1983

Session Law 83-227

Florida Senate & House of Representatives

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Recommended Citation

I. SUMMARY:

A. Present Situation: Currently, the holder of a restricted operator, operator, or chauffeur license may operate a motorcycle without additional examinations or fees.

B. Effect of Proposed Changes: Requires the Department of Highway Safety and Motor Vehicles to formulate and administer a separate motorcycle knowledge and skill test. Such examination shall test the applicant's knowledge of the operation of a motorcycle and of any traffic laws specifically relating thereto. It shall include an actual demonstration of the ability to exercise ordinary and reasonable control in the operation of a motorcycle or motor-driven cycle.

This test will be in addition to the examination for a license to operate a motor vehicle. Persons already licensed may apply to the department between July 1, 1983 and June 30, 1984, for a "Motorcycle Also" endorsement without being required to take the motorcycle test. Drivers who are grandfathered in during this period are required to pay an endorsement fee of $1.00 for each year or portion of a year remaining in the valid term of their license. The fee for authorization to operate a motorcycle is $4.00.

If a person wishes to operate a motorcycle only, he is not required to take the regular driver license road test. The license will bear a restriction such as "Motorcycle Only".

II. FISCAL IMPACT:

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<tbody>
<tr>
<td>Revenue</td>
<td>$1,910,442</td>
<td>$1,215,864</td>
<td>$1,397,996</td>
<td>$1,426,376</td>
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<tr>
<td>Cost</td>
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B. Local: None.

C. Private Sector: None.

III. COMMENTS:

STAFF DIRECTOR: [Signature]
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B. Local: None.

C. Private Sector: None.

III. COMMENTS: The effect of the subcommittee amendment will be a reduction in cost in fiscal year 1983-84 to $596,501.

STAFF DIRECTOR: Robert W. Coggins
The following persons (other than legislators) appeared before the subcommittee during consideration of this bill:

<table>
<thead>
<tr>
<th>Name</th>
<th>Representing</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Robert S. Wilkerson</td>
<td>Gov. Hwy. Safety Program</td>
<td></td>
</tr>
<tr>
<td>Major Keith</td>
<td>Dept. of Hwy. Safety</td>
<td></td>
</tr>
</tbody>
</table>

(Note: Please indicate by an "x" any State employee appearing at the request of Subcommittee Chairman.)

Received by Parent Committee: Date 3-29-83

Received by [Signature]
I. SUMMARY:

A. Present Situation:

Any person operating a motor vehicle upon a public highway or road of this state must possess a valid driver's license. Every applicant for a restricted operator's, operator's, or chauffeur's license must be examined by the Department of Highway Safety and Motor Vehicles. The examination includes a test of the applicant's eyesight; his ability to read and understand signs regulating, warning and directing traffic; his knowledge of the traffic laws of this state, and an actual demonstration of his ability to operate a motor vehicle.

A valid operator's or chauffeur's license is sufficient authorization to operate a motorcycle or motor-driven cycle. No specific test of a person's ability to operate such cycles is currently required.

The fee for an operator's license is $4 and $8 for a chauffeur's license.

Section 316.304 prohibits the wearing of a headset, headphone or other listening device, other than a hearing aid, while operating a motor vehicle.

B. Effect of Proposed Changes:

The bill directs the Department of Highway Safety and Motor Vehicles to formulate a separate examination for applicants wishing to operate motorcycles and motor-driven cycles. In formulating the examination the Department shall consider using the Skills Test and Traffic Test offered by the Motorcycle Safety Foundation. Commencing on October 1, 1984, anyone wishing to operate either type cycle would be required to successfully complete an examination which would include a test of the applicant's knowledge of the operation of a motorcycle or motor-driven cycle and an actual demonstration of his ability to exercise ordinary and reasonable control while operating the vehicle. The Department shall endorse the license of the applicant once he has passed the examination.

A person wishing a license to operate only a motorcycle or a motor-driven cycle would not be required to take the skill or road test required for the operation of a motor vehicle.

A person who is currently licensed and who wishes authorization to operate a motorcycle or motor-driven cycle, may apply to the Department between October 1, 1983, and October 1, 1984, and upon payment of a fee of $1 per year for each year remaining on his current license, be issued such authorization without having to take the examination.
Persons presenting certificates showing successful completion of courses in the operation of motorcycles and motor-driven cycles, which courses have been approved by the Department, are exempted from the examination given by the Department.

There would be no additional examination fee for the person taking both the motor vehicle and motorcycle/motor-driven cycle tests.

Persons who apply for the motorcycle/motor-driven cycle license authorization would be charged a fee of $4.

The prohibition against the wearing of headsets, headphones, or other listening devices is waived during the period when a person is taking the examination for a motorcycle/motor-driven cycle license.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

Beginning October 1, 1984, any person who wishes to obtain an authorization to operate a motorcycle/motor-driven cycle in addition to a motor vehicle will be required to pay an additional $4. Prior to October 1, 1984, persons with valid licenses who wish to operate the cycles will be charged $1 per year for each year remaining in the validity of their current licenses.

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The Department of Highway Safety and Motor Vehicles has estimated that the bill will result in the following revenues, expenditures and additional personnel:

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<td>97,204</td>
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The OPS positions would be used to process the applicants to be "grandfathered" in.

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III. COMMENTS:

None.
IV. AMENDMENTS:

None.
I. SUMMARY:

A. Present Situation:

(1) DUI--DRIVER'S LICENSE SUSPENSION; PLEAS:

Section 316.193, F.S., 1982 Supp., makes it unlawful for any person to drive a vehicle when under the influence of alcohol or controlled substances when affected to the extent that his normal faculties are impaired, and that section specifies an unlawful blood alcohol level. Section 316.1931, F.S., 1982 Supp., makes it unlawful for any person while intoxicated or under the influence of alcohol or a controlled substance to such extent as to deprive him of full possession of his normal faculties, to operate any vehicle. Under subsection (2), if damage to another's property or personal injury to another (excluding death) is caused by the intoxicated person, he is guilty of a first degree misdemeanor. The law specifies that the penalty for this offense shall not be less than the penalty for a violation of s. 316.193 (driving under the influence; driving with an unlawful blood alcohol level). With regard to driver license revocation upon conviction, this offense is treated as a violation of 316.193, and under s. 322.28(2)(a)1., a first time offender's license is to be revoked by the court for a minimum of 6 months and a maximum of 1 year. In cases where the court does not specify a revocation period, under subsection (2)(b), the department revokes the license for the maximum period of one year.

If under s. 316.1931(2), the intoxicated driver causes the death of any person, he is guilty of manslaughter. Section 782.07 provides that manslaughter is a 2nd degree felony. Section 782.071 provides that vehicular homicide is a 3rd degree felony. Under s. 322.26, a conviction of either offense results in mandatory license revocation. Unless a longer period is specified by the court, the department revokes the convicted person's driver's license for a period of one year.

A second conviction of s. 316.193 or s. 316.1931 results in revocation for a minimum of 5 years, and a third conviction, for a minimum of 10 years. Further, the law specifies that no driver's license shall be issued to a person who has been convicted four times for a violation of s. 316.193 or s. 316.1931.

Present law, in s. 322.281, precludes a court from suspending, deferring, or withholding adjudication of guilt or imposition of sentence for any violation of s. 316.193 or s. 316.1931.
(2) DUI--PUNISHMENT:

Under s. 316.193, any person convicted of a violation of that section for driving under the influence of alcohol or controlled substances to the extent that his normal faculties are impaired, or driving with an unlawful blood alcohol level, shall be fined not less than $250 nor more than $500 for a first conviction. In addition, that person may also be punished by imprisonment for not more than 6 months for a first conviction. Regardless of the other penalties imposed, a court must order a person first convicted to participate in public service or a community work project for a minimum of fifty hours.

(3) DUI--IMPLIED CONSENT:

Section 316.1932, F.S., 1982 Supp., provides that any person who accepts the privilege of operating a motor vehicle in Florida is deemed to have given his consent to submit to an approved chemical breath test to determine blood alcohol content, or urine test to detect the presence of controlled substances, if such person is arrested for driving under the influence of alcohol or controlled substances. In addition, such driver has impliedly consented to an approved blood test to determine blood alcohol level or the presence of controlled substances if he is admitted to a medical facility as the result of a motor vehicle accident and if the administration of a breath or urine test is impractical or impossible. Any driver so arrested and who is capable of refusing the tests must be told that his failure to submit to a breath, urine, or blood test will result in the suspension of his driving privileges for a period of 3 months for a first refusal, or a period of 6 months if the driving privileges of the person have been previously suspended as a result of his refusal to submit to any such test.

Section 322.261, F.S., 1982 Supp., provides for the suspension of driving privileges for the periods enumerated above by the Department of Highway Safety and Motor Vehicles upon the arresting officer's sworn statement of such driver's refusal to submit to any of the above tests. Upon the driver's petition in writing and after proper notice and hearing, the court having trial jurisdiction of the offense may uphold the suspension.

(4) MOTORCYCLE LICENSURE:

Any person operating a motor vehicle upon a public highway or road of this state must possess a valid driver's license. Every applicant for a restricted operator's, operator's, or chauffeur's license must be examined by the Department of Highway Safety and Motor Vehicles. The examination includes a test of the applicant's eyesight; his ability to read and understand signs regulating, warning and directing traffic; his knowledge of the traffic laws of this state, and an actual demonstration of his ability to operate a motor vehicle.

