

# Motorcycles and Mopeds

**Helmets, eye protection, insurance, and common infractions:**

## Definitions:

**Motorcycle** defined under 322.01(26) has more than 50cc displacement, seat or saddle, not more than 3 wheels on the ground, excludes moped or tractor: Motorcycle Only license, or Motorcycle Endorsement required.

## Is insurance required for motorcycles in Florida?

Under certain circumstances, yes. Insurance is not required to register motorcycles as with four-wheel motor vehicles. **However**, if a motorcycle operator is charged in a crash with injuries, or has had certain violations in the operation of a motor vehicle, then the motorcycle owner or owner/operator can be held financially responsible for bodily injuries to others and property damage to the vehicles of others. If no liability coverage was in effect, then bodily injury/property damage liability insurance must be purchased and kept for three years under an S.R.22 filing to avoid license and tag/registration suspension or to reinstate license and tag/registration after suspension. (**Section 324 F.S.**)

## Helmet requirements under Chapter 316:

Persons under 21 years of age riding or operating a motorcycle must wear DOT approved helmet fastened to head **316.211(1)**

Persons over 21 with medical insurance of \$10,000 or more may ride/operate a motorcycle without helmet; proof of medical insurance is required...**316.211(3)(b)**

No helmet is required for person riding within an enclosed cab or any person 16 years of age or older who is operating or riding upon a moped or motorcycle with 50cc or less displacement or is rated not in excess of 2 brake horsepower and which is not capable of propelling such moped or motorcycle at a speed greater than 30 mph on level ground.

**316.211(3)(a)**

## Eye protection requirements:

Whether a helmet is worn or not worn, eye protection is required by Florida law! **316.211(2)**

## License plate:

A motorcyclist may not conceal or obscure their license plate. The requirement that a motorcycle license plate be affixed horizontally is deleted. **316.2085(3)\***

## Packages:

No packages or bundles or other which prevent both hands on handlebars **316.2085(4)**

## Operators under 16 years of age:

- cannot operate a motorcycle over 150cc **316.2085(6)(a)**
- rent a motorcycle **316.2085(6)(b)**

## Lane Splitting/Lane Sharing:

- No person shall operate a motorcycle between lanes of traffic **316.209(3)**
- No more than two may ride abreast **316.209 (4)**

## Maximum Handlebar height:

Handlebars can be no higher than the top of the shoulders **316.2095(2)**

## Wheelies and/or Stunting:

Failure to ride with both wheels in contact with the ground, facing forward, while sitting with one leg on each side of the motorcycle **316.2085(2)\***

## Motorcycle License endorsement

No driver license endorsement for motorcycle **322.03(4)**

**\*For a violation of 316.2085(2) or (3) above, reference statute 316.1926 in comments to ensure enhanced penalties:**

**1<sup>st</sup> offense - \$1,000 fine**

**2<sup>nd</sup> offense - \$2,500 fine**

**3<sup>rd</sup> offense – 3<sup>rd</sup> degree felony**