so reporting and shall be for the confidential use of the department or other state agencies having use of the records for accident prevention purposes, except that the department may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident, and except that the department shall disclose the final judicial disposition of the case indicating which if any of the parties were found guilty. No such report shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the department shall furnish upon demand of any person who has, or claims to have, made such a report or upon demand of any court a certificate showing that a specified accident report has or has not been made to the department solely to prove a compliance or a failure to comply with the requirements that such a report be made to the department.

*History.*—s. 1, ch. 71-135.

**316.067 False reports.**—Any person who gives information in oral or written reports as required in this chapter, knowing or having reason to believe that such information is false, shall be punished by a fine of not more than \$500 or by imprisonment for not more than 60 days or by both such fine and imprisonment.

*History.*—s. 1, ch. 71-135; s. 4, ch. 74-377.

#### **316.068 Accident report forms.**—

(1) The department shall prepare and, upon request, supply to police departments, sheriffs, and other appropriate agencies or individuals forms for written accident reports as required in this chapter, suitable with respect to the persons required to make such reports and the purposes to be served. The written reports shall call for sufficiently detailed information to disclose, with reference to a vehicle accident, the cause and conditions then existing and the persons and vehicles involved. Every accident report form shall call for the policy numbers of liability insurance and the names of carriers covering any vehicle involved in an accident required to be reported in writing by this chapter.

(2) Every accident report required to be made in writing shall be made on the appropriate form approved by the department and shall contain all the information required therein unless not available.

*History.*—s. 1, ch. 71-135; s. 2, ch. 74-201; s. 1, ch. 77-174.

**316.069 Department to tabulate and analyze accident reports.**—The department shall tabulate and may analyze all accident reports and shall publish, annually, or at more frequent intervals, statistical information based thereon as to the number and circumstances of traffic accidents.

*History.*—s. 1, ch. 71-135.

**316.070 Exchange of information at scene of accident.**—The law enforcement officer at the scene of an accident required to be reported in accordance with the provisions of s. 316.066 shall instruct the driver of each vehicle involved in the accident to report the following to all other parties suffering injury or property damage as an apparent result of the accident:

- (1) The name and address of the owner and the driver of the vehicle.
- (2) The license number of the vehicle.
- (3) The name of the liability carrier for the vehicle.

*History.*—s. 1, ch. 74-201.

**316.071 Disabled vehicles obstructing traffic.**—Whenever a vehicle is disabled on any street or highway within the state or for any reason obstructs the regular flow of traffic, the driver shall move the vehicle so as not to obstruct the regular flow of traffic or, if he cannot move the vehicle alone, solicit help and move the vehicle so as not to obstruct the regular flow of traffic. Any person failing to comply with the provisions of this section shall be punished as provided in s. 316.655.

*History.*—s. 4, ch. 75-72; ss. 1, 33, ch. 76-31.

*Note.*—Former s. 316.1031.

#### **316.072 Obedience to and effect of traffic laws.**—

(1) **PROVISIONS OF CHAPTER REFERRING TO VEHICLES UPON THE HIGHWAYS.**—The provisions of this chapter shall apply to the operation of vehicles and bicycles and the movement of pedestrians upon all state-maintained highways, county-maintained highways, and municipal streets and alleys and wherever vehicles have the right to travel.

(2) **REQUIRED OBEDIENCE TO TRAFFIC LAWS.**—It is unlawful for any person to do any act forbidden, or to fail to perform any act required, in this chapter. It is unlawful for the owner, or any other person employing or otherwise directing the driver of any vehicle, to require or knowingly permit the operation of such vehicle upon a highway in any manner contrary to law.

(3) **OBEDIENCE TO POLICE AND FIRE DEPARTMENT OFFICIALS.**—It is unlawful and a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, for any person willfully to fail or refuse to comply with any lawful order or direction of any police officer, or member of the fire department at the scene of a fire, who is invested by law or ordinance with authority to direct, control, or regulate traffic.

(4) **PUBLIC OFFICERS AND EMPLOYEES TO OBEY CHAPTER; EXCEPTIONS.**—

(a) The provisions of this chapter applicable to the drivers of vehicles upon the highways shall apply

to the drivers of all vehicles owned or operated by the United States, this state, or any county, city, town, district, or any other political subdivision of the state, subject to such specific exceptions as are set forth in this chapter.

(b) Unless specifically made applicable, the provisions of this chapter, except those contained in ss. 316.192, 316.1925, and 316.193, shall not apply to persons, teams, or motor vehicles and other equipment while actually engaged in work upon the surface of a highway, but shall apply to such persons and vehicles when traveling to or from such work.

**(5) AUTHORIZED EMERGENCY VEHICLES.—**

(a) The driver of an authorized emergency vehicle, when responding to an emergency call, when in the pursuit of an actual or suspected violator of the law, or when responding to a fire alarm, but not upon returning from a fire, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(b) The driver of an authorized emergency vehicle, except when otherwise directed by a police officer, may:

1. Park or stand, irrespective of the provisions of this chapter;
2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
3. Exceed the maximum speed limits so long as he does not endanger life or property;
4. Disregard regulations governing direction or movement or turning in specified directions, so long as he does not endanger life or property.

(c) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

*History.*—s. 1, ch. 71-135; ss. 1, 7, ch. 76-31; s. 2, ch. 77-456.  
*Note.*—Former s. 316.051.

**316.073 Applicability to animals and animal-drawn vehicles.**—Every person riding an animal or driving an animal-drawn vehicle upon a roadway shall be subject to the provisions of this chapter applicable to the driver of a vehicle, except those provisions of this chapter which by their nature can have no application.

*History.*—s. 1, ch. 71-135; s. 1, ch. 76-31.  
*Note.*—Former s. 316.052.

**316.074 Obedience to and required traffic control devices.—**

(1) The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto, placed in accordance with the provisions of this chapter, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter.

(2) No person shall drive any vehicle from a roadway to another roadway to avoid obeying the indicated traffic control indicated by such traffic control device.

(3) No provision of this chapter for which official

traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic control devices are required, such section shall be effective even though no devices are erected or in place.

(4) Whenever official traffic control devices are placed in position approximately conforming to the requirements of this chapter, such devices shall be presumed to have been so placed by the official act or direction of lawful authority unless the contrary shall be established by competent evidence.

(5) Any official traffic control device placed pursuant to the provisions of this chapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this chapter unless the contrary shall be established by competent evidence.

*History.*—s. 1, ch. 71-135; s. 1, ch. 76-31.

*Note.*—Former s. 316.053.

**316.0745 Uniform signals and devices.—**

(1) The Department of Transportation shall adopt a uniform system of traffic control devices for use on the streets and highways of the state. The uniform system shall, insofar as is practicable, conform to the system adopted by the American Association of State Highway Officials and shall be revised from time to time to include changes necessary to conform to a uniform national system or to meet local and state needs. The Department of Transportation may call upon representatives of local authorities to assist in the preparation or revision of the uniform system of traffic control devices.

(2) The Department of Transportation shall compile and publish a manual of uniform traffic control devices which defines the uniform system adopted pursuant to subsection (1), and shall compile and publish minimum specifications for traffic control signals and devices certified by it as conforming with the uniform system and shall make copies of such manual and specifications available to all counties, municipalities and other public bodies having jurisdiction of streets or highways open to the public in this state.

(3) All official traffic control signals or official traffic control devices purchased and installed in this state by any public body or official shall conform with the manual and specifications published by the Department of Transportation pursuant to subsection (2). All traffic control devices other than traffic control signals purchased prior to July 1, 1972, not conforming to said system may continue in use until January 1, 1975, after which time such devices must comply with the uniform system. All traffic control signals purchased prior to January 1, 1972 not conforming to said system may continue in use until January 1, 1980, after which time such signals must comply with the uniform system.

(4) It shall be unlawful for any public body or official to purchase, or for anyone to sell any traffic control signal or device unless it conforms with the manual and specifications published by the Department of Transportation and is certified to be of such conformance prior to sale. Any manufacturer or ven-

dor who sells any traffic control signal, guide, or directional sign or device without such certification shall be ineligible to bid or furnish traffic control devices to any public body or official for such period of time as may be established by the Department of Transportation; however, such period of time shall be for not less than 1 year from the date of notification of such ineligibility.

(5) Any system of traffic control devices controlled and operated from a remote location by electronic computers or similar devices shall meet all requirements established for the uniform system and where such systems affect the movement of traffic on state roads the design of the system shall be reviewed and approved by the Department of Transportation.

(6) The Department of Transportation is authorized, after hearing pursuant to 14 days' notice, to direct the removal of any purported traffic control device wherever located which fails to meet the requirements of this section. The public agency erecting or installing the same shall immediately remove said device or signal upon the direction of the Department of Transportation and may not, for a period of 5 years, install any replacement or new traffic control devices paid for in part or in full with revenues raised by the state unless written prior approval is received from the Department of Transportation. Any additional violation by a public body or official shall be cause for the withholding of state funds for traffic control purposes until such public body or official demonstrates to the Department of Transportation that it is complying with this section.

(7) The Department of Transportation is authorized to permit traffic control devices not in conformity with the uniform system upon showing of good cause.

*History.*—s. 1, ch. 71-135; s. 1, ch. 72-189; s. 1, ch. 73-310; s. 1, ch. 76-31; s. 1, ch. 77-146.

*Note.*—Former s. 316.131.

#### **316.0747 Sale or purchase of traffic control devices by nongovernmental entities; prohibitions.**

(1) It is unlawful for any nongovernmental entity to use any traffic control device at any place where the general public is invited, unless such device conforms to the uniform system of traffic control devices adopted by the Department of Transportation pursuant to this chapter.

(2) Any nonconforming traffic control device in use by a nongovernmental entity prior to January 1, 1980, may be used for the remainder of its useful life, after which any replacement device shall conform to the uniform system of traffic control devices adopted by the Department of Transportation.

*History.*—s. 1, ch. 79-376.

*Note.*—Effective January 1, 1980.

**316.075 Traffic control signal devices.**—Except for automatic warning signal lights installed or to be installed at railroad crossings, whenever traffic, including municipal traffic, is controlled by traffic control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and the lights shall

indicate and apply to drivers of vehicles and pedestrians as follows:

##### **(1) GREEN INDICATION.**

(a) Vehicular traffic facing a circular green signal may proceed cautiously straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(b) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, as directed by the manual, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(c) Unless otherwise directed by a pedestrian control signal as provided in s. 316.0755, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

##### **(2) STEADY YELLOW INDICATION.**

(a) Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.

(b) Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian control signal as provided in s. 316.0755, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall start to cross the roadway.

##### **(3) STEADY RED INDICATION.**

(a) Vehicular traffic facing a steady red signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until a green indication is shown; however:

1. The driver of a vehicle which is stopped at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection in obedience to a steady red signal may make a right turn, but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at said intersection, except that municipal and county authorities may prohibit any such right turn against a steady red signal at any intersection, which prohibition shall be effective when a sign giving notice thereof is attached to the traffic control signal device at said intersection.

2. The driver of a vehicle on a one-way street which intersects another one-way street on which traffic moves to the left shall stop in obedience to a steady red signal, but may then make a left turn into the one-way street, but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection, except that municipi-

pal and county authorities may prohibit any such left turn as described, which prohibition shall be effective when a sign giving notice thereof is attached to the traffic control signal device at the intersection.

(b) Unless otherwise directed by a pedestrian control signal as provided in s. 316.0755, pedestrians facing a steady red signal shall not enter the roadway.

(4) In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

(5)(a) No traffic control signal device shall be used which does not exhibit a yellow or "caution" light between the green or "go" signal and the red or "stop" signal.

(b) No traffic control signal device shall display other than the color red at the top of the vertical signal, nor shall it display other than the color red at the extreme left of the horizontal signal.

History.—s. 1, ch. 71-135; s. 1, ch. 71-376; ss. 1, 15, ch. 76-31.  
Note.—Former s. 316.138.

**316.0755 Pedestrian control signals.**—Whenever special pedestrian control signals exhibiting the words "walk" or "don't walk" are in place, such signals shall indicate as follows:

(1) **WALK.**—Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the driver of any vehicle except an emergency vehicle.

(2) **DON'T WALK.**—No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the "walk" signal may proceed to a sidewalk or safety zone while the "don't walk" signal is showing.

History.—s. 1, ch. 71-135; s. 1, ch. 76-31.  
Note.—Former s. 316.132.

**316.076 Flashing signals.**—Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

(1) **FLASHING RED (STOP SIGNAL).**—When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(2) **FLASHING YELLOW (CAUTION SIGNAL).**—When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(3) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching

railroad grade crossings shall be governed by the rules as set forth in ss. 316.158 and 316.159.

History.—s. 1, ch. 71-135; s. 1, ch. 76-31.  
Note.—Former s. 316.133.

**316.0765 Lane direction control signals.**—When lane direction control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane or lanes over which a green signal is shown, but shall not enter or travel in any lane or lanes over which a red signal is shown.

History.—s. 1, ch. 71-135; s. 1, ch. 76-31.  
Note.—Former s. 316.134.

**316.077 Display of unauthorized signs, signals or markings.**—

(1) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal.

(2) No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.

(3) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(4) Every such prohibited sign, signal or marking is declared to be a public nuisance and the authority having jurisdiction over the highway is empowered to remove the same or cause it to be removed without notice.

History.—s. 1, ch. 71-135; s. 1, ch. 76-31.  
Note.—Former s. 316.135.

**316.0775 Interference with official traffic control devices or railroad signs or signals.**—No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove any official traffic control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof.

History.—s. 1, ch. 71-135; s. 1, ch. 76-31.  
Note.—Former s. 316.136.

**316.078 Detour signs to be respected.**—It is unlawful to tear down or deface any detour sign or to break down or drive around any barricade erected for the purpose of closing any section of a public street or highway to traffic during the construction or repair thereof or to drive over such section of public street or highway until again thrown open to public traffic. However, such restriction shall not apply to the person in charge of the construction or repairs.

History.—s. 1, ch. 71-135; s. 1, ch. 76-31.  
Note.—Former s. 316.056.

**316.079 Duty to yield to highway construction workers.**—Every driver of a vehicle shall yield the right-of-way to a pedestrian worker and flagman engaged in maintenance or construction work on a

highway whenever the driver is reasonably and lawfully notified of the presence of such worker by a flagman and a warning sign or device.

History.—s. 1, ch. 75-132; s. 1, ch. 76-31.

Note.—Former s. 316.0565.

### 316.081 Driving on right side of roadway; exceptions.—

(1) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:

(a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

(b) When an obstruction exists making it necessary to drive to the left of the center of the highway; provided any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

(c) Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or

(d) Upon a roadway designated and signposted for one-way traffic.

(2) Upon all roadways, any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

(3) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the centerline of the roadway, except when authorized by official traffic control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under paragraph (b) of subsection (1). However, this subsection shall not be construed as prohibiting the crossing of the centerline in making a left turn into or from an alley, private road, or driveway.

History.—s. 1, ch. 71-135.

**316.082 Passing vehicles proceeding in opposite directions.**—Drivers of vehicles proceeding in opposite directions shall pass each other to the right; and upon roadways having width for not more than one line of traffic in each direction, each driver shall give to the other at least one-half of the main-traveled portion of the roadway, as nearly as possible.

History.—s. 1, ch. 71-135.

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

(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until

safely clear of the overtaken vehicle.

(2) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle, on audible signal or upon the visible blinking of the headlamps of the overtaking vehicle if such overtaking is being attempted at nighttime, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

History.—s. 1, ch. 71-135.

### 316.084 When overtaking on the right is permitted.—

(1) The driver of a vehicle may overtake and pass on the right of another vehicle only under the following conditions:

(a) When the vehicle overtaken is making or about to make a left turn;

(b) Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two or more lines of moving traffic in each direction;

(c) Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles.

(2) The driver of a vehicle may overtake and pass another vehicle on the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.

History.—s. 1, ch. 71-135.

### 316.085 Limitations on overtaking, passing, changing lanes and changing course.—

(1) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless authorized by the provisions of this chapter and unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the operation of any vehicle approaching from the opposite direction of any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and, in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within 200 feet of any approaching vehicle.

(2) No vehicle shall be driven from a direct course in any lane on any highway until the driver has determined that the vehicle is not being approached or passed by any other vehicle in the lane or on the side to which the driver desires to move and that the move can be completely made with safety and without interfering with the safe operation of any vehicle approaching from the same direction.

History.—s. 1, ch. 71-135.

### 316.087 Further limitations on driving to left of center of roadway.—

(1) No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

(a) When approaching or upon the crest of a grade or upon a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

(b) When approaching within 100 feet of or traversing any intersection or railroad grade crossing, except that this section shall not apply to any intersection on a state-or county-maintained highway located outside city limits unless such intersection is marked by an official Department of Transportation or county road department traffic control device indicating an intersection either by symbol or by words and such marking is placed at least 100 feet before the intersection;

(c) When the view is obstructed upon approaching within 100 feet of any bridge, viaduct, or tunnel.

(2) The foregoing limitations shall not apply upon a one-way roadway, nor when an obstruction exists making it necessary to drive to the left of the center of the highway, nor to the driver of a vehicle turning left into or from an alley, private road or driveway.

History.—s. 1, ch. 71-135.

#### 316.0875 No-passing zones.—

(1) The Department of Transportation and local authorities are authorized to determine those portions of any highway under their respective jurisdiction where overtaking and passing or driving to the left of the roadway would be especially hazardous and may, by appropriate signs or markings on the roadway, indicate the beginning and end of such zones, and when such signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the directions thereof.

(2) Where signs or markings are in place to define a no-passing zone as set forth in subsection (1), no driver shall at any time drive on the left side of the roadway with such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.

(3) This section does not apply when an obstruction exists making it necessary to drive to the left of the center of the highway, nor to the driver of a vehicle turning left into or from an alley, private road or driveway.

History.—s. 1, ch. 71-135; s. 1, ch. 76-31.

Note.—Former s. 316.086.

#### 316.088 One-way roadways and rotary traffic islands.—

(1) The Department of Transportation and local authorities, with respect to highways under their respective jurisdictions, may designate any highway, roadway, part of a roadway, or specific lanes upon which vehicular traffic shall proceed in one direction at such times as shall be indicated by official traffic control devices.

(2) Upon a roadway so designated for one-way traffic, a vehicle shall be driven only in the direction designated at such times as shall be indicated by official traffic control devices.

(3) A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

History.—s. 1, ch. 71-135.

#### 316.089 Driving on roadways laned for traffic.—

Whenever any roadway has been divided into two or more clearly marked lanes for traffic, the following rules, in addition to all others consistent herewith, shall apply:

(1) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(2) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, when in preparation for making a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic control devices.

(3) Official traffic control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway; and drivers of vehicles shall obey the directions of every such device.

(4) Official traffic control devices may be installed prohibiting the changing of lanes on sections of roadway, and drivers of vehicles shall obey the directions of every such device.

History.—s. 1, ch. 71-135.

#### 316.0895 Following too closely.—

(1) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon, and the condition of, the highway.

(2) It is unlawful for the driver of any motor truck, motor truck drawing another vehicle, or vehicle towing another vehicle or trailer, when traveling upon a roadway outside of a business or residence district, to follow within 300 feet of another motor truck, motor truck drawing another vehicle, or vehicle towing another vehicle or trailer. The provisions of this subsection shall not be construed to prevent overtaking and passing nor shall the same apply upon any lane specially designated for use by motor trucks or other slow-moving vehicles.

(3) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade, whether or not towing other vehicles, shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.

History.—s. 1, ch. 71-135; s. 1, ch. 76-31.

Note.—Former s. 316.092.

**316.090 Driving on divided highways.**—Whenever any highway has been divided into two or more roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic control devices or police officers. No vehicle shall be driven over, across or within any such dividing space, barrier or section, except through an opening in such physical barrier or dividing section or space or at a crossover or intersection as established, unless specifically authorized by public authority.

History.—s. 1, ch. 71-135.

**316.091 Limited access.**—No person shall drive a vehicle onto or from any limited access roadway except at such entrances and exits as are established by public authority.

History.—s. 1, ch. 71-135.

**316.121 Vehicles approaching or entering intersections.**—

(1) The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway.

(2) When two vehicles enter an intersection from different highways at the same time the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(3) The driver of a vehicle about to enter or cross a state-maintained road or highway from a paved or unpaved road and not subject to control by an official traffic control device shall yield the right-of-way to all vehicles approaching on the state-maintained road or highway.

(4) The driver of a vehicle about to enter or cross a paved county- or city-maintained road or highway from an unpaved road or highway and not subject to control by an official traffic control device shall yield the right-of-way to all vehicles approaching on said paved road or highway.

(5) The foregoing rules are modified at through highways and otherwise, as hereinafter stated.

History.—s. 1, ch. 71-135.

**316.122 Vehicle turning left.**—The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

History.—s. 1, ch. 71-135.

**316.123 Vehicle entering stop or yield intersection.**—

(1) The right-of-way at an intersection may be indicated by stop signs or yield signs as authorized in s. 316.006.

(2)(a) Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near

side of the intersection or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. After having stopped, the driver shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard during the time when the driver is moving across or within the intersection.

(b) At a four-way stop intersection, the driver of the first vehicle to stop at the intersection shall be the first to proceed. If two or more vehicles reach the four-way stop intersection at the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(3) The driver of a vehicle approaching a yield sign shall, in obedience to such sign, slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection. If such a driver is involved in a collision with a pedestrian in a crosswalk or a vehicle in the intersection, after driving past a yield sign without stopping, the collision shall be deemed *prima facie* evidence of his failure to yield the right-of-way.

History.—s. 1, ch. 71-135; s. 1, ch. 77-229.

**316.1235 Vehicle approaching intersection in which traffic lights are inoperative.**—The driver of a vehicle approaching an intersection in which the traffic lights are inoperative shall stop in the manner indicated in s. 316.123(2) for approaching a stop intersection. In the event that only some of the traffic lights within an intersection are inoperative, the driver of a vehicle approaching an inoperative light shall stop in the above-prescribed manner.

History.—s. 2, ch. 77-229.

**316.125 Vehicle entering highway from private road or driveway or emerging from alley, driveway or building.**—

(1) The driver of a vehicle about to enter or cross a highway from an alley, building, private road or driveway shall yield the right-of-way to all vehicles approaching on the highway to be entered which are so close thereto as to constitute an immediate hazard.

