

By Senator Book

32-00300-17

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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, scooter, or other  
6           similar foot-propelled wheeled vehicle; providing  
7           helmet requirements and standards; authorizing a law  
8           enforcement officer or school crossing guard to issue  
9           a safety brochure and a verbal warning to a child  
10          under a certain age for a specified violation;  
11          authorizing the issuance of a citation by a law  
12          enforcement officer to the child and the assessment of  
13          a certain fine for a specified violation; requiring  
14          the court to dismiss the charge against the child  
15          under certain circumstances; prohibiting a person  
16          riding a skateboard, scooter, or other similar foot-  
17          propelled wheeled vehicle from attaching the same or  
18          himself or herself to any vehicle upon a roadway;  
19          prohibiting a parent or guardian from authorizing or  
20          knowingly permitting a child to violate certain  
21          provisions; providing a noncriminal traffic infraction  
22          for a specified violation; prohibiting a person from  
23          knowingly renting or leasing a skateboard, scooter, or  
24          other similar foot-propelled wheeled vehicle to be  
25          ridden by a child unless specified requirements are  
26          met; providing a nonmoving violation for a specified  
27          violation; authorizing the court to waive, reduce, or  
28          suspend payment of certain fines and to impose any  
29          other conditions on the waiver, reduction, or  
30          suspension; authorizing the court to require the  
31          performance of community service or attendance at a  
32          safety seminar under certain circumstances; providing

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33 for the disposition of fines; providing for  
34 construction; amending s. 318.18, F.S.; conforming  
35 provisions to changes made by this act; providing an  
36 effective date.

37  
38 Be It Enacted by the Legislature of the State of Florida:

39  
40 Section 1. This act may be cited as "Max's Helmet Law."

41 Section 2. Section 316.2066, Florida Statutes, is created  
42 to read:

43 316.2066 Skateboards and foot-propelled scooters;  
44 regulations.—

45 (1) (a) A child who is under 16 years of age must wear a  
46 helmet while riding a skateboard, scooter, or other similar  
47 foot-propelled wheeled vehicle, including a longboard, Penny  
48 skateboard, or kick scooter. The helmet must be properly fitted  
49 and fastened securely upon the child's head by a strap and must  
50 meet the federal safety standard for bicycle helmets, final  
51 rule, 16 C.F.R. part 1203. A helmet purchased before October 1,  
52 2017, which meets the standards of the American National  
53 Standards Institute (ANSI Z 90.4 Bicycle Helmet Standards), the  
54 standards of the Snell Memorial Foundation (1984 Standard for  
55 Protective Headgear for Use in Bicycling), or any other  
56 nationally recognized standards for bicycle helmets adopted by  
57 the department shall be deemed to meet the requirements of this  
58 paragraph until January 1, 2021.

59 (b) A law enforcement officer or school crossing guard may  
60 issue a safety brochure and a verbal warning to a child under 16  
61 years of age who violates this subsection. A child under 16

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62 years of age who violates this subsection may be issued a  
63 citation by a law enforcement officer and assessed a fine for a  
64 pedestrian violation as provided in s. 318.18. The court shall  
65 dismiss the charge against a child under 16 years of age for a  
66 first violation of paragraph (a) upon proof of purchase of a  
67 helmet that conforms to this subsection.

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

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

74 (c) A violation of this subsection is a noncriminal traffic  
75 infraction, punishable as a pedestrian violation as provided in  
76 chapter 318.

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

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

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

86 (4) The court may waive, reduce, or suspend payment of any  
87 fine imposed under subsection (1) or subsection (3) and may  
88 impose any other conditions on the waiver, reduction, or  
89 suspension. If the court finds that a person does not have  
90 sufficient funds to pay the fine, the court may require the

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91 performance of a specified number of hours of community service  
92 or attendance at a safety seminar.

93 (5) Notwithstanding s. 318.21, all proceeds collected  
94 pursuant to s. 318.18 for violations under paragraphs (1)(b) and  
95 (3)(b) shall be deposited into the State Transportation Trust  
96 Fund.

97 (6) The failure of a child to wear a helmet, or the failure  
98 of a parent or guardian to prevent a child from riding a  
99 skateboard or foot-propelled scooter without wearing a helmet,  
100 as required by this section, may not be considered evidence of  
101 negligence or contributory negligence.

102 Section 3. Paragraph (b) of subsection (1) of section  
103 318.18, Florida Statutes, is amended to read:

104 318.18 Amount of penalties.—The penalties required for a  
105 noncriminal disposition pursuant to s. 318.14 or a criminal  
106 offense listed in s. 318.17 are as follows:

107 (1) Fifteen dollars for:

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

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