



PASCO COUNTY

**SHERIFF'S OFFICE**

**Bob White, Sheriff**

*Quality of Life Issues in Your Community — Community Policing Team / Article #9*

## Just the Facts...About Motorized Scooters

By: Deputy Troy Fergueson

Many Pasco County residents have asked questions and expressed their concerns about the use of motorized scooters on county roads. This is a brief summary of applicable state laws, legal opinions, current case law, and safety regulations that govern the use of these popular recreational items.

### Motorized Scooters

These scooters are very popular with area youth for both recreation and transportation. We have noticed a steady increase in their use over the past few years. Our main concern at the Pasco Sheriff's Office is the safety of the scooter operator and the community. In the interest of safety, it is important to realize that these scooters are usually operated by very young drivers on roads with other full sized vehicles and are expected, by other drivers, to abide by Florida traffic laws.

The use of motorized scooters on Florida roadways is heavily restricted. According to Florida State Statutes, motorized scooters are "**motor vehicles**" for the purposes of driver licensing and vehicle licensing (license plates). However, for purposes of safety and traffic control regulations motorized scooters are considered "**vehicles**" not motor vehicles. **Thus, a motorized scooter operator must be a licensed driver pursuant to 322.03, Florida Statutes.** In fact, this was upheld by the Florida 2<sup>nd</sup> District Court of Appeals in the 1997 case *State vs. Riley*. The scooter itself is required to have a license plate, which are currently not being issued by the Florida Department of Highway Safety and Motor Vehicles. Therefore, **it is illegal to operate motorized scooters on any road in the State of Florida.** The public right of way or swale area adjoining the paved road is also considered part of the street or highway under Florida Statutes. **Under the current laws of this state a motorized scooter may only be operated on private property with permission from the owner.**

### **Other commonly asked questions about the use of motorized scooters:**

1. *Can motorized scooters be operated in bicycle lanes or on sidewalks?* No, Florida State Statute 316.1995 states: No person shall drive any vehicle, other than by human power, upon a bicycle path, sidewalk, or sidewalk area. See also, Florida Attorney General Opinion AGO 03-44 rendered on September 25, 2003.
2. *What are the fines and penalties associated with a violation of the applicable laws governing the operation of these motorized scooters?* The most applicable statute is listed below:
  - Operating a "motor vehicle" on a roadway without a driver's license FSS 322.03(1). This is classified as misdemeanor criminal offense. A person violating this statute can be arrested or cited, and requires a mandatory appearance in criminal court before a judge. If an unlicensed juvenile is convicted for this offense it can adversely affect the juvenile's ability to obtain a valid Florida driver's license when they reach the designated age of issuance. See also, *State vs. Riley* (Fla. 2d DCA 1997).
3. *Can the parents of a minor be held responsible for the unauthorized (illegal) operation of a motorized scooter?* YES, they can be held accountable under Florida Law. Florida State Statute 322.35, *Permitting an unauthorized minor to drive*, is an arrestable misdemeanor. Parents who allow their unlicensed minor children to operate a motorized scooter on the roadway could be cited or arrested under this statute. This is in addition to any fines that the scooter operator may receive.

**Safety Suggestions:** (U.S. Consumer Product Safety Commission, Release #01-222) [www.cpsc.gov](http://www.cpsc.gov)

1. Children, when operating a motorized scooter, should be supervised by a responsible adult.
2. ALWAYS wear a bicycle helmet that meets CPSC's standards.
3. Scooter operators should wear approved safety pads on their knees and elbows.
4. Wear sturdy shoes.
5. Do not ride at night.
6. Children under 12 should not ride motorized scooters.

### **DID YOU KNOW?**

According to a release dated August 22, 2001, from the U.S. Consumer Product Safety Commission, there were 2,250 emergency room treated injuries associated with motorized scooters between January 1<sup>st</sup> and July 1<sup>st</sup> 2001. In 2000, there was an estimated 4,390 hospital emergency room treatments associated with motorized scooters. An estimated 39% of total injuries were to children under the age of fifteen. There were at least three deaths associated with motorized scooters, according to the same report.

I hope this article has answered some of your questions about the safe and legal use of **motorized** scooters. Remember, it is never legal to operate a motorized scooter on a Florida roadway. Although the restrictions outlined above limit the use of motorized scooters, our intention is to promote safety and educate the community about the regulations on their operation.

It should be noted that All-Terrain Vehicles (ATV's) Motorized Go-Carts and Motorcycles are also "motor vehicles" for the purposes of traffic control, vehicle licensing, and driver licensing.

If you have any questions or concerns about the use of motorized scooters or other recreational vehicles please contact the Community Policing Team Office at 727.844.7757 or 352.521.5100 x 7757.