

By the Committees on Transportation and Economic Development  
Appropriations; Criminal Justice; Transportation; and Senator  
Garcia

606-07664-08

2008802c3

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 additional  
9 penalties for certain offenses involving the operation of a  
10 motorcycle or excessive speed; providing for revocation of  
11 the person's privilege to operate a motor vehicle; creating  
12 s. 318.195, F.S.; providing that a person who is convicted  
13 of a moving violation that causes or contributes to causing  
14 serious injury to or the death of a person riding a  
15 motorcycle commits a misdemeanor offense; requiring that the  
16 offender pay a specified fine, serve a minimum of period of  
17 incarceration, and attend a driver improvement course;  
18 requiring the court to revoke the person's driver's license  
19 for a specified period; providing criminal penalties;  
20 providing that the act does not prohibit the offender from  
21 being charged with, convicted of, or punished for any other  
22 violation of law; providing an effective date.

23  
24 Be It Enacted by the Legislature of the State of Florida:

25  
26 Section 1. Section 316.1926, Florida Statutes, is created  
27 to read:

28 316.1926 Additional offenses.--

29 (1) A person who violates the provisions of s. 316.2085(2)

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30 or (3) shall be cited for a moving violation, punishable as  
31 provided in chapter 318.

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

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

40 316.2085 Riding on motorcycles or mopeds.--

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

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

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

53 318.14 Noncriminal traffic infractions; exception;  
54 procedures.--

55 (13) (a) A person cited for a violation of s. 316.1926  
56 shall, in addition to any other requirements provided herein, pay  
57 a fine of \$1,000. This fine is in lieu of the fine required under  
58 318.18(3) (b) if the person is cited for violation of s.

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59 316.1926(2).

60 (b) A person cited for a second violation of s. 316.1926  
61 shall, in addition to any other requirements provided herein, pay  
62 a fine of \$2,500. This fine is in lieu of the fine required under  
63 s. 318.18(3)(b) if the person is cited for violation of s.  
64 316.1926(2). In addition, the court shall revoke the person's  
65 authorization and privilege to operate a motor vehicle for a  
66 period of 1 year and order the person to surrender his or her  
67 driver's license.

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

74 Section 4. Section 318.195, Florida Statutes, is created to  
75 read:

76 318.195 Enhanced penalties for moving violations causing  
77 injury or death to motorcyclists.--

78 (1) A person who is convicted of a moving violation that  
79 causes serious bodily injury, as defined in s. 316.1933, to a  
80 person riding on a motorcycle commits a misdemeanor of the second  
81 degree, punishable as provided in s. 775.082 or s. 775.083, and  
82 shall pay a fine of not less than \$500, serve a minimum of 30  
83 days of incarceration, and attend a driver improvement course.  
84 The court shall also revoke the person's driver's license for not  
85 less than 30 days.

86 (2) A person who is convicted of a moving violation that  
87 causes or contributes to causing the death of a person riding on

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88 a motorcycle commits a misdemeanor of the first degree,  
89 punishable as provided in s. 775.082 or s. 775.083, and shall pay  
90 a fine of not less than \$1,000, serve a minimum of 90 days of  
91 incarceration, and, in lieu of the requirements of s. 322.0261,  
92 attend an advanced driver improvement course. The court shall  
93 also revoke the person's driver's license for not less than 1  
94 year.

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

98 Section 5. This act shall take effect October 1, 2008.