
DIGEST

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HB 652 Reengrossed

2024 Regular Session

Deshotel

Abstract: Requires that automated speed enforcement devices authorized by a local municipal authority produce pictures of the driver to impose penalties. Provides for use of electronic enforcement devices and for the issuance of citations by mail. Provides an administrative hearing process for electronic enforcement device citations. Requires highly visible signage for use of electronic enforcement devices.

Present law prohibits local municipal authorities from installing or utilizing automated speed enforcement devices to regulate traffic on interstate roads within their corporate or territorial limits.

Proposed law adds state highways to prohibited areas on which local municipalities or local parish authorities cannot install or utilize automated speed enforcement devices.

Present law excludes highway construction zones, where work is being performed by the Department of Transportation and Development (DOTD) or a private contractor under contract with the DOTD, where construction workers are present. Exempts local municipal and parish authorities.

Present law defines "automated speed enforcement device" as an unmanned or handheld camera or optical device installed to work in conjunction with a traffic control signal or radar speed detection equipment, or both, and designed to collect photographic evidence of alleged traffic violations for the issuance of traffic citations by recording images that depict the license plate or other identifying feature of a motor vehicle not in compliance with instruction of a traffic control signal or posted traffic sign.

Proposed law allows any automated speed enforcement device authorized by a local municipal authority or local parish authority that is not in conflict with the provisions of present law to produce photographic evidence of the driver of the vehicle.

Proposed law specifies that Jan. 1, 2025, local municipal authorities or local parish authorities cannot impose or collect any civil or criminal fine, fee, or penalty as a result of an image produced by an automated speed enforcement device in violation of proposed law.

Proposed law defines "electronic enforcement devices" as automated speed enforcement devices, red light cameras, and mobile speed cameras that issue tickets by mail.

Proposed law provides electronic enforcement devices can only be operated in school zones during school days specifically for one hour prior to and after the school day.

Proposed law provides that revenue from the electronic enforcement devices in school zones must be divided between the governing authority of the school and the municipality and a cooperative endeavor agreement between the municipality and the governing authority must be executed prior to the use of the electronic enforcement devices.

Proposed law requires jurisdictions that submit local match waivers for capital outlay to disclose the amount of revenue generated by the electronic enforcement devices or risk revocation of their waiver unless they have a cooperative endeavor in place between the municipality and the governing authority of the school in which they are operated.

Proposed law provides an exception for local match waivers for capital outlay not to be revoked if they are for water system projects, sewer system projects, or natural gas system projects.

Proposed law specifies that local municipalities can only use automated speed enforcement devices and mobile speed cameras to issue tickets by mail when operated by law enforcement, not within a speed limit change of 10 miles per hour or more, specific visible signs indicate the use of the devices, and clearly identified officers or vehicles are utilizing the devices.

Proposed law provides for an administrative process for citations issued by mail from automated speed enforcement devices with minimum procedures including notice, opportunity to be heard, and the ability to seek judicial review.

Proposed law delineates affirmative defenses to citations issued by automated speed enforcement devices and prohibits them from being considered criminal convictions.

Proposed law adds an attestation clause to the back of citations issued by mail wherein the driver who receives the violation can attest that he was not the owner of the vehicle at the time of the violation or someone else had possession of the vehicle at the time of the violation. Specifies that the driver can provide the information of who was the owner or the driver of the vehicle but is not required to do so.

Proposed law modifies present law to prevent agents, contractors, or subcontractors of a local municipality or jurisdiction from using video recording equipment and monitors to monitor, record, and issue a traffic citation by mail.

Prohibits local ordinances from superseding provisions of proposed law unless the local ordinance prohibits the use of electronic enforcement devices.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 32:43(A)(1), (B), and (C) and 44(A) and 365(B); Adds R.S. 32:43(D), 46, 47, 48 and 49)

Summary of Amendments Adopted by House

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

1. Add state highways to prohibited areas on which local municipalities or local parish authorities cannot install or utilize automated speed enforcement devices.
2. Make technical changes.

