

2025 Regular Session

SENATE BILL NO. 99

BY SENATOR CATHEY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

TRAFFIC. Provides relative to traffic cameras for the issuance of citations. (8/1/25)

1 AN ACT

2 To amend and reenact R.S. 14:134(A)(2) and R.S. 32:43(A)(3), 44(A), 45(A), (B)(1), and

3 (C), 46(A), (B), and (D)(1), the introductory paragraph of 47(A) and 47(A)(2) and

4 (4), and (B), 48(A) and (B)(4)(e), and 49, to enact R.S. 32:1(111), (112), and (113),

5 47(A)(5), (6), and (C), and 48(B)(9), and to repeal R.S. 32:44(B) and (C) and

6 46(C)(3) and (4), relative to malfeasance in office; to provide for the provisions for

7 malfeasance in office regarding issuance of traffic camera citations; to provide

8 relative to traffic camera recording devices; to provide for penalties for malfeasance

9 in office; to provide for clarifying the penalties associated with the use of automated

10 speed enforcement devices used in certain manners; to provide for definitions; and

11 to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 14:134(A)(2) is hereby amended and reenacted to read as follows:

14 §134. Malfeasance in office

15 A. Malfeasance in office is committed when any public officer or public

16 employee shall:

17 * * *

1 (2) Intentionally perform any such duty in an unlawful manner; or

2 * * *

3 Section 2. R.S. 32:43(A)(3), 44(A), 45(A), (B)(1), and (C), 46(A), (B), and (D)(1),
4 the introductory paragraph of 47(A) and 47(A)(2) and (4), and (B), 48(A) and (B)(4)(e), and
5 49 are hereby amended and reenacted, and R.S. 32:1(111), (112), and (113), 47(A)(5), (6),
6 and (C), and 48(B)(9) are hereby enacted to read as follows:

7 §1. Definitions

8 * * *

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

16 **(112) "Mobile speed camera" means a device designed to collect**
17 **photographic or video evidence of an alleged violation of a posted speed limit**
18 **by recording images that depict the license plate or other identifying feature of**
19 **a motor vehicle that is not operated in compliance with a posted speed limit**
20 **sign.**

21 **(113) "Red light camera" means a device installed at an intersection**
22 **designed to collect photographic or video evidence of alleged traffic violations**
23 **by recording images that depict the license plate or other identifying feature of**
24 **a motor vehicle that is not operated in compliance with instruction of a traffic**
25 **control signal or a posted traffic sign.**

26 * * *

27 §43. Automated speed enforcement devices; prohibition

28 A. * * *

29 (3) **Automated speed enforcement devices and mobile speed cameras**

1 shall not be used anywhere other than school zones lawfully posted in
 2 accordance with R.S. 32:47. An unmanned automated speed enforcement device
 3 shall not be used to issue speeding citations in a school zone when a driver is not
 4 exceeding the posted speed limit immediately prior to the school zone if school zone
 5 signs are not posted at the entrance and exit of the school zone.

* * *

7 §44. ~~Required notification for red~~ Red light cameras; **prohibition**

8 A. ~~Local municipal authorities or local parish authorities shall post signs,~~
 9 ~~indicating that a red light camera is present, within five hundred feet of each red light~~
 10 ~~camera, in such a manner as to be clearly visible to traffic approaching the red light~~
 11 ~~camera~~ Use of red light cameras shall be strictly prohibited in this state.

* * *

13 §45. Required notification for **automated speed enforcement devices and** mobile
 14 speed camera cameras

15 A. Local municipal authorities or local parish authorities shall post signs
 16 indicating that a **an automated speed enforcement device or** mobile speed camera
 17 is present. The sign shall be posted no less than two hundred fifty feet and no more
 18 than five hundred feet of the location of each **automated speed enforcement device**
 19 **or** mobile speed camera in such a manner as to be clearly visible, not obstructed by
 20 any barrier, equipment, vegetation, or other object, and shall be easily viewable by
 21 drivers approaching the **automated speed enforcement device or mobile** speed
 22 camera. The sign shall comply with the current manual and specifications adopted
 23 by the Department of Transportation and Development pursuant to R.S. 32:235.

24 B.(1) Failure of a municipal or parish authority to comply with Subsection
 25 A of this Section shall prohibit the use of any photographic or video images collected
 26 by the **automated speed enforcement device or mobile** speed camera to impose or
 27 collect any civil or criminal fine, fee, or penalty by or on behalf of the municipal or
 28 parish authority.

* * *

1 C. For the purposes of this Section, **an "automated speed enforcement**
 2 **device or** mobile speed camera" means a **manned, unmanned, or portable** device
 3 designed to collect photographic or video evidence of an alleged violation of a
 4 posted speed limit by recording images that depict the license plate or other
 5 identifying feature of a motor vehicle that is not operated in compliance with a
 6 posted speed limit sign.

7 §46. Electronic enforcement devices; school zone restrictions

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

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

17 * * *

18 D.(1) Any jurisdiction that submits a local match waiver for capital outlay
 19 shall disclose the amount of revenue collected from ~~handheld traffic cameras~~
 20 **electronic enforcement devices**. The failure to disclose the information required by
 21 this Subsection shall result in any local match waiver being revoked.

22 * * *

23 §47. Use of ~~handheld~~ speed recording devices; restrictions

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

28 * * *

29 (2) The device or camera is ~~not within one half mile of a speed limit change~~

1 of ten miles per hour or greater. This provision shall not apply to school zones in a
 2 school zone lawfully posted in accordance with this Subsection.

3 * * *

4 (4) Upon the entrance to each school zone, there shall be painted a two
 5 foot wide yellow stripe completely across the roadway with "Entering School
 6 Zone" painted in twelve inch white lettering visible therein.

7 (5) Two hundred feet before the entrance to each school zone, there shall
 8 be painted a two foot wide yellow stripe completely across the roadway with
 9 "School Zone Ahead" painted in twelve inch white lettering visible therein.

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

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

16 B. Criminal fines or fees shall not be imposed as a result of ~~handheld or~~
 17 ~~manned devices~~ automated speed enforcement devices or mobile speed cameras
 18 for the purpose of issuing a citation violation by mail, nor shall failure to pay the
 19 citation result in reporting to any credit bureaus.

20 C. In addition to any other remedy provided by law, the use of handheld,
 21 manned, or unmanned automated speed enforcement devices or mobile speed
 22 cameras that can be mounted in a vehicle or deployed at various locations to
 23 monitor and record the speed of passing traffic for the purpose of issuing a
 24 citation of an alleged violation by mail intentionally inconsistent with R.S. 32:43
 25 et seq., shall be punishable as provided for in R.S. 14:134.

26 §48. Violations; administrative hearing

27 A. Each local municipal authority or local parish authority that installs or
 28 utilizes automated speed enforcement devices, ~~red light cameras,~~ or mobile speed
 29 cameras in which a citation is issued by mail shall establish an administrative hearing

1 process for a motorist to appeal the citation violation.

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

3 * * *

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

6 * * *

7 (e) At the time of the violation, the person who received the notice of
8 violation was not the owner of the vehicle at the time of the violation or the vehicle
9 was in the care, custody, and control of another person where the owner ~~furnishes a~~
10 ~~truthful affidavit which provides~~ **certifies or otherwise indicates** that the vehicle at
11 the time of the violation was not in his care, custody, or control or that the person
12 was not the owner of the vehicle.

13 * * *

14 **(9) Any administrative hearing or judicial review of an adverse decision**
15 **shall be conducted at no cost to the owner of the vehicle requesting review.**

16 §49. Citations

17 Citations issued ~~for violations of R.S. 32:47 and 48~~ **through the use of**
18 **automated speed enforcement devices or mobile speed cameras** shall contain on
19 the back of the citation an attestation wherein the driver who receives the violation
20 can attest either that at the time of the violation, the person who received the notice
21 of violation was not the owner of the vehicle or that the vehicle was in the care,
22 custody, and control of another at the time of the violation. **Nothing in this**
23 **Subsection shall require that the owner's attestation referenced herein be**
24 **notarized.** The driver who receives the violation shall have the option to provide
25 information on who was the owner or driver of the vehicle at the time of the violation
26 but shall not be required to do so.

