

**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.)

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

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BILL: SB 504

INTRODUCER: Senator Perry

SUBJECT: Autocycles

DATE: December 14, 2017      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Jones</u>	<u>Miller</u>	<u>TR</u>	<b>Favorable</b>
2.	<u>Wells</u>	<u>Hrdlicka</u>	<u>ATD</u>	<b>Recommend: Favorable</b>
3.	<u>                    </u>	<u>                    </u>	<u>AP</u>	<u>                    </u>

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**I. Summary:**

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.

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:**

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.<sup>1</sup> The term “autocycle” is not defined in federal law; however, as of May 2017, at least 34 states statutorily define the term “autocycle.”<sup>2</sup>

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.<sup>3</sup> 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

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<sup>1</sup> 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).

<sup>2</sup> 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).

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

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.<sup>4</sup> Currently, the DHSMV registers autocycles as motorcycles.<sup>5</sup> This means an operator of an autocycle, generally, is not required to maintain motor vehicle insurance<sup>6</sup> or wear safety belts<sup>7</sup>, but is required to:

- Maintain a motorcycle endorsement or motorcycle license;<sup>8</sup>
- 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;<sup>9</sup> and
- Wear eye protection.<sup>10</sup>

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

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.<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. At least 22 states do not require a motorcycle endorsement or motorcycle license to operate an autocycle.<sup>13</sup>

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

- 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.

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<sup>4</sup> *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).

<sup>5</sup> 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](https://www.flhsmv.gov/dmv/bulletins/2016/ta_rst16-015.pdf) (last visited Dec. 14, 2017).

<sup>6</sup> See ch. 324, F.S., on Motor Vehicle Financial Responsibility.

<sup>7</sup> See s. 316.614(3)(a)5., F.S.

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

<sup>9</sup> Section 316.211, F.S.

<sup>10</sup> Section 316.211(2), F.S.

<sup>11</sup> 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).

<sup>12</sup> AAMVA, *supra* note 1 at p. 5 and 9.

<sup>13</sup> 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](http://www.ncsl.org/Portals/1/Documents/transportation/2015_Traffic_Safety_Trends.pdf) at p. 23 (last visited Dec. 14, 2017).

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

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.<sup>15</sup>

### 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.

**Sections 1 and 3** 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 sections to provide consistency.

**Section 2** 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 4 and 5** 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 6-9** amend ss. 212.05, 316.303, 320.08, and 655.960, F.S., respectively, to correct cross-references.

**Section 10** 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.

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<sup>15</sup> AAMVA, *supra* note 1 at p. 2.

**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.

**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.<sup>16</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

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

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

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

None.

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<sup>16</sup> REC, *supra* note 11.

B. Amendments:

None.

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

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