

By the Committee on Transportation; and Senator Perry

596-01403-18

2018346c1

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 or a moped are exempt from protective
6 headgear requirements; requiring a moped registered to
7 a person under a specified age to display a license
8 plate that is unique in design and color; providing an
9 effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Section 316.211, Florida Statutes, is amended to
14 read:

15 316.211 Equipment for motorcycle and moped riders.—

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

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

26 (3) (a) This section does not apply to persons riding within
27 an enclosed cab or to any person over 21 years of age ~~16 years~~
28 ~~of age or older~~ who is operating or riding upon a motorcycle
29 powered by a motor with a displacement of 50 cubic centimeters

596-01403-18

2018346c1

30 or less or is rated not in excess of 2 brake horsepower and
31 which is not capable of propelling such motorcycle at a speed
32 greater than 30 miles per hour on level ground.

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

39 (4) A person under 21 ~~16~~ years of age may not operate or
40 ride upon a moped unless the person is properly wearing
41 protective headgear securely fastened upon his or her head which
42 complies with Federal Motorcycle Vehicle Safety Standard 218
43 promulgated by the United States Department of Transportation.

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

47 (6) Each motorcycle or moped registered to a person under
48 21 years of age must display a license plate that is unique in
49 design and color.

50 (7) A violation of this section is a noncriminal traffic
51 infraction, punishable as a nonmoving violation as provided in
52 chapter 318.

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