27 Section 3. R.S. 32:44(B) and (C) and 46(C)(3) and (4) are hereby repealed.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

DIGEST

SB 99 Reengrossed

2025 Regular Session

Cathey

Present law provides malfeasance in office is committed when any public officer or public employee intentionally performs any duty in an unlawful manner.

Proposed law retains present law and clarifies violating the prohibitions of handheld, manned and unmanned traffic cameras or speed limit enforcement devices used for the purpose of issuing citations by mail is malfeasance in office.

Proposed law removes automated speed enforcement devices that are handheld or manned from present law restrictions. Proposed law otherwise retains present law.

Proposed law provides for definitions but otherwise retains present law. Proposed law also applies present law to proposed law definitions.

Present law provides that local municipal authorities or local parish authorities can install or utilize automated speed enforcement devices only in certain locations.

Proposed law provides that automated speed enforcement devices or mobile speed cameras will be only used in school zones posted in accordance with proposed law.

Present law mandates that certain signage will be posted notifying the public that red light cameras are in operation.

Proposed law prohibits the use of red light cameras in La.

Present law mandates that certain signage will be posted notifying the public that mobile speed cameras are in operation. Proposed law applies present law to automated speed enforcement devices. Proposed law also provides that local municipal and local parish authorities will not use certain evidence to impose or collect any civil or criminal fine, fee, or penalty unless proposed law signage requirements are complied with.

Present law provides that electronic enforcement devices will only be operated in school zones on school days one hour before and one hour after the beginning of a school day and one hour before and one hour after the end of a school day.

Proposed law provides that electronic enforcement devices will only be operated in school zones properly identified according to proposed law and only on school days during the time periods of one hour before the school day begins and one hour after the school day ends. Proposed law also provides requirements for identifying school zones.

Present law provides that certain speed enforcement devices will only be used in certain locations and instances. Proposed law retains present law but limits the use of certain speed enforcement devices to school zones only.

Present law provides that criminal fines or fees will not be imposed as a result of using handheld or manned devices.

Proposed law provides that criminal fines or fees will not be imposed as a result of using automated speed enforcement devices and removes present law reference to "handheld or manned devices".

Proposed law makes technical changes.

Present law provides local municipal authorities and local parish authorities that install or utilize automated speed enforcement devices will establish an administrative hearing process for motorist to appeal alleged violations.

Proposed law retains present law and provides that an the administrative hearing process or judicial review of appealed violations will be conducted at no cost to the vehicle's owner.

Proposed law repeals present law.

Effective August 1, 2025.

(Amends R.S. 14:134(A)(2) and R.S. 32:43(A)(3), 44(A), 45(A), (B)(1), and (C), 46(A), (B), and (D)(1), 47(A)(intro para) and 47(A)(2) and (4), and (B), 48(A) and (B)(4)(e), and 49; adds R.S. 32:1(111), (112), and (113), 47(A)(5), (6), and (C), and 48(B)(9); repeals R.S. 32:44(B) and (C) and 46(C)(3) and (4))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Make technical changes.
2. Remove provisions that apply present law to handheld or manned automated speed enforcement devices or mobile speed cameras.

Senate Floor Amendments to engrossed bill

1. Provide for definitions.
2. Specify locations where automated speed enforcement devices and mobile speed cameras will be used.
3. Prohibit red light cameras in La.
4. Apply present law to proposed law definitions.
5. Prohibit use of certain evidence unless compliance with proposed law is established.
6. Remove "red light cameras" from the present law definition of "electronic enforcement devices".
7. Change the hours during which local municipal or parish authorities are lawfully allowed to issue violations for excessive speed in a school zone.
8. Limit the use of automated speed enforcement devices or mobile speed cameras to properly designated and identified school zones.
9. Provide specifications for proper identification of school zones.
10. Provide for assignment of costs associated with an administrative or judicial review.
11. Provide that an owner's proposed law attestation will not require notarization.

13. Make technical changes.
14. Repeal present law.