

2025 Regular Session

HOUSE BILL NO. 74

BY REPRESENTATIVE MIKE JOHNSON AND SENATORS BARROW, CLOUD, FOIL,
HENRY, MILLER, MIZELL, AND PRICE

1 AN ACT

2 To enact R.S. 14:323(E) and Chapter 28-E of Title 46 of the Louisiana Revised Statutes of
3 1950, to be comprised of R.S. 46:2191 through 2196, relative to the disabling of
4 remote access technology on motor vehicles; to provide for definitions; to provide
5 for a civil fine; to establish a fund; to provide limitations on manufacturers; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:323(E) is hereby enacted to read as follows:

9 §323. Tracking devices prohibited; penalty

10 * * *

11 E. The exception provided in Subsection C of this Section shall not apply
12 under any of the following circumstances:

13 (1) An individual with ownership interest who has been granted a protective
14 order as provided in R.S. 46:2136 or a temporary restraining order as provided in
15 R.S. 46:2135.

16 (2) If another individual has been granted exclusive use of the vehicle by a
17 court of competent jurisdiction.

18 Section 2. Chapter 28-E of Title 46 of the Louisiana Revised Statutes of 1950,
19 comprised of R.S. 46:2191 through 2196, is hereby enacted to read as follows:

20 CHAPTER 28-E. DISABLING OF REMOTE ACCESS TECHNOLOGY

21 §2191. Definitions

22 A. For purposes of this Chapter:

1 (1) "Abuser" means an individual who has committed, or is presumed to
 2 have committed a covered act against a survivor, as defined in this Section.

3 (2) "Covered act" means conduct that constitutes:

4 (a) Domestic abuse as defined in R.S. 46:2132.

5 (b) Sexual assault as defined in R.S. 29:220.

6 (c) Stalking as defined in R.S. 14:40.2.

7 (3) "Remote access technology" means technology that enables a driver of
 8 a motor vehicle to remotely track, control, or operate the driver's vehicle using a
 9 smartphone app or other device.

10 (4) "Survivor" means an individual who is a victim of a covered act, as
 11 defined in this Section.

12 §2192. Remote access suspension, survivor of a covered act

13 A.(1) A motor vehicle manufacturer shall suspend the remote access
 14 technology on a motor vehicle within two business days from receipt of a complete
 15 remote access suspension request from a survivor.

16 (2) A complete remote access suspension request requires the following:

17 (a) A certified copy of a protective order as provided by R.S. 46:2136
 18 against the abuser that has been signed by a judge, hearing officer, or commissioner,
 19 a temporary restraining order as provided by R.S. 46:2135 against the abuser that has
 20 been signed by a judge, hearing officer, or commissioner, or any other official
 21 document that evidences that abuser has committed a covered act.

22 (b) The survivor has ownership interest in the motor vehicle or a certified
 23 copy of a judgment that provides exclusive use of the motor vehicle regardless of
 24 ownership.

25 B. The remote access technology may remain disabled for the duration of the
 26 protective order, temporary restraining order, or judgment granting exclusive use of
 27 the motor vehicle.

28 C. The motor vehicle manufacturer shall provide a process that includes a
 29 prominent and clearly visible link entitled "HOW TO DISCONNECT REMOTE
 30 VEHICLE ACCESS" on the motor vehicle manufacturer's website.

1 D. The provisions of this Section shall not apply to a motor vehicle
2 manufacturer that technologically cannot disable the remote access technology on
3 a motor vehicle.

4 §2193. Civil fine

5 Any motor vehicle manufacturer that is found to have violated R.S. 46:2192
6 shall be subject to a civil fine of ten thousand dollars per violation, not to exceed a
7 sum of one million dollars. The attorney general may maintain a civil action in a
8 court of competent jurisdiction to recover such fines.

9 §2194. Survivor Empowerment Fund

10 A. There is hereby established in the state treasury, as a special fund, the
11 Survivor Empowerment Fund, hereinafter referred to as the "fund".

12 B.(1) After allocation of money to the Bond Security and Redemption Fund
13 as provided in Article VII, Section 9(B) of the Constitution of Louisiana, the
14 treasurer shall deposit into the fund monies paid as a civil fine levied against a motor
15 vehicle manufacturer in violation of R.S. 46:2192. The treasurer shall also deposit
16 into the fund any monies transferred or appropriated by the legislature and any
17 grants, donations, gifts, or other monies which may become available.

18 (2) Monies in the fund shall be invested in the same manner as monies in the
19 state general fund. Interest earned on investment of monies in the fund shall be
20 deposited into the state general fund. Unexpended and unencumbered monies in the
21 fund at the end of the fiscal year shall remain in the fund.

22 C.(1) Subject to appropriation by the legislature to the Louisiana Commission
23 on Law Enforcement and the Administration of Criminal Justice, monies in the fund
24 shall be used to assist victims of crime pursuant to the Victims of Crime Act and the
25 Violence Against Women Act.

26 (2) In accordance with the Administrative Procedure Act, the Louisiana
27 Commission on Law Enforcement and the Administration of Criminal Justice shall
28 adopt and promulgate rules necessary for implementation and administration of the
29 provisions of Paragraph (1) of this Subsection.

1 §2195. Limitations on manufacturer; remote access suspension request

2 A motor vehicle manufacturer may not do any of the following in order to
3 disable the remote access technology:

4 (1) Require the survivor to pay a fee or any outstanding fines owed by the
5 abuser.

6 (2) Contact the abuser after the survivor submits a complete remote access
7 suspension request.

8 §2196. Liability

9 A motor vehicle manufacturer and any officer, director, employee, vendor,
10 or agent thereof shall not be subject to liability for any claims deriving from the
11 motor vehicle manufacturer's technological inability to disable the remote access
12 technology, or for any claims initiated by an abuser deriving from an action taken
13 pursuant to this Chapter.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____