

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; amending s. 316.008, F.S.; providing for  
 11          counties and municipalities to allow, by ordinance, for  
 12          persons to ride on the bed of a pickup truck or flatbed  
 13          truck; providing an effective date.

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

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 17          Section 1.   Section 316.2015, Florida Statutes, is amended  
 18          to read:

19          316.2015   Unlawful for person to ride on exterior of  
 20          vehicle.--

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

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29 ~~of~~ this subsection shall be cited for a moving violation,  
30 punishable as provided in chapter 318.

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

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

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

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

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

65        316.008 Powers of local authorities.--

66        (7) A county or municipality may adopt an ordinance that  
 67 authorizes persons to ride on the bed of a pickup truck or  
 68 flatbed truck, notwithstanding the prohibition contained in s.  
 69 316.2015.

70        Section 3. This act shall take effect July 1, 2005.