

2020 Regular Session

SENATE BILL NO. 123

BY SENATOR WARD

MOTOR VEHICLES. Provides relative to electric bicycles. (8/1/20)

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AN ACT

To amend and reenact R.S. 32:1(4.1) through (4.4), (38), (40), (41), (64.1), and (92), 76.1(B), 201(A), 401(17), (19), and (20), 851(5), 1252(1) and (30), and R.S. 47:301(17), and to enact R.S. 32:1(17.1) and 195.1, relative to electric bicycles; to provide relative to classifications of electric bicycles; to provide relative to limitations on passing bicycles; to provide relative to riding an electrical bicycle; to provide for definitions and terms; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:1(4.1) through (4.4), (38), (40), (41), (64.1), and (92), 76.1(B), 201(A), 401(17), (19), and (20), 851(5), 1252 (1) and (30) are hereby amended and reenacted and R.S. 32:1(17.1) and 195.1 is hereby enacted to read as follows:

§1. Definitions

When used in this Chapter, the following words and phrases have the meanings ascribed to them in this Section, unless the context clearly indicates a different meaning:

* * *

(4.1) "Bicycle facility" means any physical facility provided for the exclusive or semi-exclusive use of bicycles or electric bicycles. This includes but is not limited to

1 unmarked shared roadways, marked shared roadways, bicycle lanes, shared use trails, and
2 end of trip facilities.

3 (4.2) "Bicycle lane" means the part of the roadway adjacent to the travel lane,
4 designated by official signs or markings for the preferential or exclusive use by bicycles,
5 electric bicycles, and electric mobility aid users.

6 (4.3) "Bicycle parking" means any facility for the storage of bicycles or electric
7 bicycles to protect against theft and damage.

8 (4.4) "Bicycle path or trail" means a public way separated by open space, grade, or
9 other physical barrier from motor traffic, either within the highway right-of-way or within
10 an independent right-of-way, that is designated for use by persons riding bicycles or electric
11 bicycles.

12 * * *

13 (17.1) "Electric bicycle" shall mean a bicycle equipped with fully operable
14 pedals, a saddle or seat for the rider, and an electric motor of less than seven hundred
15 fifty watts that meets the requirements of one of the following three classes:

16 (a) "Class 1 electric bicycle" shall mean an electric bicycle equipped with a
17 motor that provides assistance only when the rider is pedaling, and that ceases to
18 provide assistance when the bicycle reaches the speed of twenty miles per hour.

19 (b) "Class 2 electric bicycle" shall mean an electric bicycle equipped with a
20 motor that may be used exclusively to propel the bicycle, and that is not capable of
21 providing assistance when the bicycle reaches the speed of twenty miles per hour.

22 (c) "Class 3 electric bicycle" shall mean an electric bicycle equipped with a
23 motor that provides assistance only when the rider is pedaling, and that ceases to
24 provide assistance when the bicycle reaches the speed of twenty miles per hour.

25 * * *

26 (38) "Motorcycle" means every motor vehicle having a seat or saddle for the use of
27 the rider and designed to travel on not more than three wheels in contact with the ground,
28 but excluding a tractor and excluding a an electric bicycle or motorized bicycle.

29 * * *

1 (40) "Motor vehicle" means every vehicle which is self-propelled, and every vehicle
 2 which is propelled by electric power obtained from overhead trolley wires, but not operated
 3 upon rails, but excluding ~~a~~ **an electric bicycle** and motorized bicycle. "Motor vehicle" shall
 4 also include a "low-speed vehicle" which is a four-wheeled, electric-powered vehicle with
 5 a maximum speed of not less than twenty miles per hour but not more than twenty-five miles
 6 per hour and is equipped with the minimum motor vehicle equipment appropriate for vehicle
 7 safety as required in 49 C.F.R. 571.500.

