

By Senator Garcia

40-00790-09

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1 A bill to be entitled
2 An act relating to injuries to persons riding
3 motorcycles; creating s. 318.195, F.S.; providing that
4 a person who is convicted of a moving violation that
5 causes or contributes to causing serious injury to or
6 the death of a person riding a motorcycle commits a
7 misdemeanor offense; requiring that the offender pay a
8 specified fine, serve a minimum period of
9 incarceration, and attend a driver improvement course;
10 requiring the court to revoke the person's driver's
11 license for a specified period; providing criminal
12 penalties; providing that the act does not prohibit
13 the offender from being charged with, convicted of, or
14 punished for any other violation of law; providing an
15 effective date.

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

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19 Section 1. Section 318.195, Florida Statutes, is created to
20 read:

21 318.195 Enhanced penalties for moving violations causing
22 injury or death to motorcyclists.-

23 (1) A person who is convicted of a moving violation that
24 causes serious bodily injury, as defined in s. 316.1933, to a
25 person riding on a motorcycle commits a misdemeanor of the
26 second degree, punishable as provided in s. 775.082 or s.
27 775.083, and shall pay a fine of not less than \$500, serve a
28 minimum of 30 days of incarceration, and attend a driver
29 improvement course. The court shall also revoke the person's

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30 driver's license for not less than 30 days.

31 (2) A person who is convicted of a moving violation that
32 causes or contributes to causing the death of a person riding on
33 a motorcycle commits a misdemeanor of the first degree,
34 punishable as provided in s. 775.082 or s. 775.083, and shall
35 pay a fine of not less than \$1,000, serve a minimum of 90 days
36 of incarceration, and, in lieu of the requirements of s.
37 322.0261, attend an advanced driver improvement course. The
38 court shall also revoke the person's driver's license for not
39 less than 1 year.

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

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