Regular Session, 2011

HOUSE BILL NO. 317

BY REPRESENTATIVE GISCLAIR

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

MTR VEHICLE/EMERGENCY: Provides for revisions for bicycles used by peace officers

AN ACT

To amend and reenact R.S. 32:1(1), 24, 194, and 329(F), relative to bicycles operated by peace officers; to afford peace officers operating bicycles the same privileges and duties as peace officers driving vehicles; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:1(1), 24, 194, and 329(F) are hereby amended and reenacted to read as follows:

§1. Definitions

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

(1) "Authorized emergency vehicle" means a vehicle of a fire department, a vehicle of the weights and standards police force, a police vehicle or bicycle, a privately owned vehicle belonging to members of an organized volunteer fire department or fire district when so designated or authorized by the fire chief of that fire department or fire district, an industrial-owned vehicle assigned to members of a fire department or fire district when so designated or authorized by the fire chief of that fire department or fire district, a vehicle parked or stopped by elevator repair or construction personnel while responding to an elevator emergency, such

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ambulances and emergency medical response vehicles certified by the Department of Health and Hospitals that are operated by certified ambulance services, and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the secretary of the Department of Transportation and Development or by the chief of police of any incorporated municipality. For purposes of this Section, elevator repair shall be limited to those elevators that move people.

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§24. Emergency vehicles; exceptions

A. The driver or rider of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to, but not upon returning from, a fire alarm, may exercise the privileges set forth in this Section, but subject to the conditions herein stated.

B. The driver or rider of an authorized emergency vehicle may do any of the following:

(1) Park or stand, irrespective of the provisions of this Chapter;.

(2) Proceed past a red or stop signal or stop sign, but only after slowing down or stopping as may be necessary for safe operation;.

(3) Exceed the maximum speed limits so long as he does not endanger life or property;.

(4) Disregard regulations governing the direction of movement or turning in specified directions.

C. The exceptions herein granted to an authorized emergency vehicle shall apply only when such vehicle or bicycle is making use of audible or visual signals, including the use of a peace officer cycle rider's whistle, sufficient to warn motorists of their approach, except that a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

D. The foregoing provisions shall not relieve the driver or rider of an authorized vehicle from the duty to drive or ride with due regard for the safety of all

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persons, nor shall such provisions protect the driver or rider from the consequences of his reckless disregard for the safety of others.

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§194. Traffic laws apply to persons riding bicycles

Every person riding a bicycle upon a highway of this state shall be granted all of the rights and shall be subject to all the duties applicable to the driver of a vehicle by this Chapter, except as to special regulations in this Part, including special regulations applying to peace officers utilizing bicycles in furtherance of their official duties, and except as to those provisions of this Chapter which by their very nature can have no application.

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§329. Bicycles; front lamps; side and rear reflectors; rear lamps

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F. This Section shall not apply to bicycles while engaged in sanctioned competition races or to bicycles while utilized by peace officers in furtherance of their official duties.

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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)]

Gisclair HB No. 317

Abstract: Affords peace officers riding bicycles the same privileges and duties as peace officers driving vehicles.

Present law provides that the definition of "authorized emergency vehicle" includes a "police vehicle".

Proposed law provides that the definition of "authorized emergency vehicle" includes a "police bicycle".

Present law provides for certain privileges for drivers of authorized emergency vehicles when responding to an emergency call or when in pursuit of an actual or suspected violator of the law.

Proposed law extends the privileges in present law to the peace officers riding bicycles in furtherance of their official duties.

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Present law provides that every person riding a bicycle shall be granted all of the rights and be subject to all the duties applicable to the driver of a vehicle, except as to special regulations and except as to those provisions which by their very nature can have no application.

Proposed law provides that every person riding a bicycle shall be granted all of the rights and be subject to all the duties applicable to the driver of a vehicle, except as to special regulations, including special regulations applying to peace officers utilizing bicycles in furtherance of their official duties, and except as to those provisions which by their very nature can have no application.

Present law requires certain lights and lamps on bicycles.

Proposed law retains present law, but excepts bicycles while utilized by peace officers in furtherance of their official duties from these requirements.

(Amends R.S. 32:1(1), 24, 194, and 329(F))

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