

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 2454

SPONSOR: Senator Dyer

SUBJECT: Electric Personal Assistive Mobility Device

DATE: March 8, 2002

REVISED: 03/12/02 \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Vickers</u>	<u>Meyer</u>	<u>TR</u>	<u>Fav/1 amendment</u>
2.	_____	_____	<u>CA</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

## I. Summary:

This bill provides a definition for “electronic personal assistive mobility device” and establishes regulations governing the operation of such devices. Specifically, the bill defines such a device as any self-balancing, two non-tandem wheeled device, designed to transport only one person, with an electric propulsion system with average power of 750 watts (1 h.p.) and a maximum speed of less than 20 miles per hour.

This bill authorizes the use of these devices on certain roads where the posted speed limit is less than 25 miles per hour, marked bicycle paths, any street or road where bicycles are permitted, and sidewalks under specified conditions. The bill also provides persons under the age of 16 years may not operate or ride on an electric personal assistive mobility device unless the person wears a bicycle helmet that is properly fitted and fastened, and that meets applicable safety standards. The Department of Transportation, a county or municipality may prohibit the use of these devices on any road under its jurisdiction in the interest of safety.

This bill substantially amends section 316.003 of the Florida Statutes. This bill creates section 316.2068 of the Florida Statutes.

## II. Present Situation:

Section 316.003, F.S., provides definitions for words and terms used in ch. 316, F.S., relating to State Uniform Traffic Control.

Subsection (2) of s. 316.003, F.S., defines a “bicycle” as a vehicle propelled solely by human power, and every motorized bicycle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour on

level ground upon which any person may ride, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. No person under the age of 16 may operate or ride upon a motorized bicycle.

Subsection (21) of s. 316.003, F.S., defines a “motor vehicle” as any self-propelled vehicle not operated upon rails or guideway, but not including any bicycle or moped.

Subsection (22) of s. 316.003, F.S., defines a “motorcycle” as any 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, but excluding a tractor or a moped.

Subsection (77) of s. 316.003, F.S., defines a “moped” as any vehicle with pedals to permit propulsion by human power, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels; with a motor rated not in excess of 2 brake horsepower and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground; and with a power-drive system that functions directly or automatically without clutching or shifting gears by the operator after the drive system is engaged. If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters.

Section 316.1995, F.S., provides that no person shall drive any vehicle other than by human power upon a bicycle path, sidewalk, or sidewalk area, except upon a permanent or duly authorized temporary driveway. A violation of this section is a noncriminal traffic infraction, punishable as a moving violation as provided in ch. 318, F.S.

Section 316.2065, F.S., establishes requirements relating to the operation of bicycles. This section provides that a bicycle rider or passenger who is under 16 years of age must wear a bicycle helmet that is properly fitted and is fastened, and that meets the appropriate safety standards. Additionally, this section provides that every bicycle in use between sunset and sunrise shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least 500 feet to the front and a lamp and reflector on the rear each exhibiting a red light visible from a distance of 600 feet to the rear. A bicycle or its rider may be equipped with lights or reflectors in addition to those required by this section. Bicycles are required to be equipped with a brake or brakes which will enable its rider to stop the bicycle within 25 feet from a speed of 10 miles per hour on dry, level, clean pavement.

The introduction of the Segway™ Human Transporter has generated considerable public interests. However, due to its unique design, operation, and function, there is some uncertainty regarding the appropriate regulatory framework for this device.

### **III. Effect of Proposed Changes:**

This bill amends s. 316.003(21), F.S., to specifically exempt an electric personal assistive mobility device from the definition of “motor vehicle”.

In addition, the bill creates a new subsection (82) in s. 316.003, F.S., to provide a definition for “Electric Personal Assistive Mobility Device”. The bill defines such a device as any self-balancing, two non-tandem wheeled device, designed to transport only one person, with an

electric propulsion system with average power of 750 watts (1 h.p.) and a maximum speed of less than 20 miles per hour.

The bill creates s. 316.2068, F.S., to regulate the operation of electric personal assistive mobility devices. The bill provides that such a device may be operated on the following:

- a road or street where the posted speed limit is 25 miles per hour or less;
- a marked bicycle path;
- any street or road where bicycles are permitted;
- at an intersection, to cross a road or street, even if the posted speed limit is greater than 25 miles per hour; or
- on a sidewalk if the operator yields the right of way to pedestrians and gives an audible signal before overtaking and passing a pedestrian.

The bill provides a driver's license is not a prerequisite to operating an electric personal assistive mobility device. Similarly, the bill provides that such devices need not be registered and insured under ch. 320, F.S. Persons under the age of 16 years may not operate or ride on an electric personal assistive mobility device unless the person wears a bicycle helmet that is properly fitted and fastened, and that meets appropriate safety standards.

The bill also states a county or municipality may prohibit the operation of an electric personal assistive mobility device on any road, street, or bicycle path if the county or municipality determines that such a prohibition is necessary in the interest of safety. Additionally, the Department of Transportation may prohibit the operation of such a device on any road under its jurisdiction if the Department determines that such a prohibition is necessary in the interest of safety.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

#### **V. Economic Impact and Fiscal Note:**

##### **A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

#1 by Transportation:  
Technical amendment.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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