

~~Section 2 This Act shall become effective upon signature by the governor or, if not signed~~
by the governor, upon expiration of the time for bills to become law without signature by the
governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the
governor and subsequently approved by the legislature, this Act shall become effective on the day
following such approval.

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 654 Engrossed

2021 Regular Session

Moore

Abstract: Authorizes the secretary of the Dept. of Transportation and Development, the superintendent of the La. State Police, and the executive director of the La. Hwy. Safety Commission to establish a hwy. safety corridor program, creates the Safety Corridor Advisory Group, provides for definitions, and provides for violations.

Present law provides for violations of traffic offenses for first time and subsequent violations.

Proposed law retains present law and adds a requirement for a fine to be twice the standard fine imposed if a person operating a motor vehicle violates the provisions of present law while on the portion of a hwy. designated as a hwy. safety corridor pursuant to proposed law.

Proposed law authorizes the secretary of the Dept. of Transportation and Development (DOTD), the superintendent of the La. State Police, and the executive director of the La. Hwy. Safety Commission to establish a highway safety corridor program for critical infrastructure consisting of a portion of highways in the state hwy. system and interstate highway system may be designated by the secretary of the DOTD as hwy. safety corridors to address hwy. safety problems through law enforcement, education, and safety enhancements.

Proposed law prohibits the secretary of the DOTD, the superintendent of the Louisiana State Police (LSP), and the executive director of the Louisiana Highway Safety Commission from being liable for any property damages, injuries, or deaths that may arise in the enforcement of proposed law after reviewing all data and studies for the establishment of the hwy. safety corridor.

Proposed law establishes the Safety Corridor Advisory Group and requires the following members serve on the advisory group:

- (1) The secretary of the DOTD or his designee.
- (2) The superintendent of the La. State Police or his designee.
- (3) The executive director of the La. Hwy. Safety Commission or his designee.
- (4) The Regional Traffic Safety Coalition representative or designee in the Strategic Hwy. Safety Plan that has jurisdiction over the location of the proposed hwy. safety corridor.
- (5) The chief law enforcement officer or his designee that has jurisdiction over the location of the proposed hwy. safety corridor.

Proposed law authorizes a local medical professional from near the location of the proposed hwy. safety corridor be appointed by the secretary of the La. Dept. of Health to serve on the Safety Corridor Advisory Group.

Proposed law requires the advisory group do the following:

- (1) Establish objective criteria for designating a segment of hwy. as a safety corridor including but not limited to, a review of crash data, crash reports, type and volume of vehicle traffic, and engineering and traffic studies.
- (2) Establish objective criteria for safety enhancements, including but not limited to, regular community engagement, heightened enforcement, including but not limited to video and electronic enforcement, engineering improvements, infrastructure investments, queue detection systems, extended Motorist Assistance Patrols, or instant tow dispatch and public outreach.

Proposed law requires the secretary hold a minimum of one public hearing before designating any specific hwy. corridor as a hwy. safety corridor. Requires the public hearing or hearings for a specific corridor be held at least 30 days prior to the designation at a location as close to the proposed corridor as practical.

Proposed law requires the DOTD erect a sign at each end of the hwy. safety corridor and at appropriate intermediate sites along the corridor indicating that it is a hwy. safety corridor.

Proposed law authorizes the secretary to use a "hwy. safety corridor monitoring system", which means equipment installed for use with a designated hwy. safety corridor to automatically produce records for use in enforcing the provisions of proposed law, such as video recordings, photographs, or other electronic data sufficient to establish the existence of a violation of proposed law.

Proposed law requires any person violating the provisions of proposed law while on the portion of a hwy. which is designated as a hwy. safety corridor, be fined and penalized as provided in present law (R.S. 32:57) and proposed law.

Proposed law authorizes the DOTD to adopt rules necessary to carry out the provisions of proposed law.

Proposed law requires the secretary of the DOTD, in the exercise of his authority to designate hwy. safety corridors on any hwy. in the state hwy. system. Requires the secretary of the DOTD to coordinate with La. State Police for the exercise police powers of the state as necessary to maintain the peace and accomplish the orderly handling of this authority, subject to the provisions of proposed law.

Proposed law provides for definitions and retains definitions in present law.

Proposed law requires the vehicle's registered owner be liable to make prompt payment of the proper

penalty to the parish that has jurisdiction over the location of the hwy. safety corridor violation and, except as provided in proposed law, and an administrative fee of \$25 to recover the cost of collecting the penalty where a record generated by a hwy. safety corridor monitoring system shows a hwy. safety corridor violation by a motor vehicle.

Proposed law requires the penalty for a hwy. safety corridor violation be a fine of not more than \$100.

Proposed law provides that ownership is prima facie evidence of liability. Authorizes the registered owner to dispute the prima facie evidence by providing proof that the vehicle was sold or transferred prior to the HOV violation, or by providing a copy of the police report or other evidence indicating the vehicle was stolen prior to the violation.

