

Bill No. SB 126

Amendment No. 1

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Banking and Insurance recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Section 316.211, Florida Statutes, is amended to read:

316.211 Equipment for motorcycle and moped riders.--

(1) A person may not operate or ride upon a motorcycle unless the person is properly wearing protective headgear securely fastened upon his or her head which complies with Federal Motorcycle Vehicle Safety Standard 218 promulgated by the United States Department of Transportation. The Department of Highway Safety and Motor Vehicles shall adopt this standard by agency rule.

(2) A person may not operate a motorcycle unless the person is wearing an eye-protective device over his or her eyes of a type approved by the department.

(3) (a) This section does not apply to persons riding

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1 within an enclosed cab or to any person 16 years of age or
2 older who is operating or riding upon a motorcycle powered by
3 a motor with a displacement of 50 cubic centimeters or less or
4 is rated not in excess of 2 brake horsepower and which is not
5 capable of propelling such motorcycle at a speed greater than
6 30 miles per hour on level ground.

7 (b) Notwithstanding subsection (1), a person over 21
8 years of age may operate or ride upon a motorcycle without
9 wearing protective headgear securely fastened upon his or her
10 head if such person is covered by an insurance policy
11 providing for at least \$100,000 in medical payments coverage
12 for injuries incurred as a result of a crash while operating
13 or riding on a motorcycle.

14 (4) A person under 16 years of age may not operate or
15 ride upon a moped unless the person is properly wearing
16 protective headgear securely fastened upon his or her head
17 which complies with Federal Motorcycle Vehicle Safety Standard
18 218 promulgated by the United States Department of
19 Transportation.

20 (5) The department shall make available a list of
21 protective headgear approved in this section, and the list
22 shall be provided on request.

23 (6) (a) A violation of this section is a noncriminal
24 traffic infraction, punishable as a nonmoving violation as
25 provided in chapter 318.

26 (b) A person who violates subsection (1) and who does
27 not have the insurance coverage prescribed by subsection (3)
28 is subject to the same penalties as exist for operating a
29 motor vehicle without required security as provided in s.
30 627.730 through s. 627.7405.

31 Section 2. This act shall take effect July 1, 2000.

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 Delete everything before the enacting clause

4

5 and insert:

6 A bill to be entitled

7 An act relating to motorcycle riders; amending

8 s. 316.211, F.S.; exempting persons of a

9 specified age from certain safety equipment

10 requirements; revising penalties; providing an

11 effective date.

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