

By Senator Wasserman Schultz

32-58-02

1 A bill to be entitled
 2 An act relating to motorized scooters; amending
 3 s. 316.003; defining the term "motorized
 4 scooter"; amending s. 316.2065, F.S.; providing
 5 motorized scooter operating regulations;
 6 providing an effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Subsection (21) of section 316.003, Florida
11 Statutes, is amended and subsection (82) is added to that
12 section to read:

13 316.003 Definitions.--The following words and phrases,
14 when used in this chapter, shall have the meanings
15 respectively ascribed to them in this section, except where
16 the context otherwise requires:

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

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

25 Section 2. Section 316.2065, Florida Statutes, is
26 amended to read:

27 316.2065 Bicycle and motorized scooter regulations.--

28 (1) Every person propelling a vehicle by human power,
29 or operating a motorized scooter as defined in s. 316.003, has
30 all of the rights and all of the duties applicable to the
31 driver of any other vehicle under this chapter, except as to

1 special regulations in this chapter, and except as to
2 provisions of this chapter which by their nature can have no
3 application.

4 (2) A person operating a bicycle may not ride other
5 than upon or astride a permanent and regular seat attached
6 thereto.

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

11 (b) Except as provided in paragraph (a), a bicycle
12 rider must carry any passenger who is a child under 4 years of
13 age, or who weighs 40 pounds or less, in a seat or carrier
14 that is designed to carry a child of that age or size and that
15 secures and protects the child from the moving parts of the
16 bicycle.

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

20 (d) A bicycle rider or passenger or motorized scooter
21 rider who is under 16 years of age must wear a bicycle helmet
22 that is properly fitted and is fastened securely upon the
23 rider's or passenger's head by a strap, and that meets the
24 standards of the American National Standards Institute (ANSI Z
25 90.4 Bicycle Helmet Standards), the standards of the Snell
26 Memorial Foundation (1984 Standard for Protective Headgear for
27 Use in Bicycling), or any other nationally recognized
28 standards for bicycle helmets adopted by the department. As
29 used in this subsection, the term "passenger" includes a child
30 who is riding in a trailer or semitrailer attached to a
31 bicycle.

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

13 (f) A person operating a motorized scooter may not
14 carry passengers.

15 (4) A ~~No~~ person riding upon any bicycle, coaster,
16 roller skates, sled, motorized scooter, or toy vehicle may not
17 attach the same or himself or herself to any vehicle upon a
18 roadway. This subsection does not prohibit attaching a bicycle
19 trailer or bicycle semitrailer to a bicycle if that trailer or
20 semitrailer is commercially available and has been designed
21 for such attachment.

22 (5)(a) Any person operating a bicycle upon a roadway
23 at less than the normal speed of traffic at the time and place
24 and under the conditions then existing must ~~shall~~ ride as
25 close as practicable to the right-hand curb or edge of the
26 roadway except under any of the following situations:

27 1. When overtaking and passing another bicycle or
28 vehicle proceeding in the same direction.

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

31

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

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

12 (6) Persons riding bicycles upon a roadway may not
13 ride more than two abreast except on paths or parts of
14 roadways set aside for the exclusive use of bicycles. Persons
15 riding two abreast may not impede traffic when traveling at
16 less than the normal speed of traffic at the time and place
17 and under the conditions then existing and shall ride within a
18 single lane.

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

21 (8) Every bicycle or motorized scooter in use between
22 sunset and sunrise shall be equipped with a lamp on the front
23 exhibiting a white light visible from a distance of at least
24 500 feet to the front and a lamp and reflector on the rear
25 each exhibiting a red light visible from a distance of 600
26 feet to the rear. A bicycle or motorized scooter ~~its~~ rider
27 may be equipped with lights or reflectors in addition to those
28 required by this section.

29 (9) A ~~No~~ parent of a ~~any~~ minor child or ~~and no~~
30 guardian of a ~~any~~ minor ward may not authorize or knowingly
31

1 permit any such minor child or ward to violate ~~any of the~~
2 ~~provisions of~~ this section.

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

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

12 (b) A motorized scooter may not be operated upon or
13 along a sidewalk.

14 (12) A ~~No~~ person upon roller skates, or riding in or
15 by means of any motorized scooter,coaster, toy vehicle, or
16 similar device, may not go upon any roadway except while
17 crossing a street on a crosswalk; and, when so crossing, such
18 person shall be granted all rights and shall be subject to all
19 of the duties applicable to pedestrians.

20 (13) This section does ~~shall~~ not apply upon any street
21 while set aside as a play street authorized herein or as
22 designated by state, county, or municipal authority.

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

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

31

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

- 4 1. The child possesses a bicycle helmet; or
5 2. The lessor provides a bicycle helmet for the child
6 to wear.

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

9 (17) The court may waive, reduce, or suspend payment
10 of any fine imposed under subsection (3) or subsection (16)
11 and may impose any other conditions on the waiver, reduction,
12 or suspension. If the court finds that a person does not have
13 sufficient funds to pay the fine, the court may require the
14 performance of a specified number of hours of community
15 service or attendance at a safety seminar.

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

20 (19) The failure of a person to wear a required
21 ~~bicycle~~ helmet or the failure of a parent or guardian to
22 prevent a child from riding a bicycle or motorized scooter
23 without a required ~~bicycle~~ helmet may not be considered
24 evidence of negligence or contributory negligence.

25 (20) Except as otherwise provided in this section, a
26 violation of this section is a noncriminal traffic infraction,
27 punishable as a pedestrian violation as provided in chapter
28 318. A law enforcement officer may issue traffic citations for
29 a violation of subsection (3) or subsection (16) only if the
30 violation occurs on a bicycle path or road, as defined in s.
31 334.03. However, they may not issue citations to persons on

1 private property, except any part thereof which is open to the
2 use of the public for purposes of vehicular traffic.

3 (21) A county or municipality may adopt an ordinance
4 that authorizes persons to operate a motorized scooter on a
5 roadway or sidewalk, notwithstanding any prohibitions in this
6 section.

7 Section 3. This act shall take effect July 1, 2002.

8

9

10

SENATE SUMMARY

11

12 Applies certain bicycle-safety laws to the operation of
13 motorized scooters. Requires certain riders to wear
helmets. Prohibits certain acts and provides penalties
for violations.

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31