

1984

Session Law 84-139

Florida Senate & House of Representatives

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04/25/84

HOUSE OF REPRESENTATIVES

TRANSPORTATION COMMITTEE

STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

NUMBER: HB 950(as amended) SIM/COMP: SB 429

SPONSOR: Rep. Locke PREPARED BY: Bob Romig

OTHER COMMITTEE REF: _____

RELATING TO: Motorcycle Equipment Protective Headgear

I. SUMMARY:

A. Present Situation: Chapter 316.211(1), F.S., provides that persons who ride a motorcycle must wear protective headgear.

B. Effect of Proposed Changes:

-- Provides that no person under the age of 21 shall operate a motorcycle without a protective helmet fastened to their head. However, any motorcycle operator, 21 years or older, may exercise an option not to wear any protective headgear provided they complete a printed statement that acknowledges that the lack of headgear makes them susceptible to severe injuries in case of an accident.

-- The Department of Highway Safety and Motor Vehicles is authorized to publish lists of protective equipment and make them available to all users.

-- Any person riding a motorcycle as a passenger is required to wear the protective headgear.

-- The failure to wear protective headgear may be considered by a jury in the assessing of damages if it is proven that it contributed to a portion of the damages.

-- No person may operate a motorcycle or a motor-driven cycle unless they hold a driver's license that specifically authorizes such operation. Licenses issued prior to October 1, 1984 shall be exempt until they expire.

04/25/84

II. FISCAL IMPACT:

A. State: None.

B. Local: None.

C. Private Sector: Motorcycle operators 21 years of age or older may exercise the option not to purchase protective headgear.

III. COMMENTS:

STAFF DIRECTOR:

Robert W. Cozzis

COMMITTEE INFORMATION RECORD

House of Representatives

Committee on Transportation

Bill No. HB 950

Date of meeting 4-23-84

Time 1:15 P.M.

Place 21 HOB

FINAL ACTION: FAVORABLE
 FAVORABLE WITH AMENDMENTS
 FAVORABLE WITH SUBSTITUTE
 UNFAVORABLE

VOTE:

YEA	MEMBER	NAY
X	BAILEY, P.	
	BROWN, C.	
X	COSGROVE, J.	
	DAVIS, H.	
X	DUDLEY, F.	
X	GALLAGHER, T.	
X	HARGRETT, J.	
X	HAWKINS, L.	
	HEALEY, E.	X
	JOHNSON, B.	X
X	LEWIS, J.	
	MARTIN, S.	
X	PEEPLES, V.	
X	SANSOM, D.	
X	SILVER, R.	

YEA	MEMBER	NAY
	THOMPSON, J.	
	WALLACE, P.	X
	WARD, J.	X
	WATT, J.	X
X	WEBSTER, D.	
X	WILLIAMS, F.	
X	GUSTAFSON, T., Chr.	

Total Yeas 13

Total Nays 5

Note: If Rep. C. Brown had been present for roll call, she would have voted "Nay."


 Chairman

COMMITTEE APPEARANCE RECORD

The following persons (other than legislators) appeared before the committee during the consideration of this bill:

Name	Representing	Address
Judge Robert A. Butterworth	Highway Safety & Motor Vehs.	Tallahassee, Florida
Mr. John G. Burke	Community Affairs	Tallahassee, Florida

NOTE: Please indicate by an "X" any State employee appearing at the request of Committee Chairman.

(If additional persons, enter on reverse side and check here)

File 2 copies with Clerk

April 25, 1984

HOUSE OF REPRESENTATIVES

TRANSPORTATION COMMITTEE

STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

NUMBER: CS/HB 569 SIM/COMP: SB 695

SPONSOR: Rep. Bankhead PREPARED BY: Bob Romig

OTHER COMMITTEE REF: Appropriations

RELATING TO: Motorcycles or Motor-driven Cycles

I. SUMMARY:

A. Present Situation: The present law as stipulated in s. 312.12(3)(a), F.S., states that beginning October 1, 1984, any applicant for a driver's license who wishes to operate a motorcycle or motor-driven cycle will complete an examination that tests the applicant's knowledge of the operation of a motorcycle.

B. Effect of Proposed Changes: This bill would amend s. 322.03(4) to expressly prohibit the operation of a motorcycle or motor-driven cycle after October 1, 1984 or until such driver's license expires if issued prior to that date.

Section 322.12(3)(a) is amended to exempt applicants for a restricted operators's license from the skills portion of the motorcycle operation examination.

II. FISCAL IMPACT:

A. State: The Department of Highway Safety and Motor Vehicles does not anticipate any additional cost.

B. Local: None.

C. Private Sector: None.

III. COMMENTS:

STAFF DIRECTOR: Robert W. Cozzie



Florida House of Representatives

Tallahassee

W. G. "Bill" Bankhead
Representative, 19th District

Committees

Corrections, Probation & Parole
Health & Rehabilitative Services
Tourism & Economic Development

Reply to

500 Water Street
Jacksonville, Florida 32202
(904) 359-1014

224 The Capitol
Tallahassee, Florida 32301
(904) 488-0001

April 10, 1984

M E M O R A N D U M

TO: Tom Gustafson, Chairman
House Transportation Committee

FROM: Bill Bankhead *[Signature]*

RE: HB 569, relating to driver's licenses

Y
APR 11 1984
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122

The above mentioned bill was referred to your committee and favorably considered by your subcommittee on March 4, 1984.

The bill adds a penalty to the motorcycle licensing legislation which passed last year. It also extends the grandfathering-in period to the expiration of the operator's license so that the Department of Highway Safety and Motor Vehicles can more properly prepare for the licensing requirement.

I would appreciate your placing HB 569 on the agenda for full Committee consideration. If you have any questions or need additional information, please don't hesitate to call me.

Bobby
Ok with me.
Please schedule
[Signature]

COMMITTEE INFORMATION RECORD

House of Representatives

Committee on Transportation
 Date of meeting 4-23-84
 Time 1:15 pm
 Place 21 H

Bill No. HB 569

FINAL ACTION: FAVORABLE
 FAVORABLE WITH AMENDMENTS
 FAVORABLE WITH SUBSTITUTE
 UNFAVORABLE

VOTE:

YEA	MEMBER	NAY
	BAILEY, P.	
	BROWN, C.	
	COSGROVE, J.	
	DAVIS, H.	
	DUDLEY, F.	
	GALLAGHER, T.	
	HARGRETT, J.	
	HAWKINS, L.	
	HEALEY, E.	
	JOHNSON, B.	
	LEWIS, J.	
	MARTIN, S.	
	PEEPLS, V.	
	SANSOM, D.	
	SILVER, R.	

YEA	MEMBER	NAY
	THOMPSON, J.	
	WALLACE, P.	
	WARD, J.	
	WATT, J.	
	WEBSTER, D.	
	WILLIAMS, F.	
	GUSTAFSON, T., Chr.	

