

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 Committee on Appropriations

BILL: CS/SB 504

INTRODUCER: Appropriations Committee and Senator Perry

SUBJECT: Motor Vehicles

DATE: February 19, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Miller	TR	Favorable
2.	Wells	Hrdlicka	ATD	Recommend: Favorable
3.	Wells	Hansen	AP	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 504 defines the term “autocycle,” requires that occupants of autocycles wear safety belts, and exempts drivers of autocycles from motorcycle endorsement or motorcycle license requirements, which exempts them from completing motorcycle knowledge and skills testing in order to operate an autocycle.

The bill also defines the term “mobile carrier” and exempts such devices from regulation as motor vehicles and personal delivery devices and creates regulations for the devices.

Due to motorcycle licenses or endorsements no longer being a requirement to operate an autocycle, the bill will reduce revenues received by the Department of Highway Safety and Motor Vehicles (DHSMV) by an insignificant amount annually.

The bill takes effect July 1, 2018.

II. Present Situation:

Autocycles

An autocycle is commonly defined as a three-wheel motorcycle that has a steering wheel and seating that does not require the operator to straddle or sit astride it.¹ The term “autocycle” is not

¹ American Association of Motor Vehicle Administrators (AAMVA), *Best Practices for the Regulation of Three-Wheel Vehicles* (October 2013), available at <http://www.aamva.org/3wheelvehiclebp/> at p. 4 (last visited Dec. 14, 2017).

defined in federal law; however, as of May 2017, at least 34 states statutorily define the term “autocycle.”²

Both federal and Florida law define “motorcycle” as a motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground.³ In 2015, the U.S. Department of Transportation (DOT) and the National Highway Traffic Safety Administration (NHTSA) proposed a rulemaking framework to change the federal regulatory definition of “motorcycle” to exclude three-wheeled vehicles configured like passenger cars, but that rule has not been finalized and no additional action has been taken on it since November 2015.⁴ Currently, the DHSMV registers autocycles as motorcycles.⁵ This means an operator of an autocycle, generally, is not required to maintain motor vehicle insurance⁶ or wear safety belts⁷, but is required to:

- Maintain a motorcycle endorsement or motorcycle license;⁸
- Wear a helmet, unless he or she is over 21 years of age with at least \$10,000 of medical insurance or riding in an enclosed cab;⁹ and
- Wear eye protection.¹⁰

In Fiscal Year 2016-2017, the DHSMV processed 589 original autocycle registrations and 988 autocycle registration renewals.¹¹

Because 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. At least 22 states do not require a motorcycle endorsement or motorcycle license to operate an autocycle.¹³

² National Conference of State Legislatures (NCSL), *The Confusing World of Autocycles* (May 30, 2017), available at <http://www.ncsl.org/blog/2017/05/30/the-confusing-world-of-autocycles.aspx> (last visited Dec. 14, 2017).

³ 49 C.F.R. 571.3; and ss. 316.003(41) and 320.01(26), F.S.

⁴ *Id.* and DOT/NHTSA RIN: 2127-AL15, *Amend Definition of 3-Wheeled Vehicles* (Fall 2015), available at <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&RIN=2127-AL15> (last visited Dec. 14, 2017).

⁵ DHSMV Technical Advisory RS/TL16-015, *Registering the Slingshot* (June 20, 2016), available at https://www.flhsmv.gov/dmv/bulletins/2016/ta_rst16-015.pdf (last visited Dec. 14, 2017).

⁶ See ch. 324, F.S., on Motor Vehicle Financial Responsibility.

⁷ See s. 316.614(3)(a)5., F.S.

⁸ Section 322.03(4), F.S.; s. 322.21(1)(g), F.S., provides that a license endorsement is \$7.

⁹ Section 316.211, F.S.

¹⁰ Section 316.211(2), F.S.

¹¹ Revenue Estimating Conference, *Autocycles – HB 215* (Oct. 27, 2017) available at http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2018/_pdf/page69.pdf (last visited Jan. 3, 2017).

¹² AAMVA, *supra* note 1 at p. 5 and 9.

¹³ NCSL, *Traffic Safety Trends – State Legislative Action 2015* (Feb. 2016), available at http://www.ncsl.org/Portals/1/Documents/transportation/2015_Traffic_Safety_Trends.pdf at p. 23 (last visited Dec. 14, 2017).

