

2025 Regular Session

HOUSE BILL NO. 74

BY REPRESENTATIVE MIKE JOHNSON

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

DOMESTIC ABUSE: Provides for the termination of manufacturer vehicle tracking services in certain cases of domestic abuse, sexual assault, or stalking

1 AN ACT

2 To enact R.S. 14:323(E) and Chapter 28-E of Title 46 of the Louisiana Revised Statutes of
3 1950, to be comprised of R.S. 46:2191 through 2196, relative to the disabling of
4 remote access technology on motor vehicles; to provide for definitions; to provide
5 for a civil fine; to establish a fund; to provide limitations on manufacturers; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:323(E) is hereby enacted to read as follows:

9 §323. Tracking devices prohibited; penalty

10 * * *

11 E. The exception provided in Subsection C of this Section shall not apply
12 under any of the following circumstances:

13 (1) An individual with ownership interest who has been granted a protective
14 order as provided in R.S. 46:2136 or a temporary restraining order as provided in
15 R.S. 46:2135.

16 (2) If another individual has been granted exclusive use of the vehicle by a
17 court of competent jurisdiction.

18 Section 2. Chapter 28-E of Title 46 of the Louisiana Revised Statutes of 1950,
19 comprised of R.S. 46:2191 through 2196, is hereby enacted to read as follows:

1 CHAPTER 28-E. DISABLING OF REMOTE ACCESS TECHNOLOGY

2 §2191. Definitions

3 A. For purposes of this Chapter:

4 (1) "Abuser" means an individual who has committed, or is presumed to
5 have committed a covered act against a survivor, as defined in this Section.

6 (2) "Covered act" means conduct that constitutes:

7 (a) Domestic abuse as defined in R.S. 46:2132.

8 (b) Sexual assault as defined in R.S. 29:220.

9 (c) Stalking as defined in R.S. 14:40.2.

10 (3) "Remote access technology" means technology that enables a driver of
11 a motor vehicle to remotely track, control, or operate the driver's vehicle using a
12 smartphone app or other device.

13 (4) "Survivor" means an individual who is a victim of a covered act, as
14 defined in this Section.

15 §2192. Remote access suspension, survivor of a covered act

16 A.(1) A motor vehicle manufacturer shall suspend the remote access
17 technology on a motor vehicle within two business days from receipt of a complete
18 remote access suspension request from a survivor.

19 (2) A complete remote access suspension request requires the following:

20 (a) A certified copy of a protective order as provided by R.S. 46:2136
21 against the abuser that has been signed by a judge, a temporary restraining order as
22 provided by R.S. 46:2135 against the abuser that has been signed by a judge, or any
23 other official document that evidences that abuser has committed a covered act.

24 (b) The survivor has ownership interest in the motor vehicle or a certified
25 copy of a judgment that provides exclusive use of the motor vehicle regardless of
26 ownership.

27 B. The remote access technology may remain disabled for the duration of the
28 protective order, temporary restraining order, or judgment granting exclusive use of
29 the motor vehicle.

1 C. The motor vehicle manufacturer shall provide secure and remote online
2 means for the survivor to submit a complete remote access suspension request.

3 D. The provisions of this Section shall not apply to a motor vehicle
4 manufacturer that technologically cannot disable the remote access technology on
5 a motor vehicle.

6 §2193. Civil fine

7 Any motor vehicle manufacturer that is found to have violated R.S. 46:2192
8 shall be subject to a civil fine of ten thousand dollars per violation, not to exceed a
9 sum of one million dollars. The attorney general may maintain a civil action in a
10 court of competent jurisdiction to recover such fines.

11 §2194. Survivor Empowerment Fund

12 A. There is hereby established in the state treasury, as a special fund, the
13 Survivor Empowerment Fund, hereinafter referred to as the "fund".

14 B.(1) After allocation of money to the Bond Security and Redemption Fund
15 as provided in Article VII, Section 9(B) of the Constitution of Louisiana, the
16 treasurer shall deposit into the fund monies paid as a civil fine levied against a motor
17 vehicle manufacturer in violation of R.S. 46:2192. The treasurer shall also deposit
18 into the fund any monies transferred or appropriated by the legislature and any
19 grants, donations, gifts, or other monies which may become available.

20 (2) Monies in the fund shall be invested in the same manner as monies in the
21 state general fund. Interest earned on investment of monies in the fund shall be
22 deposited into the state general fund. Unexpended and unencumbered monies in the
23 fund at the end of the fiscal year shall remain in the fund.

24 C.(1) Subject to appropriation by the legislature to the Louisiana Commission
25 on Law Enforcement and the Administration of Criminal Justice, monies in the fund
26 shall be used for the Victims of Crime Act and the Violence Against Women Act.

27 (2) In accordance with the Administrative Procedure Act, the Louisiana
28 Commission on Law Enforcement and the Administration of Criminal Justice shall

1 adopt and promulgate rules necessary for implementation and administration of the
 2 provisions of Paragraph (1) of this Subsection.

3 §2195. Limitations on manufacturer; remote access suspension request

4 A motor vehicle manufacturer may not do any of the following in order to
 5 disable the remote access technology:

6 (1) Require the survivor to pay a fee or any outstanding fines owed by the
 7 abuser.

8 (2) Contact the abuser after the survivor submits a complete remote access
 9 suspension request.

10 §2196. Liability

11 A motor vehicle manufacturer and any officer, director, employee, vendor,
 12 or agent thereof shall not be subject to liability for any claims deriving from the
 13 motor vehicle manufacturer's technological inability to disable the remote access
 14 technology, or for any claims initiated by an abuser deriving from an action taken
 15 pursuant to this Chapter.

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 74 Reengrossed

2025 Regular Session

Mike Johnson

Abstract: Provides a mechanism for a survivor of a covered act to disable the remote access technology on a motor vehicle.

Proposed law (R.S. 46:2191) defines "abuser", "covered act", "remote access technology", and "survivor".

Proposed law (R.S. 46:2192) provides that a motor vehicle manufacturer shall suspend the remote access technology on a motor vehicle within two days of a complete remote access suspension request.

Proposed law provides the requirements for a complete remote access suspension request.

Proposed law provides that the remote access technology may remain disabled for the duration of the protective order, temporary restraining order, or judgment granting exclusive use of the motor vehicle.

Proposed law provides that the motor vehicle manufacturer shall provide secure and remote online means for the survivor to submit a complete remote access suspension request.

Proposed law provides that proposed law shall not apply to a motor vehicle manufacturer that technologically is unable to disable the remote access technology on a motor vehicle.

Proposed law (R.S. 46:2193) provides that a motor vehicle manufacturer shall be subject to a civil fine of \$10,000 per violation, not to exceed a sum of \$1,000,000. The attorney general may maintain a civil action in a court of competent jurisdiction to recover such fines.

Proposed law (R.S. 46:2194) establishes a fund where all civil fines levied against a motor vehicle manufacturer in violation of proposed law are managed by the La. Commission on Law Enforcement and Administration of Criminal Justice. The fund is also composed of monies derived from appropriations by the legislature.

Proposed law provides that the monies in the fund shall be used exclusively for the Victims of Crime Act and the Violence Against Women Act.

Proposed law (R.S. 46:2195) provides that a motor vehicle manufacturer may not require the survivor to pay a fee or any outstanding fines owed by the abuser or contact the abuser after the survivor submits a complete remote access suspension request in order to disable the remote access technology.

Proposed law provides that an individual with ownership interest who has been granted a protective order or temporary restraining order, or any other individual who has been granted exclusive use of the vehicle by a court of competent jurisdiction shall not be granted the exceptions provided under the prohibition for tracking devices.

Proposed law (R.S. 46:2196) provides that a motor vehicle manufacturer and any officer, director, employee, vendor, or agent thereof shall not be subject to liability for any claims deriving from the motor vehicle manufacturer's technological inability to disable the remote access technology.

Proposed law establishes the "Survivor Empowerment Fund" for actions pursuant to proposed law.

(Adds R.S. 14:323(E) and R.S. 46:2191-2196)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Make technical changes.
2. Change the name of the fund from "Christine Dowdall Fund" to "Survivor Empowerment Fund".
3. Provide that proposed law shall not apply to a motor vehicle manufacturer that technologically is unable to disable the remote access technology on a motor vehicle.
4. Provide that a motor vehicle manufacturer and any officer, director, employee, vendor, or agent thereof shall not be subject to liability for any claims deriving from the motor vehicle manufacturer's technological inability to disable the remote access technology.

The House Floor Amendments to the engrossed bill:

1. Establish the "Survivor Empowerment Fund" for claims deriving from an action pursuant to proposed law.