

Bill No. CS/CS/HB 1053, 2nd Eng.

Amendment No. Barcode 503742

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Wasserman Schultz moved the following amendment to amendment (510902):

Senate Amendment (with title amendment)

On page 162, between lines 23 and 24,

insert:

Section 107. Subsection (21) of section 316.003, Florida Statutes, is amended and subsection (82) is added to that section to read:

316.003 Definitions.--The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(21) MOTOR VEHICLE.--Any self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, motorized scooter, or moped.

(82) MOTORIZED SCOOTER.--Any vehicle not having a seat or saddle for the use of the rider and designed to travel on not more than three wheels, and not capable of propelling the vehicle of a speed greater than 30 miles per hour on level

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1 ground.

2 Section 108. Section 316.2065, Florida Statutes, is
3 amended to read:

4 316.2065 Bicycle and motorized scooter regulations.--

5 (1) Every person propelling a vehicle by human power,
6 or operating a motorized scooter as defined in s. 316.003, has
7 all of the rights and all of the duties applicable to the
8 driver of any other vehicle under this chapter, except as to
9 special regulations in this chapter, and except as to
10 provisions of this chapter which by their nature can have no
11 application.

12 (2) A person operating a bicycle may not ride other
13 than upon or astride a permanent and regular seat attached
14 thereto.

15 (3)(a) A bicycle may not be used to carry more persons
16 at one time than the number for which it is designed or
17 equipped, except that an adult rider may carry a child
18 securely attached to his or her person in a backpack or sling.

19 (b) Except as provided in paragraph (a), a bicycle
20 rider must carry any passenger who is a child under 4 years of
21 age, or who weighs 40 pounds or less, in a seat or carrier
22 that is designed to carry a child of that age or size and that
23 secures and protects the child from the moving parts of the
24 bicycle.

25 (c) A bicycle rider may not allow a passenger to
26 remain in a child seat or carrier on a bicycle when the rider
27 is not in immediate control of the bicycle.

28 (d) A bicycle rider or passenger or motorized scooter
29 rider who is under 16 years of age must wear a bicycle helmet
30 that is properly fitted and is fastened securely upon the
31 rider's or passenger's head by a strap, and that meets the

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1 standards of the American National Standards Institute (ANSI Z
2 90.4 Bicycle Helmet Standards), the standards of the Snell
3 Memorial Foundation (1984 Standard for Protective Headgear for
4 Use in Bicycling), or any other nationally recognized
5 standards for bicycle helmets adopted by the department. As
6 used in this subsection, the term "passenger" includes a child
7 who is riding in a trailer or semitrailer attached to a
8 bicycle.

9 (e) Law enforcement officers and school crossing
10 guards may issue a bicycle safety brochure and a verbal
11 warning to a bicycle rider or passenger or a motorized scooter
12 rider who violates this subsection. A bicycle rider or
13 passenger or a motorized scooter rider who violates this
14 subsection may be issued a citation by a law enforcement
15 officer and assessed a fine for a pedestrian violation, as
16 provided in s. 318.18. The court shall dismiss the charge
17 against a bicycle rider or passenger or a motorized scooter
18 rider for a first violation of paragraph (d) upon proof of
19 purchase of a bicycle helmet that complies with this
20 subsection.

21 (f) A person operating a motorized scooter may not
22 carry passengers.

23 (4) No person riding upon any bicycle, coaster, roller
24 skates, sled, or motorized scooter, or toy vehicle may attach
25 the same or himself or herself to any vehicle upon a roadway.
26 This subsection does not prohibit attaching a bicycle trailer
27 or bicycle semitrailer to a bicycle if that trailer or
28 semitrailer is commercially available and has been designed
29 for such attachment.

30 (5)(a) Any person operating a bicycle upon a roadway
31 at less than the normal speed of traffic at the time and place

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1 and under the conditions then existing shall ride as close as
2 practicable to the right-hand curb or edge of the roadway
3 except under any of the following situations:

4 1. When overtaking and passing another bicycle or
5 vehicle proceeding in the same direction.

6 2. When preparing for a left turn at an intersection
7 or into a private road or driveway.

8 3. When reasonably necessary to avoid any condition,
9 including, but not limited to, a fixed or moving object,
10 parked or moving vehicle, bicycle, pedestrian, animal, surface
11 hazard, or substandard-width lane, that makes it unsafe to
12 continue along the right-hand curb or edge. For the purposes
13 of this subsection, a "substandard-width lane" is a lane that
14 is too narrow for a bicycle and another vehicle to travel
15 safely side by side within the lane.

16 (b) Any person operating a bicycle upon a one-way
17 highway with two or more marked traffic lanes may ride as near
18 the left-hand curb or edge of such roadway as practicable.

