

By Senator Sebesta

16-830-05

1                                   A bill to be entitled  
2           An act relating to traffic safety; amending s.  
3           316.2015, F.S.; removing an exception to  
4           prohibition of persons riding on the exterior  
5           of a passenger vehicle; revising exceptions to  
6           prohibition of persons riding on any vehicle on  
7           an area of the vehicle not designed or intended  
8           for the use of passengers; prohibiting operator  
9           from allowing certain minors to ride within the  
10          open body of a pickup truck or flatbed truck;  
11          providing exceptions; providing penalties;  
12          providing for counties to be exempted from the  
13          act; providing an effective date.

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

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17           Section 1. Section 316.2015, Florida Statutes, is  
18 amended to read:

19           316.2015 Unlawful for person to ride on exterior of  
20 vehicle.--

21           (1) It is unlawful for any operator of a passenger  
22 vehicle to permit any person to ride on the bumper, radiator,  
23 fender, hood, top, trunk, or running board of such vehicle  
24 when operated upon any street or highway which is maintained  
25 by the state, county, or municipality. ~~However, the operator~~  
26 ~~of any vehicle shall not be in violation of this section when~~  
27 ~~such operator permits any person to occupy seats securely~~  
28 ~~affixed to the exterior of such vehicle.~~ Any person who  
29 violates ~~the provisions~~ of this subsection shall be cited for  
30 a moving violation, punishable as provided in chapter 318.

1           (2)(a) No person shall ride on any vehicle upon any  
2 portion thereof not designed or intended for the use of  
3 passengers. This paragraph does not apply to an employee of a  
4 fire department, an employee of a governmentally operated  
5 solid waste disposal department or a waste disposal service  
6 operating pursuant to a contract with a governmental entity,  
7 or to a volunteer firefighter when the employee or firefighter  
8 is engaged in the necessary discharge of a duty and does not  
9 apply to a person who is being transported in response to an  
10 emergency by a public agency or pursuant to the direction or  
11 authority of a public agency ~~This provision shall not apply to~~  
12 ~~an employee engaged in the necessary discharge of a duty or to~~  
13 ~~a person or persons riding within truck bodies in space~~  
14 ~~intended for merchandise.~~

15           (b) It is unlawful for any operator of a pickup truck  
16 or flatbed truck to permit a minor child who has not attained  
17 18 years of age to ride upon the public roads of the state  
18 within the open body of the pickup truck or flatbed truck  
19 unless the minor is restrained within the open body in the  
20 back of a truck which has been modified to include secure  
21 seating and safety restraints that would prevent the minor  
22 from being thrown, falling, or jumping from the truck. This  
23 paragraph does not apply in a medical emergency if the child  
24 is accompanied within the truck by an adult and does not apply  
25 when the truck is being operated on a farm or off the public  
26 roads of the state.

27           (c) Any person who violates ~~the provisions of~~ this  
28 subsection shall be cited for a nonmoving violation,  
29 punishable as provided in chapter 318.

30           (3) This section shall not apply to a performer  
31 engaged in a professional exhibition or person participating

1 in an exhibition or parade, or any such person preparing to  
2 participate in such exhibitions or parades.

3 (4) A county is exempt from this section if the  
4 governing body of the county, by majority vote, following a  
5 duly noticed public hearing, votes to exempt the county from  
6 this section.

7 Section 2. This act shall take effect July 1, 2005.

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10 SENATE SUMMARY

11 Revises provisions relating to persons riding on the  
12 exterior of vehicles. Revises exemptions. Prohibits  
13 minors from riding in the open body of a pickup truck.  
14 Provides exemptions. Provides for a county to exempt  
15 itself from such regulation. (See bill for details.)  
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