16-1249-06

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 on
11	limited access facilities; providing
12	exceptions; providing penalties; providing for
13	counties to be exempted from the act; providing
14	an effective date.
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16	Be It Enacted by the Legislature of the State of Florida:
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18	Section 1. Section 316.2015, Florida Statutes, is
19	amended to read:
20	316.2015 Unlawful for person to ride on exterior of
21	vehicle
22	(1) It is unlawful for any operator of a passenger
23	vehicle to permit any person to ride on the bumper, radiator,
24	fender, hood, top, trunk, or running board of such vehicle
25	when operated upon any street or highway which is maintained
26	by the state, county, or municipality. However, the operator
27	of any vehicle shall not be in violation of this section when
28	such operator permits any person to occupy seats securely
29	affixed to the exterior of such vehicle. Any person who
30	violates the provisions of this subsection shall be cited for
31	a moving violation, punishable as provided in chapter 318.

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(2)(a) No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This paragraph does not apply to an employee of a fire department, an employee of a governmentally operated solid waste disposal department or a waste disposal service operating pursuant to a contract with a governmental entity, or to a volunteer firefighter when the employee or firefighter is engaged in the necessary discharge of a duty and does not apply to a person who is being transported in response to an emergency by a public agency or pursuant to the direction or authority of a public agency. This provision shall not apply to an employee engaged in the necessary discharge of a duty or to a person or persons over the age of 18 years riding within truck bodies in space intended for merchandise.

(b) It is unlawful for any operator of a pickup truck or flatbed truck to permit a minor child who has not attained 18 years of age to ride upon limited access facilities of the state within the open body of a pickup truck or flatbed truck unless the minor is restrained within the open body in the back of a truck which has been modified to include secure seating and safety restraints that would prevent the minor from being thrown, falling, or jumping from the truck. This paragraph does not apply in a medical emergency if the child is accompanied within the truck by an adult. A county is exempt from this paragraph if the governing body of the county, by majority vote, following a duly noticed public hearing, votes to exempt the county from this paragraph.

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

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1	(3) This section shall not apply to a performer
2	engaged in a professional exhibition or person participating
3	in an exhibition or parade, or any such person preparing to
4	participate in such exhibitions or parades.
5	Section 2. This act shall take effect July 1, 2006.
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8	SENATE SUMMARY
9	Revises provisions relating to persons riding on the
10	exterior of vehicles. Revises exemptions. Prohibits minors from riding in the open body of a pickup truck. Provides exemptions. Provides for a county to exempt
11	itself from such regulation. (See bill for details.)
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