Total
Yea _____

Total
Nays _____

Chairman

COMMITTEE APPEARANCE RECORD

The following persons (other than legislators) appeared before the committee during the consideration of this bill:

<u>Name</u>	<u>Representing</u>	<u>Address</u>

NOTE: Please indicate by an "X" any State employee appearing at the request of Committee Chairman.

(If additional persons, enter on reverse side and check here_)

File 2 copies with Clerk

If amendment is text of another bill, insert:

Bill No

or Draft No.

HB .. 569..

SB ..

Committee Amendment No.
(For committee use)

Transportation

The Committee on

offered the following

amendment:

Amendment On page. 1 , line 16 , strike .

all of said line

- a
- b
- c
- d
- e
- f
- g

and insert: No person shall operate a

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- 18

Mr.

moved the adoption of the amendment,

which was adopted.

which failed of adoption.

If amendment is text of another bill, insert:

Bill No

or Draft No.

HB 569

SB

Committee Amendment No.
(For committee use)

The Committee on Transportation

offered the following amendment:

Amendment On page 1, line 19, strike

a
b
c
d
e
f
g

all of said line

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

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Mr.

moved the adoption of the amendment,

which was adopted.

which failed of adoption.

COMMITTEE INFORMATION RECORD

House of Representatives

Committee on Transportation
Date of meeting 4-23-84
Time 1:15 pm
Place 21-H

Bill No. HRB 569

FINAL ACTION: FAVORABLE
 FAVORABLE WITH 2 AMENDMENTS (CS)
 FAVORABLE WITH SUBSTITUTE
 UNFAVORABLE

VOTE:

YEA	MEMBER	NAY
<input checked="" type="checkbox"/>	BAILEY, P.	<input checked="" type="checkbox"/>
<input type="checkbox"/>	BROWN, C.	<input type="checkbox"/>
<input checked="" type="checkbox"/>	COSGROVE, J.	<input type="checkbox"/>
<input type="checkbox"/>	DAVIS, H.	<input type="checkbox"/>
<input checked="" type="checkbox"/>	DUDLEY, F.	<input type="checkbox"/>
<input checked="" type="checkbox"/>	GALLAGHER, T.	<input type="checkbox"/>
<input checked="" type="checkbox"/>	HARGRETT, J.	<input type="checkbox"/>
<input checked="" type="checkbox"/>	HAWKINS, L.	<input type="checkbox"/>
<input checked="" type="checkbox"/>	HEALEY, E.	<input type="checkbox"/>
<input checked="" type="checkbox"/>	JOHNSON, B.	<input type="checkbox"/>
<input checked="" type="checkbox"/>	LEWIS, J.	<input type="checkbox"/>
<input type="checkbox"/>	MARTIN, S.	<input type="checkbox"/>
<input checked="" type="checkbox"/>	PEEPLS, V.	<input type="checkbox"/>
<input checked="" type="checkbox"/>	SANSOM, D.	<input type="checkbox"/>
<input checked="" type="checkbox"/>	SILVER, R.	<input type="checkbox"/>

YEA	MEMBER	NAY
<input type="checkbox"/>	THOMPSON, J.	<input type="checkbox"/>
<input checked="" type="checkbox"/>	WALLACE, P.	<input type="checkbox"/>
<input checked="" type="checkbox"/>	WARD, J.	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	WATT, J.	<input type="checkbox"/>
<input checked="" type="checkbox"/>	WEBSTER, D.	<input type="checkbox"/>
<input checked="" type="checkbox"/>	WILLIAMS, F.	<input type="checkbox"/>
<input checked="" type="checkbox"/>	GUSTAFSON, T., Chr.	<input type="checkbox"/>
<input type="checkbox"/>		<input type="checkbox"/>
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<input type="checkbox"/>		<input type="checkbox"/>

Total Yeas 18

Total Nays 0

Chairman

COMMITTEE APPEARANCE RECORD

The following persons (other than legislators) appeared before the committee during the consideration of this bill:

Name	Representing	Address

NOTE: Please indicate by an "x" any State employee appearing at the request of Committee Chairman.
(If additional persons, enter on reverse side and check here)

File 2 copies with Clerk

COMMITTEE INFORMATION RECORD

House of Representatives

Committee on Transportation

Bill No. HB 569

Date of meeting 4-23-84

Time 1:15 P.M.

Place 21 HOB

FINAL ACTION: FAVORABLE
 FAVORABLE WITH AMENDMENTS
 FAVORABLE WITH SUBSTITUTE
 UNFAVORABLE

VOTE:

YEA	MEMBER	NAY
X	BAILEY, P.	
	BROWN, C.	
X	COSGROVE, J.	
	DAVIS, H.	
X	DUDLEY, F.	
X	GALLAGHER, T.	
X	HARGRETT, J.	
X	HAWKINS, L.	
X	HEALEY, E.	
X	JOHNSON, B.	
X	LEWIS, J.	
	MARTIN, S.	
X	PEEPLER, V.	
X	SANSOM, D.	
X	SILVER, R.	

YEA	MEMBER	NAY
	THOMPSON, J.	
X	WALLACE, P.	
X	WARD, J.	
X	WATT, J.	
X	WEBSTER, D.	
X	WILLIAMS, F.	
X	GUSTAFSON, T., Chr.	

Total Yeas 18 Total Nays 0


Chairman

COMMITTEE APPEARANCE RECORD

The following persons (other than legislators) appeared before the committee during the consideration of this bill:

<u>Name</u>	<u>Representing</u>	<u>Address</u>

NOTE: Please indicate by an "X" any State employee appearing at the request of Committee Chairman.

(If additional persons, enter on reverse side and check here)

File 2 copies with Clerk

File with Parent Committee

To Chairman, Committee on Transportation

Subcommittee on Highway Safety & Motor Vehicles (Ad Hoc)

Date of meeting April 4, 1984

Time 3:30 - 5:30 p.m.

Place 21 HOB

Bill No. HB 569

FINAL ACTION: FAVORABLE
 FAVORABLE WITH 2 AMENDMENTS
 FAVORABLE WITH SUBSTITUTE
 UNFAVORABLE

VOTE:

YEA	MEMBER	NAY	YEA	MEMBER	NAY
X	Brown, C.				
X	Davis, H. G.				
	Johnson, B.				
X	Watt, J.				
X	Bailey, P., Chr.				

