
DIGEST

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HB 534 Original

2019 Regular Session

Pope

Abstract: Provides for the operation and regulation of electric low-speed scooters.

Present law defines "motor driven cycle" as every motorcycle, including every motor scooter, with a motor of not to exceed five horsepower.

Proposed law maintains present law and specifies that an electric low-speed scooter is not considered a motor driven cycle or scooter.

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, but excluding a motorized bicycle.

Proposed law maintains present law and excludes an electric low-speed scooter from being considered a motor vehicle.

Present law defines "vehicle" as every device by which persons or things may be transported upon a public highway or bridge, except devices moved by human power or used exclusively upon stationary rails or tracks.

Proposed law maintains present law and excludes an electric low-speed scooter from being considered a vehicle.

Proposed law defines an "electric low-speed scooter" as a device weighing less than 100 lbs. that has handlebars and an electric motor, is solely powered by the electric motor or human power, and has a maximum speed of not more than 20 miles per hour on a paved level surface when powered solely by the electric motor.

Present law provides for operation of motorcycles, motor-driven cycles, electric low-speed scooters, and bicycles as a Subpart heading.

Proposed law changes the heading name to operation of motorcycles, motor-driven cycles, electric low-speed scooters, and bicycles.

Proposed law specifies that the statutory provisions applicable to vehicles or motor vehicles, including the provisions relative to motor vehicle licensing, certificates of title, insurance, registration, or rental do not apply to electric low-speed scooters.

Proposed law provides that every person operating an electric low-speed scooter be granted the same rights and shall be subject to the same duties applicable to the rider of a bicycle, except as otherwise provided.

Proposed law specifies that an electric low-speed scooter only be operated on the roadways and highways of this state by a person 15 years of age or older.

Proposed law prohibits the use of an electric low-speed scooter to carry more persons at one time than the number for which it is designed and equipped. Also prohibits a person from operating an electric low-speed electric scooter while carrying any package, bundle, or article that prevents the operator from keeping at least one hand on the handlebars and attaching himself or the electric low-speed scooter to any vehicle on a highway.

Proposed law authorizes an electric low-speed scooter to operate on roadways, highways, or at a bicycle facility at a speed not to exceed 15 miles per hour and on sidewalks at a speed not to exceed 8 miles per hour.

Proposed law requires that every person operating an electric low-speed scooter on a roadway ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction, except when any of the following circumstances occur:

- (1) Overtaking and passing another electric low-speed scooter, a bicycle, or a vehicle proceeding in the same direction.
- (2) Preparing for a left turn at an intersection or into a private road or driveway.
- (3) Avoiding, when reasonably necessary, fixed or moving objects, vehicles, bicycles, pedestrians, animals, surface hazards, or substandard width lane, or any other conditions that make it unsafe to continue along the right-hand curb or edge of the roadway and defines a "substandard width lane" as a lane that is too narrow for an electric low-speed scooter and a vehicle to travel safely side by side within the lane.
- (4) Approaching a place where a right turn is authorized.

Proposed law prohibits a person operating an electric low-speed scooter on a roadway from riding more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles and from operating on the shoulder of a roadway.

Proposed law authorizes a person operating an electric low-speed scooter on a roadway or a highway, where there are two or more marked traffic lanes and traffic travels in only one direction, to ride as near to the left-hand curb or shoulder of that roadway as practicable when preparing for a left turn.

Proposed law specifies that an electric low-speed scooter may be parked on a sidewalk in a manner

not to impede the normal flow of pedestrian traffic.

Proposed law requires that the operator of a motor vehicle exercise due care while the motor vehicle is passing the electric low-speed scooter, leave a safe distance between the motor vehicle and the electric low-speed scooter of not less than three feet. Requires the operator maintain such clearance until safely past the overtaken electric low-speed scooter when overtaking and passing an electric low-speed scooter proceeding in the same direction on the roadway.

Proposed law permits an operator of a motor vehicle to pass an electric low-speed scooter traveling in the same direction in a no-passing zone only when it is safe to do so.

Proposed law requires every electric low-speed scooter to be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

Proposed law requires that every electric low-speed scooter display lighted lamps and illuminating devices at any of the following times:

- (1) Between sunset and sunrise.
- (2) When, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernable at a distance of 500 feet ahead.
- (3) When moisture in the air or precipitation necessitates the continuous use of windshield wipers.
- (4) While driving in a tunnel.

