

Regular Session, 2014

SENATE BILL NO. 661

BY SENATOR ERDEY

ROADS/HIGHWAYS. Provides authority to remove vehicles and cargo from roadways.
(8/1/14)

1 AN ACT

2 To enact R.S. 32:155, relative to motor vehicles; to provide authority to remove vehicles,
3 cargo, or other personal property from roadways; to provide for reopening roadway
4 lanes during peak traffic hours; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 32:155 is hereby enacted to read as follows:

7 **§155. Authority to remove vehicles and cargo**

8 **A. As a result of a motor vehicle accident or incident, the commissioner,**
9 **the secretary, any police officer, any public safety agency, or any person acting**
10 **at their direction or request, may, without the consent of the owner,**
11 **immediately remove or have removed any vehicle, cargo, or other personal**
12 **property that has been damaged or spilled within the highway which constitutes**
13 **a hazard or obstructs traffic when such removal will improve public health or**
14 **safety and reduce accident or incident-related traffic congestion and delay.**

15 **B. When a motor vehicle accident or traffic incident occurs during peak**
16 **traffic hours, the commissioner, secretary, any police officer, any public safety**
17 **agency, or any person acting at their direction or request, shall take immediate**

1 **action and give priority to opening all roadway lanes to traffic so as to relieve**
2 **traffic congestion and minimize delay to the motoring public. For purposes of**
3 **this Section, peak traffic hours shall be considered 7:00 a.m. to 9:00 a.m. and**
4 **4:00 p.m. to 6:00 p.m. on weekdays.**

5 **C. No liability shall attach to the secretary, commissioner, any police**
6 **officer, any public safety agency, or to any person acting under their direction**
7 **or request, for damage to a vehicle, cargo, or other personal property, which**
8 **may result from the exercise or failure to exercise any authority granted under**
9 **this Section in the absence of gross negligence.**

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Sharon F. Lyles.

DIGEST

Erdey (SB 661)

Proposed law provides removal authority, as result of a motor vehicle accident or incident, to the secretary, commissioner, any police officer, any public safety agency, or any person acting at their direction or request, without the consent of the owner, to immediately remove or have removed any vehicle, cargo, or other personal property that has been damaged or spilled within the highway which constitutes a hazard or obstructs traffic when such removal will improve public health or safety and reduce accident or incident-related traffic congestion and delay.

Proposed law requires the secretary, commissioner, any police officer, any public safety agency, or any person acting at their direction or request to take immediate action and give priority to opening all roadway lanes to traffic so as to relieve traffic congestion and minimize delay to the motoring public. Defines peak traffic hours as 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. on weekdays.

Proposed law provides that there is no liability for exercise or failure to exercise removal authority in the absence of gross negligence.

Effective August 1, 2014.

(Adds R.S. 32:155)