Total Yeas 4

Total Nays _____

Patricia L. Bailey
 Subcommittee Chairman

19 1338

SUBCOMMITTEE APPEARANCE RECORD

The following persons (other than legislators) appeared before the subcommittee during consideration of this bill:

<u>Name</u>	<u>Representing</u>	<u>Address</u>

(If additional persons, enter on reverse side and check here)

NOTE. Please indicate by an "x" any State employee appearing at the request of Subcommittee Chairman

Received by Parent Committee:

Date _____

Received by _____

April 2, 1984

HOUSE OF REPRESENTATIVES
TRANSPORTATION COMMITTEE
STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

NUMBER: HB 569 SIM/COMP: _____
SPONSOR: Rep. Bankhead PREPARED BY: Bob Romig
OTHER COMMITTEE REF: Appropriations
RELATING TO: Motorcycles or Motor-driven Cycles

I. SUMMARY:

A. Present Situation: The present law as stipulated in s. 312.12(3)(a), F.S., states that beginning October 1, 1984, any applicant for a driver's license who wishes to operate a motorcycle or motor-driven cycle will complete an examination that tests the applicant's knowledge of the operation of a motorcycle.

B. Effect of Proposed Changes: This bill would amend s. 322.03(4) to expressly prohibit the operation of a motorcycle or motor-driven cycle after October 1, 1984 unless their driver's license authorizes such operation.

Section 322.12(3)(a) is amended to exempt applicants for a restricted operators's license from the skills portion of the motorcycle operation examination.

II. FISCAL IMPACT:

A. State: The Department of Highway Safety and Motor Vehicles does not anticipate any additional cost.

B. Local: None.

C. Private Sector: None.

III. COMMENTS:

STAFF DIRECTOR: Robert W. Cozzina

Bill presented 4/25/84

REVISED: _____

BILL NO. SB 695

DATE: April 21, 1984

Page 1

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Tharpe</u>	<u>Christensen</u>	1. <u>TR</u>	_____
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____

SUBJECT:

Requiring the possession of a driver license to operate a motorcycle

BILL NO. AND SPONSOR:

SB 695 by Senator Grizzle

I. SUMMARY:

A. Present Situation:

Anyone operating a motor vehicle upon a public highway in the state must possess a valid driver license and no person may drive a motor vehicle as a chauffeur unless he holds a valid chauffeur's license.

In 1983 the department was directed to formulate a separate examination for applicants for licenses to operate motorcycles or motor-driven cycles. 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 will have to successfully complete this examination. The examination will test the applicant's knowledge of the operation of a motorcycle or motor-driven cycle and any applicable traffic laws and shall include an actual demonstration of the applicant's ability to exercise ordinary and reasonable control in the operation of the cycle. The test for the operation of a motor vehicle is not required of a person who wishes to be licensed to operate a motorcycle or motor-driven cycle only.

B. Effect of Proposed Changes:

The bill provides that no person may operate a motorcycle unless he possesses a license which authorizes such operation. Further, any person applying for a restricted operator's license is not required to take an actual driving test.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

None.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.

18 135-50

GEORGE FIRESTONE
Secretary of State
JIM SMITH
Attorney General
GERALD LEWIS
Comptroller

State of Florida

BOB GRAHAM
Governor

BILL GUNTER
Treasurer
DOYLE CONNER
Commissioner of Agriculture
RALPH D. TURLINGTON
Commissioner of Education

Department of Highway Safety and Motor Vehicles

Neil Kirkman Building

ROBERT A. BUTTERWORTH
Executive Director

Tallahassee 32301

DIVISIONS

- FLORIDA HIGHWAY PATROL
- DRIVER LICENSES
- MOTOR VEHICLES
- ADMINISTRATIVE SERVICES

April 20, 1984

Senator Malcolm Beard, Chairman
SENATE TRANSPORTATION COMMITTEE
30 Senate Office Building
Tallahassee, Florida 32301


Dear Senator Beard:

Attached are fiscal notes on the following Senate Bills:

Senate Bill 695 - prohibits a person from operating a motorcycle or a motor-driver cycle unless he possesses a driver's license which authorizes such operation.

Senate Bill 744 - provides that emergency vehicles shall have the right-of-way while en route to meet an existing emergency when giving visible signals by the use of displayed blue or red lights.

Sincerely,


W. R. KAUFMAN, Director
Administrative Services

WRK:ngm
Attachments

cc: Jim Cox
C. W. Keith
Colonel Burkett

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Tharpe</u>	<u>Christensen</u>	1. <u>TR</u>	<u>FAV as CS</u>
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____

SUBJECT:

Motorcycle Riders; Exemption
From Certain Safety
Equipment Requirements

BILL NO. AND SPONSOR:

CS/SB 429 by
Committee on Transportation
and Senator Hill

To the
Senate
File Folder
 COPY
 1/1/84

I. SUMMARY:

A. Present Situation:

Section 316.211, F.S., requires that any person operating or riding upon a motorcycle must wear protective headgear of a type approved by the Department of Highway Safety and Motor Vehicles. Anyone who operates a motorcycle must also wear an approved eye-protective device. Persons riding within an enclosed cab are exempt from these requirements.

The department is authorized to approve or disapprove protective headgear and protective eye devices and to issue and enforce regulations establishing standards for the approval of such devices. The department is directed to publish a list of all protective headgear and eye devices which it has approved.

Owners of motorcycles registered in Florida are not required to obtain personal injury protection or liability insurance. If, however, the motorcycle is involved in an accident requiring removal by a wrecker or resulting in injury or death to any person, then under the financial responsibility law (chapter 324), the owner must obtain liability insurance and maintain it for a 3-year period.

Under s. 322.03, F.S., no person may operate a motor vehicle on the highways of this state unless he has a valid driver's license (certain exemptions are provided by law). Section 322.12, F.S., requires that beginning October 1, 1984, applicants for licenses to operate motorcycles or motor-driven cycles are required to take a separate examination.

B. Effect of Proposed Changes:

All motorcycle operators under 21 years of age and all motorcycle passengers would be required to wear protective headgear when operating or riding on a motorcycle. Any person 21 years old or older may exercise the option to not wear headgear by acknowledging on a form that in case of accident his chances of severe injury are greatly increased.

Persons 21 years of age or older, in addition to being exempt from the headgear requirement, would no longer be required to wear an approved eye-protective device (regular non-shatterproof sunglasses would be an acceptable eye-protective device under the bill).

In a trial, evidence of failure to properly wear protective headgear is required to be considered by the jury in assessing damages, where evidence shows that such failure produced or

contributed substantially to producing at least a portion of the damages.

The department is required to annually report to the Legislature the number of injuries and deaths to motorcycle operators attributable to non-use of protective headgear by persons 21 years of age or older.

Under the bill, the owner of every motorcycle registered in this state is required to obtain accident and health insurance, including major medical benefits of at least \$1,000,000. Proof of insurance would be required upon annual vehicle registration.

