

HB 0057

2004

A bill to be entitled

An act relating to motor vehicles; amending s. 316.2015, F.S.; prohibiting certain persons from riding on the exterior of a passenger vehicle or in areas not designed or intended for the use of passengers on certain vehicles; prohibiting certain minors from riding within the body of a pickup truck or flatbed truck; providing exceptions; providing penalties; amending s. 316.008, F.S.; authorizing counties and municipalities to exempt themselves from such prohibition; 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. This

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31 provision shall not apply to an employee of a fire department, a
 32 governmentally operated solid waste disposal department, or a
 33 waste disposal service operating pursuant to a contract with a
 34 governmental entity or to a volunteer firefighter engaged in the
 35 necessary discharge of a duty, nor does it apply to a person who
 36 is being transported in response to an emergency by a public
 37 agency or pursuant to the direction or authority of a public
 38 agency ~~or to a person or persons riding within truck bodies in~~
 39 ~~space intended for merchandise.~~ No minor child 16 years of age
 40 or younger shall ride upon the public roads of the state within
 41 the body of an open pickup truck or flatbed truck unless the
 42 minor is restrained within the back of a truck which has been
 43 modified to include secure seating and safety restraints which
 44 would prevent the minor from being thrown, falling, or jumping
 45 from the truck. The provisions of this subsection shall be
 46 inapplicable in a medical emergency if the child is accompanied
 47 within the truck by an adult and shall be inapplicable when the
 48 truck is being operated upon a farm or off the public roads of
 49 the state. Any person who violates ~~the provisions of this~~
 50 subsection shall be cited for a nonmoving violation, punishable
 51 as provided in chapter 318.

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

56 Section 2. Subsection (7) is added to section 316.008,
 57 Florida Statutes, to read:

58 316.008 Powers of local authorities.--

59 (7) A county or municipality may adopt an ordinance that
 60 authorizes persons to ride on the bed of a pickup truck or

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61 flatbed truck, notwithstanding the prohibition contained in s.
62 316.2015.

63 Section 3. This act shall take effect July 1, 2004.