

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 778

2024 Regular Session

Bayham

TRAFFIC/VIOLATIONS: Prohibits the imposition of penalties via unmanned automated speed enforcement devices in a school zone in certain circumstances

Synopsis of Senate Amendments

1. Adds a provision that prohibits equipment that is not on a state or local authority right-of-way from being authorized to utilize electronic speed enforcement devices.
2. Adds a rebuttable presumption that signs were present before and after school zones for any proceeding to collect a civil or criminal fine, fee, or penalty by a municipal or parish authority.
3. Adds provisions to address the use of wireless telecommunication devices by operators of motor vehicles.
4. Consolidates all of the separate statutes and distinct prohibitions relative to use of a wireless telecommunications device into one section of law that applies to everyone in all situations.
5. Makes technical changes.

Digest of Bill as Finally Passed by Senate

Present law prohibits authorities from installing automated speed enforcement devices on interstate roadways within their territorial limits.

Proposed law retains present law and adds a provision that no equipment that is not on a state or local authority right-of-way is authorized to utilize electronic speed enforcement devices.

Present law provides an exception to present law for Dept. of Transportation construction zones except for local municipal authorities and local parish authorities.

Proposed law retains present law.

Proposed law adds a prohibition for imposition of speeding citations within a school zone via unmanned automated speed enforcement devices when the driver is not exceeding the posted speed limit immediately prior to the school zone if school zone signs are not posted at the entrance and exit of the school zone.

Proposed law adds a rebuttable presumption that signs were present before and after school zones for any proceeding to collect a civil or criminal fine, fee, or penalty by a municipal or parish authority.

Present law prohibits use of wireless telecommunications devices in school zones and for exceptions.

Proposed law removes the application to only school zones.

Present law provides definitions applicable to this Section.

Proposed law adds and clarifies definitions applicable to this Section.

Present law defines "wireless telecommunications device" as a cellular telephone, a text-messaging device, a personal digital assistant, a stand alone computer, or any other substantially similar wireless device that is readily removable from the vehicle and is used to write, send, or read text or data through manual input. A "wireless telecommunications device" shall not include any device or component that is permanently affixed to a motor vehicle. It does not include citizens band radios, citizens band radio hybrids, commercial two-way radio communication devices, two-way radio transmitters or receivers used by licensees of the Federal Communication Commission in the Amateur Radio Service, or electronic communication devices with a push-to-talk function.

Present law prohibits the use of a wireless telecommunication device while operating a motor vehicle for certain individuals or certain situations:

- (1) R.S. 32:300.5 - Applies to everyone and prohibits text messaging and social media networking.
- (2) R.S. 32:300.6 - Applies to individuals with a Class "E" learner's permit or intermediate license and prohibits using the device to make a call unless it is hands-free.
- (3) R.S. 23:300.7 - Applies to minors under the age of 17 and prohibits engaging in a call or writing, sending, or reading a text based communication.
- (4) R.S. 23:300.8 - Applies to everyone and prohibits the use of a wireless telecommunications device in a school zone during posted hours.

Proposed law consolidates all of the separate statutes and distinct prohibitions relative to use of a wireless telecommunications device into one section of law that applies to everyone in all situations by repealing 300.5, 300.6, and 300.7, and combining the provisions of present law that remain relevant into 300.8.

Present law specifies what is considered "operating a wireless communication device" while operating a vehicle.

Proposed law expands what is considered "operating a wireless communication device" while operating a vehicle and adds exception for when the motor vehicle is lawfully stationary.

Present law provides exceptions for using a wireless telecommunication device for specified purposes.

Proposed law retains present law and expands the specified purposes.

Present law provides for violations of proposed law that constitute a moving violation.

Proposed law retains present law and expands the violations that constitute a moving violation and adjusts penalties for violations.

Present law provides for hours of enforcement of wireless telecommunications devices within a school zone.

Proposed law removes present law provisions.

Proposed law provides for law enforcement's probable cause determination for violations of proposed law and prohibits certain actions based upon the probable cause determination.

Proposed law provides that state law regulating the use of wireless communication devices by motor vehicle operators supersedes local laws and ordinances on their use.

Proposed law provides a period during which an annual report must be submitted by the office of state police to the Legislature regarding the impact of the provisions of proposed law.

(Amends R.S. 15:671.1(A)(4) and R.S. 32:43(A)(1) and 300.8; Adds R.S. 32:43(A)(3);
Repeals R.S. 32:300.5, 300.6, and 300.7)