Section 322.03, F.S., is amended to provide that no person may operate a motorcycle or motor-driven cycle unless he holds a driver's license containing an authorization for such operation. However, driver licenses issued prior to October 1, 1984, would permit motorcycle or motor-driven cycle operation until the expiration of such licenses.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

Persons 21 years old or older who exercise their option to not wear headgear would no longer have to purchase a helmet. The exact amount of such savings is not known.

According to state insurance staff, the cost of obtaining the required insurance coverage could range from a minimum of \$226 annually to possibly in excess of \$1000 annually depending on whether the owner resides in a high rate area of the state, is a member of a high rate age group, and owns a motorcycle over 600 c.c.'s in size.

B. Government:

The department has estimated a first year expenditure of \$25,000 to purchase the acknowledgment forms required by the bill.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Tharpe</u>	<u>Christensen</u>	1. <u>TR</u>	_____
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____

SUBJECT:

Motorcycle Riders; Exemption
From Certain Safety
Equipment Requirements

BILL NO. AND SPONSOR:

SB 429 by
Senator Hill

I. SUMMARY:

A. Present Situation:

Section 316.211, F.S., requires that any person operating or riding upon a motorcycle must wear protective headgear of a type approved by the Department of Highway Safety and Motor Vehicles. Anyone who operates a motorcycle must also wear an approved eye-protective device.

The department is authorized to approve or disapprove protective headgear and protective eye devices and to issue and enforce regulations establishing standards for the approval of such devices. The department is directed to publish a list of all protective headgear and eye devices which it has approved.

Persons riding within an enclosed cab are exempt from these requirements.

B. Effect of Proposed Changes:

The bill exempts those persons who are 19 years of age or older from the requirements to wear headgear and eye protection devices.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

Persons who are 19 years of age or older who operate or ride on a motorcycle would no longer be required to purchase a helmet and those operators over 19 would not have to obtain eye-protection devices. The exact amount of such savings is not known.

The Bureau of Highway Safety of the Department of Community Affairs indicated that the average hospitalization cost per person sustaining head injuries as a result of motorcycle accidents is \$37,706.

B. Government:

The Bureau of Highway Safety further indicates that the estimated statewide hospital cost to treat critically injured motorcyclists would be \$24.6 million if the law were repealed. The estimated cost under the present law is \$12.7 million.

FILED
 DEPARTMENT OF
 COMMUNITY AFFAIRS
 TALLAHASSEE, FLORIDA
 APR 19 1984
 [Handwritten initials and stamps]

REVISED: _____

BILL NO. SB 429

DATE: April 17, 1984

Page 2

III. COMMENTS:

None.

IV. AMENDMENTS:

None.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Tharpe</u>	<u>Christensen</u>	1. <u>TR</u>	<u>FAV w/2 amends</u>
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____

SUBJECT:

Requiring the possession of a driver license to operate a motorcycle

BILL NO. AND SPONSOR:

SB 695 by
Senator Grizzle

I. SUMMARY:

A. Present Situation:

Anyone operating a motor vehicle upon a public highway in the state must possess a valid driver license and no person may drive a motor vehicle as a chauffeur unless he holds a valid chauffeur's license.

In 1983 the department was directed to formulate a separate examination for applicants for licenses to operate motorcycles or motor-driven cycles. 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 will have to successfully complete this examination. The examination will test the applicant's knowledge of the operation of a motorcycle or motor-driven cycle and any applicable traffic laws and shall include an actual demonstration of the applicant's ability to exercise ordinary and reasonable control in the operation of the cycle. The test for the operation of a motor vehicle is not required of a person who wishes to be licensed to operate a motorcycle or motor-driven cycle only.

B. Effect of Proposed Changes:

The bill provides that no person may operate a motorcycle unless he possesses a license which authorizes such operation. Further, any person applying for a restricted operator's license is not required to take an actual driving test.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

None.

III. COMMENTS:

None.

IV. AMENDMENTS:

No. 1 by Transportation: Provides that a driver's license issued prior to October 1, 1984, shall permit the licensee to operate a motorcycle or motor-driven cycle until the expiration of the license.

REVISED: April 26, 1984

BILL NO. SB 695

DATE: April 21, 1984

Page 2

No. 2 by Transportation: Title amendment.

SENATE COMMITTEE AMENDMENT

SB 695

No. _____
(reported favorably)

HB _____

The Committee on....Transportation....recommended the following amendment which was moved by Senator.....and adopted: and failed:

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Amendment

On page .1....., line .18....., strike
all of line 18

If amendment is text from another bill insert:

Bill No.	Draft No.	With Changes?	No Yes

and insert:

authorizes such operation, except that a Florida driver's license issued prior to October 1, 1984, shall permit the licensee to operate a motorcycle or motor-driven cycle until the expiration of the license.

CODING Words in ~~struck through~~ type are deletions from existing law, words underlined are additions 84s0695/tr01

* Amendment No. 1, taken up by committee:4/25/84 Adopted x *
* Offered by _____ Failed _ *

(Amendment No. _____ Adopted ___ Failed ___ Date ___/___/___)

SENATE COMMITTEE AMENDMENT

SB 695

No. 2
(reported favorably)

HB _____

The Committee on....Transportation....recommended the following amendment which was moved by Senator.....and adopted: and failed;

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Title Amendment

In title, on page .1....., line .6....., strike line 6

If amendment is text from another bill insert:

Bill No.	Draft No.	With Changes?	No Yes

and insert:

authorizes such operation; providing that licenses issued prior to October 1, 1984, shall permit the operation of a motorcycle or motor-driven cycle until expiration; amending s. 322.12,

CODING Words in ~~struck through~~ type are deletions from existing law, words underlined are additions.

* Amendment No. 2, taken up by committee:4/25/84 Adopted x *
* Offered by _____ Failed _____ *

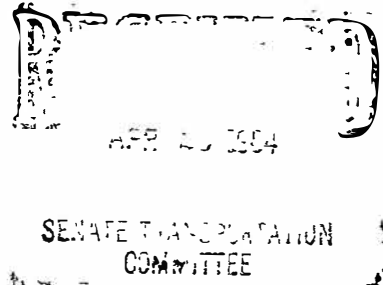
(Amendment No. _____ Adopted _____ Failed _____ Date ___/___/___)

M E M O R A N D U M

Date 4-19-84

TO: Senator Malcolm E. Beard, Chairman
Senate Transportation Committee
30 Senate Office Building
Tallahassee, Florida 32301

FROM: W. R. KAUFMAN, Director
Administrative Services
Department of Highway Safety
and Motor Vehicles
Neil Kirkman Building
Tallahassee, Florida 32301



Following is the information requested on SB 695 HB _____:

FISCAL IMPACT

1. Agency requirements to administer the bill provisions for each of next three years, to include personnel and financial, and source of funds:

None.

2. Amount and disposition of any anticipated revenue Collections for each of next three years:

None.

