

1 A bill to be entitled
 2 An act relating to operating a motor vehicle; creating s.
 3 316.1926, F.S.; creating additional offenses regarding
 4 motor vehicle operation; amending s. 316.2085, F.S.;
 5 requiring an operator of a motorcycle or moped to maintain
 6 both wheels on the ground at all times; requiring that the
 7 license tag of a motorcycle or moped be affixed
 8 horizontally; amending s. 318.14, F.S.; providing
 9 additional penalties for certain offenses; providing for a
 10 specified fine and revocation of the person's privilege to
 11 operate a motor vehicle; providing an effective date.

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

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 15 Section 1. Section 316.1926, Florida Statutes, is created
 16 to read:

17 316.1926 Additional offenses.--

18 (1) A person who violates the provisions of s. 316.2085(2)
 19 or (3) shall be cited for a moving violation, punishable as
 20 provided in chapter 318.

21 (2) A person who exceeds the speed limit in excess of 50
 22 miles per hour or more in violation of s. 316.183(2), s.
 23 316.187, or s. 316.189 shall be cited for a moving violation,
 24 punishable as provided in chapter 318.

25 Section 2. Subsection (2) of section 316.2085, Florida
 26 Statutes, is amended, subsections (3) through (6) of that
 27 section are renumbered as subsections (4) through (7),
 28 respectively, and a new subsection (3) is added to that section,

29 to read:

30 316.2085 Riding on motorcycles or mopeds.--

31 (2) A person shall ride upon a motorcycle or moped only
32 while sitting astride the seat, with both wheels on the ground
33 at all times, facing forward, and with one leg on each side of
34 the motorcycle or moped. However, it is not a violation of this
35 subsection if the wheels of a motorcycle or moped lose contact
36 with the ground briefly due to the condition of the road surface
37 or other circumstances beyond the control of the operator.

38 (3) The license tag of a motorcycle or moped must be
39 permanently affixed horizontally to the ground and may not be
40 adjusted or capable of being flipped up.

41 Section 3. Subsection (13) is added to section 318.14,
42 Florida Statutes, to read:

43 318.14 Noncriminal traffic infractions; exception;
44 procedures.--

45 (13) (a) A person cited for a violation of s. 316.1926
46 shall, in addition to any other requirements provided in this
47 section, pay a fine of \$1,000. This fine is in lieu of the fine
48 required under s. 318.18(3) (b), if the person was cited for
49 violation of s. 316.1926(2).

50 (b) A person cited for a second violation of s. 316.1926
51 shall, in addition to any other requirements provided in this
52 section, pay a fine of \$2,500. This fine is in lieu of the fine
53 required under s. 318.18(3) (b), if the person was cited for
54 violation of s. 316.1926(2). In addition, the court shall revoke
55 the person's authorization and privilege to operate a motor
56 vehicle for a period of 1 year and order the person to surrender

57 his or her driver's license.

58 (c) A person cited for a third violation of s. 316.1926
59 commits a felony of the third degree, punishable as provided in
60 s. 775.082, s. 775.083, or s. 775.084. Upon conviction, the
61 court shall impose a fine of \$5,000, revoke the person's
62 authorization and privilege to operate a motor vehicle for a
63 period of 10 years, and order the person to surrender his or her
64 driver's license.

65 Section 4. This act shall take effect October 1, 2008.