

**ENROLLED**

Regular Session, 2010

**ACT No. 618**

HOUSE BILL NO. 1137

BY REPRESENTATIVES WILLIAMS, AUSTIN BADON, BARROW, BURRELL, CARMODY, DIXON, GISCLAIR, GUINN, HINES, ROSALIND JONES, LAFONTA, NORTON, RICHMOND, SIMON, ST. GERMAIN, STIAES, AND WADDELL AND SENATORS ALARIO, CHABERT, CHEEK, CLAITOR, CROWE, DONAHUE, ERDEY, N. GAUTREAUX, GUILLORY, HEBERT, HEITMEIER, JACKSON, KOSTELKA, LAFLEUR, MCPHERSON, MICHOT, MORRELL, MURRAY, NEVERS, PETERSON, RISER, SHAW, SMITH, AND THOMPSON

1

**AN ACT**

2

To amend and reenact R.S. 17:270(A), R.S. 32:1(48) and (65), 76.1(B), 106, 197(A), 283, 296(A), and 300.2, and R.S. 48:21(B), 163.1(A), (B), (D), (E)(introductory paragraph), (F), (G), and (H), to enact R.S. 32:1(95) through (100), 197(D) and (E), and 203, and R.S. 48:1(24), and to repeal R.S. 32:197(C) and R.S. 48:163.1(C), relative to bicycles; to revise provisions relative to bicyclists and traffic; to provide for definitions; to provide for construction of bicycle facilities; and to provide for related matters.

8

Be it enacted by the Legislature of Louisiana:

10

Section 1. R.S. 17:270(A) is hereby amended and reenacted to read as follows:

11

§270. Driver education and training program for children

12

A. The State Board of Elementary and Secondary Education and the state Department of Education, in consultation with the Department of Public Safety and Corrections, shall establish and operate a driver education and training program in each parish of this state for children who are fifteen years of age and older. The program shall consist of a course of not less than eight hours of actual driving experience and thirty hours of classroom instruction. A child who is in at least the ninth grade and is within ninety days of his fifteenth birthday may participate in the classroom instruction component of the program. The State Board of Elementary and Secondary Education shall provide written notice to each city, parish, and local

1 school board of the requirements of this Subsection. The aims and purposes of the  
2 driver education and training program shall be to educate drivers to be competent  
3 and to develop a knowledge of those provisions of the law of this state relating to the  
4 operation of motor vehicles, a proper acceptance of personal responsibility in traffic,  
5 a true appreciation of the causes, seriousness, and consequences of traffic accidents,  
6 and the knowledge, attitudes, habits, and skills necessary for the safe operation of  
7 motor vehicles. The course shall include training on railroad and highway grade  
8 crossing safety and on sharing the road with motorcycles ~~and~~, tractor-trailer trucks  
9 ~~and, pedestrians, bicyclists, and transit vehicles, and~~ at least thirty minutes of  
10 instruction relative to organ and tissue donation. The State Board of Elementary and  
11 Secondary Education and the state Department of Education shall develop the organ  
12 and tissue portion of the driver education and training program in conjunction with  
13 the federally designated organ procurement organization for the state of Louisiana.  
14 However, no student shall be required to take the organ and tissue donation  
15 instruction if his parent or tutor submits a written statement indicating that such  
16 instruction conflicts with the religious beliefs of the student.

17 \* \* \*

18 Section 2. R.S. 32:1(48) and (65), 76.1(B), 106, 197(A), 283, 296(A), and 300.2 are  
19 hereby amended and reenacted and R.S. 32:1(95) through (100), 197(D) and (E), and 203  
20 are hereby enacted to read as follows:

21 §1. Definitions

22 When used in this Chapter, the following words and phrases have the  
23 ~~meaning~~ meanings ascribed to them in this Section, unless the context clearly  
24 indicates a different meaning:

25 \* \* \*

26 (48) "Pedestrian" means any person afoot or utilizing a mobility aid.

27 \* \* \*

28 (65) "Shoulder" means the portion of the highway contiguous with the  
29 roadway for accommodation of stopped vehicles, for emergency use, pedestrian use,

1           mobility aid use or bicyclists when other accommodations are not available, and for  
2           lateral support of base and surface.

