

2026 Regular Session

HOUSE BILL NO. 789

BY REPRESENTATIVE GALLE

1 AN ACT

2 To amend and reenact R.S. 14:99.2(A), (B)(2), and (B)(3)(introductory paragraph) and to
3 enact R.S. 14:99.3 and 99.4 and to repeal R.S. 14:99.2(E)(4), relative to the seizure
4 of off-road vehicles; to provide for forfeiture; to provide for the sale of seized off-
5 road vehicles and disbursement of funds; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:99.2(A), (B)(2), and (B)(3)(introductory paragraph) are hereby
8 amended and reenacted and R.S. 14:99.3 and 99.4 are hereby enacted to read as follows:

9 §99.2. Reckless operation of an off-road vehicle

10 A. Reckless operation of an off-road vehicle is the operation of any off-road
11 vehicle in a criminally negligent or reckless manner upon any public roadway or
12 right of way which public roadway or right of way is located within the territorial
13 jurisdiction of a municipality or incorporated area of a parish.

14 B.

15 * * *

16 (2) For the purposes of this Section and R.S. 14:99.3, acts which may
17 constitute reckless operation of an off-road vehicle shall include but not be limited
18 to operating the vehicle on a public roadway or right of way in a manner that does
19 any of the following:

20 (a) Forces another vehicle to leave the roadway.

21 (b) Collides with another vehicle or person.

22 (c) Exceeds the posted speed limit.

1 (d) Travels against the flow of traffic.

2 (e) Disregards traffic control devices.

3 (f) Drives around or between standing or moving vehicles without regard to
4 lanes of traffic.

5 (g) Impedes traffic flow.

6 (h) ~~Travels~~ Deliberately travels off the roadway and back ~~on to~~ onto the
7 roadway ~~deliberately~~.

8 (3) For purposes of this Section, reckless operation of an off-road vehicle
9 shall also include operating the vehicle on a public roadway or right of way which
10 public roadway or right of way is located within the territorial jurisdiction of a
11 municipality or incorporated area of a parish:

12 * * *

13 §99.3. Seizure of an off-road vehicle

14 A. Any off-road vehicle that is not evidence of a criminal violation may be
15 seized for forfeiture by any law enforcement agency designated by the district
16 attorney, with or without process issued by any district court, on probable cause to
17 believe that the off-road vehicle was used in violation of R.S. 14:99.2. Within
18 seventy-two hours, exclusive of holidays or weekends, after actual or constructive
19 seizure, the seizing agency shall apply to the court for a warrant of seizure to hold
20 the property pending forfeiture, unless such warrant has been previously obtained.
21 Such application shall be on an affidavit under oath demonstrating that probable
22 cause exists for seizure of the property. The sufficiency of the warrant of seizure and
23 affidavit under oath shall be determined in accordance with the law on search
24 warrants. The court may order that the property be held pending forfeiture on such
25 terms and conditions as are reasonable in the discretion of the court. Upon a finding
26 of no probable cause, the property shall be released to the established owner.

27 B. A seizure for forfeiture without process is reasonable if made under
28 circumstances in which a warrantless seizure or arrest would be reasonable in
29 accordance with law.

1 C. Any off-road vehicle that is alleged to be evidence of a criminal violation
2 may be seized for forfeiture by any law enforcement agency designated by the
3 district attorney, with or without process issued by any district court, on probable
4 cause to believe that the off-road vehicle was used in violation of R.S. 14:99.2.
5 Within seventy-two hours, exclusive of holidays or weekends, after service of notice
6 of pending forfeiture, the seizing agency shall apply to the court for a warrant of
7 seizure to hold the property pending forfeiture, unless such warrant has been
8 previously obtained. Such application shall be on an affidavit under oath
9 demonstrating that probable cause exists for seizure of the property, regardless of
10 whether the proceedings to forfeit property are brought pursuant to federal or state
11 action and regardless of whether the property has been the subject of a previous final
12 judgment of forfeiture in the courts of any state or the United States. The sufficiency
13 of seizure and affidavit under oath shall be determined in accordance with the law
14 on search warrants. The court may order that the property be held pending forfeiture
15 on such terms and conditions as are reasonable in the discretion of the court.