A valid operator's or chauffeur's license is sufficient authorization to operate a motorcycle or motor-driven cycle. No specific test of a person's ability to operate such cycles is currently required.

The fee for an operator's license is $4 and $8 for a chauffeur's license.

Section 316.304 prohibits the wearing of a headset, headphone or other listening device, other than a hearing aid, while operating a motor vehicle.
(5) DRIVER HISTORY RECORDS:

Section 322.20(2), F.S., in part, requires the Department of Highway Safety and Motor Vehicles to maintain a record of all accident reports and convictions. Currently, a notation of every accident in which a licensed driver is involved is entered on his driver history record whether or not he was charged with a violation in conjunction with the accident. There is no notation included as part of the accident entry to indicate whether the licensee or any other person was issued a uniform traffic citation as a result of involvement in the accident.

B. Effect of Proposed Changes:

(1) DUI--DRIVER'S LICENSE SUSPENSION; PLEAS:

The bill provides that upon a conviction of s. 316.1931(2) resulting in death, a conviction of manslaughter resulting from the operation of a motor vehicle, or a conviction of vehicular homicide, the court shall revoke the driver's license of the convicted person for a minimum of 3 years. If no period of suspension is specified by the court, the department is required to revoke the license for the minimum period specified for first or subsequent convictions.

Additionally, a court would be precluded from suspending, deferring or withholding adjudication of guilt or imposition of sentence for manslaughter resulting from vehicle operation or vehicular homicide. Furthermore, the bill precludes a judge from accepting a plea of guilty to a lesser offense from a person charged with a violation of s. 316.1931(2), manslaughter resulting from the operation of a motor vehicle, or vehicular homicide.

(2) DUI--PUNISHMENT:

For any person convicted for the first time of a violation of s. 316.193, the court is required to place that person on probation for a period not to exceed one year. In no event, however, can the probation plus the imprisonment allowed by law exceed one year. The required participation in public service or a community work project would be a condition of probation.

(3) DUI--IMPLIED CONSENT:

Doubles the periods for suspension of driving privileges for any person arrested for driving under the influence who refuses to submit to a breath, urine, or blood test to determine the presence of alcohol or controlled substances. Thus, the person must be told that his failure to submit to any such test will result in the suspension of his driving privileges for a period of 6 months for a first refusal, or a period of 1 year if his driving privileges have previously been suspended for such refusal.

In addition, the bill provides that the court upholding the suspension of driving privileges may, in its sound discretion, direct the Department of Highway Safety and Motor Vehicles to issue a temporary driver's permit to the person whose license is suspended. The temporary driver's permit shall be restricted to business or employment purposes, and shall not be used for pleasure, recreational, or nonessential driving.

(4) MOTORCYCLE LICENSURE:

The bill directs the Department of Highway Safety and Motor Vehicles to formulate a separate examination for applicants
A person wishing a license to operate only a motorcycle or a motor-driven cycle would not be required to take the skill or road test required for the operation of a motor vehicle.

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(5) DRIVER HISTORY RECORDS:

The bill provides that release by the department of a driver history record, with respect to accidents, would not include any notation of an accident unless the licensee received a traffic citation as a direct result of the accident.

II. ECONOMIC IMPACT AND FISCAL NOTE:

The only potential economic impact relates to items (2) DUI--PUNISHMENT and (4) MOTORCYCLE LICENSURE, above.

DUI--PUNISHMENT:

A. Public:

None.

B. Government:

By proviso language contained in past appropriations acts and using the language of s. 948.01(2), F.S., the Department of Corrections has delegated primary responsibility for providing probationary services to misdemeanants to the counties. Under contract authorized by s. 945.30(2), F.S., the department makes payments of $10 a month for each probationer to the public or private probation services responsible for supervision.
These payments are for misdemeanors of the first degree and certain enumerated second degree misdemeanors not including DUI first offenses. Even if DUI first offenses were among those listed offenses, however, the impact to the department by the addition of DUI first offenders as probationers would be nil, as the contract provides for first-come-first-served payments and provides a maximum total payment cap by the department.

Under s. 945.30(1), F.S., probationers are required to pay from $10 to $50 by the sentencing court toward the cost of their probation, with certain exceptions enumerated in the statute. Most offenders are required to assume some costs of their probation.

The fiscal impact to the counties of placing each of the first convicted DUI offenders on probation is impossible to determine due to the unknown number of future probationers, the varying degrees of probationary services provided by individual counties, the length of time sentencing courts will impose for probation, and the amount of payment assessed to the probationers. However, rough estimates of the average cost per probationer for probation services is $15 a month, and it is likely that the costs assessed to the probationers under s. 945.30(1) by sentencing courts will meet or exceed the costs of probation.

MOTORCYCLE LICENSURE:

A. Public:

Beginning October 1, 1984, any person who wishes to obtain an authorization to operate a motorcycle/motor-driven cycle in addition to a motor vehicle will be required to pay an additional $4. Prior to October 1, 1984, persons with valid licenses who wish to operate the cycles will be charged $1 per year for each year remaining in the validity of their current licenses.

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<td>-0-</td>
<td>1,222</td>
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<td>31(3 mo.)</td>
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The OPS positions would be used to process the applicants to be "grandfathered" in.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.
I. SUMMARY:

A. Present Situation

The use of an approved, properly secured helmet is required for any person who operates or rides upon a motorcycle.

There are no special licensing or testing requirements for persons who operate motorcycles.

B. Effect of Proposed Changes:

Only persons under the age of 18 would be required to use an approved, properly secured helmet while operating or riding upon a motorcycle.

Anyone wishing to operate a motorcycle must have his operator's or chauffeur's license endorsed by the Department of Highway Safety and Motor Vehicles (DHSMV). Such endorsement is an acknowledgment that said operator has successfully completed a knowledge test and an operator skill test administered by DHSMV. The cost to the licensee for such endorsement shall be $5.00 in addition to any other licensing fees.

The DHSMV shall develop both a motorcycle knowledge test and a motorcycle operator skill test which shall be similar to tests developed by the Motorcycle Safety Foundation.

II. ECONOMIC IMPACT AND FINANCIAL NOTE

A. Public:

Each person who desires to operate a motorcycle will have to pay an endorsement fee of $5.00 in addition to all other licensing fees. However, this additional test will be offset for those persons over 18 years of age who elect not to purchase and use a helmet.
B. Government:

A number of assumptions were used to develop the following fiscal information. They were:

1. By October 1, 1983, a total of 352,693 drivers will be operating motorcycles and this number will grow by 3.5 percent yearly.

2. The expiration date of the licenses for those operators requesting endorsement will be evenly divided over the next four succeeding years (starting in FY 83/84).

3. Complete testing for each endorsement will require 40.46 minutes of examiner time.

4. An examiner has 110,986 minutes available annually to perform examinations.

5. Each examiner and examiner supervisor will require 2 days of training at $25 per day.

6. The traffic portion of each test will cover 2.5 miles and each examiner will use his personal vehicle and be reimbursed at a cost of 20 cents per mile.

7. In the first year there will be start-up costs for the purchase of small traffic cones for each driver license station and for the printing of tests and other information.

Based on these assumptions the DHSMV will need 36 new examiners and will incur an expense for the first two years of approximately $1.2 million. This expense will be offset by anticipated revenues of $941,000.

III. COMMENTS:

The DHSMV need for 36 additional examiners is short-term in order to satisfy the large number of operators who will initially require motorcycle license endorsement. Within 4 years of the enactment of this bill DHSMV will be "caught-up." Based on projected new endorsement requests, only 5 examiners will be needed by the department.
February 9, 1982

- Deletes the local school board involvement and specialized instructor training for conducting a motorcycle safety education course.

- Allows the Department of Highway Safety and Motor Vehicles to develop a motorcycle knowledge test and motorcycle skill test similar (as opposed to identical) to such tests developed by the Motorcycle Safety Foundation.

- Requires that the motorcycle skill test be conducted in both an on-street and off-street environment.

- Provides that persons operating motorcycles may continue to do so without license endorsement until their licenses expire.
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<tr>
<td>x</td>
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<td>Jo: Gersten</td>
<td></td>
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<td></td>
<td>absent</td>
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<tr>
<td>Sherrill Skinner</td>
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**TOTAL**

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<tr>
<td>Aye</td>
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<td>Aye</td>
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*NOTE*:
- Vote was without objection.

Please complete:
- The key sponsor appeared: **x**
- A Senator appeared: **-**
- Sponsor's aide appeared: **-**
- Other appearance: **-**

Date Reported: 2/2/2*
### BILL ACTION REPORT
(1/2/62 - Temporarily Passed)

**COMMITTEE ON TRANSPORTATION**

**DATE**

**TIME**

**PLACE** Committee Room "C"

**OTHER COMMITTEE REFERENCES**

In order shown: Education Appropriations

**THE VOTE WAS**

Sen. Paul A. Manzo to adopt as GS

![Bill Vote Table]

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(Attach additional page if necessary)
I. SUMMARY:

J. SUMMARY:

A. Present Situation.

The use of an approved, properly secured helmet is required for any person who operates or rides upon a motorcycle.

There are no special licensing or testing requirements for persons who operate motorcycles.

