

By Senator Truenow

13-00743-26

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A bill to be entitled

An act relating to electric bicycles, scooters, and motorcycles; amending s. 316.003, F.S.; defining the term "electric motorcycle"; revising the definition of the term "motorcycle"; amending ss. 316.066 and 316.068, F.S.; requiring certain crash reports to include specified information; amending s. 316.069, F.S.; requiring the state to maintain certain statistics; amending s. 316.20655, F.S.; providing penalties for knowingly modifying an electric bicycle; prohibiting a person from operating a class 3 electric bicycle without a certain license; providing requirements for such operation; providing penalties; amending s. 316.2085, F.S.; prohibiting certain persons from operating certain motorcycles; amending ss. 320.01 and 322.01, F.S.; revising the definition of the term "motorcycle"; amending s. 322.12, F.S.; requiring a minimum number of questions in the test bank for a Class E driver license to cover safe electric bicycle and motorized scooter operation; amending s. 322.1615, F.S.; revising requirements for a certain learner's driver license education course; amending ss. 316.306 and 655.960, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Subsections (24) through (112) of section 316.003, Florida Statutes, are renumbered as subsections (25)

13-00743-26

2026382__

through (113), respectively, present subsections (47) and (65) are amended, and a new subsection (24) is added to that section, to read:

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

(24) ELECTRIC MOTORCYCLE.—Any motorcycle powered by an electric motor of 750 watts or more that is capable of a speed greater than 28 miles per hour.

(48) ~~(47)~~ MOTORCYCLE.—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. The term includes an electric motorcycle and an autocycle, but does not include a tractor, a moped, an electric bicycle, or any vehicle in which the operator is enclosed by a cabin unless it meets the requirements set forth by the National Highway Traffic Safety Administration for a motorcycle.

(66) ~~(65)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise provided in paragraph (91) (b) ~~(90) (b)~~, any privately owned way or place used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Section 2. Paragraphs (b) and (c) of subsection (1) of section 316.066, Florida Statutes, are amended to read:

316.066 Written reports of crashes.—

(1)

(b) The Florida Traffic Crash Report, Long Form must include:

13-00743-26

2026382__

1. The date, time, and location of the crash.

2. A description of the vehicles involved, including whether the crash involved a motorized scooter, an electric bicycle, or an electric motorcycle.

3. The names and addresses of the parties involved, including all drivers and passengers, and the identification of the vehicle in which each was a driver or a passenger.

4. The names and addresses of witnesses.

5. The name, badge number, and law enforcement agency of the officer investigating the crash.

6. The names of the insurance companies for the respective parties involved in the crash.

(c) In any crash for which a Florida Traffic Crash Report, Long Form is not required by this section and which occurs on the public roadways of this state, the law enforcement officer shall complete a short-form crash report or provide a driver exchange-of-information form, to be completed by all drivers and passengers involved in the crash, which requires the identification of each vehicle that the drivers and passengers were in. The short-form report must include:

1. The date, time, and location of the crash.

2. A description of the vehicles involved, including whether the crash involved a motorized scooter, an electric bicycle, or an electric motorcycle.

3. The names and addresses of the parties involved, including all drivers and passengers, and the identification of the vehicle in which each was a driver or a passenger.

4. The names and addresses of witnesses.

5. The name, badge number, and law enforcement agency of

13-00743-26

2026382__

the officer investigating the crash.

6. The names of the insurance companies for the respective parties involved in the crash.

Section 3. Subsection (2) of section 316.068, Florida Statutes, is amended to read:

316.068 Crash report forms.—

(2) Every crash report required to be made in writing must be made on the appropriate form approved by the department and must contain all the information required therein, including:

(a) The date, time, and location of the crash;

(b) A description of the vehicles involved, including whether the crash involved a motorized scooter, an electric bicycle, or an electric motorcycle;

(c) The names and addresses of the parties involved; however, in the event of a crash involving a railroad train, including crashes covered by s. 316.027, s. 316.061, s. 316.065, or s. 316.066, the collection of the information specified in this paragraph shall be at the discretion of the law enforcement officer having jurisdiction to investigate the crash;

