

2019 Regular Session

SENATE BILL NO. 91

BY SENATOR CORTEZ

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ROADS/HIGHWAYS. Provides relative to electric low-speed scooters. (8/1/19)

1 AN ACT

2 To enact R.S. 32:300.1.1, relative to electric low-speed scooters; to provide relative to the  
3 operation of an electric low-speed scooter; to provide relative to the definition of an  
4 "electric low-speed scooter"; to provide relative to the requirements of an electric  
5 low-speed scooter; to exempt an electric low-speed scooter from certain  
6 requirements of motor vehicles; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 32:300.1.1 is hereby enacted to read as follows:

9 **§300.1.1. Electric low-speed scooters; operation; exceptions**

10 **A.(1) Electric low-speed scooters may operate on sidewalks, bicycle**  
11 **paths, and highways, except that the department or any parish or municipal**  
12 **governing authority, or both, may limit or prohibit the operation of such**  
13 **scooters on any sidewalk, bicycle path, or highway under its jurisdiction if such**  
14 **prohibition or regulation is in the interest of safety.**

15 **(2) A parish or municipal governing authority may reasonably regulate**  
16 **and assess penalties for moving or parking violations applicable to the operator**  
17 **of an electric low-speed scooter on any sidewalk, bicycle path, or highway under**

1 its jurisdiction.

2 B. For purposes of this Section, the term "electric low-speed scooter"  
3 shall mean a rental or commercial scooter weighing less than one hundred  
4 pounds that has handlebars and an electric motor, is solely powered by an  
5 electric motor or human power, and has a maximum speed of not more than  
6 twenty miles per hour on a paved level surface when powered solely by an  
7 electric motor. An electric low-speed scooter shall not be considered a motor-  
8 driven cycle, a vehicle, or a motor vehicle.

9 C. No electric low-speed scooter shall be used to carry more persons at  
10 one time than the number of persons for whom it is designed and equipped.

11 D. No person operating an electric low-speed scooter shall attach himself  
12 or the scooter to any other vehicle being operated upon a highway.

13 E. No person operating an electric low-speed scooter on a roadway shall  
14 carry any package, bundle, or article that prevents the operator from keeping  
15 at least one hand on its handlebars.

16 F.(1) Every person operating an electric low-speed scooter upon a  
17 roadway shall ride as near to the right side of the roadway as practicable,  
18 exercising due care when passing a standing vehicle or a vehicle proceeding in  
19 the same direction, except under any of the following circumstances:

20 (a) When overtaking and passing another electric low-speed scooter,  
21 bicycle, or vehicle proceeding in the same direction.

22 (b) When preparing to turn or turning left at an intersection, or into a  
23 private road or driveway.

24 (c) When reasonably necessary to avoid fixed or moving objects,  
25 vehicles, bicycles, pedestrians, animals, surface hazards, substandard width  
26 lanes, or any other condition that makes it unsafe to continue along the right-  
27 hand curb or edge of the roadway. For purposes of this Paragraph, a  
28 "substandard width lane" is a lane that is too narrow for an electric low-speed  
29 scooter and another electric low-speed scooter, bicycle, or a vehicle to travel

1 safely side-by-side within the lane.

2 (2) The operator of a motor vehicle, when overtaking and passing an  
 3 electric low-speed scooter proceeding in the same direction on the roadway,  
 4 shall exercise due care when the motor vehicle is passing the electric low-speed  
 5 scooter, and shall leave a safe distance between the motor vehicle and the  
 6 electric low-speed scooter of not less than three feet, and shall maintain such  
 7 safe distance until safely past the overtaken electric low-speed scooter. The  
 8 operator of a motor vehicle may pass an electric low-speed scooter traveling in  
 9 the same direction in a no-passing zone only when it is safe to do so.

10 (3) Every person operating an electric low-speed scooter upon a highway  
 11 of this state shall be granted all of the rights and shall be subject to all the duties  
 12 applicable to the driver of a vehicle by this Chapter, except as provided in this  
 13 Section or as otherwise limited or prohibited by the department or any parish  
 14 or municipal governing authority, and except as to those provisions of this  
 15 Chapter which by their very nature can have no application.

16 G. An electric low-speed scooter shall be equipped with a brake which  
 17 enables the operator to make its braked wheels skid on dry, level, and clean  
 18 pavements.

19 H. An electric low-speed scooter, when in use during the times specified  
 20 in R.S. 32:301, shall be equipped as provided in R.S. 32:329.1.