(2) The driver of a vehicle emerging from an alley, building, private road or driveway within a business or residence district shall stop the vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across the alley, building entrance, road or driveway, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon and shall yield to all

vehicles and pedestrians which are so close thereto as to constitute an immediate hazard.

History.—s. 1, ch. 71-135.

**316.126 Operation of vehicles and actions of pedestrians on approach of authorized emergency vehicle.—**

(1) Upon the immediate approach of an authorized emergency vehicle, while en route to meet an existing emergency, the driver of every other vehicle shall, when such emergency vehicle is giving audible signals by siren, exhaust whistle, or other adequate device, yield the right-of-way to the emergency vehicle and shall immediately proceed to a position parallel to, and as close as reasonable to the closest edge of the curb of the roadway, clear of any intersection and shall stop and remain in position until the authorized emergency vehicle has passed, unless otherwise directed by any law enforcement officer.

(2) Every pedestrian using the road right-of-way shall yield the right-of-way until the authorized emergency vehicle has passed, unless otherwise directed by any police officer.

(3) Any authorized emergency vehicle, when en route to meet an existing emergency, shall warn all other vehicular traffic along the emergency route by an audible signal, siren, exhaust whistle, or other adequate device. While en route to such emergency, the emergency vehicle shall otherwise proceed in a manner consistent with the laws regulating vehicular traffic upon the highways of this state.

(4) Nothing herein contained shall diminish or enlarge any rules of evidence or liability in any case involving the operation of an emergency vehicle.

(5) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

History.—s. 1, ch. 71-135.

**316.130 Pedestrian obedience to traffic control devices and traffic regulations.—**

(1) A pedestrian shall obey the instructions of any official traffic control device specifically applicable to him unless otherwise directed by a police officer.

(2) Pedestrians shall be subject to traffic control signals at intersections as provided in s. 316.075, but at all other places pedestrians shall be accorded the privileges and be subject to the restrictions stated in this chapter.

(3) Where sidewalks are provided, no pedestrian shall, unless required by other circumstances, walk along and upon the portion of a roadway paved for vehicular traffic.

(4) Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practicable, walk only on the shoulder on the left side of the roadway in relation to the pedestrian's direction of travel, facing traffic which may approach from the opposite direction.

(5) No person shall stand in the portion of a roadway paved for vehicular traffic for the purpose of soliciting a ride, employment, or business from the occupant of any vehicle.

(6) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the

watching or guarding of any vehicle while parked or about to be parked on a street or highway.

(7) When traffic control signals are not in place or in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(8) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(9) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

(10) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(11) Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

(12) No pedestrian shall, except in a marked crosswalk, cross a roadway at any other place than by a route at right angles to the curb or by the shortest route to the opposite curb.

(13) Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

(14) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices, and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.

(15) Notwithstanding the foregoing provisions of this section, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and exercise proper precaution upon observing any child or any obviously confused or incapacitated person upon a roadway.

(16) No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate, or barrier after a bridge operation signal indication has been given. No pedestrian shall pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed.

History.—s. 1, ch. 71-135; ss. 1, 8, ch. 76-31.

Note.—Former s. 316.057.

**316.1355 Driving through safety zone prohib-**

**ited.**—No vehicle shall at any time be driven through or within a safety zone.

**History.**—s. 1, ch. 71-135; s. 1, ch. 76-31.

**Note.**—Former s. 316.113.

**316.151 Required position and method of turning at intersections.**—The driver of a vehicle intending to turn at an intersection shall do so as follows:

(1) Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(2) The driver of a vehicle intending to turn left at any intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and, after entering the intersection, the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in such direction upon the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(3) The state, county, and local authorities in their respective jurisdictions may cause official traffic control devices to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection. When such devices are so placed, no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such devices.

**History.**—s. 1, ch. 71-135.

**316.1515 Limitations on turning around.**—The driver of any vehicle shall not turn the vehicle so as to proceed in the opposite direction upon any street in a business district and shall not upon any other street so turn a vehicle unless such movement can be made in safety and without interfering with other traffic.

**History.**—s. 1, ch. 71-135; s. 1, ch. 76-31.

**Note.**—Former s. 316.153.

**316.152 Turning on curve or crest of grade prohibited.**—No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to, or near, the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within 500 feet.

**History.**—s. 1, ch. 71-135.

**316.154 Starting parked vehicle.**—No person shall start a vehicle which is stopped, standing, or parked, unless and until such movement can be made with reasonable safety.

**History.**—s. 1, ch. 71-135.

**316.155 When signal required.**—

(1) No person shall turn a vehicle from a direct course upon a highway unless and until such movement can be made with reasonable safety, and then only after giving an appropriate signal in the manner hereinafter provided, in the event any other vehicle may be affected by the movement.

(2) A signal of intention to turn right or left shall be given continuously during not less than the last

100 feet traveled by the vehicle before turning.

(3) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear, when there is opportunity to give such signal.

(4) The signals provided for in s. 316.156 shall be used to indicate an intention to turn and shall not, except as provided in s. 316.2397, be flashed on one side only on a parked or disabled vehicle or flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear.

**History.**—s. 1, ch. 71-135; s. 16, ch. 76-31.

**316.156 Signals by hand and arm or signal lamps.**—

(1) Any stop or turn signal when required herein shall be given either by means of the hand and arm or by signal lamps, except as otherwise provided in subsection (2).

(2) Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds 24 inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds 14 feet. The latter measurement shall apply to any single vehicle and also to any combination of vehicles.

**History.**—s. 1, ch. 71-135.

**316.157 Method of giving hand and arm signals.**—All signals herein required to be given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

(1) **LEFT TURN.**—Hand and arm extended horizontally.

(2) **RIGHT TURN.**—Hand and arm extended upward.

(3) **STOP OR DECREASE SPEED.**—Hand and arm extended downward.

**History.**—s. 1, ch. 71-135.

**316.1575 Obedience to signal indicating approach of train.**—

(1) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, he shall stop within 50 feet but not less than 15 feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

(a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

(b) A crossing gate is lowered or a human flagman gives or continues to give a signal of the approach or passage of a railroad train;

(c) A railroad train approaching within approximately 1,500 feet of the highway crossing emits a signal audible from such distance, and the railroad train, by reason of its speed or nearness to the crossing, is an immediate hazard;

(d) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing.

(2) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed.

**History.**—s. 1, ch. 71-135; s. 1, ch. 76-31.  
**Note.**—Former s. 316.054.

**316.158 All vehicles to stop at certain railroad grade crossings.**—The Department of Transportation and local authorities, in conformity to criteria promulgated by the Department of Transportation, are authorized to designate particularly dangerous highway grade crossings of railroads for the purpose of erecting traffic control devices. When such devices are erected, the driver of any vehicle, when directed to stop, shall stop within 50 feet but not less than 15 feet from the nearest rail of the railroad and shall proceed only upon exercising due care.

**History.**—s. 1, ch. 71-135.

**316.159 Certain vehicles to stop at all railroad grade crossings.**—

(1) The driver of any motor vehicle carrying passengers for hire, excluding taxicabs, of any school bus carrying any school child, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within 50 feet but not less than 15 feet from the nearest rail of the railroad and, while so stopped, shall listen and look in both directions along the track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so, the driver of any such vehicle shall cross only in a gear of the vehicle so that there will be no necessity for changing gears while traversing the crossing, and the driver shall not shift gears while crossing the track or tracks.

(2) No stop need be made at any such crossing where a police officer, a traffic control signal, or a sign directs traffic to proceed. However, any school bus carrying any school child shall be required to stop unless directed to proceed by a police officer.

**History.**—s. 1, ch. 71-135; s. 1, ch. 78-52.

**316.170 Moving heavy equipment at railroad grade crossings.**—

(1) No person shall operate or move any crawler-type tractor, steam shovel, derrick, or roller, or any equipment or structure having a normal operating speed of 10 or less miles per hour or a vertical body or load clearance of less than  $\frac{1}{2}$  inch per foot of the distance between any two adjacent axles or in any event of less than 9 inches, measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.

(2) Notice of any such intended crossing shall be given to a station agent or other proper authority of the railroad, and a reasonable time shall be given to the railroad to provide proper protection at the crossing.

(3) Before making any such crossing the person operating or moving any such vehicle or equipment

shall first stop the same not less than 15 feet nor more than 50 feet from the nearest rail of the railroad and while so stopped shall listen and look in both directions along the track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

(4) No such crossing shall be made when warning is being given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car. If a flagman is provided by the railroad, movement over the crossing shall be under his direction.

**History.**—s. 1, ch. 71-135; s. 1, ch. 76-31.  
**Note.**—Former s. 316.055.

**316.171 Signs at dangerous crossings.**—Every railroad company operating or leasing any track intersecting a public road at grade and falling within the purview of ss. 316.158 and 316.159 shall place and maintain a suitable signboard on each side of the track or tracks on the right side of the highway not less than 10 feet from the ground and 40 inches by 50 inches, 200 feet from the crossing, which said board shall be painted with black lettering and white background with the following inscription thereon: STOP—RAILROAD CROSSING—FLORIDA LAW. For use at night the signboard shall be equipped with a suitable mirror reflector of such size, color, and description as may be approved by the Department of Transportation for use at railroad crossings, so designated that same will reflect the rays of a motor vehicle headlight. Where railroad warning signs have already been placed, or shall hereafter be placed, at any railroad crossing by the Department of Transportation, the railroad companies shall not be required to erect or maintain additional signs or reflectors at such crossings.

**History.**—s. 1, ch. 71-135; s. 1, ch. 76-31.  
**Note.**—Former s. 316.137.

**316.172 Traffic to stop for school bus.**—

(1) Any person using, operating, or driving a motor vehicle on or over the roads or highways of this state shall, upon approaching any school bus used in transporting school pupils to or from school which is properly identified in substantial accordance with the provisions of s. 234.051, and which displays a stop signal, bring such motor vehicle to a full stop while the bus is stopped, and the motor vehicle shall not pass the school bus until the signal has been withdrawn.

(2) The driver of a vehicle upon a divided highway where the one-way roadways are separated by an intervening unpaved space of at least 5 feet or physical barrier need not stop upon meeting or passing a school bus which is on a different roadway.

(3) Every school bus shall stop as far to the right of the street as possible before discharging or loading passengers and, when possible, shall not stop where the visibility is obscured for a distance of 200 feet either way from the bus.

**History.**—s. 1, ch. 71-135; s. 1, ch. 76-31; s. 89, ch. 77-104.

Note.—Former s. 316.139.

### 316.183 Unlawful speed.—

(1) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions, and having regard to the actual and potential hazards, then existing. In every event, speed shall be controlled as may be necessary to avoid colliding with any person, vehicle, or other conveyance or object on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(2) On all streets or highways, the maximum speed limits for all vehicles shall be 30 miles per hour in business or residential districts, and 55 miles per hour at any time at all other locations. The minimum speed limit on all highways which comprise a part of the national system of interstate and defense highways and have not less than four lanes shall be 40 miles per hour.

(3) No school bus shall exceed the maximum speed limits provided in subsection (2).

(4) The driver of every vehicle shall, consistent with the requirements of subsection (1), drive at an appropriately reduced speed when:

(a) Approaching and crossing an intersection or railway grade crossing;

(b) Approaching and going around a curve;

(c) Approaching a hill crest;

(d) Traveling upon any narrow or winding roadway; and

(e) Any special hazard exists with respect to pedestrians or other traffic, or by reason of weather or highway conditions.

(5) No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with law.

(6) No person shall operate any motor-driven cycle at nighttime at a speed greater than 35 miles per hour unless such motor-driven cycle is equipped with a headlamp or lamps which are adequate to reveal a person or vehicle at a distance of 300 feet ahead.

(7) No person shall operate a "moped," as defined in subsection 316.003(2), at a speed greater than 25 miles per hour.

History.—s. 1, ch. 71-135; s. 1, ch. 76-159; s. 3, ch. 76-218; s. 3, ch. 76-286; s. 1, ch. 77-174.

**316.185 Special hazards.—**The fact that the speed of a vehicle is lower than the prescribed limits shall not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, or when special hazards exist or may exist with respect to pedestrians or other traffic or by reason of weather or other roadway conditions, and speed shall be decreased as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the street in compliance with legal requirements and the duty of all persons to use due care.

History.—s. 1, ch. 71-135.

### 316.187 Establishment of state speed zones.—

(1) Whenever the Department of Transportation determines, upon the basis of an engineering and traffic investigation, that any speed hereinafter set forth in s. 316.183(2) or (3), is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place, or upon any part of a highway outside of a municipality or upon any state roads, connecting links or extensions thereof within a municipality, the Department of Transportation may determine and declare a reasonable and safe speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected at the intersection or other place or part of the highway.

(2) The Department of Transportation is authorized to set such maximum and minimum speed limits for travel over those roadways under its authority as it deems safe and advisable, not to exceed as a maximum limit 55 miles per hour, but the maximum limit shall be increased to not more than 70 m.p.h., in the event the Federal Congress approves such limits on limited access highways.

(3) Violation of the speed limits established pursuant to this section shall be punished as set forth in s. 316.655.

History.—s. 1, ch. 71-135; ss. 1, 18, ch. 76-31; s. 1, ch. 76-218; s. 1, ch. 77-174.  
Note.—Former s. 316.181.

### 316.189 Establishment of municipal and county speed zones.—

(1) **MUNICIPAL SPEED.**—The maximum speed within any municipality is 30 miles per hour in the daytime or nighttime. However, a municipality may set speed zones altering such speed, both as to maximum, not to exceed 55 miles per hour, and minimum, after investigation determines such a change is reasonable and in conformity to criteria promulgated by the Department of Transportation, except that no changes shall be made on state highways or connecting links or extensions thereof, which shall be changed only by the Department of Transportation.

(2) **SPEED ON COUNTY ROADS.**—The maximum speed on any county-maintained road is:

(a) In any business or residence district, 30 miles per hour in the daytime or nighttime;

(b) On any other part of a county road not a business or residence district, as set forth in s. 316.183.

However, the board of county commissioners may set speed zones altering such speeds, both as to maximum and minimum, after investigation determines such a change is reasonable and in conformity to criteria promulgated by the Department of Transportation, except that no such speed zone shall permit a speed of more than 55 miles per hour.

(3) **POSTING OF SPEED LIMITS.**—All speed zones shall be posted with clearly legible signs. No change in speeds from 30 miles per hour or from those established in s. 316.183 shall take effect until the zone is posted by the authority changing the speed pursuant to this section and s. 316.187. All signs which limit or establish speed limits, maximum and minimum, shall be so placed and so painted as to be plainly visible and legible in daylight or in darkness when illuminated by headlights.

(4) PENALTY.—Violation of the speed limits established pursuant to this section shall be punished as set forth in s. 316.655.

History.—s. 1, ch. 71-135; ss. 1, 19, ch. 76-31; s. 2, ch. 76-218.  
Note.—Former s. 316.182.

### 316.1895 Establishment of school speed zones, enforcement; designation.—

(1)(a) The Department of Transportation, pursuant to the authority granted under s. 316.0745, shall adopt a uniform system of traffic control devices and pedestrian control devices for use on the streets and highways in the state surrounding all schools, public and private.

(b) The Department of Transportation shall compile, publish, and transmit a manual containing all specifications and requirements with respect to the system of devices established pursuant to paragraph (a) to the governing body of each county and municipality in the state, and the Department of Transportation and each county and municipality in the state shall install and maintain such traffic and pedestrian control devices in conformity with such uniform system.

(2)(a) A school zone located on a state-maintained primary or secondary road shall be maintained by the Department of Transportation. However, nothing herein shall prohibit the Department of Transportation from entering into agreements with counties or municipalities whereby the local governmental entities would maintain specified school zones on state-maintained primary or secondary roads.

(b) The county shall have the responsibility to maintain a school zone located outside of any municipality and on a county road.

(c) A municipality shall have the responsibility to maintain a school zone located in a municipality.

(d) For the purposes of this section, the term "maintained" with respect to any school zone means the care and maintenance of all school zone signs, markers, traffic control devices, and pedestrian control devices.

(3)(a) A school zone maintained by a county shall be periodically inspected by the county sheriff's office or any other qualified agent to determine whether or not the school zone is being properly maintained.

(b) A school zone maintained by a municipality shall be periodically inspected by the municipal police department or any other qualified agent to determine whether or not the school zone is being properly maintained.

(4) No school zone speed limit shall be less than 15 miles per hour except by local regulation. Such speed limit shall be in force only during those times 30 minutes before and 30 minutes after the times necessary and corresponding to the periods of time when pupils are arriving at and leaving regularly scheduled school sessions.

(5) Permanent signs designating school zones and school zone speed limits shall be uniform in size and color, and shall have the times during which the restrictive speed limit is enforced clearly designated thereon. The Department of Transportation shall establish adequate standards for the signs.

(6) Portable signs designating school zones and

school zone speed limits shall be uniform in size and color. Such signs shall be erected on the roadway only during those hours when pupils are arriving at and leaving regularly scheduled school sessions. The Department of Transportation shall establish adequate standards for the signs.

(7) Nothing herein shall prohibit the use of automatic traffic control devices for the control of vehicular and pedestrian traffic at school crossings in lieu of permanent or portable school zone signs. The Department of Transportation shall establish standards for automatic flashing signals.

(8) All flags, belts, apparel, and devices issued, supplied, or furnished to pupils or persons acting in the capacity of school safety patrols, special school police, or special police appointed to control and direct traffic at or near schools, when used during periods of darkness, shall be made at least in part with retroreflective materials so as to be visible at night at 300 feet to approaching motorists when viewed under lawful low-beam headlights.

(9) No person shall drive a vehicle on a roadway designated as a school zone at a speed greater than posted in the school zone in accordance with this section. Violation of the speed limits established pursuant to this section shall be punishable as provided in s. 316.655.

History.—s. 1, ch. 71-135; s. 1, ch. 73-161; s. 1, ch. 74-63; s. 1, ch. 74-366; ss. 1, 19, ch. 76-31; s. 2, ch. 76-159.

Note.—Former s. 316.184.

### 316.1905 Electrical, mechanical, or other speed calculating devices; power of arrest; evidence.—

(1) Whenever any peace officer engaged in the enforcement of the motor vehicle laws of this state uses an electronic, electrical, mechanical, or other device used to determine the speed of a motor vehicle on any highway, road, street, or other public way, such device shall be of a type approved by the department and shall have been tested to determine that it is operating accurately. Tests for this purpose shall be made not less than once each 6 months, according to procedures and at regular intervals of time prescribed by the department.

(2) Any police officer, upon receiving information relayed to him from a fellow officer stationed on the ground or in the air operating such a device that a driver of a vehicle has violated the speed laws of this state, may arrest the driver for violation of said laws where reasonable and proper identification of the vehicle and the speed of same has been communicated to the arresting officer.

(3)(a) A witness otherwise qualified to testify shall be competent to give testimony against an accused violator of the motor vehicle laws of this state when such testimony is derived from the use of such an electronic, electrical, mechanical, or other device used in the calculation of speed, upon showing that the speed calculating device which was used had been tested. However, the operator of any visual average speed computer device shall first be certified as a competent operator of such device by the department.

(b) Upon the production of a certificate, signed and witnessed, showing that such device was tested within the time period specified and that such device

was working properly, a presumption is established to that effect unless the contrary shall be established by competent evidence.

(c) Any person accused pursuant to the provisions of this section shall be entitled to have the officer actually operating the device appear in court and testify upon oral or written motion.

*History.*—s. 1, ch. 71-135; s. 1, ch. 76-31.

*Note.*—Former s. 316.058.

### 316.191 Racing on highways.—

(1) No person shall drive any vehicle in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record, and no person shall in any manner participate in any such race, competition, contest, test, or exhibition.

(2) "Drag race" is defined as the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one or more vehicles over a common selected course, from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit.

(3) "Racing" is defined as the use of one or more vehicles in an attempt to outgain, outdistance, or prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle or vehicles, or to test the physical stamina or endurance of drivers over long-distance driving routes.

(4) This section does not apply to licensed or duly authorized racetracks, drag strips or other designated areas set aside by proper authorities for such purposes.

*History.*—s. 1, ch. 71-135; s. 1, ch. 76-31.

*Note.*—Former s. 316.186.

### 316.192 Reckless driving.—

(1) Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

(2) Any person convicted of reckless driving shall be punished:

(a) Upon a first conviction, by imprisonment for a period of not more than 90 days or by fine of not less than \$25 nor more than \$500, or by both such fine and imprisonment.

(b) On a second or subsequent conviction, by imprisonment for not more than 6 months or by a fine of not less than \$50 nor more than \$1,000, or by both such fine and imprisonment.

*History.*—s. 1, ch. 71-135; s. 1, ch. 76-31.

*Note.*—Former s. 316.029.

### 316.1925 Careless driving.—

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

(2) Any person found guilty of careless driving shall be punished as provided in s. 316.655.

*History.*—s. 1, ch. 71-135; ss. 1, 6, ch. 76-31.

*Note.*—Former s. 316.030.

### 316.193 Driving while under the influence of alcoholic beverages, model glue, or controlled substances.—

(1) It is unlawful and punishable as provided in subsection (2) for any person who is under the influence of alcoholic beverages, model glue, or any substance controlled under chapter 893, when affected to the extent that his normal faculties are impaired, to drive or be in the actual physical control of any vehicle within this state.

(2) Any person who is convicted of a violation of subsection (1) shall be punished:

(a) For first conviction thereof, by imprisonment for not more than 6 months or by a fine of not less than \$25 or more than \$500, or by both such fine and imprisonment.

(b) For a second conviction within a period of 3 years from the date of a prior conviction for violation of this section, by imprisonment for not less than 10 days nor more than 6 months and, in the discretion of the court, a fine of not more than \$500.

(c) For a third or subsequent conviction within a period of 5 years from the date of conviction of the first of three or more convictions for violations of this section, by imprisonment for not less than 30 days nor more than 12 months and, in the discretion of the court, a fine of not more than \$1,000.

(3) It is unlawful and punishable as provided in subsection (4) for any person with a blood alcohol level of 0.10 percent, or above, to drive or be in actual physical control of any vehicle within this state.