3                 \*           \*           \*

4           (95) "Bicycle facility" means any physical facility provided for the exclusive  
5           or semi-exclusive use of bicycles. This includes but is not limited to unmarked  
6           shared roadways, marked shared roadways, bicycle lanes, shared use trails, and end  
7           of trip facilities.

8           (96) "Bicycle lane" means the part of the roadway adjacent to the travel lane,  
9           designated by striping, signing, and pavement markers for the preferential or  
10          exclusive use by bicycles and usually elective mobility aid users.

11          (97) "Bicycle parking" means any facility for the storage of bicycles to  
12          protect against theft and damage.

13          (98) "Bicycle path or trail" means a public way separated by open space,  
14          grade, or other physical barrier from motor traffic, either within the highway right-  
15          of-way or within an independent right-of-way, that is designated for use by persons  
16          riding bicycles.

17          (99) "Mobility aid" means a device used by individuals to ambulate  
18          independently and that is human or electric powered and used in- or outdoors.

19          (100) "Shared use trail" means a public way separated by open space, grade,  
20          or other physical barrier from motor traffic, either within the highway right-of-way  
21          or within an independent right-of-way, that is designated for use by pedestrians,  
22          mobility aid users, and persons riding bicycles.

23                 \*           \*           \*

24          §76.1. Limitations on passing bicycles

25                 \*           \*           \*

26          B. The operator of a motor vehicle, when overtaking and passing a bicycle  
27          proceeding in the same direction on the roadway, shall exercise due care while the  
28          motor vehicle is passing the bicycle and shall leave a safe distance between the  
29          motor vehicle and the bicycle of not less than three feet and shall maintain such  
30          clearance until safely past the overtaken bicycle. An operator of a motor vehicle

1                   may pass a bicycle traveling in the same direction in a no-passing zone only when  
2                   it is safe to do so.

3                         \*           \*           \*

4                   §106. Methods of giving hand and arm signals

5                   A. All signals herein required to be given by hand and arm shall be given  
6                   from the left side of the vehicle in the following manner, and such signals shall  
7                   indicate as follows:

8                   (1) Left turn--hand and arm extended horizontally, with the hand open and  
9                   the back of the hand to the rear.

10                  (2) Right turn--hand and arm extended upward at an angle of forty-five  
11                  degrees from shoulder or elbow, with the hand open and the back of the hand to the  
12                  rear. A bicyclist may also extend the right hand and arm horizontally with the hand  
13                  open and back of the hand to the rear.

14                  (3) Stop or decrease speed--start--hand and arm extended downward at an  
15                  angle of forty-five degrees from shoulder or elbow, with the hand open and the back  
16                  of the hand to the rear.

17                  (4) Pulling from curb or side of highway--same as for left turn.

18                  B. A bicyclist is not required to continuously give the signals required by  
19                  Subsection A of this Section if the hand or arm is needed to control the bicycle.

20                         \*           \*           \*

21                   §197. Riding on roadways and bicycle paths

22                  A. Every person operating a bicycle upon a roadway shall ride as near to the  
23                  right side of the roadway as practicable, exercising due care when passing a standing  
24                  vehicle or one proceeding in the same direction; except under any of the following  
25                  circumstances:

26                  (1) When overtaking and passing another bicycle or vehicle proceeding in  
27                  the same direction.

28                  (2) When preparing for a left turn at an intersection or into a private road or  
29                  driveway.

1                   (3) When reasonably necessary to avoid fixed or moving objects, vehicles,  
2                   bicycles, pedestrians, animals, surface hazards, or substandard width lane or any  
3                   other conditions that make it unsafe to continue along the right-hand curb or edge of  
4                   the roadway. For purposes of this Paragraph, a "substandard width lane" is a lane  
5                   that is too narrow for a bicycle and a vehicle to travel safely side by side within the  
6                   lane.

7                   (4) When approaching a place where a right turn is authorized.

8                         \*

9                   D. Persons riding bicycles shall be allowed to operate on the shoulder of a  
10                  roadway.

