

vehicle proceeding in the same direction unless authorized by the provisions of this chapter and unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the operation of any vehicle approaching from the opposite direction of any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and if the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within two hundred (200) feet of any approaching vehicle.

Sec. 40. Further Limitations on Driving on Left of Center of Roadway

(a) No vehicle shall be driven on the left side of the roadway under the following conditions:

- (1) When approaching or upon the crest of a grade of a curb in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;
- (2) When approaching within one hundred (100) feet of or traversing any intersection or railroad grade crossing;
- (3) When the view is obstructed upon approaching within one hundred (100) feet of any bridge, viaduct or tunnel.
- (4) When the roadway is clearly marked with a double yellow line.

(b) The foregoing limitations shall not apply upon a one-way roadway, nor under the conditions described in section, nor to the driver of a vehicle turning left into or from an alley, private road or driveway.

Sec. 41. No-Passing Zones

When signs or markings are in place to define a no-passing zone as set forth in subsection (a), no driver shall at any time drive on the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.

Sec. 42. Driving on Roadways Laned for Traffic.

Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply:

- (1) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.
- (2) Upon a roadway which is divided into three (3) lanes and provides for two (2) way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in preparation for making a left turn or where such center lane is at the time allocated exclusively to traffic

moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic-control devices.

(3) Official traffic-control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such device.

Sec. 43. Following Too Closely

(a) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

(b) The driver of any motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another motor truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a motor truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or other vehicle.

(c) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles shall be so operated as to allow sufficient space between each vehicle or combination of vehicles to enter and occupy such space without danger. This provision shall not apply to funeral processions.

Sec. 44. Driving on Divided Highways

Whenever any highway has been divided into two (2) or more roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic-control devices or police officers. No vehicle shall be driven over, across or within any such dividing space, barrier or section, except through an opening in such physical barrier, or section or space or at a cross-over or intersection as established.

Sec. 45. Driving in Parking Lane Prohibited

Where parking is permitted in a lane of traffic immediately adjacent to the curb, no vehicle shall travel in such lane of traffic except for the purpose of stopping or parking, or for the purpose of making a turn, and when making a turn, only within fifty (50) feet from the intersection where the turn is to be made.

Sec. 46. Drag Racing and Racing on Public Roads

(a) It shall be unlawful for any person to drive any vehicle upon the streets of this Town in any race, speed competition or contest, drag race or acceleration contest, testing of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record; and no person shall in any manner participate in any such race, speed competition, drag race, test of physical endurance, exhibition, or purpose of

making a speed record.

(b) For the purpose of this section, "drag racing" is defined as the operation of two (2) or more vehicles from a point side by side at accelerating speeds in a competitive attempt to out-distance each other, or the operation of one (1) or more vehicles over a common selected course, from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles, within a certain distance or time limit upon the streets of this Town.

PART VI. TURNING AND STARTING AND SIGNALS ON STOPPING AND TURNING

Sec. 47. Required Position and Method of Turning at Intersections

The driver of a vehicle intending to turn at an intersection, roadway, driveway, alley, building or parking lot, shall do as follows:

- (1) Right turns: Both the approach for a right turn and a right-hand turn shall be made as close as practicable to the right-hand curb or edge of the roadway.
- (2) Left turns on two (2) way roadways: At any intersection, roadway, driveway, alley, building or parking lot, where traffic is permitted to move in both directions on each roadway entering the intersection, roadway, driveway, alley, building or parking lot, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection, roadway, driveway, alley, building or parking lot, and after entering the intersection, roadway, driveway, alley, building or parking lot, the left turn shall be made so as to leave the intersection, roadway, driveway, alley, building or parking lot, to the right of the center line of the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection, roadway, driveway, alley, building or parking lot, to the left of the center of the intersection, roadway, driveway, alley, building or parking lot.
- (3) Left turn on other than two (2) roadways: At any intersection, roadway, driveway, alley, building or parking lot, where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection, roadway, driveway, alley, building or parking lot, shall approach the intersection, roadway, driveway, alley, building or parking lot in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and after entering the intersection, roadway, driveway, alley, building or parking lot, the left turn shall be made so as to leave the intersection, roadway, driveway, alley, building or parking lot, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

Sec. 48. Turning on Curve or Crest Prohibited

No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred (500) feet.

Sec. 49. Moving Parked Vehicle.

No person shall move a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.

Sec. 50. Turning Movements and Required Signals

(a) No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required by this Code or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided.