8 (41) "Motorized bicycle" means a pedal bicycle which may be propelled by human
 9 power or helper motor, or by both, with a motor rated no more than one and one-half brake
 10 horsepower, a cylinder capacity not exceeding fifty cubic centimeters, an automatic
 11 transmission, and which produces a maximum design speed of no more than twenty-five
 12 miles per hour on a flat surface, **but excludes an electric bicycle.**

13 * * *

14 (64.1) "Shared use trail" means a public way separated by open space, grade, or other
 15 physical barrier from motor traffic, either within the highway right-of-way or within an
 16 independent right-of-way, that is designated for use by pedestrians, mobility aid users, and
 17 persons riding bicycles **or electric bicycles.**

18 * * *

19 (92) "Vehicle" means every device by which persons or things may be transported
 20 upon a public highway or bridge, except devices moved by human power or used exclusively
 21 upon stationary rails or tracks. A bicycle, **electric bicycle**, or a ridden animal shall be a
 22 vehicle, and a trailer or semitrailer shall be a separate vehicle.

23 * * *

24 §76.1. Limitations on passing bicycles

25 * * *

26 B. The operator of a motor vehicle, when overtaking and passing a bicycle
 27 **or electric bicycle** proceeding in the same direction on the roadway, shall exercise
 28 due care while the motor vehicle is passing the bicycle and shall leave a safe distance
 29 between the motor vehicle and the bicycle of not less than three feet and shall

1 maintain such clearance until safely past the overtaken bicycle or electric bicycle.

2 An operator of a motor vehicle may pass a bicycle or electric bicycle traveling in
3 the same direction in a no-passing zone only when it is safe to do so.

4 * * *

5 §195.1. Riding on electric bicycles

6 A. Except as provided in this Section, an electric bicycle or an operator
7 of an electric bicycle shall be afforded all the rights and privileges and be
8 subject to all of the duties of a bicycle or the operator of a bicycle. An electric
9 bicycle is a vehicle to the same extent as a bicycle.

10 B. An electric bicycle or a person operating an electric bicycle is not
11 subject to the provisions of this Title relating to financial responsibility, driver's
12 licenses, vehicle licenses, license plates, registration, certificates of titles, all-
13 terrain vehicles, and off-road vehicles.

14 C. Beginning January 1, 2021, manufacturers and distributors of electric
15 bicycles shall apply a label that is permanently affixed in a prominent location
16 to each bicycle. The label shall contain the classification number, top assisted
17 speed, and motor wattage of the electric bicycle, and shall be printed in Arial
18 font no less than nine point type.

19 D. A person shall not tamper with or modify an electric bicycle so as to
20 change the motor-powered speed capability or engagement of an electric bicycle
21 unless the label indicating the classification required in Subsection C is replaced
22 after modification.

23 E. An electric bicycle shall comply with the equipment and
24 manufacturing requirement for bicycles adopted by the United States
25 Consumer Product Safety Commission (16 CFR Part 1512).

26 F. An electric bicycle shall operate in a manner so that the electric motor
27 is disengaged or ceases to function when the rider stops pedaling or when the
28 brakes are applied.

29 G. An electric bicycle may be ridden in places where bicycles are

1 allowed, including but not limited to streets, highways, roadways, bicycle
2 facilities, bicycle lanes, shared use trails, bicycle paths, or trails.

3 (1) Following notice and a public hearing, a local municipal authority,
4 local parish authority, or state agency having jurisdiction over a shared use trail
5 or bicycle path or trail may prohibit the operation of a Class 1 electric bicycle
6 or Class 2 electric bicycle on the path or trail, if it finds that such a restriction
7 is necessary for safety reasons or compliance with other laws or legal
8 obligations.

9 (2) A local municipal authority, local parish authority, or state agency
10 having jurisdiction over a shared use trail or bicycle path or trail may prohibit
11 the operation of a Class 3 electric bicycle on that path or trail.

12 (3) This Subsection shall not apply to a trail that is specifically
13 designated as nonmotorized and that has a natural surface tread that is made
14 by clearing and grading the native soil with no added surface materials. A local
15 municipal authority, local parish authority, or state agency having jurisdiction
16 over a trail described in this Subsection may regulate the use of an electric
17 bicycle on that trail.

18 H. No person under the age of sixteen may operate a Class 3 electric
19 bicycle. A person under the age of sixteen may ride as a passenger on a Class 3
20 electric bicycle that is designed to accommodate passengers.

21 I. All operators and passengers of Class 3 electric bicycles shall wear a
22 properly fitted and fastened approved helmet.

