

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,
3 296(A), and 300.2, and R.S. 48:21(B), 163.1(A), (B), (D), (E)(introductory
4 paragraph), (F), (G), and (H), to enact R.S. 32:1(95) through (100), 197(D) and (E),
5 and 203, and R.S. 48:1(24), and to repeal R.S. 32:197(C) and R.S. 48:163.1(C),
6 relative to bicycles; to revise provisions relative to bicyclists and traffic; to provide
7 for definitions; to provide for construction of bicycle facilities; and to provide for
8 related matters.

9 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
13 Department of Education, in consultation with the Department of Public Safety and
14 Corrections, shall establish and operate a driver education and training program in
15 each parish of this state for children who are fifteen years of age and older. The
16 program shall consist of a course of not less than eight hours of actual driving
17 experience and thirty hours of classroom instruction. A child who is in at least the
18 ninth grade and is within ninety days of his fifteenth birthday may participate in the
19 classroom instruction component of the program. The State Board of Elementary
20 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

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

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

2 * * *

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

10 * * *

11 §163.1. Use of highway funds for bicycle ~~paths~~ facilities

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

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

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

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

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

29 (3) When population levels and development demonstrates that bicycle
30 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.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____