
SENATE COMMITTEE AMENDMENTS

2024 Regular Session

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Original Senate Bill No. 302 by Senator Cathey

1 AMENDMENT NO. 1

2 On page 1, line 2, after "reenact" delete "R.S. 32:43(B) and 365(B)" and insert "R.S.
3 32:365(B)"

4 AMENDMENT NO. 2

5 On page 1, line 2, after "enact" delete "R.S. 32:45(D)" and insert "R.S. 32:46, 47, and 48"

6 AMENDMENT NO. 3

7 On page 1, line 7, delete "R.S. 32:43(B) and 365(B) are" and insert "R.S. 32:365(B) is"

8 AMENDMENT NO. 4

9 On page 1, at the end of line 7 and the beginning of line 8, delete "R.S. 32:45(D) is" and
10 insert "R.S.32:46, 47, and 48 are"

11 AMENDMENT NO. 5

12 On page 1 delete lines 9 through 17 and on page 2, delete lines 1 through 22 and insert the
13 following:

14 **§46. Electronic enforcement devices; school zone**

15 **A. For the purposes of this Section "electronic enforcement devices"**
16 **shall mean automated speed enforcement devices, red light traffic cameras, and**
17 **mobile speed cameras used for the purpose of regulating and enforcing traffic**
18 **violations in which citations are issued by mail.**

19 **B. Local municipal authorities and local parish authorities shall only**
20 **operate electronic enforcement devices in a school zone during school days, one**
21 **hour before and one hour after the beginning or ending of a school day and**
22 **when children are in school.**

23 **C.(1) Revenue generated as a result of electronic enforcement devices in**
24 **school zones shall be divided between the governing authority of the school**
25 **where the traffic citation was issued and the municipality**

26 **(2) A cooperative endeavor agreement executed by the municipality and**
27 **each governing authority of the schools located within the municipality's**
28 **boundaries shall be in place prior to implementation of automated speed**
29 **enforcement devices and mobile speed cameras.**

30 **§47. Use of hand-held speed recording devices; restrictions**

31 **A. Automated speed enforcement devices or mobile speed cameras**
32 **pursuant to R.S. 32:43 and R.S. 32:45 that are handheld or manned, and issue**
33 **a citation of an alleged violation by mail, shall only be used by local municipal**
34 **authorities or local parish authorities in the following instances:**

35 **(1) The device or camera is being operated by a trained member of law**
36 **or traffic enforcement that are post certified. Deputized agents, contractors,**
37 **subcontractors of an agency, office, local municipality, local authority or any**
38 **political subdivision of this state are strictly prohibited from operating**
39 **handheld or manned devices for the purpose of issuing a citation violation by**
40 **mail.**

1 **(2) The device or camera is not within one half mile of a speed limit**
 2 **change in an amount greater than ten miles per hour. This provision shall not**
 3 **apply to school zones.**

4 **(3) There are signs indicating a device or camera is present, no less than**
 5 **five hundred feet and no more than one thousand feet before the device or**
 6 **camera, in a manner as to be clearly visible to approaching traffic.**

7 **(4)(a) If a device or camera is used while in an authorized vehicle, the**
 8 **authorized vehicle shall be clearly marked, as a law enforcement vehicle.**

9 **(b) If a device or camera is used by a traffic or law enforcement officer**
 10 **while not in a vehicle, the officer shall wear a reflective vest, clearly indicating**
 11 **he is law enforcement or that he is conducting speed enforcement measures.**

12 **B. Criminal fines or fees shall not be imposed as a result of handheld or**
 13 **manned devices for the purpose of issuing a citation violation by mail, nor shall**
 14 **failure to pay the citation result in reporting to any or some credit bureaus.**

15 **§48. Violations; administrative hearing**

16 **A. Each local municipal authority or local parish authority that**
 17 **installs or utilizes automated speed enforcement devices, red light cameras or**
 18 **mobile speed cameras in which a citation is issued by mail shall establish an**
 19 **administrative hearing process for motorist to appeal receipt of the citation**
 20 **violation.**

21 **B. The administrative process shall include, at a minimum, the**
 22 **following:**

23 **(1) A written citation with a detailed description of the alleged**
 24 **violation.**

25 **(2) Ability to request an administrative hearing before a traffic**
 26 **adjudication hearing officer appointed by the local governing authority. The**
 27 **traffic adjudication hearing officer shall be an independent, third party who**
 28 **was not a participant in issuance of the violation.**

29 **(3) Clear notice with a minimum of fifteen days to respond.**

30 **(4) It shall be an affirmative defense to the imposition of civil liability**
 31 **pursuant to this Subpart when:**

32 **(a) The traffic-control signal was not in proper position and**
 33 **sufficiently legible to an ordinarily observant person.**

34 **(b) The operator of the vehicle was acting in compliance with the**
 35 **lawful order or direction of a law enforcement or public safety officer.**

36 **(c) The operator of the vehicle violated the instructions of the traffic-**
 37 **control signal so as to yield the right-of-way to an immediately approaching**
 38 **authorized emergency vehicle.**

39 **(d) The vehicle was being operated as an authorized emergency**
 40 **vehicle under R.S. 32:24, and the operator was acting in compliance with**
 41 **R.S. 32:24.**

42 **(e) At the time of the violation, the vehicle was in the care, custody or**
 43 **control of another person where the owner furnishes a truthful affidavit**
 44 **which identifies the name and mailing address of the person or entity who**
 45 **leased, rented or otherwise had the care, custody, and control of the vehicle**
 46 **at the time of the violation. Responsibility for the violation under this**
 47 **Subpart shall be transferred to the person identified in the affidavit.**

48 **(f) The presence of ice, snow, unusual amounts of rain, or other**
 49 **unusually hazardous road conditions existed that would make compliance**
 50 **with this Subpart more dangerous under the circumstances than**
 51 **noncompliance.**

52 **(g) The person who received the notice of violation was not the owner**
 53 **of the vehicle at the time of the violation.**

54 **(h) At the time of the violation the vehicle was a stolen vehicle or the**
 55 **license plate displayed on the vehicle was a stolen plate, which must include**
 56 **proof acceptable to the hearing officer that the theft of the vehicle or license**
 57 **plate had been timely reported to the appropriate law enforcement agency.**

58 **(5) The hearing officer at any administrative adjudication hearing**
 59 **under this Subpart shall issue an order clearly stating the decision rendered.**

