

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 31  
**SPONSOR(S):** Jordan  
**TIED BILLS:**

Bicycle Safety

**IDEN./SIM. BILLS:** SB 1032

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Infrastructure</u>	<u>8 Y, 0 N</u>	<u>Gibson</u>	<u>Miller</u>
2) <u>Economic Expansion &amp; Infrastructure Council</u>	<u></u>	<u>Gibson</u>	<u>Tinker</u>
3) <u></u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

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**SUMMARY ANALYSIS**

Florida law requires bicycle riders and passengers younger than 16 years of age to wear bicycle helmets that meet certain safety standards the state adopted in 1996. Florida law also requires every bicycle in use between sunset and sunrise to be equipped with a white light visible from at least 500 feet from the front, as well as a lamp and reflector exhibiting a red light visible 600 feet from the rear. Current law does not contain a specific provision allowing law enforcement officers the option of issuing a bicycle safety brochure and a verbal warning to a bicycle rider who violates these lighting provisions. Violators of these standards can receive citations that include fines and court costs.

HB 31 requires that bicycle helmets comply with current federal safety standards. The use of helmets purchased before October 1, 2007, that comply with current statutory standards will be permitted until January 1, 2011.

Mirroring the current law relating to bicycle helmets, HB 31 specifically authorizes verbal warnings and the issuance of safety brochures for violations of bicycle lighting equipment requirements and requires the court to dismiss the charge against a bicycle rider for a first violation relating to bicycle lighting equipment if proof is provided that proper lighting equipment has been installed.

HB 31 will have an indeterminate, but likely minimal, fiscal impact on state and local governments. There could be an economic impact on the private sector to the extent that some bicycle riders or passengers may have to replace helmets to comply with the proposed regulation, although that requirement would not take effect for more than three years. Passage of this bill may increase the number of warnings issued for bicycle violations concerning reflectors and headlamps, thereby reducing the number of traffic citations issued. To the extent that this occurs, there could be a reduction in revenue collected by the state and local government.

This bill takes effect October 1, 2007.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

**Provide Limited Government** – HB 31 requires that bicycle helmets worn by riders and passengers under the age of 16 comply with current federal standards. However, these cyclists may continue wearing helmets that meet the prior statutory standards until January 1, 2011.

**Promote Personal Responsibility**—HB 31 allows law enforcement officers to issue a bicycle safety brochure and a verbal warning to any bicyclist who violates s. 316.2065(8) F.S. The court must dismiss the charge against a bicycle rider for a first violation upon proof of purchase and installation of proper lighting equipment.

#### B. EFFECT OF PROPOSED CHANGES:

##### Current Bicycle Helmet Standards

Under current law, a bicycle rider or passenger who is less than 16 years of age must wear a bicycle helmet that is properly fitted and is fastened securely upon the passenger's head by a strap.<sup>1</sup> The helmet must meet the standards of the American National Standards Institute (ANSI Z 90.4 Bicycle Helmet Standards), the standards of the Snell Memorial Foundation (1984 Standard for Protective Headgear for Use in Bicycling), or any other nationally recognized standards for bicycle helmets adopted by the Department of Highway Safety and Motor Vehicles. The term "passenger" includes a child who is riding in a trailer or semi trailer attached to a bicycle.<sup>2</sup>

A law enforcement officer or school crossing guard is specifically authorized to issue a bicycle safety brochure and a verbal warning to a rider or passenger who violates the helmet law.<sup>3</sup> A law enforcement officer is authorized to issue a citation and assess a \$15 fine<sup>4</sup> plus applicable court costs and fees. Pursuant to chapter 318, the minimum amount that would be paid is \$40.50. Optional additions to the base can equal up to \$24, causing the maximum amount paid for a bicycle infraction to be \$64.50 in some counties. An officer may issue a traffic citation for a violation of this provision only if the violation occurs on a bicycle path or road.<sup>5</sup> A court is required to dismiss the charge against a bicycle rider or passenger for a first violation of the provision upon proof of purchase of a bicycle helmet that complies with the law.<sup>6</sup> Further, a court is authorized to waive, reduce or suspend payment of any fine imposed for a violation of the helmet law.<sup>7</sup>

##### Effect of Proposed Changes

This bill amends bicycle helmet regulations effective October 1, 2007, to require compliance with the federal safety standard for bicycle helmets contained in 16 C.F.R., part 1203. Helmets purchased prior to October 1, 2007, that meet the current statutory standards may continue to be worn by riders or passengers until January 1, 2011. The delayed implementation is intended to accommodate parents by allowing the use of formerly legal bike helmets for a limited period of time. Within three years, such helmets likely will have been outgrown or otherwise need to be replaced.

