

Regular Session, 2011

HOUSE BILL NO. 513

BY REPRESENTATIVES WILLIAMS, AUSTIN BADON, BOBBY BADON, BARROW,
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Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

TRAFFIC: Provides relative to bicycle and pedestrian traffic on roadways

1 AN ACT

2 To amend and reenact R.S. 32:1(4), (4.2), (13), and (65), 212(A), and 232(1)(a) and (b) and
3 R.S. 47:463.148(B), (C), and (D)(1), to enact R.S. 32:74(C) and 329.1, and to repeal
4 R.S. 32:197(B) and 329, relative to bicycles and traffic; to amend, enact, and repeal
5 provisions relative to bicycles and traffic; to amend provisions for the "Share the
6 Road" license plate; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 32:1(4), (4.2), (13), and (65), 212(A), and 232(1)(a), and (b) are
9 hereby amended and reenacted and R.S. 32:74(C) and 329.1 are hereby enacted to read as
10 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 may ride,
17 propelled exclusively by human power, and having one or more wheels propelled by
18 human power upon which any person may ride and designed to travel on two tandem
19 wheels.

20 * * *

1 (4.2) "Bicycle lane" means the part of the roadway adjacent to the travel
2 lane, designated by ~~striping, signing, and pavement markers~~ official signs or
3 markings for the preferential or exclusive use by bicycles and ~~usually electric~~
4 electric mobility aid users.

5 * * *

6 (13) "Cross-walk" means: (a) That part of a roadway at an intersection
7 included within the connections of the lateral lines of the sidewalks, shoulders, or a
8 combination thereof on opposite sides of the highway measured from the curbs or,
9 in absence of curbs, from the edges of the traversable roadway or if there is neither
10 a sidewalk nor shoulder, a crosswalk is the portion of the roadway at an intersection
11 that would be included within the prolongation of the lateral lines of the sidewalk,
12 shoulder, or both on the opposite side of the street if there were a sidewalk or
13 shoulder.

14 * * *

15 (65) "Shoulder" means the portion of the highway contiguous with the
16 roadway for accommodation of stopped vehicles, for emergency use, pedestrian use,
17 mobility aid use ~~or bicyclists when other accommodations are not available,~~ bicycle
18 use, and for lateral support of base and surface.

19 * * *

20 §212. Pedestrians ~~right-of-way~~ right-of-way in ~~cross-walks~~ cross walks

21 A. When traffic-control signals are not in place or not in operation, the driver
22 of a vehicle shall stop and yield the right of way, ~~slowing down or stopping if need~~
23 ~~be to so yield,~~ to a pedestrian crossing the roadway within a ~~cross-walk~~ cross walk
24 when the pedestrian is upon ~~the half of the roadway upon which the vehicle is~~
25 ~~traveling or when the pedestrian is approaching closely from the opposite half of the~~
26 ~~roadway as to be in danger~~ the roadway upon which the vehicle is traveling or the
27 roadway onto which the vehicle is turning.

28 * * *

1 §232. Traffic-control signals

2 Whenever traffic is controlled by traffic-control signals exhibiting different
3 colored lights, or colored lighted arrows, successively one at a time or in
4 combination, only the colors green, red and yellow shall be used, except for special
5 pedestrian signals carrying a word legend, and said lights shall indicate and apply to
6 drivers of vehicles and pedestrians as follows:

7 (1) GREEN indication:

8 (a) Vehicular traffic facing a circular green signal may proceed straight
9 through or turn right or left unless a sign at such place prohibits either such turn. But
10 vehicular traffic, including vehicles turning right or left, shall stop and yield the
11 right-of-way to other vehicles and to pedestrians lawfully within the intersection or
12 an adjacent crosswalk at the time such signal is exhibited.

13 (b) Vehicular traffic facing a green arrow signal, shown alone or in
14 combination with another indication, may cautiously enter the intersection only to
15 make the movement indicated by such arrow, or such other movement as is permitted
16 by other indications shown at the same time. Such vehicular traffic shall stop and
17 yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to
18 other traffic lawfully using the intersection.

19 * * *

20 §74. When passing on the right is permitted

21 * * *

22 C. This Section does not prohibit the use of a bicycle in a bicycle lane or on
23 a shoulder.

24 * * *

25 §329.1. Bicycles; front lamps; rear lamps; side and rear reflectors

26 A. Any bicycle when in use at the times specified in R.S. 32:301 shall be
27 equipped with the following:

1 (1) A lamp mounted on the front that shall emit a white light visible from a
2 distance of at least five hundred feet to the front. A generator-powered lamp that
3 emits light only when the bicycle is moving may be used to meet this requirement.

