

# 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.)

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Prepared By: Transportation Committee

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BILL: SB 1550

SPONSOR: Senator King

SUBJECT: Bicycle Regulations

DATE: March 15, 2005

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Evans	Meyer	TR	<b>Favorable</b>
2.	_____	_____	RC	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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## I. Summary:

This bill revises safety standard requirements for bicycle helmets which must be worn by certain bicycle riders and passengers to meet federal safety standards. The bill grandfathers in helmets meeting the old standards until January 1, 2009. This bill also specifically authorizes verbal warnings and the issuance of safety brochures for violations of bicycle lighting equipment requirements. Finally, this bill provides penalties for violations of the bicycle lighting equipment requirements and requires the court to dismiss the charge against a bicycle rider for a first violation relating to bicycle lighting equipment requirements upon proof of purchase and installation of the proper equipment.

This bill substantially amends section 316.2065 of the Florida Statutes.

## II. Present Situation:

### Safety Helmet Standards and Penalties

Section 316.2065(3) (d), F.S., requires a bicycle rider or passenger who is less than 16 years of age must wear a bicycle helmet properly fitted and fastened securely upon the passenger's head by a strap. The helmet must meet the standards of the American National Standards Institute (ANSI Z 90.4 Bicycle Helmet Standards), the standards of the Snell Memorial Foundation (1984 Standard for Protective Headgear for Use in Bicycling), or any other nationally recognized standards for bicycle helmets adopted by the Department of Highway Safety and Motor Vehicles. The term passenger includes a child who is riding in a trailer or semi trailer attached to a bicycle.

According to s. 318.18, F.S., any violation of a bicycle helmet requirement is a nonmoving violation punishable by a \$15 fine, plus applicable court costs and fees. Section 316.2065(3) (e),

F.S., gives law enforcement officers and school crossing guards the option to issue a bicycle safety brochure and a verbal warning, instead of a citation and fine, to a bicycle rider or passenger who violates s. 316.2065 (3), F.S. This subsection states courts shall dismiss the charges against a bicycle rider or passenger for their first violation of the helmet related regulation cited in s. 316.2065 (3) (d), F. S., upon proof of purchase of a bicycle helmet which meets regulation standards.

In addition, s. 316.2065 (17), F.S., authorizes the court to waive, reduce, or suspend payment of any fine imposed under s. 316.2065 (3), F.S., and to impose any other conditions on the waiver, reduction, or suspension. If the court finds a person does not have sufficient funds to pay the fine, the court may require the performance of a specified number of hours of community service or attendance at a safety seminar.

### **Lighting Equipment Requirements and Penalties**

Section 316.2065 (8), F.S., requires every bicycle in use between sunset and sunrise shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least 500 feet to the front and a lamp and reflector on the rear each exhibiting a red light visible from a distance of 600 feet to the rear. A bicycle or its rider may be equipped with lights or reflectors in addition to those required by this section. According to s. 318.18, F.S., any violation of bicycle lighting requirements is a traffic infraction punishable by a \$15 fine, plus applicable court costs and fees.

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

**Section 1** of this bill amends bicycle helmet regulations effective October 1, 2005, to require compliance with the federal safety standard for bicycle helmets, contained in 16 C.F.R., part 1203. The regulations set in the federal safety standards require those manufacturers, importers, and private labelers of bicycle helmets are subjected to certain safety standards to help protect the public from risks of injury or death associated with head injury associated with bicycle riding. The bill also allows for helmets purchased prior to October 1, 2005, which also meet the current statutory standards, may be worn by riders or passengers until January 1, 2009.

This section of the bill also amends s. 316.2065 (8), F.S., to allow law enforcement officers to issue bicycle safety brochures and verbal warnings to bicycle riders who violate bicycle lighting equipment standards. Alternatively, at the law enforcement officer's discretion, a bicycle rider who violates the bicycle lighting equipment standards may be issued a citation and assessed a fine as described above. Also, the bill requires the court to dismiss the charge against a bicycle rider for a first violation of this offense upon proof of purchase and installation of the proper lighting equipment.

**Section 2** provides this act will take effect October 1, 2005.

## **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:

This bill could have an impact on the private sector by requiring individuals to purchase the mandatory safety equipments for bicycle; however, the actual impact this bill could potentially have on the private sector is uncertain.

C. Government Sector Impact:

This bill could increase the number of warnings issued for bicycle violations, thereby reducing the number of other traffic citations issued; however, the actual impact this bill could potentially have on the government sector is uncertain.

Currently, the Florida Department of Transportation develops and distributes bicycle safety brochures, and the Department of Transportation expects no fiscal impact as a result of this bill.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.



## **VIII. Summary of Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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