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A bill to be entitled

An act relating to motorized scooters; amending s. 316.2065, F.S.; providing motorized scooter operating regulations; prohibiting the carrying of passengers on a motorized scooter; requiring lamps and reflectors on such scooters operated at night; requiring helmets on certain riders; providing that failure of a person to wear the required helmet may not be considered evidence of negligence or contributory negligence; providing for issuance of warnings, safety brochures, and citations for violations; prohibiting operation of a motorized scooter upon or along a sidewalk; prohibiting operation of a motorized scooter upon any roadway except while crossing a street on a crosswalk; providing an exception when a street is designated a play street; requiring brakes; providing restrictions for rent or lease of motorized scooters; providing penalties for violations; providing that a county or municipality may authorize operation of motorized scooters on roadways or sidewalks; providing an effective date.

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

Section 1. Section 316.2065, Florida Statutes, is amended to read:

316.2065 Bicycle and motorized scooter regulations.--

(1) Every person propelling a vehicle by human power or operating a motorized scooter as defined in s. 316.003 has all of the rights and all of the duties applicable to the driver of

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30 any other vehicle under this chapter, except as to special
 31 regulations in this chapter, and except as to provisions of this
 32 chapter which by their nature can have no application.

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

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

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

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

47 (d) A bicycle rider or passenger or a motorized scooter
 48 rider who is under 16 years of age must wear a bicycle or
 49 motorized scooter helmet that is properly fitted and is fastened
 50 securely upon the rider's or passenger's head by a strap, and
 51 that meets the standards of the American National Standards
 52 Institute (ANSI Z 90.4 Bicycle Helmet Standards), the standards
 53 of the Snell Memorial Foundation (1984 Standard for Protective
 54 Headgear for Use in Bicycling), or any other nationally
 55 recognized standards for bicycle or motorized scooter helmets
 56 adopted by the department. As used in this subsection, the term
 57 "passenger" includes a child who is riding in a trailer or
 58 semitrailer attached to a bicycle.

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59 (e) Law enforcement officers and school crossing guards
 60 may issue a bicycle or motorized scooter safety brochure and a
 61 verbal warning to a bicycle rider or passenger or a motorized
 62 scooter rider who violates this subsection. A bicycle rider or
 63 passenger or a motorized scooter rider who violates this
 64 subsection may be issued a citation by a law enforcement officer
 65 and assessed a fine for a pedestrian violation, as provided in
 66 s. 318.18. The court shall dismiss the charge against a bicycle
 67 rider or passenger or a motorized scooter rider for a first
 68 violation of paragraph (d) upon proof of purchase of a bicycle
 69 or motorized scooter helmet that complies with this subsection.

70 (f) A person operating a motorized scooter may not carry
 71 passengers.

72 (4) No person riding upon any bicycle, coaster, roller
 73 skates, sled, motorized scooter, or toy vehicle may attach the
 74 same or himself or herself to any vehicle upon a roadway. This
 75 subsection does not prohibit attaching a bicycle trailer or
 76 bicycle semitrailer to a bicycle if that trailer or semitrailer
 77 is commercially available and has been designed for such
 78 attachment.

79 (5)(a) Any person operating a bicycle upon a roadway at
 80 less than the normal speed of traffic at the time and place and
 81 under the conditions then existing shall ride as close as
 82 practicable to the right-hand curb or edge of the roadway except
 83 under any of the following situations:

84 1. When overtaking and passing another bicycle or vehicle
 85 proceeding in the same direction.

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

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88 3. When reasonably necessary to avoid any condition,
89 including, but not limited to, a fixed or moving object, parked
90 or moving vehicle, bicycle, pedestrian, animal, surface hazard,
91 or substandard-width lane, that makes it unsafe to continue
92 along the right-hand curb or edge. For the purposes of this
93 subsection, a "substandard-width lane" is a lane that is too
94 narrow for a bicycle and another vehicle to travel safely side
95 by side within the lane.

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

99 (6) Persons riding bicycles upon a roadway may not ride
100 more than two abreast except on paths or parts of roadways set
101 aside for the exclusive use of bicycles. Persons riding two
102 abreast may not impede traffic when traveling at less than the
103 normal speed of traffic at the time and place and under the
104 conditions then existing and shall ride within a single lane.

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

107 (8) Every bicycle or motorized scooter in use between
108 sunset and sunrise shall be equipped with a lamp on the front
109 exhibiting a white light visible from a distance of at least 500
110 feet to the front and a lamp and reflector on the rear each
111 exhibiting a red light visible from a distance of 600 feet to
112 the rear. A bicycle, motorized scooter, or their riders ~~its~~
113 ~~rider~~ may be equipped with lights or reflectors in addition to
114 those required by this section.

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115 (9) No parent of any minor child and no guardian of any
 116 minor ward may authorize or knowingly permit any such minor
 117 child or ward to violate any of the provisions of this section.

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

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

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

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

134 (13) This section shall not apply upon any street while
 135 set aside as a play street authorized herein or as designated by
 136 state, county, or municipal authority.

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

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

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

147 1. The child possesses a bicycle or motorized scooter
 148 helmet; or

149 2. The lessor provides a bicycle or motorized scooter
 150 helmet for the child to wear.

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

153 (17) The court may waive, reduce, or suspend payment of
 154 any fine imposed under subsection (3) or subsection (16) and may
 155 impose any other conditions on the waiver, reduction, or
 156 suspension. If the court finds that a person does not have
 157 sufficient funds to pay the fine, the court may require the
 158 performance of a specified number of hours of community service
 159 or attendance at a safety seminar.

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

164 (19) The failure of a person to wear a required ~~bicyele~~
 165 helmet or the failure of a parent or guardian to prevent a child
 166 from riding a bicycle or motorized scooter without a required
 167 ~~bicyele~~ helmet may not be considered evidence of negligence or
 168 contributory negligence.

169 (20) Except as otherwise provided in this section, a
 170 violation of this section is a noncriminal traffic infraction,
 171 punishable as a pedestrian violation as provided in chapter 318.
 172 A law enforcement officer may issue traffic citations for a

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173 violation of subsection (3) or subsection (16) only if the
174 violation occurs on a bicycle path or road, as defined in s.
175 334.03. However, they may not issue citations to persons on
176 private property, except any part thereof which is open to the
177 use of the public for purposes of vehicular traffic.

178 (21) A county or municipality may adopt an ordinance that
179 authorizes a person to operate a motorized scooter on a roadway
180 or sidewalk, notwithstanding any prohibitions in this section.

181 Section 2. This act shall take effect July 1, 2004.