3. Amount and origin of any anticipated Revenue Reductions for each of next three years.

None.

OTHER COMMENTS OR SUGGESTIONS CONCERNING THE BILL: Companion to HB 569.

Prepared by: William C. Snuggs

Telephone: 488-3542

When the motorcycle bill passed last session, 322.03 was not amended to require an authorization on license to operate a motorcycle or motor driven cycle.

COMMITTEE INFORMATION RECORD

House of Representatives

Committee on Transportation
Date of meeting 4-23-84
Time 1:15 P.M.
Place 21-H

Bill No. HR 569

FINAL ACTION: FAVORABLE
 FAVORABLE WITH AMENDMENTS
 FAVORABLE WITH SUBSTITUTE
 UNFAVORABLE

VOTE:

YEA	MEMBER	NAY
	BAILEY, P.	
	BROWN, C.	
	COSGROVE, J.	
	DAVIS, H.	
	DUDLEY, F.	
	GALLAGHER, T.	
	HARGRETT, J.	
	HAWKINS, L.	
	HEALEY, E.	
	JOHNSON, B.	
	LEWIS, J.	
	MARTIN, S.	
	PEEPLES, V.	
	SANSOM, D.	
	SILVER, R.	

YEA	MEMBER	NAY
	THOMPSON, J.	
	WALLACE, P.	
	WARD, J.	
	WATT, J.	
	WEBSTER, D.	
	WILLIAMS, F.	
	GUSTAFSON, T., Chr.	

Total
Yeas _____

Total
Nays _____

Chairman

COMMITTEE APPEARANCE RECORD

The following persons (other than legislators) appeared before the committee during the consideration of this bill.

<u>Name</u>	<u>Representing</u>	<u>Address</u>

NOTE: Please indicate by an "X" any State employee appearing at the request of Committee Chairman.

(If additional persons, enter on reverse side and check here__)

File 2 copies with Clerk

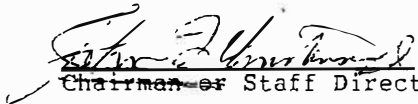
STATEMENT OF SUBSTANTIAL CHANGE CONTAINED IN
COMMITTEE SUBSTITUTE FOR SB 429

Date: May 7, 1984

Rather than authorizing a jury to consider certain evidence of failure to properly wear protective headgear in assessing damages, a jury would be required to consider such evidence. The department would be required to report annually to the Legislature the number of injuries and deaths resulting from the non-use of protective headgear. Owners of motorcycles would be required to purchase accident insurance, including \$1,000,000 in major medical coverage, and show proof of insurance upon annual vehicle registration.

FILED
MAY 10 1984
TALAMON
SHERIFF
CLERK

Committee on Transportation


~~Chairman~~ Staff Director

By Senator Grizzle
20-785-84

1 A bill to be entitled
2 An act relating to driver's licenses, amending
3 s 322 03, F S , prohibiting any person from
4 operating a motorcycle or motor-driven cycle
5 unless he possesses a driver's license which
6 authorizes such operation, amending s 322 12,
7 F.S ; exempting certain persons from the
8 motorcycle skills test, providing an effective
9 date.

10
11 Be It Enacted by the Legislature of the State of Florida.

12
13 Section 1. Subsection (4) is added to section 322.03,
14 Florida Statutes, to read

15 322 03 Operators and chauffeurs must be licensed --
16 (4) No person shall operate a motorcycle or motor-
17 driven cycle unless he holds a driver's license which
18 authorizes such operation

19 Section 2. Paragraph (a) of subsection (3) of section
20 322 12, Florida Statutes, is amended to read

21 322 12 Examination of applicants --
22 (3)(a) The department shall formulate a separate
23 examination for applicants for licenses to operate
24 motorcycles, as defined in s 316 003(22), or motor-driven
25 cycles, as defined in s 316 003(23) Beginning October 1,
26 1984, any applicant for a restricted operator's license,
27 operator's license, or chauffeur's license who wishes to
28 operate a motorcycle or motor-driven cycle shall be required
29 to successfully complete such examination, which shall be in
30 addition to the examination administered pursuant to
31 subsection (2). The examination shall test the applicant's

1 knowledge of the operation of a motorcycle or motor-driven
 2 cycle and of any traffic laws specifically relating thereto
 3 and, unless the person is applying for a restricted operator's
 4 license, shall include an actual demonstration of his ability
 5 to exercise ordinary and reasonable control in the operation
 6 of a motorcycle or motor-driven cycle. In the formulation of
 7 the examination, the department shall consider the use of the
 8 Motorcycle Operator Skills Test and the Motorcycle in Traffic
 9 Test offered by the Motorcycle Safety Foundation. The
 10 department shall indicate on the license of any person who
 11 successfully completes such examination that the licensee is
 12 authorized to operate a motorcycle or motor-driven cycle. If
 13 the applicant wishes to be licensed to operate a motorcycle or
 14 motor-driven cycle only, he need not take the skill or road
 15 test required under subsection (2) for the operation of a
 16 motor vehicle, and the department shall indicate such
 17 limitation on his license as a restriction.

18 Section 3. This act shall take effect October 1, 1984

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 20 *****

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 22 SENATE SUMMARY

23 Prohibits a person from operating a motorcycle or a
 24 motor-driven cycle unless he possesses a driver's license
 25 which authorizes such operation. Exempts certain persons
 26 from the motorcycle skills tests.
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By Representative Bankhead

1 A bill to be entitled
 2 An act relating to drivers' licenses; amending
 3 s. 322.03, F.S., prohibiting the operation of a
 4 motorcycle or motor-driven cycle unless the
 5 driver's license authorizes such operation;
 6 amending s. 322.12, F.S., exempting restricted
 7 operator's license applicants from the
 8 motorcycle skills examination; providing an
 9 effective date.

10
 11 Be It Enacted by the Legislature of the State of Florida:

12
 13 Section 1. Subsection (4) is added to section 322.03,
 14 Florida Statutes, to read:

15 322.03 Operators and chauffeurs must be licensed.--

16 (4) After October 1, 1984, no person shall operate a
 17 motorcycle or motor-driven cycle unless he holds a driver's
 18 license which contains an authorization to permit such
 19 operation.

20 Section 2. Paragraph (a) of subsection (3) of section
 21 322.12, Florida Statutes, is amended to read:

22 322.12 Examination of applicants.--

23 (3)(a) The department shall formulate a separate
 24 examination for applicants for licenses to operate
 25 motorcycles, as defined in s. 316.003(22), or motor-driven
 26 cycles, as defined in s. 316.003(23). Beginning October 1,
 27 1984, any applicant for a restricted operator's license,
 28 operator's license, or chauffeur's license who wishes to
 29 operate a motorcycle or motor-driven cycle shall be required
 30 to successfully complete such examination, which shall be in
 31 addition to the examination administered pursuant to

This public document was promulgated at an average cost of 16 cents per single page for the information of members of the Legislature and the public.

