

2021 Regular Session

HOUSE BILL NO. 654

BY REPRESENTATIVE MOORE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HIGHWAYS: Provides relative to the designation of highway safety corridors by the Department of Transportation and Development and the Louisiana Department of Transportation and Development

1 AN ACT

2 To enact R.S. 32:57(I), 57.3, 267, and 267.1, relative to the designation of highway safety  
3 corridors by the Department of Transportation and the Louisiana Department of  
4 Transportation and Development; to create a highway safety corridor program to  
5 address highway safety problems, education, and safety enhancements; to create the  
6 Safety Corridor Advisory Group; to provide for definitions; to provide for violations;  
7 to provide for an effective date; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 32:57(I), 57.3, 267, and 267.1 are hereby enacted to read as follows:

10 §57. Penalties; alternatives to citation

11 \* \* \*

12 I. If a person operating a motor vehicle violates the provisions of this  
13 Chapter while on the portion of a highway which is designated as a highway safety  
14 corridor pursuant to R.S. 32:267, the fine shall be twice the standard fine imposed.

15 \* \* \*

16 §57.3. Failure to respond to a highway safety corridor violation

17 A.(1) When the office of motor vehicles receives notice from the Department  
18 of Transportation and Development to not renew or reissue the driver's license or  
19 vehicle registration of a frequent violator as provided in R.S. 32:267.1, the office of

1 motor vehicles shall issue a notice to the violator at the address listed on the  
2 violator's driver's license, unless a more current address is on file, that shall identify  
3 the vehicle or vehicles subject to violations by vehicle identification number and the  
4 assigned license plate number. The notice shall also advise the violator that his  
5 registration privileges and driver's license will be blocked against renewal or  
6 reissuance, including any request for a duplicate registration or driver's license. The  
7 office of motor vehicles shall obtain a certificate of mailing at the time the notice is  
8 mailed to the violator.

9 (2) The notice shall also state that the person shall pay a reinstatement fee to  
10 the office of motor vehicles in addition to providing proof of compliance from the  
11 Department of Transportation and Development to remove the block against renewal  
12 or reissuance, including any request for a duplicate registration or driver's license.

13 (3) The reinstatement fee due pursuant to this Section shall be one hundred  
14 dollars.

15 B. The Department of Transportation and Development shall provide the  
16 complete record on all violations of the violator to the office of motor vehicles,  
17 including all notices, evidence, or other records used in determining the violation or  
18 conducting any hearing or appeal.

19 \* \* \*

20 §267. Highway safety corridor

21 A.(1) The secretary of the Department of Transportation and Development,  
22 superintendent of the Louisiana State Police, and the executive director of the  
23 Louisiana Highway Safety Commission may establish a highway safety corridor  
24 program under which critical infrastructure consisting of a portion of highways in  
25 the state highway system and interstate highway system may be designated by the  
26 secretary of the Department of Transportation and Development as highway safety  
27 corridors to address highway safety problems through law enforcement, education,  
28 and safety enhancements.

1           (2) After review of all data and studies used in the establishment of a  
2           highway safety corridor and the subsequent establishment of the highway safety  
3           corridor, the secretary of the Department of Transportation and Development, the  
4           superintendent of the Louisiana State Police, and the executive director of the  
5           Louisiana Highway Safety Commission shall not be liable for any property damages,  
6           injuries, or deaths that may arise from any enforcement pursuant to R.S. 32:267.1 in  
7           the highway safety corridor.

8           B.(1) The Safety Corridor Advisory Group is established and the following  
9           members shall serve on the advisory group:

10           (a) The secretary of the Department of Transportation and Development or  
11           designee.

12           (b) The superintendent of the Louisiana State Police or designee.

13           (c) The executive director of the Louisiana Highway Safety Commission or  
14           designee.

15           (d) The Regional Traffic Safety Coalition representative or designee in the  
16           Strategic Highway Safety Plan that has jurisdiction over the location of the proposed  
17           highway safety corridor.

18           (e) Each chief law enforcement officer, or designee, that has jurisdiction over  
19           the location of the proposed highway safety corridor.

20           (f) Each district attorney, or designee, that has jurisdiction over the location  
21           of the proposed highway safety corridor.

22           (2) A local medical professional from the local area of the proposed  
23           Highway Safety Corridor may be appointed by the secretary of the Louisiana  
24           Department of Health to serve on the Safety Corridor Advisory Group.

25           (3) The Safety Corridor Advisory Group shall elect a chairman, vice  
26           chairman, and secretary from its membership.

27           (4) The members of the Safety Corridor Advisory Group shall serve without  
28           compensation and reimbursement of expenses other than compensation and  
29           reimbursement provided by their employers.

1           (5) The advisory group shall:

2           (a) Establish objective criteria for designating a segment of highway as a  
3           safety corridor, including but not limited to a review of crash data, crash reports, type  
4           and volume of vehicle traffic, and engineering and traffic studies.

5           (b) Establish objective criteria for safety enhancements, engineering  
6           improvements, infrastructure investments, queue detection systems, extended  
7           Motorist Assistance Patrols, or instant tow dispatch and public outreach.

8           C. The secretary shall hold a minimum of one public hearing before  
9           designating any specific highway corridor as a highway safety corridor. The public  
10          hearing for a specific corridor shall be held at least thirty days prior to the  
11          designation at a location as close to the proposed corridor as practical.

12          D. The Department of Transportation and Development shall erect a sign at  
13          each end of the highway safety corridor and at appropriate intermediate sites along  
14          the corridor indicating that it is a highway safety corridor.

