



348004

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
4/10/2008	.	
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1 The Committee on Transportation and Economic Development
2 Appropriations (Fasano) recommended the following **amendment:**

3
4 **Senate Amendment (with title amendment)**

5 Between line(s) 2295-2296

6 insert:

7 Section 42. Section 316.1926, Florida Statutes, is created
8 to read:

9 316.1926 Additional offenses.--

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

13 (2) A person who exceeds a speed limit of 50 miles per hour
14 or more in violation of s. 316.183(2), s. 316.187, or s. 316.189
15 shall be cited for a moving violation, punishable as provided in
16 chapter 318.



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17 Section 43. Subsection (2) of section 316.2085, Florida
18 Statutes, is amended, subsections (3) through (6) of that section
19 are renumbered as subsections (4) through (7), respectively, and
20 a new subsection (3) is added to that section, to read:

21 316.2085 Riding on motorcycles or mopeds.--

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

29 (3) The license tag of a motorcycle or moped must be
30 permanently affixed horizontally to the ground and may not be
31 adjustable or capable of being flipped up.

32 Section 44. Subsection (13) is added to section 318.14,
33 Florida Statutes, to read:

34 318.14 Noncriminal traffic infractions; exception;
35 procedures.--

36 (13) (a) A person cited for a violation of s. 316.1926
37 shall, in addition to any other requirements provided herein, pay
38 a fine of \$1,000. This fine is in lieu of the fine required under
39 318.18(3)(b) if the person is cited for violation of s.
40 316.1926(2).

41 (b) A person cited for a second violation of s. 316.1926
42 shall, in addition to any other requirements provided herein, pay
43 a fine of \$2,500. This fine is in lieu of the fine required under
44 s. 318.18(3)(b) if the person is cited for violation of s.
45 316.1926(2). In addition, the court shall revoke the person's
46 authorization and privilege to operate a motor vehicle for a



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47 period of 1 year and order the person to surrender his or her
48 driver's license.

49 (c) A person cited for a third violation of s. 316.1926
50 commits a felony of the third degree, punishable as provided in
51 s. 775.082, s. 775.083, or s. 775.084. Upon conviction, the court
52 shall revoke the person's authorization and privilege to operate
53 a motor vehicle for a period of 10 years, and order the person to
54 surrender his or her driver's license.

55 Section 45. Section 318.195, Florida Statutes, is created
56 to read:

57 318.195 Enhanced penalties for moving violations causing
58 injury or death to motorcyclists.--

59 (1) A person who is convicted of a moving violation that
60 causes serious bodily injury, as defined in s 316.1933)1)(b), to
61 another person on a motorcycle commits a misdemeanor of the
62 second degree, punishable as provided in s. 775.082 or s.
63 775.083, shall pay a fine of not less than \$500, shall serve a
64 minimum of 30 days' imprisonment, and shall be required to attend
65 a driver improvement course. In addition, the court shall revoke
66 the person's driver's license for at least 30 days.

67 (2) A person who is convicted of a moving violation that
68 causes or contributes to causing the death of another person on a
69 motorcycle commits a misdemeanor of the first degree, punishable
70 as provided in s. 775.082 or s. 775.083, shall pay a fine of at
71 least \$1,000, shall serve a minimum term of 90 days'
72 imprisonment, and, in lieu of s. 322.0261, shall be required to
73 attend an advanced driver improvement course. In addition, the
74 court shall revoke the driver's license of a person so convicted
75 for 1 year.



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76 (3) This section does not prohibit a person from being
77 charged with, convicted of, or punished for any other violation
78 of law.

79
80 ===== T I T L E A M E N D M E N T =====

81 And the title is amended as follows:

82 On line(s) 185, after the semicolon,
83 insert:

84 creating s. 316.1926, F.S.; creating additional offenses
85 regarding the operation of a motor vehicle; amending s.
86 316.2085, F.S.; requiring an operator of a motorcycle or
87 moped to maintain both wheels on the ground at all times;
88 requiring that the license tag of a motorcycle or moped be
89 affixed horizontally; amending s. 318.14, F.S.; providing
90 additional penalties for certain offenses involving the
91 operation of a motorcycle or excessive speed; providing
92 for revocation of an offender's privilege to operate a
93 motor vehicle; creating s. 318.195, F.S.; providing
94 enhanced penalties for moving violations that cause injury
95 or death to a person on a motorcycle;