

SUBJECT:	FLORIDA LAW:	SECTION:
Motorcycles.	Any person operating a motorcycle ... shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle ...	316.208
Riding on motorcycles.	<p>A person operating a motorcycle ... shall ride only upon the permanent and regular seat attached ... and such operator shall not carry another other person, nor shall any other person ride on a motorcycle ... unless such motorcycle ... is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons or upon another seat firmly attached to the motorcycle ... at the rear or side of the operator. ...</p> <p>A person shall ride upon a motorcycle or moped only while sitting astride the seat, with both wheels on the ground at all times, facing forward, and with one leg on each side of the motorcycle or moped. However, it is not a violation ... if the wheels ... lose contact with the ground briefly due to the condition of the road surface or other circumstances beyond the control of the operator.</p> <p>No person shall operate a motorcycle or moped while carrying any package, bundle, or other article which prevents the person from keeping both hands on the handlebars.</p>	<p>316.2085(1)</p> <p>316.2085(2)</p> <p>316.2085(4)</p>

	<p>No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the motorcycle or moped or view of the operator.</p> <p>A person under 16 years of age may not:</p> <ul style="list-style-type: none"> (a) Operate a motorcycle that has a motor with more than 150 cubic centimeters displacement. (b) Rent a motorcycle or moped. 	<p>316.2085(5)</p> <p>316.2085(6)</p>
<p>License Tags.</p>	<p>The license tag ... must be permanently affixed to the vehicle and may not be adjusted or capable of being flipped up. No device for or method of concealing or obstructing the legibility of the license tag ... shall be installed or used. The license tag ... may be affixed horizontally to the ground so that the numbers and letters read from left to right.</p> <p>Alternatively, a license tag ... for which the numbers and letters read from top to bottom may be affixed perpendicularly to the ground, provided that the registered owner ... maintains a prepaid toll account in good standing and a transponder associated with the prepaid toll account is affixed to the motorcycle or moped.</p>	<p>316.2085(3)</p>
<p>Operating motorcycles on roadways laned for traffic.</p>	<p>All motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in such manner as to deprive any motorcycle of the full use of a lane. This subsection</p>	<p>316.209(1)</p>

	<p>shall not apply to motorcycles operated two abreast in a single lane.</p> <p>The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.</p> <p>No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.</p> <p>Motorcycles shall not be operated more than two abreast in a single lane.</p>	<p>316.209(2)</p> <p>316.209(3)</p> <p>316.209(4)</p>
<p>Footrests, handholds & handlebars.</p>	<p>Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for such passenger.</p> <p>No person shall operate any motorcycle with handlebars or with handgrips that are higher than the top of the shoulders of the person operated the motorcycle while properly seated upon the motorcycle.</p>	<p>316.2095(1)</p> <p>316.2095(2)</p>
<p>Equipment for motorcycle riders.</p> <p>[Helmets]</p> <p>[Eye protection]</p>	<p>A person may not operate or ride upon a motorcycle unless the person is properly wearing protective headgear securely fastened upon his or her head which properly complies with Federal Motorcycle Vehicle Safety Standard 218 promulgated by the United States Department of Transportation.</p> <p>A person may not operate a</p>	<p>316.211(1)</p> <p>316.211(2)</p>

<p>[Over 21 & if covered by an insurance policy providing at least \$10,000 in medical benefits]</p>	<p>motorcycle unless the person is wearing an eye-protective device over his or her eyes of a type approved by the department.</p> <p>...</p> <p>Notwithstanding subsection (1), a person over 21 years of age may operated or ride upon a motorcycle without wearing protective headgear securely fastened upon his or her head if such person is covered by an insurance policy providing for at least \$10,000 in medical benefits for injuries incurred as a result of a crash while operating or riding on a motorcycle.</p> <p>...</p> <p>Each motorcycle registered to a person under 21 years of age must display a license plate that is unique in design and color.</p>	<p>316.211(3)(b)</p> <p>316.211(6)</p>
<p>Miniature motorcycles.</p>	<p>A person who engages in the business of ... motorized scooters or miniature motorcycles in this state must prominently display at his or her place of business a notice that such vehicles are not legal to operate on public roads, may not be registered as motor vehicles, and may not be operated on sidewalks ...</p>	<p>316.2128</p>
<p>Certain lights prohibited.</p>	<p>No person shall drive or move or cause to be moved any vehicle or equipment upon any highway of this state with any lamp or device thereon showing or displaying a</p>	<p>316.2397(1)</p>

	<p>red or blue light visible from directly in front ...</p> <p>It is expressly prohibited for any vehicle or equipment, except police vehicles, to show or display blue lights.</p>	316.2397(2)
Horns & warning devices.	<p>Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet.</p>	316.271(1)
	<p>No horn or other warning device shall emit an unreasonably loud or harsh sound or whistle.</p>	316.271(2)
	<p>The driver of a motor vehicle shall, when reasonably necessary to insure safe operation, give audible warning with his or her horn, but shall not otherwise use such horn when upon a highway.</p>	316.271(3)
	<p>No vehicle shall be quipped with, nor shall any person use upon a vehicle, any siren, whistle, or bell ...</p>	316.271(4)
	<p>It is permissible but not required that any vehicle be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal.</p>	316.271(5)
	<p>Authorized emergency vehicles shall be quipped with a siren.</p>	316.271(6)
Exhaust systems,	<p>Every motor vehicle shall at all</p>	316.272(1)

