

**HOUSE OF REPRESENTATIVES  
FINAL BILL ANALYSIS**

<b>BILL #:</b>	HB 215	<b>FINAL HOUSE FLOOR ACTION:</b>		
<b>SUBJECT/SHORT TITLE</b>	Motor Vehicles	91	<b>Y's</b> 10	<b>N's</b>
<b>SPONSOR(S):</b>	Payne and others	<b>GOVERNOR'S ACTION:</b> Approved		
<b>COMPANION BILLS:</b>	CS/SB 504			

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**SUMMARY ANALYSIS**

HB 215 passed the House on January 25, 2018. The bill was amended in the Senate on March 9, 2018, and returned to the House. The House concurred in the Senate amendment and subsequently passed the bill as amended on March 9, 2018. The bill includes portions of CS/CS/HB 883, CS/CS/HB 909, CS/CS/SB 1104, and CS/CS/HB 1287.

The bill defines the term “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 by a manufacturer registered with the National Highway Traffic Safety Administration.

The bill requires the operator of an autocycle, the front seat passenger, and any passenger under the age of 18 years 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 bill defines the term “mobile carrier.” The bill exempts mobile carriers from regulation as a motor vehicle or personal delivery device and creates regulations for mobile carriers.

The bill prohibits, with exceptions, a local governmental entity from preventing public motor vehicle use or access to an existing transportation facility or corridor if such facility or corridor is the only point or one of only two points of ingress to and egress from a state university.

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 the Department of Highway Safety and Motor Vehicles. See the fiscal section for further details.

The bill was approved by the Governor on March 30, 2018, ch. 2018-130, L.O.F., and will become effective on July 1, 2018.

## I. SUBSTANTIVE INFORMATION

### A. EFFECT OF 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.<sup>1</sup> 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.<sup>2</sup>

Additionally, NHTSA is the agency in charge of regulating vehicle manufacturers.<sup>3</sup>

##### Autocycles

NHTSA does not currently have a vehicle classification for autocycles.<sup>4</sup> 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.<sup>5</sup> At the federal level, autocycles fall under the definition of “motorcycle” and must generally comply with applicable motorcycle manufacturing and safety standards.<sup>6</sup>

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.<sup>7</sup> 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.<sup>8</sup> The proposed rule has not been published.<sup>9</sup>

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.<sup>10</sup> 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;
- Sixteen states define an autocycle by stating that the driver of an autocycle will not straddle the seat;

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<sup>1</sup> 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).

<sup>2</sup> *Id.*

<sup>3</sup> 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).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

- 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.<sup>11</sup>

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.<sup>12</sup> 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.<sup>13</sup> This means operators of autocycles are not required to maintain insurance<sup>14</sup> or wear safety belts,<sup>15</sup> but are required to:

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

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.<sup>19</sup>

### Mobile Carriers

A mobile carrier is an electronic device designed to carry cargo and follow its operator through an electronic connection. For example, Piaggio Fast Forward has created a mobile carrier named Gita,<sup>20</sup> which is capable of hauling up to 40 pounds of goods while following a human operator or moving autonomously through an environment that has been previously mapped by the device.<sup>21</sup> The device does this by “linking” up to a belt with cameras worn by the user or by the device referring back to a specific map of a path it has already traveled. The device utilizes cameras and an ultrasonic range-finding system to avoid obstacles in its way.<sup>22</sup>

A mobile carrier is not defined in Florida law and Florida law does not contain any provisions regarding the operation of mobile carriers.

### State University Ingress and Egress

<sup>11</sup> *Id.*

<sup>12</sup> 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 March 14, 2018).

<sup>13</sup> 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](https://www.flhsmv.gov/dmv/bulletins/2016/ta_rstl16-015.pdf) (last visited March 14, 2018).

<sup>14</sup> Section 324.021(1), F.S.

<sup>15</sup> Section 316.614(3)(a)5, F.S.

<sup>16</sup> Section 322.03(4), F.S.

<sup>17</sup> Section 316.211, F.S.

<sup>18</sup> Section 316.211(2), F.S.

<sup>19</sup> 49 CFR § 571, Subpart B.

<sup>20</sup> Gita means a trip or outing in Italian.