Proposed law requires the following procedures be taken for the collection of penalties, administrative fees, and late charges assessed pursuant to proposed law:

- (1) The dept. will send notice of a hwy. safety corridor violation by first-class mail to the registered owner of the motor vehicle at the address shown on the records of the La. Dept. of Public Safety and Corrections, office of motor vehicles, or such other address as may be provided by the owner or determined through other reliable means. The dept. may aggregate multiple hwy. safety corridor violations in one hwy. safety corridor violation notice. A manual or automatic record of the mailing prepared in the ordinary course of business of the department is prima facie evidence of the mailing of the notice.
- (2) The hwy. safety corridor violation notice must include the name and address of the person alleged to be liable as a registered owner for the hwy. safety corridor violation, the amount of the penalty or penalties to be paid, identifying information for the motor vehicle involved, the date and the approximate time of the hwy. safety corridor violation or violations, the administrative fees due, an electronic mail address and physical or post office box mailing address to which an appeal may be sent, and such other information as the dept. may deem appropriate.
- (3) The violation notice must also include a warning that the registered owner must pay the penalty or penalties and administrative fees stated in the notice or appeal the hwy. safety corridor violation by making a request for a hearing to the dept. within 30 days after issuance and describe the means and content of the response for payment or appeal. The hwy. safety corridor violation notice will also include a statement notifying the registered owner that he may waive his right to a hearing by notifying the dept. that he is waiving this right and appealing the hwy. safety corridor violation by request for a written disposition. The failure of the registered owner to appeal the violation in one of the manners provided and within the delays allowed will be deemed to be an admission of liability and a waiver of available defenses.
- (4) Within 30 calendar days after the date of the issuance of the Highway Safety Corridor violation notice, the registered owner to whom the Highway Safety Corridor violation notice

is issued must either pay the penalties and administrative fees or appeal the Highway Safety Corridor violation as provided by this Section.

- (5) The registered owner may, without waiving judicial review, appeal a hwy. safety corridor violation by notifying the dept. in writing, by either mail or electronic mail, that the right to a hearing is being waived and requesting a review and written disposition of the hwy. safety corridor violation from a dept. violation clerk by mail or electronic mail. The appeal must contain a signed statement from the registered owner explaining the basis for the appeal. The signed statement must be accompanied by signed statements from witnesses, police officers, government officials, or other relevant parties or photographs, diagrams, maps, or other relevant documents submitted by the registered owner. Statements or materials sent to a violation clerk for review must have attached to them the name, address, and electronic mail address of the registered owner as well as the number of the hwy. safety corridor violation notice and the date of the hwy. safety corridor violation. All information submitted by the registered owner becomes part of the violation record. The violation clerk shall, within 60 days of receipt of such material, review the material and dismiss or uphold the hwy. safety corridor violation and notify the registered owner of the disposition of the hwy. safety corridor violation in writing by mail or electronic mail. If the appeal by request for written disposition is denied, the violation clerk will explain the reasons for the determination. The violation clerk will have the authority to waive the administrative fees, in whole or in part, for good cause shown.
- (6) A registered owner issued a hwy. safety corridor violation notice may make a written statement for an appeal hearing before an agent designated by the dept. The violation clerk will, within 30 days of receipt of a request for an appeal, notify the registered owner in writing by first-class mail of the date, time, and place of the hearing. The hearing will be informal, the rules of evidence will not apply, the provisions of the Administrative Procedure Act will not apply to the manner the hearing is noticed or conducted, but will apply to the notice of the decision, request for rehearing, and a petition for judicial review, and the decision of the agent will be final, subject to judicial review. The parties to the appeal hearing will be notified in person or by mail or electronic mail of the decision following the hearing. Each written appeal decision will contain a statement of reasons for the decision, including a determination of each issue of fact necessary to the decision. Failure to appear at the date, time, and place specified on the hearing notice will automatically result in denial of the appeal. The hearing agent will have the authority to waive administrative fees, in whole or in part, for good cause shown.
- (7) Electronic mail sent by the registered owner to the address provided in the hwy. safety corridor violation notice will be presumptive evidence of receipt by the dept. Electronic mail sent by the dept. to the address provided by the registered owner will be presumptive evidence of receipt by the registered owner.

Proposed law provides failure to comply with the requirements of proposed law will result in late charges or sanction, or both, against the registered owner. Authorizes the department to assess the following penalties for late payment, for failure to pay, or for otherwise failing to respond against

the registered owner:

- (1) A registered owner who fails to respond to a hwy. safety corridor violation notice as provided in proposed law within 30 calendar days after the date of the issuance of the hwy. safety corridor violation notice may incur a late charge of \$5. A registered owner who fails to respond to a hwy. safety corridor violation notice within 180 calendar days after the date of issuance of the violation notice will not be able to obtain the renewal, duplicate, or reissuance of his driver's license or the registration of the vehicle until all matters regarding the alleged hwy. safety corridor violation are disposed of in accordance with proposed law. The violation clerk will notify the registered owner by the first-class mail of this delinquency and consequences.
- (2) A registered owner who fails to respond to a hwy. safety corridor violation notice as provided in proposed law within 180 calendar days after the date of the issuance of the violation notice will be prohibited from renewing his driver's license. The violation clerk will notify the La. office of motor vehicles of this delinquency. Upon notice from a violation clerk, the office of motor vehicles will place the matter on record and will not renew or reissue the driver's license of the registered owner or the registration of the vehicle until after notice from the violation clerk that the matters have been disposed of in accordance with proposed law.
- (3) After notice to the office of motor vehicles of a penalty provided in proposed law, the dept. will not be required to send notices of delinquency to registered owner and late charges will continue to accumulate.

