

2025 Regular Session

HOUSE BILL NO. 519

BY REPRESENTATIVES GLORIOSO, BAMBURG, BERAULT, CARVER, COATES,
DOMANGUE, HEBERT, HENRY, MELERINE, AND WYBLE AND SENATOR
MCMATH

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

MTR VEHICLE/VIOLATIONS: Provides relative to the operation of a motor vehicle while
using a wireless telecommunication device

1 AN ACT

2 To amend and reenact R.S. 15:571.11(A)(4), to enact R.S. 32:59, and to repeal R.S. 32:300.5
3 through 300.8, relative to the operation of motor vehicles while using a wireless
4 telecommunications device; to provide for definitions and application of terms; to
5 provide for exceptions; to provide for penalties; to provide for disposition of fines;
6 to provide for limitation on law enforcement; to provide for the prevention of search
7 and inspection; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 15:571.11(A)(4) is hereby amended and reenacted to read as follows:

10 §571.11. Dispositions of fines and forfeitures

11 A.

12 * * *

13 (4) Notwithstanding any provision of law to the contrary, ~~twenty-five dollars~~
14 ~~from all fines collected pursuant to R.S. 32:300.5, 300.6, 300.7, and 300.8~~ one
15 hundred dollars from all fines collected pursuant to R.S. 32:59 for a violation which
16 occurs in a school zone or in a highway construction zone and fifty dollars from all
17 fines collected pursuant to R.S. 32:59 for a violation which occurs in any location
18 other than a school zone or highway construction zone shall be distributed to the
19 indigent defender fund of the judicial district in which the citation was issued.

20 * * *

1 Section 2. R.S. 32:59 is hereby enacted to read as follows:

2 §59. Use of wireless telecommunications device prohibited; exceptions

3 A. Unless otherwise provided in this Subsection, all terms used in this
4 Section shall have the same meaning as defined in R.S. 32:1. As used in this
5 Section, the following terms shall apply:

6 (1) "Autonomous vehicle" means a vehicle that is equipped with autonomous
7 technology as defined in R.S. 32:1, which is licensed to operate on the public roads
8 and highways of this state and shall meet all applicable financial responsibility
9 requirements.

10 (2) "Hands-free wireless telephone" means a wireless telecommunications
11 device that has an internal feature or function, or is equipped with an attachment or
12 addition, whether or not permanently part of such device, by which a user engages
13 in a conversation without the use of either hand. The term "hands-free wireless
14 telephone" as defined in this Paragraph shall not preclude the use of either hand to
15 activate, deactivate, or initiate a function of the device.

16 (3) "Lawfully stationary" means any motor vehicle that has stopped, is in
17 park or neutral, or is standing while in gear and not moving, while also in a travel
18 lane or on the shoulder of a public road or highway, including when such action is
19 necessary to observe or avoid conflict with traffic or in compliance with the
20 directions of law enforcement or a traffic control device or signal.

21 (4) "Motor vehicle" means any self-propelled mechanical device on wheels,
22 designed primarily for use or that is primarily used on public roads and highways.
23 The term "motor vehicle" shall not include autonomous vehicles, all-terrain vehicles,
24 golf carts, vehicles propelled or drawn by horses or human power, or motorists
25 wheelchairs operated by handicapped persons.

26 (5) "Wireless telecommunications device" means a cellular telephone, a text-
27 messaging device, a personal digital assistant, a stand-alone computer or other
28 electronic device, or any other substantially similar portable wireless device that is
29 readily removable from the vehicle and is used to write, send, or read text or data

1 through manual input. The term "wireless telecommunications device" shall not
2 mean any device or component that is permanently affixed to a motor vehicle, or a
3 device used hands-free, citizens band radios, citizens band radio hybrids, commercial
4 two-way radio communications devices, two-way radio transmitters or receivers used
5 by licensees of the Federal Communications Commission in the Amateur Radio
6 Service, or electronic communication devices with a push-to-talk function.

7 B.(1) Notwithstanding any provision of law to the contrary, except as
8 provided in Subsection C of this Section, no person shall operate any wireless
9 telecommunications device while operating a motor vehicle upon any public road or
10 highway, unless the motor vehicle is lawfully stationary.

