

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 1268

SPONSOR: Transportation Committee and Senator Wasserman Schultz

SUBJECT: Scooters/Safety Laws

DATE: April 5, 2001                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Vickers	Meyer	TR	Favorable/CS
2.	_____	_____	CA	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

This CS defines a “motorized scooter” as a vehicle having no seat or saddle, having no more than three wheels, and not capable of speeds exceeding 30 miles per hour. The CS exempts a motorized scooter from the definition of motor vehicle.

This CS amends s. 316.2065, F.S., to require motorized scooter operators to adhere to many of the operational requirements applicable to persons on bicycles. The CS requires persons under 16 years of age to wear a helmet that meets certain safety standards. Violators would be subject to a \$15 pedestrian violation which may be dismissed upon showing proof of purchase of a helmet.

The CS also provides a motorized scooter may not be operated upon or along a side walk. In addition, the CS provides that no person operating a motorized scooter may go upon any roadway except while crossing a street on a crosswalk. This provision would effectively limit the operation of these devices to private roadways and sidewalks, and those areas designated as play streets.

This CS substantially amends sections 316.003 and 316.2065 of the Florida Statutes.

**II. Present Situation:**

Section 316.003, F.S., provides definitions for chapter 316, F.S., relating to traffic control. Currently, there is no definition for motorized scooter. The legal status of motorized scooters has recently been questioned by several courts.

Section 316.2065, F.S., establishes numerous regulations relating to bicycles. A bicycle rider or passenger who is under 16 years of age must wear a bicycle helmet that meets nationally recognized standards 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 verbal warning to a bicycle rider or passenger who violates this provision. Alternatively, a bicycle rider or passenger who violates this provision may be issued a citation by a law enforcement officer and assessed a fine for a pedestrian violation (\$15). The court will dismiss the charge against a bicycle rider or passenger for a first violation upon proof of purchase of a bicycle helmet that complies with this section.

During 2000, sales of scooters (both motorized and unmotorized) reached 5 million units nationwide. Most of these new scooters are made of lightweight aluminum, with small low-friction wheels similar to those on in-line skates. These scooters typically weigh less than 10 pounds and fold for easy portability and storage. Currently, Florida law does not address the operation of motorized scooters.

### **III. Effect of Proposed Changes:**

This CS amends s. 316.003, F.S., to define a “motorized scooter” as a vehicle having no seat or saddle, having no more than three wheels, and not capable of speeds exceeding 30 miles per hour. The CS also specifically exempts a motorized scooter from the definition of motor vehicle.

This CS amends s. 316.2065, F.S., to require motorized scooter operators to adhere to many of the operational requirements applicable to persons on bicycles. The CS requires persons under 16 years of age to wear a helmet that meets certain safety standards. Violators would be subject to a \$15 pedestrian violation which may be dismissed upon showing proof of purchase of a helmet. Similarly, a person may not rent or lease a motorized scooter to a person under the age of 16 unless the child possesses a bicycle helmet or the lessor provides a bicycle helmet for the child to wear.

The CS also provides that a motorized scooter may not be operated upon or along a side walk. In addition, the CS provides that no person operating a motorized scooter may go upon any roadway except while crossing a street on a crosswalk.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

**V. Economic Impact and Fiscal Note:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

The CS requires motorized scooter riders under the age of 16 to wear a safety helmet that meets certain requirements established by DHSMV. Violation of this provision would be punishable as a pedestrian violation (\$15). A first offense may be dismissed upon showing proof of purchase of a helmet.

The CS prohibits operation of a motorized scooter on a roadway or sidewalk. This provision would effectively limit the operation of these devices to private roadways and sidewalks, and those areas designated as play streets.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

Injuries associated with scooters have increased significantly in the last year. According to the Consumer Product Safety Commission, there were approximately 40,500 emergency room treated injuries connected with scooters during 2000. In September 2000, scooter-related injuries surpassed in-line skating injuries. Nearly 90 percent of injuries have occurred to children under 15 years of age.

According to National Conference of State Legislatures, legislation mandating the use of safety helmets while riding a scooter is currently pending in a number of states, including Alabama, Connecticut, Massachusetts, New Jersey, and New York. In addition, a number of municipalities have enacted local ordinances requiring the use of bicycle helmets while riding a scooter.

**VIII. Amendments:**

None.