

2025 Regular Session

ACT No. 288

HOUSE BILL NO. 519

BY REPRESENTATIVES GLORIOSO, BAMBURG, BERAULT, CARVER, COATES,
DOMANGUE, HEBERT, HENRY, MANDIE LANDRY, MELERINE, AND
WYBLE AND SENATOR MCMATH

1 AN ACT

2 To amend and reenact R.S. 15:571.11(A)(4), to enact R.S. 32:59, and to repeal R.S. 32:300.5
3 through 300.8, relative to the operation of motor vehicles while using a wireless
4 telecommunications device; to provide for definitions and application of terms; to
5 provide for exceptions; to provide for penalties; to provide for disposition of fines;
6 to provide for limitation on law enforcement; to provide for the prevention of search
7 and inspection; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 15:571.11(A)(4) is hereby amended and reenacted to read as follows:

10 §571.11. Dispositions of fines and forfeitures

11 A.

12 * * *

13 (4) Notwithstanding any provision of law to the contrary, ~~twenty-five dollars~~
14 ~~from all fines collected pursuant to R.S. 32:300.5, 300.6, 300.7, and 300.8~~ one
15 hundred dollars from all fines collected pursuant to R.S. 32:59 for a violation which
16 occurs in a school zone or in a highway construction zone and fifty dollars from all
17 fines collected pursuant to R.S. 32:59 for a violation which occurs in any location
18 other than a school zone or highway construction zone shall be distributed to the
19 indigent defender fund of the judicial district in which the citation was issued.

20 * * *

21 Section 2. R.S. 32:59 is hereby enacted to read as follows:

22 §59. Use of wireless telecommunications device prohibited; exceptions

23 A. Unless otherwise provided in this Subsection, all terms used in this
24 Section shall have the same meaning as defined in R.S. 32:1. As used in this
25 Section, the following terms shall apply:

1 (1) "Autonomous vehicle" means a vehicle that is equipped with autonomous
2 technology as defined in R.S. 32:1, which is licensed to operate on the public roads
3 and highways of this state and shall meet all applicable financial responsibility
4 requirements.

5 (2) "Hands-free wireless telephone" means a wireless telecommunications
6 device that has an internal feature or function, or is equipped with an attachment or
7 addition, whether or not permanently part of such device, by which a user engages
8 in a conversation without the use of either hand. The term "hands-free wireless
9 telephone" as defined in this Paragraph shall not preclude the use of either hand to
10 activate, deactivate, or initiate a function of the device.

11 (3) "Lawfully stationary" means any motor vehicle that has stopped, is in
12 park or neutral, or is standing while in gear and not moving, while also in a travel
13 lane or on the shoulder of a public road or highway, including when such action is
14 necessary to observe or avoid conflict with traffic or in compliance with the
15 directions of law enforcement or a traffic control device or signal.

16 (4) "Motor vehicle" means any self-propelled mechanical device on wheels,
17 designed primarily for use or that is primarily used on public roads and highways.
18 The term "motor vehicle" shall not include autonomous vehicles, all-terrain vehicles,
19 golf carts, vehicles propelled or drawn by horses or human power, or motorists
20 wheelchairs operated by handicapped persons.

21 (5) "Wireless telecommunications device" means a cellular telephone, a text-
22 messaging device, a personal digital assistant, a stand-alone computer or other
23 electronic device, or any other substantially similar portable wireless device that is
24 readily removable from the vehicle and is used to write, send, or read text or data
25 through manual input. The term "wireless telecommunications device" shall not
26 mean any device or component that is permanently affixed to a motor vehicle, or a
27 device used hands-free, citizens band radios, citizens band radio hybrids, commercial
28 two-way radio communications devices, two-way radio transmitters or receivers used
29 by licensees of the Federal Communications Commission in the Amateur Radio
30 Service, or electronic communication devices with a push-to-talk function.

31 B.(1) Notwithstanding any provision of law to the contrary, except as
32 provided in Subsection C of this Section, no person shall operate any wireless

1 telecommunications device while operating a motor vehicle upon any public road or
2 highway, unless the motor vehicle is lawfully stationary.

3 (2) Operating a wireless telecommunications device shall include:

4 (a) Engaging in a call, which means talking or listening during a voice
5 transmission on a wireless telecommunications device or manually entering names
6 or telephone numbers to initiate a voice transmission, except when using a hands-
7 free wireless telephone.

8 (b) Writing, sending, or reading a text-based communication, which means
9 using a text message, instant message, electronic mail, or other text-based
10 application to communicate with any person.

11 (c) Accessing, reading, or posting to a social networking site, which means
12 using a wireless telecommunications device to access, read, or post on such device
13 to any web-based service that allows individuals to construct a profile within a
14 bounded system, articulate a list of other users with whom they share a connection,
15 and communicate with other members of the site.

16 (d) Accessing, viewing, posting, editing, or creating a video, photograph, or
17 other image.

18 (e) Accessing, reading, viewing, composing, browsing, transmitting, saving,
19 or retrieving electronic data from any application or other media.