11 (2) Operating a wireless telecommunications device shall include:

12 (a) Engaging in a call, which means talking or listening during a voice
13 transmission on a wireless telecommunications device or manually entering names
14 or telephone numbers to initiate a voice transmission, except when using a hands-
15 free wireless telephone.

16 (b) Writing, sending, or reading a text-based communication, which means
17 using a text message, instant message, electronic mail, or other text-based
18 application to communicate with any person.

19 (c) Accessing, reading, or posting to a social networking site, which means
20 using a wireless telecommunications device to access, read, or post on such device
21 to any web-based service that allows individuals to construct a profile within a
22 bounded system, articulate a list of other users with whom they share a connection,
23 and communicate with other members of the site.

24 (d) Accessing, viewing, posting, editing, or creating a video, photograph, or
25 other image.

26 (e) Accessing, reading, viewing, composing, browsing, transmitting, saving,
27 or retrieving electronic data from any application or other media.

1 (f) Using any application or feature of a wireless telecommunications device
2 by making manual entries of letters, numbers, symbols, commands, or any
3 combination thereof.

4 (g) Holding or physically supporting a wireless telecommunications device
5 in either or both hands, except for an earpiece or headphone device as defined in R.S.
6 32:295.2(A) or a device worn on the wrist to talk or listen during a voice
7 transmission.

8 C. The provisions of Subsection B of this Section shall not apply to a person
9 who uses a wireless telecommunications device to do any of the following:

10 (1) Report a traffic collision, medical emergency, other emergency, or
11 serious road hazard.

12 (2) Report a situation in which the person believes that an individual is in
13 jeopardy of serious injury or death.

14 (3) Relay information between a transit of a for-hire operator, including a
15 transportation network company driver, and that operator's dispatcher, in which the
16 device is affixed to the vehicle.

17 (4) Operate a wireless telecommunications device while the motor vehicle
18 is lawfully stationary and not in violation of any other law. A utility vehicle or
19 roadside assistance vehicle which is parked while the utility worker or roadside
20 responder is in the course and scope of performing his duties shall be considered
21 lawfully stationary.

22 (5) Use a wireless telecommunications device in an official capacity as an
23 operator of an authorized emergency vehicle while in performance of official duties
24 as a law enforcement officer, firefighter, or emergency services or EMS practitioner.

25 (6) View data or images related to navigation of a motor vehicle using a
26 hands-free global positioning system.

27 (7) Dial 9-1-1 to report a crime in progress.

28 D.(1) Any violation of this Section shall constitute a nonmoving violation.

1 (2) If a violation of this Section occurs in a school zone or in a highway
2 construction zone it shall be a primary offense and shall be punishable as follows:

3 (a) By a fine of two hundred fifty dollars. At the judge's discretion, the fine
4 may be reduced to one hundred dollars with community service not to exceed fifteen
5 hours, at least half of which shall consist of a litter abatement program in a school
6 zone or highway construction zone.

7 (b) If a person is involved in a crash at the time of the violation, then the fine
8 shall be equal to double the amount of the fine imposed in Subparagraph (a) of this
9 Paragraph and the law enforcement officer investigating the crash shall indicate on
10 the written accident report that the person was using a wireless telecommunications
11 device at the time of the crash.

12 (3) If a violation of this Section occurs in any location other than a school
13 zone or highway construction zone it shall constitute a secondary offense when the
14 officer detains a driver for an alleged violation of another provision of this Chapter
15 and shall be punishable as follows:

16 (a) By a fine of one hundred dollars. At the judges discretion, the fine may
17 be reduced to fifty dollars with community service not to exceed fifteen hours, at
18 least half of which shall consist of the litter abatement program.

19 (b) If a person is involved in a crash at the time of the violation, then the fine
20 shall be equal to double the amount of the fine imposed in Subparagraph (a) of this
21 Paragraph and the law enforcement officer investigating the crash shall indicate on
22 the written accident report that the person was using a wireless telecommunications
23 device at the time of the crash.

24 (4) For violations of this Section not resulting in a crash causing bodily
25 injury or death of another person, a person may plead guilty or nolo contendere to
26 the alleged offense and pay the applicable fine specified in this Subsection. If a
27 person pleads guilty or nolo contendere to the alleged offense, the person shall not
28 be required to appear in court if he waives the right to contest the charges and pays
29 the applicable fine specified in this Subsection.

1 (5) Use of a wireless telecommunications device for any purpose provided
2 for in Subsection C of this Section shall be an affirmative defense to a violation of
3 this Section and the operator of a motor vehicle may produce documentary or other
4 evidence in support of his defense.

5 (6) For any violation occurring before January 1, 2026, the law enforcement
6 officer shall only issue a written warning.

7 E.(1) A probable cause determination for a violation of this Section shall be
8 based solely upon a law enforcement officer's clear and unobstructed view of a
9 person using a wireless telecommunications device as prohibited by this Section.

10 (2) A law enforcement officer shall not do any of the following based solely
11 on a probable cause determination or a violation of this Section:

12 (a) Seize, search, view, or require the forfeiture of a wireless
13 telecommunications device.

14 (b) Search or request to search a motor vehicle, motor vehicle operator, or
15 passenger.

16 (c) Make a custodial arrest except upon any open warrant including but not
17 limited to a warrant issued for failure to appear in court when summoned or for
18 failure to pay an imposed fine.

19 F. The state preempts the field of regulating the use of a wireless
20 telecommunications device by the operators of motor vehicles. The provisions of
21 this Section shall supersede any local laws, ordinances, rules, or regulations enacted
22 by a parish, municipality, or other political subdivision to regulate the use of a
23 wireless telecommunications device by the operator of a motor vehicle.

24 G. Beginning April 1, 2027, and continuing until April 1, 2032, the
25 Department of Transportation and Development and the Department of Public Safety
26 and Corrections, office of state police shall submit a report annually to the legislature
27 regarding the impact of the provisions of this Section, including the number of
28 crashes caused by inattentive or distracted driving for each year, divided by different
29 areas of the state, as such data is already collected. The report shall be based on data

- 1 the Department of Transportation and Development and the office of state police
 2 collect under existing state law.
 3 Section 3. R.S. 32:300.5 through 300.8 are hereby repealed.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, 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)]

HB 519 Reengrossed

2025 Regular Session

Glorioso

Abstract: Prohibits the use of a wireless telecommunications device while operating a motor vehicle, provides for exceptions and penalties for such use, and provides for enforcement.

Present law prohibits the use of wireless telecommunications devices in school zones.

Present law requires that \$25 from all fines collected pursuant to existing law be distributed to the indigent defender fund of the judicial district in which the citation was issued.

Proposed law modifies present law by requiring \$100 from all fines collected for a violation which occurs in a school zone or in a highway construction zone and \$50 be collected for a violation which occurs in any location other than a school zone or highway construction zone pursuant to proposed law be distributed to the indigent defender fund of the judicial district in which the citation was issued.

Proposed law defines "autonomous vehicle", "autonomous technology", "hands-free wireless telephone", "lawfully stationary", "motor vehicle", and "wireless telecommunications device".

Proposed law specifies that excluding the limited exceptions in proposed law no person is allowed to utilize any wireless telecommunications device while operating a motor vehicle upon any public road or highway, unless the motor vehicle is lawfully stationary.

Proposed law specifies that the following actions are deemed as operating a wireless telecommunications device:

- (1) Engaging in a call by talking or listening during a voice transmission on a wireless telecommunications device or manually entering names or telephone numbers to initiate a voice transmission, except when using a hands-free wireless telephone.
- (2) Writing, sending, or reading a text-based communication, which means using a text message, instant message, electronic mail, or other text-based application to communicate with any person.
- (3) Accessing, reading, or posting to a social networking site by a wireless telecommunications device to access, read, or post on that device to any web-based service that allows individuals to construct a profile within a bounded system, articulate a list of other users they share a connection and communicate with other members of the site.
- (4) Accessing, viewing, posting, editing, or creating a video, photograph, or other image.

- (5) Accessing, reading, viewing, composing, browsing, transmitting, saving, or retrieving electronic data from any application or other media.
- (6) Using any application or feature of a wireless telecommunications device by making manual entries of letters, numbers, symbols, commands or any combination thereof.
- (7) Holding or physically supporting a wireless telecommunications device in either or both hands, except for an earpiece or headphone device in compliance with present law or a device worn on the wrist to talk or listen during a voice transmission.

Proposed law provides exceptions to the prohibition against the use of wireless telecommunications devices if a person does any of the following:

- (1) Reports a traffic collision, medical emergency, serious road hazard, or to report a crime in progress.
- (2) Reports a situation in which a person believes an individual can suffer serious injury or death.
- (3) Relays information between a transit or a for-hire operator, including a transportation network company driver, and that operator's dispatcher, in which the device is affixed to the vehicle.
- (4) Operates a wireless telecommunications device while the motor vehicle is lawfully stationary and not in violation of any other law. A utility vehicle or roadside assistance vehicle parked while the utility worker or roadside responder is in the course and scope of performing his duties must be considered lawfully stationary.
- (5) Uses a wireless telecommunications device in an official capacity as an operator of an authorized emergency vehicle while in performance of official duties as a law enforcement officer, firefighter, or emergency services or EMS practitioner.
- (6) Views data or images related to navigation of a motor vehicle using a hands-free global positioning system.

Proposed law specifies that a violation of proposed law is classified as a nonmoving violation.

Proposed law specifies that if a violation occurs in a school zone or a highway construction zone, it is a primary offense and is punishable by a fine of \$250. Additionally, specifies that at the judge's discretion, the fine may be reduced to \$100 with community service not to exceed 15 hours, consisting of half the hours dedicated to a litter abatement program in a school zone or highway construction zone.

Proposed law specifies that if a person is involved in a crash at the time of the violation, the fine will be equal to double the amount of the fine imposed in proposed law and the law enforcement officer investigating the crash must indicate on the written accident report that a wireless telecommunications device was used at the time of the crash.

Proposed law specifies that if a violation occurs in any location other than a school zone or highway construction zone, it constitutes a secondary offense when the officer detains the driver for an alleged violation of another provision of proposed law and is punishable by a fine of \$100. Additionally, specifies that at the judge's discretion, the fine may be reduced to \$50 with community service not to exceed 15 hours, consisting of half the hours dedicated to a litter abatement program.

Proposed law specifies that if a person is involved in a crash at the time of the violation, the fine will be equal to double the amount of the fine imposed in proposed law and the law

enforcement officer investigating the crash must indicate on the written accident report that the person was using a wireless telecommunications device at the time of the crash.

Proposed law specifies that for violations of proposed law not resulting in a crash causing bodily injury or death of another person, violators may plead guilty or nolo contendere to the alleged offense and pay the appropriate fine. Additionally, specifies that if a person pleads guilty or nolo contendere to the alleged offense, the person is not required to appear in court if the person waives the right to contest the charges and pays the fine specified in proposed law.

Proposed law specifies that the use of a wireless telecommunications device for any purposes considered an exception in proposed law is an affirmative defense to a violation of proposed law and the operator of the motor vehicle may produce documentary or other evidence to support the defense.

Proposed law specifies that law enforcement officers can only issue a written warning for violations of proposed law occurring before Jan. 1, 2026.

Proposed law requires that a probable cause determination for a violation of proposed law be based solely upon a law enforcement officer's clear and unobstructed view of a person using a wireless telecommunications device as prohibited by proposed law.

Proposed law prohibits a law enforcement officer doing any of the following based solely on a probable cause determination or violation of proposed law:

- (1) Seize, search, view, or require the forfeiture of a wireless telecommunications device.
- (2) Search or request to search a motor vehicle, motor vehicle operator, or passenger.
- (3) Make a custodial arrest except upon any open warrant including but not limited to a warrant issued for failure to appear in court when summoned or for failure to pay an imposed fine.

Proposed law specifies that the state preempts the field of regulating the use of a wireless telecommunications device by the operators of motor vehicles. Further, specifies that the provisions of proposed law supersede any local laws, ordinances, rules or regulations enacted by a parish, municipality or other political subdivision to regulate the use of a wireless telecommunications device by the operator of a motor vehicle.

Proposed law requires that beginning April 1, 2027, and continuing until April 1, 2032, the Dept. of Transportation and Development and the Dept. of Public Safety and Corrections, office of state police submit a report annually to the legislature regarding the impact of the provisions of proposed law, including the number of crashes caused by inattentive or distracted driving for each year, broken down by different areas of the state, as such data is already collected. Further, requires the report be based upon data the Dept. of Transportation and Development and the office of state police collect under existing state law.

(Amends R.S. 15:571.11(A)(4); Adds R.S. 32:59; Repeals R.S. 32:300.5-300.8)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Require that violations of proposed law constitute a nonmoving violation.