Proposed law requires that any electric low-speed scooter used at any time between sunset and sunrise, when persons and vehicles on the highway are not clearly discernable at a distance of 500 feet ahead, when moisture in the air or precipitation necessitates the continuous use of windshield wipers, and while driving in a tunnel be equipped with the following:

- (1) A lamp mounted on the front that emits a white light visible from a distance of at least 500 feet to the front. A generator-powered lamp that emits light only when the electric low-speed scooter is moving may be used to meet this requirement.
- (2) A lamp mounted on the rear that emits either a flashing or steady red light visible from a distance of 500 feet to the rear.
- (3) A red reflector mounted on the rear and a reflector on each side facing outward at a right angle to the electric low-speed scooter frame that is visible from a distance of 600 feet when approached by a motor vehicle displaying lawful lower beams of head lamps.

Proposed law specifies that an electric low-speed scooter or its operator may be equipped with lights or reflectors in addition to those required by proposed law, except that red lamps and red reflectors

cannot be used on the front of the electric low-speed scooter and white lamps and white reflectors cannot be used on the rear of the electric low-speed scooter.

Proposed law requires that a lamp or lamps worn by the operator of an electric low-speed scooter comply with the requirements of proposed law if the lamp or lamps can be seen at the distances specified.

Proposed law prohibits a person from operating an electric low-speed scooter on a state highway, parish road, or city street any time between sunset and sunrise, when persons and vehicles on the highway are not clearly discernable at a distance of 500 feet ahead, when moisture in the air or precipitation necessitates the continuous use of windshield wipers, and while driving in a tunnel unless such electric low-speed scooter is equipped with lamps and reflectors to comply with proposed law.

Proposed law prohibits a retailer, distributor, wholesaler, or manufacturer in this state from selling or offering for sale any electric low-speed scooter unless such scooter is equipped with lamps and reflectors as required by proposed law.

Proposed law specifies that the provisions of proposed law relative to front, side, and rear lamps and reflectors do not apply to operators of electric low-speed scooters or electric low-speed scooters while the operator or scooter is engaged in sanctioned competition races or to electric low-speed scooters while utilized by peace officers in furtherance of their official duties.

Proposed law prohibits a person under the age of 18 from operating or riding on an electric low-speed scooter without wearing an approved, good fitting helmet fastened securely on the head with the straps of the helmet.

Proposed law defines "approved helmet" as a bicycle helmet that meets or exceeds the following minimum bicycle helmet safety standards:

- (1) A bicycle helmet that was manufactured prior to March 1999, shall meet or exceed the minimum bicycle helmet safety standards set by the American National Standards Institute or the Snell Memorial Foundation.
- (2) A bicycle helmet that was manufactured after March 1999, shall meet or exceed the minimum bicycle helmet safety standards set by the Consumer Product Safety Commission.

Proposed law authorizes local governmental subdivisions or the Dept. of Transportation and Development to reasonably regulate the operation of an electric low-speed scooter on any roadway, highway, street, bicycle facility, sidewalk, or bicycle path under its jurisdiction if it is determined that such regulation is necessary and in the interest of safety.

Proposed law authorizes local governmental subdivisions to promulgate and assess penalties, not to exceed those assessed to riders of bicycles, for moving or parking violations involving electric low-speed scooters to the person responsible for the violation.

Present law defines "motor vehicle" as automobiles, trucks, truck-tractors, trailers, semitrailers, and motorcycles, propelled by steam, gasoline, electricity, or any other source of energy other than muscular power, except farm implements temporarily operated or moved on a highway or vehicles operated only on rails or tracks constructed therefor.

Proposed law maintains present law and excludes an electric low-speed scooter from being considered a motor vehicle.

Present law defines "vehicle" as every device in, upon, or by which any person, property, or thing is or may be transported or drawn upon a public highway excepting devices moved by human power or used exclusively upon stationary rails or tracks; provided, that for the purpose of present law, a bicycle or a ridden animal cannot be deemed a vehicle, and provided further that a trailer or semitrailer will be held and deemed each to be and constitute a separate vehicle.

Proposed law maintains present law and excludes an electric low-speed scooter from being considered a vehicle.

Present law authorizes the department and local governmental subdivisions to restrict the use of bicycle facilities under their respective jurisdictions to pedestrians and nonmotorized vehicles, except for electric personal assistive mobility devices where such devices do not pose a hazard to the device users or other users of the facility.

Proposed law maintains present law and adds that the department and local governmental subdivisions cannot restrict electric low-speed scooters from use of bicycle facilities under their respective jurisdictions where such device does not pose a hazard to the device users or other users of the facility.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 32:1(39), (40), and (92), the heading of Subpart G of Part IV of Chapter 1 of Title 32 of the La. Revised Statutes of 1950, and 401(18) and (20), R.S. 47:451(41), and R.S. 48:163.1(H); Adds R.S. 32:1(95) and 204 through 204.8)