School boards are currently required to make available a driver's education course for motor vehicles (including motorcycles and mopeds) to students in the secondary schools. An annual fee of 50 cents is added to the cost of each new and renewal driver license to finance the driver's education program. The motorcycle or moped operation instruction may be limited to classroom instruction.

B. Effect of Proposed Changes:

Only persons under the age of 18 would be required to use an approved, properly secured helmet while operating or riding upon a motorcycle.

Anyone wishing to operate a motorcycle must have his operator's or chauffeur's license endorsed by the Department of Highway Safety and Motor Vehicles (DHSMV). Such endorsement is an acknowledgment that said operator has successfully completed a knowledge test and an operator skill test administered by DHSMV or has completed, within the preceding year, an approved motorcycle safety education course. The cost to the licensee for such endorsement shall be $3.00 in addition to any other licensing fees.

The DHSMV shall provide a motorcycle operator manual to any person requesting one. The Department shall also adopt by rule the "Motorcycle Knowledge Test", the "Motorcycle Operator Skill Test" and the "Motorcycle Operator Manual", adopted, developed, and approved by the Motorcycle Safety Foundation.

Persons who possess an instruction permit, a temporary license or a restricted operator's license may not operate a motorcycle unless they pass the knowledge test, or are enrolled in, or have successfully completed an approved motorcycle safety education course.

The motorcycle safety education course offered in secondary schools shall be optional and may be attended by only those students who have satisfactorily completed the motor vehicle portion of the
course. The motorcycle andoped instruction, however, may no longer be limited to classroom instruction.

In addition to the existing requirements for instructors (contained in s. 488.04, F.S.), any instructor conducting a motorcycle safety education course must satisfactorily complete an approved motorcycle safety education course and the Motorcycle Instructors Course offered by the Motorcycle Safety Foundation.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

Each person who desires to operate a motorcycle will have to pay an endorsement fee of $3.00 in addition to all other licensing fees. However, this additional cost will be offset for those persons over 18 years of age who elect not to purchase and use a helmet.

B. Government:

Two areas of government will be directly impacted by this bill - the DHSMV and local school boards.

The fiscal impact to be encountered by the DHSMV relates to examiners to administer the skill test and site locations to conduct the motorcycle skill tests. The department has indicated that start-up and first year expenses for examiners, test materials, handbooks, O.C.O. and data processing will be $922,221.00. This estimate does not include any training or equipment costs which are unknown by the department at this time. To develop this estimate the department has projected that 341,619 motorcycle operators will seek endorsement the first year. This level of endorsement will generate $1,024,857 in endorsement fees. Site location costs are also unknown. The Motorcycle Safety Foundation has indicated that an area approximately 150 by 300 feet is needed for each site along with 90 traffic cones, directional lights and an inclined surface. What is not known is the number of sites state-wide that will be necessary to satisfy the anticipated demand. Conceivably no sites would be necessary if everyone qualified for endorsement through the successful completion of the motorcycle safety education course specified in the bill. (The department currently operates 132 license offices throughout the state.)

The fiscal impact to be encountered by the local school boards is threefold. First is the training of instructors and the purchase of instructional materials. While training is not addressed, the
Motorcycle Safety Foundation offers a "Motorcycle Rider Course Instructional Package" which includes filmstrips, instructors guides and 12 student handbooks for $445.00 (extra student handbooks may be purchased for $2.00 each) and quantity discounts are available. Additionally the "package" may be rented for $85.00 monthly.

Secondly, the Department of Education (DOE) has indicated an unquantifiable cost for the procurement of motorcycles and insurance. Finally, there is the development of off-street driving facilities. The DOE has roughly estimated this to be $50,000 per site. Some of the above costs will be offset by legislative appropriations from the driver education fees collected as part of the new and renewal license fees.

III. COMMENTS:

One fiscal problem created by this bill is the probable endorsement of all active motorcycle operators by DHSMV. The department has estimated a need for 58 new examiners to handle the anticipated work load (341,614 people). Once this initial endorsement has been completed, the need for all 58 examiners is no longer present. It is therefore suggested that existing motorcycle operators should be either grandfathered into compliance or endorsed when their current driver license expires.

The bill requires the DHSMV to adopt by rule the knowledge test, operator skill test and motorcycle operator manual developed by the Motorcycle Safety Foundation. As the Foundation amends these documents, the department will have to also change its documents which will cause the waste of all existing materials.

If the department were allowed to adopt test procedures similar to the procedures developed by the Foundation, the opportunity for incompatible requirements would be eliminated.
MOTORCYCLE SKILL TEST
(Used in the California study)

Safe motorcycle riding depends largely on your knowledge and skills. The skills for motorcycle riding require a lot of practice. If you have just learned to handle a motorcycle and have very little riding experience, then the most important part of learning to ride is still ahead. However, before you go out on the street with other traffic there are certain basic skills needed for your safety. To make sure you have the basic skills to ride you will be given a riding test. When you request for your test you should have:

1. Clothing that covers your entire body
2. An approved helmet

The test will consist of these maneuvers

1. KICKSTARTING AND ACCELERATING ON A HILL
   For this exercise you will ride a short distance on a hill and must start the motorcycle and ride in first gear on a hill. The test will consist of these maneuvers:
   YOU LOSE POINTS IF YOU
   • Still the engine or can't keep it running
   • Let the motorcycle roll backward while starting and moving forward
   • Use your feet to keep from falling while moving

   YOU LOSE POINTS IF YOU
   • Ride too slow
   • Ride outside the curve

2. SHARP TURN, TURNING, AND STOPPING
   In this test you do three exercises. You begin from a stop and make a sharp right turn. Then you continue to turn right and speed up to 20 mph. You should shift to second gear. You come back to the left on the same curve at 20 mph. Then you make a gradual stop with your front tire between two lines:
   ON THE SHARP TURN, YOU LOSE POINTS IF YOU
   • Ride outside the curve
   • Ride with your feet off the pegs
   • Use your feet to keep from falling while moving
   WHILE TURNING RIGHT AND LEFT YOU LOSE POINTS IF YOU
   • Ride outside the curve
   • Ride too slow

3. TURNING SPEED JUDGMENT
   In this test you will be asked to ride around a curve. You set your own speed. You are to ride the curve as fast as you safely can:
   YOU LOSE POINTS IF YOU
   • Don't turn back quickly enough
   • Skid your wheels while turning

4. QUICK STOP-Straight
   In this exercise, you ride at 20 mph. There is a signal light that means stop. When the light comes on, you should stop the motorcycle as quickly as you safely can. In order to pass, you must use both brakes:
   YOU LOSE POINTS IF YOU
   • Ride too slow
   • Take too much distance to stop
   • Keep the throttle open when braking or while stopped

5. QUICK TURN
   In this exercise you ride at 20 mph and then turn quickly around an eight-foot barrier. You will turn either left or right. A signal light will tell you the direction to turn. Once you have passed the barrier you must turn back the other way:
   YOU LOSE POINTS IF YOU
   • Ride too slow
   • Turn too soon
   • Ride over the ridge

6. QUICK STOP-CURVE
   In this exercise you ride at 15 mph and enter a left-hand curve. As you round the curve, a signal light will come on. When this light comes on, you should stop as quickly as you safely can. In order to pass, you must use both brakes:
   YOU LOSE POINTS IF YOU
   • Ride too slow
   • Take too much distance to stop
   • Ride outside the curve
   • Keep the throttle open when braking or while stopped

STOPPING TEST
The examiner must stop the test if you:
• Drop the motorcycle
• Disregard instructions
• Lose enough points to fail

You can also stop the test. You should not attempt an exercise that you don't feel you can do. If an exercise is too hard for you or you cannot safely follow instructions, tell your examiner. You can come back after you've taken time to practice.
Here are some study questions. They are the same kind of questions you may find on the written test. See if you can answer them. The correct answers are upside down at the bottom of this page.

Riding with your headlight on during the day will
A. Make it hard for other drivers to judge your speed
B. Distract other drivers
C. Make it easier for other drivers to see you

2. You see a hole in the road. You should
A. Slow down before reaching the hole
B. Maintain speed to cross the hole
C. Increase speed while crossing the hole

3. When following a car at a safe distance, you should position the motorcycle
A. Where you can see the driver’s hands on the wheel
B. Where you can see the car’s rear view mirror
C. Where you can see the car’s license plate

4. The leader of a staggered formation passes a car. What part of the lane should the rider select after passing?
A. The left part
B. The center part
C. The right part

5. What should each mirror let you see?
A. Only the lane behind
B. Your shoulder and the lane behind
C. Part of the lane behind and part of the lane next to you

6. If you have to downshift for a turn, you should do it
A. Before you start the turn
B. Just as you begin the turn
C. While you are in the turn

7. You are riding in the middle of a city block. What is the biggest danger to watch out for?
A. A car door might open
B. A parked car might pull out
C. A pedestrian might step out in front of you

8. What is it most important to scan the condition of the
A. On freeways
B. In heavy traffic
C. On curves

9. You are approaching a lane of oncoming vehicles. In what part of the lane should you ride?
A. The left part
B. The right part
C. The center part
The Committee on
offered the following amendment:

Amendment On page  1 , line 19 , strike all of said line

and insert: operation. Provided, however, that Florida driver licenses issued prior to October 1, 1984, shall permit operation of motorcycles or motor-driven cycles until expiration of such licenses.

