

By Representative Gelber

1 A bill to be entitled
2 An act relating to scooters; amending s.
3 316.2065, F.S.; applying certain bicycle safety
4 laws to nonmotorized scooters; requiring the
5 wearing of a helmet; regulating the operation
6 of scooters; proscribing certain activities
7 involving scooters; providing penalties;
8 providing an effective date.

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10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. Subsections (3), (4), (7), (8), (11), (12),
13 (15), (16), and (19) of section 316.2065, Florida Statutes,
14 are amended, and subsection (18) of said section is reenacted,
15 to read:

16 316.2065 Bicycle regulations.--

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

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

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

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1 (d) A bicycle rider or passenger or scooter rider who
2 is under 16 years of age must wear a bicycle helmet that is
3 properly fitted and is fastened securely upon the rider's or
4 passenger's head by a strap, and that meets the standards of
5 the American National Standards Institute (ANSI Z 90.4 Bicycle
6 Helmet Standards), the standards of the Snell Memorial
7 Foundation (1984 Standard for Protective Headgear for Use in
8 Bicycling), or any other nationally recognized standards for
9 bicycle helmets adopted by the department. As used in this
10 subsection, the term "passenger" includes a child who is
11 riding in a trailer or semitrailer attached to a bicycle.

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

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

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

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1 (8) Every bicycle or scooter in use between sunset and
2 sunrise shall be equipped with a lamp on the front exhibiting
3 a white light visible from a distance of at least 500 feet to
4 the front and a lamp and reflector on the rear each exhibiting
5 a red light visible from a distance of 600 feet to the rear.
6 A bicycle or scooter or its rider may be equipped with lights
7 or reflectors in addition to those required by this section.

8 (11) A person propelling a bicycle or scooter upon and
9 along a sidewalk, or across a roadway upon and along a
10 crosswalk, shall yield the right-of-way to any pedestrian and
11 shall give an audible signal before overtaking and passing
12 such pedestrian.

13 (12) No person upon roller skates, or riding in or by
14 means of any scooter,coaster, toy vehicle, or similar device,
15 may go upon any roadway except while crossing a street on a
16 crosswalk; and, when so crossing, such person shall be granted
17 all rights and shall be subject to all of the duties
18 applicable to pedestrians.

19 (15) A person engaged in the business of selling
20 bicycles at retail may ~~shall~~ not sell any bicycle unless the
21 bicycle has an identifying number permanently stamped or cast
22 on its frame.

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

- 26 1. The child possesses a bicycle helmet; or
27 2. The lessor provides a bicycle helmet for the child
28 to wear.

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

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

5 (19) The failure of a person to wear a required
6 ~~bicycle~~ helmet or the failure of a parent or guardian to
7 prevent a child from riding a bicycle or scooter without a
8 bicycle helmet may not be considered evidence of negligence or
9 contributory negligence.

10 Section 2. This act shall take effect July 1, 2001.

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LEGISLATIVE SUMMARY

Applies certain bicycle safety laws to the operation of
nonmotorized scooters. Requires the wearing of a helmet
for certain riders. Proscribes certain acts and provides
penalties.