(4) Any person who is convicted of a violation of subsection (3) shall be punished:

(a) For first conviction thereof, by imprisonment for not more than 90 days or by a fine of not more than \$250, or by both such fine and imprisonment.

(b) For a second conviction within a period of 3 years from the date of a prior conviction for violation of this section, by imprisonment for not less than 10 days nor more than 6 months and, in the discretion of the court, a fine of not more than \$500.

(c) For a third or subsequent conviction within a period of 5 years from the date of conviction of the first of three or more convictions for violations of this section, by imprisonment for not less than 30 days nor more than 12 months and, in the discretion of the court, a fine of not more than \$500.

(5) At the discretion of the court, any person convicted of violating subsection (1) or subsection (3) may be required to attend an alcohol education course specified by the court and may be referred to an authorized agency for alcoholism evaluation and treatment in addition to any fine imposed under this section and shall be expected to assume reasonable costs for such evaluation and treatment; however, in no case shall the authorized agency for alcoholism treatment be the same agency which conducts the alcohol evaluation and education.

*History.*—s. 1, ch. 71-135; s. 19, ch. 73-331; s. 1, ch. 74-384; s. 1, ch. 76-31; s. 1, ch. 79-408.

*Note.*—Former s. 316.028.

cf.—s. 322.264 "Habitual traffic offender" defined.  
s. 322.281 Mandatory adjudication.

### 316.1935 Fleeing or attempting to elude a police officer.—

(1) It is unlawful for the operator of any motor vehicle upon a street or highway, having knowledge that he has been directed to stop such vehicle by a duly authorized police officer, willfully to refuse or fail to stop such vehicle in compliance with such directive or, having stopped in knowing compliance with such a directive, willfully to flee in an attempt to elude such officer, and any person violating this subsection shall, upon conviction, be punished by imprisonment in the county jail for a period not to exceed 1 year, or by fine not to exceed \$1,000, or by both such fine and imprisonment.

(2) The court may revoke the operator's or chauffeur's license of any person convicted of a violation of subsection (1) for a period not to exceed 1 year.

History.—s. 1, ch. 71-135; s. 1, ch. 76-31.

Note.—Former s. 316.019.

### 316.194 Stopping, standing or parking outside of municipalities.—

(1) Upon any highway outside of a municipality, no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the highway when it is practicable to stop, park, or so leave the vehicle off such part of the highway; but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles, and a clear view of the stopped vehicle shall be available from a distance of 200 feet in each direction upon the highway.

(2) This section shall not apply to the driver or owner of any vehicle which is disabled while on the paved or main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in such position, or to passenger-carrying buses temporarily parked while loading or discharging passengers, where highway conditions render such parking off the paved portion of the highway hazardous or impractical.

(3)(a) Whenever any police officer finds a vehicle standing upon a highway in violation of any of the foregoing provisions of this section, the officer is authorized to move the vehicle, or require the driver or other persons in charge of the vehicle to move the same, to a position off the paved or main-traveled part of the highway.

(b) Officers are hereby authorized to provide for the removal of any abandoned vehicle to the nearest garage or other place of safety, cost of such removal to be a lien against motor vehicle, when said abandoned vehicle is found unattended upon a bridge or causeway or in any tunnel, or on any public highway in the following instances:

1. Where such vehicle constitutes an obstruction of traffic;
2. Where such vehicle has been parked or stored on the public right-of-way for a period exceeding 48 hours, in other than designated parking areas, and is within 30 feet of the pavement edge; and
3. Where an operative vehicle has been parked or stored on the public right-of-way for a period ex-

ceeding 10 days, in other than designated parking areas, and is more than 30 feet from the pavement edge. However, the agency removing such vehicle shall be required to report same to the Department of Highway Safety and Motor Vehicles within 24 hours of such removal.

(c) Any vehicle moved under the provisions of this chapter which is a stolen vehicle shall not be subject to the provisions hereof unless the moving authority has reported to the Florida Highway Patrol the taking into possession of the vehicle within 24 hours of the moving of the vehicle.

History.—s. 1, ch. 71-135; s. 1, ch. 71-352; s. 1, ch. 76-31.

Note.—Former s. 316.124.

### 316.1945 Stopping, standing or parking prohibited in specified places.—

(1) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall:

- (a) Stop, stand or park a vehicle:
  1. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
  2. On a sidewalk;
  3. Within an intersection;
  4. On a crosswalk;
  5. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the Division of Road Operations of the Department of Transportation indicates a different length by signs or markings;
  6. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
  7. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
  8. On any railroad tracks;
  9. At any place where official signs prohibit stopping.

(b) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

1. In front of a public or private driveway;
2. Within 15 feet of a fire hydrant;
3. Within 20 feet of a crosswalk at an intersection;
4. Within 30 feet upon the approach to any flashing signal, stop sign or traffic control signal located at the side of a roadway;

5. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance (when property signposted);

6. At any place where official signs prohibit standing.

(c) Park a vehicle, whether occupied or not, except temporarily for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers:

1. Within 50 feet of the nearest rail of a railroad crossing unless the Department of Transportation establishes a different distance due to unusual circumstances;
2. At any place where official signs prohibit parking.

(2) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.

(3) A law enforcement officer or parking enforcement specialist who discovers a vehicle parked in violation of this section or a municipal or county ordinance may:

(a) Issue a ticket form as may be used by a political subdivision or municipality to the driver; or

(b) If the vehicle is unattended, attach such ticket to the vehicle in a conspicuous place.

*History.*—s. 1, ch. 71-135; s. 1, ch. 76-31; s. 2, ch. 78-52; s. 1, ch. 79-403.

*Note.*—Former s. 316.160.

### 316.195 Additional parking regulations.—

(1) Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within 12 inches of the right-hand curb or edge of the roadway.

(2) Except when otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within 12 inches of the right-hand curb or edge of the roadway, or its left wheels within 12 inches of the left-hand curb or edge of the roadway.

(3) Local authorities may, by ordinance, permit angle parking on any roadway, except that angle parking shall not be permitted on any state road unless the Department of Transportation has determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

*History.*—s. 1, ch. 71-135; s. 1, ch. 76-31.

*Note.*—Former s. 316.161.

### 316.1955 Parking spaces provided by governmental agencies for certain disabled persons.—

<sup>1</sup>(1) Each state agency and political subdivision having jurisdiction over street parking or publicly owned and operated parking facilities shall provide a minimum number of specially designed and marked motor vehicle parking spaces for the exclusive use of those severely physically disabled individuals with permanent mobility problems which substantially impair their ability to ambulate who have been issued an exemption entitlement parking permit pursuant to s. 320.0848.

<sup>1</sup>(2) The following minimum number of such parking spaces shall be provided:

(a) One space in the immediate vicinity of a building which houses a governmental entity or a political subdivision, including, but not limited to, state office buildings and courthouses, if no parking for the public is provided on the premises of such building;

(b) One space for each 150 metered on-street parking spaces; and

(c) For publicly maintained and operated parking facilities intended for public use and not subject to paragraph (a), 1 parking space for disabled persons for the first 20 parking spaces or fraction thereof, 1 additional parking space for disabled persons for the next 80 parking spaces or fraction thereof, 1

additional parking space for disabled persons for each 100 parking spaces or fraction thereof after the first 100 parking spaces, up to a total of 1,000 parking spaces, and 1 additional parking space for disabled persons for each 500 parking spaces or fraction thereof after the first 1,000 parking spaces. A minimum of four parking spaces for disabled persons shall be provided at physical restoration rehabilitation centers and hospitals.

(3) Such parking spaces shall be designed and located as follows:

(a) All spaces shall have accessible thereto a curb-ramp or curb-cut, when necessary to allow access to the building served, and shall be located so that users will not be compelled to wheel behind parked vehicles.

(b) Diagonal or perpendicular parking spaces shall be a minimum of 12 feet wide.

(c) Parallel parking spaces shall be located either at the beginning or end of a block or adjacent to alley entrances. Curbs adjacent to such spaces shall be of a height which will not interfere with the opening and closing of motor vehicle doors.

<sup>1</sup>(4) Each such parking space shall be prominently outlined with paint and posted with a fixed, nonmovable sign of a color and design approved by the Department of Transportation, bearing the internationally accepted wheelchair symbol and the caption "PARKING BY DISABLED PERMIT ONLY."

<sup>2</sup>(5) The state building code and each county or municipal building code shall be construed to include the provisions for parking spaces as specified herein.

<sup>1</sup>(6) It is unlawful for any person to stop, stand, or park a vehicle within any such specially designated and marked parking space provided in accordance with this section, unless such vehicle displays a parking permit issued pursuant to s. 320.0848 and such vehicle is transporting a person eligible for the parking permit. Whenever a law enforcement officer or a parking enforcement specialist finds a vehicle in violation of this subsection, that officer shall:

(a) Have the vehicle in violation removed to any lawful parking space or facility or require the operator or other person in charge of the vehicle immediately to remove the unauthorized vehicle from the parking space. Whenever any vehicle is removed by a law enforcement officer, parking enforcement specialist, or agency to a storage lot, garage, or other safe parking space, the cost of such removal and parking shall be a lien against the vehicle.

(b) Charge the operator or other person in charge of the vehicle in violation with a noncriminal traffic infraction, punishable as provided in s. 318.18(2). However, any person who is chauffeuring a disabled person shall be allowed, without need for an identification parking permit, momentary parking in any such parking space, for the purpose of loading or unloading such disabled person. No penalty shall be imposed upon the driver for such momentary parking.

*History.*—s. 1, ch. 75-105; s. 1, ch. 76-31; s. 2, ch. 77-83; s. 1, ch. 77-444; ss. 1, 8, ch. 79-82; s. 123, ch. 79-400.

*Note.*—As amended, effective January 1, 1980.

*Note.*—Repealed by s. 8, ch. 79-82, effective January 1, 1980.

*Note.*—Former s. 316.165.

*cf.*—s. 320.0842 International wheelchair symbol.

s. 553.46 Standards of accessibility for handicapped persons.

**316.1956 Parking spaces provided by non-governmental entities for certain disabled persons.**

(1) Any business, firm, or other person licensed to do business with the public may provide specially designed and marked motor vehicle parking spaces for the exclusive use of physically disabled persons who have been issued parking permits pursuant to s. 320.0848. The minimum number of such parking spaces shall be as provided in s. 316.1955(2)(c).

(2) Each such parking space shall conform to the requirements of s. 316.1955(3) and shall be posted with a sign bearing the internationally accepted wheelchair symbol and the caption "PARKING BY DISABLED PERMIT ONLY".

(3) Any person who parks a vehicle in any parking space designated with the internationally accepted wheelchair symbol and the caption "PARKING BY DISABLED PERMIT ONLY" is guilty of a traffic infraction, punishable as provided in s. 318.18(2), unless such vehicle displays a parking permit issued pursuant to s. 320.0848 and such vehicle is transporting a person eligible for such parking permit. However, any person who is chauffeuring a disabled person shall be allowed, without need for an identification parking permit, momentary parking in any such parking space for the purpose of loading or unloading a disabled person. No penalty shall be imposed upon the driver for such momentary parking.

(4) Any law enforcement officer or parking enforcement specialist shall enforce the provisions of subsection (3).

*History.*—s. 3, ch. 77-83; s. 2, ch. 77-444; s. 2, ch. 79-82.

*Note.*—As amended, effective January 1, 1980.

**316.1964 Exemption of vehicles transporting certain disabled persons from payment of parking fees and penalties.**—No state agency, county, municipality, or any agency thereof, shall exact any fee for parking on the public streets or highways or in any metered parking space from the driver of a vehicle which displays a parking permit issued pursuant to s. 320.0848 or a license plate issued pursuant to s. 320.084 or s. 320.0842 if such vehicle is transporting a person eligible for such parking permit or license plate; nor shall the driver of such a vehicle transporting such a person be penalized for parking, except in clearly defined bus loading zones, fire zones, or in areas posted as "No Parking" zones.

*History.*—s. 1, ch. 71-135; s. 1, ch. 76-31; s. 1, ch. 77-83; s. 3, ch. 79-82.

*Note.*—As amended, effective January 1, 1980.

*Note.*—Former s. 316.163.

**316.1965 Parking near rural mailbox during certain hours; penalties.**—Whoever parks any vehicle within 30 feet of any rural mailbox upon any state highway in this state between 8 a.m. and 6 p.m. shall be punished as provided in s. 316.655.

*History.*—s. 1, ch. 71-135; s. 6, ch. 74-377; ss. 1, 17, ch. 76-31.

*Note.*—Former s. 316.164.

**316.1967 Liability for payment of parking ticket violations.**

(1) The owner of a vehicle is responsible and liable for payment of any parking ticket violation un-

less the owner can furnish evidence that the vehicle was, at the time of the parking violation, in the care, custody, or control of another person. In such instances, the owner of the vehicle is required, within a reasonable time after notification of the parking violation, to furnish to the appropriate law enforcement authorities the name and address of the person or company who leased, rented, or otherwise had the care, custody, or control of the vehicle. The owner of a vehicle is not responsible for a parking ticket violation if the vehicle involved was, at the time, stolen or in the care, custody, or control of some person who did not have permission of the owner to use the vehicle.

(2) Any person issued a county or municipal parking ticket by a parking enforcement specialist or officer shall be deemed to be charged with a non-criminal violation and shall comply with the directions on the ticket. In the event that payment is not received, or a response to the ticket is not made within the time period specified thereon, the county court, or its traffic violations bureau, shall notify the registered owner of the vehicle which was cited, by certified mail, of the ticket. Upon receipt of the notification, the registered owner shall comply with the court's directive.

(3) Any person who fails to satisfy the court's directive and any person who elects to appear before a designated official to present evidence shall be deemed to have waived his right to the civil penalty provisions of the ticket. The official, after a hearing, shall make a determination as to whether a parking violation has been committed and may impose a fine not to exceed \$100 plus court costs.

*History.*—s. 1, ch. 77-456; s. 2, ch. 79-403.

**316.1974 Funeral or other processions.**

(1) As used in this chapter, "funeral procession" means four or more motor vehicles accompanying a body of a deceased person in the daytime, when each of such vehicles has its headlights lighted.

(2) Pedestrians and the operators of all vehicles, except emergency vehicles, shall yield the right-of-way to each vehicle which is a part of a funeral procession. Whenever the lead vehicle in a funeral procession lawfully enters an intersection, the remainder of the vehicles in such procession may continue to follow the lead vehicle through the intersection, notwithstanding any traffic control device or right-of-way provisions prescribed by statute or local ordinance, provided the operator of each vehicle exercises due care to avoid colliding with any other vehicle or pedestrian upon the roadway.

(3) No person shall operate any vehicle as a part of a funeral procession without having the headlights of such vehicle lighted.

(4) No operator of a vehicle shall drive between vehicles in a funeral or other procession which are properly identified while the procession is in motion except when directed to do so by a police officer.

*History.*—s. 1, ch. 71-135; s. 1, ch. 76-31.

*Note.*—Former s. 316.162.

**316.1975 Unattended motor vehicle.**—No person driving or in charge of any motor vehicle except a licensed delivery truck or other delivery vehicle while making deliveries, shall permit it to stand un-

attended without first stopping the engine, locking the ignition, and removing the key. No vehicle shall be permitted to stand unattended upon any perceptible grade without stopping the engine and effectively setting the brake thereon and turning the front wheels to the curb or side of the street.

**History.**—s. 1, ch. 71-135; s. 1, ch. 76-31.  
**Note.**—Former s. 316.097.

### 316.1985 Limitations on backing.—

(1) The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with other traffic.

(2) The driver of a vehicle shall not back the same upon any shoulder or roadway of any limited access facility.

**History.**—s. 1, ch. 71-135; s. 1, ch. 76-31.  
**Note.**—Former s. 316.098.

**316.1995 Driving upon sidewalk.**—No person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.

**History.**—s. 1, ch. 71-135; s. 1, ch. 76-31.  
**Note.**—Former s. 316.110.

### 316.2004 Obstruction to driver's view or driving mechanism.—

(1) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(2)(a) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides or with his control over the driving mechanism of the vehicle.

(b) No person shall drive any motor vehicle with any sign, poster, or other nontransparent material upon the front windshield, side wings, or side or rear windows of such vehicle which materially obstructs, obscures, or impairs the driver's clear view of the highway or any intersecting highway.

**History.**—s. 1, ch. 71-135; s. 1, ch. 76-31.  
**Note.**—Former s. 316.093.

**316.2005 Opening and closing vehicle doors.**—No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

**History.**—s. 1, ch. 71-135; s. 1, ch. 76-31.  
**Note.**—Former s. 316.099.

**316.2014 Riding in house trailers.**—No person or persons shall occupy a house trailer while it is being moved upon a public street or highway.

**History.**—s. 1, ch. 71-135; s. 1, ch. 76-31.  
**Note.**—Former s. 316.101.

### 316.2015 Unlawful for person to ride on exterior of vehicle.—

(1) It is unlawful for any operator of a passenger vehicle to permit any person to ride on the bumper, radiator, fender, hood, top, trunk, or running board of such vehicle when operated upon any street or

highway which is maintained by the state, county or municipality. However, the operator of any vehicle shall not be in violation of this section when such operator permits any person to occupy seats securely affixed to the exterior of such vehicle.

(2) No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty or to a person or persons riding within truck bodies in space intended for merchandise.

(3) This section shall not apply to a performer engaged in a professional exhibition or person participating in an exhibition or parade, or any such person preparing to participate in such exhibitions or parades.

(4) Any person violating the provisions of this section, upon conviction, shall be punished as provided in s. 316.655.

**History.**—s. 1, ch. 71-135; ss. 1, 12, ch. 76-31.  
**Note.**—Former s. 316.100.

**316.2024 Coasting prohibited.**—The driver of any motor vehicle, when traveling upon a downgrade, shall not coast with the gears or transmission of such vehicle in neutral or the clutch disengaged.

**History.**—s. 1, ch. 71-135; s. 1, ch. 76-31.  
**Note.**—Former s. 316.094.

**316.2025 Following fire apparatus prohibited.**—No driver of any vehicle other than an authorized emergency vehicle on official business shall follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

**History.**—s. 1, ch. 71-135; s. 1, ch. 76-31.  
**Note.**—Former s. 316.095.

**316.2034 Crossing fire hose.**—No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street or highway, or private road or driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

**History.**—s. 1, ch. 71-135; s. 1, ch. 76-31.  
**Note.**—Former s. 316.096.

### 316.2035 Injurious substances prohibited; dragging vehicle or load; obstructing, digging, etc.—

(1) It is unlawful to place or allow to be placed upon any street or highway any tacks, wire, scrap metal, glass, crockery, or other substance which may be injurious to the feet of persons or animals or to the tires of vehicles or in any way injurious to the road.

(2) It is unlawful to allow any vehicle or contrivance or any part of same, or any load or portion of a load carried on the same, to drag upon any street or highway.

(3) It is unlawful to obstruct, dig up, or in any way disturb any street or highway. However, this subsection shall not be construed so as to hinder or prevent the installation or replacement of any utilities in accordance with the provisions of law now existing or that may hereafter be enacted.

(4) It is unlawful for any vehicle to be equipped

with any solid tires or any airless-type tire on any motor-driven vehicle when operated upon a highway.

**History.**—s. 1, ch. 71-135; s. 1, ch. 76-31.

**Note.**—Former s. 316.104.

**316.2044 Removal of injurious substances.**—

(1) Any person who drops, or permits to be dropped or thrown, upon any street or highway any destructive or injurious material shall immediately remove the same or cause it to be removed.

(2) Any person removing a wrecked or damaged vehicle from a street or highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

**History.**—s. 1, ch. 71-135; s. 1, ch. 76-31.

**Note.**—Former s. 316.105.

**316.2045 Obstruction of public streets, highways, etc.**—

(1) It is unlawful for any person or persons willfully to obstruct the free, convenient, and normal use of any public street, highway or road, by impeding, hindering, stifling, retarding or restraining traffic or passage thereon, or by endangering the safe movement of vehicles or pedestrians traveling thereon, and any person or persons violating the provisions of this chapter, upon conviction, shall be punished as set forth in s. 316.655.

(2) The provisions of this chapter are supplementary to the provisions of any other statute of the state.

**History.**—s. 1, ch. 71-135; ss. 1, 13, ch. 76-31.

**Note.**—Former s. 316.103.

**316.2051 Certain vehicles prohibited on hard-surfaced roads.**—It is unlawful to operate upon any hard-surfaced road in this state any log cart, tractor, or well machine; any steel-tired vehicle other than the ordinary farm wagon or buggy; or any other vehicle or machine that is likely to damage a hard-surfaced road except to cause ordinary wear and tear on the same.

**History.**—s. 1, ch. 71-135; s. 1, ch. 76-31.

**Note.**—Former s. 316.102.

**316.2055 Motor vehicles, throwing advertising materials in.**—It is unlawful for any person on a public street, highway, or sidewalk in the state to throw into, or attempt to throw into, any motor vehicle, or offer, or attempt to offer, to any occupant of any motor vehicle, whether standing or moving, or to place or throw into any motor vehicle any advertising or soliciting materials or to cause or secure any person or persons to do any one of such unlawful acts.

**History.**—s. 1, ch. 71-135; s. 1, ch. 76-31.

**Note.**—Former s. 316.106.

**316.2061 Stop when traffic obstructed.**—No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

**History.**—s. 1, ch. 71-135; s. 1, ch. 76-31.

**Note.**—Former s. 316.107.

**316.2065 Bicycle regulations.**—

(1) Every person riding a bicycle upon a roadway shall be granted all of the rights and be subject to all of the duties applicable to the driver of a vehicle by this chapter, except as to special regulations in this chapter, and except as to provisions of this chapter which by their nature can have no application.

(2) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

(3) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(4) No person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

(5) Every person operating a bicycle upon a roadway shall ride with the flow of traffic as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(6) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

(7) Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

(8) Any person operating a bicycle shall keep at least one hand upon the handlebars.

(9) After sundown, every bicycle shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least 500 feet to the front and a lamp on the rear exhibiting a red light visible from a distance of 500 feet to the rear, except that a red reflector meeting the requirements of this section may be used in lieu of the red light. All such lamps and reflectors shall be in place and in operation whenever a bicycle is operated after sundown.

(10) No parent of any minor child and no guardian of any minor ward shall authorize or knowingly permit any such minor child or ward to violate any of the provisions of this section.