Mr moved the adoption of the amendment, which was adopted. which failed of adoption.

Form H-30 (1979)
The Committee on ... offered the following amendment:

Amendment: On page 1, line 16, strike all of said line and insert: No person shall operate a ...

Mr. ... moved the adoption of the amendment, which was adopted. which failed of adoption.
The Committee on Transportation offered the following amendment:

Amendment

On page 1, line 27, strike July

and on page 4, line 7, strike July

and insert:

2 October

Mr. moved the adoption of the amendment, which was adopted.

which failed of adoption.
The Committee on TRANSPORTATION offered the following amendment:

Amendment On page 2, line 19, strike "prior to July 1, 1984"

and insert: "between October 1, 1983, and October 1, 1984"

Mr. moved the adoption of the amendment, which was adopted.

which failed of adoption.
I. SUMMARY:

A. Present Situation:

Section 322.20(2), F.S., in part, requires the Department of Highway Safety and Motor Vehicles to maintain a record of all accident reports and convictions. Currently, a notation of every accident in which a licensed driver is involved is entered on his driver history record whether or not he was charged with a violation in conjunction with the accident. There is no notation included as part of the accident entry to indicate whether the licensee or any other person was issued a uniform traffic citation as a result of involvement in the accident.

Under the present system, the only way an insurer or other authorized party can determine whether the licensee was at fault in an accident noted on his record is by checking the record to see if there is a conviction recorded which is the result of a citation issued on the same date and at the same location (city and county) as the date and location recorded in the separate accident entry.

B. Effect of Proposed Changes:

The bill requires that every driver history record on which an accident is noted also include a notation to indicate if the licensee or any other person received a uniform traffic citation as a result of his involvement in the accident.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

The department has estimated that notation on driver history records of citations issued to individuals other than the licensee would cost about $385,000 in F.Y. 1983-84 and about $480,000 in F.Y. 1984-85. Over 95% of the cost in each year is for increased data processing capability, including 8 data entry operators, additional disc storage, and a Clerk Typist.

III. COMMENTS:

None.
IV. AMENDMENTS:
REVISED: April 27, 1983
DATE: April 21, 1983

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

I. SUMMARY:

A. Present Situation:

Section 322.20(2), F.S., in part, requires the Department of Highway Safety and Motor Vehicles to maintain a record of all accident reports and convictions. Currently, a notation of every accident in which a licensed driver is involved is entered on his driver history record whether or not he was charged with a violation in conjunction with the accident. There is no notation included as part of the accident entry to indicate whether the licensee or any other person was issued a uniform traffic citation as a result of involvement in the accident.

Under the present system, the only way an insurer or other authorized party can determine whether the licensee was at fault in an accident noted on his record is by checking the record to see if there is a conviction recorded which is the result of a citation issued on the same date and at the same location (city and county) as the date and location recorded in the separate accident entry.

B. Effect of Proposed Changes:

The bill requires that every driver history record on which an accident is noted also include a notation to indicate if the licensee or any other person received a uniform traffic citation as a result of his involvement in the accident.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

The department has estimated that notation on driver history records of citations issued to individuals other than the licensee would cost about $385,000 in F.Y. 1983-84 and about $480,000 in F.Y. 1984-85. Over 95% of the cost in each year is for increased data processing capability, including 8 data entry operators, additional disc storage, and a Clerk Typist II.

III. COMMENTS:

None.
IV. AMENDMENTS:

No. 1 by Transportation: Deletes the provision requiring that, with respect to accidents, the driver history record contain a notation as to whether the licensee received a traffic citation and whether any other person involved in the accident received a citation. Instead, provides that release by the department of a driver history record, with respect to accidents, would not include any notation of an accident unless the licensee received a traffic citation as a direct result of the accident.

No. 2 by Transportation: Title amendment.
A bill to be entitled
An act relating to drivers' licenses, amending
s. 322.20(3), Florida Statutes, 1982
Supplement, requiring additional information in
the individual driver history records
maintained by the Department of Highway Safety
and Motor Vehicles; providing an effective
date.

Be It Enacted by the Legislature of the State of Florida

Section 1. Subsection (3) of section 322.20, Florida
Statutes, 1982 Supplement, is amended to read.

322.20 Records of the department, fees, destruction of
records --

(3) The department shall maintain convenient records
or make suitable notations, in order that the individual
driver history record of each licensee shall be readily
available for the consideration of the department upon
application for renewal of a license and at other suitable
times. Such record shall include, with respect to accidents
involving the licensee, a notation as to whether such licensee
received a traffic citation and whether any other person
involved in the accident received a traffic citation.

Section 2. This act shall take effect October 1, 1983

*******************************

HOUSE SUMMARY

Requires the individual driver history records maintained
by the Department of Highway Safety and Motor Vehicles to
include, with respect to accidents involving the
licensee, a notation as to whether the licensee, or any
other person involved in the accident, received a traffic citation
A bill to be entitled

An act relating to drivers' licenses, adding
subsection (3) to s 322 12, Florida Statutes,
1982 Supplement, requiring the Department of
Highway Safety and Motor Vehicles to administer
a separate examination for drivers seeking
authorization to operate motorcycles and motor-
driven cycles in the state, authorizing certain
licensed drivers to obtain authorization
without examination; authorizing an exemption
to persons completing courses approved by the
department, amending s 322 21(1), Florida
Statutes, providing a license fee for such
authorization; amending s. 316 304, Florida
Statutes, authorizing persons taking such
examinations to wear headsets, providing an
effective date.

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

Section 1 Subsection (3) is added to section 322 12,
Florida Statutes, 1982 Supplement, to read:

322 12 Examination of applicants --

(3)(a) The department shall formulate a separate
examination for applicants for a license to operate a
motorcycle or motor-driven cycle, as defined in s 316 003(22)
and (23). Beginning October 1, 1984, any applicant for a
restricted operator's, operator's or chauffeur's license who
wishes to operate a motorcycle or motor-driven cycle shall be
required to successfully complete such examination, which
shall be in addition to the examination administered pursuant
to subsection (2) The examination shall test the applicant's knowledge of the operation of a motorcycle or motor-driven cycle and of any traffic laws specifically relating thereto and shall include an actual demonstration of the ability to exercise ordinary and reasonable control in the operation of a motorcycle or motor-driven cycle. In the formulation of the examination the department shall consider the use of the Motorcycle Operator Skills Test and the Motorcycle in Traffic Test offered by the Motorcycle Safety Foundation. The department shall indicate on the license of any person who successfully completes such examination that the licensee is authorized to operate a motorcycle or motor-driven cycle. If the applicant wishes to be licensed to operate a motorcycle or motor-driven cycle only, he need not take the skill or road test required under subsection (2) for the operation of a motor vehicle and the department shall so indicate the limitation on the license as a restriction.

(b) Any person licensed to operate a motor vehicle may apply to the department between October 1, 1983, and October 1, 1984, for authorization to operate a motorcycle or motor-driven cycle without being required to take the examination provided in this subsection. The department shall so indicate such authorization upon the license of such applicant upon payment by the applicant of a fee of $1 per year or portion thereof remaining in the validity of the applicant's current license. The examination provided in this subsection shall not be made a condition upon the renewal of the license of any person under this paragraph.

(c) The department may exempt any applicant from the examination provided in this subsection if the applicant presents a certificate showing successful completion of a
course approved by the department which includes a similar examination of the knowledge and skill of the applicant in the operation of a motorcycle or motor-driven cycle.

(d) No additional examination fee shall be assessed for the examination required by this subsection.

Section 2 Subsection (1) of section 322.21, Florida Statutes, is amended to read

322.21 Fees to be paid for licenses and machinery for handling and collecting the same.--

(1) The fee for:

(a) An operator's or a restricted operator's license is $4, in addition to the fees for driver education, as provided by s. 233.063, and a color photograph, as provided by s. 322.142.

(b) Authorization to operate a motorcycle or motor-driven cycle is $4.

(c) A chauffeur's license is $8, in addition to the fees for driver education and a color photograph, provided by ss. 233.063 and 322.142.

(d) The renewal of a license is the same as for its original issue set forth in paragraphs (a), and (b), and (c), except that a delinquent fee of $1 shall be added for a renewal made not more than 12 months after the license expiration date, unless the applicant elects to take and passes the written examination.

Section 3 Section 316.304, Florida Statutes, is amended to read:

316.304 Wearing of headsets--No person shall operate a motor vehicle while wearing a headset, headphone, or other listening device, other than a hearing aid or instrument for the improvement of defective human hearing. However, this...
section shall not apply to any law enforcement officer
equipped with any communication device necessary in performing
his assigned duties In addition, this section shall not
apply to any applicant for a license to operate a motorcycle
or motor-driven cycle while taking the examination required by
s. 322.12(3).

Section 4. This act shall take effect October 1, 1983

******************************************************************************

HOUSE SUMMARY

Requires the Department of Highway Safety and Motor Vehicles to formulate and, beginning October 1, 1984, to administer a separate examination for applicants for drivers' licenses to operate a motorcycle or motor-driven cycle

Authorizes licensed drivers to apply between October 1, 1983, and October 1, 1984, to have their licenses stamped with authorization to operate a motorcycle or motor-driven cycle without taking the examination Authorizes the department to exempt from the examination persons who complete a course approved by the department

Provides a $4 fee for authorization to operate a motorcycle or motor-driven cycle but provides that no additional examination fee shall be assessed.