21 I. Any operator of an electric low-speed scooter under the age of  
 22 seventeen years shall wear an approved helmet as provided in R.S. 32:199.

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The original instrument was prepared by Sharon F. Lyles. The following digest, which does not constitute a part of the legislative instrument, was prepared by Nancy Vicknair.

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Proposed law authorizes electric low-speed scooters to operate on sidewalks, bicycle paths, and highways, except when the DOTD or any parish or municipal governing authority with jurisdiction limits, or both, prohibits scooter operation in the interest of safety.

Proposed law authorizes a parish or municipal governing authority to reasonably regulate and assess penalties for moving or parking violations applicable to the operator of an electric

low-speed scooter on any sidewalk, bicycle path, or highway under its jurisdiction.

Proposed law defines an "electric low-speed scooter" as a rental or commercial scooter weighing less than 100 pounds that has handlebars and an electric motor, is solely powered by an 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 an electric motor. Proposed law provides that an electric low-speed scooter shall not be considered a motor-driven cycle, a vehicle, or a motor vehicle.

Proposed law provides that a scooter shall carry only the number of persons at one time it is designed and equipped to carry.

Proposed law prohibits a person operating a scooter to attach himself or the scooter to any other vehicle being operated upon the highway.

Proposed law prohibits a person operating a scooter upon a roadway from carrying a package, bundle, or article that prevents him from keeping at least one hand on the handlebars.

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

- (1) When overtaking and passing another electric low-speed scooter, bicycle, or vehicle proceeding in the same direction.
- (2) When preparing to turn or turning left at an intersection, or into a private road or driveway.
- (3) When reasonably necessary to avoid fixed or moving objects, vehicles, bicycles, pedestrians, animals, surface hazards, or substandard width lanes, or any other condition that makes it unsafe to continue along the right-hand curb or edge of the roadway. For purposes of this Paragraph, a "substandard width lane" is a lane that is too narrow for an electric low-speed scooter and another electric low-speed scooter, bicycle, or a vehicle to travel safely side-by-side within the lane.

Proposed law requires the operator of a motor vehicle, when overtaking and passing an electric low-speed scooter proceeding in the same direction on the roadway, to exercise due care when the motor vehicle is passing the electric low-speed scooter, and to leave a safe distance between the motor vehicle and the electric low-speed scooter of not less than three feet, and to maintain such safe distance until safely past the overtaken electric low-speed scooter. Proposed law allows the 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 a scooter to be equipped with a brake that enables its braked wheels to skid on dry, level, and clean pavements.

Proposed law requires every person operating an electric low-speed scooter upon a La. highway be granted all of the rights and be subject to all the duties applicable to the driver of a vehicle in accordance with present law, except as limited or prohibited by DOTD or any parish or municipal governing authority, and except as to those provisions of present law which by their very nature can have no application.

Proposed law requires a scooter to be equipped as provided in R.S. 32:329.1 (lights and reflectors) when in use during times specified in R.S. 32:301, as follows:

- (1) At any time 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 the operator of an electric low-speed scooter under the age of 17 years to wear an approved helmet as provided in R.S. 32:199.

Effective August 1, 2019.

(Adds R.S. 32:300.1.1)

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Transportation, Highways, and Public Works to the original bill

1. Removes provision that restricted the operation of an electric low-speed scooter to highways with a posted speed limit of 25 m.p.h. or less.
2. Adds to definition of "electric low-speed scooter" that an electric low-speed scooter is not a motor-driven cycle, a motor scooter, an electric scooter, a vehicle, or a motor vehicle.
3. Corrects citation from R.S. 32:329.1 to R.S. 32:199 which requires the operator of an electric low-speed scooter under the age of 17 years to wear an approved helmet.
4. Removes duplicate provisions that allow DOTD, a parish, or municipal government to prohibit operation of electric low-speed scooters when necessary for the safety of the motoring public.

##### Senate Floor Amendments to engrossed bill

1. Authorizes DOTD or any parish or municipal governing authority, or both, to limit or prohibit operation of electric low-speed scooters on certain sidewalks, paths, and highways under its jurisdiction.
2. Changes the definition of "electric low-speed scooter" to mean a rental or commercial scooter.
3. Authorizes a parish or municipal governing authority to reasonably regulate and assess penalties for moving or parking violations applicable to the operator of an electric low-speed scooter on any sidewalk, bicycle path, or highway under its jurisdiction.
4. Requires every person operating an electric low-speed scooter upon a La. highway be granted all of the rights and be subject to all the duties applicable to the driver of a vehicle in accordance with present law, except under certain circumstances.