DIGEST

Erdey (SB 661)

Proposed law provides removal authority, as result of a motor vehicle collision 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 movable 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 collision 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.

Senate Floor Amendments to engrossed bill

1. Changes "crash" <u>to</u> "collision".

2. Changes "personal property" to "movable property".

3. Makes technical changes.