<p>prevention of noise [and smoke].</p>	<p>times be equipped with an exhaust system in good working order and in constant operation, including muffler, manifold pip, and tail- piping to prevent excessive or unusual noise. In no event shall an exhaust system allow noise at a level which exceeds a maximum decibel level to be established by regulation of the Department of Environmental Protection ...</p> <p>The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.</p>	<p>316.272(2)</p>
<p>Mirrors.</p>	<p>Every vehicle ... shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of the motor vehicle.</p>	<p>316.294</p>
<p>Wearing of headsets.</p>	<p>No person shall operate a vehicle while wearing a headset, headphone, or other listening device, other than a hearing aid ...</p> <p>This section does not apply to:</p> <p>Any person operated a motorcycle who is using a headset that is installed in a helmet and worn so as to prevent the speakers from making direct contact with the user's ears so that the user can hear surrounding sounds.</p> <p>Any person using a headset in conjunction with a cellular</p>	<p>316.304(1)</p> <p>316.304(2)</p> <p>316.304(2)(c)</p> <p>316.304(2)(d)</p>

	<p>telephone that only provides sound through one ear and allows surrounding sounds to be heard with the other ear.</p>	
<p>Operation of radios or other sounds.</p>	<p>It is unlawful for any person operated or occupying a motor vehicle on a street or highway to operate or amplify the sound produced by a radio, tape player, or other mechanical sound making device ... from within the motor vehicle so that the sounds is:</p>	316.3045(1)
	<p>Plainly audible at a distance of 25 feet or more from the motor vehicle; or</p>	316.3045(1)(a)
	<p>Louder than necessary for the convenient hearing by persons inside the vehicle in areas adjoining churches, schools, or hospitals.</p>	316.3045(1)(b)
<p>Motorcycle headlights to be turned on.</p>	<p>Any person who operates a motorcycle ... on the public streets or highways shall, while so engaged, have the headlight or headlights of such motorcycle ... turned on. ...</p>	316.405(1)
	<p>During the hours of operation between sunrise and sunset, the headlights may modulate either the upper beam or the lower beam from its maximum intensity to a lower intensity.</p> <p>Failure to comply with the provisions of this section shall not be deemed negligence per se in any civil action.</p>	316.405(2)

Stop lamps.	Every motorcycle ... shall be equipped with at least one stop lamp.	316.420
Multiple beam road-lighting equip.	<p>Every motorcycle ... shall be equipped with multiple-beam road lighting equipment.</p> <p>Such equipment shall:</p> <p>Reveal persons and vehicles at a distance of at least 300 feet ahead when the uppermost distribution of light is selected;</p> <p>Reveal persons and vehicles at a distance of at least 150 feet ahead when the lowermost distribution of light is selected.</p>	<p>316.430(1)</p> <p>316.430(2)</p> <p>316.430(2)(a)</p> <p>316.430(2)(b)</p>
Lighting equipment for cycles.	Every ... headlamp or headlamps ... shall be of sufficient intensity to reveal persons and vehicles at a distance of not less than 100 feet when the motor-driven cycle is operated at any speed less than 25 miles per hour; at a distance of not less than 200 feet when the motor-driven cycle is operated at a speed of 25 or more miles per hour; and a distance of not less than 300 feet when the motor-driven cycle is operated at a speed of 35 or more miles per hour.	316.435(1)
Brake equipment required.	Every motor-driven cycle must comply with the provision of s. 316.261 ...	316.440
Performance Ability	Every motorcycle ..., at all times	316.445(1)

<p>of brakes.</p>	<p>and under all conditions of loading, upon application of the service brake, shall be capable of:</p> <p>Developing a braking force that is not less than 43.5 percent of its gross weight;</p> <p>Decelerating to a stop from not more than 20 miles per hour at not less than 14 feet per second; and</p> <p>Stopping from a speed of 20 miles per hour in not more than 30 feet.</p>	<p>316.445(1)(a)</p> <p>316.445(1)(b)</p> <p>316.445(1)(c)</p>
<p>Brakes on cycles.</p>	<p>The department is authorized to require an inspection of the braking system on any motor-driven cycle and to disapprove any such braking system on a vehicle which it finds will not comply with the performance ability standard set forth in s. 316.445 ...</p> <p>The department may refuse to register or may suspend or revoke the registration of any vehicle ... when it determines that the braking system thereon does not comply ...</p>	<p>316.450</p>
<p>Other equipment.</p>	<p>Every motorcycle and every motor-driven cycle when operated upon a highway shall comply with the requirements and limitations of:</p> <p>Section 316.271(1) and (2) on the requirement for horns and warning devices.</p> <p>Section 316.271(3) on the requirement for the use of horns.</p>	<p>316.455</p> <p>316.455(1)</p> <p>316.455(2)</p>

	Section 316.271(4) on the requirement for sirens, whistles, and bells.	316.455(3)
	Section 316.271(5) on the requirement for theft alarms.	316.455(4)
	Section 316.271(6) on the requirement for emergency vehicles.	316.455(5)
	Section 316.272 on the requirement for mufflers and prevention of noise.	316.455(6)
	Section 316.294 on the requirement for mirrors.	316.455(7)

In the chart above, please find copy of Florida laws applying to motorcycles.

Please understand laws vary from state to state and the laws within a state change or evolve over time. Thus, you should only use the above chart as a guide to the laws in Florida, as effective 2010-2011.

To look up the current motorcycle laws in your own state, you might run a Google™ search, inserting the name of the state and adding the words: “state statutes” For example, a typical search may be: “Florida State Statutes”. The search results should provide the link to your own state’s statutes online; and from there, you may search the state’s statutes for the your applicable chapter providing your traffic laws. Alternatively, if you are not comfortable with an online search, you may visit your public library to ask for assistance; or, you can simply CONTACT us at HOG-LAW to get you started.