

2024 Regular Session

HOUSE BILL NO. 652

BY REPRESENTATIVES DESHOTEL AND CHASSION

TRAFFIC/SPEED LIMITS: Provides relative to automated speed enforcement devices

1 AN ACT

2 To amend and reenact R.S. 32:43(A)(1), (B), and (C) and 44(A) and 365(B) and to enact
3 R.S. 32:43(D), 46, 47, 48, and 49, relative to automated speed enforcement devices;
4 to require that certain automated speed enforcement devices capture a picture of the
5 driver to impose penalties; to prohibit certain agencies from using automated speed
6 enforcement devices or other similar devices to issue citations by mail; to provide
7 an effective date; to provide for visible signage; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 32:43(A)(1), (B), and (C) and 44(A) and 365(B) are hereby amended
10 and reenacted and R.S. 32:43(D), 46, 47, 48, and 49 are hereby enacted to read as follows:

11 §43. Automated speed enforcement devices; prohibition

12 A.(1) Local municipal authorities or local parish authorities shall not install
13 or utilize automated speed enforcement devices to regulate traffic on interstate
14 roadways or state highways within their corporate or territorial limits.

15 * * *

16 B.(1) Any automated speed enforcement device authorized by a local
17 municipal authority or local parish authority that is not in conflict with the provisions
18 of Paragraph (A)(1) of this Section shall produce photographic evidence of the driver
19 of the vehicle.

20 (2) Effective January 1, 2025, local municipal authorities or local parish
21 authorities shall not impose or collect any civil or criminal fine, fee, or penalty as a

1 result of an image produced by an automated speed enforcement device in violation
2 of this Subsection.

3 C. For the purposes of this Section, the term "automated speed enforcement
4 device" means an unmanned or handheld camera or optical device installed to work
5 in conjunction with a traffic control signal or radar speed detection equipment, or
6 both, and designed to collect photographic evidence of alleged traffic violations for
7 the issuance of traffic citations by recording images that depict the license plate or
8 other identifying feature of a motor vehicle not in compliance with instruction of a
9 traffic control signal or posted traffic sign.

10 ~~C.~~ D. Effective January 1, 2015, local municipal authorities or local parish
11 authorities shall not impose or collect any civil or criminal fine, fee, or penalty as a
12 result of an image produced by an automated speed enforcement device in violation
13 of this Section.

14 §44. Required notification for red light cameras and automated speed enforcement
15 devices

16 A. Local municipal authorities or local parish authorities shall post large and
17 visible signs in both directions, indicating that a red light camera or automated speed
18 enforcement device is present, within five hundred feet of each red light camera or
19 automated speed enforcement device, in such a manner as to be clearly visible to
20 traffic approaching the red light camera or automated speed enforcement device.

21 * * *

22 §46. Electronic enforcement devices; school zone restrictions

23 A. For the purposes of this Section, "electronic enforcement devices" shall
24 mean automated speed enforcement devices, red light traffic cameras, and mobile
25 speed cameras used for the purpose of regulating and enforcing traffic violations in
26 which citations are issued by mail.

27 B. Local municipal authorities and local parish authorities shall only operate
28 electronic enforcement devices in a school zone on school days during the specified
29 time periods when children are in school. An electronic enforcement device shall

1 only be operated one hour before and one hour after the beginning of a school day
2 and one hour before and one hour after the end of a school day.

3 C.(1) Revenue generated as a result of electronic enforcement devices in
4 school zones shall be divided between the governing authority of the school where
5 the traffic citation was issued and the municipality.

6 (2) A cooperative endeavor agreement executed by the municipality and
7 each governing authority of the schools located within the municipality's boundaries
8 shall be in place prior to implementation of automated speed enforcement devices
9 and mobile speed cameras.

10 (3) Revenue generated as a result of electronic enforcement devices not in
11 school zones shall only be used for law enforcement purposes.

12 D.(1) Any jurisdiction that submits a local match waiver for capital outlay
13 shall disclose the amount of revenue collected from handheld traffic cameras. Except
14 as provided in Paragraph (2) of this Subsection, the failure to disclose the
15 information required by this Subsection shall result in any local match waiver being
16 revoked.

17 (2) No local match waiver shall be revoked pursuant to this Subsection for
18 any of the following types of capital outlay projects:

19 (a) Water system projects.

20 (b) Sewer system projects.

21 (c) Natural gas system projects.

