

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. 32:365(B) and to enact R.S. 32:46, 47, and 48, relative to issuing  
3 traffic violation citations in certain circumstances; to prohibit certain agencies from  
4 using automated speed enforcement devices or other similar devices to issue citations  
5 by mail; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 32:365(B) is hereby amended and reenacted and R.S. 32:46, 47, and  
8 48 are hereby enacted to read as follows:

9 **§46. Electronic enforcement devices; school zone restrictions**

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

14 **B. Local municipal authorities and local parish authorities shall only**  
15 **operate electronic enforcement devices in a school zone on school days during**  
16 **the specified time periods when children are in school. Devices shall only be**  
17 **operated one hour before and one hour after the beginning of a school day and**

1 one hour before and one hour after the end of a school day.

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

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

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

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

14 (1) The device or camera is being operated by a trained member of law  
15 or traffic enforcement that are sworn or POST-certified. Deputized agents,  
16 contractors, subcontractors of an agency, office, local municipality, local  
17 authority, or any political subdivision of this state are strictly prohibited from  
18 operating handheld or manned devices for the purpose of issuing a citation  
19 violation by mail.

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

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

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

28 (b) If a device or camera is used by a traffic or law enforcement officer  
29 while not in a vehicle, the officer shall wear a reflective vest, clearly indicating

1 he is law enforcement or that he is conducting speed enforcement measures.

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

5 §48. Violations; administrative hearing

6 A. Each local municipal authority or local parish authority that installs  
7 or utilizes automated speed enforcement devices, red light cameras, or mobile  
8 speed cameras, in which a citation is issued by mail shall establish an  
9 administrative hearing process for motorist to appeal receipt of the citation  
10 violation.

11 B. The administrative process shall include, at a minimum, the following:

12 (1) A written citation with a detailed description of the alleged violation.

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

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

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

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

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

24 (c) The operator of the vehicle violated the instructions of the traffic-  
25 control signal so as to yield the right-of-way to an immediately approaching  
26 authorized emergency vehicle.

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

29 (e) At the time of the violation, the person who received the notice of

1 violation was not the owner of the vehicle at the time of the violation or the  
 2 vehicle was in the care, custody, and control of another person where the owner  
 3 furnishes a truthful affidavit which identifies the name and mailing address of  
 4 the person or entity who leased, rented or otherwise had the care, custody, or  
 5 control of the vehicle at the time of the violation. Responsibility for the violation  
 6 under this Subpart shall be transferred to the person identified in the affidavit.

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

10 (g) At the time of the violation the vehicle was a stolen vehicle or the  
 11 license plate displayed on the vehicle was a stolen plate, which must include  
 12 proof acceptable to the hearing officer that the theft of the vehicle or license  
 13 plate had been timely reported to the appropriate law enforcement agency.

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

16 (6) Ability to seek petition for judicial review within thirty days of an  
 17 adverse decision rendered by the hearing officer.

18 (7) The issuance of a citation under this Subpart shall not be considered  
 19 a criminal conviction.

20 (8) A civil penalty may not be imposed under this Subpart on the owner  
 21 of a vehicle if the operator of the vehicle was arrested or was issued a citation  
 22 and notice to appear by a law or public safety officer as a violation of R.S.  
 23 32:232 if the violation was captured by the system.

24 \* \* \*

25 §365. Television

26 \* \* \*

27 B.(1) Law enforcement officers of the state or any political subdivision  
 28 thereof shall be authorized to operate video recording equipment and monitors in  
 29 their law enforcement vehicles while in the performance of their duties. However,

1           ~~this provision shall not be construed to allow law enforcement officers to record~~  
 2           ~~vehicles in violation of traffic safety laws with citations for such violations to be~~  
 3           ~~mailed to the alleged violator at a later date.~~

4                   **(2) Agents, contractors, or subcontractors of an agency, office, local**  
 5                   **municipality, local authority, or any political subdivision of this state with the**  
 6                   **authority to enforce traffic regulations shall be strictly prohibited from using**  
 7                   **video recording equipment and monitors while in the performance of their**  
 8                   **duties for the purpose of monitoring, recording, and issuing a traffic citation by**  
 9                   **mail.**

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

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

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DIGEST

SB 302 Reengrossed

2024 Regular Session

Cathey

Present law provides law enforcement officers of the state or any political subdivision may operate video recording equipment and monitors in their law enforcement vehicles while in the performance of their duties. Present law further provides law enforcement are prohibited from recording vehicles in violation of traffic safety laws with citations for such violations to be mailed to the alleged violator at a later date. Proposed law clarifies present law to specify officers shall not record vehicles in violation of traffic safety laws and mail citations at a later date.

Proposed law provides for definitions for electronic enforcement device relative to local municipal authorities and local parish authorities.

Proposed law prohibits use of handheld or manned devices in school zones for the purpose of issuing a citation by mail except during certain hours before and after school on days children are in school. Proposed law further provides revenue generated as a result of handheld and manned devices used in school is divided with the applicable school district.

Proposed law provides for strict requirements on when handheld or manned, automated speed enforcement devices or mobile speed cameras may be used by local municipal authorities or local parish authorities.

Proposed law provides the use of handheld or manned devices for the purpose of issuing a citation violation by mail will not result in a criminal penalty or fine. Proposed law further provides failing to pay the citation can not result in criminal fines or fees and cannot be

reported to credit bureaus.

Proposed law provides that each local municipal authority or local parish authority that utilizes automated speed enforcement devices, red light cameras, or mobile speed cameras, which a citation is issued by mail establish an administrative hearing process for motorist to appeal the citation violation.

Proposed law provides for minimum requirements for the administrative appeal hearing for local municipal authorities and local parish authorities to establish for the use of automated speed enforcement devices, red light cameras, or mobile speed cameras.

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

(Amends R.S. 32:365(B); adds R.S. 32:46, 47, and 48)

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Transportation, Highways, and Public Works to the original bill

1. Removes changes to present law regulations on automated speed enforcement devices and mobile speed cameras.
2. Adds requirements for electronic enforcement devices in school zones.
3. Adds restrictions for use of handheld or manned devices.
4. Adds a process for administrative hearings.
5. Makes technical changes.

##### Senate Floor Amendments to engrossed bill

1. Makes technical changes.