

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

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 32:1304(E)(1) is hereby amended and reenacted and R.S. 32:213(C)
8 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 §1304. Secretary to require periodical inspection

14 * * *

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

1 in current display on the windshield by reason of replacement of the windshield
2 glass.

3 * * *

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

7 * * *

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 Engrossed

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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 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 an owner or operator of a motor vehicle to obtain a current and valid inspection certificate at least once every other year. Specifies that the 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. 32:1304(E)(1); Adds R.S. 32:213(C), and 1304(I))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill:

1. Remove the provision that made a violation of signal lamp and signal device requirements a nonmoving violation that would constitute a secondary offense in which a driver could only be cited if the vehicle was stopped for a primary offense.
2. Remove the provision that made a violation of the modification of exhaust system requirements a nonmoving violation that would constitute a secondary offense in which the driver could only be stopped for a primary offense.

3. Remove the provision that made a violation of outward or inward through windshield requirements a nonmoving violation that would constitute a secondary offense in which the driver could only be cited if the vehicle was stopped for a primary offense.
4. Change four calendar months to two calendar months for the periodical inspection sticker for the windshield.