



514012

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: 1/RCS	.	
4/1/2008	.	
	.	
	.	

1 The Committee on Transportation (Villalobos) recommended the
 2 following **amendment**:

3
 4 **Senate Amendment (with directory and title amendments)**

5 Delete everything after the enacting clause
 6 and insert:

7 Section 1. Section 316.1926, Florida Statutes, is created
 8 to read:

9 316.1926 Additional offenses.--

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

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

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

22 316.2085 Riding on motorcycles or mopeds.--

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

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

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

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

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

41 (b) A person cited for a second violation of 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
44 318.18(3)(b) if the person is cited for violation of 316.1926(2).
45 In addition, the court shall revoke the person's authorization
46 and privilege to operate a motor vehicle for a period of 1 year
47 and order the person to surrender his or her driver's license.



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

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

57
 58 ===== T I T L E A M E N D M E N T =====

59 And the title is amended as follows:

60 Delete everything before the enacting clause
 61 and insert:

62 A bill to be entitled
 63 An act relating to operating a motor vehicle; creating s.
 64 316.1926, F.S.; creating additional offenses regarding the
 65 operation of a motor vehicle; amending s. 316.2085, F.S.;
 66 requiring an operator of a motorcycle or moped to maintain
 67 both wheels on the ground at all times; requiring that the
 68 license tag of a motorcycle or moped be affixed
 69 horizontally; amending s. 318.14, F.S.; providing
 70 additional penalties for certain offenses involving the
 71 operation of a motorcycle or excessive speed; providing
 72 for seizure and forfeiture of a motor vehicle; providing
 73 for revocation of the person's privilege to operate a
 74 motor vehicle; providing an effective date.