1	subsection (2). The examination shall test the applicant's	1.23
2	knowledge of the operation of a motorcycle or motor-driven	1.24
3	cycle and of any traffic laws specifically relating thereto	
4	<u>and, except with respect to an applicant for a restricted</u>	1.25
5	<u>operator's license,</u> shall include an actual demonstration of	1.26
6	his ability to exercise ordinary and reasonable control in the	
7	operation of a motorcycle or motor-driven cycle. In the	1.28
8	formulation of the examination, the department shall consider	
9	the use of the Motorcycle Operator Skills Test and the	1.29
10	Motorcycle in Traffic Test offered by the Motorcycle Safety	
11	Foundation. The department shall indicate on the license of	1.31
12	any person who successfully completes such examination that	1.32
13	the licensee is authorized to operate a motorcycle or motor-	
14	driven cycle. If the applicant wishes to be licensed to	1.33
15	operate a motorcycle or motor-driven cycle only, he need not	1.34
16	take the skill or road test required under subsection (2) for	
17	the operation of a motor vehicle, and the department shall	1.35
18	indicate such limitation on his license as a restriction.	1.36

19	Section 3. This act shall take effect October 1, 1984.	1.37
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HOUSE SUMMARY

23	Prohibits any person from operating a motorcycle or	
24	motor-driven cycle after October 1, 1984, unless his	
25	driver's license authorizes such operation. Exempts	
26	applicants for a restricted operator's license from the	
27	skills portion of the motorcycle operation examination.	

By Senator Hill

33-287A-84

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A bill to be entitled

An act relating to motorcycle riders, amending
s 316 211, F.S ; exempting persons of a
specified age from certain safety equipment
requirements; providing an effective date

Be It Enacted by the Legislature of the State of Florida

Section 1. Section 316 211, Florida Statutes, is
amended to read

316 211 Equipment for motorcycle riders.--

(1) No person 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

(2) No person shall operate a motorcycle unless he is
wearing an eye-protective device over his eyes of a type
approved by the department.

(3)(a) This section ~~does~~ shall not apply to persons
riding within an enclosed cab

(b) This section does not apply to any person who is
19 years old or older.

(4) The department is authorized to approve or
disapprove protective headgear and eye-protective devices
required herein and to issue and enforce regulations
establishing standards and specifications for the approval
thereof. The department shall publish lists of all protective
headgear and eye-protective devices by name and type which
have been approved by it.

Section 2. This act shall take effect October 1, 1984

This public document promulgated at a cost of \$8.78 per printed page for 1500 copies to inform the Legislature and the public of proposed legislation

SENATE SUMMARY

Provides that a motorcycle rider is exempt from headgear and eye-protection requirements if he is 19 years old or older

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By Committee on Transportation and Senator Hill-

This printed document was promulgated at a cost of \$8.78 per printed page for 9 copies to inform the Legislature and the public of proposed legislation

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A bill to be entitled
An act relating to motorcycle riders, amending
s 316.211, F S prohibiting persons under 21
years of age from operating a motorcycle
without protective headgear, authorizing the
Department of Highway Safety and Motor Vehicles
to approve or disapprove certain headgear;
requiring passengers on a motorcycle to wear
protective headgear, providing for printed
statements, providing for the effect of failure
to wear protective headgear with respect to
court cases, providing for annual injury and
death reports to the Legislature, providing for
mandatory accident and health insurance,
amending s. 322.03, F S , requiring a drivers'
license authorization for the operation of a
motorcycle, amending s. 322.12, F S., relating
to driver's license examinations, providing an
effective date

Be It Enacted by the Legislature of the State of Florida

Section 1 Section 316.211, Florida Statutes, is
amended to read

316.211 Equipment for motorcycle riders --

(1) No person under 21 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

1 (2) No person shall operate a motorcycle unless he is
2 wearing an eye-protective device over his eyes of a type
3 approved by the department

4 (3) This section does ~~shall~~ not apply to persons
5 riding within an enclosed cab

6 (4) The department is authorized to approve or
7 disapprove protective headgear made to specifications drawn
8 and devised by or approved by the American National Standards
9 Institute, the U S Department of Transportation, the U S
10 Consumer Products Safety Commission, the U S Department of
11 Defense, or any other entity which can provide equally
12 effective equipment and to issue and enforce regulations
13 establishing standards and specifications for the approval
14 thereof The department shall publish lists of protective
15 equipment, and such lists shall be made available by request
16 to all users and eye-protective devices required herein and
17 to issue and enforce regulations establishing standards and
18 specifications for the approval thereof- The department shall
19 publish lists of all protective headgear and eye-protective
20 devices by name and type which have been approved by it-

21 (5) Any person riding as a passenger upon a motorcycle
22 shall be required to properly wear protective headgear
23 securely fastened upon his head.

24 (6) Any person, 21 years of age or older, operating a
25 motorcycle may exercise the option to not wear protective
26 headgear by completing a printed statement provided by the
27 department which states that he acknowledges that in case of
28 an accident his chances of severe injury are greatly
29 increased.

30 (7) Evidence of failure to properly wear protective
31 headgear shall properly be considered by a jury in assessing

1 damages, where evidence shows that failure to wear protective
 2 headgear produced or contributed substantially to producing at
 3 least a portion of the damages.

4 (8) The department shall annually report to the
 5 Legislature the number of injuries and deaths to motorcycle
 6 operators attributable to exercise of the option to not wear
 7 protective headgear by persons 21 years of age or older.

8 (9) The owner of a motorcycle registered or required
 9 to be registered in this state shall obtain and continuously
 10 maintain accident and health insurance for losses sustained by
 11 the owner or other operator, as a result of bodily injury,
 12 sickness, disease, or death arising out of the ownership,
 13 maintenance, or operation of a motorcycle, to include major
 14 medical benefits of at least \$1,000,000. Proof that such
 15 insurance has been purchased shall be provided upon annual
 16 registration of the motorcycle.

17 Section 2 Subsection (4) is added to section 322.03,
 18 Florida Statutes, to read:

19 322.03 Operators and chauffeurs must be licensed --

20 (4) No person shall operate a motorcycle or motor-
 21 driven cycle unless he holds a driver's license which contains
 22 an authorization to permit such operation. However, Florida
 23 driver licenses issued prior to October 1, 1984, shall permit
 24 operation of motorcycles or motor-driven cycles until
 25 expiration of such licenses.