16 D. Any seizing agency designated by the district attorney to make seizures
17 for forfeiture shall notify the district attorney within ten days after such seizure.

18 E. The forfeiture of off-road vehicles may be prosecuted in conjunction with
19 the underlying violations of R.S. 14:99.2, or the prosecutor may file a separate in rem
20 action against the off-road vehicle. The district attorney may transfer this seizure
21 action to any other agency that may be prosecuting the associated criminal violations
22 of R.S. 14:99.2.

23 F. For the purposes of this Section and R.S. 14:99.4, when the office of the
24 attorney general acts as the ad hoc district attorney for the prosecution of the
25 underlying violation of R.S. 14:99.2, the office of the attorney general shall have all
26 of the powers and duties of the office of the district attorney. In all such cases, the
27 office of the attorney general may elect to prosecute the forfeiture in addition to the
28 underlying crime. Upon successful prosecution of the forfeiture by the office of the
29 attorney general, the share of the proceeds that would have otherwise gone to the

1 office of the district attorney shall be paid to the office of the attorney general as the
2 agency that employs the attorneys handling the prosecution.

3 §99.4. Judicial disposition of off-road vehicles; disbursement of proceeds

4 A. If after thirty days of the Notice of Pending Forfeiture having been given
5 to the owner and all lienholders of record with the office of motor vehicles, and no
6 claims are timely filed in an action in rem, the district attorney may apply for an
7 order of forfeiture and allocation of forfeited property with the court of jurisdiction.
8 Upon a determination by the court that the prosecuting agency's written application
9 establishes the court's jurisdiction, the giving of proper notice, and facts sufficient
10 to show probable cause for forfeiture, the court shall order the property forfeited to
11 the state.

12 B. After final disposition of all claims timely filed in an action in rem, the
13 court shall enter an order that the state has clear title to the forfeited off-road vehicle.
14 Title to the forfeited off-road vehicle and its proceeds shall be deemed to have vested
15 in the state on the commission of the conduct giving rise to the forfeiture pursuant
16 to R.S. 14:99.3.

17 C. On order of the court forfeiting the off-road vehicle, the state may transfer
18 good and sufficient title to any subsequent purchaser or transferee, and the title shall
19 be recognized by all courts, by this state, and by all agencies of this state and any
20 political subdivision.

21 D. Upon motion by the prosecuting attorney, if it appears after a hearing that
22 there was reasonable cause for the seizure for forfeiture or for the filing of the Notice
23 of Pending Forfeiture or petition, the court shall cause a finding to be entered that
24 reasonable cause existed, and the claimant is not entitled to costs or damages, and
25 the person or seizing agency who made the seizure and the prosecuting agency are
26 not liable to suit or judgment on account of the seizure, suit, or prosecution.

27 E. The court shall order a claimant who fails to establish that a substantial
28 portion of the claimant's interest is exempt from forfeiture pursuant to R.S. 14:99.3
29 to pay the reasonable costs and expenses of the state for the investigation and

1 prosecution of the matter, including reasonable attorney fees, in connection with that
2 claimant.

3 F. Off-road vehicles seized pursuant to the provisions of R.S. 14:99.3 shall
4 be destroyed or sold at public auction without appraisal, subject to the discretion of
5 the prosecuting attorney, and any proceeds resulting from the disposition of the
6 vehicles shall be disbursed in the order of priority as follows:

7 (1)(a) For satisfaction of any bona fide security interest or lien.

8 (b) Thereafter, for payment of all proper expenses of the proceedings for
9 forfeiture and sale, including expenses of seizure, maintenance of custody,
10 advertising, and court costs.

11 (2) The remaining funds shall be allocated as follows:

12 (a) Sixty percent to the law enforcement agency or agencies making the
13 seizure, such proceeds to be used in drug law enforcement, including but not limited
14 to reward programs established by the agencies.

15 (b) Twenty percent to the criminal court fund.

16 (c) Twenty percent to the office of the prosecuting agency that employs the
17 attorneys who execute the forfeiture action for the state.

18 Section 2. R.S. 14:99.2(E)(4) is hereby repealed in its entirety.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____