

2024 Regular Session

SENATE BILL NO. 302

BY SENATOR CATHEY

TRAFFIC. Prohibits issuing traffic violation citations in certain circumstances. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 32:43(B) and 365(B) and to enact R.S. 32:45(D), relative to
3 issuing traffic violation citations in certain circumstances; to prohibit certain
4 agencies from using automated speed enforcement devices or other similar devices
5 to issue citations by mail; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 32:43(B) and 365(B) are hereby amended and reenacted and R.S.
8 32:45(D) is hereby enacted to read as follows:

9 §43. Automated speed enforcement devices; prohibition

10 * * *

11 B.(1) For the purposes of this Section, the term "automated speed
12 enforcement device" means an unmanned or handheld camera or optical device
13 installed to work in conjunction with a traffic control signal or radar speed detection
14 equipment, or both, and designed to collect photographic evidence of alleged traffic
15 violations for the issuance of traffic citations by recording images that depict the
16 license plate or other identifying feature of a motor vehicle not in compliance with
17 instruction of a traffic control signal or posted traffic sign.

1 **(2) Law enforcement officers, agents, contractors, or subcontractors of**
 2 **an agency, office, local municipality, local authority or any political subdivision**
 3 **of this state with the authority to enforce traffic regulations by use of handheld**
 4 **automated speed enforcement devices shall be strictly prohibited from issuing**
 5 **a traffic violation as a result of data generated by an automated speed**
 6 **enforcement device unless a citation is issued immediately subsequent to the**
 7 **violation and the offender has been lawfully stopped for the violation. Issuing**
 8 **a traffic violation citation by mail or at a time other than immediately**
 9 **subsequent to the violation and lawful stop shall be strictly prohibited.**

10 * * *

11 §45. Required notification for mobile speed camera

12 * * *

13 **D. Law enforcement officers, agents, contractors, or subcontractors of**
 14 **an agency, office, local municipality, local authority or any political subdivision**
 15 **of this state with the authority to enforce traffic regulations by use of mobile**
 16 **speed cameras shall be strictly prohibited from issuing a traffic violation as a**
 17 **result of data generated by a mobile speed camera unless a citation is issued**
 18 **immediately subsequent to the violation and the offender has been lawfully**
 19 **stopped for the violation. Issuing a traffic violation citation by mail or at a time**
 20 **other than immediately subsequent to the violation and lawful stop shall be**
 21 **strictly prohibited.**

22 * * *

23 §365. Television

24 * * *

25 B.(1) Law enforcement officers of the state or any political subdivision
 26 ~~thereof~~ shall be authorized to operate video recording equipment and monitors in
 27 their law enforcement vehicles while in the performance of their duties. However,
 28 ~~this provision shall not be construed to allow law enforcement officers to record~~
 29 ~~vehicles in violation of traffic safety laws with citations for such violations to be~~

1 mailed to the alleged violator at a later date.

2 **(2) Law enforcement officers, agents, contractors, or subcontractors of**
 3 **an agency, office, local municipality, local authority or any political subdivision**
 4 **of this state with the authority to enforce traffic regulations shall be strictly**
 5 **prohibited from using video recording equipment and monitors while in the**
 6 **performance of their duties for the purpose of monitoring, recording, and**
 7 **issuing a traffic violation unless a citation is issued immediately subsequent to**
 8 **the violation and the offender has been lawfully stopped for the violation.**
 9 **Issuing a traffic violation citation by mail or at a time other than immediately**
 10 **subsequent to the violation and lawful stop shall be strictly prohibited.**

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

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Archana D. Cadge.

DIGEST

SB 302 Original 2024 Regular Session Cathey

Present law allows local municipal authorities or local parish authorities to install and utilize automated speed enforcement devices to regulate or enforce traffic on any certain roadways.

Proposed law strictly prohibits the issuance of a traffic violation citation if the citation is not issued immediately after being generated by an automated speed enforcement device, mobile speed camera, or video recording equipment and monitor.

Present law allows local municipal authorities or local parish authorities to use mobile speed cameras and red light cameras with required signage to warn motorists that the devices are present.

Proposed law prohibits issuing traffic violations by mail if a law enforcement officer has not lawfully stopped the offender.

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

(Amends R.S. 32:43(B) and 365(B); adds R.S. 32:45(D))