23 (1) For the purpose of this Subsection, "approved helmet" shall have the
24 same meaning as provided in R.S. 32:199.

25 (2) The issuance of a citation for a violation of this Section shall not be
26 prima facie evidence of negligence. The comparative negligence statutes of
27 Louisiana shall apply in these cases as in all other cases of negligence.

28 (3) The provisions of R.S. 32:57 shall not apply to a violation of this
29 Section. Any person who violates any provision of this Section shall upon

1 conviction be fined fifty dollars which shall include all costs of court.
 2 Notwithstanding any contrary provision of law, no other cost or fee shall be
 3 assessed against any person for a violation of this Section. This fine shall be
 4 waived if the operator of the Class 3 electric bicycle provides proof of
 5 purchasing an approved helmet.

6 J. All Class 3 electric bicycles must be equipped with a speedometer that
 7 displays the speed the bicycle is traveling in miles per hour.

8 * * *

9 §201. Harassment of bicyclists prohibited; penalties

10 A. It shall be unlawful to harass, taunt, or maliciously throw objects at or in
 11 the direction of any person riding a bicycle or electric bicycle.

12 * * *

13 §401. Definitions

14 The following words and phrases when used in this Chapter shall have the meaning
 15 assigned to them in this Section unless the context clearly indicates otherwise:

16 * * *

17 (17) "Motorcycle" means every motor vehicle having a seat or saddle for the use of
 18 the rider and designed to travel on not more than three wheels in contact with the ground,
 19 but excluding a tractor and a an electric bicycle or motorized bicycle.

20 * * *

21 (19) "Motorized bicycle" means a pedal bicycle which may be propelled by human
 22 power or helper motor, or by both, with a motor rated no more than one and one-half
 23 horsepower, a cylinder capacity not exceeding fifty cubic centimeters, an automatic
 24 transmission, and which produces a maximum design speed of no more than twenty-five
 25 miles per hour on a flat surface, but excluding an electric bicycle.

26 (20) "Motor vehicle" means and includes automobiles, trucks, truck-tractors, trailers,
 27 semitrailers, and motorcycles, propelled by steam, gasoline, electricity, or any other source
 28 of energy other than muscular power, except electric bicycles, farm implements temporarily
 29 operated or moved on a highway or vehicles operated only on rails or tracks constructed

1 therefor.

2 * * *

3 §851. Definitions

4 The following words and phrases, when used in this Chapter, shall, for the purposes
5 of this Chapter, have the meanings respectively ascribed to them in this Section, except in
6 those instances, where the context clearly indicates a different meaning:

7 * * *

8 (5) "Motor vehicle" means every self-propelled vehicle (except traction engines, road
9 rollers, farm tractors, **electric bicycles**, tractor cranes, power shovels, and well drillers) and
10 every vehicle which is propelled by electric power obtained from overhead wires but not
11 operated upon rails.

12 * * *

13 §1252. Definitions

14 The following words, terms, and phrases, when used in this Chapter, shall have the
15 meanings respectively ascribed to them in this Section, except where the context clearly
16 indicates a different meaning:

17 (1) "All-terrain vehicle" shall mean any vehicle manufactured for off-road use and
18 issued a manufacturer's statement or certificate of origin, as required by the commission, that
19 cannot be issued a registration certificate and license to operate on the public roads of this
20 state because, at the time of manufacture, the vehicle does not meet the safety requirements
21 prescribed by R.S. 32:1301 through 1310. This includes vehicles that are issued a title by the
22 Department of Public Safety and Corrections, public safety services, such as recreational and
23 sports vehicles, but it shall not include off-road vehicles used for farm purposes, farm
24 equipment, **electric bicycle**, or heavy construction equipment.

25 * * *

26 (30) "Motorcycle" means a motor vehicle having a seat or saddle for the use of the
27 rider and designed to travel on not more than three wheels in contact with the ground but
28 excluding a tractor, **electric bicycle**, and electric-powered scooters not required to be
29 registered.

