

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 215 Autocycles
SPONSOR(S): Payne and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 504

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|--|-----------|---------|--|
| 1) Transportation & Infrastructure Subcommittee | 12 Y, 2 N | Roth | Vickers |
| 2) Transportation & Tourism Appropriations Subcommittee | 13 Y, 1 N | Cobb | Davis |
| 3) Government Accountability Committee | 19 Y, 2 N | Roth | Williamson |

SUMMARY ANALYSIS

Currently, Florida law does not define the term “autocycle” and the Florida Department of Highway Safety and Motor Vehicles (DHSMV) registers autocycles as motorcycles. This means operators of autocycles are not required to maintain insurance or wear safety belts, but are required to:

- Maintain a motorcycle endorsement or motorcycle license;
- Wear a helmet, unless over 21 years of age with at least \$10,000 of medical insurance or riding within an enclosed cab; and
- Wear eye protection.

The bill defines “autocycle” as a three-wheeled motorcycle that has two wheels in the front and one wheel in the back, is equipped with a roll cage or roll hoops, a seat belt for each occupant, antilock brakes, a steering wheel, and seating that does not require the operator to straddle or sit astride it and is manufactured in accordance with the applicable federal motorcycle safety standards provided in 49 C.F.R. part 571 by a manufacturer registered with the National Highway Traffic Safety Administration.

The bill also amends the definition of motorcycle to include an autocycle and exempts a vehicle from the definition of motorcycle in which the operator is enclosed by a cabin unless the vehicle meets the requirements set forth by the National Highway Traffic Safety Administration for a motorcycle.

The bill requires the operator, the front seat passenger, and any passenger under the age of 18 years old in an autocycle to wear a safety belt. Additionally, the bill exempts operators of an autocycle from needing a motorcycle endorsement or motorcycle license and from needing to complete motorcycle skills and motorcycle knowledge testing to operate an autocycle. This will allow all drivers with a Class E driver license and above to drive an autocycle without a motorcycle license or endorsement.

The Revenue Estimating Conference met on October 27, 2017, and determined that the bill would have an indeterminate, though likely insignificant, negative fiscal impact to DHSMV. See the fiscal section for further details.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

National Highway Traffic Safety Administration

The National Highway Traffic Safety Administration (NHTSA) serves under its parent agency the United States Department of Transportation.¹ Some of the responsibilities of NHTSA include:

- Investigating safety defects in motor vehicles;
- Setting and enforcing fuel economy standards;
- Helping states and local communities reduce the threat of drunk drivers;
- Promoting the use of safety belts, child safety seats, and air bags;
- Investigating odometer fraud;
- Establishing and enforcing vehicle anti-theft regulations;
- Conducting research on driver behavior and traffic safety; and
- Providing consumer information on motor vehicle safety topics.²

Additionally, NHTSA is the agency in charge of regulating vehicle manufacturers.³

Autocycles

NHTSA does not currently have a vehicle classification for autocycles.⁴ Autocycles are mechanically distinct from other vehicles on the road and can be identified by a three-wheeled design, a steering wheel, a seat for the driver, and seats for passengers.⁵ At the federal level, autocycles fall under the definition of “motorcycle” and must generally comply with applicable motorcycle manufacturing and safety standards.⁶

In 2015, the U.S. House and Senate unsuccessfully introduced companion bills addressing federal autocycle regulation that defined “autocycle” and provided interim safety regulations for passenger vehicles and motorcycles.⁷ Additionally, the U.S. Department of Transportation and NHTSA proposed a rulemaking framework to change the definition of “motorcycle” to exclude three-wheeled vehicles that are configured like passenger cars.⁸ The proposed rule has not been published.⁹

In the absence of federal guidance on the regulation of autocycles, states are making efforts to define what autocycles are, address safety requirements and passenger restrictions, regulate operator licensing and operation of autocycles on roadways, and distinguish autocycles from motorcycles in crash reporting.¹⁰ Currently, 31 states have statutory autocycle definitions and all 31 states define an autocycle as having three wheels. These states incorporate a variety of additional characteristics into the definition of autocycle. For example:

- Twenty seven states define an autocycle as having a steering wheel;
- Nineteen states define an autocycle as having seatbelts;

¹ USA.gov, *National Highway Traffic Safety Administration*, available at <https://www.usa.gov/federal-agencies/national-highway-traffic-safety-administration> (last visited January 9, 2018).

² *Id.*

³ Steven Lambert and Douglas Shinkle, *Transportation Review: Autocycles*, National Conference of State Legislatures (April 17, 2017), available at <http://www.ncsl.org/research/transportation/transportation-review-autocycles.aspx> (last visited January 9, 2018).