(d) The names and addresses of all drivers and passengers in the motor vehicles involved; however, in the event of a crash involving a railroad train, including crashes covered by s. 316.027, s. 316.061, s. 316.065, or s. 316.066, the collection of the information specified in this paragraph shall be at the discretion of the law enforcement officer having jurisdiction to investigate the crash;

(e) The names and addresses of witnesses;

(f) The name, badge number, and law enforcement agency of the officer investigating the crash; and

13-00743-26

2026382__

(g) The names of the insurance companies of the motor vehicles involved in the crash, unless not available. A member of a railroad train crew or a passenger on a railroad train is not a passenger for purposes of this section. In the event of a crash involving a railroad train, a member of the railroad train crew must furnish the information in paragraphs (a), (b), (c), and (e) and, upon request of the law enforcement officer having jurisdiction to investigate the crash, the railroad train engineer's or conductor's federal certification pursuant to 49 C.F.R. part 240 or part 242. The absence of information in such written crash reports regarding the existence of passengers in the motor vehicles involved in the crash constitutes a rebuttable presumption that no such passengers were involved in the reported crash. Notwithstanding any other provisions of this section, a crash report produced electronically by a law enforcement officer must, at a minimum, contain the same information as is called for on those forms approved by the department.

Section 4. Section 316.069, Florida Statutes, is amended to read:

316.069 State to tabulate and analyze crash reports.—The state shall tabulate and may analyze all crash reports and shall publish, annually, or at more frequent intervals, statistical information based thereon as to the number and circumstances of traffic crashes. The state shall maintain separate statistics on the number and location of crashes involving tandem trailer trucks, motorized scooters, electric bicycles, and electric

13-00743-26

2026382__

motorcycles.

Section 5. Subsections (3) and (4) of section 316.20655, Florida Statutes, are amended, and subsections (10) and (11) are added to that section, to read:

316.20655 Electric bicycle regulations.—

(3) ~~Beginning January 1, 2021,~~ Manufacturers and distributors of electric bicycles shall apply a label that is permanently affixed in a prominent location to each electric bicycle. The label must contain the classification number, top assisted speed, and motor wattage of the electric bicycle.

(4) A person may not tamper with or modify an electric bicycle ~~so as~~ to change the motor-powered speed capability or engagement of an electric bicycle. Any person who knowingly modifies an electric bicycle as provided in this subsection commits a noncriminal traffic infraction, punishable by a fine of \$100. Any person who commits a second or subsequent violation of this subsection within 3 years after a previous violation commits a noncriminal traffic infraction, punishable by a fine of \$250, unless the label indicating the classification number required in subsection (3) is replaced after such modification.

(10) (a) A person may not operate or rent a class 3 electric bicycle unless he or she possesses a valid learner's driver license or driver license. An operator of a class 3 electric bicycle must have his or her learner's driver license or driver license in his or her immediate possession at all times when operating a class 3 electric bicycle and must present or submit the same upon demand of a law enforcement officer or an authorized representative of the department.

(b) A person who fails to comply with paragraph (a) must

13-00743-26

2026382__

175 first receive a verbal warning. Following the verbal warning, a
176 person who fails to comply with paragraph (a) commits a
177 noncriminal traffic infraction, punishable as a nonmoving
178 violation as provided in chapter 318.

179 (11) A person operating an electric bicycle on a shared
180 pathway that is not located adjacent to a roadway, including a
181 shared pathway located in a park or recreational area, must
182 yield to pedestrians and must give an audible signal before
183 overtaking and passing a pedestrian.

184 Section 6. Paragraph (a) of subsection (6) of section
185 316.2085, Florida Statutes, is amended to read:

186 316.2085 Riding on motorcycles or mopeds.—

187 (6) A person under 16 years of age may not:

188 (a) Operate a motorcycle that has a motor with more than
189 150 cubic centimeters displacement or an electric motor of 750
190 watts or more.

