

1 A bill to be entitled
 2 An act relating to skateboard and scooter regulations;
 3 providing a short title; creating s. 316.2066, F.S.;
 4 requiring a child under 16 years of age to wear a
 5 helmet while riding a skateboard or scooter; providing
 6 helmet standards; prohibiting attachment of a
 7 skateboard or scooter to a vehicle on a roadway;
 8 prohibiting a parent from authorizing violation of
 9 such regulations; prohibiting renting or leasing a
 10 skateboard or scooter to such child without a helmet;
 11 providing for enforcement; providing penalties;
 12 providing exceptions; providing for the disposition of
 13 fines; providing construction; amending s. 318.18,
 14 F.S.; conforming provisions; providing an effective
 15 date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

18
 19 Section 1. This act may be cited as "Max's Helmet Law."

20 Section 2. Section 316.2066, Florida Statutes, is created
 21 to read:

22 316.2066 Skateboards and foot-propelled scooters;
 23 regulations.-

24 (1) (a) A child who is under 16 years of age must wear a
 25 helmet while riding a skateboard, scooter, or other similar

26 foot-propelled wheeled vehicle, including a longboard, Penny
27 skateboard, or kick scooter. The helmet must be properly fitted
28 and fastened securely upon the child's head by a strap and must
29 meet the federal safety standard for bicycle helmets, final
30 rule, 16 C.F.R. part 1203. A helmet purchased before October 1,
31 2017, which meets the standards of the American National
32 Standards Institute (ANSI Z 90.4 Bicycle Helmet Standards), the
33 standards of the Snell Memorial Foundation (1984 Standard for
34 Protective Headgear for Use in Bicycling), or any other
35 nationally recognized standards for bicycle helmets adopted by
36 the department shall be deemed to meet the requirements of this
37 paragraph until January 1, 2021.

38 (b) A law enforcement officer or school crossing guard may
39 issue a safety brochure and a verbal warning to a child under 16
40 years of age who violates this subsection. A child under 16
41 years of age who violates this subsection may be issued a
42 citation by a law enforcement officer and assessed a fine for a
43 pedestrian violation as provided in s. 318.18. The court shall
44 dismiss the charge against a child under 16 years of age for a
45 first violation of paragraph (a) upon proof of purchase of a
46 helmet that complies with this subsection.

47 (2) (a) A person riding a skateboard, scooter, or other
48 similar foot-propelled wheeled vehicle, including a longboard,
49 Penny skateboard, or kick scooter, may not attach the same or
50 himself or herself to any vehicle upon a roadway.

51 (b) A child's parent or guardian may not authorize or
52 knowingly permit the child to violate this section.

53 (c) A violation of this subsection is a noncriminal
54 traffic infraction, punishable as a pedestrian violation as
55 provided in chapter 318.

56 (3) (a) A person may not knowingly rent or lease a
57 skateboard, scooter, or other similar foot-propelled wheeled
58 vehicle, including a longboard, Penny skateboard, or kick
59 scooter, to be ridden by a child who is under 16 years of age
60 unless:

- 61 1. The child possesses a helmet; or
- 62 2. The person provides a helmet for the child to wear.

63 (b) A violation of this subsection is a nonmoving
64 violation, punishable as provided in s. 318.18.

65 (4) The court may waive, reduce, or suspend payment of any
66 fine imposed under subsection (1) or subsection (3) and may
67 impose any other conditions on the waiver, reduction, or
68 suspension. If the court finds that a person does not have
69 sufficient funds to pay the fine, the court may require the
70 performance of a specified number of hours of community service
71 or attendance at a safety seminar.

72 (5) Notwithstanding s. 318.21, all proceeds collected
73 pursuant to s. 318.18 for violations under paragraphs (1) (b) and
74 (3) (b) shall be deposited into the State Transportation Trust
75 Fund.

HB 147

2017

76 (6) The failure of a child to wear a helmet, or the
77 failure of a parent or guardian to prevent a child from riding a
78 skateboard or foot-propelled scooter without wearing a helmet,
79 as required by this section may not be considered evidence of
80 negligence or contributory negligence.

81 Section 3. Paragraph (b) of subsection (1) of section
82 318.18, Florida Statutes, is amended to read:

83 318.18 Amount of penalties.—The penalties required for a
84 noncriminal disposition pursuant to s. 318.14 or a criminal
85 offense listed in s. 318.17 are as follows:

86 (1) Fifteen dollars for:

87 (b) All infractions of ss. ~~s.~~ 316.2065 and 316.2066,
88 unless otherwise specified.

89 Section 4. This act shall take effect October 1, 2017.