

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 Criminal Justice Committee

BILL: SB 446

INTRODUCER: Senator Bullard and others

SUBJECT: Bicycle Safety

DATE: April 10, 2008

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Eichin</u>	<u>Meyer</u>	<u>TR</u>	Favorable
2.	<u>Krol</u>	<u>Cannon</u>	<u>CJ</u>	Favorable
3.	_____	_____	<u>TA</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill revises safety standard requirements for bicycle helmets worn by certain riders and passengers. The use of helmets purchased before October 1, 2008, in compliance with current statutory standards will be permitted until January 1, 2012. The bill also 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, and provides for dismissal of a first offense.

This bill substantially amends s. 316.2065 of the Florida Statutes.

II. Present Situation:

Current Bicycle Helmet Requirements

Under current law, a bicycle rider or passenger who is less than 16 years of age must wear a bicycle helmet properly fitted and fastened securely by a strap. 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. 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. A law enforcement officer is authorized to issue a citation and the violator will be assessed a \$15 fine plus applicable court costs and fees. Pursuant to ch. 318, F.S., the minimum amount to be paid is \$40.50. Depending on the county, optional additions to the base fine can equal up to \$26 causing the maximum amount paid for a

bicycle infraction to be \$66.50. An officer may issue a traffic citation for a violation of this provision only if the violation occurs on a bicycle path or road. 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 in compliance with the law. Further, a court is authorized to waive, reduce or suspend payment of any fine imposed for a violation of the helmet law.

Current Bicycle Lighting Requirements

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. 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 by a \$15 fine plus applicable court costs and fees. Pursuant to ch. 318, F.S., the minimum amount to be paid is \$40.50. Optional additions to the base fine can equal up to \$26, causing the maximum amount paid for a bicycle infraction to be \$66.50 in some counties.

Standards for Bicycle Helmet Manufacturing

Nearly 15 years ago, the United States Congress passed the Child Safety Protection Act of 1994, requiring the Consumer Product Safety Commission (CPSC) to develop mandatory bicycle helmet standards. The CPSC published 16 CFR Part 1203 in March, 1998 to apply to all helmets manufactured since March, 1999. The rule mandates several performance requirements related to impact protection, children's helmets head coverage, and chin strap strength and stability. Helmets meeting the requirements display a label indicating compliance with the standards.

III. Effect of Proposed Changes:

This bill amends bicycle helmet regulations effective October 1, 2008, 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, 2008 in compliance with the current statutory standards may continue to be worn by riders or passengers until January 1, 2012. The bill allows 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.

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:

Since the CPSC standards were established 10 years ago, the number of helmets not meeting the standards has diminished significantly. Further, the bill allows helmets purchased before the effective date to be used without penalty until 2012. This minimizes fiscal impact to individuals since these helmets likely will have been outgrown or otherwise need to be replaced.

C. Government Sector Impact:

There is a likely positive yet indeterminate fiscal impact due to a presumed reduction of public health costs.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

None.

B. Amendments:

None.