

By Senator Wasserman Schultz

34-1406-04

1 A bill to be entitled
2 An act relating to motorized scooters; amending
3 s. 316.2065, F.S.; providing that certain
4 bicycle safety regulations apply to motorized
5 scooters, providing an effective date.
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7 Be It Enacted by the Legislature of the State of Florida:
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9 Section 1. Section 316.2065, Florida Statutes, is
10 amended to read:

11 316.2065 Bicycle and motorized scooter regulations.--

12 (1) Every person propelling a vehicle by human power,
13 or operating a motorized scooter as defined in s. 316.003, has
14 all of the rights and all of the duties applicable to the
15 driver of any other vehicle under this chapter, except as to
16 special regulations in this chapter, and except as to
17 provisions of this chapter which by their nature can have no
18 application.

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

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

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

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

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

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

28 (f) A motorized scooter rider may not carry a
29 passenger.

30 (4) A ~~No~~ person riding upon any motorized scooter,
31 bicycle, coaster, roller skates, sled, or toy vehicle may not

1 attach the same or himself or herself to any vehicle upon a
2 roadway. This subsection does not prohibit attaching a bicycle
3 trailer or bicycle semitrailer to a bicycle if that trailer or
4 semitrailer is commercially available and has been designed
5 for such attachment.

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

11 1. When overtaking and passing another bicycle or
12 vehicle proceeding in the same direction.

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

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

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

26 (6) Persons riding bicycles upon a roadway may not
27 ride more than two abreast except on paths or parts of
28 roadways set aside for the exclusive use of bicycles. Persons
29 riding two abreast may not impede traffic when traveling at
30 less than the normal speed of traffic at the time and place

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1 and under the conditions then existing and shall ride within a
2 single lane.

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

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

13 (9) No parent of any minor child and no guardian of
14 any minor ward may authorize or knowingly permit any such
15 minor child or ward to violate any of the provisions of this
16 section.

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

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

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

28 (12) A ~~No~~ person upon roller skates, or riding in or
29 by means of any motorized scooter, coaster, toy vehicle, or
30 similar device, may not go upon any roadway except while
31 crossing a street on a crosswalk; and, when so crossing, such

1 person shall be granted all rights and shall be subject to all
2 of the duties applicable to pedestrians.

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

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

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

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

- 17 1. The child possesses a bicycle helmet; or
18 2. The lessor provides a bicycle helmet for the child
19 to wear.

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

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

29 (18) Notwithstanding s. 318.21, all proceeds collected
30 pursuant to s. 318.18 for violations under paragraphs (3)(e)

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1 and (16)(b) shall be deposited into the State Transportation
2 Trust Fund.

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

8 (20) Except as otherwise provided in this section, a
9 violation of this section is a noncriminal traffic infraction,
10 punishable as a pedestrian violation as provided in chapter
11 318. A law enforcement officer may issue traffic citations for
12 a violation of subsection (3) or subsection (16) only if the
13 violation occurs on a bicycle path or road, as defined in s.
14 334.03. However, they may not issue citations to persons on
15 private property, except any part thereof which is open to the
16 use of the public for purposes of vehicular traffic.

17 (21) A county or municipality may adopt an ordinance
18 that authorizes persons to operate a motorized scooter on a
19 roadway or sidewalk, notwithstanding any prohibitions in this
20 section.

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

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24 SENATE SUMMARY

25 Provides that certain bicycle safety regulations also
26 apply to motorized scooters.

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