* * *

Section 2. R.S. 47:301 is hereby amended and reenacted to read as follows:

§301. Definitions

As used in this Chapter the following words, terms, and phrases have the meanings ascribed to them in this Section, unless the context clearly indicates a different meaning:

* * *

(17) "Off-road vehicle" is any vehicle manufactured for off-road use which is issued a manufacturer's statement of origin that cannot be issued a registration certificate and license to operate on the public roads of this state because at the time of manufacture the vehicle does not meet the safety requirements prescribed by R.S. 32:1301 through 1310. This includes vehicles that are issued a title only by the Department of Public Safety and Corrections, public safety services, such as all terrain vehicles and recreational and sport vehicles, but it shall not include off-road vehicles used for farm purposes, farm equipment, **electric bicycles**, or heavy construction equipment.

* * *

Section 3. This Act shall become effective on August 1, 2020.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Xavier I. Alexander.

DIGEST

SB 123 Original 2020 Regular Session Ward

Present law (R.S. 32:1) provides for definitions.

Proposed law retains present law and defines electronic bicycle as a bicycle equipped with fully operable pedals, seat and electrical motor of less than 700 watts.

Proposed law provides for classification of electric bicycles:

- (1) Class 1 electric bicycle is equipped with a motor that provides assistance only when rider is pedaling and no longer provides assistance up to 20 mph.
- (2) Class 2 electric bicycle is equipped with a motor that can propel the bicycle without pedaling, and the motor is not capable of providing assistance when the bicycle reaches 20 mph.
- (3) Class 3 electric bicycle is equipped with a motor that provides assistance only when the rider is pedaling, and that no longer provides assistance when the bicycle reaches 28 mph.

Present law (R.S. 32:76.1) provides for limitations on passing bicycles.

Proposed law retains present law and provides that the same limitations shall be taking by motorist when passing electronic bicycles.

Proposed law provides that an operator of an electric bicycle shall be provided the same rights and privileges as the operator of a bicycle. Provides that operators of electric bicycles are not responsible for driver's license, vehicle license, license plates, registration, certificates of titles as all-terrain vehicles and off-road vehicles.

Proposed law provides that a manufacturer and distributor of electric bicycles shall apply a label showing the classification, top assisted speed, and motor wattage of the electronic bicycle.

Proposed law provides that no electronic bicycle shall be modified to change motor speed, unless a label indicates the classification is replaced. Further provides that an electronic bicycle shall comply with the United State Consumer Product Safety Commission.

Proposed law provides that all electronic bicycles may be ridden in places where bicycles are allowed.

Proposed law provides that local municipal authorities, local parish authorities, and state agencies can regulate bicycle trails or paths and restrict the use of electronic bicycles.

Proposed law provides that no person under the age of 16 may operate a Class 3 electric bicycle. Further provides that all operators and passengers of a Class 3 electric bicycle shall wear an approved helmet.

Proposed law provides for the issuance of a citation for failure to wear an approved helmet while operating a Class 3 bicycle cost associated with citation.

Present law (R.S. 32:201) provides that it shall be unlawful to harass, taunt, or throw objects at or in the direction of a bicycle.

Proposed law retains present law and provides that it shall be unlawful to harass, taunt, or throw an object at or in the direction of an electronic bicycle.

Present law (R.S. 32: 401) provides for definitions of motorcycle, motorized bicycle, and motor vehicle.

Proposed law retains present law and excludes electronic bicycle from the definition of motorcycle, motorized bicycle, and motor vehicle.

Present law (R.S. 32:851) provides for definition of motor vehicle.

Proposed law retains present law and excludes electric bicycle from the definition of motor vehicle.

Present law (R.S. 32:1252) provides for definitions of all-terrain vehicle and motorcycle.

Proposed law retains present law and excludes electric bicycle from the definition of all-terrain vehicle and motorcycle.

Present law (R.S. 47:301) provides for definition of off-road vehicle.

Proposed law retains present law and excludes electric bicycle from the definition of off-road vehicle.

Effective August 1, 2020.

(Amends R.S. 32.1(4.1)-(4.4), (38), (40), (41), (64.1), and (92), 76.1(B), 201(A), 401(17), (19), and (20), 851(5), 1252(1) and (30), R.S. 47:301(17); adds R.S. 32:1(17.1) and 195.1)