

Amendment No. 4

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee
 2 Representative Gantt offered the following:

Amendment (with directory and title amendments)

Between lines 402 and 403, insert:

6 (7) MOTORCYCLES.-In an action involving a motorcycle
 7 alleging injuries received by a claimant, and where the claimant
 8 was at the time of the injury in compliance with s. 316.211, the
 9 fact that the claimant was or was not wearing protective
 10 headgear is not admissible as evidence and shall not be
 11 considered in the apportionment of fault or causation, and the
 12 trier of fact shall not consider whether the claimant was or was
 13 not wearing protective headgear. The jury shall appropriately be
 14 instructed by the trial judge that the lack of protective
 15 headgear cannot be considered in the apportionment of fault or
 16 causation.

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D I R E C T O R Y A M E N D M E N T

Remove line 390 and insert:

Statutes, is amended, and subsections (6) and (7) are added to
that

T I T L E A M E N D M E N T

Remove line 24 and insert:

comparative negligence action; providing that in a personal
injury action involving a motorcycle, the fact that the
claimant was not wearing headgear may not be considered and
is not admissible if the claimant was in compliance with
specified statutory provisions; repealing ss. 626.9373