

By the Committee on Transportation; and Senator Garcia

596-06361-08

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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 the
4 operation of a motor vehicle; 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 involving the
10 operation of a motorcycle or excessive speed; providing
11 for seizure and forfeiture of a motor vehicle; providing
12 for revocation of the person's privilege to operate a
13 motor vehicle; providing an 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 Additional offenses.--

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

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

27 Section 2. Subsection (2) of section 316.2085, Florida
28 Statutes, is amended, subsections (3) through (6) of that section
29 are renumbered as subsections (4) through (7), respectively, and

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30 a new subsection (3) is added to that section, to read:

31 316.2085 Riding on motorcycles or mopeds.--

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

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

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

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

46 (13) (a) A person cited for a violation of s. 316.1926
47 shall, in addition to any other requirements provided herein, pay
48 a fine of \$1,000. This fine is in lieu of the fine required under
49 318.18(3) (b) if the person is cited for violation of s.
50 316.1926(2).

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

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59 (c) A person cited for a third violation of s. 316.1926
60 commits a felony of the third degree, punishable as provided in
61 s. 775.082, s. 775.083, or s. 775.084. Upon conviction, the court
62 shall seize the vehicle, which shall be subject to forfeiture
63 under the Florida Contraband Forfeiture Act, revoke the person's
64 authorization and privilege to operate a motor vehicle for a
65 period of 10 years, and order the person to surrender his or her
66 driver's license.

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