

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 Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations

BILL: SB 390

INTRODUCER: Senator Bogdanoff

SUBJECT: Bicycle Regulations

DATE: January 4, 2012 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Abrams	Buford	TR	Favorable
2.	Carey/Smith	Meyer	BTA	Pre Meeting
3.	_____	_____	BC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Section 316.2065(5), F.S., is amended to clarify situations in which a bicyclist is not required to ride in the marked bicycle lane (if such a lane is present) or as close as practicable to the right-hand curb or edge of the roadway. The bill explains a bicyclist is exempt from this requirement when a “potential conflict” or a turn lane interrupts the roadway or bicycle lane.

This bill removes the requirement in s. 316.2065(7), F.S., to keep at least one hand on a handlebar while operating a bicycle.

The bill amends s. 316.2065(8), F.S., to allow law enforcement officers to issue bicycle safety brochures and verbal warnings to bicycle riders and passengers who violate bicycle lighting equipment standards in lieu of issuing a citation. At the discretion of the law enforcement officer, a bicycle rider who violates the bicycle lighting equipment standards may still be issued a citation and assessed a fine. However, 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.

This bill substantially amends ss. 316.2065 and 322.27, Florida Statutes.

II. Present Situation:

Operating Procedures

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 two percent of all motor vehicle traffic fatalities, and made up two percent of all the people injured in traffic crashes during the year.⁴

Section 316.2065, F.S., requires bicyclists on the roadway to ride in the marked bicycle lane if the roadway is marked for bicycle use or if no lane is marked, as close as practicable to the right-hand curb or edge of the roadway, with the following exceptions:

- When overtaking and passing another bicycle or vehicle moving in the same direction;
- When preparing to turn left; or
- When “reasonably necessary” to avoid unsafe conditions such as fixed objects, surface hazards, and parked vehicles.

Section 316.2065(7), F.S., specifies 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

Current Bicycle Lighting Requirements

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.

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 October 25, 2011).

² Bicycle Related Injuries, Centers for Disease Control and Prevention, available at <http://www.cdc.gov/HomeandRecreationalSafety/bikeinjuries.html>, (Last visited on October 25, 2011).

³ The term pedalcyclists includes operators of two-wheel nonmotorized vehicles, tricycles, and unicycles powered solely by pedals. *Supra* note 1.

⁴ *Supra* note 1.

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 October 25, 2011).

Law enforcement officers are authorized to issue noncriminal traffic citations for violations of s. 316.2065, F.S. Pedestrian and bicycle infractions overall accounted for 15,293 of the 4.3 million tickets issued statewide in 2010.⁷

III. Effect of Proposed Changes:

Section 1 amends Section 316.2065(5), F.S., to clarify situations in which a bicyclist is not required to ride in the marked bicycle lane (if such a lane is present) or as close as practicable to the right-hand curb or edge of the roadway. The bill clarifies a bicyclist is exempt from this requirement when a “potential conflict” or a turn lane interrupts the roadway or bicycle lane.

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 the change “will result in bicycles being operated in a less safe manner, which could increase bicycle accidents.”⁹

Section 1 also amends s. 316.2065(8), F.S., to allow law enforcement officers to issue bicycle safety brochures and verbal warnings to bicycle riders and passengers who violate bicycle lighting equipment standards in lieu of issuing a citation. At the discretion of the law enforcement officer, a bicycle rider who violates the bicycle lighting equipment standards may still be issued a citation and assessed a fine as described above. However, the bill requires the court to dismiss the fine against a bicycle rider for a first violation of this offense upon proof of purchase and installation of the proper lighting equipment.

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, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

⁷ Department of Highway Safety and Motor Vehicles, *2010 Annual Report Uniform Traffic Citation Statistics* (September 1, 2011) available at <http://www.flhsmv.gov/reports/2010UTCStats/2010 UTC.pdf>, last accessed October 28, 2011.

⁸ E-mail from Florida Department of Transportation, March 15, 2011 (on file with the Senate Transportation Committee).

⁹ Department of Highway Safety and Motor Vehicles, *Senate Bill 390 Bill Analysis* (October 20, 2011) (on file with the Senate Transportation Committee).

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

According to DHSMV, this change will result in bicycles being operated in a less safe manner and could increase bicycle accidents.¹⁰

The bill may cause an increase in bicyclists purchasing lighting and/or reflective equipment to comply with the provisions of this bill. Violators may be subject to a fine for failure to comply with the provisions of this bill.¹¹

C. Government Sector Impact:

DHSMV states the bill will have no fiscal impact on the department.¹²

DHSMV states state and local governments may see additional revenues as a result of possible fines for pedestrian violations.¹³

There may be additional costs for increased emergency medical services if bicycle-related accidents increase.¹⁴

The bill does not provide for the printing of bicycle safety brochures. However, profits from the Florida "Share the Road" specialty tag program inure to the benefit of the Florida Bicycle Association¹⁵ and Bike Florida.¹⁶ These organizations use a portion of these proceeds to create educational materials and may be able to provide the requisite number of bicycle safety brochures.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Florida Bicycle Association, <http://www.floridabicycle.org/programs/sharetheroad.html>, last accessed November 1, 2011.

¹⁶ Bike Florida, Inc., <http://www.bikeflorida.org/about.php>, last accessed November 1, 2011.

VI. Technical Deficiencies:

None.

VII. Related Issues:

In order to allow sufficient time for implementation of necessary programming modifications, the DHSMV recommends the effective date of the bill be changed to October 1, 2012.

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.