191 Section 7. Subsection (26) of section 320.01, Florida
192 Statutes, is amended to read:

193 320.01 Definitions, general.—As used in the Florida
194 Statutes, except as otherwise provided, the term:

195 (26) "Motorcycle" means any motor vehicle having a seat or
196 saddle for the use of the rider and designed to travel on not
197 more than three wheels in contact with the ground. The term
198 includes an electric motorcycle and an autocycle, as those terms
199 are defined in s. 316.003, but excludes a tractor, a moped, or
200 any vehicle in which the operator is enclosed by a cabin unless
201 it meets the requirements set forth by the National Highway
202 Traffic Safety Administration for a motorcycle.

203 Section 8. Subsection (28) of section 322.01, Florida

13-00743-26

2026382__

Statutes, is amended to read:

322.01 Definitions.—As used in this chapter:

(28) "Motorcycle" means a motor vehicle powered by a motor with a displacement of more than 50 cubic centimeters, 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, tri-vehicle, or moped. The term includes an electric motorcycle as defined in s. 316.003.

Section 9. Paragraph (c) of subsection (3) of section 322.12, Florida Statutes, is amended to read:

322.12 Examination of applicants.—

(3) For an applicant for a Class E driver license, such examination shall include all of the following:

(c) A test of the applicant's ability to read and understand highway signs regulating, warning, and directing traffic; his or her knowledge of the traffic laws of this state, including laws regulating driving under the influence of alcohol or controlled substances, driving with an unlawful blood-alcohol level, and driving while intoxicated; and his or her knowledge of the effects of alcohol and controlled substances upon persons and the dangers of driving a motor vehicle while under the influence of alcohol or controlled substances. At least 25 questions within the bank of test questions must address bicycle and pedestrian safety. At least 5 of the 25 questions addressing bicycle and pedestrian safety must specifically cover safe electric bicycle and motorized scooter operation for all road users.

Section 10. Subsection (1) of section 322.1615, Florida Statutes, is amended to read:

13-00743-26

2026382__

322.1615 Learner's driver license.—

(1) The department may issue a learner's driver license to a person who is at least 15 years of age and who:

(a) Has passed the written examination for a learner's driver license;

(b) Has passed the vision and hearing examination administered under s. 322.12;

(c) Has satisfactorily completed a driver education course approved by the department which meets or exceeds the Department of Education Driver Education/Traffic Safety-Classroom 1900300 course version description and which includes content on sharing the road with bicycles, including electric bicycles, motorized scooters, and other vulnerable road users; and

(d) Meets all other requirements set forth in law and by rule of the department.

Section 11. Paragraph (a) of subsection (3) of section 316.306, Florida Statutes, is amended to read:

316.306 School and work zones; prohibition on the use of a wireless communications device in a handheld manner.—

(3)(a)1. A person may not operate a motor vehicle while using a wireless communications device in a handheld manner in a designated school crossing, school zone, or work zone area as defined in s. 316.003 ~~s. 316.003(112)~~. This subparagraph applies ~~shall only be applicable~~ to work zone areas if construction personnel are present or are operating equipment on the road or immediately adjacent to the work zone area. For the purposes of this paragraph, a motor vehicle that is stationary is not being operated and is not subject to the prohibition in this paragraph.

13-00743-26

2026382__

262 2. ~~Effective January 1, 2020,~~ A law enforcement officer may
263 stop motor vehicles and issue citations to persons who are
264 driving while using a wireless communications device in a
265 handheld manner in violation of subparagraph 1.

266 Section 12. Subsection (1) of section 655.960, Florida
267 Statutes, is amended to read:

268 655.960 Definitions; ss. 655.960-655.965.—As used in this
269 section and ss. 655.961-655.965, unless the context otherwise
270 requires:

271 (1) "Access area" means any paved walkway or sidewalk which
272 is within 50 feet of any automated teller machine. The term does
273 not include any street or highway open to the use of the public,
274 as defined in s. 316.003(91)(a) or (b) ~~s. 316.003(90)(a) or (b)~~,
275 including any adjacent sidewalk, as defined in s. 316.003.

276 Section 13. This act shall take effect July 1, 2027.