

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 514

2020 Regular Session

Willard

TRANSPORTATION: Provides relative to electric-assisted bicycles

Synopsis of Senate Amendments

1. Modifies the definitions of "bicycle" and "electric-assisted bicycle" to include a saddle or seat for each rider.
2. Adds a provision that mandates that electric-assisted bicycles comply with the equipment and manufacturing requirements for bicycles in compliance with the U.S. Consumer Product Safety Commission (16 CFR Part 1512).
3. Adds a requirement that an electric-assisted bicycle operate in a manner where the electric motor is disengaged or ceases to function when the rider stops pedaling or when the brakes are applied.
4. Authorizes electric-assisted bicycles to be ridden in places where bicycles are allowed, which includes streets, highways, roadways, bicycle facilities, bicycle lanes, shared-use trails, and bicycle paths or trails.
5. Removes provisions of proposed law that authorized a "Class one electric-assisted bicycle" or "Class two electric-assisted bicycle" to operate on a permitted bicycle or shared-use trail.
6. Removes provisions of proposed law that authorized the local municipal authority, local parish authority, or state agency having jurisdiction over a bicycle or shared-use trail to prohibit the operation of a "Class one electric-assisted bicycle" or "Class two electric-assisted bicycle" on a permitted bicycle or shared-use trail.
7. Removes provisions of proposed law that prohibited a "Class three electric-assisted bicycle" from operating on a bicycle or shared-use trail unless within or adjacent to a highway or roadway, or unless the local municipal authority, local parish authority, or state agency having jurisdiction over the trail permits this operation.
8. Authorizes a local municipal authority, local parish authority, or state agency having jurisdiction over a shared-use trail or bicycle path or trail to prohibit the operation of Class one or Class two electric-assisted bicycles on such path or trail should it find, after notice and a public hearing, that such a restriction is necessary for safety reasons or compliance with other laws or legal obligations.
9. Authorizes a local municipal authority, local parish authority, or state agency having jurisdiction over a shared-use trail or bicycle path or trail to prohibit the operation of Class three electric-assisted bicycles on such path or trail.
10. Establishes that the regulations by a local municipal authority, local parish authority, or state agency having jurisdiction over a shared-use trail or bicycle path or trail does not apply to a trail that is specifically designated as nonmotorized and has a natural surface tread made by clearing and grading the native soil with no added surface materials.
11. Authorizes a local municipal authority, local parish authority, or state agency having jurisdiction over a shared-use trail or bicycle path or trail to regulate the use of an electric-assisted bicycle on that trail.

12. Changes the minimum age requirement in proposed law necessary for a person to operate a Class three electric-assisted bicycle from 16 to 12.
13. Removes provisions of proposed law that required all operators and passengers of Class three electric-assisted bicycles to wear a properly fitted, fastened bicycle helmet that meets the standards provided by either the U.S. Consumer Product Safety Commission or the American Society for Testing and Materials, or standards subsequently established by either entity.
14. Requires all operators and passengers of Class three electric-assisted bicycles to wear an approved bicycle helmet.
15. Defines the term "approved helmet" to mean the same as the definition provided in present law (R.S. 32:199).
16. Requires a prima facie evidence of negligence for the issuance of a citation for a violation of the provisions of present law. Requires the comparable negligence statutes of La. apply for a violation of present law.
17. Prohibits the provisions of present law (R.S. 32:57) from applying to a violation of present law. Requires a person in violation of present law be fined \$50 upon conviction, which shall include court costs. Prohibits any other cost from being assessed against a person in violation of present law. Requires the fine be waived if the operator of the Class three electric-assisted bicycle provides proof of purchasing an approved helmet.
18. Modifies the definitions of the terms "motorcycle", "motorized bicycle", "motor vehicle", and "all-terrain vehicle" contained in present law to exclude an electric-assisted bicycle.
19. Makes technical changes.

Digest of Bill as Finally Passed by Senate

Present law provides definitions related to motor vehicles and traffic regulations.

Present law defines "bicycle" as every device upon which any person may ride, propelled exclusively by human power, and having one or more wheels.

Proposed law modifies the definition of "bicycle" from every device upon which any person may ride to every device upon which any person or persons may ride when the design accommodates passengers and has a saddle or seat for each rider. Proposed law further modifies the definition of "bicycle" from a device having one or more wheels to a device having two tandem wheel, either of which is 16 inches or more in diameter, or three wheels, any one of which is 20 inches or more in diameter.

Proposed law defines an "electric-assisted bicycle" as every bicycle upon which any person or persons, when the design accommodates passengers and has a saddle or seat for each rider, may ride, having two tandem wheels, either of which is 16 inches or more in diameter, or three wheels, any one of which is 20 inches or more in diameter, equipped with fully operable pedals, and an electric motor of less than 750 watts that meets the requirement of either a Class one electric-assisted bicycle, a Class two electric-assisted bicycle, or a Class three electric-assisted bicycle.

Proposed law defines a "Class one electric-assisted bicycle" as an electric-assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and ceases

to provide assistance when the bicycle reaches the speed of 20 mph.

Proposed law defines a "Class two electric-assisted bicycle" as an electric-assisted bicycle equipped with a motor that may be used exclusively to propel the bicycle and is not capable of providing assistance when the bicycle reaches the speed of 20 mph.

Proposed law defines a "Class three electric-assisted bicycle" as an electric-assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of 28 mph.

