

By Senator Garcia

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1 A bill to be entitled

2 An act relating to operating a motorcycle or moped;
3 creating s. 316.1926, F.S.; providing additional penalties
4 for certain offenses committed by a person operating or in
5 actual physical control of a motorcycle; requiring that
6 the person be taken into custody; providing for seizure
7 and forfeiture of the motorcycle; providing for revocation
8 of the person's privilege to operate a motorcycle;
9 amending s. 316.2085, F.S.; requiring an operator of a
10 motorcycle or moped to maintain both wheels on the ground
11 at all times; requiring that the license tag of a
12 motorcycle or moped be affixed horizontally; providing an
13 effective date.

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

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17 Section 1. Section 316.1926, Florida Statutes, is created
18 to read:

19 316.1926 Motorcycle offenses.--

20 (1) When a law enforcement officer charges a person with
21 reckless driving in violation of s. 316.192 while operating or in
22 actual physical control of a motorcycle, the officer shall arrest
23 the person, take him or her into custody, and seize the
24 motorcycle, which shall be subject to forfeiture under the
25 Florida Contraband Forfeiture Act.

26 (2) Upon conviction, in addition to any other penalty
27 provided by law, the court shall revoke the person's
28 authorization and privilege to operate a motorcycle for a period

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29 of 10 years and order the person to surrender his or her driver's
30 license.

31 (a) If the person holds a Class A, Class B, or Class C
32 driver's license, the department shall issue a replacement
33 license, valid for the remainder of the person's unexpired
34 license period, without the endorsement to operate a motorcycle.

35 (b) If the person holds a Class E driver's license that is
36 not restricted to motorcycle operation only, the department shall
37 issue a replacement license, valid for the remainder of the
38 person's unexpired license period, without the authorization to
39 operate a motorcycle.

40 (3) Revocation of the privilege to operate a motorcycle
41 under this section does not prohibit or restrict the issuance or
42 renewal of a driver's license for purposes other than the
43 operation of a motorcycle.

44 Section 2. Subsection (2) of section 316.2085, Florida
45 Statutes, is amended, present subsections (3) through (6) of that
46 section are redesignated as subsections (4) through (7), and a
47 new subsection (3) is added to that section, to read:

48 316.2085 Riding on motorcycles or mopeds.--

49 (2) A person shall ride upon a motorcycle or moped only
50 while sitting astride the seat, with both wheels on the ground at
51 all times, facing forward, and with one leg on each side of the
52 motorcycle or moped.

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

56 Section 3. This act shall take effect October 1, 2008.