



Model Language

Children Motorcycle Passenger Protection

Existing Florida Statute

316.2095 Footrests, handholds, and handlebars. —

- (1) Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for such passenger.
- (2) No person shall operate any motorcycle with handlebars or with handgrips that are higher than the top of the shoulders of the person operating the motorcycle while properly seated upon the motorcycle.
- (3) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Limitations of Existing Florida Statute

Existing language in section 316.2095 limits the ability to enforce the safety and security of child motorcycle passengers by neglecting to specify that passengers must be able to reach and firmly place their feet upon the required passenger footrests. As there is no other Florida Statute which specifies protection requirements for children motorcycle passengers, this gap in legislation allows for children of any age to ride as a motorcycle passenger in an unsafe manner. If the goal of 316.2095(1) is to ensure motorcycles with passengers are properly equipped with footrests for passenger stability, then language must be added to ensure passengers are able to utilize the footrests, with exceptions for adults with physical disabilities.





Proposed Model Legislative Language

Note: New language is underlined and deleted language is shown by a ~~strikethrough~~.

316.2095 Footrests, handholds, and handlebars. —

(1) Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for such passenger. Any passenger must be able to reach and firmly seat their feet upon such footrests. An adult passenger with a physical disability preventing such use is exempt from this provision.

(2) No person shall operate any motorcycle with handlebars or with handgrips that are higher than the top of the shoulders of the person operating the motorcycle while properly seated upon the motorcycle.

(3) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Rationale for Model Language Adjustment

From 2011 to 2020, 217 children aged 10 or younger were injured or killed as passengers in motorcycle crashes in Florida. Although children five years of age or younger are required to use approved child restraint devices in passenger vehicles in Florida (F.S. 316.613), there is no child motorcycle passenger protection law.

In 2020, motorcyclist fatalities occurred 28 times more frequently at the national level than passenger car occupant fatalities in traffic crashes per vehicle mile traveled (NHTSA, 2022). Motorcycle safety laws in many other states (such as Arkansas, Hawaii, Louisiana, Texas, and Washington) specify a minimum age or secure seating requirements for young motorcycle passengers.

Florida Statute 316.2095 should specify that no passenger may ride on a motorcycle or moped traveling on Florida public roadways, unless that passenger can firmly and securely place both feet on the passenger foot pegs, with exceptions for adults with disabilities.

Sources: National Highway Traffic Safety Administration. (2022, May). Motorcycles: 2020 data (Traffic Safety Facts. Report No. DOT HS 813 306). National Center for Statistics and Analysis.

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