

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 crash or incident, any police officer or**
9 **any person acting at the officer's direction or request may, without the consent**
10 **of the owner, immediately remove or have removed any vehicle, cargo, or other**
11 **personal property that has been damaged or spilled upon the roadway or**
12 **shoulder of the roadway which constitutes a hazard or obstructs traffic when**
13 **such removal will improve public health or safety and reduce crash or incident-**
14 **related traffic congestion and delay.**

15 **B. When a motor vehicle crash or traffic incident occurs during peak**
16 **traffic hours, any police officer or any person acting at the officer's direction or**
17 **request shall take immediate action and give priority to opening all roadway**

1 lanes to traffic so as to relieve traffic congestion and minimize delay to the
 2 motoring public provided such action does not impair the protection of public
 3 safety. For purposes of this Section, peak traffic hours shall be considered 7:00
 4 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. on weekdays.

5 C. No liability shall attach to any police officer or to any person acting
 6 under the officer's direction or request for damages to a vehicle, cargo, or other
 7 personal property, that may result from the exercise or failure to exercise any
 8 authority granted under this Section in the absence of gross negligence.

9 D. The provisions of this Section apply only to roadways included within
 10 the National Highway System in this state.

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 crash or incident, to any police officer or any person acting at the officer's 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 upon the roadway or shoulder of the roadway which constitutes a hazard or obstructs traffic when such removal will improve public health or safety and reduce crash or incident-related traffic congestion and delay.

Proposed law requires any police officer or any person acting at the officer's 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 provided such action does not impair the protection of public safety. 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.

Proposed law applies only to roadways included within the National Highway System in this state.

Effective August 1, 2014.

(Adds R.S. 32:155)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Transportation, Highways, and Public Works to the original bill

1. Changes "accident" to "crash".

2. Removes the secretary, commissioner, and any public safety agency.
3. Changes "within the highway" to "upon the roadway or shoulder of the roadway".
4. Provides that removal during peak hours does not impair protection of public safety.
5. Provides proposed law applies only to roadways within the National Highway System of the state.