Proposed law requires an electric-assisted bicycle comply with the equipment and manufacturing for bicycles in compliance with the United States Consumer Product Safety Commission. Proposed law requires an electric-assisted bicycle operate in a manner where the electric motor is disengaged or ceases to function when the rider stops pedaling or when the brakes are applied.

Present law defines a "motorcycle" as every 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. Present law excludes a tractor and a motorized bicycle from the definition of a motorcycle.

Proposed law adds an exclusion for an "electric-assisted bicycle" to the definition of a motorcycle.

Present law defines "motor vehicle" as every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails. Present law excludes a motorized bicycle from the definition of a motor vehicle.

Proposed law adds an exclusion for an "electric-assisted bicycle" to the definition of "motor vehicle".

Present law defines "motorized bicycle" as a pedal bicycle which may be propelled by human power or helper motor, or by both, with a motor rated no more than one and one-half brake horsepower, a cylinder capacity not exceeding 50 cubic centimeters, an automatic transmission, and which produces a maximum design speed of 25 mph on a flat surface.

Proposed law adds an exclusion for an "electric-assisted bicycle" to the definition of a "motorized bicycle".

Present law authorizes the use of a motorized bicycle in a bicycle lane when the driver travels at a reasonable or prudent speed, has due regard for visibility, traffic conditions, and the condition of the roadway surface of the bicycle lane, and in a manner which does not endanger the safety of bicyclists.

Present law defines "all-terrain vehicle" as any vehicle manufactured for off-road use and issued a manufacturer's statement or certificate of origin, as required by the commission, 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 in present law. Present law includes vehicles issued a title by the Dept. of Public Safety and Corrections, public safety services, such as recreational and sports vehicle, which does not include off-road vehicles used for farm purposes, farm equipment, or heavy construction equipment.

Proposed law adds an exclusion for an electric-assisted bicycle to the definition of "all-terrain vehicle".

Proposed law also authorizes the use of an electric-assisted bicycle in a bicycle lane when the driver travels at a reasonable or prudent speed, has due regard for visibility, traffic conditions, and the condition of the roadway surface of the bicycle lane, and in a manner

which does not endanger the safety of bicyclists.

Proposed law authorizes the use of an electric-assisted bicycle in places where bicycles are allowed, which includes streets, highways, roadways, bicycle facilities, bicycle lanes, shared-use trails, and bicycle paths or trails.

Proposed law requires electric-assisted bicycles or an operator of an electric-assisted bicycle be afforded all the rights, privileges, and duties of a bicycle or the operator of a bicycle. Specifies that an electric-assisted bicycle is considered a vehicle in the same regards as a bicycle.

Proposed law authorizes a local municipal authority, local parish authority, or state agency having jurisdiction over a shared-use trail or bicycle path or trail to prohibit the operation of Class one or Class two electric-assisted bicycles on such path or trail should it find, after notice and a public hearing, that such a restriction is necessary for safety reasons or compliance with other laws or legal obligations.

Proposed law authorizes a local municipal authority, local parish authority, or state agency having jurisdiction over a shared-use trail or bicycle path or trail to prohibit the operation of Class three electric-assisted bicycles on such path or trail.

Proposed law establishes that the regulations by a local municipal authority, local parish authority, or state agency having jurisdiction over a shared-use trail or bicycle path or trail does not apply to a trail that is specifically designated as nonmotorized and has a natural surface tread made by clearing and grading the native soil with no added surface materials.

Proposed law authorizes a local municipal authority, local parish authority, or state agency having jurisdiction over a shared-use trail or bicycle path or trail to regulate the use of an electric-assisted bicycle on that trail.

Proposed law requires all operators and passengers of Class three electric-assisted bicycles to wear an approved bicycle helmet.

Proposed law defines the term "approved helmet" to mean the same as the definition provided in present law.

Proposed law requires manufacturers and distributors of electric-assisted bicycles to apply a label permanently affixed in a prominent location to each electric-assisted bicycle. Proposed law requires the label contain the classification number, top-assisted speed, and motor wattage of the electric-assisted bicycle. Proposed law establishes an effective date of Aug. 1, 2020.

Proposed law prohibits a person from tampering with or modifying an electric-assisted bicycle so as to change its classification, unless the manufacturer's label indicating its classification is appropriately replaced.

Proposed law prohibits a person under the age of 12 from operating a "Class three electric-assisted bicycle". Authorizes a person under the age of 12 to ride as a passenger on a "Class three electric-assisted bicycle" designed to accommodate passengers.

Proposed law requires a prima facie evidence of negligence for the issuance of a citation for a violation of the provisions of present law. Requires the comparable negligence statutes of La. apply to a violation of present law.

Proposed law prohibits the provisions of present law (R.S. 32:57) from applying to a violation of provisions governing electric-assisted bicycles. Requires a person in violation of present law to be fined \$50 upon conviction, which shall include court costs. Requires no other cost be assessed against a person in violation of said provisions. Requires the fine be waived if the operator of the Class three electric-assisted bicycle provides proof of

purchasing an approved helmet.

Proposed law requires Class three electric-assisted bicycles be equipped with a speedometer that displays the speed in mph.

Effective Aug. 1, 2020.

(Amends R.S. 32:1(4), (38), (40), (41), 203(C), 401(17), (19) and (20), 851(5), 1252(1) and (30); Adds R.S. 32:1(95) and 204)