

2023 Regular Session

HOUSE BILL NO. 322

BY REPRESENTATIVE WILLARD

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MTR VEHICLE/VIOLATIONS: Specifies that certain motor vehicle violations are secondary offenses that cannot be grounds for initiating a stop

1 AN ACT

2 To amend and reenact R.S. 32:353 and 1304(E)(1) and to enact R.S. 32:213(C), 319(D),
3 361.1(K), and 1304(I), relative to motor vehicle offenses; to prohibit the use of
4 secondary offenses as grounds for a stop; to distinguish between moving and
5 nonmoving violations for certain offenses; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 32:353 and 1304(E)(1) are hereby amended and reenacted and R.S.
8 32:213(C), 319(D), 361.1(K), and 1304(I) are hereby enacted to read as follows:

9 §213. Crossing at other than crosswalks

10 * * *

11 C. Any violation of this Section shall constitute a secondary offense.

12 * * *

13 §319. Signal lamps and signal devices

14 * * *

15 D. Any violation of this Section shall constitute a nonmoving violation and
16 shall be a secondary offense in which a driver may be cited only if the vehicle has
17 been lawfully stopped for a primary moving violation.

18 * * *

19 §353. Modification of exhaust systems

20 No person shall modify the exhaust system of a motor vehicle in a manner
21 which will amplify or increase the noise emitted by the motor of such vehicle, above

1 that emitted by the muffler originally installed on the vehicle and the original muffler
2 shall comply with all of the requirements of R.S. 32:352. Any violation of this
3 Section shall constitute a nonmoving violation and shall be a secondary offense in
4 which a driver may be cited only if the vehicle has been lawfully stopped for a
5 primary moving violation.

6 * * *

7 §361.1. View outward or inward through windshield or windows; obscuring
8 prohibited

9 * * *

10 K. Any violation of this Section shall constitute a nonmoving violation and
11 shall be a secondary offense in which a driver may be cited only if the vehicle has
12 been lawfully stopped for a primary moving violation.

13 * * *

14 §1304. Secretary to require periodical inspection

15 * * *

16 E.(1) The mere failure of the owner or operator of a motor vehicle required
17 by this Section to be inspected to obtain a current and valid inspection certificate
18 shall not be in violation, provided that the certificate has been expired less than ~~one~~
19 ~~calendar month~~ four calendar months; nor shall an owner or operator be in violation
20 if he shall produce on demand, under Subsection B of this Section, a certificate of
21 inspection for the vehicle valid and effective for not more than six months and not
22 in current display on the windshield by reason of replacement of the windshield
23 glass.

24 * * *

25 I. Any violation of this Section shall constitute a nonmoving violation and
26 shall be a secondary offense in which a driver may be cited only if the vehicle has
27 been lawfully stopped for a primary moving violation.

28 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 322 Original

2023 Regular Session

Willard

Abstract: Specifies that certain violations are secondary offenses that cannot be used as grounds for a stop absent a primary moving violation.

Present law requires that pedestrians crossing a roadway at any point other than within a marked cross walk or within an unmarked crosswalk at an intersection yield the right of way to all vehicles upon the roadway.

Proposed law makes a violation of present law a secondary offense.

Present law requires all vehicles be equipped, when required, with the proper stop lamps on the rear of the vehicle displaying a red light, visible from a distance not less than 300 feet to the rear in normal sunlight. Additionally, requires, when applicable, that a vehicle be equipped with electric turn signals that indicate an intention to turn by flashing lights.

Proposed law specifies that a violation of present law constitutes a nonmoving offense and is a secondary offense where the driver should not be stopped, unless it is in connection with a primary moving violation.

Present law prohibits the exhaust system of a motor vehicle from being modified by any person in a manner which would increase the noise emitted by the motor of such vehicle and specifies that the muffler originally installed on the vehicle to comply with all requirements.

Proposed law specifies that a violation of present law constitutes a nonmoving violation and is a secondary offense where the driver should not be stopped, unless it is in connection with a primary moving violation.

Present law prohibits any person from operating a motor vehicle with any object or material placed on the front windshield or front side windows of the vehicle so as to obstruct the driver's clear view through the windshields.

Proposed law specifies that a violation of present law constitutes a nonmoving violation and is a secondary offense where the driver should not be stopped, unless it is in connection with a primary moving violation.

Present law requires an owner or operator of a motor vehicle to obtain a current and valid inspection certificate at least once every other year. Specifies that failure to obtain the required inspection certificate is not a violation, provided that the certificate expired less than one month ago to be deemed valid.

Proposed law makes the expiration on the inspection sticker valid if it is less than four months overdue. Specifies that a violation of present law constitutes a nonmoving violation and is a secondary offense where the driver should not be stopped, unless it is in connection with a primary moving violation.

(Amends R.S. 32:353 and 1304(E)(1); Adds R.S. 32:213(C), 319(D), 361.1(K), and 1304(I))