(11) This section shall apply whenever a bicycle is operated upon any street, or upon any public path set aside for exclusive use of bicycles, subject to those exceptions stated herein.

(12) No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, shall go upon any roadway except while crossing a street on a crosswalk, and when so crossing such person shall be granted all rights and shall be subject to all of the duties applicable to pedestrians.

(13) This section shall not apply upon any street while set aside as a play street authorized herein or as designated by state, county, or municipal authority.

(14) No person under 15 years of age shall operate a "moped" as defined in subsection 316.003(2).

(15) No person shall operate a "moped" as defined in s. 316.003(2) that does not conform to all applicable federal motor vehicle safety standards re-

lating to lights and safety and other equipment contained in s. 49, Code of Federal Regulations.

**History.**—s. 1, ch. 71-135; s. 1, ch. 76-31; s. 2, ch. 76-286; s. 1, ch. 78-353.  
**Note.**—Former s. 316.111.

**316.207 Penalties for violation of bicycle regulations.**—Any person not a juvenile, as such is defined by the laws of this state, found guilty of a violation of any provisions found in s. 316.2065 shall be punished by a civil penalty in accordance with s. 318.18 or by impounding of such person's bicycle for a period not to exceed 90 days. Upon the recommendation of a judge of a juvenile court or a competent court having jurisdiction over the person of a minor, the state, county, or municipal authority may impound such minor's bicycle for such period as the court may determine.

**History.**—s. 1, ch. 71-135; s. 5, ch. 74-377; ss. 1, 14, ch. 76-31.  
**Note.**—Former s. 316.112.

**316.2075 Driving upon bicycle trails and footpaths.**—No person shall operate any motor vehicle or moped upon a bicycle trail or footpath established under s. 335.065, except upon a permanent or duly authorized temporary driveway.

**History.**—s. 1, ch. 75-79; s. 1, ch. 76-31; s. 6, ch. 78-353.  
**Note.**—Former s. 316.1105.

**316.208 Motorcycles.**—Any person operating a motorcycle shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under this chapter, except as to special regulations in this chapter and except as to those provisions of this chapter which by their nature can have no application.

**History.**—s. 1, ch. 71-135; s. 1, ch. 76-31.  
**Note.**—Former s. 316.127.

#### **316.2085 Riding on motorcycles.**—

(1) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person, nor shall any other person ride on a motorcycle, unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons or upon another seat firmly attached to the motorcycle at the rear or side of the operator.

(2) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle.

(3) No person shall operate a motorcycle while carrying any package, bundle, or other article which prevents him from keeping both hands on the handlebars.

(4) No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

**History.**—s. 1, ch. 71-135; s. 1, ch. 76-31.  
**Note.**—Former s. 316.108.

#### **316.209 Operating motorcycles on roadways laned for traffic.**—

(1) All motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in such manner as to deprive any motorcycle of the full use of a lane. This subsection shall not apply to motorcy-

cles operated two abreast in a single lane.

(2) The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

(3) No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

(4) Motorcycles shall not be operated more than two abreast in a single lane.

(5) Subsections (2) and (3) shall not apply to police officers in the performance of their official duties.

**History.**—s. 1, ch. 71-135; s. 1, ch. 76-31.

**Note.**—Former s. 316.109.

#### **316.2095 Footrests and handlebars.**—

(1) Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for such passenger.

(2) No person shall operate any motorcycle with handlebars more than 15 inches in height above that portion of the seat occupied by the operator.

**History.**—s. 1, ch. 71-135; s. 1, ch. 76-31.

**Note.**—Former s. 316.278.

#### **316.211 Equipment for motorcycle riders.**—

(1) No person shall operate or ride upon a motorcycle unless he is properly wearing protective headgear securely fastened upon his head which complies with standards established by the department.

(2) No person shall operate a motorcycle unless he is wearing an eye-protective device over his eyes of a type approved by the department.

(3) This section shall not apply to persons riding within an enclosed cab.

(4) The department is authorized to approve or disapprove protective headgear and eye-protective devices required herein and to issue and enforce regulations establishing standards and specifications for the approval thereof. The department shall publish lists of all protective headgear and eye-protective devices by name and type which have been approved by it.

**History.**—s. 1, ch. 71-135; s. 1, ch. 76-31.

**Note.**—Former s. 316.287.

#### **316.215 Scope and effect of regulations.**—

(1) It is a violation of this chapter for any person to drive or move, or for the owner to cause or knowingly permit to be driven or moved, on any highway any vehicle, or combination of vehicles, which is in such unsafe condition as to endanger any person, which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter, or which is equipped in any manner in violation of this chapter, or for any person to do any act forbidden, or fail to perform any act required, under this chapter.

(2) Nothing contained in this chapter shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter.

(3) The provisions of this chapter with respect to equipment required on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as herein made applicable.

(4) The provisions of this chapter with respect to equipment required on vehicles shall not apply to motorcycles or motor-driven cycles, except as herein made applicable.

*History.*—s. 1, ch. 71-135; s. 1, ch. 76-31.  
*Note.*—Former s. 316.059.

### 316.216 Authority of department with reference to lighting devices.—

(1) The department is authorized to approve or disapprove lighting devices and to issue and enforce regulations establishing standards and specifications for the approval of such lighting devices, their installation, adjustment, and aiming, and adjustment when in use on motor vehicles. Such regulations shall correlate with standards and specifications of the society of automotive engineers applicable to such equipment.

(2) The department is required to approve or disapprove any lighting device of a type on which approval is specifically required in this chapter within a reasonable time after such device has been submitted.

(3) The department is further authorized to set up the procedure which shall be followed when any device is submitted for approval.

(4) The department, upon approving any such lamp or device, shall issue to the applicant a certificate of approval together with any instructions determined by it.

(5) The department shall publish lists of all lamps and devices by name and type which have been approved by it.

*History.*—s. 1, ch. 71-135.

### 316.217 When lighted lamps are required.—

(1) Every vehicle operated upon a highway within this state shall display lighted lamps and illuminating devices as herein respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles, under the following conditions:

(a) At any time from sunset to sunrise;

(b) During any time when, due to rain, smoke, fog, insufficient light, or unfavorable atmospheric conditions, the visibility is reduced to a degree whereby persons or vehicles are not clearly discernible at a distance of 1,000 feet ahead;

(c) Stop lights, turn signals, and other signaling devices shall be lighted as prescribed for use of such devices.

(2) Whenever requirement is hereinafter declared as to the distance from which certain lamps and devices shall render objects visible, said provisions shall apply during the times stated in subsection (1) in respect to a vehicle without load when upon a straight, level, unlighted highway under normal atmospheric conditions, unless a different time or condition is expressly stated.

(3) Whenever requirement is hereinafter declared as to the mounted height of lamps or devices, it shall mean from the center of such lamp or device to the level ground upon which the vehicle stands when the vehicle is without a load.

*History.*—s. 1, ch. 71-135; s. 4, ch. 76-218.

### 316.220 Headlamps on motor vehicles.—

(1) Every motor vehicle shall be equipped with at least two headlamps with at least one on each side of the front of the motor vehicle, which headlamps shall comply with the requirements and limitations set forth in this chapter, and shall show a white light.

(2) Every headlamp upon every motor vehicle shall be located at a height of not more than 54 inches nor less than 24 inches to be measured as set forth in s. 316.217.

*History.*—s. 1, ch. 71-135.

### 316.221 Taillamps.—

(1) Every motor vehicle, trailer, semitrailer, and pole trailer, and any other vehicle which is being drawn at the end of a combination of vehicles, shall be equipped with at least two taillamps mounted on the rear, which, when lighted as required in s. 316.217, shall emit a red light plainly visible from a distance of 1,000 feet to the rear, except that passenger cars and pickup trucks manufactured or assembled prior to January 1, 1972, which were originally equipped with only one taillamp shall have at least one taillamp. On a combination of vehicles, only the taillamps on the rearmost vehicle need actually be seen from the distance specified. On vehicles equipped with more than one taillamp, the lamps shall be mounted on the same level and as widely spaced laterally as practicable.

(2) Either a taillamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of 50 feet to the rear. Any taillamp or taillamps, together with any separate lamp or lamps for illuminating the rear registration plate, shall be so wired as to be lighted whenever the headlamps or auxiliary driving lamps are lighted.

*History.*—s. 1, ch. 71-135; s. 1, ch. 79-97.

### 316.222 Stop lamps and turn signals.—

(1) Every motor vehicle, trailer, semitrailer, and pole trailer shall be equipped with two or more stop lamps meeting the requirements of s. 316.234(1). Motor vehicles, trailers, semitrailers and pole trailers manufactured or assembled prior to January 1, 1972 shall be equipped with at least one stop lamp. On a combination of vehicles, only the stop lamps on the rearmost vehicle need actually be seen from the distance specified in s. 316.234(1).

(2) Every motor vehicle, trailer, semitrailer, and pole trailer shall be equipped with electric turn signal lamps meeting the requirements of s. 316.234(2).

(3) Passenger cars and trucks less than 80 inches in width, manufactured or assembled prior to January 1, 1972 need not be equipped with electric turn signal lamps.

*History.*—s. 1, ch. 71-135.

**316.2225 Additional equipment required on certain vehicles.**—In addition to other equipment required in this chapter, the following vehicles shall be equipped as herein stated under the conditions stated in s. 316.217.

(1) On every bus or truck, whatever its size, there shall be the following: On the rear, two reflectors,

one at each side, and one stop light.

(2) On every bus or truck 80 inches or more in overall width, in addition to the requirements in subsection (1):

(a) On the front, two clearance lamps, one at each side.

(b) On the rear, two clearance lamps, one at each side.

(c) On each side, two side marker lamps, one at or near the front and one at or near the rear.

(d) On each side, two reflectors, one at or near the front and one at or near the rear.

(3) On every truck tractor:

(a) On the front, two clearance lamps, one at each side.

(b) On the rear, one stop light.

(4) On every trailer or semitrailer having a gross weight in excess of 3,000 pounds:

(a) On the front, two clearance lamps, one at each side.

(b) On each side, two side marker lamps, one at or near the front and one at or near the rear.

(c) On each side, two reflectors, one at or near the front and one at or near the rear.

(d) On the rear, two clearance lamps, one at each side, also two reflectors, one at each side, and one stop light.

(5) On every pole trailer in excess of 3,000 pounds gross weight:

(a) On each side, one side marker lamp and one clearance lamp which may be in combination, to show to the front, side and rear.

(b) On the rear of the pole trailer or load, two reflectors, one at each side.

(6) On every trailer, semitrailer, and pole trailer weighing 3,000 pounds gross, or less: On the rear, two reflectors, one on each side. If any trailer or semitrailer is so loaded, or is of such dimensions as to obscure the stop light on the towing vehicle, then such vehicle shall also be equipped with one stop light.

(7) On every slow-moving vehicle or equipment, animal-drawn vehicle, or other machinery designed for use and speeds less than 25 miles per hour, including all road construction and maintenance machinery except when engaged in actual construction or maintenance work either guarded by a flagman or a clearly visible warning sign, which normally travels or is normally used at a speed of less than 25 miles per hour and which is operated on a public highway:

(a) A triangular slow-moving vehicle emblem SMV as described in, and displayed as provided in paragraph (b). The requirement of the emblem shall be in addition to any other equipment required by law. The emblem shall not be displayed on objects which are customarily stationary in use except while being transported on the roadway of any public highway of this state.

(b) The Department of Highway Safety and Motor Vehicles shall adopt such rules and regulations as are required to carry out the purpose of this section. The requirements of such rules and regulations shall incorporate the current specifications for SMV

emblems of the American Society of Agricultural Engineers.

History.—s. 1, ch. 71-135; s. 1, ch. 76-31.

Note.—Former s. 316.276.

### 316.224 Color of clearance lamps, identification lamps, side marker lamps, backup lamps and reflectors.—

(1) Front clearance lamps, identification lamps, and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle shall display or reflect an amber color.

(2) Rear clearance lamps, identification lamps, and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color.

(3) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop light or other signal device, which may be red, amber or yellow, and except that the light illuminating the license plate shall be white, and the light emitted by a backup lamp shall be white or amber.

History.—s. 1, ch. 71-135.

### 316.225 Mounting of reflectors, clearance lamps and side marker lamps.—

(1) Reflectors, when required by s. 316.2225, shall be mounted at a height not less than 24 inches and not more than 60 inches above the ground on which the vehicle stands, except that if the highest part of the permanent structure of the vehicle is less than 24 inches, the reflector at such point shall be mounted as high as that part of the permanent structure will permit.

(a) The rear reflectors on a pole trailer may be mounted on each side of the bolster or load.

(b) Any required red reflector on the rear of a vehicle may be incorporated with the taillamp, but such reflector shall meet all the other reflector requirements of this chapter.

(2) Clearance lamps shall, so far as is practicable, be mounted on the permanent structure of the vehicle in such a manner as to indicate the extreme height and width of the vehicle. When rear identification lamps are required and are mounted as high as is practicable, rear clearance lamps may be mounted at optional height, and when the mounting of front clearance lamps results in such lamps failing to indicate the extreme width of the trailer, such lamps may be mounted at optional height but must indicate, as nearly as practicable, the extreme width of the trailer. Clearance lamps on truck tractors shall be located so as to indicate the extreme width of the truck tractor cab. Clearance lamps and side marker lamps may be mounted in combination provided illumination is given as required herein with reference to both.

History.—s. 1, ch. 71-135; s. 24, ch. 76-31.

### 316.226 Visibility requirements for reflectors, clearance lamps, identification lamps and marker lamps.—

(1) Every reflector upon any vehicle referred to in s. 316.2225 shall be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within 600 feet to 100 feet

from the vehicle when directly in front of lawful lower beams of headlamps, except that the visibility for reflectors on vehicles manufactured or assembled prior to January 1, 1972, shall be measured in front of lawful upper beams of headlamps. Reflectors required to be mounted on the sides of the vehicle shall reflect the required color of light to the sides and those mounted on the rear shall reflect a red color to the rear.

(2) Front and rear clearance lamps and identification lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at all distances between 550 feet from the front and rear, respectively, of the vehicle.

(3) Side marker lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at all distances between 550 feet from the side of the vehicle on which mounted.

**History.**—s. 1, ch. 71-135; s. 25, ch. 76-31.

**316.227 Obstructed lights not required.**—Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp (except taillamps) need not be lighted which, by reason of its location on a vehicle of the combination, would be obscured by another vehicle of the combination, but this shall not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps, nor that all lights required on the rear of the rearmost vehicle of any combination shall be lighted.

**History.**—s. 1, ch. 71-135.

**316.228 Lamps or flags on projecting load.**—Whenever the load upon any vehicle extends to the rear 4 feet or more beyond the bed or body of such vehicle, there shall be displayed at the extreme rear end of the load, at the times specified in s. 316.217, two red lamps visible from a distance of at least 500 feet to the rear, two red reflectors visible at night from all distances within 600 feet to 100 feet to the rear when directly in front of lawful lower beams of headlamps and located so as to indicate maximum width, and on each side one red lamp visible from a distance of at least 500 feet to the side and located so as to indicate maximum overhang. There shall be displayed at all other times on any vehicle having a load which extends beyond its sides or more than 4 feet beyond its rear, red flags, not less than 12 inches square, marking the extremities of such load, at each point where a lamp would otherwise be required by this section.

**History.**—s. 1, ch. 71-135.

#### **316.229 Lamps on parked vehicles.**—

(1) Every vehicle shall be equipped with one or more lamps which, when lighted, shall display a white or amber light visible from a distance of 1,000 feet to the front of the vehicle and a red light visible from a distance of 1,000 feet to the rear of the vehicle. The location of the lamp or lamps shall always be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the

vehicle which is closest to passing traffic.

(2) Whenever a vehicle is lawfully parked upon a street or highway during the hours between sunset and sunrise and in the event there is sufficient light to reveal persons and vehicles within a distance of 1,000 feet upon such street or highway, no lights need be displayed upon such parked vehicle.

(3) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto outside of a municipality, whether attended or unattended, during the hours between sunset and sunrise and there is insufficient light to reveal any person or object within a distance of 1,000 feet upon such highway, the vehicle so parked or stopped shall be equipped with and shall display lamps meeting the requirements of subsection (1).

(4) Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.

**History.**—s. 1, ch. 71-135.

#### **316.2295 Lamps, reflectors and emblems on farm tractors, farm equipment and implements of husbandry.**—

(1) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry manufactured or assembled after January 1, 1972, shall be equipped with vehicular hazard-warning lights visible from a distance of not less than 1,000 feet to the front and rear in normal sunlight, which shall be displayed whenever any such vehicle is operated upon a highway.

(2) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry manufactured or assembled after January 1, 1972, shall at all times, and every other such motor vehicle shall at all times mentioned in s. 316.217, be equipped with lamps and reflectors as follows:

(a) At least two headlamps meeting the requirements of ss. 316.237 and 316.239.

(b) At least one red lamp visible when lighted from a distance of not less than 1,000 feet to the rear mounted as far to the left of the center of the vehicle as practicable.

(c) At least two red reflectors visible from all distances within 600 feet to 100 feet to the rear when directly in front of lawful lower beams of headlamps.

(3) Every combination of farm tractor and towed farm equipment or towed implement of husbandry shall at all times mentioned in s. 316.217 be equipped with lamps and reflectors as follows:

(a) The farm tractor shall be equipped as required in subsections (1) and (2).

(b) If the towed unit or its load extends more than 4 feet to the rear of the tractor or obscures any light thereon, the unit shall be equipped on the rear with at least two red reflectors visible from all distances within 600 feet to 100 feet to the rear when directly in front of lawful lower beams of headlamps.

(c) If the towed unit of such combination extends more than 4 feet to the left of the centerline of the tractor, the unit shall be equipped on the front with an amber reflector visible from all distances within 600 feet to 100 feet to the front when directly in front of lawful lower beams of headlamps. This reflector shall be so positioned to indicate, as nearly as practicable, the extreme left projection of the towed unit.

(4) The two red reflectors required in the forego-

ing subsections shall be so positioned as to show from the rear, as nearly as practicable, the extreme width of the vehicle or combination carrying them. If all other requirements are met, reflective tape or paint may be used in lieu of the reflectors required by subsection (3).

(5) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry designed for operation at speeds not in excess of 25 miles per hour shall at all times be equipped with a slow moving vehicle emblem mounted on the rear except as provided in subsection (6).

(6) Every combination of farm tractor and towed farm equipment or towed implement of husbandry normally operating at speeds not in excess of 25 miles per hour shall at all times be equipped with a slow moving vehicle emblem as follows:

(a) When the towed unit or any load thereon obscures the slow moving vehicle emblem on the farm tractor, the towed unit shall be equipped with a slow moving vehicle emblem. In such cases, the towing vehicle need not display the emblem.

(b) When the slow moving vehicle emblem on the farm tractor unit is not obscured by the towed unit or its load, then either or both may be equipped with the required emblem, but it shall be sufficient if either has it.

(c) The emblem required by subsections (5) and (6) shall comply with current standards and specifications of the American Society of Agricultural Engineers approved by the department.

*History.*—s. 1, ch. 71-135; s. 1, ch. 76-31.

*Note.*—Former s. 316.232.

**316.231 Lamps on other vehicles and equipment.**—Every vehicle, including animal-drawn vehicles and vehicles referred to in s. 316.215(3), not specifically required by the provisions of this section to be equipped with lamps or other lighting devices shall at all times specified in s. 316.217 be equipped with at least one lamp displaying a white light visible from a distance of not less than 1,000 feet to the front of said vehicle, and shall also be equipped with two lamps displaying red light visible from a distance of not less than 1,000 feet to the rear of the vehicle, or, as an alternative, one lamp displaying a red light visible from a distance of not less than 1,000 feet to the rear and two red reflectors visible from all distances of 600 to 100 feet to the rear when illuminated by the lawful lower beams of headlamps.

*History.*—s. 1, ch. 71-135; s. 26, ch. 76-31.

### 316.233 Spot lamps and auxiliary lamps.

(1) **SPOT LAMPS.**—Any motor vehicle may be equipped with not to exceed two spot lamps and every lighted spot lamp shall be so aimed and used that no part of the high intensity portion of the beam will strike the windshield, or any windows, mirror, or occupant of another vehicle in use.

(2) **FOG LAMPS.**—Any motor vehicle may be equipped with not to exceed two fog lamps mounted on the front at a height not less than 12 inches nor more than 30 inches above the level surface upon which the vehicle stands and so aimed that when the vehicle is not loaded none of the high intensity portion of the light to the left of the center of the vehicle shall at a distance of 25 feet ahead project higher

than a level of 4 inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the above requirements may be used with lower headlamp beams as specified in s. 316.237(1)(b).

(3) **AUXILIARY PASSING LAMPS.**—Any motor vehicle may be equipped with not to exceed two auxiliary passing lamps mounted on the front at a height not less than 24 inches nor more than 42 inches above the level surface upon which the vehicle stands. The provisions of s. 316.237 shall apply to any combination of headlamps and auxiliary passing lamps.

(4) **AUXILIARY DRIVING LAMPS.**—Any motor vehicle may be equipped with not to exceed two auxiliary driving lamps mounted on the front at a height not less than 16 inches nor more than 42 inches above the level surface upon which the vehicle stands. The provisions of s. 316.237 shall apply to any combination of headlamps and auxiliary driving lamps.

*History.*—s. 1, ch. 71-135.

### 316.234 Signal lamps and signal devices.

(1) Any vehicle may be equipped and, when required under this chapter, shall be equipped with a stop lamp or lamps on the rear of the vehicle which shall display a red or amber light, visible from a distance of not less than 300 feet to the rear in normal sunlight, and which shall be actuated upon application of the service (foot) brake, and which may but need not be incorporated with one or more other rear lamps.

(2) Any vehicle may be equipped and, when required under s. 316.222(2), shall be equipped with electric turn signals which shall indicate an intention to turn by flashing lights showing to the front and rear of a vehicle or on a combination of vehicles on the side of the vehicle or combination toward which the turn is to be made. The lamps showing to the front shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit white or amber light. The lamps showing to the rear shall be mounted on the same level and as widely spaced laterally as practicable, and, when signaling, shall emit a red or amber light. Turn signal lamps on vehicles 80 inches or more in overall width shall be visible from a distance of not less than 500 feet to the front and rear in normal sunlight. Turn signal lamps on vehicles less than 80 inches wide shall be visible at a distance of not less than 300 feet to the front and rear in normal sunlight. Turn signal lamps may, but need not be, incorporated in other lamps on the vehicle.

