

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.

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#### 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)]

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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.