

RÉSUMÉ DIGEST

ACT 152 (HB 514)

2020 Regular Session

Willard

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

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

New 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. New law further modifies the definition of "bicycle" from a device having one or more wheels to a device 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.

New 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.

New 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.

New 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.

New 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.

New law requires an electric-assisted bicycle comply with the equipment and manufacturing for bicycles in compliance with the United States Consumer Product Safety Commission.

New law requires 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.

Existing 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. Existing law excludes a tractor and a motorized bicycle from the definition of a motorcycle.

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

Existing 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. Existing law excludes a motorized bicycle from the definition of a motor vehicle.

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

Existing 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.

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

Existing 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.

Existing 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 existing law. Existing 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.

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

New 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.

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

New law requires electric-assisted bicycles or an operator of an electric-assisted bicycle to 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.

New 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.

New 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.

New 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 do 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.

New 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.

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

New law defines the term "approved helmet" to mean the same as the definition provided in existing law.

New law requires manufacturers and distributors of electric-assisted bicycles to apply a label permanently affixed in a prominent location to each electric-assisted bicycle. New law requires the label contain the classification number, top-assisted speed, and motor wattage of the electric-assisted bicycle.

New 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.

New 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.

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

New law prohibits the provisions of existing law (R.S. 32:57) from applying to a violation of provisions governing electric-assisted bicycles. Requires a person in violation of new law to be fined \$50 upon conviction, which shall include court costs. Specifies that no other cost may 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.

New law requires Class three electric-assisted bicycles to 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), and 1252(1) and (30); Adds R.S. 32:1(95) and 204)