*History.*—s. 1, ch. 71-135.

### 316.235 Additional lighting equipment.

(1) Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare.

(2) Any motor vehicle may be equipped with not more than one running board courtesy lamp on each side thereof which shall emit a white or amber light without glare.

(3) Any motor vehicle may be equipped with one or more backup lamps either separately or in combination with other lamps, but any such backup lamp

or lamps shall not be lighted when the motor vehicle is in forward motion.

(4) Any vehicle 80 inches or more in overall width, if not otherwise required by s. 316.2225, may be equipped with not more than three identification lamps showing to the front which shall emit an amber light without glare and not more than three identification lamps showing to the rear which shall emit a red light without glare. Such lamps shall be mounted as specified in this chapter.

History.—s. 1, ch. 71-135; s. 27, ch. 76-31.

### 316.237 Multiple beam road lighting equipment.

(1) Except as hereinafter provided, the headlamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles shall be so arranged that the driver may select at will between distributions of light projected to different elevations and such lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations:

(a) There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least 450 feet ahead for all conditions of loading.

(b) There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 150 feet ahead; and on a straight level road under any condition of loading none of the high intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

(2) Every new motor vehicle registered in this state shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the headlamps is in use, and shall not otherwise be lighted. Said indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

History.—s. 1, ch. 71-135.

**316.238 Use of multiple-beam road-lighting equipment.**—Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in s. 316.217, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

(1) Whenever the driver of a vehicle approaches an oncoming vehicle within 500 feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in ss. 316.237(1)(b) and 316.430(2)(b) shall be deemed to avoid glare at all times, regardless of road contour and loading.

(2) Whenever the driver of a vehicle approaches another vehicle from the rear within 300 feet, such driver shall use a distribution of light permissible under this chapter other than the uppermost distribution

of light specified in ss. 316.237(1)(a) and 316.430(2)(a).

History.—s. 1, ch. 71-135; s. 28, ch. 76-31.

**316.2385 Requirements for use of lower beam.**—The lower or passing beam shall be used at all times during the twilight hours in the morning and the twilight hours in the evening, and during fog, smoke and rain. Twilight shall mean the time between sunset and full night or between full night and sunrise.

History.—s. 1, ch. 71-135; s. 91, ch. 73-333; s. 1, ch. 76-31.

Note.—Former s. 316.236.

**316.239 Single-beam road-lighting equipment.**—Headlamp systems which provide only a single distribution of light shall be permitted on all farm tractors regardless of date of manufacture, and on other motor vehicles manufactured and sold prior to January 1, 1972, in lieu of multiple-beam road-lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations:

(1) The headlamps shall be so aimed that when the vehicle is not loaded none of the high intensity portion of the light shall, at a distance of 25 feet ahead, project higher than a level of five inches below the level of the center of the lamp from which it comes, and in no case higher than 42 inches above the level on which the vehicle stands at a distance of 75 feet ahead.

(2) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least 200 feet.

History.—s. 1, ch. 71-135.

**316.2395 Motor vehicles; minimum headlamp requirement.**—Any motor vehicle may be operated at nighttime under the conditions specified in ss. 316.237 and 316.239, when equipped with two lighted lamps upon the front thereof capable of revealing persons and objects 100 feet ahead in lieu of lamps required in ss. 316.237 and 316.239. However, at no time when lighted lamps are required shall such motor vehicle be operated in excess of 20 miles per hour.

History.—s. 71-135; s. 1, ch. 76-31.

Note.—Former s. 316.219.

**316.2396 Number of driving lamps required or permitted.**—

(1) At all times specified in s. 316.217, at least two lighted lamps shall be displayed, one on each side at the front of every motor vehicle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles.

(2) Whenever a motor vehicle equipped with headlamps, as herein required, is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of intensity greater than 300 candlepower, not more than a total of 4 of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

History.—s. 1, ch. 71-135; s. 1, ch. 76-31.

Note.—Former s. 316.219.

**316.2397 Certain lights prohibited; exceptions.**—

(1) No person shall drive or move or cause to be

moved any vehicle or equipment upon any highway within this state with any lamp or device thereon showing or displaying a red or blue light visible from directly in front thereof except for certain vehicles hereinafter provided.

(2) It is expressly prohibited for any vehicle or equipment, except police vehicles, to show or display blue lights.

(3) Vehicles of the fire department and fire patrol, including vehicles of volunteer firemen as permitted under s. 316.2398, and ambulances as authorized under this chapter are permitted to show or display red lights. Wreckers, mosquito control fog and spray vehicles, and emergency vehicles of governmental departments or public service corporations may show or display amber lights when in actual operation or a hazard exists provided they are not used going to and from the scene of operation or hazard without specific authorization of a law enforcement officer or law enforcement agency. Further, escort vehicles will be permitted to show or display amber lights when in actual process of escorting over-dimensional equipment, material, or buildings as authorized by law. School buses may show and display lights as provided in chapter 234.

(4) Road or street maintenance equipment, road or street maintenance vehicles, road service vehicles, and mail carrier vehicles may show or display amber lights when in operation or a hazard exists.

(5) All lighting equipment heretofore referred to shall meet all requirements as set forth in s. 316.241.

(6) Flashing lights are prohibited on vehicles except as a means of indicating a right or left turn, or to change lanes, or to indicate the vehicle is lawfully stopped or disabled upon the highway, or except that the lamps authorized in subsections (1), (2), (3) and (4) shall be permitted to flash.

(7) Subsection (1) shall not apply to police, fire, or authorized emergency vehicles while in performance of their necessary duties.

*History.*—s. 1, ch. 71-135; ss. 1, 23, ch. 76-31.

*Note.*—Former s. 316.223.

### 316.2398 Display or use of red lights; motor vehicles or volunteer firemen.—

(1) Privately owned vehicles belonging to the active firemen members of regularly organized volunteer firefighting companies or associations, while en route to the fire station for the purpose of proceeding to scenes of fires or other emergencies or while en route to scenes of fires or other emergencies in the line of duty as active firemen members of regularly organized firefighting companies or associations, may display or use red lights visible from the front and from the rear of such vehicles, subject to the following restrictions and conditions:

(a) The light may not have a light source greater than 50 candlepower for each light displayed.

(b) Two such red lights may be displayed on each end of the vehicle, and such lights shall be of the flasher or revolving type.

(c) The red lights shall consist of a lamp with a red lens, but shall not consist of an uncolored lens with a red bulb.

(d) The red lights shall not be a part of the regular headlamps, taillights, or turn signal lights displayed on such vehicles.

(e) No inscription of any kind shall appear across the face of the lenses of the red lights.

(f) The lenses of the red lights shall not be less than 3 inches or more than 8 inches in diameter.

(g) In order for an active volunteer fireman to display such red lights on his vehicle, he must first secure a written permit from the chief executive officers of the firefighting organization to use the red lights, and this permit shall be carried by him at all times while the red lights are displayed.

(2) It is unlawful for any person who is not an active fireman member of a regularly organized volunteer firefighting company or association to display on any motor vehicle owned by him, at any time, red lights as described above.

(3) It is unlawful for any active volunteer fireman to use or display red lights as provided for herein, except while en route to the fire station for the purpose of proceeding to scenes of fires or other emergencies, or while en route to scenes of fires or other emergencies, in the line of duty.

(4) Any active volunteer fireman, or any other person who violates any of the provisions of this section, is guilty of a misdemeanor and, upon conviction, shall be fined in any sum not less than \$5 and no more than \$25, and shall be dismissed from membership of the firefighting organization by the chief executive officers thereof.

*History.*—s. 1, ch. 71-135; s. 1, ch. 76-31; s. 1, ch. 77-454.

*Note.*—Former s. 316.292.

### 316.240 Standards for lights on highway maintenance and service equipment.—

(1) The Department of Transportation shall adopt standards and specifications applicable to headlamps, clearance lamps, and identification and other lamps on highway maintenance and service equipment when operated on state roads and county road system of this state in lieu of the lamps otherwise required on motor vehicles by this chapter. Such standards and specifications may permit the use of flashing lights for purposes of identification on highway maintenance and service equipment when in service upon the highways. The standards and specifications for lamps referred to in this section shall correlate with, and as far as possible conform with, those approved by the American Association of State Highway Officials.

(2) It is unlawful to operate any highway maintenance and service equipment on any highway as described heretofore unless the lamps thereon comply with and are lighted when and as required by the standards and specifications adopted as provided in this section.

*History.*—s. 1, ch. 71-135.

### 316.241 Selling or using lamps or equipment.—

(1) No person shall have for sale, sell or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, semitrailer, or pole trailer or use upon any such vehicle any headlamp, auxiliary or fog lamp, rear lamp, signal lamp, or reflector, which reflector is required hereunder, or parts of any of the foregoing, which tend to change the original design or performance, unless of a type which has been submitted to the department and approved.

The foregoing provisions of this section shall not apply to equipment in actual use when this section is adopted or replacement parts therefor.

(2) No person shall have for sale, sell, or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, semitrailer, or pole trailer any lamp or device mentioned in this section which has been approved by the department unless such lamp or device bears thereon the trademark or name under which it is approved so as to be legible when installed.

(3) No person shall use upon any motor vehicle, trailer, semitrailer, or pole trailer any lamps mentioned in this section unless said lamps are mounted, adjusted, and aimed in accordance with instructions of the department.

**History.**—s. 1, ch. 71-135.

**316.242 Revocation of certificate of approval on lighting devices.**—

(1) When the department has reason to believe that an approved lighting device as being sold commercially does not comply with the requirements of this chapter, it may, after giving 30 days' previous notice to the person holding the certificate of approval for such device in this state, conduct a hearing upon the question of compliance of the approved device. After the hearing the department shall determine whether the approved device meets the requirements of this chapter. If the device does not meet the requirements of this chapter it shall give notice to the person holding the certificate of approval for such device in this state.

(2) If at the expiration of 90 days after such notice the person holding the certificate of approval for the device has failed to satisfy the department that the approved device as thereafter to be sold meets the requirements of this chapter, the department shall suspend or revoke the approval issued therefor until or unless such device is resubmitted to and retested by an authorized testing agency and is found to meet the requirements of this chapter, and may require that all said devices sold since the notification following the hearing be replaced with devices that do comply with the requirements of this chapter. The department may at the time of the retest purchase in the open market and submit to the testing agency one or more sets of such approved devices, and if the device upon retest fails to meet the requirements of this chapter, the department may refuse to renew the certificate of approval of such device.

**History.**—s. 1, ch. 71-135.

**316.261 Brake equipment required.**—Every motor vehicle, trailer, semitrailer, and pole trailer, and any combination of such vehicles, operating upon a highway within this state shall be equipped with brakes in compliance with the requirements of this chapter.

(1) **SERVICE BRAKES; ADEQUACY.**—Every such vehicle and combination of vehicles, except special mobile equipment not designed to carry persons, shall be equipped with service brakes adequate to control the movement of and to stop and hold such vehicle under all conditions of loading, and on any grade incident to its operation.

(2) **PARKING BRAKES; ADEQUACY.**—Every such vehicle and combination of vehicles shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free of loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind. The same brakedrums, brakeshoes and lining assemblies, brakeshoe anchors, and mechanical brakeshoe actuation mechanism normally associated with the wheel-brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of any one part shall not leave the vehicle without operative brakes.

(3) **BRAKES ON ALL WHEELS.**—Every vehicle shall be equipped with brakes acting on all wheels except:

(a) Trailers, semitrailers, or pole trailers of a gross weight not exceeding 3,000 pounds, provided that:

1. The total weight on and including the wheels of the trailer or trailers shall not exceed 40 percent of the gross weight of the towing vehicle when connected to the trailer or trailers; and

2. The combination of vehicles, consisting of the towing vehicle and its total towed load, is capable of complying with the performance requirements of s. 316.262.

(b) Pole trailers with a gross weight in excess of 3,000 pounds manufactured prior to January 1, 1972, need not be equipped with brakes.

(c) Any vehicle being towed in driveaway or towaway operations, provided the combination of vehicles is capable of complying with the performance requirements of s. 316.262.

(d) Trucks and truck-tractors having three or more axles need not have brakes on the front wheels, except that when such vehicles are equipped with at least two steerable axles, the wheels of one steerable axle need not have brakes. However, such trucks and truck-tractors must be capable of complying with the performance requirements of s. 316.262.

(e) Special mobile equipment not designed to carry persons.

(f) "Antique cars" as defined in s. 320.08, and "horseless carriages" as defined in s. 320.086.

(4) **AUTOMATIC TRAILER BRAKE APPLICATION UPON BREAKAWAY.**—Every trailer, semitrailer, and pole trailer with air or vacuum-actuated brakes, every trailer and semitrailer with a gross weight in excess of 3,000 pounds, and every pole trailer with a gross weight in excess of 3,000 pounds manufactured or assembled after January 1, 1972,

shall be equipped with brakes acting on all wheels and of such character as to be applied automatically and promptly, and remain applied for at least 15 minutes, upon breakaway from the towing vehicle.

(5) **TRACTOR BRAKES PROTECTED.**—Every motor vehicle manufactured or assembled after January 1, 1972, and used to tow a trailer, semitrailer, or pole trailer equipped with brakes, shall be equipped with means for providing that in case of breakaway of the towed vehicle, the towing vehicle will be capable of being stopped by the use of its service brakes.

(6) **TRAILER AIR RESERVOIRS SAFEGUARDED.**—Air brake systems installed on trailers manufactured or assembled after January 1, 1972, shall be so designed that the supply reservoir used to provide air for the brakes shall be safeguarded against backflow of air from the reservoir through the supply line.

(7) **TWO MEANS OF EMERGENCY BRAKE OPERATION.**—

(a) Every towing vehicle, when used to tow another vehicle equipped with air-controlled brakes, in other than driveaway or towaway operations, shall be equipped with two means for emergency application of the trailer brakes. One of these means shall apply the brakes automatically in the event of a reduction of the towing vehicle air supply to a fixed pressure which shall not be lower than 20 pounds per square inch nor higher than 45 pounds per square inch. The other means shall be a manually controlled device for applying and releasing the brakes, readily operable by a person seated in the driving seat, and its emergency position or method of operation shall be clearly indicated. In no instance may the manual means be so arranged as to permit its use to prevent operation of the automatic means. The automatic and the manual means required by this section may be, but are not required to be, separate.

(b) Every towing vehicle used to tow other vehicles equipped with vacuum brakes, in operations other than driveaway or towaway operations, shall have, in addition to the single-control device required by subsection (8), a second-control device which can be used to operate the brakes on towed vehicles in emergencies. The second control shall be independent of brake air, hydraulic, and other pressure, and independent of other controls, unless the braking system is so arranged that failure of the pressure upon which the second control depends will cause the towed vehicle brakes to be applied automatically. The second control is not required to provide modulated braking.

(8) **SINGLE CONTROL TO OPERATE ALL BRAKES.**—Every motor vehicle, trailer, semitrailer and pole trailer, and every combination of such vehicles, equipped with brakes shall have the braking system so arranged that one control device can be used to operate all service brakes. This requirement does not prohibit vehicles from being equipped with an additional control device to be used to operate brakes on the towed vehicles. This regulation does not apply to driveaway or towaway operations unless the brakes on the individual vehicles are de-

signed to be operated by a single control on the towing vehicle.

(9) **RESERVOIR CAPACITY AND CHECK VALVE.**—

(a) *Air brakes.*—Every bus, truck or truck-tractor with air-operated brakes shall be equipped with at least one reservoir sufficient to insure that, when fully charged to the maximum pressure as regulated by the air compressor governor cutout setting, a full service-brake application may be made without lowering such reservoir pressure by more than 20 percent. Each reservoir shall be provided with means for readily draining accumulated oil or water.

(b) *Vacuum brakes.*—Every truck with three or more axles equipped with vacuum assistor-type brakes and every truck-tractor and truck used for towing a vehicle equipped with vacuum brakes shall be equipped with a reserve capacity or a vacuum reservoir sufficient to insure that, with the reserve capacity or reservoir fully charged and with the engine stopped, a full service-brake application may be made without depleting the vacuum supply by more than 40 percent.

(c) *Reservoir safeguarded.*—All motor vehicles, trailers, semitrailers, and pole trailers, when equipped with air or vacuum reservoirs or reserve capacity as required by this section, shall have such reservoirs or reserve capacity so safeguarded by a check valve or equivalent device that in the event of failure or leakage in its connection to the source of compressed air or vacuum, the stored air or vacuum shall not be depleted by the leak or failure.

(10) **WARNING DEVICES.**—

(a) *Air brakes.*—Every bus, truck or truck-tractor using compressed air for the operation of its own brakes or the brakes on any towed vehicle shall be provided with a warning signal, other than a pressure gauge, readily audible or visible to the driver, which will operate at any time the air reservoir pressure of the vehicle is below 50 percent of the air compressor governor cutout pressure. In addition, each such vehicle shall be equipped with a pressure gauge visible to the driver, which indicates in pounds per square inch the pressure available for braking.

(b) *Vacuum brakes.*—Every truck-tractor and truck used for towing a vehicle equipped with vacuum operated brakes and every truck with three or more axles using vacuum in the operation of its brakes, except those in driveaway or towaway operations, shall be equipped with a warning signal, other than a gauge indicating vacuum, readily audible or visible to the driver, which will operate at any time the vacuum in the vehicle's supply reservoir or reserve capacity is less than 8 inches of mercury.

(c) *Combination of warning devices.*—When a vehicle required to be equipped with a warning device is equipped with both air and vacuum power for the operation of its own brakes or the brakes on a towed vehicle, the warning devices may be, but are not required to be, combined into a single device which will serve both purposes. A gauge or gauges indicating pressure or vacuum shall not be deemed to be an adequate means of satisfying this requirement.

History.—s. 1, ch. 71-135.

**316.262 Performance ability of motor vehicle brakes.—**

(1) Every motor vehicle and combination of vehicles, at all times and under all conditions of loading, upon application of the service brake, shall be capable of:

(a) Developing a braking force that is not less than the percentage of its gross weight tabulated herein for its classification;

(b) Decelerating to a stop from not more than 20 miles per hour at not less than the feet per second per second tabulated herein for its classification; and

(c) Stopping from a speed of 20 miles per hour in not more than the distance tabulated herein for its classification, such distance to be measured from the point at which movement of the service brake pedal or control begins.

(2) Tests for deceleration and stopping distance shall be made on a substantially level (not to exceed plus or minus 1 percent grade), dry, smooth, hard surface that is free from loose material.

Classification of vehicles	Braking force as a percentage of gross vehicle or combination weight	Deceleration in feet per second per second	Brake system application and braking distance in feet from an initial speed of 20 m.p.h.		
A Passenger vehicles with a seating capacity of 10 people or less including driver, not having a manufacturer's gross vehicle weight rating	52.8%	17	25		
B Single unit vehicles with a manufacturer's gross vehicle weight rating of 10,000 pounds or less	43.5%	14	30		
C-1 Single unit vehicles with a manufacturer's gross weight rating of more than 10,000 pounds	43.5%	14	40		
C-2 Combination of a two-axle towing vehicle and a trailer with a gross trailer weight of 3,000 pounds or less	43.5%	14	40		

C-3 Buses, regardless of the number of axles, not having a manufacturer's gross weight rating 43.5% 14 40

C-4 All combinations of vehicles in drive-away-towaway operations 43.5% 14 40

D All other vehicles and combinations of vehicles 43.5% 14 50

*History.*—s. 1, ch. 71-135.

**316.263 Maintenance of brakes.**—All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

*History.*—s. 1, ch. 71-135.

**316.267 Brakes on electric-powered vehicles.**—When operated on the public streets and roads, every electric-powered vehicle with a rating of 3 to 6 horsepower shall be equipped with hydraulic brakes on the two rear wheels and at all times and under all conditions of loading, upon application of the service brake, shall be capable of:

(1) Developing a braking force that is not less than 43.5 percent of its gross weight.

(2) Decelerating to a stop from not more than 20 miles per hour at not less than 17 feet per second.

(3) Stopping from a speed of 20 miles per hour in not more than 25 feet, such distance to be measured from the point at which movement of the service brake pedal or control begins.

*History.*—s. 2, ch. 76-34.

**316.271 Horns and warning devices.—**

(1) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall, when reasonably necessary to insure safe operation, give audible warning with his horn, but shall not otherwise use such horn when upon a highway.

(2) No vehicle shall be equipped with, nor shall any person use upon a vehicle, any siren, whistle or bell, except as otherwise permitted in this section.

(3) It is permissible but not required that any vehicle be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal.

(4) Every authorized emergency vehicle shall be equipped with a siren, whistle, or bell, capable of emitting sound audible under normal conditions from a distance of not less than 500 feet and of a type

approved by the department, but such siren shall not be used except when the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which event the driver of the vehicle shall sound the siren when reasonably necessary to warn pedestrians and other drivers of the approach thereof.

**History.**—s. 1, ch. 71-135.

### 316.272 Exhaust systems, prevention of noise.—

(1) Every motor vehicle shall at all times be equipped with an exhaust system in good working order and in constant operation, including muffler, manifold pipe, and tailpiping to prevent excessive or unusual noise. In no event shall an exhaust system allow noise at a level which exceeds a maximum decibel level to be established by regulation of the Department of Environmental Regulation as provided in s. 403.061(13) in cooperation with the Department of Highway Safety and Motor Vehicles. No person shall use a muffler cutout, bypass or similar device upon a vehicle on a highway.

(2) The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

**History.**—s. 1, ch. 71-135; s. 1, ch. 72-39; s. 1, ch. 73-89; s. 27, ch. 79-65.

### 316.293 Motor vehicle noise.—

(1) **DEFINITIONS.**—The following words and phrases, when used in this section, shall have the meanings respectively assigned to them in this subsection, except where the context otherwise requires:

(a) "dB A" means the composite abbreviation for the A-weighted sound level and the unit of sound level, the decibel.

(b) "Gross combination weight-rating" or "GCWR" means the value specified by the manufacturer as the loaded weight of a combination vehicle.

(c) "Gross vehicle weight-rating" or "GVWR" means the value specified by the manufacturer as the loaded weight of a single vehicle.

