

1 A bill to be entitled
 2 An act relating to traffic safety; amending s. 316.2015,
 3 F.S.; removing an exception to prohibition of persons
 4 riding on the exterior of a passenger vehicle; revising
 5 exceptions to prohibition of persons riding on any vehicle
 6 on an area of the vehicle not designed or intended for the
 7 use of passengers; prohibiting operator from allowing
 8 certain minors to ride within the open body of a pickup
 9 truck or flatbed truck; providing exceptions; providing
 10 penalties; providing an effective date.

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

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

16 316.2015 Unlawful for person to ride on exterior of
 17 vehicle.--

18 (1) It is unlawful for any operator of a passenger vehicle
 19 to permit any person to ride on the bumper, radiator, fender,
 20 hood, top, trunk, or running board of such vehicle when operated
 21 upon any street or highway which is maintained by the state,
 22 county, or municipality. ~~However, the operator of any vehicle~~
 23 ~~shall not be in violation of this section when such operator~~
 24 ~~permits any person to occupy seats securely affixed to the~~
 25 ~~exterior of such vehicle.~~ Any person who violates the provisions
 26 of this subsection shall be cited for a moving violation,
 27 punishable as provided in chapter 318.

28 (2)(a) No person shall ride on any vehicle upon any
29 portion thereof not designed or intended for the use of
30 passengers. This paragraph shall not apply to an employee of a
31 fire department, an employee of a governmentally operated solid
32 waste disposal department or a waste disposal service operating
33 pursuant to a contract with a governmental entity, or to a
34 volunteer firefighter when the employee or firefighter is
35 engaged in the necessary discharge of a duty and shall not apply
36 to a person who is being transported in response to an emergency
37 by a public agency or pursuant to the direction or authority of
38 a public agency ~~This provision shall not apply to an employee~~
39 ~~engaged in the necessary discharge of a duty or to a person or~~
40 ~~persons riding within truck bodies in space intended for~~
41 ~~merchandise.~~

42 (b) It is unlawful for any operator of a pickup truck or
43 flatbed truck to permit a minor child who has not attained 18
44 years of age to ride upon the public roads of the state within
45 the open body of the pickup truck or flatbed truck unless the
46 minor is restrained within the open body in the back of a truck
47 which has been modified to include secure seating and safety
48 restraints which would prevent the minor from being thrown,
49 falling, or jumping from the truck. This paragraph shall not
50 apply in a medical emergency if the child is accompanied within
51 the truck by an adult and shall not apply when the truck is
52 being operated on a farm or off the public roads of the state.

53 (c) Any person who violates ~~the provisions of~~ this
54 subsection shall be cited for a nonmoving violation, punishable
55 as provided in chapter 318.

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56 (3) This section shall not apply to a performer engaged in
57 a professional exhibition or person participating in an
58 exhibition or parade, or any such person preparing to
59 participate in such exhibitions or parades.

60 Section 2. This act shall take effect July 1, 2005.