

By Representative Gelber

1                                   A bill to be entitled  
2           An act relating to motorized scooters; amending  
3           s. 316.003; defining the term "motorized  
4           scooter"; amending s. 316.2065, F.S.; providing  
5           motorized scooter operating regulations;  
6           providing an effective date.

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8 Be It Enacted by the Legislature of the State of Florida:

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10           Section 1. Subsection (21) of section 316.003, Florida  
11 Statutes, is amended, and subsection (82) is added to said  
12 section, to read:

13           316.003 Definitions.--The following words and phrases,  
14 when used in this chapter, shall have the meanings  
15 respectively ascribed to them in this section, except where  
16 the context otherwise requires:

17           (21) MOTOR VEHICLE.--Any self-propelled vehicle not  
18 operated upon rails or guideway, but not including any  
19 bicycle, motorized scooter, or moped.

20           (82) MOTORIZED SCOOTER.--Any vehicle not having a seat  
21 or saddle for the use of the rider and designed to travel on  
22 not more than three wheels, and not capable of propelling the  
23 vehicle at a speed greater than 30 miles per hour on level  
24 ground.

25           Section 2. Section 316.2065, Florida Statutes, is  
26 amended to read:

27           316.2065 Bicycle and motorized scooter regulations.--

28           (1) Every person propelling a vehicle by human power,  
29 or operating a motorized scooter as defined in s. 316.003, has  
30 all of the rights and all of the duties applicable to the  
31 driver of any other vehicle under this chapter, except as to

1 special regulations in this chapter, and except as to  
2 provisions of this chapter which by their nature can have no  
3 application.

4 (2) A person operating a bicycle may not ride other  
5 than upon or astride a permanent and regular seat attached  
6 thereto.

7 (3)(a) A bicycle may not be used to carry more persons  
8 at one time than the number for which it is designed or  
9 equipped, except that an adult rider may carry a child  
10 securely attached to his or her person in a backpack or sling.

11 (b) Except as provided in paragraph (a), a bicycle  
12 rider must carry any passenger who is a child under 4 years of  
13 age, or who weighs 40 pounds or less, in a seat or carrier  
14 that is designed to carry a child of that age or size and that  
15 secures and protects the child from the moving parts of the  
16 bicycle.

17 (c) A bicycle rider may not allow a passenger to  
18 remain in a child seat or carrier on a bicycle when the rider  
19 is not in immediate control of the bicycle.

20 (d) A bicycle rider or passenger or motorized scooter  
21 rider who is under 16 years of age must wear a bicycle helmet  
22 that is properly fitted and is fastened securely upon the  
23 rider's or passenger's head by a strap, and that meets the  
24 standards of the American National Standards Institute (ANSI Z  
25 90.4 Bicycle Helmet Standards), the standards of the Snell  
26 Memorial Foundation (1984 Standard for Protective Headgear for  
27 Use in Bicycling), or any other nationally recognized  
28 standards for bicycle helmets adopted by the department. As  
29 used in this subsection, the term "passenger" includes a child  
30 who is riding in a trailer or semitrailer attached to a  
31 bicycle.

1           (e) Law enforcement officers and school crossing  
2 guards may issue a bicycle safety brochure and a verbal  
3 warning to a bicycle rider or passenger or a motorized scooter  
4 rider who violates this subsection. A bicycle rider or  
5 passenger or a motorized scooter rider who violates this  
6 subsection may be issued a citation by a law enforcement  
7 officer and assessed a fine for a pedestrian violation, as  
8 provided in s. 318.18. The court shall dismiss the charge  
9 against a bicycle rider or passenger or a motorized scooter  
10 rider for a first violation of paragraph (d) upon proof of  
11 purchase of a bicycle helmet that complies with this  
12 subsection.

13           (f) A person operating a motorized scooter may not  
14 carry passengers.

15           (4) No person riding upon any bicycle, coaster, roller  
16 skates, sled, motorized scooter, or toy vehicle may attach the  
17 same or himself or herself to any vehicle upon a roadway. This  
18 subsection does not prohibit attaching a bicycle trailer or  
19 bicycle semitrailer to a bicycle if that trailer or  
20 semitrailer is commercially available and has been designed  
21 for such attachment.

22           (5)(a) Any person operating a bicycle upon a roadway  
23 at less than the normal speed of traffic at the time and place  
24 and under the conditions then existing shall ride as close as  
25 practicable to the right-hand curb or edge of the roadway  
26 except under any of the following situations:

27           1. When overtaking and passing another bicycle or  
28 vehicle proceeding in the same direction.

29           2. When preparing for a left turn at an intersection  
30 or into a private road or driveway.

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1           3. When reasonably necessary to avoid any condition,  
2 including, but not limited to, a fixed or moving object,  
3 parked or moving vehicle, bicycle, pedestrian, animal, surface  
4 hazard, or substandard-width lane, that makes it unsafe to  
5 continue along the right-hand curb or edge. For the purposes  
6 of this subsection, a "substandard-width lane" is a lane that  
7 is too narrow for a bicycle and another vehicle to travel  
8 safely side by side within the lane.

