

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Promote Personal Responsibility – The bill allows law enforcement officers to issue a bicycle safety brochure and a verbal warning to a bicycle rider who violates s. 316.2065(8) F.S. The court must dismiss the charge against a bicycle rider for a first violation upon proof of purchase and installation of proper lighting equipment.

B. EFFECT OF PROPOSED CHANGES:

Helmets

Under current law, a bicycle rider or passenger who is less than 16 years of age must wear a bicycle helmet that is properly fitted and is fastened securely upon the passenger's head by a strap.¹ The helmet must meet the standards of the American National Standards Institute (ANSI Z 90.4 Bicycle Helmet Standards), the standards of the Snell Memorial Foundation (1984 Standard for Protective Headgear for Use in Bicycling), or any other nationally recognized standards for bicycle helmets adopted by the Department of Highway Safety and Motor Vehicles. The term "passenger" includes a child who is riding in a trailer or semi-trailer attached to a bicycle.

A law enforcement officer or school crossing guard is specifically authorized to issue a bicycle safety brochure and a verbal warning to a rider or passenger who violates the helmet law.² A law enforcement officer is authorized to issue a citation and assess a \$15 fine,³ plus applicable court costs and fees.⁴ The minimum fine is \$40.50. Optional additions to the base can equal up to \$26, causing the maximum amount paid for a bicycle infraction to be \$66.50 in some counties.⁵ An officer may issue a traffic citation for a violation of this provision only if the violation occurs on a bicycle path or road.⁶ A court is required to dismiss the charge against a bicycle rider or passenger for a first violation of the provision upon proof of purchase of a bicycle helmet that complies with the law.⁷ Further, a court is authorized to waive, reduce or suspend payment of any fine imposed for a violation of the helmet law.⁸

This bill amends bicycle helmet regulations effective October 1, 2008, to require compliance with the federal safety standard for bicycle helmets, contained in 16 C.F.R., part 1203. Riders and passengers may continue to use helmets purchased prior to October 1, 2008 that meet the current statutory standards until January 1, 2012.

Lighting

Currently every bicycle in use between sunset and sunrise must be equipped with a lamp on the front exhibiting a white light visible from a distance of at least 500 feet to the front and a lamp and reflector on the rear each exhibiting a red light visible from a distance of 600 feet to the rear.⁹ A bicycle or its rider may be equipped with lights or reflectors in addition to those required by law. Violation of bicycle

¹ S. 316.2065(3)(d) F.S.

² S. 316.2065(3)(e), F.S.

³ S. 318.18(1)(b) F.S.

⁴ S. 316.2065(3)(e) F.S.

⁵ See *Distribution Schedule of Court-Related Filing Fees, Service Charges, Costs, and Fines*, Florida Association of Court Clerks, Inc., published July 1, 2006.

⁶ S. 316.2065(20), F.S. A citation may not be issued to a person on private property except any part that is open to the use of the public for purposes of vehicular traffic.

⁷ *Id.*

⁸ S. 316.2065(17), F.S.

⁹ S. 316.2065(8) F.S.

lighting requirements is a noncriminal traffic infraction punishable as a pedestrian violation¹⁰ by a \$15 fine, plus applicable court costs and fees.¹¹ The minimum fine is \$40.50. Optional additions to the base fine can equal up to \$26, causing the maximum amount paid for a bicycle infraction to be \$66.50 in some counties.

The bill would allow law enforcement officers to issue bicycle safety brochures and verbal warnings to bicycle riders who violate bicycle lighting equipment standards. Alternatively, at the discretion of the law enforcement officer, a bicycle rider who violates the bicycle lighting equipment standards may be issued a citation and assessed a fine as described above. In similarity to the current helmet law, the bill requires the court to dismiss a charge against a bicycle rider for a first violation of this offense upon proof of purchase and installation of the proper lighting equipment.

C. SECTION DIRECTORY:

Section 1. Amends s. 316.2065(3) and (8), F.S., providing a government standard for bicycle helmets; grandfathering certain prior helmets; authorizing law enforcement officials to issue brochures and warnings for certain bicycle lighting violations; and requiring judges to dismiss charges regarding certain bicycle lighting violations.

Section 2. Provides an Effective Date of October 1, 2008.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See Fiscal Comments, below.

2. Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill will require that by January 1, 2012, all bicycle helmets worn by riders and passengers meet the federal safety standard in addition to the current safety standards. There could be an economic impact on the private sector to the extent that some bicycle riders or passengers may have to replace helmets to comply with the proposed regulation.

D. FISCAL COMMENTS:

According to information obtained from the Florida Department of Highway Safety and Motor Vehicles, in 2006 there were 10,612 bicycle violations citations issued for violations of s. 316.2065 F.S., which

¹⁰ S. 316.2065(20), F.S.

¹¹ S. 318.18(1)(b) F.S.

contains the current bicycle regulations. Passage of this bill may increase the number of warnings issued for bicycle violations concerning reflectors and headlamps, thereby reducing the number of traffic citations issued. To the extent that this occurs, there could be a reduction in revenue collected by the state and local government.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

N/A

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

House Bill (HB) 7 is about correcting an omission in Florida Statutes.

Florida statutes allow law enforcement officers the option to issue a warning if a cyclist under 16 years of age is stopped for not wearing an approved helmet. There is no similar provision for a warning if a cyclist is stopped for not having appropriate lights as required in law.

All cyclists must have functioning head and taillights when riding after dark, regardless of age. HB 7 will encourage cyclists who may be ticketed for not having proper lighting after dark to purchase the appropriate lights. Currently, if a cyclist is stopped for riding a bike at night without proper lights, law enforcement must write a ticket and the cyclist must then pay a fine. This bill will give the ticketing officer the option to issue both a safety brochure and verbal warning or to issue a citation for the offense.

To comply with state law, the light system can be purchased for as little as \$20.00 which is much less than the actual fine in many cases. For the first offense only, the cyclist may take the citation and proof of purchase and installation of the required lights to the court and have the offense dismissed. This incentive will increase safety. Similar provisions already exist for failure by children less than 16 years of age to wear an approved helmet.

Additionally, this bill brings Florida statutes relating to helmet standards into line with the current federal regulations. Provisions are made for the continued use of helmets purchased before the effective date of this bill and will not force anyone to immediately purchase new helmets.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES