

2022 Regular Session

HOUSE BILL NO. 181

BY REPRESENTATIVE HOLLIS

TRAFFIC/VIOLATIONS: Relative to the splitting of profits, fees, or commissions for traffic fines

1 AN ACT

2 To enact R.S. 32:393.3, relative to the splitting of revenue received from traffic violations;
3 to prohibit the splitting of profits, fees, or commissions with a private entity or
4 company; to prohibit the execution of a contract or agreement to share traffic fines;
5 to require a contract with a private entity or company be a public record; to provide
6 penalties for a violation of the prohibition against splitting profits, fees, or
7 commissions; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 32:393.3 is hereby enacted to read as follows:

§393.3. Prohibited splitting of profits, fees, or commissions; penalties

A. When used in this Section, the following words and phrases shall have the following meanings, unless the context clearly indicates a different meaning:

13 (1) "Splitting of profits, fees, or commissions" means the sharing, splitting,
14 allocating, giving, offering to give, receiving or offering to receive, directly or
15 indirectly, anything of apparent present or prospective value by or to a private entity,
16 company, or to any fund or fiduciary existing for the benefit of or use by such state
17 agency, political subdivision, or law enforcement agency, officer, official, or
18 employee thereof, when such value is derived from any agreement or contract to
19 which the state or any political subdivision thereof is a party.

1 (2) "Company" means a person, firm, association, organization, partnership,
2 or corporation.

3 (3) "Private entity" means a corporation, limited partnership, general
4 partnership, limited liability company, joint venture, business trust, or other business
5 entity.

6 B. There shall be no splitting of profits, fees, or commissions, past or
7 present, derived from the proceeds of any traffic fines with a private entity or
8 company from which a state agency, political subdivision, or law enforcement
9 agency, officer, official, or employee, representing the state or a political
10 subdivision, as the case may be, in his official capacity, received from any traffic
11 violation.

12 C. No such state agency, political subdivision, or law enforcement agency,
13 officer, official, or employee, representing the state or a political subdivision, as the
14 case may be, in his official capacity, shall confect, enter into, or maintain any
15 agreement or contract to which the state or any political subdivision thereof is a party
16 providing splitting of profits, fees, or commissions with a private entity or company
17 for any traffic fines. The contract shall be a public record.

18 D. Whoever violates the provisions of this Section shall be fined not more
19 than ten thousand dollars, or imprisoned for not more than ten years, or both.

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 181 Original

2022 Regular Session

Hollis

Abstract: Prohibits the use of splitting profits, fees, or commissions of traffic fines with a private entity or company.

Proposed law prohibits the splitting of profits, fees, or commissions derived from traffic fines. Defines the following terms:

- (1) "Splitting of profits, fees, or commissions" means the sharing, splitting, allocating, giving, offering to give, receiving or offering to receive, directly or indirectly, anything of apparent present or prospective value by or to a private entity, company, or to any fund or fiduciary existing for the benefit of or use by such state agency, political subdivision, or law enforcement agency, officer, official, or employee

thereof, when such value is derived from any agreement or contract to which the state or any political subdivision thereof is a party.

- (2) "Company" means a person, firm, association, organization, partnership, or corporation.
- (3) "Private entity" means a corporation, limited partnership, general partnership, limited liability company, joint venture, business trust, or other business entity.

Proposed law prohibits the splitting of profits, fees, or commissions with a private entity or company by a state agency, political subdivision, or law enforcement agency, officer, official, or employee, representing the state or a political subdivision, as the case may be, in his official capacity, when funds are received from any traffic violation.

Proposed law prohibits a state agency, political subdivision, or law enforcement agency, officer, official, or employee, representing the state or a political subdivision, as the case may be, in his official capacity, from entering an agreement or contract to which the state or any political subdivision thereof is a party providing splitting of profits, fees, or commissions with a private entity or company for any traffic fines. Further, requires the contract to be a public record.

Proposed law specifies that a person who violates proposed law will be fined not more than \$10,000, or imprisoned for not more than 10 years, or both.

(Adds R.S. 32:393.3)