26 Section 3 Paragraph (a) of subsection (3) of section
 27 322.12, Florida Statutes, is amended to read

28 322.12 Examination of applicants --

9 (3)(a) The department shall formulate a separate
 10 examination for applicants for licenses to operate
 11 motorcycles, as defined in s. 316.003(22), or motor-driven

1 cycles, as defined in s. 316 003(23) Beginning October 1,
2 1984, any applicant for a restricted operator's license,
3 operator's license, or chauffeur's license who wishes to
4 operate a motorcycle or motor-driven cycle shall be required
5 to successfully complete such examination, which shall be in
6 addition to the examination administered pursuant to
7 subsection (2). The examination shall test the applicant's
8 knowledge of the operation of a motorcycle or motor-driven
9 cycle and of any traffic laws specifically relating thereto
10 and, except with respect to an applicant for a restricted
11 operator's license, shall include an actual demonstration of
12 his ability to exercise ordinary and reasonable control in the
13 operation of a motorcycle or motor-driven cycle In the
14 formulation of the examination, the department shall consider
15 the use of the Motorcycle Operator Skills Test and the
16 Motorcycle in Traffic Test offered by the Motorcycle Safety
17 Foundation. The department shall indicate on the license of
18 any person who successfully completes such examination that
19 the licensee is authorized to operate a motorcycle or motor-
20 driven cycle If the applicant wishes to be licensed to
21 operate a motorcycle or motor-driven cycle only, he need not
22 take the skill or road test required under subsection (2) for
23 the operation of a motor vehicle, and the department shall
24 indicate such limitation on his license as a restriction

25 Section 4 This act shall take effect October 1, 1984
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STATEMENT OF SUBSTANTIAL CHANGE CONTAINED IN
COMMITTEE SUBSTITUTE FOR SB 429

Date: May 7, 1984

Rather than authorizing a jury to consider certain evidence of failure to properly wear protective headgear in assessing damages, a jury would be required to consider such evidence. The department would be required to report annually to the Legislature the number of injuries and deaths resulting from the non-use of protective headgear. Owners of motorcycles would be required to purchase accident insurance, including \$1,000,000 in major medical coverage, and show proof of insurance upon annual vehicle registration.

1 A bill to be entitled

2 An act relating to driver's licenses; amending
3 s. 322.03, F.S.; prohibiting any person from
4 operating a motorcycle or motor-driven cycle
5 unless he possesses a driver's license which
6 authorizes such operation; providing that
7 licenses issued prior to October 1, 1984, shall
8 permit the operation of a motorcycle or motor-
9 driven cycle until expiration; amending s.
10 322.12, F.S.; exempting certain persons from
11 the motorcycle skills test; providing an
12 effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Subsection (4) is added to section 322.03,
17 Florida Statutes, to read:

18 322.03 Operators and chauffeurs must be licensed.--

19 (4) No person shall operate a motorcycle or motor-
20 driven cycle unless he holds a driver's license which
21 authorizes such operation, except that a Florida driver's
22 license issued prior to October 1, 1984, shall permit the
23 licensee to operate a motorcycle or motor-driven cycle until
24 the expiration of the license.

25 Section 2. Paragraph (a) of subsection (3) of section
26 322.12, Florida Statutes, is amended to read:

27 322.12 Examination of applicants.--

28 (3)(a) The department shall formulate a separate
29 examination for applicants for licenses to operate
30 motorcycles, as defined in s. 316.003(22), or motor-driven
31 cycles, as defined in s. 316.003(23). Beginning October 1,

1 1984, any applicant for a restricted operator's license,
 2 operator's license, or chauffeur's license who wishes to
 3 operate a motorcycle or motor-driven cycle shall be required
 4 to successfully complete such examination, which shall be in
 5 addition to the examination administered pursuant to
 6 subsection (2). The examination shall test the applicant's
 7 knowledge of the operation of a motorcycle or motor-driven
 8 cycle and of any traffic laws specifically relating thereto
 9 and, unless the person is applying for a restricted operator's
 10 license, shall include an actual demonstration of his ability
 11 to exercise ordinary and reasonable control in the operation
 12 of a motorcycle or motor-driven cycle. In the formulation of
 13 the examination, the department shall consider the use of the
 14 Motorcycle Operator Skills Test and the Motorcycle in Traffic
 15 Test offered by the Motorcycle Safety Foundation. The
 16 department shall indicate on the license of any person who
 17 successfully completes such examination that the licensee is
 18 authorized to operate a motorcycle or motor-driven cycle. If
 19 the applicant wishes to be licensed to operate a motorcycle or
 20 motor-driven cycle only, he need not take the skill or road
 21 test required under subsection (2) for the operation of a
 22 motor vehicle, and the department shall indicate such
 23 limitation on his license as a restriction.

24 Section 3. This act shall take effect October 1, 1984.

By Representative Locke

A bill to be entitled

An act relating to motorcycle riders, amending s. 316.211, F.S., exempting persons of a specified age from certain safety equipment requirements; providing an effective date.

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

Section 1. Section 316.211, Florida Statutes, is amended to read:

316.211 Equipment for motorcycle riders.--

(1) No person 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.

(2) No person shall operate a motorcycle unless he is wearing an eye-protective device over his eyes of a type approved by the department.

(3) (a) This section does ~~shall~~ not apply to persons riding within an enclosed cab,

(b) This section does not apply to any person who is 19 years old or older.

(4) The department is authorized to approve or disapprove protective headgear and eye-protective devices required herein and to issue and enforce regulations establishing standards and specifications for the approval thereof. The department shall publish lists of all protective headgear and eye-protective devices by name and type which have been approved by it.

Section 2. This act shall take effect October 1, 1984.

SENATE SUMMARY

Provides that a motorcycle rider is exempt from headgear and eye-protection requirements if he is 19 years old or older.

this public document was prepared at an average cost of 16 cents per single page for the information of members of the Legislature and the public

By Committee on Transportation and Representatives Locke and Hill

A bill to be entitled

An act relating to motorcycle riders; amending s. 316.211, F.S., prohibiting persons under 21 years of age from operating a motorcycle without protective headgear; authorizing the Department of Highway Safety and Motor Vehicles to approve certain headgear; requiring passengers on a motorcycle to wear protective headgear; providing for printed statements; providing for the effect of failure to wear protective headgear with respect to court cases; amending s. 322.03, F.S., requiring a drivers' license authorization for the operation of a motorcycle; amending s. 322.12, F.S., relating to drivers' license examination; providing an effective date.

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

Section 1. Section 316.211, Florida Statutes, is amended to read:

316.211 Equipment for motorcycle riders.--

(1) No person under 21 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.

(2) No person shall operate a motorcycle unless he is wearing an eye-protective device over his eyes ~~of-a-type approved-by-the-department~~.

(3) This section does ~~shall~~ not apply to persons riding within an enclosed cab.

this public document was promulgated at an average cost of 1.6 cents per single page for the information of members of the Legislature and the public.

