

By the Committees on Criminal Justice; Transportation; and
Senator Garcia

591-06972-08

2008802c2

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 revocation of the person's privilege to operate a
12 motor vehicle; providing an effective date.

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

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

18 316.1926 Additional offenses.--

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

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

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

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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 at
33 all times, facing forward, and with one leg on each side of the
34 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 adjustable 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 herein, pay
47 a fine of \$1,000. This fine is in lieu of the fine required under
48 318.18(3) (b) if the person is cited for violation of s.
49 316.1926(2).

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

58 (c) A person cited for a third violation of s. 316.1926

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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 court
61 shall revoke the person's authorization and privilege to operate
62 a motor vehicle for a period of 10 years, and order the person to
63 surrender his or her driver's license.

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