4 (2) A red reflector mounted on the rear and a reflector on each side facing
5 outward at a right angle to the bicycle frame that shall be visible from all distances
6 from one hundred feet to six hundred feet to the rear when directly in front of lawful
7 lower beams of head lamps on a motor vehicle. A lamp mounted on the rear that
8 shall emit either flashing or steady red light visible from a distance of five hundred
9 feet to the rear may be used in lieu of the red reflector.

10 B. A bicycle or its operator may be equipped with lights or reflectors in
11 addition to those required by Subsection A, except that red lamps and red reflectors
12 shall not be used on the front of the bicycle and white lamps and white reflectors
13 shall not be used on the rear of the bicycle.

14 C. A lamp or lamps worn by the operator of a bicycle shall comply with the
15 requirements of Subsection A of this Section, if the lamp or lamps can be seen at the
16 distances specified.

17 D. No person shall operate any bicycle on a state highway, parish road, or
18 city street at a time specified in R.S. 32:301 unless such bicycle is equipped with
19 lamps and reflectors to comply with Subsection A of this Section. Any person who
20 violates this Subsection shall be given a warning ticket only.

21 E. The provisions of Subsections A, B, and C of this Section shall not apply
22 to any child under the age of ten years.

23 F. No retailer, distributor, wholesaler, or manufacturer in this state shall sell
24 or offer for sale any bicycle unless such bicycle is equipped with lamps and
25 reflectors as required by Subsection A of this Section.

26 H. This Section shall not apply to operators of bicycles or bicycles while the
27 operator or bicycle is engaged in sanctioned competition races.

28 Section 2. R.S. 47:463.148(B), (C), and (D)(1) are hereby amended and reenacted
29 to read as follows:

1 §463.148. Special prestige license plate; "Share the Road"

2 * * *

B. The special prestige license plate shall be known as the "Share the Road" license plate and shall bear the likeness of a person on a bicycle riding on the road and a pedestrian walking centered on the left side of the ~~license~~ license plate. The "Louisiana" name logo shall be at the top of the plate. The center of the plate shall display a number, with the first issued plate displaying the number one and shall continue in consecutive numerical order for each plate. Centered at the bottom of the plate below the number shall be the words "Share the Road".

10 C. The prestige license plate shall be issued, upon application, ~~to any citizen~~
11 ~~of Louisiana~~ to any person, in the same manner as any other motor vehicle license
12 plate.

13 D. The department shall collect the following fees for this license plate:

(1) An ~~initial~~ annual royalty fee of twenty-five dollars, which shall be
disbursed in accordance with Subsection E of this Section.

16 * * *

17 Section 3. R.S. 32:197(B) and 329 are hereby repealed in their entirety.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Williams

HB No. 513

Abstract: Revises provisions relative to bicycles and traffic movement.

Present law defines bicycle as "every device propelled by human power upon which any person may ride and designed to travel on two tandem wheels".

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

Present law defines "bicycle lane" as "the part of the roadway adjacent to the travel lane, designated by striping, signing, and pavement markers for the preferential or exclusive use by bicycles and usually elective mobility aid users".

Proposed law defines "bicycle lane" as the part of the roadway adjacent to the travel lane, designated by official signs or markings for the preferential or exclusive use by bicycles and electric mobility aid users.

Present law defines "crosswalk" in part as "that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in absence of curbs, from the edges of the traversable roadway".

Proposed law defines "crosswalk" in part as "that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks shoulders or a combination thereof on opposite sides of the highway measured from the curbs or, in absence of curbs, from the edges of the traversable roadway or if there is neither a sidewalk nor shoulder, a crosswalk is the portion of the roadway at an intersection that would be included within the prolongation of the lateral lines of the sidewalk, shoulder, or both on the opposite side of the street if there were a sidewalk or shoulder".

Present law defines "shoulder" as "the portion of the highway contiguous with the roadway for accommodation of stopped vehicles, for emergency use, pedestrian use, mobility aid use, or bicyclists when other accommodations are not available, and for lateral support of base and surface".

Proposed law defines "shoulder" as "the portion of the highway contiguous with the roadway for accommodation of stopped vehicles, for emergency use, pedestrian use, mobility aid use, bicycle use, and for lateral support of base and surface.

Present law provides that when traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching closely from the opposite half of the roadway as to be in danger.