1	<u>(4) The department is authorized to approve protective</u>	1.20
2	<u>headgear made to specifications drawn and devised by or</u>	1.21
3	<u>approved by the American National Standards Institute, the</u>	
4	<u>U.S. Department of Transportation, the U.S. Consumer Products</u>	1.
5	<u>Safety Commission, the U.S. Department of Defense, or any</u>	1.2
6	<u>other entity which can provide equally effective equipment.</u>	
7	<u>The department shall publish lists of protective equipment and</u>	1.24
8	<u>such lists shall be made available by request to all users.</u>	1.25
9	The department is authorized to approve or disapprove	1:10s
10	protective headgear and eye protective devices required herein	1.27
11	and to issue and enforce regulations establishing standards	1.28
12	and specifications for the approval thereof. The department	1.30
13	shall publish lists of all protective headgear and eye-	1.31
14	protective devices by name and type which have been approved	
15	by it.	
16	<u>(5) Any person riding as a passenger upon a motorcycle</u>	1:1us
17	<u>shall be required to properly wear protective headgear</u>	1.33
18	<u>securely fastened upon his head.</u>	1.34
19	<u>(6) Any person, 21 years of age or older, operating a</u>	1:1us
20	<u>motorcycle may exercise the option to not wear protective</u>	1.35
21	<u>headgear by completing a printed statement provided by the</u>	1.36
22	<u>department which states that they acknowledge that in case of</u>	
23	<u>an accident their chances of severe injury are greatly</u>	1.37
24	<u>increased.</u>	
25	<u>(7) Evidence of failure to properly wear protective</u>	1:1us
26	<u>headgear may properly be considered by a jury in assessing</u>	1.39
27	<u>damages, where evidence shows that failure to wear protective</u>	
28	<u>headgear produced or contributed substantially to producing at</u>	1.40
29	<u>least a portion of the damages.</u>	1.41
30	Section 2. Subsection (4) is added to section 322.03,	1.4
31	Florida Statutes, to read:	1.42

1 322.03 Operators and chauffeurs must be licensed.-- 1.4

2 (4) No person shall operate a motorcycle or motor- 1:1
 3 driven cycle unless he holds a driver's license which contains 1.4
 4 an authorization to permit such operation. However, Florida 1.4
 5 driver licenses issued prior to October 1, 1984, shall permit
 6 operation of motorcycles or motor-driven cycles until 1.4
 7 expiration of such licenses. 1.4

8 Section 3. Paragraph (a) of subsection (3) of section 1.4
 9 322.12, Florida Statutes, is amended to read: 1.4

10 322.12 Examination of applicants.-- 1.5

11 (3)(a) The department shall formulate a separate 1.5
 12 examination for applicants for licenses to operate
 13 motorcycles, as defined in s. 316.003(22), or motor-driven 1.5
 14 cycles, as defined in s. 316.003(23). Beginning October 1, 1.5
 15 1984, any applicant for a restricted operator's license,
 16 operator's license, or chauffeur's license who wishes to 1.5
 17 operate a motorcycle or motor-driven cycle shall be required
 18 to successfully complete such examination, which shall be in 1.5
 19 addition to the examination administered pursuant to
 20 subsection (2). The examination shall test the applicant's 1.5
 21 knowledge of the operation of a motorcycle or motor-driven 1.5
 22 cycle and of any traffic laws specifically relating thereto
 23 and, except with respect to an applicant for a restricted 1.6
 24 operator's license, shall include an actual demonstration of 1.6
 25 his ability to exercise ordinary and reasonable control in the 1.6
 26 operation of a motorcycle or motor-driven cycle. In the 1.6
 27 formulation of the examination, the department shall consider
 28 the use of the Motorcycle Operator Skills Test and the 1.6
 29 Motorcycle in Traffic Test offered by the Motorcycle Safety
 30 Foundation. The department shall indicate on the license of 1.6
 31 any person who successfully completes such examination that 1.6

1	the licensee is authorized to operate a motorcycle or motor-	
2	driven cycle. If the applicant wishes to be licensed to	1.68
3	operate a motorcycle or motor-driven cycle only, he need not	1.69
4	take the skill or road test required under subsection (2) for	
5	the operation of a motor vehicle, and the department shall	1.70
6	indicate such limitation on his license as a restriction.	1.71
7	Section 4. This act shall take effect October 1, 1984.	1.72
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By Committee on Transportation and Representative Bankhead

A bill to be entitled

An act relating to drivers' licenses; amending s. 322.03, F.S., prohibiting the operation of a motorcycle or motor-driven cycle unless the driver's license authorizes such operation; amending s. 322.12, F.S., exempting restricted operator's license applicants from the motorcycle skills examination; providing an effective date.

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

Section 1. Subsection (4) is added to section 322.03, Florida Statutes, to read:

322.03 Operators and chauffeurs must be licensed.--

(4) No person shall operate a motorcycle or motor-driven cycle unless he holds a driver's license which contains an authorization to permit such operation. However, Florida driver licenses issued prior to October 1, 1984, shall permit operation of motorcycles or motor-driven cycles until expiration of such licenses.

Section 2. Paragraph (a) of subsection (3) of section 322.12, Florida Statutes, is amended to read:

322.12 Examination of applicants.--

(3)(a) The department shall formulate a separate examination for applicants for licenses to operate motorcycles, as defined in s. 316.003(22), or motor-driven cycles, as defined in s. 316.003(23). Beginning October 1, 1984, any applicant for a restricted operator's license, operator's license, or chauffeur's license who wishes to operate a motorcycle or motor-driven cycle shall be required

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1	to successfully complete such examination, which shall be in	1.22
2	addition to the examination administered pursuant to	
3	subsection (2). The examination shall test the applicant's	1.24
4	knowledge of the operation of a motorcycle or motor-driven	1.24
5	cycle and of any traffic laws specifically relating thereto	
6	<u>and, except with respect to an applicant for a restricted</u>	1.26
7	<u>operator's license,</u> shall include an actual demonstration of	1.27
8	his ability to exercise ordinary and reasonable control in the	
9	operation of a motorcycle or motor-driven cycle. In the	1.29
10	formulation of the examination, the department shall consider	
11	the use of the Motorcycle Operator Skills Test and the	1.30
12	Motorcycle in Traffic Test offered by the Motorcycle Safety	
13	Foundation. The department shall indicate on the license of	1.32
14	any person who successfully completes such examination that	1.33
15	the licensee is authorized to operate a motorcycle or motor-	
16	driven cycle. If the applicant wishes to be licensed to	1.34
17	operate a motorcycle or motor-driven cycle only, he need not	1.34
18	take the skill or road test required under subsection (2) for	
19	the operation of a motor vehicle, and the department shall	1.36
20	indicate such limitation on his license as a restriction.	1.37
21	Section 3. This act shall take effect October 1, 1984.	1.38
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