Authorizes persons taking such examination to wear headsets

CODING Words in cutout through type are deletions from existing law, words underlined are additions
A bill to be entitled
An act relating to drivers' licenses; adding
subsection (3) to s. 322.12, Florida Statutes,
1982 Supplement; requiring the Department of
Highway Safety and Motor Vehicles to administer
a separate examination for drivers seeking
authorization to operate motorcycles and motor­
driven cycles in the state; authorizing certain
licensed drivers to obtain authorization
without examination; authorizing an exemption
to persons completing courses approved by the
department; amending s. 322.21(1), Florida
Statutes, providing a license fee for such
authorization; amending s. 316.304, Florida
Statutes, authorizing persons taking such
examinations to wear headsets; providing an
effective date.

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

Section 1. Subsection (3) is added to section 322.12,
Florida Statutes, 1982 Supplement, to read:

322.12 Examination of applicants.--
(3)(a) The department shall formulate a separate
examination for applicants for a license to operate a
motorcycle or motor-driven cycle, as defined in s. 316.003(22)
and (23). Beginning July 1, 1984, any applicant for a
restricted operator's, operator's or chauffeur's license who
wishes to operate a motorcycle or motor-driven cycle shall be
required to successfully complete such examination, which
shall be in addition to the examination administered pursuant
to subsection (2). The examination shall test the applicant's knowledge of the operation of a motorcycle or motor-driven cycle and of any traffic laws specifically relating thereto and shall include an actual demonstration of the ability to exercise ordinary and reasonable control in the operation of a motorcycle or motor-driven cycle. In the formulation of the examination the department shall consider the use of the Motorcycle Operator Skills Test and the Motorcycle in Traffic Test offered by the Motorcycle Safety Foundation. The department shall indicate on the license of any person who successfully completes such examination that the licensee is authorized to operate a motorcycle or motor-driven cycle. If the applicant wishes to be licensed to operate a motorcycle or motor-driven cycle only, he need not take the skill or road test required under subsection (2) for the operation of a motor vehicle and the department shall so indicate the limitation on the license as a restriction.

(b) Any person licensed to operate a motor vehicle may apply to the department prior to July 1, 1984, for authorization to operate a motorcycle or motor-driven cycle without being required to take the examination provided in this subsection. The department shall so indicate such authorization upon the license of such applicant upon payment by the applicant of a fee of $1 per year or portion thereof remaining in the validity of the applicant's current license. The examination provided in this subsection shall not be made a condition upon the renewal of the license of any person under this paragraph.

(c) The department may exempt any applicant from the examination provided in this subsection if the applicant presents a certificate showing successful completion of a
course approved by the department which includes a similar examination of the knowledge and skill of the applicant in the operation of a motorcycle or motor-driven cycle.

(d) No additional examination fee shall be assessed for the examination required by this subsection.

Section 2. Subsection (1) of section 322.21, Florida Statutes, is amended to read:

322.21 Fees to be paid for licenses and machinery for handling and collecting the same.--

(1) The fee for:

(a) An operator's or a restricted operator's license is $4, in addition to the fees for driver education, as provided by s. 233.063, and a color photograph, as provided by s. 322.142.

(b) Authorization to operate a motorcycle or motor-driven cycle is $4.

(c) A chauffeur's license is $8, in addition to the fees for driver education and a color photograph, provided by ss. 233.063 and 322.142.

(d) The renewal of a license is the same as for its original issue set forth in paragraphs (a), (b), and (c), except that a delinquent fee of $1 shall be added for a renewal made not more than 12 months after the license expiration date, unless the applicant elects to take and passes the written examination.

Section 3. Section 316.304, Florida Statutes, is amended to read:

316.304 Wearing of headsets.--No person shall operate a motor vehicle while wearing a headset, headphone, or other listening device, other than a hearing aid or instrument for the improvement of defective human hearing. However, this
section shall not apply to any law enforcement officer equipped with any communication device necessary in performing his assigned duties. In addition, this section shall not apply to any applicant for a license to operate a motorcycle or motor-driven cycle while taking the examination required by s. 322.12(3).

Section 4. This act shall take effect July 1, 1983.

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HOUSE SUMMARY

Requires the Department of Highway Safety and Motor Vehicles to formulate and, beginning July 1, 1984, to administer a separate examination for applicants for drivers' licenses to operate a motorcycle or motor-driven cycle.

Authorizes licensed drivers to apply prior to July 1, 1984, to have their licenses stamped with authorization to operate a motorcycle or motor-driven cycle without taking the examination. Authorizes the department to exempt from the examination persons who complete a course approved by the department.

Provides a $4 fee for authorization to operate a motorcycle or motor-driven cycle but provides that no additional examination fee shall be assessed.

Authorizes persons taking such examination to wear headsets.
A bill to be entitled
An act relating to operation of motorcycles;
amending s. 316.211(1), Florida Statutes;
limiting application of the law to certain persons; adding s. 322.01(20)-(26), Florida Statutes; providing definitions; creating s. 322.035, Florida Statutes; requiring a driver's license endorsement to operate a motorcycle;
requiring passage of certain tests before being authorized to operate a motorcycle; requiring the Department of Highway Safety and Motor Vehicles to test certain applicants for authorization to operate a motorcycle;
providing a fee for such test; requiring the department to provide certain operating manuals; providing limitation on operation of motorcycles by certain persons; amending s. 233.063, Florida Statutes; requiring school districts to provide motorcycle safety education courses; providing course criteria;
providing requirements for instructors of such courses; amending s. 488.04, Florida Statutes;
prohibiting the department from issuing instruction certificates to certain persons except under certain circumstances; providing an effective date.

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

Section 1. Subsection (1) of section 316.211, Florida Statutes, is amended to read:

CODING: Words in square brackets are deletions from existing law; words underlined are additions.
316.211 Equipment for motorcycle riders.--
(1) No person under 18 years of age shall operate or ride upon a motorcycle unless he is properly wearing protective headgear securely fastened upon his head which complies with standards established by the department.
Section 2. Subsections (20), (21), (22), (23), (24), (25), and (26) are added to section 322.01, Florida Statutes, to read:
322.01 Definitions.--The following words and phrases have the meanings respectively ascribed to them in this chapter:
(20) "Motorcycle" means any motor vehicle with a motor rated in excess of 1 1/2 brake horsepower having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.
(21) "Motor-driven cycle" means any motorcycle, including any motor scooter, with a motor which produces not to exceed 5 brake horsepower, and any bicycle propelled by a helper motor rated in excess of 1 1/2 brake horsepower.
(22) "Brake horsepower" means the actual unit of torque developed per unit of time at the output shaft of an engine, as measured by a dynamometer.
(23) "Motorcycle operator skill test" means the Motorcycle Operator Skill Test, a testing procedure developed by the Motorcycle Safety Foundation to measure minimum levels of competence in operating a motorcycle in traffic.

CODING: Words in struck through type are deletions from existing law, words underlined are additions.
"Motorcycle knowledge test" means the written test developed by the Motorcycle Safety Foundation from material contained in the motorcycle operator manual.

"Motorcycle safety education course" means the Motorcycle Rider Course offered by the Motorcycle Safety Foundation or any other course of instruction in the safe and lawful operation of a motorcycle which provides a student with the knowledge and skill to pass the motorcycle knowledge test and the motorcycle operator skill test.

Section 3. Section 322.035, Florida Statutes, is created to read:

322.035 Motorcycle operator licensing.--

(1) No person shall operate any motorcycle upon any highway in this state unless he has a valid operator's or chauffeur's license which has been endorsed by the department authorizing such person to operate a motorcycle.

(2) No person shall be authorized to operate any motorcycle unless he has passed the motorcycle knowledge test and the motorcycle operator skill test or has satisfactorily completed an approved motorcycle safety education course.

(3) The department shall examine every applicant for such authorization except any applicant who has satisfactorily completed an approved motorcycle safety education course within the immediately preceding year. Such examination shall consist of the motorcycle knowledge test and the motorcycle operator skill test. The department shall endorse the license of any applicant who passes such examination or who within the immediately preceding year has satisfactorily completed an approved motorcycle safety education course. Every applicant shall pay a fee of $3 for such endorsement. The provisions of s. 322.12 shall apply to such fee. The department shall adopt CODING Words in brackets through type are deletions from existing law, words underlined are additions
by rule the motorcycle knowledge test, the motorcycle operator
skill test, and the motorcycle operator manual and shall
provide a copy of the manual to any person who requests one.

(4) Notwithstanding any other provision of this
chapter, no person who possesses an instruction permit, a
temporary license, or a restricted operator's license may
operate any motorcycle except a motor driven cycle upon any
highway in this state unless he has passed the motorcycle
knowledge test, or is enrolled in or has successfully
completed an approved motorcycle safety education course.

Section 4. Section 233.063, Florida Statutes, is
amended to read:

233.063 Instruction in operation of motor vehicle and
motorcycles.--

(1) A course of study and instruction in the safe and
lawful operation of a motor vehicle shall be made available by
each district school board to students in the secondary
schools in the state. Beginning with the 1981-1982 school
year, for the purpose of this section, the term "motor
vehicle" shall have the same meaning as in s. 230.01(1)(a) and
shall include motorcycles and mopeds. Instruction in
motorcycle or moped operation may be limited to classroom
instruction. The course shall not be made a part of, or a
substitute for, any of the minimum requirements for
graduation.