Proposed law authorizes the department to pursue civil action as it deems appropriate to collect the penalties and the administrative fees assessed in the hwy. safety corridor violation notice as well as subsequent late charges assessed in accordance with proposed law.

Proposed law requires a video recording, photograph, or other electronic data produced by a hwy. safety corridor violation monitoring system be admissible in a proceeding to collect a penalty, administrative fee, or other charge of the dept. of an hwy. safety corridor violation.

Proposed law provides an original or facsimile of a certificate, sworn to or affirmed by an agent of the department that states that an hwy. safety corridor violation has occurred and states that it is based upon a personal inspection of a video recording, photograph, or other electronic data produced by an hwy. safety corridor violation monitoring system, as defined in proposed law, is prima facie evidence of the facts contained in the certificate.

Proposed law provides any other provision of present law to the contrary, a video recording, photograph, or other electronic data prepared for enforcement of hwy. safety corridor violation lane requirements is for the exclusive use of the department or any other state agency in the discharge of the agency's respective duties under proposed law.

Proposed law requires the department from time to time designate one or more violation clerks and agents to perform the functions specified in proposed law at the discretion of the department and for

an time period as the department deems necessary. Requires the department supervise and coordinate the processing of a hwy. safety corridor violation notices in accordance with proposed law. Authorizes the department to hire or designate such personnel and organize such sections as the department deems necessary, or contract for such services, in order to carry out the provisions in proposed law.

Proposed law provides the provisions of proposed law are intended to supplement the laws governing motor vehicles and traffic regulation appearing in present law (Title 32), and requires nothing contained in proposed law be construed as precluding any police officer from enforcing these laws within a designated hwy. safety corridor. Prohibits the department from implementing any enforcement action pursuant to proposed law if a police officer issues a citation to the operator of a motor vehicle for a violation occurring within an hwy. safety corridor.

Proposed law requires the office of motor vehicles issue a notice to the violator at the address listed on the violator's driver's license, unless a more current address is on file, and to identify the violator's vehicle by vehicle identification number when the department receives notice from the DOTD to block the renewal or reissuance of the driver's license or registration of a frequent violator. Requires the notice advise of the block against renewal or reissuance, including a duplicate registration or driver's license. Proposed law requires the notice state the requirement to pay the reinstatement fee to the office of motor vehicles in addition to providing compliance from DOTD to remove the block against renewal or reissuance. Requires the reinstatement fee be \$100 and requires DOTD provide a complete record on all violations of the violator including notices, evidence, or other required used in determining the violation or conduction any hearing or appeal.

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

(Adds R.S. 32:57(I), 57.3, 267, and 267.1)

Summary of Amendments Adopted by House

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

1. Make technical changes.
2. Remove the provision that required the vehicle's registered owner be liable to make prompt payment of the proper penalty to the municipality or local governing body that has jurisdiction over the location of the hwy. safety corridor violation.
3. Prohibit the secretary of the Dept. of Transportation and Development, the superintendent of the Louisiana State Police, and the executive director of the Louisiana Highway Safety Commission from being liable for any property damages, injuries, or deaths that may arise in the enforcement of proposed law after reviewing all data and studies for the establishment of the highway safety corridor.

4. Require the secretary of the Dept. of Transportation and Development to coordinate with Louisiana State Police for the exercise police powers of the state as necessary to maintain the peace and accomplish the orderly handling of this authority, subject to the provisions of proposed law.
5. Require an administrative fee of \$25 dollars and a late charge of \$5.
6. Prohibit the Administrative Procedure Act from applying to the manner the hearing is noticed or conducted, but rather to the notice of the decision, request for rehearing, and a petition for judicial review.
7. Require the office of motor vehicles issue a notice to the violator at the address listed on the violator's driver's license, unless a more current address is on file, and to identify the violator's vehicle by vehicle identification number when the department receives notice from the Dept. of Transportation and Development to block the renewal or reissuance of the driver's license or registration of a frequent violator.
8. Require the notice advise of the block against renewal or reissuance, including a duplicate registration or driver's license. Require the notice state the requirement to pay the reinstatement fee to the office of motor vehicles in addition to providing compliance from Dept. of Transportation and Development to remove the block against renewal or reissuance. Require the reinstatement fee be \$100 and require DOTD provide a complete record on all violations of the violator including notices, evidence, or other required used in determining the violation or conduction any hearing or appeal.