Additionally, states vary in the definition and safety requirements of an autocycle. Of the states that have a statutory definition for autocycle:¹⁴

- 19 states require autocycles to have seat belts;
- 15 states require autocycles to be enclosed;
- 11 states require autocycles to meet federal motorcycle safety requirements;
- 10 states require autocycles to have a roll cage or roll bar;
- 8 states require autocycles to have antilock brakes; and
- 4 states require autocycles to have airbags.

There is little research or crash data available concerning the safety of autocycles. Because autocycles fall under the definition of a motorcycle they are 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. NHTSA has concerns that the overall appearance of autocycles, being closer to the appearance of a car than a motorcycle, may cause people to think autocycles are as safe as passenger motor vehicles.¹⁵

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,¹⁶ 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.¹⁷ 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.¹⁸

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

III. Effect of Proposed Changes:

Section 1 amends s. 316.003, F.S., to define an 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 by a NHTSA-registered manufacturer in accordance with the applicable federal motorcycle safety standards.

¹⁴ NCSL, *Transportation Review - Autocycles* (Apr., 17, 2017), available at <http://www.ncsl.org/research/transportation/transportation-review-autocycles.aspx> (last visited Nov. 3, 2017).

¹⁵ AAMVA, *supra* note 1 at p. 2.

¹⁶ Gita means a trip or outing in Italian.

¹⁷ See Piaggio Fast Forward, *Introducing Gita*, available at <https://www.piaggiofastforward.com/gita> (last visited Feb. 16, 2018).

¹⁸ 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 Feb. 16, 2018).

Sections 1 and 5 amend ss. 316.003 and 320.01, F.S., respectively, to include an autocycle in the definition of a motorcycle. The definition of motorcycle is amended in both section to provide consistency.

Section 1 also defines mobile carrier as an electronically powered device that weighs less than 80 pounds (excluding cargo), has a maximum speed of 12.5 miles per hour, is operated on sidewalks and crosswalks, is intended primarily for transporting property, is primarily designed to remain within 25 feet of the property owner, and is equipped with technology to transport personal property with active monitoring of the property owner.

This section also provides that a mobile carrier is not considered a vehicle, motor vehicle, or a personal delivery device.

Section 2 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,¹⁹ but does not restrict a county or municipality from adopting regulations for the safe operation of mobile carriers.

Section 3 amends s. 316.2071, F.S., relating to personal delivery devices (PDDs), to provide regulation of mobile carriers similar to the state's regulation of PDDs. 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;
- 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.²⁰

Section 4 amends s. 316.614, F.S., to require that the operator, front seat passenger, and any passenger under the age of 18 years old in an autocycle wear a safety belt.

Sections 5 and 9 amend ss. 320.01 and 324.021, F.S., respectively, to provide that the term "motor vehicle" does not include mobile carriers.

Section 6 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.

¹⁹ 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.

²⁰ 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.

Sections 7 and 8 amend ss. 322.03 and 322.12, F.S., respectively, to exempt an operator of an autocycle from motorcycle endorsement or motorcycle license requirements, and from the motorcycle skills and motorcycle knowledge testing requirement to operate an autocycle.

Sections 10, 11, 12 and 13 amend ss. 212.05, 316.303, 320.08, and 655.960, F.S., respectively, to correct cross-references.

Section 14 provides that the bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

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:

Operators of autocycles will no longer be required to obtain motorcycle endorsements or motorcycle licenses to operate autocycles or to complete motorcycle safety courses and a motorcycle knowledge and skills tests currently required to obtain such licenses or endorsements.

Businesses that offer basic rider courses may see a decrease in course registrations for operators of autocycles.

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

C. Government Sector Impact:

The Revenue Estimating Conference (REC) reviewed similar provisions in HB 215 and determined the bill will reduce revenues deposited into the Highway Safety Operating

Trust Fund of the DHSMV by an insignificant amount annually as a result of autocycle operators no longer needing a motorcycle endorsement to operate the vehicle lawfully.²¹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.003, 316.008, 316.2071, 316.614, 320.01, 320.02, 322.03, 322.12, 324.021, 212.05, 316.303, 320.08, and 655.960.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Appropriations on February 15, 2018:

The committee substitute defines mobile carriers and provides regulations for such devices.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

²¹ REC, *supra* note 11.