11                  E. Any person operating a bicycle upon a roadway or a highway, where there  
12                  are two or more marked traffic lanes and traffic travels in only one direction, may  
13                  ride as near the left-hand curb or shoulder of that roadway as practicable when  
14                  preparing for a left turn.

15                         \*

16                  §203. Motor vehicles operating in bicycle lanes

17                  A. No person shall operate a motor vehicle in a bicycle lane except as  
18                  follows:

19                   (1) To prepare for a turn within a distance of two hundred feet from the  
20                  intersection.

21                   (2) To enter or leave the roadway onto an alley, private road, or driveway.

22                   (3) To enter or leave a parking space when parking is permitted adjacent to  
23                  the bicycle lane.

24                  B. Any person operating a motor vehicle upon a bicycle lane in accordance  
25                  with Subsection A of this Section shall yield the right-of-way to all bicycles and  
26                  electric mobility aids within the bicycle lane.

27                  C. This Section shall not prohibit the use of a motorized bicycle in a bicycle  
28                  lane when the operator travels at no speed greater than what is reasonable or prudent,  
29                  has due regard for visibility, traffic conditions, and the condition of the roadway

1                   surface of the bicycle lane and in a manner which does not endanger the safety of  
2                   bicyclists.

3                   D. In case of an emergency, the driver of a motor vehicle may lawfully  
4                   operate the vehicle in a bicycle lane in accordance with the normal standards of  
5                   prudent conduct to protect himself and others from harm. When the emergency  
6                   ends, the motor vehicle shall not be operated in the bicycle lane.

7                         \*                 \*                 \*

8                   §283. Opening and closing Improper opening or leaving open of vehicle doors

9                   A. No person shall open the any door of a motor vehicle ~~on the side available~~  
10                  to moving traffic unless and until it is reasonably safe to do so, nor shall any person  
11                  leave a door open ~~on the side of a vehicle available to moving traffic for a period of~~  
12                  time longer than necessary to load or unload passengers. located on a highway  
13                  without first taking due precaution to ensure that his act shall not interfere with the  
14                  movement of traffic or endanger any other person or vehicle.

15                   B. No person shall leave open any door of a motor vehicle located on a  
16                  highway for a period of time longer than necessary to load or unload passengers.

17                         \*                 \*                 \*

18                   §296. Stopping, parking, or standing upon the highway shoulder; driving upon the  
19                  highway shoulder

20                   A. No person shall stop, park, or leave standing any unattended vehicle on  
21                  any state highway shoulder, unless such stopping, parking, or standing is made  
22                  necessary by an emergency, except:

23                   (1) In those areas designated as parking areas by the Department of  
24                  Transportation and Development, or

25                   (2) By any public utility personnel or public utility equipment engaged in the  
26                  operation of the utility business, public vehicles owned by public bodies which are  
27                  engaged in the conduct of official business, or ~~privately-owned~~ privately owned  
28                  vehicles which are engaged in services authorized by the local governing authority.

1                   (3) Persons riding bicycles shall be allowed to operate on the shoulder of a  
2                   roadway.

3                   \*           \*           \*

4                   §300.2. Electric personal assistive mobility devices; operation; exceptions

5                   A. Electric personal assistive mobility devices shall be authorized to operate  
6                   on sidewalks, bicycle paths, and highways with posted speed limits of ~~thirty-five~~  
7                   twenty-five miles per hour or less, except that any parish or municipal governing  
8                   authority may limit or prohibit the operation of such devices on any sidewalk,  
9                   bicycle path, or highway under its jurisdiction if such a prohibition or regulation is  
10                  necessary and in the interest of safety.

11                  B. For purposes of this Section, the term "electric personal assistive mobility  
12                  device" shall mean a self-balancing two-, non-tandem wheeled device designed to  
13                  transport only one person at a time, with an electric propulsion system which limits  
14                  the maximum speed of the device to not more than ~~fifteen~~ twenty miles per hour. An  
15                  electric personal assistive mobility device shall not be considered a motor scooter,  
16                  an electric scooter, a vehicle, or a motor vehicle.