Proposed law provides when traffic-control signals are not in place or not in operation the driver of a vehicle shall stop and yield the right-of-way, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the roadway upon which the vehicle is traveling or the roadway onto which the vehicle is turning.

Present law provides that whenever traffic is controlled by traffic-control signals exhibiting a green colored light or arrow signal that vehicular traffic shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

Proposed law provides that whenever traffic is controlled by traffic-control signals exhibiting a green colored light or arrow signal that vehicular traffic shall stop and yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

Present law provides that the "Share the Road" prestige license plate shall be issued upon application to any citizen of La.

Proposed law provides that the "Share the Road" prestige license plate shall be issued to any person, in the same manner as any other motor vehicle license plate.

Present law provides that DPS&C shall collect an initial fee of \$25 for the "Share the Road" prestige license plate

Proposed law provides that DPS&C shall collect an annual royalty fee of \$25 for the "Share the Road" prestige license plate.

Present law provides that the driver of a vehicle may overtake and pass upon the right of another vehicle under certain conditions.

Proposed law provides that the section of law permitting a vehicle to overtake and pass upon the right of another vehicle under certain conditions does not prohibit the use of a bicycle in a bicycle lane or on a shoulder.

Present law provides that every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear and a reflector on each side facing outward at a right angle to the bicycle frame, all of a type approved by the department which shall be visible from all distances within 600 feet to 100 feet to the rear when directly in front of lawful lower beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

Proposed law provides that any bicycle when in use at the times required by law shall be equipped with the following equipment:

- (1) A lamp mounted on the front that shall emit a white light visible from a distance of at least 500 feet to the front. A generator-powered lamp that emits light only when the bicycle is moving may be used to meet this requirement.
- (2) A lamp mounted on the rear that shall emit either flashing or steady red light visible from a distance of 500 feet to the rear may be used in lieu of the red reflector.
- (3) A red reflector mounted on the rear and a reflector on each side facing outward at a right angle to the bicycle frame that shall be visible from all distances from 100 feet to 600 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle.

Proposed law does not apply to any child under 10 years of age.

Proposed law provides that a bicycle or its operator may be equipped with lights or reflectors in addition to those required by proposed law, except that red lamps and red reflectors shall not be used on the front of the bicycle and white lamps and white reflectors shall not be used on the rear of the bicycle.

Proposed law does not apply to any child under 10 years of age.

Proposed law provides that lamp or lamps worn by the operator of a bicycle shall comply with the requirements of proposed law, if the lamp or lamps can be seen at the distances specified in present law.

Proposed law does not apply to any child under 10 years of age.

Present law provides that after Dec. 31, 2010, no person shall operate any bicycle at nighttime on a state highway, parish road, or city street, unless such bicycle is equipped with at least one lamp emitting a red flashing light or a red light on the rear as required by present law. Any person who violates present law subsequent to Dec. 31, 2010, shall be given a warning ticket only.

Proposed law provides that no person shall operate any bicycle on a state highway, parish road, or city street at a time specified in present law unless such bicycle is equipped with the proper lamps and reflectors. Any person who violates proposed law shall be given a warning ticket only.

Present law prohibits a person from selling or offering for sale any bicycle unless such bicycle is equipped with at least one red reflector on the rear and one reflector on each side as required by present law.

Proposed law provides that no retailer, distributor, wholesaler, or distributor shall sell or offer for sale a bicycle that does not comply with proposed law.

Present law provides that present law shall not apply to bicycles while engaged in sanctioned competition races.

Proposed law provides that proposed law shall not apply to bicycles or the operators of bicycles while engaged in sanctioned competition races.

Present law provides that persons riding bicycles upon a roadway, which includes an improved shoulder, may ride upon the improved shoulder.

Proposed law repeals present law.

(Amends R.S. 32:1(4), (4.2), (13), and (65), 212(A), and 232(1)(a) and (b) and R.S. 47:463.148(B), (C), and (D)(1); Adds R.S. 32:74(C) and 329.1; Repeals R.S. 32:197(B) and 329)

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Removed reference to date which has passed.
2. Provided that certain provisions of proposed law shall not apply to children under 10 years of age.
3. Provided that no retailer, distributor, wholesaler, or manufacturer rather than no person in this state shall sell or offer for sale a bicycle not in compliance with proposed law.
4. Provided that the provisions of proposed law shall not apply to bicycles or bicycle operators while the operator or bicycle is engaged in sanctioned competition races.