

The Florida Senate
PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Transportation Committee

BILL: SB 1032

INTRODUCER: Senator Bullard

SUBJECT: Bicycle Safety

DATE: April 4, 2007

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Boyd	Meyer	TR	Favorable
2.			TA	
3.				
4.				
5.				
6.				

I. Summary:

This bill revises safety standard requirements for bicycle helmets worn by certain riders and passengers. The use of helmets purchased before October 1, 2007, in compliance with current statutory standards will be permitted until January 1, 2011. The bill also provides the option for law enforcement to issue a verbal warning and a safety brochure or to issue a citation to violators of the bicycle lighting equipment requirements; clarifies penalties for violations, and provides for dismissal of a first offense.

This bill substantially amends s. 316.2065 of the Florida Statutes

II. Present Situation:

Current Bicycle Helmet Standards

Under current law, a bicycle rider or passenger who is less than 16 years of age must wear a bicycle helmet properly fitted and fastened securely 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. 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. A law enforcement officer is authorized to issue a citation and assess a \$15 fine plus applicable court costs and fees. Pursuant to ch. 318, F.S., the minimum amount to be paid 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. 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 in compliance with the law. Further, a court is authorized to waive, reduce or suspend payment of any fine imposed for a violation of the helmet law.

Current Bicycle Lighting Standards

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. 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 violation by a \$15 fine plus applicable court costs and fees. Pursuant to ch. 318, F.S., the minimum amount to be paid 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.

III. Effect of Proposed Changes:

This bill amends bicycle helmet regulations effective October 1, 2007, 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, 2007 in compliance with the current statutory standards may continue to be worn by riders or passengers until January 1, 2011. The delayed implementation is intended to accommodate parents by allowing the use of formerly legal bike helmets for a limited period of time. Within three years, such helmets likely will have been outgrown or otherwise need to be replaced. In conformity with the helmet law previously discussed, the bill would allow law enforcement officers to issue bicycle safety brochures and verbal warnings to bicycle riders and passengers 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.

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:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Summary of Amendments:

None.

This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
