

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 23 CS Bicycle Safety
SPONSOR(S): Jordan and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 188

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Criminal Justice Committee	7 Y, 0 N, w/CS	Kramer	Kramer
2) Transportation Committee		Thompson	Miller
3) Justice Council			
4) _____	_____	_____	_____
5) _____	_____	_____	_____

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. HB 23 will require that bicycle helmets comply with federal safety standards. The use of helmets purchased before October 1, 2006 that comply with current standards will be permitted until January 1, 2010.

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. Mirroring the current law relating to bicycle helmets, this bill specifically authorizes verbal warnings and the issuance of safety brochures for violations of 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 if proof is provided that proper lighting equipment has been installed.

There could be an economic impact on the private sector to the extent that some bicycle riders or passengers may have to replace helmets to comply with the proposed regulation. 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.

This bill takes effect October 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government – The bill will require that bicycle helmets worn by riders and passengers under the age of 16 comply with federal standards.

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:

Bicycle Helmet 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.¹ 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 law enforcement officer or school crossing guard is specifically authorized to issue a bicycle safety brochure and a verbal warning to a rider or passenger who violates the helmet law.² A law enforcement officer is authorized to issue a citation and assess a \$15 fine³, plus applicable court costs and fees.⁴ The minimum fine is \$40.50. Optional additions to the base can equal up to \$24, causing the maximum amount paid for a bicycle infraction to be \$64.50 in some counties. An officer may issue a traffic citation for a violation of this provision only if the violation occurs on a bicycle path or road.⁵ A court is required to dismiss the charge against a bicycle rider or passenger for a first violation of the provision upon proof of purchase of a bicycle helmet that complies with the law.⁶ Further, a court is authorized to waive, reduce or suspend payment of any fine imposed for a violation of the helmet law.⁷

This bill amends bicycle helmet regulations effective October 1, 2006, 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, 2006, that meet the current statutory standards may continue to be worn by riders or passengers until January 1, 2010.

Bicycle Lighting

¹ s. 316.2065(3)(d) F.S.

² s. 316.2065(3)(e), F.S.

³ s. 318.18(1)(b) F.S.

⁴ s. 316.2065(3)(e) F.S.

⁵ s. 316.2065(20), F.S. A citation may not be issued to a person on private property except any part that is open to the use of the public for purposes of vehicular traffic.

⁶ *Id.*

⁷ s. 316.2065(17), F.S.

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.⁸ 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 non-criminal traffic infraction punishable as a pedestrian violation⁹ by a \$15 fine, plus applicable court costs and fees.¹⁰ The minimum fine is \$40.50. Optional additions to the base fine can equal up to \$24, causing the maximum amount paid for a bicycle infraction to be \$64.50 in some counties.

In conformity with the helmet law discussed above, this bill 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 discretion of the law enforcement officer 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.

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, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See fiscal comments.

2. Expenditures:

See fiscal comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See fiscal comments.

2. Expenditures:

See fiscal comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See fiscal comments.

D. FISCAL COMMENTS:

⁸ s. 316.2065(8) F.S.

⁹ s. 316.2065(20), F.S.

¹⁰ s. 318.18(1)(b) F.S.

According to information obtained from the Florida Department of Highway Safety and Motor Vehicles, in 2004 there were 10,947 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 bill will require that by January 1, 2010, 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 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 the counties or cities to spend funds or take an action 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:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

The Criminal Justice Committee adopted two amendments to the bill. As filed, the bill provided that helmets purchased prior to October 1, 2005 and meeting current standards, may continue to be worn for a certain length of time. The provision was presumably intended to correspond to the effective date of the bill – October 1, 2006. The first amendment adopted by the committee corrected this error. The second amendment removed reference to traffic infraction enforcement officers from the bill. Current law already gives these personnel the authority to issue traffic citations. As a result, the reference in the bill was unnecessary.