(2) In order to make such a course available to any
secondary school student, the district school board may use
any one of the following procedures or any combination
thereof:

(a) The board may utilize instructional personnel
employed by the board.
(b) The board may contract with a commercial driving school licensed under the provisions of chapter 488.

(c) The board may contract with an instructor certified under the provisions of chapter 488.

(3)(a) School districts shall earn funds on full-time equivalent students at the appropriate basic program cost factor, regardless of the method by which such courses are offered.

(b) For the purpose of financing the Driver Education Program and motorcycle safety education in the secondary schools, there shall be levied an additional 50 cents per year to the driver's license fee required by s. 322.21. The additional fee shall be promptly remitted to the Department of Highway Safety and Motor Vehicles, and the department shall transmit the fee to the Treasurer to be deposited in the General Revenue Fund.

(4) The district school board shall prescribe standards for the courses required by this act and for instructional personnel directly employed by the board. Any certified instructor or licensed commercial driving school shall be deemed sufficiently qualified and shall not be required to meet any standards in lieu of or in addition to those prescribed under chapter 488.

(5)(a) A motorcycle safety education course shall be made available by each district school board to students in the secondary schools in the state. Such course shall be designed as an optional addition to the course of instruction in the safe and lawful operation of motor vehicles and shall be offered to a student only after such student has successfully completed the course of instruction in the operation of motor vehicles.
(b) The motorcycle safety education course shall be
designed to provide a student with the necessary knowledge and
skill to pass the motorcycle knowledge test as defined in s.
322.01(25) and the motorcycle operator skill test as defined
in s. 322.01(23). Such course shall provide information no
less comprehensive than that contained in the motorcycle
operator manual and training no less comprehensive than that
provided under the Motorcycle Rider Course developed by the
Motorcycle Safety Foundation.

(c) Notwithstanding the provisions of subsections (2)
and (4), no person may serve as an instructor of a motorcycle
safety education course unless such person holds a valid
instructor's certificate issued under the provisions of s.
488.04.

Section 5. Section 488.04, Florida Statutes, is
amended to read:

488.04 Instructors, qualifications; certificates.—
(1) No person shall receive compensation for giving
instructions in the operation of motor vehicles or motorcycles
unless such person is the holder of an instructor's
certificate issued for such purpose by the Department of
Highway Safety and Motor Vehicles. Such certificate shall be
valid for use only in connection with the business of the
driver's school or schools listed thereon by the department,
or in connection with a driver education course or motorcycle
safety education course offered by a district school board.
An applicant for an instructor's certificate will be required
to take special eye, written, and road tests, and may be
required to furnish additional proof of his qualifications and
ability as an instructor.
(2) No person shall be issued an instructor's certificate authorizing him to give instruction in the operation of motorcycles unless such person has satisfactorily completed an approved motorcycle safety education course and the Motorcycle Instructor's Course offered by the Motorcycle Safety Foundation.

Section 6. This act shall take effect July 1, 1982, except section 4 which shall take effect July 1, 1983.

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SENATE SUMMARY

Limits to persons under 18 years of age the requirement that a person wear protective headgear while operating or riding upon a motorcycle. Requires a person to have a valid operator's or chauffeur's license endorsed by the Department of Highway Safety and Motor Vehicles authorizing operation of a motorcycle before such person may operate a motorcycle. Requires a person to pass a motorcycle knowledge test and a motorcycle operator skill test or to satisfactorily complete an approved motorcycle safety education course before being authorized to operate a motorcycle. Requires the department to examine any applicant for such authorization except any applicant who has completed a motorcycle safety education course within the immediately preceding year. Provides requirements for such examination. Prohibits any person who has an instruction permit, temporary license, or restricted operator's license from operating any motorcycle except a motor driven cycle unless he has passed a motorcycle knowledge test or is enrolled in or has successfully completed a motorcycle safety education course. Requires district school boards to provide a motorcycle safety education course in addition to a driver education program. Requires a student to pass the driver education course before taking the motorcycle safety education course. Provides criteria for the motorcycle safety education course. Prohibits anyone from serving as an instructor of a motorcycle safety education course unless he holds a valid instructor's certificate issued by the department. Requires a person to have satisfactorily completed an approved motorcycle safety education course and the Motorcycle Instructor's Course offered by the Motorcycle Safety Foundation before being issued an instructor's certificate authorizing him to teach a motorcycle operation course.
A bill to be entitled
An act relating to drivers' licenses; adding
subsection (3) to s 322.12, Florida Statutes,
requiring the Department of Highway Safety and
Motor Vehicles to administer a separate
examination for drivers seeking authorization
to operate motorcycles and motor-driven cycles
in the state, requiring persons who have
accidents on motorcycles and motor-driven
cycles to pass the examination as a condition
of renewal, authorizing certain licensed
drivers to obtain authorization without
examination, authorizing an exemption to
persons completing courses approved by the
department, amending s. 322.21(1), Florida
Statutes, providing a license fee for such
authorization, amending s 316.304, Florida
Statutes, authorizing persons taking such
examinations to wear headsets, providing an
effective date

Be It Enacted by the Legislature of the State of Florida

Section 1 Subsection (3) is added to section 322.12,
Florida Statutes, to read

322.12 Examination of applicants --
(3)(a) The department shall formulate a separate
examination for applicants for a license to operate a
motorcycle or motor-driven cycle, as defined in s. 316.003(22)
and (23) beginning July 1, 1982, any applicant for a
restricted operator's, operator's or chauffeur's license who

CODING Words in struck through type are deletions from existing law. Words underlined are additions
wishes to operate a motorcycle or motor-driven cycle shall be required to successfully complete such examination, which shall be in addition to the examination administered pursuant to subsection (2). The examination shall test the applicant's knowledge of the operation of a motorcycle or motor-driven cycle and of any traffic laws specifically relating thereto and shall include an actual demonstration of the ability to exercise ordinary and reasonable control in the operation of a motorcycle or motor-driven cycle. In the formulation of the examination the department shall consider the use of the Motorcycle Operator Skills Test and the Motorcycle in Traffic Test offered by the Motorcycle Safety Foundation. The department shall indicate on the license of any person who successfully completes such examination that the licensee is authorized to operate a motorcycle or motor-driven cycle. If the applicant wishes to be licensed to operate a motorcycle or motor-driven cycle only, he need not take the skill or road test required under subsection (2) for the operation of a motor vehicle and the department shall so indicate the limitation on the license as a restriction.

(b) In addition to new applicants for licensure, beginning July 1, 1983, any person who is involved in an accident while operating a motorcycle or motor-driven cycle shall, as a condition of his next renewal of his license, be required to successfully complete the examination provided in this subsection.

(c) Any person licensed to operate a motor vehicle may apply to the department prior to July 1, 1983, for authorization to operate a motorcycle or motor-driven cycle without being required to take the examination provided in this subsection. The department shall so indicate such

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authorization upon the license of such applicant upon payment
by the applicant of a fee of $1 per year or portion thereof
remaining in the validity of the applicant's current license
Except as provided in paragraph (b), the examination provided
in this subsection shall not be made a condition upon the
renewal of the license of any person under this paragraph.

(d) The department may exempt any applicant from the
examination provided in this subsection if the applicant
presents a certificate showing successful completion of a
course approved by the department which includes a similar
examination of the knowledge and skill of the applicant in the
operation of a motorcycle or motor-driven cycle.

(e) No additional examination fee shall be assessed
for the examination required by this subsection.

Section 2 Subsection (1) of section 322 21, Florida
Statutes, is amended to read

322 21 Fees to be paid for licenses and machinery for
handling and collecting the same --

(1) The fee for,

(a) An operator's or a restricted operator's license
is $4, in addition to the fees for driver education, as
provided by s 233 063, and a color photograph, as provided by
s 322 142

(b) Authorization to operate a motorcycle or motor-
driven cycle is $4.

(c)(b) A chauffeur's license is $9, in addition to the
fees for driver education and a color photograph, provided by
ss 233 063 and 322 142

(d) The renewal of a license is the same as for its
original issue set forth in paragraphs (a), (b), and (c)
except that a delinquent fee of $1 shall be added for a
renewal made not more than 12 months after the license
expiration date, unless the applicant elects to take and
passes the written examination.

Section 3 Section 316.304, Florida Statutes, is
amended to read

316.304 Wearing of headsets -- No person shall operate
a motor vehicle while wearing a headset, headphone, or other
listening device, other than a hearing aid or instrument for
the improvement of defective human hearing. However, this
section shall not apply to any law enforcement officer
equipped with any communication device necessary in performing
his assigned duties. In addition, this section shall not
apply to any applicant for a license to operate a motorcycle
or motor-driven cycle while taking the examination required by
s. 322.12(3).

Section 4 This act shall take effect July 1, 1982.

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HOUSE SUMMARY
Requires the Department of Highway Safety and Motor
Vehicles to formulate and beginning July 1, 1983, to
administer a separate examination for applicants for
drivers' licenses to operate a motorcycle or motor-driven
cycle.

Requires persons involved in an accident while operating
a motorcycle or motor-driven cycle to pass the
examination as a condition of renewal of their license
Authorizes licensed drivers to apply prior to July 1,
1983, to have their licenses stamped with authorization
to operate a motorcycle or motor-driven cycle without
taking the examination Authorizes the department to
exempt from the examination persons who complete a course
approved by the department

Provides a $4 fee for authorization to operate a
motorcycle or motor-driven cycle but provides that no
additional examination fee shall be assessed

Authorizes persons taking such examination to wear
headsets.

CODING Words in struck through type are deletions from existing law, words underlined are additions
A bill to be entitled

An act relating to drivers' licenses; adding subsection (3) to s. 322.12, Florida Statutes; requiring the Department of Highway Safety and Motor Vehicles to administer a separate examination for drivers seeking authorization to operate motorcycles and motor-driven cycles in the state; requiring persons who have accidents on motorcycles and motor-driven cycles to pass the examination as a condition of renewal; authorizing certain licensed drivers to obtain authorization without examination; authorizing an exemption to persons completing courses approved by the department; amending s. 322.21(1), Florida Statutes, providing a license fee for such authorization; amending s. 316.304, Florida Statutes, authorizing persons taking such examinations to wear headsets; providing an effective date.

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

Section 1. Subsection (3) is added to section 322.12, Florida Statutes, to read:

322.12 Examination of applicants.--

(3)(a) The department shall formulate a separate examination for applicants for a license to operate a motorcycle or motor-driven cycle, as defined in s. 316.003(22) and (23). Beginning July 1, 1983, any applicant for a restricted operator's, operator's or chauffeur's license who
wishes to operate a motorcycle or motor-driven cycle shall be required to successfully complete such examination, which shall be in addition to the examination administered pursuant to subsection (2). The examination shall test the applicant's knowledge of the operation of a motorcycle or motor-driven cycle and of any traffic laws specifically relating thereto and shall include an actual demonstration of the ability to exercise ordinary and reasonable control in the operation of a motorcycle or motor-driven cycle. In the formulation of the examination the department shall consider the use of the Motorcycle Operator Skills Test and the Motorcycle in Traffic Test offered by the Motorcycle Safety Foundation. The department shall indicate on the license of any person who successfully completes such examination that the licensee is authorized to operate a motorcycle or motor-driven cycle. If the applicant wishes to be licensed to operate a motorcycle or motor-driven cycle only, he need not take the skill or road test required under subsection (2) for the operation of a motor vehicle and the department shall so indicate the limitation on the license as a restriction.

(b) In addition to new applicants for licensure, beginning July 1, 1983, any person who is involved in an accident while operating a motorcycle or motor-driven cycle shall, as a condition of his next renewal of his license, be required to successfully complete the examination provided in this subsection.

(c) Any person licensed to operate a motor vehicle may apply to the department prior to July 1, 1983, for authorization to operate a motorcycle or motor-driven cycle without being required to take the examination provided in this subsection. The department shall so indicate such
authorization upon the license of such applicant upon payment
by the applicant of a fee of $1 per year or portion thereof
remaining in the validity of the applicant's current license.
Except as provided in paragraph (b), the examination provided
in this subsection shall not be made a condition upon the
renewal of the license of any person under this paragraph.
(d) The department may exempt any applicant from the
examination provided in this subsection if the applicant
presents a certificate showing successful completion of a
course approved by the department which includes a similar
examination of the knowledge and skill of the applicant in the
operation of a motorcycle or motor-driven cycle.
(e) No additional examination fee shall be assessed
for the examination required by this subsection.

Section 2. Subsection (1) of section 322.21, Florida
Statutes, is amended to read:

322.21 Fees to be paid for licenses and machinery for
handling and collecting the same.—

(1) The fee for:

(a) An operator's or a restricted operator's license
is $4, in addition to the fees for driver education, as
provided by ss. 233.063, and a color photograph, as provided by
section 322.142.

(b) Authorization to operate a motorcycle or motor-
driven cycle is $4.

(c) A chauffeur's license is $8, in addition to the
fees for driver education and a color photograph, provided by
ss. 233.063 and 322.142.

(d) The renewal of a license is the same as for its
original issue set forth in paragraphs (a), (b), and (c)
except that a delinquent fee of $1 shall be added for a
renewal made not more than 12 months after the license
expiration date, unless the applicant elects to take and
passes the written examination.

Section 3. Section 316.304, Florida Statutes, is
amended to read:

316.304 Wearing of headsets.—No person shall operate
a motor vehicle while wearing a headset, headphone, or other
listening device, other than a hearing aid or instrument for
the improvement of defective human hearing. However, this
section shall not apply to any law enforcement officer
equipped with any communication device necessary in performing
his assigned duties. In addition, this section shall not
apply to any applicant for a license to operate a motorcycle
or motor-driven cycle while taking the examination required by
s. 322.12(3).

Section 4. This act shall take effect July 1, 1982.

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HOUSE SUMMARY

Requires the Department of Highway Safety and Motor
Vehicles to formulate and beginning July 1, 1983, to
administer a separate examination for applicants for
drivers' licenses to operate a motorcycle or motor-driven
cycle.

Requires persons involved in an accident while operating
a motorcycle or motor-driven cycle to pass the
examination as a condition of renewal of their license.
Authorizes licensed drivers to apply prior to July 1,
1983, to have their licenses stamped with authorization
to operate a motorcycle or motor-driven cycle without
taking the examination. Authorizes the department to
exempt from the examination persons who complete a course
approved by the department.

Provides a $4 fee for authorization to operate a
motorcycle or motor-driven cycle but provides that no
additional examination fee shall be assessed.

Authorizes persons taking such examination to wear
headsets.

CODING: Words in struck through type are deletions from existing law, words underlined are additions
A bill to be entitled
An act relating to operation of motorcycles,
amending § 316.211(1), Florida Statutes,
limiting application of the law to certain
persons, adding § 322.01(20)-(26), Florida
Statutes, providing definitions, creating §.
322.035, Florida Statutes, requiring a driver's
license endorsement to operate a motorcycle;
requiring passage of certain tests before being
authorized to operate a motorcycle, requiring
the Department of Highway Safety and Motor
Vehicles to test certain applicants for
authorization to operate a motorcycle,
providing a fee for such test, requiring the
department to provide certain operating
manuals, providing limitation on operation of
motorcycles by certain persons, amending §
233.063, Florida Statutes, requiring school
districts to provide motorcycle safety
education courses, providing course criteria,
providing requirements for instructors of such
courses, amending § 489.04, Florida Statutes,
prohibiting the department from issuing
instruction certificates to certain persons
except under certain circumstances, providing
an effective date

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

Section 1 Subsection (1) of section 316.211, Florida
Statutes, is amended to read

CODING Words in struck through type are deletions from existing law, words underlined are additions
316 211 Equipment for motorcycle riders --

(1) No person under 18 years of age shall operate or ride upon a motorcycle unless he is properly wearing protective headgear securely fastened upon his head which complies with standards established by the department.

Section 2. Subsections (20), (21), (22), (23), (24), (25), and (26) are added to section 322 01, Florida Statutes, to read:

322.01 Definitions.--The following words and phrases have the meanings respectively ascribed to them in this chapter.

(20) "Motorcycle" means any motor vehicle with a motor rated in excess of 1 1/2 brake horsepower having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

(21) "Motor-driven cycle" means any motorcycle, including any motor scooter, with a motor which produces not to exceed 5 brake horsepower, and any bicycle propelled by a helper motor rated in excess of 1 1/2 brake horsepower.

(22) "Brake horsepower" means the actual unit of torque developed per unit of time at the output shaft of an engine, as measured by a dynamometer.

(23) "Motorcycle operator skill test" means the Motorcycle Operator Skill Test, a testing procedure developed by the Motorcycle Safety Foundation to measure minimum levels of competence in operating a motorcycle in traffic.

"Motorcycle knowledge test" means the written test developed by the Motorcycle Safety Foundation from material contained in the motorcycle operator manual.

"Motorcycle safety education course" means the Motorcycle Rider Course offered by the Motorcycle Safety Foundation or any other course of instruction in the safe and lawful operation of a motorcycle which provides a student with the knowledge and skill to pass the motorcycle knowledge test and the motorcycle operator skill test.

Section 3. Section 322 035, Florida Statutes, is created to read

322 035 Motorcycle operator licensing --

(1) No person shall operate any motorcycle upon any highway in this state unless he has a valid operator's or chauffeur's license which has been endorsed by the department authorizing such person to operate a motorcycle.

(2) No person shall be authorized to operate any motorcycle unless he has passed the motorcycle knowledge test and the motorcycle operator skill test or has satisfactorily completed an approved motorcycle safety education course.

(3) The department shall examine every applicant for such authorization except any applicant who has satisfactorily completed an approved motorcycle safety education course within the immediately preceding year. Such examination shall consist of the motorcycle knowledge test and the motorcycle operator skill test. The department shall endorse the license of any applicant who passes such examination or who within the immediately preceding year has satisfactorily completed an approved motorcycle safety education course. Every applicant shall pay a fee of $3 for such endorsement. The provisions of s 322 12 shall apply to such fee. The department shall adopt

CODING Words in struck through type are deletions from existing law, words underlined are additions.
by rule the motorcycle knowledge test, the motorcycle operator
skill test, and the motorcycle operator manual and shall
provide a copy of the manual to any person who requests one

(4) Notwithstanding any other provision of this
chapter, no person who possesses an instruction permit, a
temporary license, or a restricted operator's license may
operate any motorcycle except a motor driven cycle upon any
highway in this state unless he has passed the motorcycle
knowledge test, or is enrolled in or has successfully
completed an approved motorcycle safety education course.