(d) "Sound level" means the A-weighted sound pressure level measured with fast response using an instrument complying with the specification for sound level meters of the American National Standards Institute, Inc., or its successor bodies, except that only A-weighting and fast dynamic response need be provided.

(e) "Department" means the Department of Highway Safety and Motor Vehicles.

(2) **OPERATING NOISE LIMITS.**—No person shall operate or be permitted to operate a vehicle at any time or under any condition of roadway grade, load, acceleration, or deceleration in such a manner as to generate a sound level in excess of the following limit for the category of motor vehicle and applicable speed limit at a distance of 50 feet from the center of the lane of travel under measurement procedures established under subsection (3).

(a) For motorcycles other than motor-driven cycles:

Sound level limit	
Speed limit 35 mph or less	Speed limit over 35 mph

Before		
January 1, 1979	82 dB A	86 dB A
On or after		
January 1, 1979	78 dB A	82 dB A

(b) For any motor vehicle with a GVWR or GCWR of 10,000 pounds or more:

Sound level limit	
Speed limit 35 mph or less	Speed limit over 35 mph
On or after	
January 1, 1975	86 dB A
	90 dB A

(c) For motor-driven cycles and any other motor vehicle not included in paragraph (a) or paragraph (b):

Sound level limit	
Speed limit 35 mph or less	Speed limit over 35 mph
Before	
January 1, 1979	76 dB A
On or after	
January 1, 1979	72 dB A
	79 dB A

(3) **MEASUREMENT PROCEDURES.**—The measurement procedures for determining compliance with this section shall be established by regulation of the Department of Environmental Regulation as provided in s. 403.415(9), in cooperation with the department. Such regulations shall include the selection of measurement sites and measurement procedures and shall take into consideration accepted scientific and professional methods for the measurement of vehicular sound levels. The measurement procedures may include adjustment factors to be applied to the noise limit for measurement distances of other than 50 feet from the center of the lane of travel.

(4) **APPLICABILITY.**—This section applies to the total noise from a vehicle and shall not be construed as limiting or precluding the enforcement of any other provisions of this chapter relating to motor vehicle mufflers for noise control.

(5) **NOISE ABATEMENT EQUIPMENT MODIFICATIONS.**—

(a) No person shall modify the exhaust system of a motor vehicle or any other noise-abatement device of a motor vehicle operated or to be operated upon the highways of this state in such a manner that the noise emitted by the motor vehicle is above that emitted by the vehicle as originally manufactured.

(b) No person shall operate a motor vehicle upon the highways of the state with an exhaust system or noise-abatement device so modified.

(6) **EXEMPT VEHICLES.**—The following are exempt from the operation of this act:

- (a) Emergency vehicles operating as specified in s. 316.072(5)(a).
- (b) Any motor vehicle engaged in a professional or amateur sanctioned, competitive sports event for which admission or entry fee is charged, or practice or time trials for such event.

(c) Any motor vehicle engaged in a manufacturer's engineering, design, or equipment test.

(d) Construction or agricultural equipment either on a job site or traveling on the highways.

**History.**—s. 4, ch. 74-110; s. 32, ch. 76-31; s. 2, ch. 78-280; s. 28, ch. 79-65.

**316.294 Mirrors.**—Every vehicle, operated singly or when towing any other vehicle, shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of the motor vehicle.

**History.**—s. 1, ch. 71-135; s. 1, ch. 76-31.

**Note.**—Former s. 316.273.

**316.295 Windshields required to be unobstructed, fixed upright and equipped with safety glass and wipers.**—

(1) Front windshields in a fixed and upright position equipped with safety glass as defined in and required by s. 320.062 are required on all motor vehicles which are driven on public highways, roads, or streets except motorcycles and implements of husbandry, and no person shall drive any motor vehicle with any sign or other nontransparent material upon the front windshield, sidewings, or side or rear windows of such vehicle, other than a certificate or other paper required to be so displayed by law.

(2)(a) No person shall operate any motor vehicle upon any public highway, road, or street, on which the front windshield is composed of, covered by, or treated with, any material which has the effect of making the windshield reflective or in any other way nontransparent.

(b) No person shall operate any motor vehicle upon any public highway, road, or street, on which the rear window is composed of, covered by, or treated with, any material which has a highly reflective or mirrored appearance and which has a total solar reflectance, when applied to automotive glass, greater than 35 percent in the visible light range.

(c) No person shall operate any motor vehicle upon any public highway, road, or street, on which the rear window is composed of, covered by, or treated with, any material which has the effect of making the rear window nontransparent unless the vehicle is equipped with side mirrors on both sides that meet the requirement of s. 316.294.

(d) No person shall operate any motor vehicle upon any public highway, road, or street, on which the sidewings and side windows on either side forward of or adjacent to the operator's seat are composed of, covered by, or treated with, any material which has the effect of making these glass areas nontransparent in any way or which has a highly reflective or mirrored appearance and a total solar reflectance, when applied to automotive glass, greater than 35 percent in the visible light range.

(e) Any person required for medical reasons to be shielded from the direct rays of the sun, and any person operating a motor vehicle belonging to such person or in which such person is a habitual passenger, shall be exempt from the provisions of paragraphs (b) and (d). Such requirement must be attested to by a physician licensed to practice in this state. Before placing any such shielding material upon any window, a person desiring the exemption shall submit an application to the Florida Highway Patrol which shall record such exemption and which, upon granting such exemption, shall distribute a sufficiently noticeable sticker which shall be adhered to each exempted window.

(3) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

(4) Every windshield wiper upon a motor vehicle shall be maintained in good working order.

(5) Grove equipment, including "goats," "high-lift-goats," grove chemical supply tanks, fertilizer distributors, fruit-loading equipment, and electric-powered vehicles regulated under the provisions of s. 316.267, shall be exempt from the requirements of this section. However, such electric-powered vehicles shall have a windscreens approved by the department sufficient to give protection from wind, rain, or insects, and such windscreens shall be in place whenever the vehicle is operated on the public roads and highways.

**History.**—s. 1, ch. 71-135; s. 1, ch. 72-287; s. 1, ch. 75-249; ss. 1, 22, ch. 76-31; s. 1, ch. 76-34; s. 1, ch. 78-271.

**Note.**—Former s. 316.210.

**316.296 Selling motor vehicle equipped with windows which are reflective or nontransparent; penalty.**—

(1) No person shall have for sale, sell, or offer for sale any motor vehicle with windows that are in violation of the provisions of subsection 316.295(2).

(2) Any person violating the provisions of this section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

**History.**—s. 2, ch. 75-249; ss. 1, 34, ch. 76-31.

**Note.**—Former s. 316.2105.

**316.297 Selling reflective or nontransparent material for motor vehicle windows; penalty.**—

(1) On and after July 1, 1975, no person shall knowingly sell any material for the purpose of installation on, or as a replacement for, the windows of a motor vehicle when such installation would bring the vehicle into noncompliance with s. 316.295.

(2) Any person violating the provisions of this section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

**History.**—s. 3, ch. 75-249; ss. 1, 35, ch. 76-31.

**Note.**—Former s. 316.2106.

**316.298 Motor vehicle windows; exemptions for manufacturers.**—The provisions of ss. 316.295, 316.296, and 316.297 shall not apply to the manufacturer's tinting of motor vehicle windows or to certificates or other papers required to be so displayed by law; however, no motor vehicle window described in paragraph 316.295(2)(b) or paragraph 316.295(2)(c) shall have a total solar reflectance, when applied to

automotive glass, greater than 35 percent in the visible light range.

**History.**—s. 4, ch. 75-249; ss. 1, 36, ch. 76-31.  
**Note.**—Former s. 316.2107.

**316.299 Rough surfaced wheels prohibited.**—No person shall drive, propel, operate, or cause to be driven, propelled or operated over any paved or graded public road of this state any tractor engine, tractor or other vehicle or contrivance having wheels provided with sharpened or roughened surfaces, other than roughened pneumatic rubber tires having studs designed to improve traction without materially injuring the surface of the highway, unless the rims or tires of the wheels of such tractor engines, tractors, or other vehicles or contrivances are provided with suitable filler blocks between the cleats so as to form a smooth surface. This requirement shall not apply to tractor engines, tractors, or other vehicles or contrivances if the rims or tires of their wheels are constructed in such manner as to prevent injury to such roads. This restriction shall not apply to tractor engines, tractors, and other vehicles or implements used by any county or the Department of Transportation in the construction or maintenance of roads or to farm implements weighing less than 1,000 pounds when provided with wheel surfaces of more than  $\frac{1}{2}$  inch in width.

**History.**—s. 1, ch. 71-135; s. 1, ch. 76-31.  
**Note.**—Former s. 316.290.

**316.300 Certain vehicles to carry flares or other devices.**—

(1) No person shall operate any truck, bus, or truck-tractor, or any motor vehicle towing a house trailer, upon any highway outside an urban district or upon any divided highway at any time between sunset and sunrise unless there is carried in such vehicles the following equipment, except as provided in subsection (2):

(a) At least three flares, three red electric lanterns, or three portable red emergency reflectors, each of which shall be capable of being seen and distinguished at a distance of not less than 600 feet under normal atmospheric conditions at nighttime. No flare, fusee, electric lantern, or warning flag shall be used for the purpose of compliance with the requirements of this section unless such equipment is of a type which has been submitted to the department and approved by it. No portable reflector unit shall be used for the purpose of compliance with the requirements of this section unless it is so designed and constructed as to be capable of reflecting red light clearly visible from all distances within 600 feet to 100 feet under normal atmospheric conditions at night when directly in front of lawful lower beams of headlamps, and unless it is of a type which has been submitted to the department and approved by it.

(b) At least three red-burning fusees, unless red electric lanterns or red portable emergency reflectors are carried.

(2) No person shall operate at the time and under conditions stated in subsection (1) any motor vehicle used for the transportation of explosives, any cargo tank truck used for the transportation of flammable liquids or compressed gases, or any motor vehicle

using compressed gas as a fuel unless there is carried in such vehicle three red electric lanterns or three portable red emergency reflectors meeting the requirements of subsection (1), and there shall not be carried in any such vehicle any flares, fusees, or signal produced by flame.

(3) No person shall operate any vehicle described in subsections (1) or (2) upon any highway outside of an urban district or upon a divided highway at any time when lighted lamps are not required by s. 316.217 unless there is carried in such vehicle at least two red flags, not less than 12 inches square, with standards to support such flags.

**History.**—s. 1, ch. 71-135; s. 1, ch. 76-31.  
**Note.**—Former s. 316.274.

**316.301 Display of warning lights and devices when vehicle is stopped or disabled.**—

(1) Whenever any truck, bus, truck tractor, trailer, semitrailer, or pole trailer 80 inches or more in overall width or 30 feet or more in overall length is stopped upon a roadway or adjacent shoulder, the driver shall immediately actuate vehicular hazard-warning signal lamps meeting the requirements of this chapter. Such lights need not be displayed by a vehicle parked lawfully in an urban district, or stopped lawfully to receive or discharge passengers, or stopped to avoid conflict with other traffic or to comply with the directions of a police officer or an official traffic control device, or while the devices specified in subsection (2)-(8) are in place.

(2) Whenever any vehicle of a type referred to in subsection (1) is disabled, or stopped for more than 10 minutes, upon a roadway outside of an urban district at any time when lighted lamps are required, the driver of such vehicle shall display the following warning devices except as provided in subsection (3):

(a) A lighted fusee, a lighted red electric lantern or a portable red emergency reflector shall immediately be placed at the traffic side of the vehicle in the direction of the nearest approaching traffic.

(b) As soon thereafter as possible but in any event within the burning period of the fusee (15 minutes), the driver shall place 3 liquid-burning flares (pot torches), or 3 lighted red electric lanterns, or 3 portable red emergency reflectors on the roadway in the following order:

1. One approximately 100 feet from the disabled vehicle in the center of the lane occupied by such vehicle and toward traffic approaching in that lane;

2. One approximately 100 feet in the opposite direction from the disabled vehicle and in the center of the traffic lane occupied by such vehicle; and

3. One at the traffic side of the disabled vehicle not less than 10 feet rearward or forward thereof in the direction of the nearest approaching traffic. If a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic side of the vehicle in accordance with paragraph (a) of this subsection, it may be used for this purpose.

(3) Whenever any vehicle referred to in this section is disabled, or stopped for more than 10 minutes, within 500 feet of a curve, hill crest or other obstruction to view, the warning device in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than 100

feet nor more than 500 feet from the disabled vehicle.

(4) Whenever any vehicle of a type referred to in this section is disabled, or stopped for more than 10 minutes, upon any roadway of a divided highway during the time lighted lamps are required, the appropriate warning devices prescribed in subsections (2) and (5) shall be placed as follows:

(a) One at a distance of approximately 200 feet from the vehicle in the center of the lane occupied by the stopped vehicle and in the direction of traffic approaching in that lane.

(b) One at a distance of approximately 100 feet from the vehicle, in the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane.

(c) One at the traffic side of the vehicle and approximately 10 feet from the vehicle in the direction of the nearest approaching traffic.

(5) Whenever any motor vehicle used in the transportation of explosives or any cargo tank truck used for the transportation of any flammable liquid or compressed flammable gas, or any motor vehicle using compressed gas as a fuel, is disabled, or stopped for more than 10 minutes, at any time and place mentioned in subsections (2), (3) or (4), the driver of such vehicle shall immediately display red electric lanterns or portable red emergency reflectors in the same number and manner specified therein. Flares, fusees or signals produced by flame shall not be used as warning devices for disabled vehicles of the type mentioned in this subsection.

(6) The warning devices described in subsections (2)-(5) need not be displayed where there is sufficient light to reveal persons and vehicles within a distance of 1,000 feet.

(7) Whenever any vehicle described in this section is disabled, or stopped for more than 10 minutes, upon a roadway outside of an urban district or upon the roadway of a divided highway at any time when lighted lamps are not required by s. 316.217, the driver of the vehicle shall display two red flags as follows:

(a) If traffic on the roadway moves in two directions, one flag shall be placed approximately 100 feet to the rear and one flag approximately 100 feet in advance of the vehicle in the center of the lane occupied by such vehicle.

(b) Upon a one-way roadway, one flag shall be placed approximately 100 feet and one flag approximately 200 feet to the rear of the vehicle in the center of the lane occupied by such vehicle.

(8) When any vehicle described in this section is stopped entirely off the roadway and on an adjacent shoulder at any time and place hereinbefore mentioned, the warning devices shall be placed, as nearly as practicable, on the shoulder near the edge of the roadway.

(9) The flares, fusees, red electric lanterns, portable red emergency reflectors and flags to be displayed as required in this section shall conform with the requirements of this chapter applicable thereto.

**History.**—s. 1, ch. 71-135; s. 1, ch. 76-31.

**Note.**—Former s. 316.230.

### 316.302 Transportation of hazardous materials, explosives, flammable liquids, radioactive materials, etc.—

(1)(a) Any vehicle used for transporting any hazardous material as defined in subpart B, part 172, 49 C.F.R., shall be placarded in accordance with the rules and regulations of 49 C.F.R. s. 172.504. Any person transporting any hazardous material that has not been placarded as provided in this paragraph is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Any vehicle used for transporting any explosives as a cargo or part of a cargo upon the highways, roads, or streets of this state shall be marked or placarded on the front, both sides, and the rear with the word "EXPLOSIVES" in letters not less than 6 inches high, or in lieu thereof shall conspicuously display upon an erect pole a red flag, not less than 540 square inches in area with the word "EXPLOSIVES" thereon in white letters not less than 6 inches high. Any vehicle used for transporting any flammable liquids as a cargo or part of a cargo upon the highways, roads, or streets of this state shall be marked or placarded on each side and the rear with the word "GASOLINE," other name of fuel or flammable liquid carried or other applicable wording in letters of such height as required by rules and regulations made and promulgated by the Department of Insurance. Every such vehicle shall be equipped with not less than two fire extinguishers, filled and ready for immediate use, and placed at a convenient point on the vehicle so used. Any vehicle used for transporting any radioactive material as a cargo or part of a cargo upon the highways, roads, or streets of this state but not regulated as to such transportation by federal authority shall be marked or placarded with such words and symbols of identification as may be prescribed by the regulations of the Department of Insurance. The Department of Insurance is authorized in accordance with chapter 633 to make and promulgate such additional rules and regulations governing the transportation of explosives, flammable liquids, and other dangerous articles, including radioactive materials, by vehicles upon the highways, roads, and streets as it shall deem advisable for the protection of the public, and all such rules and regulations shall have the full force and effect of law. As to radioactive materials, it shall promulgate rules and regulations no less restrictive than those imposed by federal authority for similar interstate transportation.

(2) The provisions of subsection (1) shall not be applicable to the transporting of liquefied petroleum gas. The rules and regulations applicable to the transporting of liquefied petroleum gas on the highways, roads, or streets of this state shall be only those made and promulgated by the Department of Insurance under chapter 527.

**History.**—s. 1, ch. 71-135; s. 1, ch. 76-31; s. 1, ch. 79-254.

**Note.**—Former s. 316.236.

**cf.**—s. 381.512 Transportation of radioactive materials.

### 316.303 Television receivers.—

(1) No motor vehicle operated on the highways of this state shall be equipped with television-type receiving equipment so located that the viewer or screen is visible from the driver's seat.

(2) This section does not prohibit the use of television-type receiving equipment used exclusively for safety or law enforcement purposes, provided such use is approved by the department.

**History.**—s. 1, ch. 71-135; s. 1, ch. 76-31.  
**Note.**—Former s. 316.275.

**316.304 Wearing of headsets.**—No person shall operate a motor vehicle while wearing a headset, headphone, or other listening device, other than a hearing aid or instrument for the improvement of defective human hearing. However, this section shall not apply to any law enforcement officer equipped with any communication device necessary in performing his assigned duties.

**History.**—s. 1, ch. 73-4; s. 1, ch. 76-31.  
**Note.**—Former s. 316.0285.

#### **316.400 Headlamps.**—

(1) Every motorcycle and every motor-driven cycle shall be equipped with at least one and not more than two headlamps which shall comply with the requirements and limitations of this chapter.

(2) Every headlamp upon every motorcycle and motor-driven cycle shall be located at a height of not more than 54 inches nor less than 24 inches to be measured as set forth in s. 316.217(3).

**History.**—s. 1, ch. 71-135; s. 1, ch. 76-31.  
**Note.**—Former s. 316.243.

#### **316.405 Motorcycle headlights to be turned on.**—

(1) Any person who operates a motorcycle or motor-driven cycle on the public streets or highways shall, while so engaged, have the headlight or headlights of such motorcycle or motor-driven cycle turned on. Failure to comply with this section during the hours from sunrise to sunset, unless compliance is otherwise required by law, shall not be admissible as evidence of negligence in a civil action.

(2) Failure to comply with the provisions of this section shall not be deemed negligence per se in any civil action, but the violation of this section may be considered on the issue of negligence if the violation of this section is a proximate cause of an accident.

**History.**—ss. 1, 2, ch. 71-351; s. 1, ch. 76-31.  
**Note.**—Former s. 316.2431.

#### **316.410 Taillamps.**—

(1) Every motorcycle and motor-driven cycle shall have at least one taillamp which shall be located at a height of not more than 72 nor less than 20 inches.

(2) Either a taillamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of 50 feet to the rear. Any taillamp or taillamps, together with any separate lamp or lamps for illuminating the rear registration plate, shall be so wired as to be lighted whenever the headlamps or auxiliary driving lamps are lighted.

**History.**—s. 1, ch. 71-135; s. 1, ch. 76-31.  
**Note.**—Former s. 316.244.

#### **316.415 Reflectors.**—Every motorcycle and motor-driven cycle shall carry on the rear, either as

part of the taillamp or separately, at least one red reflector.

**History.**—s. 1, ch. 71-135; s. 1, ch. 76-31.  
**Note.**—Former s. 316.245.

**316.420 Stop lamps.**—Every motorcycle and motor-driven cycle shall be equipped with at least one stop lamp meeting the requirements of s. 316.234(1).

**History.**—s. 1, ch. 71-135; s. 1, ch. 76-31.  
**Note.**—Former s. 316.246.

#### **316.425 Lamps on parked motorcycles.**—

(1) Every motorcycle must comply with the provisions of s. 316.229 regarding lamps on parked vehicles and the use thereof.

(2) Motor-driven cycles need not be equipped with parking lamps or otherwise comply with the provisions of s. 316.229.

**History.**—s. 1, ch. 71-135; s. 1, ch. 76-31.  
**Note.**—Former s. 316.247.

#### **316.430 Multiple-beam road-lighting equipment.**—

(1) Every motorcycle other than a motor-driven cycle shall be equipped with multiple-beam road-lighting equipment.

(2) Such equipment shall:

(a) Reveal persons and vehicles at a distance of at least 300 feet ahead when the uppermost distribution of light is selected;

(b) Reveal persons and vehicles at a distance of at least 150 feet ahead when the lowermost distribution of light is selected.

On a straight, level road under any condition of loading none of the high intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

**History.**—s. 1, ch. 71-135; s. 1, ch. 76-31.  
**Note.**—Former s. 316.248.

**316.435 Lighting equipment for motor-driven cycles.**—The headlamp or headlamps upon every motor-driven cycle may be of the single-beam or multiple-beam type, but in either event shall comply with the requirements and limitations as follows:

(1) Every such headlamp or headlamps on a motor-driven cycle shall be of sufficient intensity to reveal persons and vehicles at a distance of not less than 100 feet when the motor-driven cycle is operated at any speed less than 25 miles per hour; at a distance of not less than 200 feet when the motor-driven cycle is operated at a speed of 25 or more miles per hour; and at a distance of not less than 300 feet when the motor-driven cycle is operated at a speed of 35 or more miles per hour.

(2) In the event the motor-driven cycle is equipped with a multiple-beam headlamp or headlamps, such equipment shall comply with the requirements of s. 316.430(2).

**History.**—s. 1, ch. 71-135; ss. 1, 29, ch. 76-31.  
**Note.**—Former s. 316.249.

**316.440 Brake equipment required.**—Every motor-driven cycle must comply with the provisions of s. 316.261, except that:

(1) Motorcycles and motor-driven cycles need not be equipped with parking brakes.