17                  \*           \*           \*

18                  Section 3. R.S. 48:21(B), 163.1(A), (B), (D), (E)(introductory paragraph), (F), (G),  
19                  and (H) are hereby amended and reenacted and R.S. 48:1(24) is hereby enacted to read as  
20                  follows:

21                  §1. Terms defined

22                  For purposes of this Chapter, the following terms have the meanings ascribed  
23                  to them by this Section, except where the context clearly indicates otherwise:

24                  \*           \*           \*

25                  (24) "Bicycle facility" means any physical facility provided for the exclusive  
26                  or semi-exclusive use of bicycles. This includes but is not limited to unmarked  
27                  shared roadways, marked shared roadways, bicycle lanes, shared use trails, and end  
28                  of trip facilities.

29                  \*           \*           \*

1 §21. Functions

\* \* \*

B. The department may construct and maintain within the ~~right of way~~ ~~right-of-way~~ of any state highway or section thereof bicycle ~~paths~~ facilities appropriate to the context of the roadway. Before the construction of any such facilities the department must find and declare that the construction thereof is necessary in the public interest and will contribute to the safety of bicyclists and the motoring public. If such facilities are not included in new construction projects, the department shall document the reasons for the exclusion.

\* \* \*

#### §163.1. Use of highway funds for bicycle paths facilities

A.(1) The department annually may expend a reasonable amount of the transportation trust fund for the establishment, construction, and maintenance of bicycle paths facilities. Bicycle paths facilities may be established wherever a highway, road, or street is being constructed, reconstructed, or relocated, or as separate projects, unless the department determines the following:

(a) The roadway is one on which the presence of bicyclists and pedestrians  
is prohibited by law.

(b) The cost of providing bicycle facilities would be excessively disproportionate to the need or probable use. "Excessively disproportionate" is defined as exceeding twenty percent of the cost of the project.

(c) There is a sparsity of population which demonstrates absence of need or prudence, or future development is not anticipated.

(2) Bicycle facilities shall not be constructed in conjunction with preservation projects if the construction of the facility requires right-of-way acquisition, utility relocation, or major construction. Retrofits, including but not limited to narrowing lanes, restriping, and other general improvements, shall be considered in conjunction with preservation projects.

(3) When population levels and development demonstrates that bicycle facilities would fill a need and construction of the facility would require right-of-way

1           acquisition, utility relocation, or major construction, the department shall work with  
2           a municipality or parish to identify funding for the facility as a separate project.

3           (4) Maintenance of sidewalks and bicycle facilities outside the limits of the  
4           curb or shoulder shall be the responsibility of the municipality or parish.  
5           Maintenance agreements shall be required.

6           B. Any municipality or parish may expend a reasonable amount of funds  
7           received from the parish transportation fund for the establishment, construction, and  
8           maintenance of bicycle ~~paths~~ facilities.

9                                 \*           \*           \*

10           D. The amount expended by the department as permitted by this Section  
11           shall may never in any one fiscal year be more than at least one percent of the total  
12           funds appropriated to the transportation trust fund in any given fiscal year.

13           E. Any municipality or parish which receives funds from the parish  
14           transportation fund may expend at least one percent of those funds for the  
15           establishment of bicycle ~~paths~~ facilities. However,

16                                 \*           \*           \*

17           F. The department shall recommend construction standards for bicycle ~~paths~~  
18           facilities.

19           G. The department shall provide a uniform system of marking bicycle ~~paths~~  
20           facilities in accordance with the Manual on Uniform Traffic Control Devices, such  
21           system to be used on all ~~paths~~ facilities under the jurisdiction of the department and  
22           municipalities and parishes.

23           H. The department and municipalities and parishes shall restrict the use of  
24           bicycle ~~paths~~ facilities under their respective jurisdictions to pedestrians and  
25           nonmotorized vehicles, except for electric personal assistive mobility devices where  
26           such devices do not pose a hazard to the device users or other users of the facility.

1      Section 4. R.S. 32:197(C) and R.S. 48:163.1(C) are hereby repealed in their entirety.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_