

Bill No. CS for CS for SB 1526, 1st Eng.

Amendment No. \_\_\_\_ Barcode 952960

CHAMBER ACTION

Senate

House

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Senator Alexander moved the following amendment:

**Senate Amendment (with title amendment)**

On page 81, between lines 13 and 14,

insert:

Section 62. 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 within an enclosed cab or to any person 16 years of age or

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1 | older who is operating or riding upon a motorcycle powered by  
2 | a motor with a displacement of 50 cubic centimeters or less or  
3 | is rated not in excess of 2 brake horsepower and which is not  
4 | capable of propelling such motorcycle at a speed greater than  
5 | 30 miles per hour on level ground.

6 |         (b) Notwithstanding subsection (1), a person over 21  
7 | years of age may operate or ride upon a motorcycle without  
8 | wearing protective headgear securely fastened upon his or her  
9 | head if such person is covered by an insurance policy  
10 | providing for at least \$10,000 in medical benefits for  
11 | injuries incurred as a result of a crash while operating or  
12 | riding on a motorcycle. Furthermore, such person's failure to  
13 | wear protective headgear constitutes an act making an  
14 | anatomical gift under part V of chapter 765, if that person  
15 | dies from injuries incurred as a result of a crash while  
16 | operating or riding on a motorcycle without wearing protective  
17 | headgear.

18 |         (4) A person under 16 years of age may not operate or  
19 | ride upon a moped unless the person is properly wearing  
20 | protective headgear securely fastened upon his or her head  
21 | which complies with Federal Motorcycle Vehicle Safety Standard  
22 | 218 promulgated by the United States Department of  
23 | Transportation.

24 |         (5) The department shall make available a list of  
25 | protective headgear approved in this section, and the list  
26 | shall be provided on request.

27 |         (6) A violation of this section is a noncriminal  
28 | traffic infraction, punishable as a nonmoving violation as  
29 | provided in chapter 318.

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31 | (Redesignate subsequent sections.)

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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 On page 7, line 15, after the semicolon,

4

5 and insert:

6 amending s. 316.211, F.S.; providing that a

7 person who operates or rides on a motorcycle

8 without wearing protective headgear consents to

9 making an anatomical gift under certain

10 circumstances;

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