

SENATE FLOOR AMENDMENTS

2025 Regular Session

Amendments proposed by Senator Seabaugh to Engrossed Senate Bill No. 99 by Senator Cathey

1 AMENDMENT NO. 1

2 On page 1, delete lines 2 and 3 and insert:

3 "To amend and reenact R.S. 14:134(A)(2) and R.S. 32:43(A)(3), 44(A), 45(A), (B)(1), and
 4 (C), 46(A), (B), and (D)(1), the introductory paragraph of 47(A) and 47(A)(2) and
 5 (4), and (B), 48(A) and (B)(4)(e), and 49, to enact R.S. 32:1(111), (112), and (113),
 6 47(A)(5), (6), and (C), and 48(B)(9), and to repeal R.S. 32:44(B) and (C) and
 7 46(C)(3) and (4), relative to malfeasance in office; to provide for the"

8 AMENDMENT NO. 2

9 On page 1, line 7, after "manners;" insert "to provide for definitions;"

10 AMENDMENT NO. 3

11 On page 2, delete lines 1 and 2 and insert:

12 "Section 2. R.S. 32:43(A)(3), 44(A), 45(A), (B)(1), and (C), 46(A), (B), and (D)(1),
 13 the introductory paragraph of 47(A) and 47(A)(2) and (4), and (B), 48(A) and (B)(4)(e), and
 14 49 are hereby amended and reenacted, and 32:1(111), (112), and (113), 47(A)(5), (6), and
 15 (C), and 48(B)(9) are hereby enacted to read as follows:

16 §1. Definitions

17 * * *

18 **(111) "Automated speed enforcement device" means an unmanned or**
 19 **handheld camera or optical device installed to work in conjunction with a**
 20 **traffic control signal or radar speed detection equipment, or both, and designed**
 21 **to collect photographic evidence of alleged traffic violations for the issuance of**
 22 **traffic citations by recording images that depict the license plate or other**
 23 **identifying feature of a motor vehicle not in compliance with instruction of a**
 24 **traffic control signal or posted traffic sign.**

25 **(112) "Mobile speed camera" means a device designed to collect**
 26 **photographic or video evidence of an alleged violation of a posted speed limit**
 27 **by recording images that depict the license plate or other identifying feature of**
 28 **a motor vehicle that is not operated in compliance with a posted speed limit**
 29 **sign.**

30 **(113) "Red light camera" means a device installed at an intersection**
 31 **designed to collect photographic or video evidence of alleged traffic violations**
 32 **by recording images that depict the license plate or other identifying feature of**
 33 **a motor vehicle that is not operated in compliance with instruction of a traffic**
 34 **control signal or a posted traffic sign.**

35 * * *

36 §43. Automated speed enforcement devices; prohibition

37 A. * * *

38 **(3) Automated speed enforcement devices and mobile speed cameras**
 39 **shall not be used anywhere other than school zones lawfully posted in**
 40 **accordance with R.S. 32:47.** An unmanned automated speed enforcement device
 41 shall not be used to issue speeding citations in a school zone when a driver is not
 42 exceeding the posted speed limit immediately prior to the school zone if school zone
 43 signs are not posted at the entrance and exit of the school zone.

44 * * *

45 §44. Required notification for red **Red** light cameras; **prohibition**

46 A. ~~Local municipal authorities or local parish authorities shall post signs,~~
 47 ~~indicating that a red light camera is present, within five hundred feet of each red light~~

1 camera, in such a manner as to be clearly visible to traffic approaching the red light
2 camera Use of red light cameras shall be strictly prohibited in this state.

3 * * *

4 §45. Required notification for automated speed enforcement devices and mobile
5 speed camera cameras

6 A. Local municipal authorities or local parish authorities shall post signs
7 indicating that a an automated speed enforcement device or mobile speed camera
8 is present. The sign shall be posted no less than two hundred fifty feet and no more
9 than five hundred feet of the location of each automated speed enforcement device
10 or mobile speed camera in such a manner as to be clearly visible, not obstructed by
11 any barrier, equipment, vegetation, or other object, and shall be easily viewable by
12 drivers approaching the automated speed enforcement device or mobile speed
13 camera. The sign shall comply with the current manual and specifications adopted
14 by the Department of Transportation and Development pursuant to R.S. 32:235.

15 B.(1) Failure of a municipal or parish authority to comply with Subsection
16 A of this Section shall prohibit the use of any photographic or video images collected
17 by the automated speed enforcement device or mobile speed camera to impose or
18 collect any civil or criminal fine, fee, or penalty by or on behalf of the municipal or
19 parish authority.

