

Amendment No. 3a

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

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1 Committee/Subcommittee hearing bill: Judiciary Committee  
2 Representative Chambliss offered the following:

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4 **Amendment to Amendment (047663) by Representative Gregory**  
5 **(with directory and title amendments)**

6 Between lines 705 and 706 of the amendment, insert:

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

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16 headgear cannot be considered in the apportionment of fault or  
17 causation.

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

20 Remove line 691 of the amendment and insert:  
21 Statutes, is amended, and subsections (6) and (7) are added to  
22 that

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

25 Remove line 826 of the amendment and insert:  
26 under a comparative negligence action; providing that in an  
27 action involving a motorcycle, the fact that the claimant  
28 was not wearing headgear may not be considered and is not  
29 admissible if the claimant was in compliance with specified  
30 statutory provisions; providing applicability; amending