The House Floor Amendments to the engrossed bill:

1. Add a definition for "electronic enforcement devices" to encompass automated speed enforcement devices, red light cameras, and mobile speed cameras that issue tickets by mail.
2. Provide electronic enforcement devices can only be operated in school zones during school days specifically for one hour prior to and after the school day.
3. Provide that revenue from the electronic enforcement devices in school zones must be divided between the governing authority of the school and the municipality and a cooperative endeavor agreement between the municipality and the governing authority must be executed prior to the use of the electronic enforcement devices.
4. Provide revenue generated from the electronic enforcement devices outside of school zones can only be used for law enforcement purposes.
5. Add that jurisdictions that submit local match waivers for capital outlay must disclose the amount of revenue generated by the electronic enforcement devices or risk revocation of their waiver unless they have a cooperative endeavor in place between the municipality and the governing authority of the school in which they are operated.
6. Provide an exception for local match waivers for capital outlay not to be revoked if they are for water system projects, sewer system projects, or natural gas system projects.
7. Add provision that automated speed enforcement devices and mobile speed cameras for which tickets are issued by mail may only be used by local municipalities and parish authorities when:
 - (a) The device or camera is being operated by trained law or traffic enforcement who is POST-certified. Further provide that no handheld or manned devices operated by deputized agents, contractors, or subcontractors of any agency, office, local municipality, local authority, or any political subdivision of the state can be used to issue a citation violation by mail.
 - (b) The device or camera is not within one half mile of a speed limit change of ten miles an hour or greater, except in school zones.

- (c) There are bright yellow 48 inch by 48 inch signs, the bottom of which are at least seven feet off the ground clearly indicating a device or camera is present between 500 and 1,000 feet before the device or camera that read "Photo enforcement devices at use".
 - (d) If devices are used in an authorized vehicle, it must be a clearly marked law enforcement vehicle. Further provide that if used by an officer outside of a vehicle, he must wear a reflective vest clearly identifying him as law enforcement or that he is conducting speed enforcement device measures.
- 8. Prohibit criminal fines or fees from handheld or manned devices for the purpose of issuing a citation violation by mail and prohibit failure to pay the citation from being reported to any credit bureau.
- 9. Provide for an administrative hearing process for citations issued by mail from automated speed enforcement devices, which must include:
 - (a) A written citation with a detailed description of the violation.
 - (b) The ability to request an administrative hearing before a traffic adjudication hearing officer who must be an independent third party.
 - (c) A clear notice with at least fifteen days to respond.
 - (d) The ability to seek judicial review within thirty days of an adverse decision.
- 10. Provide affirmative defenses to imposition of civil liability if:
 - (a) The traffic signal was not in position and legible.
 - (b) The vehicle operator was following a lawful order.
 - (c) The operator was yielding to an emergency vehicle.
 - (d) The vehicle was being operated as an emergency vehicle acting in compliance with emergency vehicle in compliance with present law.
 - (e) There are enumerated weather related or hazardous conditions present.
 - (f) The vehicle or license plate was stolen and timely reported to law enforcement.
- 11. Add provisions that the hearing officer must issue an order clearly stating the decision rendered.
- 12. Provide that citations issued cannot be considered a criminal conviction and that a civil

penalty may not be imposed for traffic signal violations if it was captured by an electronic enforcement device.

13. Add provision for an attestation to be included on the back of citations issued for violations issued by mail so that the driver who receives the violation can attest that he was not the owner of the vehicle at the time of the violation or someone else had possession of the vehicle at the time of the violation. Specify that the driver can provide the information of who was the owner or the driver of the vehicle but is not required to do so.
14. Modify present law to prevent agents, contractors, or subcontractors of a local municipality or jurisdiction from using video recording equipment and monitors to monitor, record, and issue a traffic citation by mail.
15. Add provision that local ordinances cannot supersede the provisions of this Act unless the local ordinance prohibits the use of electronic enforcement devices.
16. Add an upon signature of the governor effective date.