

STORAGE NAME: h1137a.tr.doc
DATE: April 11, 2001

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
TRANSPORTATION
ANALYSIS**

BILL #: HB 1137
RELATING TO: Scooters
SPONSOR(S): Representative(s) Gelber

TIED BILL(S):

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) TRANSPORTATION YEAS 10 NAYS 3
 - (2) AGRICULTURE & CONSUMER AFFAIRS
 - (3) CRIME PREVENTION, CORRECTIONS & SAFETY
 - (4) COUNCIL FOR READY INFRASTRUCTURE
 - (5)
-

I. SUMMARY:

Current law does not regulate the operation of non-motorized scooters.

The bill applies certain bicycle regulations to the operation of non-motorized scooters. Under the bill:

- A child under 16 years must wear an approved bicycle helmet while riding a scooter;
- A rider may not carry passengers;
- A rider may not be towed by any vehicle on a roadway;
- A scooter ridden after sunset must be equipped with a lamp;
- A rider must yield to pedestrians and signal before passing them;
- A scooter may not be ridden on a roadway except while crossing a street on a crosswalk; and
- A person may not rent a scooter to a child under 16 years without a helmet unless the person leasing the scooter provides one.

A rider who carries passengers or fails to wear a helmet (if one is required) may be charged with a pedestrian violation. Violations of the other provisions of the bill constitute non-moving violations.

The bill takes effect July 1, 2001.

On April 11, 2001, the Committee on Transportation adopted a “strike everything” amendment by Representative Gelber that is traveling with the bill. The bill was then reported favorably. For an explanation of the amendment, see Section VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES, below.

SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|--|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

The bill does not support the principles of Less Government and Individual Freedom because it regulates the operation of non-motorized scooters by applying certain bicycle safety laws. Currently, no law regulates the operation of these scooters.

B. PRESENT SITUATION:

Current law does not regulate the operation of non-motorized scooters. However, s. 316.2065, F.S., does regulate the operation of bicycles.

C. EFFECT OF PROPOSED CHANGES:

The bill applies certain bicycle regulations to the operation of non-motorized scooters (scooters).

In particular, the bill amends s. 316.2065(3), F.S., to prohibit using a scooter to carry more persons at one time than the number for which it is designed or equipped. In addition, a scooter rider who is under 16 years of age must wear, on his or her head fastened with a strap, a properly fitted bicycle helmet that meets the standards of the American National Standards Institute, the standards of the Snell Memorial Foundation, or any other nationally recognized standards for bicycle helmets adopted by the Department of Highway Safety and Motor Vehicles.

Law enforcement officers and school crossing guards may issue a bicycle safety brochure and a warning to a violator of s. 316.2056(3), F.S. However, a violator may also be issued a citation by a law enforcement officer and assessed a \$15 fine (pursuant to s. 318.18, F.S.) for a pedestrian violation. A court must dismiss the charge for a first violation of the helmet requirement upon proof of purchase of an approved bicycle helmet.

In amending several other subsections, the bill also prohibits a person riding a scooter from:

- ii. Attaching the scooter or himself or herself to any vehicle on a roadway;
- iii. From operating the scooter with no hands upon the handlebars;
- iv. From operating the scooter between sunset and sunrise without a lamp meeting specified standards on the front;
- v. Failing to yield the right-of-way to any pedestrian and failing to give an audible signal before overtaking and passing a pedestrian; and
- vi. Going upon a roadway except while crossing a street on a crosswalk (when so crossing, such person has all rights and is subject to all duties applicable to pedestrians).

In addition, it is a non-moving violation for a person to knowingly rent or lease a scooter to be ridden by a child under 16 years unless the child has a bicycle helmet, or the lessor provides one for the child to wear. A violation of this provision is deemed a non-moving violation punishable as provided in s. 318.18, F.S.

Despite the requirements of the laws regulating the disposition of civil penalties by county courts (s. 318.21, F.S.), all proceeds collected pursuant to violations of the helmet-related provisions (ss. 316.2065(3)(e) and 316.2065(16)(b) as amended by this bill) shall be deposited into the State Transportation Trust Fund.

The failure of a person to wear a required helmet or the failure of a parent or guardian to prevent a child from riding a scooter without a bicycle helmet may not be considered evidence of negligence or contributory negligence.

D. SECTION-BY-SECTION ANALYSIS:

N/A

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

To the extent that additional helmet related citations are issued, the proceeds will be deposited in the State Transportation Trust Fund. The increase in revenues is expected to be minimal.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Some scooter riders or their parents may be required to purchase approved bicycle helmets. In the event a person rides a scooter at night, that person will be required to equip the scooter with an appropriate lamp.

D. FISCAL COMMENTS:

None.

III. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

This bill does not affect the rule making authority of a state agency.

C. OTHER COMMENTS:

The bill does not create a definition for "scooter" to be placed in s. 316.003, F.S. (definitions). The statute contains a definition for "bicycle."

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On April 11, 2001, the Committee on Transportation adopted a "strike everything" amendment by Representative Gelber that rewrote the bill. The amendment is traveling with the bill.

This "strike everything" amendment changes the bill so that it regulates motorized scooters instead of human powered scooters. Specifically it:

- Provides a definition of "motorized scooter";
- Prohibits operation on a sidewalk;
- Prohibits operation on the street;
- Requires the scooter to be equipped with a brake;

Otherwise, regulations in this amendment that apply to motorized scooters are the same as those in the bill that apply to human powered scooters.

The bill then reported favorably as amended.

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VI. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

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