

ACT No. 152

2020 Regular Session

HOUSE BILL NO. 514

BY REPRESENTATIVE WILLARD

1 AN ACT

2 To amend and reenact R.S. 32:1(4), (38), (40), (41), 203(C), 401(17), (19), and (20), 851(5),
3 1252(1) and (30) and to enact R.S. 32:1(95) and 204, relative to electric-assisted
4 bicycles; to provide for definitions; to provide for the operation, rights, requirements,
5 and restrictions applicable to electric-assisted bicycles; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 32:1(4), (38), (40), (41), 203(C), 401(17), (19), and (20), 851(5),
9 1252(1) and (30) are hereby amended and reenacted and R.S. 32:1(95) and 204 are hereby
10 enacted to read as follows:

11 §1. Definitions

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

15 * * *

16 (4) "Bicycle" means every device upon which any person or persons, if the
17 design accommodates passengers, may ride, propelled exclusively by human power,
18 ~~and having one or more wheels~~ or an electric-assisted bicycle as defined in R.S.
19 32:1(95), having a saddle or seat for each rider, and having two tandem wheels,
20 either of which is sixteen inches or more in diameter, or three wheels, any one of
21 which is twenty inches or more in diameter.

22 * * *

23 (38) "Motorcycle" means every motor vehicle having a seat or saddle for the
24 use of the rider and designed to travel on not more than three wheels in contact with

1 the ground, but excluding a tractor ~~and excluding~~, a motorized bicycle, and an
2 electric-assisted bicycle.

3 * * *

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

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

18 * * *

19 (95) "Electric-assisted bicycle" means every bicycle upon which any person
20 or persons, if the design accommodates passengers, may ride, having a saddle or seat
21 for each rider, and having two tandem wheels, either of which is sixteen inches or
22 more in diameter, or three wheels, any one of which is twenty inches or more in
23 diameter, equipped with fully operable pedals, and an electric motor of less than
24 seven hundred fifty watts that meets the requirement of one of the following classes:

25 (a) "Class one electric-assisted bicycle" means an electric-assisted bicycle
26 equipped with a motor, which provides assistance only when the rider is pedaling
27 and ceases to provide assistance when the bicycle reaches the speed of twenty miles
28 per hour.

29 (b) "Class two electric-assisted bicycle" means an electric-assisted bicycle
30 equipped with a motor, which may be used exclusively to propel the bicycle and is

1 not capable of providing assistance when the bicycle reaches the speed of twenty
2 miles per hour.

3 (c) "Class three electric-assisted bicycle" means an electric-assisted bicycle
4 equipped with a motor, which provides assistance only when the rider is pedaling
5 and ceases to provide assistance when the bicycle reaches the speed of twenty-eight
6 miles per hour.

7 * * *

8 §203. Motor vehicles operating in bicycle lanes

9 * * *

10 C. This Section shall not prohibit the use of a motorized bicycle or an
11 electric-assisted bicycle in a bicycle lane when the operator travels at no speed
12 greater than what is reasonable or prudent, has due regard for visibility, traffic
13 conditions, and the condition of the roadway surface of the bicycle lane and in a
14 manner which does not endanger the safety of bicyclists.

15 * * *

16 §204. Riding on electric-assisted bicycles; rights and duties of electric-assisted
17 bicycles

18 A. Except as otherwise provided in this Chapter, an electric-assisted bicycle
19 or an operator of an electric-assisted bicycle shall be afforded all the rights and
20 privileges, and shall be subject to all of the duties, of a bicycle or the operator of a
21 bicycle. An electric-assisted bicycle shall be considered a vehicle in the same
22 regards as a bicycle.

23 B. On and after August 1, 2020, manufacturers and distributors of electric-
24 assisted bicycles shall apply a label permanently affixed in a prominent location to
25 each electric-assisted bicycle. The label shall contain the classification number, top-
26 assisted speed, and motor wattage of the electric-assisted bicycle.

27 C. No person shall tamper with or modify an electric-assisted bicycle so as
28 to change its classification, unless the manufacturer's label indicating the
29 classification is appropriately replaced.

1 D. An electric-assisted bicycle shall comply with the equipment and
2 manufacturing requirement for bicycles adopted by the United States Consumer
3 Product Safety Commission (16 CFR Part 1512).

4 E. An electric-assisted bicycle shall operate in a manner so that the electric
5 motor is disengaged or ceases to function when the rider stops pedaling or when the
6 brakes are applied.

7 F. Except as otherwise provided by this Subsection, electric-assisted bicycle
8 may be ridden in places where bicycles are allowed, including but not limited to
9 streets, highways, roadways, bicycle facilities, bicycle lanes, shared-use trails,
10 bicycle paths, or trails.

11 (1) Following notice and public hearing, a local municipal authority, local
12 parish authority, or state agency having jurisdiction over a shared-use trail or bicycle
13 path or trail may prohibit the operation of Class one or Class two electric-assisted
14 bicycles on such path or trail, if it finds that such a restriction is necessary for safety
15 reasons or compliance with other laws or legal obligations.

16 (2) A local municipal authority, local parish authority, or state agency having
17 jurisdiction over a shared-use trail or bicycle path or trail may prohibit the operation
18 of Class three electric-assisted bicycles on such path or trail.

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

24 G. No person under the age of twelve shall operate a Class three electric-
25 assisted bicycle. A person under the age of twelve may ride as a passenger on a
26 Class three electric-assisted bicycle designed to accommodate passengers.

27 H. All operators and passengers of a Class three electric-assisted bicycle
28 shall wear an approved bicycle helmet.

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

1 (2) The issuance of a citation for a violation of this Section shall not be
2 prima facie evidence of negligence. The comparable negligence statutes of Louisiana
3 shall apply in these cases.

4 (3) The provisions of R.S. 32:57 shall not apply to a violation of this Section.
5 Any person who violates any provision of this Section shall upon conviction be fined
6 fifty dollars, which shall include all costs of court. Notwithstanding any contrary
7 provision of law, no other cost or fee shall be assessed against any person for a
8 violation of this Section. This fine shall be waived if the operator of the Class three
9 electric-assisted bicycle provides proof of purchasing an approved helmet.

10 I. All Class three electric-assisted bicycles shall be equipped with a
11 speedometer that displays the speed in miles per hour.

12 * * *

13 §401. Definitions

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

17 * * *

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

22 * * *

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

29 (20) "Motor vehicle" means and includes automobiles, trucks, truck-tractors,
30 trailers, semitrailers, and motorcycles, propelled by steam, gasoline, electricity, or

1 any other source of energy other than muscular power, except electric-assisted
2 bicycles, farm implements temporarily operated or moved on a highway or vehicles
3 operated only on rails or tracks constructed therefor.

4 * * *

5 §851. Definitions

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

10 * * *

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

15 * * *

16 §1252. Definitions

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

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

29 * * *

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

5 * * *

6 Section 2. The Louisiana State Law Institute is hereby directed to renumber in
7 consecutive sequence and to reorder the definitions in R.S. 32:1 in alphabetical sequence.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____