

CHAMBER ACTION

1 The Local Government Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to traffic safety; amending s. 316.2015,
7 F.S.; removing an exception to prohibition of persons
8 riding on the exterior of a passenger vehicle; revising
9 exceptions to prohibition of persons riding on any area of
10 a vehicle not designed or intended for the use of
11 passengers; prohibiting operator from allowing certain
12 minors to ride within the open body of a pickup truck or
13 flatbed truck while traveling on certain facilities;
14 providing exceptions; providing penalties; amending s.
15 316.008, F.S.; providing for counties and municipalities
16 to allow, by ordinance, for persons to ride on the bed of
17 a pickup truck or flatbed truck; providing an effective
18 date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Section 316.2015, Florida Statutes, is amended
23 to read:

24 316.2015 Unlawful for person to ride on exterior of
25 vehicle.--

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

36 (2)(a) No person shall ride on any vehicle upon any
37 portion thereof not designed or intended for the use of
38 passengers. This paragraph shall not apply to:

39 1. An employee of a fire department or a volunteer
40 firefighter when the firefighter is engaged in the necessary
41 discharge of a duty;

42 2. A person who is being transported in response to an
43 emergency by a public agency or pursuant to the direction or
44 authority of a public agency; or

45 3. An employee of a solid waste or recyclable collection
46 service while in the course of employment collecting solid waste
47 or recyclables on designated routes ~~This provision shall not~~
48 ~~apply to an employee engaged in the necessary discharge of a~~
49 ~~duty or to a person or persons riding within truck bodies in~~
50 ~~space intended for merchandise.~~

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

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

66 (3) This section shall not apply to a performer engaged in
 67 a professional exhibition or person participating in an
 68 exhibition or parade, or any such person preparing to
 69 participate in such exhibitions or parades.

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

72 316.008 Powers of local authorities.--

73 (7) A county or municipality may adopt an ordinance that
 74 authorizes persons to ride on the bed of a pickup truck or
 75 flatbed truck, notwithstanding the prohibition contained in s.
 76 316.2015.

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