<sup>21</sup> See Piaggio Fast Forward, *Introducing Gita*, available at <https://www.piaggiofastforward.com/gita> (last visited March 13, 2018).

<sup>22</sup> Wired, *The Cute Robot That Follows You Around and Schleps All Your Stuff* (Feb. 16, 2017), available at <https://www.wired.com/2017/02/piaggio-gita-drone/> (last visited March 13, 2018).

The Legislature has found that the state is vulnerable to a wide range of emergencies.<sup>23</sup> As a result, the Legislature continues to prepare efficient evacuation plans for the residents and visitors of the state.<sup>24</sup> However, of the 12 state universities in Florida,<sup>25</sup> there are some state universities that only have one means of ingress to or egress from campus.

## **Proposed Changes**

### Autocycles

The bill creates s. 316.003(2), F.S., defining the term “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 the term “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.

The bill amends s. 316.614(4) and (5), F.S., requiring the operator of an autocycle, the front seat passenger, and any passenger under the age of 18 years old to 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 therefore 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.

### Mobile Carriers

The bill creates s. 316.003(38), F.S., defining the term “mobile carrier” as an electrically powered device that is operated on sidewalks and crosswalks and is intended to primarily for transporting property. The device must weigh less than 80 pounds (excluding cargo), have a maximum speed of 12.5 miles per hour, and be equipped with a technology to transport personal property with the active monitoring of a property owner within 25 feet of the device. A mobile carrier is not considered a vehicle, motor vehicle, or personal delivery device.

The bill amends s. 316.008, F.S., to authorize a mobile carrier to be operated on sidewalks and crosswalks within a county or municipality when such use is permissible under federal law,<sup>26</sup> but does not restrict a county or municipality from adopting regulations for the safe operation of mobile carriers.

The bill amends s. 316.2071, F.S., to provide for the regulation of mobile carriers similar to the state’s regulation of personal delivery devices. Specifically, the bill provides that a mobile carrier:

- Operating on a sidewalk or crosswalk has all the rights and duties applicable to a pedestrian under the same circumstances, except that the mobile carrier may not unreasonably interfere with pedestrians or traffic and must yield the right-of-way to pedestrians;
- Must obey all official traffic and pedestrian control signals and devices;

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<sup>23</sup> Section 252.311(1), F.S.

<sup>24</sup> Section 252.311(2), F.S.

<sup>25</sup> Section 1000.21(6), F.S.

<sup>26</sup> Federal law, specifically 23 U.S.C. s. 217(h), prohibits any motorized vehicle on pedestrian walkways funded in whole or in part with federal dollars, except for maintenance purposes, snowmobiles when snow conditions and state or local regulations permit, motorized wheelchairs, electric bicycles when state or local regulations permit, and such other circumstances as the U.S. Department of Transportation secretary deems appropriate.

- Must be equipped with a braking system that, when active or engaged, enables the mobile carrier to come to a controlled stop;
- May not operate on a public highway except to cross a crosswalk;
- May not operate on a sidewalk or crosswalk unless the property owner remains within 25 feet of the mobile carrier; and
- May not transport hazardous materials.<sup>27</sup>

The bill amends ss. 320.01 and 324.021, F.S., respectively, to provide that the term “motor vehicle” does not include mobile carriers.

The bill amends s. 320.02(19), F.S., to provide that a mobile carrier is not required to be registered or insured to be operated within the state.

#### State University Ingress and Egress

The bill creates s. 334.352, F.S., which prohibits, with exceptions, a local governmental entity from preventing public motor vehicle use or access to an existing transportation facility or corridor if such facility or corridor is the only point or one of only two points of ingress to and egress from a state university. A law enforcement agency may prevent access to a facility or corridor in an emergency situation or due to a temporary closure for road maintenance or repair.

## **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 as a result of autocycle operators no longer needing a motorcycle endorsement to operate the autocycle lawfully. 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.

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<sup>27</sup> As defined in s. 316.003(28), F.S., a hazardous material is any substance or material determined by U.S. Department of Transportation Secretary to be capable of imposing an unreasonable risk to health, safety, and property. This includes hazardous waste as defined in s. 403.703, F.S.

Manufacturers of mobile carriers may experience an increase in revenues because the mobile carriers will be authorized to be operated on sidewalks and crosswalks in the state.

D. FISCAL COMMENTS:

None.