(b) A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning.

(c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is an opportunity to give such signal.

(d) The signals provided for in Code shall be used to indicate an intention to turn, change lanes, or start from a parked position and shall not be flashed on one (1) side only on a parked or disabled vehicle, or flashed as a courtesy of "do pass" signals to operators of other vehicles approaching from the rear.

Sec. 51. Signals by Hand and Arm or Signal Lamps

(a) Any stop or turn signal when required shall be given either by means of the hand and arm or by signal lamps, except as otherwise provided in subsection (b).

(b) Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, signal lamps when the vehicle is so constructed, loaded or operated as to prevent the hand and arm signal from being visible both to the front and to the rear.

Sec. 52. Method of Giving Hand and Arm Signals

All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

- (1) Left turn: Hand and arm extended horizontally.
- (2) Right turn: Hand and arm extended upward.
- (3) Stop or decrease speed: Hand and arm extended downward.

Sec. 53. Obedience to Turn Markers

Where signs or markers are in place at intersections for left turns or right turns only, no vehicle shall proceed in any direction except that indicated by such sign.

Sec. 54. Obedience to Restricted Turn Signs

(a) The Town of Dubach may place proper signs at locations prohibiting a right, left or U turn. The making of such turns may be prohibited between certain hours of the day, and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.

(b) Whenever such signs are in place, no driver of a vehicle shall disobey the directions of any such sign.

Sec. 55. Limitations on Turning Around

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street in a business district and shall not upon any other street so turn a vehicle unless such movement can be made in safety and without interfering with other traffic.

PART VII. SPECIAL STOPS REQUIRED

Sec. 56. Obedience to Signal Indicating Approach of Train

(a) Whenever a person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad and shall not proceed until he can do so safely. The foregoing shall apply when:

(1) A clearly visible electrical or mechanical signal device gives warning of the immediate approach of a railroad train;

(2) A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach of a railroad train;

(3) A railroad train approaching within approximately one thousand five hundred (1,500) feet of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard;

(4) An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

(b) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

Sec. 57. All Vehicles Must Stop at Certain Railroad Grade Crossings

In locations which have been designated as a particularly dangerous highway grade crossings of railroads and a sign has been erected to stop signs thereat, the driver of any vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad and shall proceed only upon exercising due care.

Sec. 58. Certain Vehicles Must Stop at All Railroad Grade Crossings

(a) The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any tract or tracks of a railroad, shall stop such vehicle within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so, the driver of any such vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing and the driver shall not shift gears while crossing the tracks or tracks.

(b) No stop need be made at any such crossing where a police officer or a traffic-control signal directs

Sec. 59. Emerging From Alley, Driveway or Building

The driver of a vehicle emerging from an alley, building, private road or driveway within a business or residence district shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across such alley, building entrance, road or driveway, or if there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon.

Sec. 60. Overtaking and Passing School Bus

A. (1) The driver of a vehicle, upon a highway meeting or overtaking from any direction, any school bus that has stopped for the purpose of receiving or discharging any school children shall stop the vehicle not less than thirty (30) feet from the school bus before reaching such school bus when they are in operation on said school bus visual signals, as required by Louisiana Revised Statutes, and said driver shall not proceed until such bus resumes motion or the visual signals are no longer activated.

(2) The driver of any school bus is authorized to notify the appropriate law enforcement authority of any violation of this subsection within twenty-four (24) hours of the violation. This notification shall be in writing on a form provided to the bus driver by the school board, shall be signed by the school bus driver, under penalty of criminal prosecution, in the presence of two (2) witnesses, and it shall include the license plate number and color of the vehicle. The notice may be sent to the appropriate law enforcement agency by mail, fax, or electronically. If mailed, the notice shall be deemed timely if postmarked the day after the violation.

(3) The appropriate authority may issue a citation to the owner or, in the case of a leased vehicle, the

lessee of the vehicle involved, on the basis of this information. The owner or lessee shall not be cited if the vehicle is stolen, or if another driver is cited for the violation.

(4) Any person convicted of violating this subsection shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or imprisoned for not more than six (6) months, or both, in accordance with the provisions of La. R.S. 32:398.2 and shall have his driver's license suspended in accordance with the provisions of La. R.S. 32:414(A)(2).

B. (1) Every school bus used for the transportation of school children shall bear upon the front and rear thereof the words "SCHOOL BUS" in black letters not less than eight (8) inches in height placed as high as possible without impairment of visibility, and no other lettering shall be visible from the front or rear except the words "emergency exit" shall be painted in black letters at least two (2) inches in height and approximately located near such exit.

(2) (a) In addition, every school bus shall be equipped with visual signs and signals as required in La. R.S. 32:318. Such signs and signals shall be activated by the driver of said school bus under and only under one (1) of the following conditions:

(i) Such vehicle is stopped or is about to stop on the roadway for the purpose of receiving or discharging school children.

(ii) Though not receiving or discharging school children, the bus is stopped or is about to stop because it meets or is following another bus that has such signs and signals activated.

(b) The driver of any school bus equipped only with signal lamps as provided in R.S. 32:318(B)(1) shall activate such lamps at least one hundred (100) feet, but not more than five hundred (500) feet, before every stop for which activation is required and upon stopping shall exhibit the semaphore sign or signs provided for in R.S. 32:318(B)(2) and upon resuming motion shall deactivate both the lamps and the semaphore sign or signs. The driver of any school bus equipped with signal lamps as provided in La. R.S. 32:318(B)(4) shall activate the yellow (amber) lights at least one hundred (100) feet, but not more than five hundred (500) feet, before every stop for which activation is required, shall deactivate these lamps upon stopping, shall exhibit the red flashing lamps and semaphore sign or signs while stopped, and upon resuming motion shall deactivate both the lamps and the semaphore sign or signs.

C. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

Sec. 61. Stop When Traffic Obstructed

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

PART VIII. PEDESTRIANS' RIGHTS AND DUTIES

Sec. 62. Pedestrian Obedience to Traffic-Control Devices and Traffic Regulations

A pedestrian shall obey the instructions of any official traffic-control device specifically applicable to him, unless otherwise directed by a police officer.

Sec. 63. Crossing at Other Than Crosswalks

- A. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.
- B. Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

Sec. 64. Pedestrians Right-of-Way in Crosswalks

- A. 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..
- B. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield..
- C. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle..
- D. Subsection A of this Section shall not apply where the pedestrian is crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided.

PART IX. SPECIAL RULES FOR MOTORCYCLES

Sec. 65. Motorcycle Endorsement and Insurance

- (a) It shall be unlawful to operate a motorcycle or motor-driven cycle in the town unless the operator of said motorcycle or motor-driven cycle has first obtained a motorcycle endorsement to operator's basic driver's license from the department of public safety.
- (b) It shall be unlawful for any person to operate a motorcycle within the Town limits without insurance, as required by the provisions of La. R.S. Title 32, present on or in the motorcycle at the time of operation.
- (c) It shall be unlawful for any person to operate a motorcycle within the Town limits without proof of insurance, as required by the provisions of R.S. Title 32, present on or in the motorcycle at the time of operation.

Sec. 66. Riding on Motorcycles

- (a) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) persons, or upon another seat firmly attached to the motorcycle at the rear or side of the operator.
- (b) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle.
- (c) No person shall operate a motorcycle while carrying any package, bundle, or other article which prevents him from keeping both hands on the handlebars.
- (d) No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

Sec. 67. Operating Motorcycles on Roadways Laned for Traffic

- (a) All motorcycles are entitled to full use of a lane and no motor vehicles shall be driven in such a manner as to deprive any motorcycle of the full use of a lane. This subsection shall not apply to motorcycles operated two (2) abreast in a single lane.
- (b) The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.
- (c) No person shall operate a motorcycle between the lanes of traffic or between adjacent lines or rows of vehicles.
- (d) Motorcycles shall not be operated more than two (2) abreast in a single lane.
- (e) Subsections (b) and (c) shall not apply to police officers in the performance of their official duties.

Sec. 68. Clinging to Other Vehicles

No person riding a motorcycle shall attach himself or the motorcycle to any other vehicle on a street or roadway.

Sec. 69. Footrests and Handlebars

- (a) Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for such passenger.
- (b) No person shall operate any motorcycle with handlebars more than fifteen (15) inches in height above

that portion of the seat occupied by the operator.

Sec. 70. Equipment for Motorcycle Riders

- (a) No person shall operate or ride a motorcycle unless the person is wearing protective headgear which complies with the standards established by the state under the State Highway Regulatory Acts.
- (b) No person shall operate a motorcycle unless the person is wearing an eye-protective device of a type approved by the state under the State Highway Regulatory Act. This shall not apply to persons riding within an enclosed cab, or to those operating a motorcycle with a windscreen.
- (c) As required by La. R.S. 32:190(F), any person who violates any provision of this Section shall upon conviction be fined fifty dollars which shall include all costs of court.

Sec. 71. Muffler and Exhaust System Requirements.

- (a) Every motorcycle and motor-driven cycle shall at all times be equipped with a muffler in good working order and in constant operation.
- (b) No person shall use a muffler cutout, bypass or similar device upon a motorcycle or motor-driven cycle on a street of the Town.
- (c) No person shall modify the exhaust system of a motorcycle or motor-driven cycle in a manner which will amplify or increase the noise emitted by the muffler originally installed on the vehicle, and the original muffler shall comply with all of the requirements of this section.

Sec. 72. Headlight Requirements.

Every vehicle upon a street or highway within this Town at any time between sunset and sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet ahead shall display lighted lamps and illuminating devices as required by state law and this chapter for the different classes of vehicles regulated by state law, subject to exception with respect to parked vehicles.

PART X. SERIOUS TRAFFIC OFFENSES

Sec. 73. Operating a Vehicle While Intoxicated

- (a) The crime of operating a vehicle while intoxicated is the operating of any motor vehicle, aircraft, watercraft, vessel, or other means of conveyance when:
 - (1) The operator is under the influence of alcoholic beverages; or
 - (2) The operator's blood alcohol concentration is 0.08 percent or more by weight based on grams of alcohol per one hundred (100) cubic centimeters of blood; or

(3) The operator is under the influence of any controlled dangerous substance listed in schedule I, II, III, IV, V as set forth in La. R.S. 40:964; or

(4) The operator is under the influence of a combination of alcohol and one or more drugs which are not controlled dangerous substances and which are legally obtainable with or without a prescription and the label on the container of the prescription drug or the manufacturer's package of the drug contains a warning against combining the medication with alcohol; or

(5) The operator is under the influence of one or more drugs which are not controlled dangerous substances and which are legally obtainable with or without a prescription and the influence is caused by the operator knowingly consuming quantities of the drug or drugs which substantially exceed the dosage prescribed by the physician or the dosage recommended by the manufacturer of the drug.

(b) (1) On a first conviction, notwithstanding any other provision to the contrary, the offender shall be fined not less than three hundred dollars (\$300.00) nor more than one thousand dollars (\$1,000.00), and shall be imprisoned for not less than ten (10) days nor more than six (6) months. Imposition or execution of sentence shall not be suspended unless:

a. The offender is placed on probation with a minimum condition that he serve two (2) days in jail and participate in a court-approved substance abuse program and participate in a court-approved driver improvement program; or

b. The offender is placed on probation with a minimum condition that he perform four (4), eight-hour days of court-approved community service activities, at least one-half of which shall consist of participation in a litter abatement or collection program, participate in a court-approved substance abuse program, and participate in a court-approved driver improvement program. An offender who participates in a litter abatement or collection program pursuant to this subparagraph, shall have no cause of action for damages against the entity conducting the program or supervising his participation therein, including a municipality, parish, sheriff, or other entity, nor against any official, employee, or agent of such entity, for any injury or loss in a direct result of lack of supervision or act omission of the supervisor, unless the injury or loss is a direct result of the lack of supervision or act or omission of the supervisor, unless the injury or loss was caused the intentional or grossly negligent act or omission of the entity or its official, employee, or agent.

(2) If the offender had a blood alcohol concentration of 0.15 percent or more by weight based on grams of alcohol per one hundred (100) cubic centimeters of blood, at least forty-eight (48) hours of the sentence imposed pursuant to paragraph (b)(1) of this section shall be served without the benefit of parole, probation, or suspension of sentence. Imposition or execution of the remainder of the sentence shall not be suspended unless the offender complies with paragraph (b)(1)a. or b. of this section.

(c) (1) On a second conviction, notwithstanding any other provision of law to the contrary, regardless of whether the second conviction occurred before or after the first conviction, the offender shall be fined not less than seven hundred fifty dollars (\$750.00), and not more than one thousand dollars (\$1,000.00) and imprisoned for not less than thirty (30) days not more than six (6) months. At least forty-eight (48) hours of the sentence imposed shall be served without the benefit of parole or probation, or if the offender had a blood alcohol concentration of 0.15 or greater, at least four (4) days of the sentence imposed shall be served without the benefit of parole, probation, or suspension of sentence. Nothing herein shall prohibit