



202348

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2009	.	
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The Committee on Transportation (Siplin) recommended the following:

1 **Senate Substitute for Amendment (459726) (with title**
2 **amendment)**

3
4 Delete lines 9 - 10
5 and insert:

6 Section 1. Subsection (2) of section 316.2015, Florida
7 Statutes, is amended to read:

8 316.2015 Unlawful for person to ride on exterior of
9 vehicle.—

10 (2) (a) No person shall ride on any vehicle upon any portion
11 thereof not designed or intended for the use of passengers. This



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12 paragraph does not apply to an employee of a fire department, an
13 employee of a governmentally operated solid waste disposal
14 department or a waste disposal service operating pursuant to a
15 contract with a governmental entity, or to a volunteer
16 firefighter when the employee or firefighter is engaged in the
17 necessary discharge of a duty, and does not apply to a person
18 who is being transported in response to an emergency by a public
19 agency or pursuant to the direction or authority of a public
20 agency. This paragraph does not apply to an employee engaged in
21 the necessary discharge of a duty or to a person or persons
22 riding within truck bodies in space intended for merchandise.

23 (b) It is unlawful for any operator of a pickup truck or
24 flatbed truck to permit a minor child who has not attained 18
25 years of age to ride upon limited access facilities of the state
26 within the open body of a pickup truck or flatbed truck unless
27 the minor is restrained within the open body in the back of a
28 truck that has been modified to include secure seating and
29 safety restraints to prevent the passenger from being thrown,
30 falling, or jumping from the truck. This paragraph does not
31 apply in a medical emergency if the child is accompanied within
32 the truck by an adult. A county is exempt from this paragraph if
33 the governing body of the county, by majority vote, following a
34 noticed public hearing, votes to exempt the county from this
35 paragraph.

36 (c) It is unlawful for any operator of a pickup truck or
37 flatbed truck to permit a minor child who has not attained 6
38 years of age to ride within the open body of the pickup truck or
39 flatbed truck at a speed that exceeds 35 miles per hour upon any
40 street or highway that is maintained by the state, a county, or



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41 a municipality unless the minor is restrained within the open
42 body in the back of a truck that has been modified to include
43 secure seating and safety restraints that are appropriate for
44 the child's age to prevent such child from being thrown,
45 falling, or jumping from the truck. This paragraph does not
46 apply in a medical emergency if the child is accompanied within
47 the truck by an adult. A county is exempt from this paragraph if
48 the governing body of the county, by majority vote, following a
49 noticed public hearing, votes to exempt the county from this
50 paragraph. This paragraph also does not apply to the operator of
51 a pickup truck if the truck is the only vehicle owned by the
52 operator or the immediate family of the operator.

53 (d)~~(e)~~ Any person who violates this subsection shall be
54 cited for a nonmoving violation, punishable as provided in
55 chapter 318.

56 Section 2. This act shall take effect July 1, 2009.

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 lines 2 - 4

61 and insert:

62 An act relating to transportation; amending s. 316.2015,
63 F.S.; providing restraint requirements relating to certain truck
64 operators who carry minor children in the bed of such truck upon
65 a highway maintained by the state, a county, or a municipality
66 at a speed exceeding 35 miles per hour; providing exceptions;
67 providing a penalty;