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## DIGEST

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HB 519 Reengrossed

2025 Regular Session

Glorioso

**Abstract:** Prohibits the use of a wireless telecommunications device while operating a motor vehicle, provides for exceptions and penalties for such use, and provides for enforcement.

Present law prohibits the use of wireless telecommunications devices in school zones.

Present law requires that \$25 from all fines collected pursuant to existing law be distributed to the indigent defender fund of the judicial district in which the citation was issued.

Proposed law modifies present law by requiring \$100 from all fines collected for a violation which occurs in a school zone or in a highway construction zone and \$50 be collected for a violation which occurs in any location other than a school zone or highway construction zone pursuant to proposed law be distributed to the indigent defender fund of the judicial district in which the citation was issued.

Proposed law defines "autonomous vehicle", "autonomous technology", "hands-free wireless telephone", "lawfully stationary", "motor vehicle", and "wireless telecommunications device".

Proposed law specifies that excluding the limited exceptions in proposed law no person is allowed to utilize any wireless telecommunications device while operating a motor vehicle upon any public road or highway, unless the motor vehicle is lawfully stationary.

Proposed law specifies that the following actions are deemed as operating a wireless telecommunications device:

- (1) Engaging in a call by talking or listening during a voice transmission on a wireless telecommunications device or manually entering names or telephone numbers to initiate a voice transmission, except when using a hands-free wireless telephone.
- (2) Writing, sending, or reading a text-based communication, which means using a text message, instant message, electronic mail, or other text-based application to communicate with any person.
- (3) Accessing, reading, or posting to a social networking site by a wireless telecommunications device to access, read, or post on that device to any web-based service that allows individuals to construct a profile within a bounded system, articulate a list of other users they share a connection and communicate with other members of the site.

- (4) Accessing, viewing, posting, editing, or creating a video, photograph, or other image.
- (5) Accessing, reading, viewing, composing, browsing, transmitting, saving, or retrieving electronic data from any application or other media.
- (6) Using any application or feature of a wireless telecommunications device by making manual entries of letters, numbers, symbols, commands or any combination thereof.
- (7) Holding or physically supporting a wireless telecommunications device in either or both hands, except for an earpiece or headphone device in compliance with present law or a device worn on the wrist to talk or listen during a voice transmission.

Proposed law provides exceptions to the prohibition against the use of wireless telecommunications devices if a person does any of the following:

- (1) Reports a traffic collision, medical emergency, serious road hazard, or to report a crime in progress.
- (2) Reports a situation in which a person believes an individual can suffer serious injury or death.
- (3) Relays information between a transit of a for-hire operator, including a transportation network company driver, and that operator's dispatcher, in which the device is affixed to the vehicle.
- (4) Operates a wireless telecommunications device while the motor vehicle is lawfully stationary and not in violation of any other law. A utility vehicle or roadside assistance vehicle parked while the utility worker or roadside responder is in the course and scope of performing his duties must be considered lawfully stationary.
- (5) Uses a wireless telecommunications device in an official capacity as an operator of an authorized emergency vehicle while in performance of official duties as a law enforcement officer, firefighter, or emergency services or EMS practitioner.
- (6) Views data or images related to navigation of a motor vehicle using a hands-free global positioning system.

Proposed law specifies that a violation of proposed law is classified as a nonmoving violation.

Proposed law specifies that if a violation occurs in a school zone or a highway construction zone, it is a primary offense and is punishable by a fine of \$250. Additionally, specifies that at the judge's discretion, the fine may be reduced to \$100 with community service not to exceed 15 hours, consisting of half the hours dedicated to a litter abatement program in a school zone or highway construction zone.

Proposed law specifies that if a person is involved in a crash at the time of the violation, the fine will be equal to double the amount of the fine imposed in proposed law and the law enforcement officer investigating the crash must indicate on the written accident report that a wireless telecommunications device was used at the time of the crash.

Proposed law specifies that if a violation occurs in any location other than a school zone or highway construction zone, it constitutes a secondary offense when the officer detains the driver for an alleged violation of another provision of proposed law and is punishable by a fine of \$100. Additionally, specifies that at the judge's discretion, the fine may be reduced to \$50 with community service not to exceed 15 hours, consisting of half the hours dedicated to a litter abatement program.

Proposed law specifies that if a person is involved in a crash at the time of the violation, the fine will be equal to double the amount of the fine imposed in proposed law and the law enforcement officer investigating the crash must indicate on the written accident report that the person was using a wireless telecommunications device at the time of the crash.

Proposed law specifies that for violations of proposed law not resulting in a crash causing bodily injury or death of another person, violators may plead guilty or nolo contendere to the alleged offense and pay the appropriate fine. Additionally, specifies that if a person pleads guilty or nolo contendere to the alleged offense, the person is not required to appear in court if the person waives the right to contest the charges and pays the fine specified in proposed law.

Proposed law specifies that the use of a wireless telecommunications device for any purposes considered an exception in proposed law is an affirmative defense to a violation of proposed law and the operator of the motor vehicle may produce documentary or other evidence to support the defense.

Proposed law specifies that law enforcement officers can only issue a written warning for violations of proposed law occurring before Jan. 1, 2026.

Proposed law requires that a probable cause determination for a violation of proposed law be based solely upon a law enforcement officer's clear and unobstructed view of a person using a wireless telecommunications device as prohibited by proposed law.

Proposed law prohibits a law enforcement officer doing any of the following based solely on a probable cause determination or violation of proposed law:

- (1) Seize, search, view, or require the forfeiture of a wireless telecommunications device.
- (2) Search or request to search a motor vehicle, motor vehicle operator, or passenger.
- (3) Make a custodial arrest except upon any open warrant including but not limited to a warrant issued for failure to appear in court when summoned or for failure to pay an imposed fine.

Proposed law specifies that the state preempts the field of regulating the use of a wireless telecommunications device by the operators of motor vehicles. Further, specifies that the provisions

of proposed law supersede any local laws, ordinances, rules or regulations enacted by a parish, municipality or other political subdivision to regulate the use of a wireless telecommunications device by the operator of a motor vehicle.

Proposed law requires that beginning April 1, 2027, and continuing until April 1, 2032, the Dept. of Transportation and Development and the Dept. of Public Safety and Corrections, office of state police submit a report annually to the legislature regarding the impact of the provisions of proposed law, including the number of crashes caused by inattentive or distracted driving for each year, broken down by different areas of the state, as such data is already collected. Further, requires the report be based upon data the Dept. of Transportation and Development and the office of state police collect under existing state law.

(Amends R.S. 15:571.11(A)(4); Adds R.S. 32:59; Repeals R.S. 32:300.5-300.8)

#### Summary of Amendments Adopted by House

##### The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Require that violations of proposed law constitute a nonmoving violation.