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HOUSE FLOOR AMENDMENTS

2024 Regular Session

Amendments proposed by Representative Deshotel to Engrossed House Bill No. 652 by Representative Deshotel

1 AMENDMENT NO. 1

2 On page 1, line 2, after "44(A)" and before "and to" insert "and 365(B)" and at the end of the
3 line after "R.S. 32:43(D)," insert "46, 47, 48, and 49,"

4 AMENDMENT NO. 2

5 On page 1, line 4, after "penalties;" and before "to" insert "to prohibit certain agencies from
6 using automated speed enforcement devices or other similar devices to issue citations by
7 mail;"

8 AMENDMENT NO. 3

9 On page 1, line 8, after "44(A)" and before "are" insert "and 365(B)"

10 AMENDMENT NO. 4

11 On page 1, line 9, after "R.S. 32:43(D)" delete "is" and insert a comma "," and insert "46,
12 47, 48, and 49 are"

13 AMENDMENT NO. 5

14 On page 2, after line 21, insert the following:

- 15 §46. Electronic enforcement devices; school zone restrictions
- 16 A. For the purposes of this Section, "electronic enforcement devices" shall
- 17 mean automated speed enforcement devices, red light traffic cameras, and mobile
- 18 speed cameras used for the purpose of regulating and enforcing traffic violations in
- 19 which citations are issued by mail.
- 20 B. Local municipal authorities and local parish authorities shall only operate
- 21 electronic enforcement devices in a school zone on school days during the specified
- 22 time periods when children are in school. An electronic enforcement device shall
- 23 only be operated one hour before and one hour after the beginning of a school day
- 24 and one hour before and one hour after the end of a school day.
- 25 C.(1) Revenue generated as a result of electronic enforcement devices in
- 26 school zones shall be divided between the governing authority of the school where
- 27 the traffic citation was issued and the municipality.
- 28 (2) A cooperative endeavor agreement executed by the municipality and
- 29 each governing authority of the schools located within the municipality's boundaries
- 30 shall be in place prior to implementation of automated speed enforcement devices
- 31 and mobile speed cameras.
- 32 D. Any jurisdiction that submits a local match waiver for capital outlay shall
- 33 disclose the amount of revenue collected from handheld traffic cameras. The failure
- 34 to disclose the information required by this Subsection shall result in any local match
- 35 waiver being revoked.

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

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

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

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

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

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

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

21 B. Criminal fines or fees shall not be imposed as a result of handheld or
 22 manned devices for the purpose of issuing a citation violation by mail, nor shall
 23 failure to pay the citation result in reporting to any credit bureau.

24 §48. Violations; administrative hearing

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

29 B.(1) The administrative process shall include, at a minimum, the following:

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

31 (b) The ability to request an administrative hearing before a traffic
 32 adjudication hearing officer appointed by the local governing authority. The traffic
 33 adjudication hearing officer shall be an independent, third party who was not a
 34 participant in issuance of the violation.

35 (c) A clear notice with a minimum of fifteen days to respond.

36 (d) The ability to seek petition for judicial review within thirty days of an
 37 adverse decision rendered by the hearing officer.

38 (2) It shall be an affirmative defense to the imposition of civil liability
 39 pursuant to this Subpart when:

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

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

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

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

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

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

56 (3) The hearing officer at any administrative adjudication hearing under this
 57 Subpart shall issue an order clearly stating the decision rendered.

1 (4) The issuance of a citation under this Subpart shall not be considered a
2 criminal conviction.

3 (5) A civil penalty may not be imposed under this Subpart on the owner of
4 a vehicle if the operator of the vehicle was arrested or was issued a citation and
5 notice to appear by a law or public safety officer as a violation of R.S. 32:232 if the
6 violation was captured by an electronic enforcement device.

7 §49. Citations

8 Citations issued for violations of R.S. 32:47 and 48 shall contain on the back
9 of the citation an attestation wherein the driver who receives the violation can attest
10 either at the time of the violation the person who received the notice of violation was
11 not the owner of the vehicle at the time of the violation or the vehicle was in the care,
12 custody, and control of another at the time of the violation. The driver who receives
13 the violation shall have the option to provide information on who was the owner or
14 driver of the vehicle at the time of the violation, but shall not be required to do so.

15 * * *
16 §365. Television * * *

17
18 B.(1) Law enforcement officers of the state or any political subdivision
19 ~~thereof~~ shall be authorized to operate video recording equipment and monitors in
20 their law enforcement vehicles while in the performance of their duties. ~~However,~~
21 ~~this provision shall not be construed to allow law enforcement officers to record~~
22 ~~vehicles in violation of traffic safety laws with citations for such violations to be~~
23 ~~mailed to the alleged violator at a later date.~~

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

29 Section 2. No local ordinance shall supersede the provisions of this Act.

30 Section 3. This Act shall become effective upon signature by the governor or, if not signed
31 by the governor, upon expiration of the time for bills to become law without signature by the
32 governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed
33 by the governor and subsequently approved by the legislature, this Act shall become
34 effective on the day following such approval."

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.