

By the Committee on Banking and Insurance; and Senators  
 Saunders, Lee, Clary, Horne, Brown-Waite, Bronson, Jones,  
 Meek, Webster, Gutman, Diaz-Balart and King

311-2172-99

1                                   A bill to be entitled  
 2           An act relating to motorcycles and mopeds;  
 3           amending s. 316.211, F.S.; exempting persons  
 4           over a specified age from certain safety  
 5           requirements if covered by a policy of  
 6           insurance; amending s. 316.405, F.S.; providing  
 7           for motorcycle head lights to modulate  
 8           according to safety requirements; providing an  
 9           effective date.

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

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13           Section 1. Subsection (3) of section 316.211, Florida  
 14 Statutes, is amended to read:

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316.211 Equipment for motorcycle and moped riders.--

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17           (3)(a) This section shall not apply to persons riding  
 18 within an enclosed cab or to any person 16 years of age or  
 19 older who is operating or riding upon a motorcycle powered by  
 20 a motor with a displacement of 50 cubic centimeters or less or  
 21 is rated not in excess of 2 brake horsepower and which is not  
 22 capable of propelling such motorcycle at a speed greater than  
 30 miles per hour on level ground.

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24           (b) Notwithstanding subsection (1), a person over the  
 25 age of 21 may operate or ride upon a motorcycle without  
 26 wearing protective headgear securely fastened upon his or her  
 27 head if such person is covered by a policy of insurance  
 28 providing for at least \$10,000 in medical benefits for  
 29 injuries incurred as a result of a crash while operating or  
 30 riding on a motorcycle.

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31           Section 2. Subsection (1) of section 316.405, Florida  
 Statutes, is amended to read:

1           316.405 Motorcycle headlights to be turned on.--  
2           (1) Any person who operates a motorcycle or  
3 motor-driven cycle on the public streets or highways shall,  
4 while so engaged, have the headlight or headlights of such  
5 motorcycle or motor-driven cycle turned on. Failure to comply  
6 with this section during the hours from sunrise to sunset,  
7 unless compliance is otherwise required by law, shall not be  
8 admissible as evidence of negligence in a civil action. During  
9 the hours of operation between sunrise and sunset, the  
10 headlights shall be permitted to modulate either the upper  
11 beam or the lower beam from its maximum intensity to a lesser  
12 intensity, in accordance with Federal Motor Vehicle Safety  
13 Standard 571.108.

14           Section 3. This act shall take effect July 1, 1999.

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16           STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
17           COMMITTEE SUBSTITUTE FOR  
18           Senate Bill 958

- 19 1. Provides that a person over the age of 21 may operate or  
20 ride a motorcycle without wearing protective headgear if  
21 such person is covered by a policy of insurance  
22 providing for at least \$10,000 in "medical benefits" for  
injuries as a result of a crash while operating a  
motorcycle.
- 23 2. Permits motorcycle operators to modulate their  
24 headlights during daylight hours, in accordance with  
25 federal safety standards.  
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