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**SENATE COMMITTEE AMENDMENTS**

2024 Regular Session

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Original Senate Bill No. 302 by Senator Cathey

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1 AMENDMENT NO. 1

2 On page 1, line 2, after "reenact" delete "R.S. 32:43(B) and 365(B)" and insert "R.S.  
3 32:365(B)"

4 AMENDMENT NO. 2

5 On page 1, line 2, after "enact" delete "R.S. 32:45(D)" and insert "R.S. 32:46, 47, and 48"

6 AMENDMENT NO. 3

7 On page 1, line 7, delete "R.S. 32:43(B) and 365(B) are" and insert "R.S. 32:365(D) is"

8 AMENDMENT NO. 4

9 On page 1, at the end of line 7 and the beginning of line 8, delete "R.S. 32:45(D) is" and  
10 insert "R.S.32:46, 47, and 48 are"

11 AMENDMENT NO. 5

12 On page 1 delete lines 9 through 17 and on page 2, delete lines 1 through 22 and insert the  
13 following:

14 **§46. Electronic enforcement devices; school zone**

15 **A. For the purposes of this Section "electronic enforcement devices"**  
16 **shall mean automated speed enforcement devices, red light traffic cameras and**  
17 **mobile speed cameras used for the purpose of regulating and enforcing traffic**  
18 **violations in which citations are issued by mail.**

19 **B. Local municipal authorities and local parish authorities shall only**  
20 **operate electronic enforcement devices in a school zone during school days, one**  
21 **hour before and one our after the beginning or ending of a school day and when**  
22 **children are in school.**

23 **C.(1) Revenue generated as a result of electronic enforcement devices in**  
24 **school zones shall be divided between the governing authority of the school**  
25 **where the traffic citation was issued and the municipality**

26 **(2) A cooperative endeavor agreement executed by the municipality and**  
27 **each governing authority of the schools located within the municipality's**  
28 **boundaries shall be in place prior to implementation of automated speed**  
29 **enforcement devices and mobile speed cameras.**

30 **§47. Use of hand-held speed recording devices; restrictions**

31 **A. Automated speed enforcement devices or mobile speed cameras**  
32 **pursuant to R.S. 32:43 an R.S. 32:45 that are handheld or manned, and issue**  
33 **a citation of an alleged violation by mail, shall only be used by local municipal**  
34 **authorities or local parish authorities in the following instances:**

35 **(1) The device or camera is being operated by a trained member of law**  
36 **or traffic enforcement that are post certified. Deputized agents, contractors,**  
37 **subcontractors of an agency, office, local municipality, local authority or any**  
38 **political subdivision of this state are strictly prohibited from operating**  
39 **handheld or manned, devices for the purpose of issuing a citation violation by**  
40 **mail.**

1           **(2) The device or camera is not within one half mile of a speed limit**  
2 **change in an amount greater than ten miles per hour. This provision shall not**  
3 **apply to school zones.**

4           **(3) There are signs indicating a device or camera is present, no less than**  
5 **five hundred feet and no more than one thousand feet before the device or**  
6 **camera, in a manner as to be clearly visible to approaching traffic.**

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

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

12           **B. Criminal fines or fees shall not be imposed as a result of handheld or**  
13 **manned, devices for the purpose of issuing a citation violation by mail, nor shall**  
14 **failure to pay the citation result in reporting to any or some credit bureaus.**

15 **§48. Violations; administrative hearing**

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

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

23           **(1) A written citation with a detailed description of the alleged**  
24 **violation.**

25           **(2) Ability to request an administrative hearing before a traffic**  
26 **adjudication hearing officer appointed by the local governing authority. The**  
27 **traffic adjudication hearing officer shall be an independent, third party who**  
28 **was not a participant in issuance of the violation.**

29           **(3) Clear notice with a minimum of fifteen days to respond.**

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

32           **(a) The traffic-control signal was not in proper position and**  
33 **sufficiently legible to an ordinarily observant person.**

34           **(b) The operator of the vehicle was acting in compliance with the**  
35 **lawful order or direction of a law enforcement or public safety officer.**

36           **(c) The operator of the vehicle violated the instructions of the traffic-**  
37 **control signal so as to yield the right-of-way to an immediately approaching**  
38 **authorized emergency vehicle.**

39           **(d) The vehicle was being operated as an authorized emergency**  
40 **vehicle under R.S. 32:24, and the operator was acting in compliance with**  
41 **R.S. 32:24.**

42           **(e) At the time of the violation, the vehicle was in the care, custody or**  
43 **control of another person where the owner furnishes a truthful affidavit**  
44 **which identifies the name and mailing address of the person or entity who**  
45 **leased, rented or otherwise had the care, custody, and control of the vehicle**  
46 **at the time of the violation. Responsibility for the violation under this**  
47 **Subpart shall be transferred to the person identified in the affidavit.**

48           **(f) The presence of ice, snow, unusual amounts of rain, or other**  
49 **unusually hazardous road conditions existed that would make compliance**  
50 **with this Subpart more dangerous under the circumstances than non-**  
51 **compliance.**

52           **(g) The person who received the notice of violation was not the owner**  
53 **of the vehicle at the time of the violation.**

54           **(h) At the time of the violation the vehicle was a stolen vehicle or the**  
55 **license plate displayed on the vehicle was a stolen plate, which must include**  
56 **proof acceptable to the hearing officer that the theft of the vehicle or license**  
57 **plate had been timely reported to the appropriate law enforcement agency.**

58           **(5) The hearing officer at any administrative adjudication hearing**  
59 **under this Subpart shall issue an order clearly stating the decision rendered.**

