

By Senator Perry

8-00434-18

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1                                   A bill to be entitled  
2           An act relating to motorcycle and moped riders;  
3           amending s. 316.211, F.S.; increasing the age at which  
4           persons who are operating or riding upon a certain  
5           motorcycle are exempt from protective headgear  
6           requirements; providing an effective date.

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

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10           Section 1. Section 316.211, Florida Statutes, is amended to  
11 read:

12           316.211 Equipment for motorcycle and moped riders.—

13           (1) A person may not operate or ride upon a motorcycle  
14 unless the person is properly wearing protective headgear  
15 securely fastened upon his or her head which complies with  
16 Federal Motorcycle Vehicle Safety Standard 218 promulgated by  
17 the United States Department of Transportation. The Department  
18 of Highway Safety and Motor Vehicles shall adopt this standard  
19 by agency rule.

20           (2) A person may not operate a motorcycle unless the person  
21 is wearing an eye-protective device over his or her eyes of a  
22 type approved by the department.

23           (3) (a) This section does not apply to persons riding within  
24 an enclosed cab or to any person over 21 years of age ~~16 years~~  
25 ~~of age or older~~ who is operating or riding upon a motorcycle  
26 powered by a motor with a displacement of 50 cubic centimeters  
27 or less or is rated not in excess of 2 brake horsepower and  
28 which is not capable of propelling such motorcycle at a speed  
29 greater than 30 miles per hour on level ground.

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30 (b) Notwithstanding subsection (1), a person over 21 years  
31 of age may operate or ride upon a motorcycle without wearing  
32 protective headgear securely fastened upon his or her head if  
33 such person is covered by an insurance policy providing for at  
34 least \$10,000 in medical benefits for injuries incurred as a  
35 result of a crash while operating or riding on a motorcycle.

36 (4) A person under 16 years of age may not operate or ride  
37 upon a moped unless the person is properly wearing protective  
38 headgear securely fastened upon his or her head which complies  
39 with Federal Motorcycle Vehicle Safety Standard 218 promulgated  
40 by the United States Department of Transportation.

41 (5) The department shall make available a list of  
42 protective headgear approved in this section, and the list shall  
43 be provided on request.

44 (6) Each motorcycle registered to a person under 21 years  
45 of age must display a license plate that is unique in design and  
46 color.

47 (7) A violation of this section is a noncriminal traffic  
48 infraction, punishable as a nonmoving violation as provided in  
49 chapter 318.

50 Section 2. This act shall take effect July 1, 2018.