22 §47. Use of hand-held speed recording devices; restrictions

23 A. Automated speed enforcement devices or mobile speed cameras pursuant
24 to R.S. 32:43 and R.S. 32:45 that are handheld or manned, and issue a citation of an
25 alleged violation by mail, shall only be used by local municipal authorities or local
26 parish authorities in the following instances:

27 (1) The device or camera is being operated by a trained member of law or
28 traffic enforcement that is sworn or POST-certified. Deputized agents, contractors,
29 subcontractors of an agency, office, local municipality, local authority, or any

1 political subdivision of this state are strictly prohibited from operating handheld or
2 manned devices for the purpose of issuing a citation violation by mail.

3 (2) The device or camera is not within one half mile of a speed limit change
4 in an amount of ten miles per hour or greater. This provision shall not apply to
5 school zones.

6 (3) There are forty-eight by forty-eight inch signs, the bottom of which shall
7 be at least seven feet from the ground, indicating a device or camera is present, no
8 less than five hundred feet and no more than one thousand feet before the device or
9 camera, in a manner as to be clearly visible to approaching traffic. The signs shall
10 be bright yellow and shall read "Photo enforcement devices at use".

11 (4)(a) If a device or camera is used while in an authorized vehicle, the
12 authorized vehicle shall be clearly marked, as a law enforcement vehicle.

13 (b) If a device or camera is used by a traffic or law enforcement officer while
14 not in a vehicle, the officer shall wear a reflective vest, clearly indicating he is law
15 enforcement or that he is conducting speed enforcement measures.

16 B. Criminal fines or fees shall not be imposed as a result of handheld or
17 manned devices for the purpose of issuing a citation violation by mail, nor shall
18 failure to pay the citation result in reporting to any credit bureau.

19 §48. Violations; administrative hearing

20 A. Each local municipal authority or local parish authority that installs or
21 utilizes automated speed enforcement devices, red light cameras, or mobile speed
22 cameras, in which a citation is issued by mail shall establish an administrative
23 hearing process for motorist to appeal receipt of the citation violation.

24 B.(1) The administrative process shall include, at a minimum, the following:

25 (a) A written citation with a detailed description of the alleged violation.

26 (b) The ability to request an administrative hearing before a traffic
27 adjudication hearing officer appointed by the local governing authority. The traffic
28 adjudication hearing officer shall be an independent, third party who was not a
29 participant in issuance of the violation.

1 (c) A clear notice with a minimum of fifteen days to respond.

2 (d) The ability to seek petition for judicial review within thirty days of an
3 adverse decision rendered by the hearing officer.

4 (2) It shall be an affirmative defense to the imposition of civil liability
5 pursuant to this Subpart when:

6 (a) The traffic-control signal was not in proper position and sufficiently
7 legible to an ordinarily observant person.

8 (b) The operator of the vehicle was acting in compliance with the lawful
9 order or direction of a law enforcement or public safety officer.

10 (c) The operator of the vehicle violated the instructions of the traffic-control
11 signal so as to yield the right-of-way to an immediately approaching authorized
12 emergency vehicle.

13 (d) The vehicle was being operated as an authorized emergency vehicle
14 under R.S. 32:24, and the operator was acting in compliance with R.S. 32:24.

15 (e) The presence of ice, snow, unusual amounts of rain, or other unusually
16 hazardous road conditions existed that would make compliance with this Subpart
17 more dangerous under the circumstances than noncompliance.

18 (f) At the time of the violation the vehicle was a stolen vehicle or the license
19 plate displayed on the vehicle was a stolen plate, which must include proof
20 acceptable to the hearing officer that the theft of the vehicle or license plate had been
21 timely reported to the appropriate law enforcement agency.

22 (3) The hearing officer at any administrative adjudication hearing under this
23 Subpart shall issue an order clearly stating the decision rendered.

24 (4) The issuance of a citation under this Subpart shall not be considered a
25 criminal conviction.

26 (5) A civil penalty may not be imposed under this Subpart on the owner of
27 a vehicle if the operator of the vehicle was arrested or was issued a citation and
28 notice to appear by a law or public safety officer as a violation of R.S. 32:232 if the
29 violation was captured by an electronic enforcement device.

1 §49. Citations

2 Citations issued for violations of R.S. 32:47 and 48 shall contain on the back
3 of the citation an attestation wherein the driver who receives the violation can attest
4 either at the time of the violation the person who received the notice of violation was
5 not the owner of the vehicle at the time of the violation or the vehicle was in the care,
6 custody, and control of another at the time of the violation. The driver who receives
7 the violation shall have the option to provide information on who was the owner or
8 driver of the vehicle at the time of the violation, but shall not be required to do so.

9 * * *

10 §365. Television

11 * * *

12 B.(1) Law enforcement officers of the state or any political subdivision
13 ~~thereof~~ shall be authorized to operate video recording equipment and monitors in
14 their law enforcement vehicles while in the performance of their duties. ~~However,~~
15 ~~this provision shall not be construed to allow law enforcement officers to record~~
16 ~~vehicles in violation of traffic safety laws with citations for such violations to be~~
17 ~~mailed to the alleged violator at a later date.~~

18 (2) Agents, contractors, or subcontractors of an agency, office, local
19 municipality, local authority, or any political subdivision of this state with the
20 authority to enforce traffic regulations shall be strictly prohibited from using video
21 recording equipment and monitors while in the performance of their duties for the
22 purpose of monitoring, recording, and issuing a traffic citation by mail.

23 Section 2. No local ordinance shall supersede the provisions of this Act unless such
24 local ordinance specifically prohibits the use of electronic enforcement devices.

25 Section 3. This Act shall become effective upon signature by the governor or, if not
26 signed by the governor, upon expiration of the time for bills to become law without signature
27 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
28 vetoed by the governor and subsequently approved by the legislature, this Act shall become
29 effective on the day following such approval.

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 652 Reengrossed

2024 Regular Session

Deshotel

Abstract: Requires that automated speed enforcement devices authorized by a local municipal authority produce pictures of the driver to impose penalties. Provides for use of electronic enforcement devices and for the issuance of citations by mail. Provides an administrative hearing process for electronic enforcement device citations. Requires highly visible signage for use of electronic enforcement devices.

Present law prohibits local municipal authorities from installing or utilizing automated speed enforcement devices to regulate traffic on interstate roads within their corporate or territorial limits.

Proposed law adds state highways to prohibited areas on which local municipalities or local parish authorities cannot install or utilize automated speed enforcement devices.

Present law excludes highway construction zones, where work is being performed by the Department of Transportation and Development (DOTD) or a private contractor under contract with the DOTD, where construction workers are present. Exempts local municipal and parish authorities.

Present law defines "automated speed enforcement device" as an unmanned or handheld camera or optical device installed to work in conjunction with a traffic control signal or radar speed detection equipment, or both, and designed to collect photographic evidence of alleged traffic violations for the issuance of traffic citations by recording images that depict the license plate or other identifying feature of a motor vehicle not in compliance with instruction of a traffic control signal or posted traffic sign.

Proposed law allows any automated speed enforcement device authorized by a local municipal authority or local parish authority that is not in conflict with the provisions of present law to produce photographic evidence of the driver of the vehicle.

Proposed law specifies that Jan. 1, 2025, local municipal authorities or local parish authorities cannot impose or collect any civil or criminal fine, fee, or penalty as a result of an image produced by an automated speed enforcement device in violation of proposed law.

Proposed law defines "electronic enforcement devices" as automated speed enforcement devices, red light cameras, and mobile speed cameras that issue tickets by mail.

Proposed law provides electronic enforcement devices can only be operated in school zones during school days specifically for one hour prior to and after the school day.

Proposed law provides that revenue from the electronic enforcement devices in school zones must be divided between the governing authority of the school and the municipality and a cooperative endeavor agreement between the municipality and the governing authority must be executed prior to the use of the electronic enforcement devices.

Proposed law requires jurisdictions that submit local match waivers for capital outlay to disclose the amount of revenue generated by the electronic enforcement devices or risk revocation of their waiver unless they have a cooperative endeavor in place between the municipality and the governing authority of the school in which they are operated.

Proposed law provides an exception for local match waivers for capital outlay not to be revoked if they are for water system projects, sewer system projects, or natural gas system projects.

Proposed law specifies that local municipalities can only use automated speed enforcement devices and mobile speed cameras to issue tickets by mail when operated by law enforcement, not within a speed limit change of 10 miles per hour or more, specific visible signs indicate the use of the devices, and clearly identified officers or vehicles are utilizing the devices.

Proposed law provides for an administrative process for citations issued by mail from automated speed enforcement devices with minimum procedures including notice, opportunity to be heard, and the ability to seek judicial review.

Proposed law delineates affirmative defenses to citations issued by automated speed enforcement devices and prohibits them from being considered criminal convictions.

Proposed law adds an attestation clause to the back of citations issued by mail wherein the driver who receives the violation can attest that he was not the owner of the vehicle at the time of the violation or someone else had possession of the vehicle at the time of the violation. Specifies that the driver can provide the information of who was the owner or the driver of the vehicle but is not required to do so.

Proposed law modifies present law to prevent agents, contractors, or subcontractors of a local municipality or jurisdiction from using video recording equipment and monitors to monitor, record, and issue a traffic citation by mail.

Prohibits local ordinances from superseding provisions of proposed law unless the local ordinance prohibits the use of electronic enforcement devices.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 32:43(A)(1), (B), and (C) and 44(A) and 365(B); Adds R.S. 32:43(D), 46, 47, 48 and 49)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill:

1. Add state highways to prohibited areas on which local municipalities or local parish authorities cannot install or utilize automated speed enforcement devices.
2. Make technical changes.

The House Floor Amendments to the engrossed bill:

1. Add a definition for "electronic enforcement devices" to encompass automated speed enforcement devices, red light cameras, and mobile speed cameras that issue tickets by mail.
2. Provide electronic enforcement devices can only be operated in school zones during school days specifically for one hour prior to and after the school day.
3. Provide that revenue from the electronic enforcement devices in school zones must be divided between the governing authority of the school and the municipality and a cooperative endeavor agreement between the municipality

and the governing authority must be executed prior to the use of the electronic enforcement devices.

4. Provide revenue generated from the electronic enforcement devices outside of school zones can only be used for law enforcement purposes.
5. Add that jurisdictions that submit local match waivers for capital outlay must disclose the amount of revenue generated by the electronic enforcement devices or risk revocation of their waiver unless they have a cooperative endeavor in place between the municipality and the governing authority of the school in which they are operated.
6. Provide an exception for local match waivers for capital outlay not to be revoked if they are for water system projects, sewer system projects, or natural gas system projects.
7. Add provision that automated speed enforcement devices and mobile speed cameras for which tickets are issued by mail may only be used by local municipalities and parish authorities when:
 - (a) The device or camera is being operated by trained law or traffic enforcement who is POST-certified. Further provide that no handheld or manned devices operated by deputized agents, contractors, or subcontractors of any agency, office, local municipality, local authority, or any political subdivision of the state can be used to issue a citation violation by mail.
 - (b) The device or camera is not within one half mile of a speed limit change of ten miles an hour or greater, except in school zones.
 - (c) There are bright yellow 48 inch by 48 inch signs, the bottom of which are at least seven feet off the ground clearly indicating a device or camera is present between 500 and 1,000 feet before the device or camera that read "Photo enforcement devices at use".
 - (d) If devices are used in an authorized vehicle, it must be a clearly marked law enforcement vehicle. Further provide that if used by an officer outside of a vehicle, he must wear a reflective vest clearly identifying him as law enforcement or that he is conducting speed enforcement device measures.
8. Prohibit criminal fines or fees from handheld or manned devices for the purpose of issuing a citation violation by mail and prohibit failure to pay the citation from being reported to any credit bureau.
9. Provide for an administrative hearing process for citations issued by mail from automated speed enforcement devices, which must include:
 - (a) A written citation with a detailed description of the violation.
 - (b) The ability to request an administrative hearing before a traffic adjudication hearing officer who must be an independent third party.
 - (c) A clear notice with at least fifteen days to respond.
 - (d) The ability to seek judicial review within thirty days of an adverse decision.

10. Provide affirmative defenses to imposition of civil liability if:
 - (a) The traffic signal was not in position and legible.
 - (b) The vehicle operator was following a lawful order.
 - (c) The operator was yielding to an emergency vehicle.
 - (d) The vehicle was being operated as an emergency vehicle acting in compliance with emergency vehicle in compliance with present law.
 - (e) There are enumerated weather related or hazardous conditions present.
 - (f) The vehicle or license plate was stolen and timely reported to law enforcement.
11. Add provisions that the hearing officer must issue an order clearly stating the decision rendered.
12. Provide that citations issued cannot be considered a criminal conviction and that a civil penalty may not be imposed for traffic signal violations if it was captured by an electronic enforcement device.
13. Add provision for an attestation to be included on the back of citations issued for violations issued by mail so that the driver who receives the violation can attest that he was not the owner of the vehicle at the time of the violation or someone else had possession of the vehicle at the time of the violation. Specify that the driver can provide the information of who was the owner or the driver of the vehicle but is not required to do so.
14. Modify present law to prevent agents, contractors, or subcontractors of a local municipality or jurisdiction from using video recording equipment and monitors to monitor, record, and issue a traffic citation by mail.
15. Add provision that local ordinances cannot supersede the provisions of this Act unless the local ordinance prohibits the use of electronic enforcement devices.
16. Add an upon signature of the governor effective date.