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<sup>1</sup> s. 316.2065(3)(d) F.S.

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

<sup>3</sup> s. 316.2065(3)(e), F.S.

<sup>4</sup> s. 318.18(1)(b) F.S.

<sup>5</sup> s. 316.2065(20), F.S. A citation may not be issued to a person on private property except any part that is open to the use of the public for purposes of vehicular traffic.

<sup>6</sup> s. 316.2065(3)(e) F.S.

<sup>7</sup> s. 316.2065(17), F.S.

## Current Bicycle Lighting Standards

Currently every bicycle in use between sunset and sunrise must 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.<sup>8</sup> A bicycle or its rider may be equipped with lights or reflectors in addition to those required by law. Violation of bicycle lighting requirements is a non-criminal traffic infraction punishable as a pedestrian violation<sup>9</sup> by a \$15 fine plus applicable court costs and fees.<sup>10</sup> Pursuant to chapter 318, the minimum amount that would be paid is \$40.50. Optional additions to the base fine can equal up to \$24, causing the maximum amount paid for a bicycle infraction to be \$64.50 in some counties.

## Effect of Proposed Changes

In conformity with the helmet law previously discussed, HB 31 would allow law enforcement officers to issue bicycle safety brochures and verbal warnings to bicycle riders and passengers who violate bicycle lighting equipment standards. Alternatively, at the discretion of the law enforcement officer, a bicycle rider who violates the bicycle lighting equipment standards may be issued a citation and assessed a fine as described above. Also, the bill requires the court to dismiss the charge against a bicycle rider for a first violation of this offense upon proof of purchase and installation of the proper lighting equipment.

### C. SECTION DIRECTORY:

Section 1. Amends s. 316.2065, F.S.; revises safety standard requirements for bicycle helmets that must be worn by certain riders and passengers; specifically provides the option for law enforcement to issue a verbal warning and a safety brochure or to issue a citation to violators of the bicycle lighting equipment requirements; clarifies penalties for violations; providing for dismissal of a first offense.

Section 2. This act takes effect October 1, 2007.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

See "D. FISCAL COMMENTS" section below.

#### 2. Expenditures:

None.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

See "D. FISCAL COMMENTS" section below.

#### 2. Expenditures:

None.

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<sup>8</sup> s. 316.2065(8) F.S.

<sup>9</sup> s. 316.2065(20), F.S.

<sup>10</sup> s. 318.18(1)(b) F.S.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See "D. FISCAL COMMENTS" section below.

D. FISCAL COMMENTS:

Passage of HB 31 will have an indeterminate, but likely minimal, fiscal impact on the public and private sectors.

According to information provided by the Florida Department of Highway Safety and Motor Vehicles, in 2005, there were 6,311 judicial dispositions of citations issued for violations of s. 316.2065 F.S., which contains the current bicycle regulations. No complete estimates of revenue generated by these citations were available. Passage of this bill may increase the number of warnings issued for bicycle violations concerning reflectors and headlamps, thereby reducing the number of traffic citations issued. To the extent that this occurs, there could be an insignificant reduction in revenue collected by the state and local government.

HB 31 also will require that by January 1, 2011, all bicycle helmets worn by riders and passengers meet the federal safety standards required by the bill. There could be an economic impact on the private sector to the extent that some bicycle riders or passengers may have to replace helmets to comply with the new requirements, although it is likely that the out-of-compliance helmets will have been replaced over the next three years due to being outgrown or due to normal wear and tear.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable, because HB 31 does not: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

No additional rulemaking authority is necessary.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

No statement submitted.

### IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES