

SENATE BILL NO. 617

BY SENATOR MCPHERSON

1 AN ACT

2 To enact R.S. 32:392.1, relative to motor vehicles; to prohibit impoundment in certain  
3 circumstances; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 32:392.1 is hereby enacted to read as follows:

6 **§392.1. Impounding of vehicles; exceptions**

7 **A. Notwithstanding the provisions of R.S. 32:863.1 and any other law to**  
8 **the contrary, a motor vehicle stopped while being operated by a Louisiana**  
9 **resident shall not be impounded when the operator or the vehicle, or both,**  
10 **presents no imminent danger to the public. Instead, the law enforcement officer**  
11 **shall issue the resident operator a notice of noncompliance if for a violation of**  
12 **R.S. 32:863.1, or a citation or violation ticket and allow the operator to proceed.**  
13 **In addition, the law enforcement officer may remove the license plate from the**  
14 **vehicle.**

15 **B. For the purposes of this Section, "imminent danger to the public"**  
16 **means a present and apparent danger to the life, health, safety, or property of**  
17 **the public.**

18 **C. Subsection A of this Section shall apply only to a first violation. A**  
19 **law enforcement officer may impound a motor vehicle for a second or**  
20 **subsequent violation , when the motor vehicle involves a violation of Title 14 or**  
21 **Part X of Chapter 4 of Title 40 of the Revised Statutes of Louisiana of 1950, the**  
22 **motor vehicle or its contents is an instrument of a crime or has evidentiary**

1            value, or when the operator is operating a motor vehicle under suspension or  
2            revocation of his driver's license.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_