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CS/CS/HB 453, Engrossed 1

2019 Legislature

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2 An act relating to mobility devices and motorized
3 scooters; amending s. 316.003, F.S.; defining the term
4 "micromobility device"; revising the definition of the
5 term "motorized scooter"; conforming a cross-
6 reference; amending s. 316.1995, F.S.; conforming a
7 provision to changes made by the act; amending s.
8 316.2128, F.S.; providing that the operator of a
9 motorized scooter or micromobility device has all of
10 the rights and duties applicable to the rider of a
11 bicycle, except the duties imposed by specified
12 provisions that by their nature do not apply;
13 providing for construction; exempting a motorized
14 scooter or micromobility device from certain
15 registration, insurance, and licensing requirements;
16 providing that a person is not required to have a
17 driver license to operate a motorized scooter or
18 micromobility device; requiring a person who offers
19 motorized scooters or micromobility devices for hire
20 to be responsible for securing all such devices
21 located in any area of the state where a certain
22 warning has been issued by the National Weather
23 Service; deleting specified requirements for the sale
24 of motorized scooters; amending s. 316.2225, F.S.;
25 exempting electric personal assistive mobility devices

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26 and motorized scooters from certain emblem
27 requirements; amending s. 320.01, F.S.; revising the
28 definition of the term "motor vehicle"; amending s.
29 655.960, F.S.; conforming a cross-reference; providing
30 an effective date.

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

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34 Section 1. Present subsections (38) through (101) of
35 section 316.003, Florida Statutes, are redesignated as
36 subsection (39) through (102), respectively, a new subsection
37 (38) is added to that section, and present subsections (44) and
38 (59) of that section are amended, to read:

39 316.003 Definitions.—The following words and phrases, when
40 used in this chapter, shall have the meanings respectively
41 ascribed to them in this section, except where the context
42 otherwise requires:

43 (38) MICROMOBILITY DEVICE.—Any motorized transportation
44 device made available for private use by reservation through an
45 online application, website, or software for point-to-point
46 trips and which is not capable of traveling at a speed greater
47 than 20 miles per hour on level ground. This term includes
48 motorized scooters and bicycles as defined in this chapter.

49 (45)-(44) MOTORIZED SCOOTER.—Any vehicle or micromobility
50 device that is powered by a motor with or without ~~not having a~~

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51 seat or saddle for the use of the rider, which is designed to
52 travel on not more than three wheels, and which is not capable
53 of propelling the vehicle at a speed greater than 20 ~~30~~ miles
54 per hour on level ground.

55 ~~(60)(59)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
56 provided in paragraph (82)(b) ~~(81)(b)~~, any privately owned way
57 or place used for vehicular travel by the owner and those having
58 express or implied permission from the owner, but not by other
59 persons.

60 Section 2. Section 316.1995, Florida Statutes, is amended
61 to read:

62 316.1995 Driving upon sidewalk or bicycle path.—

63 (1) Except as provided in s. 316.008, ~~or~~ s. 316.212(8), or
64 s. 316.2128, a person may not drive any vehicle other than by
65 human power upon a bicycle path, sidewalk, or sidewalk area,
66 except upon a permanent or duly authorized temporary driveway.

67 (2) A violation of this section is a noncriminal traffic
68 infraction, punishable as a moving violation as provided in
69 chapter 318.

70 (3) This section does not apply to motorized wheelchairs.

71 Section 3. Section 316.2128, Florida Statutes, is amended
72 to read:

73 316.2128 Micromobility devices, ~~Operation of~~ motorized
74 scooters, and miniature motorcycles; requirements ~~for sales~~.—

75 (1) The operator of a motorized scooter or micromobility

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76 device has all of the rights and duties applicable to the rider
77 of a bicycle under s. 316.2065, except the duties imposed by s.
78 316.2065(2), (3) (b), and (3) (c), which by their nature do not
79 apply. However, this section may not be construed to prevent a
80 local government, through the exercise of its powers under s.
81 316.008, from adopting an ordinance governing the operation of
82 micromobility devices and motorized scooters on streets,
83 highways, sidewalks, and sidewalk areas under the local
84 government's jurisdiction.