(2) The wheel of a sidecar attached to a motorcycle or to a motor-driven cycle, and the front wheel of a motor-driven cycle, need not be equipped with brakes, provided that such motorcycle or motor-driven cycle is capable of complying with the performance requirements of this chapter.

*History.*—s. 1, ch. 71-135; s. 1, ch. 76-31.

*Note.*—Former s. 316.264.

### 316.445 Performance ability of motorcycle brakes.—

(1) Every motorcycle and motor-driven cycle, at all times and under all conditions of loading, upon application of the service brake, shall be capable of:

(a) Developing a braking force that is not less than 43.5 percent of its gross weight;

(b) Decelerating to a stop from not more than 20 miles per hour at not less than 14 feet per second per second; and

(c) Stopping from a speed of 20 miles per hour in not more than 30 feet, such distance to be measured from the point at which movement of the service brake pedal or control begins.

(2) Tests for deceleration and stopping distance shall be made on a substantially level (not to exceed plus or minus 1 percent grade), dry, smooth, hard surface that is free from loose material.

*History.*—s. 1, ch. 71-135; s. 1, ch. 76-31.

*Note.*—Former s. 316.265.

### 316.450 Brakes on motor-driven cycles.—

(1) The department is authorized to require an inspection of the braking system on any motor-driven cycle and to disapprove any such braking system on a vehicle which it finds will not comply with the performance ability standard set forth in s. 316.445 or which in its opinion is equipped with a braking system that is not so designed or constructed as to insure reasonable and reliable performance in actual use.

(2) The department may refuse to register or may suspend or revoke the registration of any vehicle referred to in this section when it determines that the braking system thereon does not comply with the provisions of this section.

(3) No person shall operate on any highway any vehicle referred to in this section in the event the department has disapproved the braking system upon such vehicle.

*History.*—s. 1, ch. 71-135; ss. 1, 30, ch. 76-31.

*Note.*—Former s. 316.266.

**316.455 Other equipment.**—Every motorcycle and every motor-driven cycle shall comply with the requirements and limitations of s. 316.271 on horns and warning devices, s. 316.272 on mufflers and prevention of noise, and s. 316.294 on mirrors.

*History.*—s. 1, ch. 71-135; ss. 1, 31, ch. 76-31.

*Note.*—Former s. 316.277.

**316.500 Exceeding weight and length; penalties.**—It is a violation of this chapter for any person to drive or move, or for the owner to cause or knowingly permit to be driven or moved, on any highway any vehicle or vehicles of a size or weight exceeding the limitations stated in this chapter or otherwise in violation of this chapter, and the maximum size and weight of vehicles herein specified shall be lawful

throughout this state. Local authorities shall have no power or authority to alter said limitations except as express authority may be granted in this chapter.

*History.*—s. 1, ch. 71-135; s. 1, ch. 76-31.

*Note.*—Former s. 316.206.

**316.510 Projecting loads on passenger vehicles.**—No passenger type vehicle shall be operated on any highway with any load carried thereon extending beyond the fenders on the left side of the vehicle or extending more than 6 inches beyond the line of the fenders on the right side thereof.

*History.*—s. 1, ch. 71-135; s. 1, ch. 76-31.

*Note.*—Former s. 316.197.

### 316.515 Maximum width, height, length.—

(1) The total outside width of any vehicle or the load thereon shall not exceed 96 inches, except as otherwise provided in this chapter.

(2) No vehicle shall exceed a height of 13 feet 6 inches, inclusive of load carried thereon.

(3)(a) No vehicle shall exceed a length of 40 feet extreme overall dimension, inclusive of front and rear bumpers, and load carried thereon but exclusive of detachable wind-deflection devices which have been approved by the department. Any vehicle in excess of 35 feet, except buses, shall have not less than three axles. No combination of vehicles coupled together shall consist of more than two units, and no such combination of vehicles shall exceed a total length of 55 feet, inclusive of load carried thereon but exclusive of detachable wind-deflection devices which have been approved by the department. Automobile towaway or driveaway operations, transporting new or used trucks, may use what is known to the trade as saddle mounts, provided the overall length shall not exceed 55 feet and in no instance may more than two saddle mounts be towed. Combinations of vehicles up to five in number will be authorized for the sole purpose of collecting refuse and transporting same to the dump by vehicles and combinations of vehicles provided that such vehicles or combinations of vehicles shall be covered in such manner that refuse transported therein shall not spill from the vehicles, if they otherwise comply with the provisions of this law and only use the state roads to the extent necessary to collect and dispose of refuse.

(b) Tour trains and similar operations which have been continuously conducted for 120 days prior to the date this chapter becomes law shall also be authorized hereunder, subject to the length and other restrictions imposed by law, not in conflict with the provisions of this chapter.

(4) The load upon any vehicle operated alone, or the load upon the front vehicle of a combination of vehicles, shall not extend more than 3 feet beyond the front wheels of the vehicle or the front bumper of the vehicle if it is equipped with a bumper.

(5) The length limitation imposed by this section shall not apply to fire apparatus, to vehicles operated in the daytime when transporting poles, pipes, machinery or other objects of a structural nature which cannot readily be dismembered, or to such vehicles transporting such objects operated at night by a public utility when required for emergency repair of public service facilities or properties, when operated under special permit as hereinafter provided.

ed for, but in respect to such night transportation every such vehicle and the load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of the load.

(6) The limitations imposed by this section shall not apply to a combination of vehicles consisting of a wrecker licensed in accordance with s. 320.08(6)(c) and a disabled motor vehicle, trailer, semitrailer, or tractor-trailer combination which is under tow by the wrecker to a nearby authorized repair service.

*History.*—s. 1, ch. 71-135; s. 1, ch. 74-117; s. 1, ch. 76-31; s. 4, ch. 79-99.  
*Note.*—Former s. 316.196.

### 316.520 Loads on vehicles.—

(1) No vehicle shall be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking, blowing, or otherwise escaping therefrom, except that sand may be dropped only for the purpose of securing traction or water or other substance may be sprinkled on a roadway in cleaning or maintaining the roadway.

(2) It is the duty of every owner and driver, severally, of any vehicle hauling, upon any public road or highway open to the public, dirt, sand, lime rock, gravel, silica, or other similar aggregate or trash, garbage, or any similar material which could fall or blow from such vehicle, to prevent such materials from falling, blowing, or in any way escaping from such vehicle. Covering and securing the load with a close-fitting tarpaulin or other appropriate cover is required.

*History.*—s. 1, ch. 71-135; s. 1, ch. 73-174; s. 1, ch. 74-111; s. 1, ch. 76-31.  
*Note.*—Former s. 316.198.

**316.525 Requirements for vehicles hauling load.**—It is the duty of every owner, licensee, and driver, severally, of any truck, trailer, semitrailer, and pole trailer to use such stanchions, standards, stays, supports or other equipment, appliances, or contrivances, together with one or more lock chains, so as to fasten the load securely to the vehicle.

*History.*—s. 1, ch. 71-135; s. 1, ch. 76-31.  
*Note.*—Former s. 316.280.

### 316.530 Towing requirements.—

(1) When one vehicle is towing another vehicle the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby, and said drawbar or other connection shall not exceed 15 feet from one vehicle to the other except the connection between any two vehicles transporting poles, pipe, machinery or other objects of structural nature which cannot readily be dismembered. When one vehicle is towing another vehicle and the connection consists of a chain, rope, or cable, there shall be displayed upon such connection a white flag or cloth not less than 12 inches square.

(2) When a vehicle is towing a trailer or semitrailer on a public road or highway by means of a trailer hitch to the rear of the vehicle, there shall be attached in addition thereto safety chains from the trailer or semitrailer to the vehicle. These safety chains shall be of sufficient strength to maintain connection of the trailer or semitrailer to the pulling vehicle under all conditions while the trailer or

semitrailer is being towed by the vehicle. The provisions of this subsection shall not apply to trailers or semitrailers using a hitch known as a 5th wheel nor to farm equipment traveling less than 20 miles per hour.

(3) Whenever a motor vehicle becomes disabled upon the highways of this state and a wrecker or tow truck is required to remove it to a repair shop or other appropriate location, if the combined weights of those two vehicles and the loads thereon exceed the maximum allowable weights as established by s. 316.535, no penalty shall be assessed either vehicle or driver. However, this exception shall not apply to the load limits for bridges and culverts established by the department as provided in s. 316.555.

*History.*—s. 1, ch. 71-135; s. 1, ch. 76-31; s. 1, ch. 76-91; s. 124, ch. 79-400.  
*Note.*—Former s. 316.205.

### 316.535 Maximum weights.—

(1) The gross weight imposed on the highway by the wheels of any one axle of a vehicle shall not exceed 20,000 pounds.

(2) For the purposes of this chapter, an axle load shall be defined as the total load transmitted to the road by all wheels whose centers are included between 2 parallel transverse vertical planes 40 inches apart, extending across the full width of the vehicle.

(3) Subject to the limit upon the weight imposed upon the highways through any one axle as set forth herein, the total weight with load imposed upon the highway by all the axles of a vehicle or combination of vehicles shall not exceed the gross weight given for the respective distance between the first and last axle of the vehicle or combination of vehicles, measured longitudinally to the nearest foot as set forth in the following table:

Distance in feet  
between first and  
last axles of ve-  
hicles or com-  
bination of vehicles.

Maximum load in pounds on all axles.
40,000
40,000
40,000
40,000
40,000
44,140
44,980
45,810
46,640
47,480
48,310
49,150
49,980
50,810
51,640
52,480
53,310
54,140
54,980
55,810
56,640
57,470
58,310
59,140
59,970
60,810

30	61,640
31	62,470
32	63,310
33	64,140
34	64,970
35	65,800
36	66,610

(4) With respect to the Interstate Highway System, in all cases in which it exceeds state law in effect on January 4, 1975, the overall gross weight on a group of two or more consecutive axles of a vehicle or combination of vehicles, including all enforcement tolerances, shall be as determined by the following formula:

$$W = 500 \left( \frac{LN}{N-1} + 12N + 36 \right)$$

where  $W$  = the overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds;  $L$  = the distance in feet between the extremes of any group of two or more consecutive axles; and  $N$  = the number of axles in the group under consideration. Such overall gross weight of any vehicle or combination of vehicles may not exceed 80,000 pounds, including all enforcement tolerances.

(5) With respect to those highways not in the Interstate Highway System, in all cases in which it exceeds state law in effect on January 4, 1975, the overall gross weight on the vehicle or combination of vehicles, including all enforcement tolerances, shall be as determined by the following formula:

$$W = 500 \left( \frac{LN}{N-1} + 12N + 36 \right)$$

where  $W$  = overall gross weight of the vehicle to the nearest 500 pounds,  $L$  = distance in feet between the extreme of the external axles, and  $N$  = number of axles on the vehicle. However, such overall gross weight of any vehicle or combination of vehicles may not exceed 80,000 pounds including all enforcement tolerances.

(6) The Department of Transportation shall adopt rules to implement this section. The Department of Highway Safety and Motor Vehicles shall enforce this section and the rules adopted hereunder and shall publish and distribute tables and other publications as deemed necessary to inform the public.

(7) Except as hereinafter provided, no vehicle or combination of vehicles exceeding the gross weights specified in subsections (3), (4), and (5) shall be permitted to travel on the public highways within the state.

(8) The provisions of s. 316.515 to the contrary notwithstanding, no combination of vehicles coupled together shall consist of more than three units, and

no such combination of vehicles shall exceed a total length of 65 feet, inclusive of load carried thereon. The provisions of this subsection shall apply only to four-lane divided highways.

**History.**—s. 1, ch. 71-135; s. 1, ch. 75-47; s. 1, ch. 76-31; s. 90, ch. 77-104; s. 1, ch. 79-276.

**Note.**—Former s. 316.199.

**316.540 Reregistration of certain motor vehicles not conforming with s. 316.535.**—Any motor vehicles or combination of vehicles which conformed to the requirements of motor vehicle laws relative to weights and sizes prior to the enactment of chapter 25342, Laws of Florida, 1949, which are now registered and continue to reregister yearly for operation in this state, and due to their peculiar construction and design may not, in the opinion of the department, be made to conform to the axle spacing requirements of s. 316.535 without excessive expenses, may be continued in operation for the life of the vehicle, subject to all safety and operational requirements of law, without being made to conform to the axle spacing requirements of s. 316.535 provided that such vehicles or combination of vehicles shall be limited to a total gross load, including weight of vehicle, of 20,000 pounds per axle plus scale tolerances and shall not exceed 550 pounds per inch width tire surface. Such vehicles equipped with more than 3 axles shall not exceed a gross weight, including the weight of the vehicle and scale tolerances, of 70,000 pounds, provided such gross weight shall not exceed 20,000 pounds per axle and 550 pounds per inch width of tire surface plus scale tolerances. Such re-registration may be made only by the department and shall show that the license is a specially issued one. Dump trucks, concrete mixing trucks, trucks engaged in waste collection and disposal, and fuel oil and gasoline trucks designed and constructed for special type work or use need not be registered as required herein, but shall meet the requirements of this section as to load limits. Any vehicle violating the weight provisions of this section shall be penalized as provided in s. 316.545.

**History.**—s. 1, ch. 71-135; ss. 1, 20, ch. 76-31; s. 3, ch. 76-171.

**Note.**—Former s. 316.201.

**316.545 Weight and load unlawful; inspection; penalty; review.**—

(1) Any officer or agent of the Department of Highway Safety and Motor Vehicles or the Florida Public Service Commission having reason to believe that the weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a weighing of the same either by means of portable or stationary scales and may require that such vehicle be driven to the nearest public scales, provided such public scales are within 2 miles.

(2) Whenever an officer, upon weighing a vehicle or combination of vehicles with load, determines that the axle weight or gross weight is unlawful, the officer may require the driver to stop the vehicle in a suitable place and remain standing until a determination can be made as to the amount of weight thereon and, if overloaded, the amount of penalty to be assessed as provided herein. However, any gross weight over and beyond 6,000 pounds beyond the maximum herein set shall be unloaded and all material so unloaded shall be cared for by the owner or

operator of the vehicle at the risk of such owner or operator. For enforcement purposes, all scaled weights of the gross or axle weight of vehicles and combinations of vehicles shall be deemed to be not closer than 10 percent to the true gross weight. However, if the driver of any vehicle can comply with the requirements of this chapter by shifting or equalizing the load on all wheels or axles and does so when requested by the proper authority, the driver shall not be held to be operating in violation of this chapter.

(3) Any person who violates the overloading provisions of this chapter shall be conclusively presumed to have damaged the highways of this state by reason of such overloading, which damage is hereby fixed as follows:

(a) When the excess weight is 100 pounds or less than the maximum herein provided, the penalty shall be \$5;

(b) Five cents per pound for each pound of weight in excess of the maximum herein provided when the excess weight exceeds 100 pounds. However, whenever the gross weight of the vehicle or combination of vehicles does not exceed the maximum allowable gross weight, the maximum fine for the first 1,000 pounds of unlawful axle weight shall be \$10.

(4) Whenever any person violates the provisions of this chapter and becomes indebted to the state because of such violation in the amounts aforesaid and refuses to pay said penalty, such penalty shall become a lien upon the overloaded motor vehicle, and the same may be foreclosed by the state in a court of equity. It shall be presumed that the owner of the overloaded motor vehicle is liable for the sum. Any person, firm, or corporation claiming an interest in the seized motor vehicle may, at any time after the state's lien attaches to the motor vehicle, obtain possession of the seized vehicle by filing a good and sufficient forthcoming bond with the officer having possession of the vehicle, payable to the governor of the state in twice the amount of the state's lien, with a corporate surety duly authorized to transact business in this state as surety, conditioned to have the motor vehicle or combination of vehicles forthcoming to abide the result of any suit for the foreclosure of said lien. It shall be presumed that the owner of the overloaded motor vehicle is liable for the penalty imposed under this section. Upon the posting of such bond with the officer making the seizure, the vehicle shall be released and the bond shall be forwarded to the Department of Transportation for safekeeping. The lien of the state against the motor vehicle aforesaid shall be foreclosed in equity, and the ordinary rules of court relative to proceedings in equity shall control. If it appears that the seized vehicle has been released to the defendant upon his forthcoming bond, the state shall take judgment of foreclosure against the property itself, and judgment against the defendant and the sureties on the bond for the amount of the lien, including cost of proceedings. After the rendition of the decree, the state may, at its option, proceed to sue out execution against the defendant and his sureties for the amount recovered as aforesaid or direct the sale of the vehicle under foreclosure.

(5) Any officer collecting the penalty herein im-

posed shall give to the owner or driver of the overloaded vehicle an official receipt for all penalties collected. Such officers or agents of the state departments shall cooperate with the owners or drivers of motor vehicles so as not to delay unduly the vehicles. All penalties imposed and collected under this section by any state agency having jurisdiction shall be paid to the treasurer of the state, who shall credit the total amount thereof to the state transportation trust fund, which shall be used to repair and maintain the roads of this state and to enforce this chapter relating to weights of vehicles.

(6) There is hereby created a board of review, consisting of the secretary of the Department of Transportation, the chairman of the Public Service Commission, the director of the Division of Motor Vehicles, and the director of the Division of Highway Patrol, or their authorized representatives, which may review any penalty imposed upon any vehicle or person under the provisions of this chapter relating to weights imposed on the highways by the axles and wheels of motor vehicles.

(7) Any person aggrieved by the imposition of a civil penalty pursuant to this section may apply to the review board for a modification, cancellation, or revocation of the penalty, and the review board is authorized to modify, cancel, revoke, or sustain such penalty.

(8) Any agent of the Department of Highway Safety and Motor Vehicles employed for the purpose of being a weight inspector shall have the same arrest powers as are granted under s. 570.151 for road-guard inspection special officers for the purpose of enforcing the provisions of weight and load laws.

*History.*—s. 1, ch. 71-135; ss. 2, 3, ch. 73-57; s. 1, ch. 76-31; s. 1, ch. 79-390.

*Note.*—Former s. 316.200.

**316.550 Operations not in conformity with law; special permits.**—The Department of Transportation, with respect to highways under its jurisdiction, and local authorities, with respect to highways under their jurisdiction, may, in their discretion and upon application and good cause shown therefor that the same is not contrary to the public interest, issue special permits in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this chapter, or otherwise not in conformity with the provisions of this chapter, upon any highway under the jurisdiction of the authority issuing such permit and for the maintenance of which said authority is responsible. The permit shall describe the vehicle or vehicles and load to be operated or moved and the highways for which the permit is requested. The Department of Transportation or local authority is authorized to issue or withhold such permit at its discretion or, if such permit is issued, to limit or prescribe conditions of operation of such vehicle or vehicles, and may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or road structure. The Department of Transportation or such local authority is authorized to promulgate rules and regulations concerning the issuance of such permits, and to charge a fee for the issuance thereof, which rules, regulations, and fees shall have the force and effect

of law. The minimum fee for issuing any such permit shall be \$5. The Department of Transportation may issue blanket permits for not more than 12 months, the fee for which shall not exceed \$50. Every such permit shall be carried in the vehicle or combination of vehicles to which it refers, and shall be open to inspection by any police officer or authorized agent of any authority granting such permit. No person shall violate any of the terms or conditions of such special permit.

*History.*—s. 1, ch. 71-135; s. 1, ch. 76-31.  
*Note.*—Former s. 316.009.

**316.555 Weight, load, speed limits may be lowered; condition precedent.**—Anything in this chapter to the contrary notwithstanding, the Department of Transportation with respect to state roads, and local authorities with respect to highways under their jurisdiction, may prescribe, by notice hereinafter provided for, loads and weights and speed limits lower than the limits prescribed in this chapter and other laws, whenever in its or their judgment any road or part thereof or any bridge or culvert shall, by reason of its design, deterioration, rain, or other climatic or natural causes be liable to be damaged or destroyed by motor vehicles, trailers, or semitrailers, if the gross weight or speed limit thereof shall exceed the limits prescribed in said notice. The Department of Transportation or local authority may, by like notice, regulate or prohibit, in whole or in part, the operation of any specified class or size of motor vehicles, trailers, or semitrailers on any highways or specified parts thereof under its or their jurisdiction, whenever in its or their judgment, such regulation or prohibition is necessary to provide for the public safety and convenience on the highways, or parts thereof, by reason of traffic density, intensive use thereof by the traveling public, or other reasons of public safety and convenience. The notice or the substance thereof shall be posted at conspicuous places at terminals of all intermediate crossroads and road junctions with the section of highway to which the notice shall apply. After any such notice has been posted, the operation of any motor vehicle or combination contrary to its provisions shall constitute a violation of this chapter. However, no limitation shall be established by any county, municipal, or other local authorities pursuant to the provisions of this section that would interfere with or interrupt traffic as authorized hereunder over state roads, including officially established detours for such highways, including cases where such traffic passes over roads, streets or thoroughfares within the sole jurisdiction of the county, municipal or other local authorities unless such limitations and further restrictions have first been approved by the Department of Transportation. With respect to county roads, except such as are in use as state road detours, the respective county road authorities shall have full power and authority to further limit the weights of vehicles upon bridges and culverts upon such public notice as they deem sufficient, and existing laws applicable thereto shall not be affected by the terms of this chapter.

*History.*—s. 1, ch. 71-135; s. 1, ch. 76-31.  
*Note.*—Former s. 316.202.

**316.560 Damage to highways; liability of driver and owner.**—Any person driving or moving any vehicle, object, or contrivance upon any highway or highway structure shall be liable for all damages which the highway or structure may sustain as a result of any illegal operating, driving, or moving of such vehicles, object, or contrivance, whether or not such damage is a result of operating, driving, or moving any vehicle, object or contrivance weighing in excess of the maximum weights as provided in this chapter but authorized by special permit issued pursuant to s. 316.550. Whenever the driver is not the owner of the vehicle, object, or contrivance but is so operating, driving, or moving the same with the express or implied permission of the owner, then the owner and driver shall be jointly and severally liable for any such damage. Such damage may be recovered in any civil action brought by the authorities in control of the highway or highway structure.

*History.*—s. 1, ch. 71-135; ss. 1, 21, ch. 76-31.  
*Note.*—Former s. 316.203.