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

- Sixteen states define an autocycle by stating that the driver of an autocycle will not straddle the seat;
- Fifteen states define an autocycle as being enclosed;
- Fifteen states define an autocycle as having foot pedals to control acceleration, braking, and, if applicable, a clutch;
- Eleven states define an autocycle as meeting federal motorcycle safety requirements; and
- Ten states define an autocycle as having a roll cage or roll bar.¹¹

Since autocycles share more characteristics with passenger motor vehicles than motorcycles, some of the motorcycle requirements, or lack of requirements, may or may not be necessary for autocycles. For example, studies suggest a motorcycle endorsement or motorcycle license should not be required for operating an autocycle.¹² Motorcycle rider courses primarily focus on operating a motorcycle in which the operator sits astride the saddle and uses handlebars, while using his or her body weight, balance, and position on the motorcycle to corner or stop; however, operating an autocycle requires mechanics similar to a passenger motor vehicle.

Autocycles in Florida

Currently, Florida does not have a statute defining “autocycle,” and the Florida Department of Highway Safety and Motor Vehicles (DHSMV) registers autocycles as motorcycles.¹³ This means operators of autocycles are not required to maintain insurance¹⁴ or wear safety belts,¹⁵ but are required to:

- Maintain a motorcycle endorsement or motorcycle license;¹⁶
- Wear a helmet, unless over 21 years of age with at least \$10,000 of medical insurance or riding within an enclosed cab;¹⁷ and
- Wear eye protection.¹⁸

Since autocycles fall under the definition of a motorcycle they are only required to meet the federal safety standards required for motorcycles; thus, autocycles are not required to meet the crash safety standards or occupant safety criteria that a regular passenger motor vehicle is required to meet.¹⁹

Proposed Changes

The bill creates s. 316.003(2), F.S., defining “autocycle” as:

A three-wheeled motorcycle that has two wheels in the front and one wheel in the back; is equipped with a roll cage or roll hoops, a seat belt for each occupant, antilock brakes, a steering wheel, and seating that does not require the operator to straddle or sit astride it; and is manufactured in accordance with the applicable federal motorcycle safety standards provided in 49 C.F.R. part 571 by a manufacturer registered with the National Highway Traffic Safety Administration.

The bill also amends the definition of motorcycle in ss. 316.003, 320.01(26), and 403.415(3)(e), F.S., to include an autocycle and exempts a vehicle from the definition of motorcycle in which the operator is enclosed by a cabin unless the vehicle meets the requirements set forth by NHTSA for a motorcycle.

¹¹ *Id.*

¹² American Association of Motor Vehicle Administrators, *Best Practices for the Regulation of Three-Wheel Vehicles* (October 2013), available at <http://www.aamva.org/3wheelvehiclebp/> at pp. 5 and 9 (last visited January 9, 2018).

¹³ Department of Highway Safety and Motor Vehicles, *Technical Advisory RS/TL16-015: Registering the Slingshot* (June 20, 2016), available at https://www.flhsmv.gov/dmv/bulletins/2016/ta_rstl16-015.pdf (last visited January 9, 2018).

¹⁴ Section 324.021(1), F.S.

¹⁵ Section 316.614(3)(a)5, F.S.

¹⁶ Section 322.03(4), F.S.

¹⁷ Section 316.211, F.S.

¹⁸ Section 316.211(2), F.S.

¹⁹ 49 CFR § 571, Subpart B.

The bill amends s. 316.614(4) and (5), F.S., requiring that the operator, front seat passenger, and any passenger under the age of 18 years old in an autocycle wear a safety belt.

The bill amends ss. 322.03(4) and 322.12, F.S., exempting operators of an autocycle from needing a motorcycle endorsement or motorcycle license and from needing to complete motorcycle skills and motorcycle knowledge testing to operate an autocycle. This will allow all drivers with a Class E driver license and above to drive an autocycle without a motorcycle license or endorsement.

B. SECTION DIRECTORY:

Section 1: Amends s. 316.003, F.S., relating to definitions.

Section 2: Amends s. 316.614, F.S., relating to safety belt usage.

Section 3: Amends s. 320.01, F.S., relating to definitions, general.

Section 4: Amends s. 322.03, F.S., relating to drivers must be licensed; penalties.

Section 5: Amends s. 322.12, F.S., relating to examination of application.

Section 6: Amends s. 403.415, F.S., relating to motor vehicle noise.

Section 7: Amends s. 212.05, F.S., relating to sales, storage, use tax.

Section 8: Amends s. 316.303, F.S., relating to television receivers.

Section 9: Amends s. 320.08, F.S., relating to license taxes.

Section 10: Amends s. 655.960, F.S., relating to definitions.

Section 11: Provides an effective date of July 1, 2018.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The Revenue Estimating Conference met on October 27, 2017, and determined that the bill would have an indeterminate, though likely insignificant, negative fiscal impact to DHSMV. Based on fiscal year 2016-2017 data, DHSMV estimates a revenue reduction of approximately \$4,123 to the Highway Safety Operating Trust Fund.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Autocycle operators will not be required to obtain a motorcycle license or endorsement and will not need to complete a motorcycle knowledge and skills test currently required to obtain such a license or endorsement.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.