

ENROLLED

CS/HB 137, Engrossed 1

2008 Legislature

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.

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

14
 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,

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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

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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.