

2020 Regular Session

HOUSE BILL NO. 294

BY REPRESENTATIVE HILFERTY

TRAFFIC/ACCIDENTS: Provides relative to the investigation of traffic accidents in the municipalities over three hundred thousand in population

1 AN ACT

2 To enact R.S. 32:398(N), relative to traffic accident investigations; to provide a limitation
3 on the types of accidents which may be investigated by law enforcement in
4 municipalities with population greater than three hundred thousand; to provide for
5 the authorization of a civilian traffic control officer or entity to investigate certain
6 traffic accidents; to provide certain limits on the authority of civilian traffic control
7 officers or entities; to provide for certain reporting requirements; and to provide for
8 related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 32:398(N) is hereby enacted to read as follows:

11 §398. Accident reports; when and to whom made; information aid; fees for copies;
12 fees for accident photographs

13 * * *

14 N.(1) Notwithstanding the provisions of this Section, in municipalities with
15 a population greater than three hundred thousand, in accordance with the most recent
16 federal decennial census, the superintendent of police in the municipality may
17 authorize a civilian traffic control officer or entity to investigate traffic accidents in
18 accordance with the provisions of this Subsection, with the exception of the
19 following:

20 (a) Accidents resulting in the death or injury to any person.

1 (b) Accidents involving a driver who refuses to or cannot provide a driver's
2 license, proof of insurance, or vehicle registration.

3 (c) Accidents involving a driver who is suspected of being under the
4 influence of alcohol, narcotics, or other controlled substances.

5 (2) The superintendent of police in the municipality shall adopt
6 qualifications for a civilian traffic control officer or entity to conduct investigations
7 pursuant to the provisions of this Subsection, and the civilian traffic control officers
8 or entity shall have the qualifications adopted by the governing authority and shall
9 be trained by the police department of the municipality prior to conducting an
10 investigation pursuant to the provisions of this Subsection.

11 (3) A civilian traffic control officer or entity authorized to investigate traffic
12 accidents pursuant to the provisions of this Subsection shall provide an investigation
13 report in accordance with the provisions of this Section, but shall not be authorized
14 to issue traffic citations. If the civilian traffic control officer or entity has reason to
15 believe that a criminal offense has occurred or that the traffic accident involves one
16 of the criteria listed in Paragraph (1) of this Subsection, the officer or entity shall
17 report that information immediately to the police department of the municipality.

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 294 Original

2020 Regular Session

Hilferty

Abstract: Provides for the authorization of civilian traffic control officers or entities to investigate certain traffic accidents in municipalities with populations greater than 300,000.

Present law requires state police or the sheriff's office to investigate all accidents that occur within their parish or municipality.

Proposed law authorizes the superintendent of police in municipalities greater than 300,000 to authorize a civilian traffic control officer or entity to investigate traffic accidents.

Proposed law prohibits the civilian traffic control officer or entity from issuing traffic citations and from investigating any of the following accidents which shall be reported to the municipality's police department:

(1) An accident that results in death or injury to any person.

- (2) An accident that involves a driver who refuses to or cannot provide a driver's license, proof of insurance, or vehicle registration.
- (3) An accident involving a driver who is suspected of being under the influence of alcohol, narcotics, or other controlled substances.

(Adds R.S. 32:398(N))