19 (6) Persons riding bicycles upon a roadway may not
20 ride more than two abreast except on paths or parts of
21 roadways set aside for the exclusive use of bicycles. Persons
22 riding two abreast may not impede traffic when traveling at
23 less than the normal speed of traffic at the time and place
24 and under the conditions then existing and shall ride within a
25 single lane.

26 (7) Any person operating a bicycle or motorized
27 scooter shall keep at least one hand upon the handlebars.

28 (8) Every bicycle or motorized scooter in use between
29 sunset and sunrise shall be equipped with a lamp on the front
30 exhibiting a white light visible from a distance of at least
31 500 feet to the front and a lamp and reflector on the rear

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1 each exhibiting a red light visible from a distance of 600
2 feet to the rear. A bicycle or motorized scooter ~~its~~ rider
3 may be equipped with lights or reflectors in addition to those
4 required by this section.

5 (9) No parent of any minor child and no guardian of
6 any minor ward may authorize or knowingly permit any such
7 minor child or ward to violate any of the provisions of this
8 section.

9 (10) A person propelling a vehicle by human power upon
10 and along a sidewalk, or across a roadway upon and along a
11 crosswalk, has all the rights and duties applicable to a
12 pedestrian under the same circumstances.

13 (11)(a) A person propelling a bicycle upon and along a
14 sidewalk, or across a roadway upon and along a crosswalk,
15 shall yield the right-of-way to any pedestrian and shall give
16 an audible signal before overtaking and passing such
17 pedestrian.

18 (b) A motorized scooter may not be operated upon or
19 along a sidewalk. However, an electric personal assistive
20 mobility device that is designed to transport only one person
21 and that has an electric propulsion system that limits the
22 maximum speed of the device to 15 miles per hour or less may
23 be operated upon or along a sidewalk.

24 (12) No person upon roller skates, or riding in or by
25 means of any motorized scooter, coaster, toy vehicle, or
26 similar device, may go upon any roadway except while crossing
27 a street on a crosswalk; and, when so crossing, such person
28 shall be granted all rights and shall be subject to all of the
29 duties applicable to pedestrians.

30 (13) This section shall not apply upon any street
31 while set aside as a play street authorized herein or as

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1 designated by state, county, or municipal authority.

2 (14) Every bicycle or motorized scooter, shall be
3 equipped with a brake or brakes which will enable its rider to
4 stop the bicycle within 25 feet from a speed of 10 miles per
5 hour on dry, level, clean pavement.

6 (15) A person engaged in the business of selling
7 bicycles at retail shall not sell any bicycle unless the
8 bicycle has an identifying number permanently stamped or cast
9 on its frame.

10 (16)(a) A person may not knowingly rent or lease any
11 bicycle or motorized scooter to be ridden by a child who is
12 under the age of 16 years unless:

- 13 1. The child possesses a bicycle helmet; or
14 2. The lessor provides a bicycle helmet for the child
15 to wear.

16 (b) A violation of this subsection is a nonmoving
17 violation, punishable as provided in s. 318.18.

18 (17) The court may waive, reduce, or suspend payment
19 of any fine imposed under subsection (3) or subsection (16)
20 and may impose any other conditions on the waiver, reduction,
21 or suspension. If the court finds that a person does not have
22 sufficient funds to pay the fine, the court may require the
23 performance of a specified number of hours of community
24 service or attendance at a safety seminar.

25 (18) Notwithstanding s. 318.21, all proceeds collected
26 pursuant to s. 318.18 for violations under paragraphs (3)(e)
27 and (16)(b) shall be deposited into the State Transportation
28 Trust Fund.

29 (19) The failure of a person to wear a required
30 ~~bicycle~~ helmet or the failure of a parent or guardian to
31 prevent a child from riding a bicycle or motorized scooter

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1 without a required ~~bicycle~~ helmet may not be considered
2 evidence of negligence or contributory negligence.

3 (20) Except as otherwise provided in this section, a
4 violation of this section is a noncriminal traffic infraction,
5 punishable as a pedestrian violation as provided in chapter
6 318. A law enforcement officer may issue traffic citations for
7 a violation of subsection (3) or subsection (16) only if the
8 violation occurs on a bicycle path or road, as defined in s.
9 334.03. However, they may not issue citations to persons on
10 private property, except any part thereof which is open to the
11 use of the public for purposes of vehicular traffic.

12 (21) A county or municipality may adopt an ordinance
13 that authorizes persons to operate a motorized scooter on a
14 roadway or sidewalk, notwithstanding any prohibitions in this
15 section.

16
17 (Redesignate subsequent sections.)

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20 ===== T I T L E A M E N D M E N T =====

21 And the title is amended as follows:

22 On page 172, line 9, after the semicolon
23
24 insert: amending s. 316.003; defining the term "motorized
25 scooter"; amending s. 316.2065, F.S.; providing motorized
26 scooter operating regulations;

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