85 (2) A motorized scooter or micromobility device is not
86 required to satisfy the registration and insurance requirements
87 of s. 320.02 or the licensing requirements of s. 316.605.

88 (3) A person is not required to have a driver license to
89 operate a motorized scooter or micromobility device.

90 (4) A person who offers motorized scooters or
91 micromobility devices for hire is responsible for securing all
92 such devices located in any area of the state where an active
93 tropical storm or hurricane warning has been issued by the
94 National Weather Service.

95 (5)~~(1)~~ A person who engages in the business of, serves in
96 the capacity of, or acts as a commercial seller of ~~motorized~~
97 ~~scooters or~~ miniature motorcycles in this state must prominently
98 display at his or her place of business a notice that such
99 vehicles are not legal to operate on public roads, may not be
100 registered as motor vehicles, and may not be operated on

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sidewalks unless authorized by an ordinance enacted pursuant to s. 316.008(7)(a) or s. 316.212(8). The required notice must also appear in all forms of advertising offering ~~motorized scooters~~ ~~or~~ miniature motorcycles for sale. The notice and a copy of this section must also be provided to a consumer prior to the consumer's purchasing or becoming obligated to purchase a ~~motorized scooter or~~ a miniature motorcycle.

~~(6)(2)~~ Any person selling or offering ~~a motorized scooter~~ ~~or~~ a miniature motorcycle for sale in violation of this section commits an unfair and deceptive trade practice as defined in part II of chapter 501.

Section 4. Subsection (7) of section 316.2225, Florida Statutes, is amended to read:

316.2225 Additional equipment required on certain vehicles.—In addition to other equipment required in this chapter, the following vehicles shall be equipped as herein stated under the conditions stated in s. 316.217.

(7) On every slow-moving vehicle or equipment, animal-drawn vehicle, or other machinery designed for use and speeds less than 25 miles per hour, excluding electric personal assistive mobility devices and motorized scooters, but including all road construction and maintenance machinery except when engaged in actual construction or maintenance work either guarded by a flagger or a clearly visible warning sign, which normally travels or is normally used at a speed of less than 25

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126 miles per hour and which is operated on a public highway, there
127 must be—

128 ~~(a)~~ a triangular slow-moving vehicle emblem SMV as
129 described in, and displayed as provided in, this subsection
130 ~~paragraph (b)~~.

131 (a) The requirement of the emblem shall be in addition to
132 any other equipment required by law. The emblem shall not be
133 displayed on objects which are customarily stationary in use
134 except while being transported on the roadway of any public
135 highway of this state.

136 (b) The Department of Highway Safety and Motor Vehicles
137 shall adopt such rules and regulations as are required to carry
138 out the purpose of this section. The requirements of such rules
139 and regulations shall incorporate the current specifications for
140 SMV emblems of the American Society of Agricultural Engineers.

141 Section 5. Paragraph (a) of subsection (1) of section
142 320.01, Florida Statutes, is amended to read:

143 320.01 Definitions, general.—As used in the Florida
144 Statutes, except as otherwise provided, the term:

145 (1) "Motor vehicle" means:

146 (a) An automobile, motorcycle, truck, trailer,
147 semitrailer, truck tractor and semitrailer combination, or any
148 other vehicle operated on the roads of this state, used to
149 transport persons or property, and propelled by power other than
150 muscular power, but the term does not include traction engines,

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road rollers, motorized scooters, micromobility devices,
personal delivery devices and mobile carriers as defined in s.
316.003, special mobile equipment as defined in s. 316.003,
vehicles that run only upon a track, bicycles, swamp buggies, or
mopeds.

Section 6. Subsection (1) of section 655.960, Florida
Statutes, is amended to read:

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

(1) "Access area" means any paved walkway or sidewalk
which is within 50 feet of any automated teller machine. The
term does not include any street or highway open to the use of
the public, as defined in s. 316.003(82)(a) or (b) ~~s.~~
~~316.003(81)(a) or (b)~~, including any adjacent sidewalk, as
defined in s. 316.003.

Section 7. This act shall take effect upon becoming a law.