

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 357

Bicycle Regulation

**SPONSOR(S):** Jordan

**TIED BILLS:**

**IDEN./SIM. BILLS:** SB 1550

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Transportation Committee</u>	<u>13 Y, 0 N</u>	<u>Thompson</u>	<u>Miller</u>
2) <u>Criminal Justice Committee</u>	<u>6 Y, 0 N</u>	<u>Savage</u>	<u>Kramer</u>
3) <u>State Infrastructure Council</u>	<u></u>	<u>Thompson</u>	<u>Havlicak</u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

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### SUMMARY ANALYSIS

Under current law bicycle riders or passengers less than sixteen years of age are required to wear a bicycle helmet that meets certain standards for bicycle or motorized scooter helmets adopted by the Department of Highway Safety and Motor Vehicles.

Currently every bicycle that is in use between sunset and sunrise must be equipped with a white light visible from at least 500 feet from the front and a lamp and reflector exhibiting a red light visible from 600 feet from the rear. Current law does not specifically allow a law enforcement officer the option of issuing a bicycle safety brochure and a verbal warning to a bicycle rider who violates these lighting provisions.

HB 357 revises safety standard requirements for bicycle helmets that must be worn by certain 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. Mirroring the current law regulating bicycle helmets, this bill provides penalties for violations and requires the court to dismiss the charge against a bicycle rider for a first violation relating to bicycle lighting equipment if proof is provided that proper lighting equipment has been installed.

This bill takes effect October 1, 2005.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

Promote Personal Responsibility—The bill allows law enforcement officers to issue a bicycle safety brochure and a verbal warning to a bicycle rider who violates s. 316.2065(8) F.S. The court must dismiss the charge against a bicycle rider for a first violation upon proof of purchase and installation of proper lighting equipment.

#### B. EFFECT OF PROPOSED CHANGES:

##### Safety Standards

Under current law a bicycle rider or passenger who is less than 16 years of age must wear a bicycle helmet that is properly fitted and is fastened securely upon the passenger's head by a strap.<sup>1</sup> 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 semitrailer attached to a bicycle. A \$15 fine<sup>2</sup>, plus applicable court costs and fees, or a safety brochure may be issued for violations of the bicycle helmet requirements.<sup>3</sup> The total amount paid varies from county to county but would range from \$40.50 to \$46.50. However, courts are required to dismiss the charge against a bicycle rider or passenger for a first violation of s. 316.2065(3)(d) upon proof of purchase of a bicycle helmet that complies with the law.<sup>4</sup>

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. Helmets purchased prior to October 1, 2005, that meet the current statutory standards may continue to be worn by riders or passengers until January 1, 2009.

##### Equipment Enforcement and Penalties

Currently every bicycle in use between sunset and sunrise must 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.<sup>5</sup> A bicycle or its rider may be equipped with lights or reflectors in addition to those required by law. Violation of bicycle lighting requirements is a traffic infraction punishable by a \$15 fine, plus applicable court costs and fees.<sup>6</sup> The total amount paid varies from county to county but would range from \$40.50 to \$46.50.

The bill proposes to mirror s. 316.2065(3)(e) F.S. in managing violations of s. 316.2065(8) F.S. It would 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 safety 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

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<sup>1</sup> s. 316.2065(3)(d) F.S.

<sup>2</sup> s. 318.18(1)(b) F.S.

<sup>3</sup> s. 316.2065(3)(e) F.S.

<sup>4</sup> *Id.*

<sup>5</sup> s. 316.2065(8) F.S.

<sup>6</sup> s. 318.18(1)(b) F.S.

bicycle rider for a first violation of this offense upon proof of purchase and installation of the proper lighting equipment.

C. SECTION DIRECTORY:

Section 1. Amends s. 316.2065, F.S.; revising safety standard requirements for bicycle helmets that must be worn by certain riders and passengers; providing for enforcement of certain bicycle lighting equipment requirements; providing penalties for violations; providing for dismissal of a first offense.

Section 2. This act takes effect October 1, 2005.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See Fiscal Comments below.

2. Expenditures:

See Fiscal Comments below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See Fiscal Comments below.

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See Fiscal Comments below.

D. FISCAL COMMENTS:

According to information obtained from the Florida Department of Highway Safety and Motor Vehicles, in 2003 there were 12,080 citations issued for violations of s. 316.2065 F.S., which contains the current bicycle regulations. Passage of this bill may increase the number of warnings issued for bicycle violations concerning reflectors and headlamps, thereby reducing the number of traffic citations issued. To the extent that this occurs, there could be a reduction in revenue collected by the state and local government.

The Florida Department of Transportation develops and disseminates roughly 10,000 bicycle safety brochures to law enforcement agencies and citizens annually. The Department of Transportation estimated the cost of each brochure at \$.10, and they are printed in bulk as needed. In so far as the proposed legislation increases the number of brochures issued, more brochures may need to be produced.

The bill will require that by January 1, 2009, all bicycle helmets worn by riders and passengers meet the federal safety standard in addition to the current safety standards. There could be an economic impact on the private sector to the extent that some bicycle riders or passengers may have to replace their current helmets to comply with the proposed regulation.

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

##### 1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require cities or counties to spend funds or take actions requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

##### 2. Other:

None

#### B. RULE-MAKING AUTHORITY:

Additional agency rules do not appear necessary to implement the bill's provisions.

#### C. DRAFTING ISSUES OR OTHER COMMENTS:

None

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES