

19-00460

ORDINANCE

AMENDING TITLE 13 (CRIMINAL LAW), SO AS TO ADD SECTION 13:39.2 "DRIVING THROUGH FUNERAL OR OTHER PROCESSION", AND REPEAL SECTION 11:270 RELATIVE TO CITY COURT TRAFFIC DIVISION.

BE IT ORDAINED by the Metropolitan Council of the Parish of East Baton Rouge and the City of Baton Rouge that:

Section 1. Title 11 (Traffic Code), Chapter 23 (Miscellaneous Rules), Section 11:270 (Driving through funeral or other procession) of the Code of Ordinances of the City of Baton Rouge and Parish of East Baton Rouge is hereby amended to repeal Section 11:270, in its entirety.

Section 2. Title 13 (Criminal Code) is hereby amended, so as to add Section 13:39.2, as follows:

"Section 13:39.2 - Driving through funeral or other procession.

- (a) *Definitions.* As used in this section, the following words and phrases have the meaning ascribed to them, unless the context clearly indicates a different meaning:

Funeral procession means two or more vehicles accompanying a deceased person or cremated human remains during daylight hours.

Other authorized procession means one or more vehicles required to be escorted by one or more motorcycle law enforcement officers, and in fact escorted by one or more motorcycle law enforcement officers making use of audible or visual signals.

- (b) Except for an authorized emergency or law enforcement vehicle making use of audible or visual signals, or when directed otherwise by a law enforcement officer, pedestrians and operators of all motor vehicles shall yield the right-of-way to each vehicle participating in a funeral or other authorized procession.
- (c) No driver of a vehicle shall drive between the vehicles, including the escort vehicles, comprising a funeral or other authorized procession while they are in motion, or break into the middle of such procession, or enter into a procession from a side road, driveway, or parking lot.
- (d) Whoever violates the provisions of this Section shall be assessed a penalty of one thousand dollars (\$1,000.00) for each violation. However, if as a result of the violation

there is an accident causing death or serious bodily injury to a motorcycle officer, the violator shall also be ordered to serve court-appointed community service for not more than two hundred fifty hours."

Section 3. This ordinance shall be effective 30 days following adoption by the Metropolitan Council.

Section 4. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.

Section 5. All ordinances or parts of ordinances in conflict are hereby repealed.