

By the Committee on Transportation and Senators Campbell and Saunders

306-2126-99

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A bill to be entitled  
An act relating to passengers of vehicles;  
amending s. 316.2015, F.S.; prohibiting minors  
from riding on the bed of a pickup truck or  
flatbed truck unless certain conditions are  
met; providing penalties; authorizing a local  
governmental entity from enacting certain  
ordinances; providing an effective date.

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

Section 1. Section 316.2015, Florida Statutes, is amended to read:

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. Any person who violates ~~the provisions of~~ this subsection shall be cited for a moving violation, punishable as provided in chapter 318.

(2) No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. A minor may not ride on the bed of a pickup truck or flatbed truck unless the truck has factory-installed seating in the bed, or has been modified to include in the bed secure seating and safety restraints, that would prevent the

1 minor from falling, jumping, or being thrown from the truck  
2 and the minor is securely restrained in such seating.This  
3 provision shall not apply to an employee of a fire department,  
4 a governmentally operated solid waste disposal department, or  
5 a waste disposal service operating pursuant to a contract with  
6 a governmental entity or to a volunteer firefighter engaged in  
7 the necessary discharge of a duty, nor does it apply to a  
8 person who is being transported in response to an emergency by  
9 a public agency or pursuant to the direction or authority of a  
10 public agency or to a person or persons riding within truck  
11 bodies in space intended for merchandise. Any person who  
12 violates ~~the provisions of~~ this subsection shall be cited for  
13 a nonmoving violation, punishable as provided in chapter 318.  
14 However, nothing in this section may be construed to prohibit  
15 a local governmental entity from enacting an ordinance that  
16 prohibits any person, other than as provided in this section,  
17 from riding in or otherwise occupying the open bed of a truck  
18 being operated upon any street or highway within its  
19 territorial limits. A person who violates such an ordinance is  
20 subject to the penalties provided in this subsection.

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

25 Section 2. This act shall take effect October 1, 1999.  
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
SB's 2316 and 1490

This CS combines the provisions of SB's 2316 and 1490. The CS provides for the following:

- (1) Deletes the current statutory provision authorizing persons to be transported in the bed or cargo area of a pickup truck;
- (2) Prohibit minors from riding in the bed of a pickup truck or flatbed truck unless the truck has factory-installed seating in the bed, or has been modified to include in the bed secure seating and safety restraints;
- (3) Exempts certain persons from the prohibition on riding on any portion of a vehicle not designed or intended for the use of passengers; and
- (4) Counties and municipalities are authorized to enact local ordinances that prohibit any person, other than as previously specified, from riding in or otherwise occupying the open bed of a truck being operated upon any street or highway within its territorial limits.