20 * * *

21 C. For the purposes of this Section, an "automated speed enforcement
22 device or mobile speed camera" means a device designed to collect photographic or
23 video evidence of an alleged violation of a posted speed limit by recording images
24 that depict the license plate or other identifying feature of a motor vehicle that is not
25 operated in compliance with a posted speed limit sign.

26 §46. Electronic enforcement devices; school zone restrictions

27 A. For the purposes of this Section "electronic enforcement devices" shall
28 mean automated speed enforcement devices, ~~red light traffic cameras,~~ and or mobile
29 speed cameras used for the purpose of regulating and enforcing traffic violations in
30 which citations are issued by mail.

31 B. Local municipal authorities and local parish authorities shall only operate
32 electronic enforcement devices in a school zone, and then only on school days
33 ~~during the specified time periods when children are in school.~~ Devices shall only be
34 operated one hour before ~~and one hour after~~ the beginning of a school day ~~and one~~
35 ~~hour before~~ and one hour after the end of a school day.

36 * * *

37 D.(1) Any jurisdiction that submits a local match waiver for capital outlay
38 shall disclose the amount of revenue collected from ~~handheld traffic cameras~~
39 electronic enforcement devices. The failure to disclose the information required by
40 this Subsection shall result in any local match waiver being revoked.

41 * * *"

42 AMENDMENT NO. 4

43 On page 2, line 4, delete "pursuant"

44 AMENDMENT NO. 5

45 On page 2, line 5, delete "to R.S. 32:43 and 45"

46 AMENDMENT NO. 6

47 On page 2, between lines 8 and 9, insert:

48 "(2) The device or camera is ~~not within one half mile of a speed limit change~~
49 ~~of ten miles per hour or greater. This provision shall not apply to school zones~~ in a
50 school zone lawfully posted in accordance with this Subsection.

51 * * *

52 (4) Upon the entrance to each school zone, there shall be painted a two
53 foot wide yellow stripe completely across the roadway with "Entering School
54 Zone" painted in twelve inch white lettering visible therein.

1 **(5) Two hundred feet before the entrance to each school zone, there shall**
2 **be painted a two foot wide yellow stripe completely across the roadway with**
3 **"School Zone Ahead" painted in twelve inch white lettering visible therein.**

4 (6)(a) If a device or camera is used while in an authorized vehicle, the
5 authorized vehicle shall be clearly marked as a law enforcement vehicle.

6 (b) If a device or camera is used by a traffic or law enforcement officer while
7 not in a vehicle, the officer shall wear a reflective vest, clearly indicating that the
8 officer is law enforcement or that the officer is conducting speed enforcement
9 measures.

10 B. Criminal fines or fees shall not be imposed as a result of ~~handheld or~~
11 ~~manned devices~~ **automated speed enforcement devices or mobile speed cameras**
12 for the purpose of issuing a citation violation by mail, nor shall failure to pay the
13 citation result in reporting to any credit bureaus."

14 AMENDMENT NO. 7

15 On page 2, after line 14 insert:

16 "§48. Violations; administrative hearing

17 A. Each local municipal authority or local parish authority that installs or
18 utilizes automated speed enforcement devices, ~~red light cameras,~~ or mobile speed
19 cameras in which a citation is issued by mail shall establish an administrative hearing
20 process for a motorist to appeal the citation violation.

21 B. The administrative process shall include, at a minimum, the following:

22 * * *

23 (4) It shall be an affirmative defense to the imposition of civil liability
24 pursuant to this Subpart when:

25 * * *

26 (e) At the time of the violation, the person who received the notice of
27 violation was not the owner of the vehicle at the time of the violation or the vehicle
28 was in the care, custody, and control of another person where the owner ~~furnishes a~~
29 ~~truthful affidavit which provides~~ **certifies or otherwise indicates** that the vehicle at
30 the time of the violation was not in his care, custody, or control or that the person
31 was not the owner of the vehicle.
32

33 * * *

34 **(9) Any administrative hearing or judicial review of an adverse decision**
35 **shall be conducted at no cost to the owner of the vehicle requesting review.**

36 §49. Citations

37 Citations issued for ~~violations of R.S. 32:47 and 48~~ **through the use of**
38 **automated speed enforcement devices or mobile speed cameras** shall contain on
39 the back of the citation an attestation wherein the driver who receives the violation
40 can attest either that at the time of the violation, the person who received the notice
41 of violation was not the owner of the vehicle or that the vehicle was in the care,
42 custody, and control of another at the time of the violation. **Nothing in this**
43 **Subsection shall require that the owner's attestation referenced herein be**
44 **notarized.** The driver who receives the violation shall have the option to provide
45 information on who was the owner or driver of the vehicle at the time of the violation
46 but shall not be required to do so.

47 Section 3. R.S. 32:44(B) and (C) and 46(C)(3) and (4) are hereby repealed."