**316.565 Emergency transportation, perishable food; establishment of weight loads, etc.**—

(1) The Governor may declare an emergency to exist when there is a breakdown in the normal public transportation facilities necessary in moving perishable food crops grown in the state. The Department of Transportation is authorized during such emergency to establish such weight loads for hauling over the highways from the fields or packinghouses to the nearest available public transportation facility as circumstances demand. The Department of Transportation shall designate special highway routes, excluding the interstate highway system, to facilitate the trucking and render any other assistance needed to expedite moving the perishables.

(2) It is the intent of the Legislature in this chapter to supersede any existing laws when necessary to protect and save any perishable food crops grown in the state and give authority for agencies to provide necessary temporary assistance requested during any such emergency.

*History.*—s. 1, ch. 71-135; s. 1, ch. 76-31.  
*Note.*—Former s. 316.204.

**316.600 Health and sanitation hazards.**—No motor vehicle, trailer or semitrailer shall be equipped with an open toilet or other device that may be a hazard from a health and sanitation standpoint.

*History.*—s. 1, ch. 71-135; s. 1, ch. 76-31.  
*Note.*—Former s. 316.279.

**316.605 Licensing of vehicles.**—Every vehicle, at all times while driven, stopped, or parked upon any highways, roads, or streets of this state, shall be licensed in the name of the owner thereof in accordance with the laws of this state unless such vehicle is not required by the laws of Florida to be licensed in this state, and shall, unless otherwise provided by statute, display the license plate or both of the license plates assigned to it by the state, one on the rear and, if two, the other on the front of the vehicle, each to be securely fastened to the vehicle outside the main body of the vehicle, in such manner as to prevent the plates from swinging, with all letters, numerals, printing, writing, and other identification

marks upon the plates clear and distinct and free from defacement, mutilation, grease, and other obscuring matter, so that they shall be plainly visible and legible at all times 100 feet from the rear or front. Nothing shall be placed upon the face of a Florida plate except as permitted by law or by rule or regulation of a governmental agency. No license plates other than those furnished by the state shall be used. However, if the vehicle is not required to be licensed in this state, the license plates on such vehicle issued by another state, or by a territory, possession, or district of the United States, or by a foreign country, substantially complying with the provisions hereof, shall be considered as complying with this chapter.

**History.**—s. 1, ch. 71-135; s. 1, ch. 76-31; s. 1, ch. 78-55.

**Note.**—Former s. 316.284.

**316.610 Safety of vehicle; inspection.**—It is a violation of this chapter for any person to drive or move, or for the owner or his duly authorized representative to cause or knowingly permit to be driven or moved, on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person or property, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter, or which is equipped in any manner in violation of this chapter, or for any person to do any act forbidden or fail to perform any act required under this chapter.

(1) Any police officer may at any time, upon reasonable cause to believe that a vehicle is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair, require the driver of the vehicle to stop and submit the vehicle to an inspection and such test with reference thereto as may be appropriate.

(2) In the event the vehicle is found to be in unsafe condition or any required part or equipment is not present or is not in proper repair and adjustment, and the continued operation would probably present an unduly hazardous operating condition, the officer may require the vehicle to be immediately repaired or removed from use. However, if continuous operation would not present unduly hazardous operating conditions, that is, in the case of equipment defects such as tailpipes, mufflers, windshield wipers, marginally worn tires, the officer shall give written notice to require proper repair and adjustment of same within 48 hours, excluding Sunday.

(3) It is unlawful to operate any vehicle on any of the streets or highways which is required under the laws of this state or any political subdivision thereof to be inspected, unless the vehicle has been inspected and has attached thereto, in proper position, a valid and unexpired certificate of inspection as required.

**History.**—s. 1, ch. 71-135; s. 1, ch. 76-31; s. 1, ch. 78-112.

**Note.**—Former s. 316.285.

### **316.615 Inspection of school buses; physical requirements of drivers.**—

(1)(a) All motor vehicles, other than private passenger automobiles and school buses with a seating capacity of less than 24 pupils, which are used primarily for the transportation of pupils to school, but which are not operated by or under the purview of

the state or a political subdivision thereof or under a franchise issued by a municipality or the Public Service Commission, shall comply with the requirements for school buses of chapter 234.

(b) For the purposes of this section the term "school" includes all public and private nursery, pre-elementary, elementary, secondary, and college level schools.

(2)(a) Every bus with a seating capacity of less than 24 pupils shall be equipped with the following:

1. Nonleaking exhaust system;
2. First-aid kit;
3. Fire extinguisher;
4. Unbroken safety glass on all windows;
5. Inside rear view mirror capable of giving the driver a clear view of motor vehicles approaching from the rear; and
6. Seats securely anchored.

(b) Such vehicles shall be covered by liability insurance to protect pupils being transported.

(c) Such vehicles shall transport no more passengers than they are equipped to seat.

(3)(a) No person shall operate or cause to be operated a motor vehicle covered by subsection (1) unless the operator has met the physical examination requirements of s. 234.16.

(b) All school bus drivers shall pass an annual physical examination, and have posted in the bus a certificate to drive same.

(4) All school buses and all motor vehicles covered by subsection (1) shall be inspected annually by the department, and when found satisfactory for safe operation shall display on the vehicle a current certificate of inspection.

(5) The department shall promulgate such rules and regulations as are necessary to effect the purposes of this section.

**History.**—s. 1, ch. 71-135; s. 1, ch. 76-31.

**Note.**—Former s. 316.288.

**cf.**—s. 234.091 School bus driver; qualifications.

**316.620 Transportation of migrant farm workers.**—Every carrier of migrant farm workers shall systematically inspect and maintain, or cause to be systematically maintained, all motor vehicles and their accessories subject to its control to insure that such motor vehicles and accessories are in safe and proper operating condition in accordance with the provisions of this chapter.

(1) **COMPLIANCE.**—Every carrier of migrant farm workers, and its officers, agents, drivers, representatives and employees directly concerned with the installation and maintenance of equipment and accessories, shall comply and be conversant with the requirements and specifications of this section, and no carrier of migrant farm workers shall operate any motor vehicle over the public highways of this state, or cause or permit it to be operated, unless it is equipped in accordance with said requirements and specifications.

(2) **COUPLING DEVICES; FIFTH WHEEL MOUNTING AND LOCKING.**—The lower half of every fifth wheel mounted on any truck-tractor or dolly shall be securely affixed to the frame thereof by U-bolts of adequate size, securely tightened, or by other means providing at least equivalent security. Such U-bolts shall not be of welded construction. The

installation shall be such as not to cause cracking, warping, or deformation of the frames. Adequate means shall be provided positively to prevent the shifting of the lower half of a fifth wheel on the frame to which it is attached. The upper half of every fifth wheel shall be fastened to the motor vehicle with at least the security required for the securing of the lower half to a truck-tractor or dolly. Locking means shall be provided in every fifth wheel mechanism including adaptors when used, so that the upper and lower halves may not be separated without the operation of a positive manual release. A release mechanism operated by the driver from the cab shall be deemed to meet this requirement. On fifth wheels designed and constructed as to be readily separable, the fifth wheel locking devices shall apply automatically on coupling for any motor vehicle the date of manufacture of which is subsequent to December 31, 1952.

(3) TIRES.—Every motor vehicle shall be equipped with tires of adequate capacity to support its gross weight. No motor vehicle shall be operated on tires which have been worn so smooth as to expose any tread fabric or which have any other defect likely to cause failure. No vehicle shall be operated while transporting passengers while using any tire which does not have tread configurations on that part of the tire which is in contact with the road surface. No vehicle transporting passengers shall be operated with regrooved, recapped, or retreaded tires on front wheels.

(4) PASSENGER COMPARTMENT.—Every motor vehicle transporting passengers, other than a bus, shall have a passenger compartment meeting the following requirements:

(a) Floors.—There shall be a substantially smooth floor, without protruding obstructions more than 2 inches high, except as are necessary for securing seats or other devices to the floor, and without cracks or holes.

(b) Sides.—Sidewalls and ends shall be above the floor at least 60 inches high, by attachment of sideboards to the permanent body construction if necessary. Stake body construction shall be construed to comply with this requirement only if all 6-inch or larger spaces between stakes are suitably closed to prevent passengers from falling off the vehicle.

(c) Nails, screws, splinters.—The floor and the interior of the sides and ends of the passenger-carrying space shall be free of inwardly protruding nails, screws, splinters, or other projecting objects, likely to be injurious to passengers or their apparel.

(d) Seats.—A seat shall be provided for each worker transported. The seats shall be securely attached to the vehicle during the course of transportation; not less than 16 inches nor more than 19 inches above the floor; at least 13 inches deep; equipped with back rests extending to a height of at least 36 inches above the floor, with at least 24 inches of space between the back rests or between the edges of the opposite seats when face-to-face; designed to provide at least 18 inches of seat for each passenger; without cracks more than  $\frac{1}{4}$ -inch wide, and the back rest, if slatted, without cracks more than 2 inches wide; and the exposed surfaces, if made

of wood, planed or sanded smooth and free of splinters.

(e) *Protection from the weather.*—Whenever necessary to protect the passengers from inclement weather conditions, the passenger compartment shall be equipped with a top at least 80 inches high above the floor and facilities for closing the sides and ends of the passenger-carrying compartment. Tar-paulins or other such removable devices for protection from the weather shall be secured in place.

(f) *Exit.*—Adequate means of ingress and egress to and from the passenger space shall be provided on the rear or at the right side. Such means of ingress and egress shall be at least 18 inches wide. The top and the clear opening shall be at least 60 inches high, or as high as the sidewall of the passenger space if less than 60 inches. The bottom shall be at the floor of the passenger space.

(g) *Gates or doors.*—Gates or doors shall be provided to close the means of ingress and egress, and each such gate or door shall be equipped with at least one latch or other fastening device of such construction as to keep the gate or door securely closed during the course of transportation and readily operative without the use of tools.

(h) *Ladders or steps.*—Ladders or steps for the purpose of ingress or egress shall be used when necessary. The maximum vertical spacing of footholes shall not exceed 12 inches, except that the lowest step may be not more than 18 inches above the ground when the vehicle is empty.

(i) *Handholds.*—Handholds or devices for similar purpose shall be provided to permit ingress and egress without hazard to passengers.

(j) *Emergency exit.*—Vehicles with permanently affixed roofs shall be equipped with at least one emergency exit having a gate or door, latch, and handhold as prescribed in paragraphs (g) and (i) and located on a side or rear not equipped with the exit prescribed in paragraph (f).

(k) *Communication with driver.*—Means shall be provided to enable the passengers to communicate with the driver. Such means may include telephone, speaker tubes, buzzers, pull cords, or other mechanical or electrical means.

(5) PROTECTION FROM COLD.—Every motor vehicle shall be provided with a safe means of protecting passengers from cold or undue exposure, but in no event shall heaters of the following types be used:

(a) *Exhaust heaters.*—Any type of exhaust heater in which the engine exhaust gases are conducted into or through any space occupied by persons or any heater which conducts engine compartment air into such space.

(b) *Unenclosed flame heaters.*—Any type of heater employing a flame which is not fully enclosed.

(c) *Heaters permitting fuel leakage.*—Any type of heater from the burner of which there could be spillage or leakage of fuel from the tilting or overturning of the vehicle in which it is mounted.

(d) *Heaters permitting air contamination.*—Any heater taking air, heated or to be heated, from the engine compartment or from direct contact with any portion of the exhaust system; or any heater taking air in ducts from the outside atmosphere to be con-

veyed through the engine compartment, unless said ducts are so constructed and installed as to prevent contamination of the air so conveyed by exhaust or engine compartment gases.

(e) *Heaters not attached.*—Any heater not securely fastened to the vehicle.

(6) NOT APPLICABLE TO COMMON CARRIERS.—This section shall not apply to common carriers of passengers.

History.—s. 1, ch. 71-135; s. 1, ch. 76-31.

Note.—Former s. 316.289.

**316.630 Juvenile traffic offenses; jurisdiction; penalties; transfer and waiver provisions.**

(1) "Juvenile traffic offense" means a violation by a child of a state law or local ordinance pertaining to the operation of a motor vehicle; however, the following offenses shall not be considered juvenile traffic offenses, but shall be considered delinquent acts for the purposes of this chapter:

(a) Fleeing or attempting to elude a law enforcement officer or failing or refusing to comply with any lawful order or direction of any police officer or member of the fire department, in violation of s. 316.072(3).

(b) Leaving the scene of a collision or an accident involving death or personal injuries or with an unattended vehicle.

(c) Driving while under the influence of alcoholic beverages, narcotic drugs, barbiturates, or other stimulants in violation of s. 316.193.

(d) Driving without a restricted operator's license if under the age of 16 years.

(e) Driving without a valid operator's license or while the license is suspended or revoked.

(2) The court having jurisdiction over traffic offenses shall have jurisdiction in the case of any juvenile who does not hold a driver's license and who is charged with a noncriminal infraction under this section. The court shall have the appropriate remedies available, as provided for in this section, if it finds that the juvenile committed the offense as charged.

(3) A juvenile traffic offense is not an act of delinquency unless the case is transferred to the circuit court as provided in subsection (5) hereof.

(4) If the court having jurisdiction over traffic offenses finds, on the admission of the child or upon the evidence, that he committed the offense charged it may make one or more of the following orders:

(a) Reprimand or counsel with the child and his parents or guardians;

(b) Suspend the child's privilege to drive under stated conditions and limitations for a period not to exceed that authorized for a like suspension of an adult's license for a like offense;

(c) Require the child to attend a traffic school conducted by public authority for a reasonable period of time; or

(d) Order the child to remit to the general fund of the local governmental body a sum not exceeding the maximum applicable to an adult for a like offense.

(5) The court having jurisdiction over traffic offenses may waive jurisdiction and transfer the case to the circuit court only if the offense is considered

an act of delinquency or if the child has previously been found guilty of two or more traffic offenses within 6 months and the evidence indicates the advisability of circuit court jurisdiction.

History.—s. 2, ch. 72-179; s. 24, ch. 73-334; s. 1, ch. 74-261; s. 1, ch. 75-183; s. 1, ch. 76-31; s. 21, ch. 78-414.

Note.—Former s. 316.045.

**316.635 Courts having jurisdiction over traffic offenses; powers relating to custody and detention.**—The child shall not under any circumstances be placed in any police or other vehicle which at the same time contains an adult under arrest, or in a jail, police station, or other place of detention, except upon general or special order of the circuit judge. However, when the child is involved in the same offense or transaction with adults, then such child may be transported in the same vehicle with the adults so involved.

History.—s. 3, ch. 72-179; s. 24, ch. 73-334; s. 1, ch. 76-31.

Note.—Former s. 316.047.

**316.640 Enforcement.**—The enforcement of the traffic laws of this state is vested as follows:

(1) STATE.—

(a) The Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles has authority to enforce all of the traffic laws of this state on all the streets and highways thereof and elsewhere throughout the state wherever the public has a right to travel by motor vehicle.

(b) The Florida Public Service Commission has authority to enforce on all the streets and highways of this state all laws applicable within its authority.

(2) COUNTIES.—

(a) The sheriff's office of each of the several counties of this state shall enforce all of the traffic laws of this state on all the streets and highways thereof and elsewhere throughout the county wherever the public has the right to travel by motor vehicle.

(b) The sheriff's office of each of the several counties of this state may employ as a parking enforcement specialist any individual who successfully completes a training program established and approved by the Police Standards and Training Commission for parking enforcement specialists, but who does not otherwise meet the uniform minimum standards established by the Police Standards and Training Commission for police officers or auxiliary or part-time officers under s. 943.12.

1. A parking enforcement specialist employed by the sheriff's office of each of the several counties of this state is authorized to enforce all state and county laws, ordinances, regulations, and official signs governing parking within the unincorporated areas of the county by appropriate state or county citation and may issue such citations for parking in violation of signs erected pursuant to s. 316.006(3), at parking areas located on property owned or leased by a county, whether or not such areas are within the boundaries of a chartered municipality.

2. A parking enforcement specialist employed pursuant to this subsection shall not carry firearms or other weapons nor have arrest authority.

(3) MUNICIPALITIES.—

(a) The police department of each chartered municipality shall enforce the traffic laws of this state on all the streets and highways thereof and else-

where throughout the municipality wherever the public has the right to travel by motor vehicle. However, nothing in this chapter shall affect any law, general, special, or otherwise, in effect on January 1, 1972, relating to "hot pursuit" without the boundaries of the municipality.

(b) The police department of a chartered municipality may employ as a traffic accident investigation officer any individual who successfully completes at least 200 hours of instruction in traffic accident investigation and court presentation through the Selective Traffic Enforcement Program (STEP) as approved by the Police Standards and Training Commission and funded through the National Highway Traffic Safety Administration (NHTSA) or a similar program approved by the Police Standards and Training Commission, but who does not otherwise meet the uniform minimum standards established by the Police Standards and Training Commission for police officers or auxiliary police officers under chapter 943. Any such traffic accident investigation officer who makes an investigation at the scene of a traffic accident is hereby authorized to issue traffic citations when, based upon personal investigation, he has reasonable and probable grounds to believe that a person involved has committed an offense under the provisions of this chapter in connection with the accident. Nothing in this paragraph shall be construed to permit the carrying of firearms or other weapons, nor shall such officers have arrest authority other than for the issuance of a traffic citation as authorized above.

(c1). A chartered municipality or its authorized agency or instrumentality may employ as a parking enforcement specialist any individual who successfully completes a training program established and approved by the Police Standards and Training Commission for parking enforcement specialists, but who does not otherwise meet the uniform minimum standards established by the Police Standards and Training Commission for police officers or auxiliary or part-time officers under s. 943.12.

2. A parking enforcement specialist employed by a chartered municipality or its authorized agency or instrumentality is authorized to enforce all state, county, and municipal laws and ordinances governing parking within the boundaries of the municipality employing the specialist, by appropriate state, county, or municipal traffic citation. Nothing in this paragraph shall be construed to permit the carrying of firearms or other weapons, nor shall such a parking enforcement specialist have arrest authority.

**History.**—s. 1, ch. 71-135; ss. 1, 2, ch. 73-24; s. 1, ch. 76-31; s. 1, ch. 76-270; s. 3, ch. 79-246.

**Note.**—Former s. 316.016.

**316.645 Arrest authority of officer at scene of an accident.**—A police officer who makes an investigation at the scene of a traffic accident may arrest any driver of a vehicle involved in the accident when, based upon personal investigation, the officer has reasonable and probable grounds to believe that the person has committed any offense under the provisions of this chapter in connection with the accident.

**History.**—s. 1, ch. 71-135; s. 1, ch. 76-31.

**Note.**—Former s. 316.017.

### 316.650 Traffic citations.—

(1) The department shall prepare, and supply to every traffic enforcement agency in this state, an appropriate form traffic ticket containing a notice to appear which shall be issued in prenumbered books with citations in quadruplicate and meeting the requirements of this chapter.

(2) Every traffic enforcement officer, upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this state or of any traffic ordinance of any city or town, shall deposit the original and one copy of such traffic citation with a court having jurisdiction over the alleged offense or with its traffic violations bureau.

(3) Upon the deposit of the original and one copy of such traffic citation with a court having jurisdiction over the alleged offense or with its traffic violations bureau as aforesaid, the original or copy of such traffic citation may be disposed of only by trial in the court or other official action by a judge of the court, including forfeiture of the bail, or by the deposit of sufficient bail with or payment of a fine to the traffic violations bureau by the person to whom such traffic citation has been issued by the traffic enforcement officer.

(4) It is unlawful and official misconduct for any traffic enforcement officer or other officer or public employee to dispose of a traffic citation or copies thereof or of the record of the issuance of the same in a manner other than as required herein.

(5) The chief administrative officer of every traffic enforcement agency shall require the return to him of a copy of every traffic citation issued by an officer under his supervision to an alleged violator of any traffic law or ordinance and of all copies of every traffic citation which has been spoiled or upon which any entry has been made and not issued to an alleged violator.

(6) The chief administrative officer shall also maintain or cause to be maintained in connection with every traffic citation issued by an officer under his supervision a record of the disposition of the charge by the court or its traffic violations bureau in which the original or copy of the traffic citation was deposited.

(7) Every chief administrative officer shall submit on or before the first day of each month a copy of the traffic citations to the Department of Highway Safety and Motor Vehicles.

(8) Such citations shall not be admissible evidence in any trial.

**History.**—s. 1, ch. 71-135; s. 1, ch. 71-321; s. 1, ch. 76-31.

**Note.**—Former s. 316.018.

### 316.655 Penalties.—

(1) A violation of any of the provisions of this chapter, except criminal offenses enumerated in subsection (4), shall be deemed an infraction, as defined in s. 318.13(3).

(2) Infractions of this chapter which do not result in a hearing shall be subject to the civil penalties provided in s. 318.18.

(3) Infractions of this chapter which do result in a hearing shall be subject to a civil penalty not to exceed \$500. For an infraction resulting in a hearing, a person may be required to attend a driver

improvement school in lieu of, or in addition to, the civil penalty imposed.

(4) Any person convicted of a violation of s. 316.027, s. 316.061, s. 316.067, s. 316.072, s. 316.192, s. 316.193, or s. 316.1935 shall be punished as specifically provided in such sections.

**History.**—s. 1, ch. 71-135; s. 2, ch. 74-377; ss. 1, 4, ch. 76-31; s. 1, ch. 77-174; s. 3, ch. 77-456.

**Note.**—Former s. 316.026.

**316.660 Disposition of fines and forfeitures collected for violations.**—Except as otherwise provided herein, all fines and forfeitures received by any county court from violations of any of the provisions of this chapter, or from violations of any ordinances adopting matter covered by this chapter, committed within a municipality shall be paid monthly to that municipality. It is the intent of the Legislature that such fines and forfeitures shall be paid monthly to that municipality in addition to any

other fines and forfeitures received by a county court that are required to be paid to that municipality as otherwise provided by law. If any chartered county court having countywide jurisdiction was trying traffic offenses committed within a municipality on February 1, 1972, then in that county two-thirds of the fines and forfeitures from violations of this chapter, or from violations of any ordinances adopting matter covered by this chapter, committed within a municipality shall be paid and distributed to the municipality, and the remainder shall be paid to the county. All fines and forfeitures received by any county court as the result of citations issued pursuant to s. 316.640(2)(b)1. shall be paid to the county whether or not such citations are issued for parking violations occurring within a municipality.

**History.**—s. 1, ch. 72-69; s. 1, ch. 76-31; s. 4, ch. 79-246.

**Note.**—Former s. 316.0261.