

2022 Regular Session

HOUSE BILL NO. 1054

BY REPRESENTATIVE DUPLESSIS

TRANSPORTATION: Provides relative to Transportation Network Companies security camera system

1 AN ACT

2 To enact R.S. 48:2199.1, relative to transportation network companies security camera
3 system; to establish guidelines for security camera systems in driver's personal
4 vehicle; to provide for security camera system specification; to provide for notice
5 decals in driver's personal vehicle; to prohibit video image record access; to provide
6 for the safeguard of video or audio; to provide the procedure for video or audio
7 access; to provide for inspection of security camera system; to provide for written
8 notification of video and audio recording; to provide grounds for violation; and to
9 provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 48:2199.1 is hereby enacted to read as follows:

12 §2199.1. Transportation network company security systems

13 A.(1) A transportation network company driver's personal vehicle shall be
14 equipped with a security camera system.

15 (2) Any security camera system installed may be a detachable security
16 camera in compliance with R.S. 32:282(C) and cost shall be borne by the company
17 that shall meet or exceed the technical specifications set forth below:

18 (a) Be one hundred percent solid state design.

19 (b) Be tamper proof and not operate with an "on-off" switch.

1 (c) Have system protections to ensure against voltage irregularities and
2 power failures.

3 (d) Be impact and shock resistant.

4 (e) Clearly record video in all lighting conditions, including bright sunshine,
5 shade, darkness, total darkness, and when strong backlighting is present.

6 (f) Mark each video with the date, time, and vehicle number, and serial
7 number of the camera.

8 (g) Have a field of vision to capture all of the occupants of the vehicle;

9 (h) Be installed so that it will not interfere with the driver's field of vision or
10 impede the use of any of the vehicle's mirrors.

11 (i) Have all lead-free components.

12 (j) Have one gigabyte memory.

13 (k) Have video recording triggers as follows:

14 (i) Video images must be triggered by any vehicle door opening. Upon the
15 trigger, video images must be recorded for sixty seconds prior to the door opening
16 and sixty seconds after the door is closed.

17 (ii) In an emergency-trigger event, system must be able to store two and half
18 minutes worth of images prior to the trigger and two and half minutes after the
19 trigger in an overwrite-protected format. Still image cameras must be equipped with
20 an emergency trigger that will record images at the rate of one image per second for
21 sixty seconds.

22 B. All vehicles equipped with a security camera system shall have a decal
23 on the passenger and driver side rear windows stating the following: "This vehicle
24 is equipped with a security camera." The decal may be detachable.

25 C.(1) Access to any recorded video or audio of a rider is prohibited except
26 by law enforcement officers when in the performance of their duties, or in the event
27 of a civil or criminal investigation.

28 (2) All requests for production of video or audio recordings generated by the
29 digital security camera system shall be incident specific and shall have a generated

1 police complaint number. The transportation network company shall provide access
2 to the record within twenty-four hours of receiving a generated police complaint
3 number.

4 D. Recorded video or audio shall remain the property of the transportation
5 network company.

6 E. Security camera systems must have the capability for inspection of the
7 equipment that will indicate the system is functioning properly. The serial number
8 of the camera must be readily accessible.

9 F.(1) Transportation network company shall display written notification of
10 video and audio recording prior to the prearranged ride through their digital network.

11 (2) Rider acceptance to a prearranged ride confirms consent to both in-
12 vehicle video and audio recording.

13 G. It shall be unlawful for any driver to cover, tamper with, damage, disturb,
14 remove or disable a digital security camera system in a personal vehicle unless the
15 driver's work shift has ended. Violation of this Section shall constitute grounds for
16 disciplinary, suspension, or dismissal from employment.

17 H. It shall be unlawful for any transportation network driver or company to
18 allow any person to intentionally access any records produced by the security camera
19 system. Violation of this Section shall constitute grounds for disciplinary,
20 suspension, or dismissal from employment for the driver or other actions as the law
21 deems necessary for the company.

22 I. Nothing in this Section shall be construed to imply that the purchase,
23 installment, facilitation, or use of such equipment does not, under any circumstances
24 suggest or otherwise contribute to a finding that the transportation network company
25 causing said equipment to be placed in a personal vehicle, alters any independent
26 contractor relationship, and the deployment of such equipment in accordance with
27 this Section cannot and shall not be used in a court of law or administrative tribunal
28 to otherwise prove indication of control affecting the classification of any worker as
29 an employee.

1 J. Transportation network companies shall adopt a policy regarding the
2 installation of security camera systems in compliance with this Section.

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 1054 Original

2022 Regular Session

Duplessis

Abstract: Creates the requirements for transportation network companies security camera systems and provide for grounds for violation.

Proposed law specifies a transportation network company driver personal vehicle be equipped with a security camera system.

Proposed law specifies any security camera system installed may be a detachable security camera in compliance with present law and cost be borne by the company that must meet or exceed certain technical specifications.

Proposed law specifies all vehicles equipped with a security camera system must have a decal on the passenger and driver side rear windows stating the following: "This vehicle is equipped with a security camera." Further the decal may be detachable.

Proposed law specifies access to any recorded video or audio of a rider is prohibited except by law enforcement officers when in the performance of their duties, or in the event of a civil or criminal investigation. Further specifies all requests for production of video or audio recordings generated by the digital security camera system be incident specific and must have a generated police complaint number. Further the transportation network company must provide access to the record within 24 hours of receiving a generated police complaint number.

Proposed law specifies recorded video or audio must remain the property of the transportation network company.

Proposed law specifies security camera systems must have the capability for inspection of the equipment that will indicate the system is functioning properly. The serial number of the camera must be readily accessible.

Proposed law specifies the transportation network company must display written notification of video and audio recording prior to the prearranged ride through their digital network. Further specifies a rider acceptance to a prearranged ride confirms consent to both in-vehicle video and audio recording.

Proposed law specifies it is unlawful for any driver to cover, tamper with, damage, disturb, remove or disable a digital security camera system in a personal vehicle unless work shift has ended. Further specifies a violation of this Section constitute grounds for disciplinary, suspension, or dismissal from employment.

Proposed law specifies it is unlawful for any transportation network driver or company to allow any person to intentionally access any records produced by the security camera systems. Further specifies violation of proposed law constitute grounds for disciplinary, suspension, or dismissal from employment for the driver or other actions as the law deems necessary for company.

Proposed law provides that nothing in proposed law be construed to imply that the purchase, installment, facilitation, or use of such equipment does not, under any circumstances suggest or otherwise contribute to a finding that the transportation network company causing said equipment to be placed in a personal vehicle, alters any independent contractor relationship, and the deployment of such equipment in accordance with proposed law cannot and must not be used in a court of law or administrative tribunal to otherwise prove indication of control affecting the classification of any worker as an employee.

Proposed law provides that transportation network companies must adopt a policy regarding the installation of security camera systems in compliance with proposed law.

(Adds R.S. 48:2199.1)