

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 4113 Bicycle Regulations
SPONSOR(S): Artiles and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 1788

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee	13 Y, 0 N	Johnson	Brown
2) Economic Affairs Committee			

SUMMARY ANALYSIS

Section 316.2065, F.S., provides the state's bicycle regulations. Specifically s. 316.2065(7), F.S., specifically requires "[a]ny person operating a bicycle shall keep at least one hand upon the handlebars."

A violation of that provision is a noncriminal traffic infraction punishable as a pedestrian violation as provided in ch. 318. The statutory base fine for a pedestrian violation is \$15, plus additional costs of up to \$41.50.

The bill repeals s. 316.2065(7), F.S., which requires someone operating a bicycle to keep at least one hand upon the handlebars.

The bill has an indeterminate, but possibly negative fiscal impact on state and local governments.

The bill has an effective date of July 1, 2011.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Section 316.2065, F.S., provides the state's bicycle regulations. Specifically s. 316.2065(7), F.S., specifically requires "[a]ny person operating a bicycle shall keep at least one hand upon the handlebars."

A violation of that provision is a noncriminal traffic infraction punishable as a pedestrian violation as provided in ch. 318. The statutory base fine for a pedestrian violation is \$15, plus additional costs of up to \$41.50.¹

Proposed Change

The bill repeals s. 316.2065(7), F.S., which requires someone operating a bicycle to keep at least one hand upon the handlebars.

According to the Department of Highway Safety and Motor Vehicles (DHSMV), all violations of s. 316.2065, F.S., relating to bicycle regulation are lumped together, so it cannot determine how many citations have been issued for a violation of this subsection.

The bill amends other subsections of 316.2065, F.S. and s. 316.227(3)(d), F.S., to conform cross-references.

The bill has an effective date of July 1, 2011.

B. SECTION DIRECTORY:

Section 1 Amends s. 316.2065, F.S., relating to bicycle regulation.

Section 2 Amends s. 322.27, F.S., relating to the authority of the Department of Highway Safety and Motor Vehicles to suspend and revoke licenses.

Section 3 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Indeterminate. It is unknown how many citations relating to not having a hand on a bicycle's handlebars have been issued. To the extent they have been issued, the state would lose any revenue it received from those traffic citations.

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

¹ S. 318.18, F.S., there are also some additional optional charges that may be assessed.

Indeterminate. It is unknown how many citations relating to not having a hand on a bicycle's handlebars have been issued. To the extent they have been issued, local government would lose any revenue it received from those traffic citations.

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because the bill does not appear to: require counties or cities to spend funds or take 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 CHANGES