9           (b) Any person operating a bicycle upon a one-way  
10 highway with two or more marked traffic lanes may ride as near  
11 the left-hand curb or edge of such roadway as practicable.

12           (6) Persons riding bicycles upon a roadway may not  
13 ride more than two abreast except on paths or parts of  
14 roadways set aside for the exclusive use of bicycles. Persons  
15 riding two abreast may not impede traffic when traveling at  
16 less than the normal speed of traffic at the time and place  
17 and under the conditions then existing and shall ride within a  
18 single lane.

19           (7) Any person operating a bicycle or motorized  
20 scooter shall keep at least one hand upon the handlebars.

21           (8) Every bicycle or motorized scooter in use between  
22 sunset and sunrise shall be equipped with a lamp on the front  
23 exhibiting a white light visible from a distance of at least  
24 500 feet to the front and a lamp and reflector on the rear  
25 each exhibiting a red light visible from a distance of 600  
26 feet to the rear. A bicycle or motorized scooter or its rider  
27 may be equipped with lights or reflectors in addition to those  
28 required by this section.

29           (9) No parent of any minor child and no guardian of  
30 any minor ward may authorize or knowingly permit any such  
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1 minor child or ward to violate any of the provisions of this  
2 section.

3 (10) A person propelling a vehicle by human power upon  
4 and along a sidewalk, or across a roadway upon and along a  
5 crosswalk, has all the rights and duties applicable to a  
6 pedestrian under the same circumstances.

7 (11)(a) A person propelling a bicycle upon and along a  
8 sidewalk, or across a roadway upon and along a crosswalk,  
9 shall yield the right-of-way to any pedestrian and shall give  
10 an audible signal before overtaking and passing such  
11 pedestrian.

12 (b) A motorized scooter may not be operated upon or  
13 along a sidewalk.

14 (12) No person upon roller skates, or riding in or by  
15 means of any motorized scooter,coaster, toy vehicle, or  
16 similar device, may go upon any roadway except while crossing  
17 a street on a crosswalk; and, when so crossing, such person  
18 shall be granted all rights and shall be subject to all of the  
19 duties applicable to pedestrians.

20 (13) This section shall not apply upon any street  
21 while set aside as a play street authorized herein or as  
22 designated by state, county, or municipal authority.

23 (14) Every bicycle or motorized scooter shall be  
24 equipped with a brake or brakes which will enable its rider to  
25 stop the bicycle or motorized scooter within 25 feet from a  
26 speed of 10 miles per hour on dry, level, clean pavement.

27 (15) A person engaged in the business of selling  
28 bicycles at retail shall not sell any bicycle unless the  
29 bicycle has an identifying number permanently stamped or cast  
30 on its frame.

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1           (16)(a) A person may not knowingly rent or lease any  
2 bicycle or motorized scooter to be ridden by a child who is  
3 under the age of 16 years unless:

- 4           1. The child possesses a bicycle helmet; or
- 5           2. The lessor provides a bicycle helmet for the child  
6 to wear.

7           (b) A violation of this subsection is a nonmoving  
8 violation, punishable as provided in s. 318.18.

9           (17) The court may waive, reduce, or suspend payment  
10 of any fine imposed under subsection (3) or subsection (16)  
11 and may impose any other conditions on the waiver, reduction,  
12 or suspension. If the court finds that a person does not have  
13 sufficient funds to pay the fine, the court may require the  
14 performance of a specified number of hours of community  
15 service or attendance at a safety seminar.

16           (18) Notwithstanding s. 318.21, all proceeds collected  
17 pursuant to s. 318.18 for violations under paragraphs (3)(e)  
18 and (16)(b) shall be deposited into the State Transportation  
19 Trust Fund.

20           (19) The failure of a person to wear a required  
21 ~~bicycle~~ helmet or the failure of a parent or guardian to  
22 prevent a child from riding a bicycle or motorized scooter  
23 without a required ~~bicycle~~ helmet may not be considered  
24 evidence of negligence or contributory negligence.

25           (20) Except as otherwise provided in this section, a  
26 violation of this section is a noncriminal traffic infraction,  
27 punishable as a pedestrian violation as provided in chapter  
28 318. A law enforcement officer may issue traffic citations for  
29 a violation of subsection (3) or subsection (16) only if the  
30 violation occurs on a bicycle path or road, as defined in s.  
31 334.03. However, they may not issue citations to persons on

1 private property, except any part thereof which is open to the  
2 use of the public for purposes of vehicular traffic.

3 (21) A county or municipality may adopt an ordinance  
4 that authorizes persons to operate a motorized scooter on a  
5 roadway or sidewalk, notwithstanding any prohibitions in this  
6 section.

7 Section 3. This act shall take effect July 1, 2002.

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HOUSE SUMMARY

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12 Defines "motorized scooter." Applies certain bicycle  
13 safety laws to motorized scooters. Requires the wearing  
of a helmet for certain riders.

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14 Authorizes counties and municipalities to adopt  
15 ordinances with regard to the operation of motorized  
scooters.

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