

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Health Regulation Committee

BILL: SB 1788

INTRODUCER: Senator Bogdanoff

SUBJECT: Bicycle Regulations

DATE: April 8, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sookhoo</u>	<u>Spalla</u>	<u>TR</u>	Favorable
2.	<u>Wood</u>	<u>Yeatman</u>	<u>CA</u>	Favorable
3.	<u>Fernandez</u>	<u>Stovall</u>	<u>HR</u>	Favorable
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill removes the requirement to keep at least one hand on a handlebar while operating a bicycle. In addition, this bill renumbers cross-references to conform to the amendment incorporated into ss. 316.2065 and 322.27, F.S.

This bill substantially amends ss. 316.2065 and 322.27 of the Florida Statutes.:

II. Present Situation:

Bicyclists are considered vehicle operators; they are required to obey the same rules of the road as other vehicle operators, including obeying traffic signs, signals, and lane markings.¹ Each year, more than 500,000 people in the US are treated in emergency departments, and more than 700 people die as a result of bicycle-related injuries.² In 2009, 630 pedalcyclists³ were killed and an additional 51,000 were injured in motor vehicle traffic crashes. Pedalcyclist deaths accounted for 2 percent of all motor vehicle traffic fatalities, and made up 2 percent of all the people injured in traffic crashes during the year.⁴

¹ U.S. Department of Transportation, National Highway Traffic Safety Administration, Traffic Safety Facts: 2009 Data, available at <http://www-nrd.nhtsa.dot.gov/Pubs/811386.pdf>, (Last visited on April 8, 2011).

² Bicycle Related Injuries, Centers for Disease Control and Prevention, available at <http://www.cdc.gov/HomeandRecreationalSafety/bikeinjuries.html>, (Last visited on April 8, 2011).

³ The term pedalcyclists includes operators of two-wheel nonmotorized vehicles, tricycles, and unicycles powered solely by pedals.

⁴ *Supra* note 1.

Section 316.2065(7), F.S., specifies that operators of a bicycle must keep at least one hand upon the handlebars. Violators of this section are subject to a general civil traffic violation for pedestrian/bicycle infractions. The base fine is \$15 plus \$8.50 in required fees. Other fees depend upon the county in which the violation occurs, either because only certain counties are eligible to assess the fee by statute or because the option and amount is determined by ordinance.⁵ The total cost of the violation generally varies between \$56.50 and \$82.50.⁶

Pedestrian and bicycle infractions overall accounted for 16,792 of the 4.9 million tickets issued statewide in 2009. It is unknown how many, if any, were issued for not having at least one hand on the handlebar while operating a bicycle. No specific statistics are kept as to the distribution of these infractions, but this infraction is believed to be a very small percentage.⁷

III. Effect of Proposed Changes:

Section 1 removes the requirement for having at least one hand on the handlebars when operating a bicycle as specified in s. 316.2065(7), F.S. The section also renumbers subsections (8) through (20), F.S., and cross-references contained therein. According to the Florida Department of Transportation (FDOT) it is unsafe not to keep at least one hand on the handlebars when riding a bicycle. Because this regulatory change may disincentivise the safe operation of bicycles by some users, the FDOT believes it could result in an increased number of injuries due to bicycle accidents and an increase in related personal injury costs and possibly litigation costs.⁸ The Florida Department of Highway Safety and Motor Vehicles (HSMV) likewise believes that the change "will result in bicycles being operated in a less safe manner, which could increase bicycle accidents."⁹

Section 2 amends cross-references in s. 322.27, F.S., to reflect the renumbering of s. 316.2065(7) done in Section 1.

Section 3 provides an effective date of July 1, 2011.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The provisions of this CS have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

⁵ These fees are authorized by ss. 318.1215, 318.18, 938.15, and 938.19, F.S.

⁶ Florida Association of Court Clerks and Comptrollers, *Distribution Schedule of Court-Related Filing Fees, Service Charges, Costs, and Fines Effective July 2010*, 15 (July 24, 2010), http://www.flclerks.com/Pub_info/2010_Pub_Info/2010_Distribution_Schedule_of_Court_Related_Funds_FACC_0610FIN_AL.pdf, (Last visited Mar. 11, 2011).

⁷ Conversation with Richard Mechlin, Florida Highway Patrol (Mar. 29, 2011).

⁸ E-mail from Cindy Price, Florida Department of Transportation, to Shirlyne Everette, Senate Transportation Committee (Mar. 15, 2011) (on file with the Senate Committee on Community Affairs).

⁹ Department of Highway Safety and Motor Vehicles, *Senate Bill 1788 Bill Analysis* (Feb. 3, 2011) (on file with the Senate Committee on Community Affairs).

B. Public Records/Open Meetings Issues:

The provisions of this CS have no impact on public records or open meetings issues under the requirements of Article I, Section 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this CS have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

According to both FDOT¹⁰ and HSMV,¹¹ costs due to personal injury may increase by an unquantified amount. The FDOT also expressed concerns about resulting litigation.

C. Government Sector Impact:

The HSMV states that local governments may see additional costs for increased emergency medical services if bicycle-related accidents increase.¹²

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

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

¹⁰ *Supra* note 8.

¹¹ *Supra* note 9.

¹² *Id.*