Section 4  Section 233 063, Florida Statutes, is
amended to read

233.063  Instruction in operation of motor vehicles and
motorcycles --

(1) A course of study and instruction in the safe and
lawful operation of a motor vehicle shall be made available by
each district school board to students in the secondary
schools in the state  Beginning with the 1981-1982 school
year, for the purpose of this section; the term "motor
vehicle" shall have the same meaning as in s- 320-611(1)(a) and
shall include motorcycles and mopeds. Instruction in
motorcycle or moped operation may be limited to classroom
instruction. The course shall not be made a part of, or a
substitute for, any of the minimum requirements for
graduation

(2) In order to make such a course available to any
secondary school student, the district school board may use
any one of the following procedures or any combination
thereof

(a) The board may utilize instructional personnel
employed by the board
(b) The board may contract with a commercial driving school licensed under the provisions of chapter 488.

(c) The board may contract with an instructor certified under the provisions of chapter 488.

(3)(a) School districts shall earn funds on full-time equivalent students at the appropriate basic program cost factor, regardless of the method by which such courses are offered.

(b) For the purpose of financing the Driver Education Program and motorcycle safety education in the secondary schools, there shall be levied an additional 50 cents per year to the driver's license fee required by s. 322.21. The additional fee shall be promptly remitted to the Department of Highway Safety and Motor Vehicles, and the department shall transmit the fee to the Treasurer to be deposited in the General Revenue Fund.

(4) The district school board shall prescribe standards for the courses required by this act and for instructional personnel directly employed by the board. Any certified instructor or licensed commercial driving school shall be deemed sufficiently qualified and shall not be required to meet any standards in lieu of or in addition to those prescribed under chapter 488.

(5)(a) A motorcycle safety education course shall be made available by each district school board to students in the secondary schools in the state. Such course shall be designed as an optional addition to the course of instruction in the safe and lawful operation of motor vehicles and shall be offered to a student only after such student has successfully completed the course of instruction in the operation of motor vehicles.
(b) The motorcycle safety education course shall be designed to provide a student with the necessary knowledge and skill to pass the motorcycle knowledge test as defined in s. 322.01(25) and the motorcycle operator skill test as defined in s. 322.01(23). Such course shall provide information no less comprehensive than that contained in the motorcycle operator manual and training no less comprehensive than that provided under the Motorcycle Rider Course developed by the Motorcycle Safety Foundation.

(c) Notwithstanding the provisions of subsections (2) and (4), no person may serve as an instructor of a motorcycle safety education course unless such person holds a valid instructor's certificate issued under the provisions of s. 488.04.

Section 5. Section 488.04, Florida Statutes, is amended to read:

488.04 Instructors, qualifications, certificates.—

1. No person shall receive compensation for giving instructions in the operation of motor vehicles or motorcycles unless such person is the holder of an instructor's certificate issued for such purpose by the Department of Highway Safety and Motor Vehicles. Such certificate shall be valid for use only in connection with the business of the driver's school or schools listed thereon by the department, or in connection with a driver education course or motorcycle safety education course offered by a district school board. An applicant for an instructor's certificate will be required to take special eye, written, and road tests, and may be required to furnish additional proof of his qualifications and ability as an instructor. 

CODING: Words in italics are deletions from existing law, words underlined are additions.
(2) No person shall be issued an instructor's certificate authorizing him to give instruction in the operation of motorcycles unless such person has satisfactorily completed an approved motorcycle safety education course and the Motorcycle Instructor's Course offered by the Motorcycle Safety Foundation.

Section 6 This act shall take effect July 1, 1982, except section 4 which shall take effect July 1, 1983.

SENATE SUMMARY

Limits to persons under 18 years of age the requirement that a person wear protective headgear while operating or riding upon a motorcycle. Requires a person to have a valid operator's or chauffeur's license endorsed by the Department of Highway Safety and Motor Vehicles authorizing operation of a motorcycle before such person may operate a motorcycle. Requires a person to pass a motorcycle knowledge test and a motorcycle operator skill test or to satisfactorily complete an approved motorcycle safety education course before being authorized to operate a motorcycle. Requires the department to examine any applicant for such authorization except any applicant who has completed a motorcycle safety education course within the immediately preceding year. Provides requirements for such examination. Prohibits any person who has an instruction permit, temporary license, or restricted operator's license from operating any motorcycle except a motor driven cycle unless he has passed a motorcycle knowledge test or is enrolled in or has successfully completed a motorcycle safety education course. Requires district school boards to provide a motorcycle safety education course in addition to a driver education program. Requires a student to pass the driver education course before taking the motorcycle safety education course. Provides criteria for the motorcycle safety education course. Prohibits anyone from serving as an instructor of a motorcycle safety education course unless he holds a valid instructor's certificate issued by the department. Requires a person to have satisfactorily completed an approved motorcycle safety education course and the Motorcycle Instructor's Course offered by the Motorcycle Safety Foundation before being issued an instructor's certificate authorizing him to teach a motorcycle operation course.
A bill to be entitled
An act relating to operation of motorcycles,
amending s 316.211(1), Florida Statutes,
limiting application of the law to certain
persons, adding s. 322.01(20)-(25), Florida
Statutes; providing definitions, creating s.
322.035, Florida Statutes, requiring a driver's
license endorsement to operate a motorcycle;
requiring passage of certain tests before being
authorized to operate a motorcycle, requiring
the Department of Highway Safety and Motor
Vehicles to test applicants for authorization
to operate a motorcycle, providing a fee for
such test, providing limitation on operation of
motorcycles by certain persons, providing an
effective date

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

Section 1. Subsection (1) of section 316.211, Florida
Statutes, is amended to read

316.211 Equipment for motorcycle riders.--
(1) No person under 18 years of age shall operate or
ride upon a motorcycle unless he is properly wearing
protective headgear securely fastened upon his head which
complies with standards established by the department

Section 2 Subsections (20), (21), (22), (23), (24),
and (25) are added to section 322.01, Florida Statutes, to
read:
322 01 Definitions --The following words and phrases have the meanings respectively ascribed to them in this chapter:

(20) "Motorcycle" means any motor vehicle with a motor rated in excess of 1 1/2 brake horsepower having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

(21) "Motor-driven cycle" means any motorcycle, including any motor scooter, with a motor which produces not to exceed 5 brake horsepower, and any bicycle propelled by a helper motor rated in excess of 1 1/2 brake horsepower.

(22) "Brake horsepower" means the actual unit of torque developed per unit of time at the output shaft of an engine, as measured by a dynamometer.

(23) "Motorcycle operator skill test" means a testing procedure administered by the department to measure minimum levels of competence in operating a motorcycle in traffic. Such test shall be conducted in both an on-street and off-street environment.

(24) "Motorcycle knowledge test" means the written test administered by the department.

(25) "Interjurisdictional waiver" means a waiver of the motorcycle operator skill test granted by the department to an applicant whose valid out-of-state license is endorsed by the state of issuance to permit the operation of a motorcycle.

Section 3. Section 322.035, Florida Statutes, is created to read.

322 035 Motorcycle operator licensing --
(1) No person shall operate any motorcycle upon any highway in this state unless he has a valid operator's or chauffeur's license which has been endorsed by the department authorizing such person to operate a motorcycle.

(2) No person shall be authorized to operate any motorcycle unless he has passed the motorcycle knowledge test and the motorcycle operator skill test administered by the department, except that the motorcycle operator skill test may be waived by interjurisdictional waiver.

(3) The department shall examine every applicant before such authorization and endorsement. The motorcycle knowledge and skill tests shall be in addition to any examination required for the operation of other motor vehicles. The department shall endorse the license of any applicant who passes such test. Upon qualifying on a motorcycle or motor-driven cycle only, the applicant may be issued a license restricted to the operation of those vehicles.

(4) Every applicant shall pay a fee of $5 for such motorcycle knowledge and skill tests in addition to the examination fee required under § 322 12.

(5) The department shall develop and adopt a motorcycle knowledge test and a motorcycle operator skill test. Such tests shall be patterned after similar tests developed by the Motorcycle Safety Foundation.

(6) Notwithstanding any other provision of this chapter, no person who possesses an instruction permit, a temporary license, or a restricted operator's license may operate any motorcycle except a motor-driven cycle upon any highway in this state unless he has passed the motorcycle knowledge test.
(7) Any valid operator's license issued prior to the effective date of this act shall be valid to permit the operation of a motorcycle or motor-driven cycle until the date of expiration of such license.

(8) Renewal of a license containing a motorcycle endorsement or restriction shall be as provided in s. 322.121.

Section 4. This act shall take effect October 1, 1983.

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR SENATE BILL 318

February 9, 1982

. Deletes the local school board involvement and specialized instructor training for conducting a motorcycle safety education course.

. Allows the Department of Highway Safety and Motor Vehicles to develop a motorcycle knowledge test and motorcycle skill test similar (as opposed to identical) to such tests developed by the Motorcycle Safety Foundation.

. Requires that the motorcycle skill test be conducted in both an on-street and off-street environment.

. Provides that persons operating motorcycles may continue to do so without license endorsement until their licenses expire.