



459726

LEGISLATIVE ACTION

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

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

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

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

(2) (a) No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This paragraph does not apply to an employee of a fire department, an



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

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

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



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

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

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

56  
57 ===== T I T L E A M E N D M E N T =====

58 And the title is amended as follows:

59 Delete everything before the enacting clause  
60 and insert:

61 A bill to be entitled

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