



544944

LEGISLATIVE ACTION

Senate

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House

The Committee on Fiscal Policy (Osgood) recommended the following:

1 **Senate Amendment to Substitute Amendment (344956) (with**
2 **directory and title amendments)**

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4 Between lines 678 and 679
5 insert:

6 (7) MOTORCYCLES.—In an action involving a motorcycle and
7 alleging injuries received by a claimant, and where the claimant
8 was at the time of the injury in compliance with s. 316.211,
9 whether the claimant was or was not wearing protective headgear
10 is not admissible as evidence and shall not be considered in the



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11 apportionment of fault or causation, and the trier of fact shall
12 not consider whether the claimant was or was not wearing
13 protective headgear. The trial judge shall appropriately
14 instruct the jury that the lack of protective headgear may not
15 be considered in the apportionment of fault or causation.

16
17 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

18 And the directory clause is amended as follows:

19 Delete line 664

20 and insert:

21 Statutes, is amended, and subsections (6) and (7) are added to
22 that

23
24 ===== T I T L E A M E N D M E N T =====

25 And the title is amended as follows:

26 Delete line 955

27 and insert:

28 applicability; specifying restrictions on the
29 admissibility and consideration of evidence relating
30 to protective headgear in an action involving a
31 motorcycle and alleging injuries received by a
32 claimant; requiring a trial judge to provide certain
33 instructions to the jury; repealing ss. 626.9373 and
34 627.428,