15          E. Any person violating the provisions of this Chapter while on the portion  
16          of a highway which is designated as a highway safety corridor shall be fined and  
17          penalized as provided in R.S. 32:57 or 267.1.

18          F. The Department of Transportation and Development may adopt rules and  
19          regulations necessary to carry out the provisions of this Section.

20          §267.1. Highway safety corridor violations

21          A. Upon a unanimous vote of the Safety Corridor Advisory Group pursuant  
22          to R.S. 32:267(E) and in the exercise of the authority to designate highway safety  
23          corridors on any highway in the state highway system, the secretary of the  
24          Department of Transportation and Development shall coordinate with Louisiana  
25          State Police for the exercise of the police powers of the state as shall be necessary  
26          to maintain the peace and accomplish the orderly handling of this authority, subject  
27          to the provisions of this Section.

28          B. Terms as defined in R.S. 32:1 and 267 shall retain such definitions, unless  
29          such term or terms are specifically defined in this Subsection. As used in this

1        Section, unless the context indicates otherwise, the following terms shall have the  
2        following meanings:

3                (1) "Department" means the Department of Transportation and Development.

4                (2) "Electronic mail" means a message, file, or other information that is  
5        transmitted through a local, regional, or global computer network.

6                (3) "Electronic mail address" means a destination, commonly expressed as  
7        a string of characters, to which electronic mail may be sent or delivered.

8                (4) "Highway safety corridor" means a special segment of a highway that has  
9        been identified by data analysts, and approved by a majority vote of the Safety  
10       Corridor Advisory Group, to be a high collision zone, especially for severe injury  
11       and fatal collisions. The primary cause of these crashes is driver behavior such as  
12       speeding, aggressive driving, impairment, and distracted driving.

13               (5) "Highway safety corridor violation" means use of a highway safety  
14       corridor in a manner not authorized by this Chapter or any regulation promulgated  
15       pursuant to this Chapter.

16               C. The penalty for a highway safety corridor violation shall be a fine of not  
17       more than one hundred dollars.

18               D. The department shall from time to time designate one or more violation  
19       clerks and agents to perform the functions specified in this Section at the discretion  
20       of the department and for a time period as shall be necessary. The department may  
21       hire or designate such personnel and organize such sections as the department may  
22       deem necessary, or contract for services, in order to carry out the provisions of this  
23       Section.

24               E. The provisions of this Section are intended to supplement the laws  
25       governing motor vehicles and traffic regulation appearing in Title 32 of the  
26       Louisiana Revised Statutes of 1950, and nothing contained in this Section shall be  
27       construed as precluding any police officer from enforcing these laws within a  
28       designated highway safety corridor.

1 Section 2. This Act shall become effective upon signature by the governor or, if not  
 2 signed by the governor, upon expiration of the time for bills to become law without signature  
 3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 4 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 5 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 Reengrossed

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 (LSP), 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 exempts the secretary of the DOTD, the superintendent of the LSP, and the executive director of the La. Hwy Safety Commission being liability 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 designee.
- (2) The superintendent of the LSP or designee.
- (3) The executive director of the La. Hwy. Safety Commission or 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) Each chief law enforcement officer or designee that has jurisdiction over the location

of the proposed hwy. safety corridor.

- (6) Each district attorney, or designee, that has jurisdiction over the location of the proposed highway 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, engineering improvements, infrastructure investments, queue detection systems, extended Motorist Assistance Patrols, or instant tow dispatch and public outreach.
- (3) Elect a chairman, vice chairman, and a secretary from its membership.
- (4) Serve without compensation and reimbursement of expenses other than compensation and reimbursement provided by their employers.

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 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, upon a unanimous vote of the Safety Corridor Advisory Group and 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 LSP 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 penalty for a hwy. safety corridor violation be a fine of not more than \$100.

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. 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.

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 the DOTD to remove the block against renewal or reissuance. Requires the reinstatement fee be \$100 and requires the DOTD provide a complete record on all violations of the violator to the office of motor vehicles 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.

The House Floor Amendments to the engrossed bill:

1. Add a definition for "highway safety corridor" to mean a special segment of a highway that has been identified by data analysts, and approved by a majority vote of the Safety Corridor Advisory Group, to be a high collision zone, especially for severe injury and fatal collisions. Provides that the primary cause of the crashes is driver behavior such as speeding, aggressive driving, impairment, and distracted driving.
2. Add to the membership of the Safety Corridor Advisory Group to include each chief law enforcement officer, or designee, and each district attorney, or designee, that has jurisdiction over the location of the proposed highway safety corridor.
3. Add a provision that requires the advisory group elect a chairman, vice chairman, and a secretary from its membership and specify that they serve without compensation and reimbursement of expenses other than compensation and reimbursement provided by their employers.
4. Add a provision that requires a unanimous vote of the Safety Corridor Advisory group pursuant to present law to designate hwy. safety corridors on any highway in the state hwy. system.
5. Remove provisions that provide for video and electronic enforcement and that authorize 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 enforcement, such as video recordings, photographs, or other electronic data sufficient to establish the existence of a violation.
6. Remove definitions for "hwy. safety corridor" and "registered owner".
7. Remove a provision that provides the ownership status is prima facie evidence of liability and that authorizes the registered owner to dispute the prima facie evidence by providing proof 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.
8. Remove procedures and notices for the collection of penalties, administrative fees, and late charges assessed pursuant to proposed law.
9. Remove the provision that 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.
10. Remove the provision that 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.

11. Remove the provision that 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.
12. Remove the provision that 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.
13. Remove a provision prohibiting 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.
14. Remove a provision requiring the department supervise and coordinate the processing of a hwy. safety corridor violation notices in accordance with proposed law.
15. Make technical changes.