

## Council Substitute for House Bill No. 137

An act relating to operating a motor vehicle; creating s. 316.1926, F.S.; creating additional offenses regarding motor vehicle operation; amending s. 316.2085, F.S.; requiring an operator of a motorcycle or moped to maintain both wheels on the ground at all times; requiring that the license tag of a motorcycle or moped be affixed horizontally; amending s. 318.14, F.S.; providing additional penalties for certain offenses; providing for a specified fine and revocation of the person's privilege to operate a motor vehicle; providing an effective date.

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

Section 1. Section 316.1926, Florida Statutes, is created to read:

316.1926 Additional offenses.—

(1) A person who violates the provisions of s. 316.2085(2) or (3) shall be cited for a moving violation, punishable as provided in chapter 318.

(2) A person who exceeds the speed limit in excess of 50 miles per hour or more in violation of s. 316.183(2), s. 316.187, or s. 316.189 shall be cited for a moving violation, punishable as provided in chapter 318.

Section 2. Subsection (2) of section 316.2085, Florida Statutes, is amended, subsections (3) through (6) of that section are renumbered as subsections (4) through (7), respectively, and a new subsection (3) is added to that section, to read:

316.2085 Riding on motorcycles or mopeds.—

(2) A person shall ride upon a motorcycle or moped only while sitting astride the seat, with both wheels on the ground at all times, facing forward, and with one leg on each side of the motorcycle or moped. However, it is not a violation of this subsection if the wheels of a motorcycle or moped lose contact with the ground briefly due to the condition of the road surface or other circumstances beyond the control of the operator.

(3) The license tag of a motorcycle or moped must be permanently affixed horizontally to the ground and may not be adjusted or capable of being flipped up.

Section 3. Subsection (13) is added to section 318.14, Florida Statutes, to read:

318.14 Noncriminal traffic infractions; exception; procedures.—

(13)(a) A person cited for a violation of s. 316.1926 shall, in addition to any other requirements provided in this section, pay a fine of \$1,000. This fine is in lieu of the fine required under s. 318.18(3)(b), if the person was cited for violation of s. 316.1926(2).

(b) A person cited for a second violation of s. 316.1926 shall, in addition to any other requirements provided in this section, pay a fine of \$2,500. This fine is in lieu of the fine required under s. 318.18(3)(b), if the person was cited for violation of s. 316.1926(2). In addition, the court shall revoke the person's authorization and privilege to operate a motor vehicle for a period of 1 year and order the person to surrender his or her driver's license.

(c) A person cited for a third violation of s. 316.1926 commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Upon conviction, the court shall impose a fine of \$5,000, revoke the person's authorization and privilege to operate a motor vehicle for a period of 10 years, and order the person to surrender his or her driver's license.

Section 4. This act shall take effect October 1, 2008.

Approved by the Governor June 10, 2008.

Filed in Office Secretary of State June 10, 2008.