20 (f) Using any application or feature of a wireless telecommunications device
21 by making manual entries of letters, numbers, symbols, commands, or any
22 combination thereof.

23 (g) Holding or physically supporting a wireless telecommunications device
24 in either or both hands, except for an earpiece or headphone device as defined in R.S.
25 32:295.2(A) or a device worn on the wrist to talk or listen during a voice
26 transmission.

27 C. The provisions of Subsection B of this Section shall not apply to a person
28 who uses a wireless telecommunications device to do any of the following:

29 (1) Report a traffic collision, medical emergency, other emergency, or
30 serious road hazard.

31 (2) Report a situation in which the person believes that an individual is in
32 jeopardy of serious injury or death.

1 (3) Relay information between a transit of a for-hire operator, including a
2 transportation network company driver, and that operator's dispatcher, in which the
3 device is affixed to the vehicle.

4 (4) Operate a wireless telecommunications device while the motor vehicle
5 is lawfully stationary and not in violation of any other law. A utility vehicle or
6 roadside assistance vehicle which is parked while the utility worker or roadside
7 responder is in the course and scope of performing his duties shall be considered
8 lawfully stationary.

9 (5) Use a wireless telecommunications device in an official capacity as an
10 operator of an authorized emergency vehicle while in performance of official duties
11 as a law enforcement officer, firefighter, or emergency services or EMS practitioner.

12 (6) View data or images related to navigation of a motor vehicle using a
13 hands-free global positioning system.

14 (7) Dial 9-1-1 to report a crime in progress.

15 D.(1) Any violation of this Section shall constitute a nonmoving violation.

16 (2) If a violation of this Section occurs in a school zone or in a highway
17 construction zone it shall be a primary offense and shall be punishable as follows:

18 (a) By a fine of two hundred fifty dollars. At the judge's discretion, the fine
19 may be reduced to one hundred dollars with community service not to exceed fifteen
20 hours, at least half of which shall consist of a litter abatement program in a school
21 zone or highway construction zone.

22 (b) If a person is involved in a crash at the time of the violation, then the fine
23 shall be equal to double the amount of the fine imposed in Subparagraph (a) of this
24 Paragraph and the law enforcement officer investigating the crash shall indicate on
25 the written accident report that the person was using a wireless telecommunications
26 device at the time of the crash.

27 (3) If a violation of this Section occurs in any location other than a school
28 zone or highway construction zone it shall constitute a secondary offense when the
29 officer detains a driver for an alleged violation of another provision of this Chapter
30 and shall be punishable as follows:

1 (a) By a fine of one hundred dollars. At the judges discretion, the fine may
2 be reduced to fifty dollars with community service not to exceed fifteen hours, at
3 least half of which shall consist of the litter abatement program.

4 (b) If a person is involved in a crash at the time of the violation, then the fine
5 shall be equal to double the amount of the fine imposed in Subparagraph (a) of this
6 Paragraph and the law enforcement officer investigating the crash shall indicate on
7 the written accident report that the person was using a wireless telecommunications
8 device at the time of the crash.

9 (4) For violations of this Section not resulting in a crash causing bodily
10 injury or death of another person, a person may plead guilty or nolo contendere to
11 the alleged offense and pay the applicable fine specified in this Subsection. If a
12 person pleads guilty or nolo contendere to the alleged offense, the person shall not
13 be required to appear in court if he waives the right to contest the charges and pays
14 the applicable fine specified in this Subsection.

15 (5) Use of a wireless telecommunications device for any purpose provided
16 for in Subsection C of this Section shall be an affirmative defense to a violation of
17 this Section and the operator of a motor vehicle may produce documentary or other
18 evidence in support of his defense.

19 (6) For any violation occurring before January 1, 2026, the law enforcement
20 officer shall only issue a written warning.

21 E.(1) A citation for a secondary offense violation of this Section shall be
22 based solely upon a law enforcement officer's clear and unobstructed view of a
23 person using a wireless telecommunications device as prohibited by this Section.

24 (2) A law enforcement officer shall not do any of the following based solely
25 upon a secondary offense violation of this Section:

26 (a) Seize, search, view, or require the forfeiture of a wireless
27 telecommunications device.

28 (b) Search or request to search a motor vehicle, motor vehicle operator, or
29 passenger.

30 (c) Make a custodial arrest except upon any open warrant including but not
31 limited to a warrant issued for failure to appear in court when summoned or for
32 failure to pay an imposed fine.

1 F. The state preempts the field of regulating the use of a wireless
 2 telecommunications device by the operators of motor vehicles. The provisions of
 3 this Section shall supersede any local laws, ordinances, rules, or regulations enacted
 4 by a parish, municipality, or other political subdivision to regulate the use of a
 5 wireless telecommunications device by the operator of a motor vehicle.

6 G. Beginning April 1, 2027, and continuing until April 1, 2032, the
 7 Department of Transportation and Development and the Department of Public Safety
 8 and Corrections, office of state police shall submit a report annually to the legislature
 9 regarding the impact of the provisions of this Section, including the number of
 10 crashes caused by inattentive or distracted driving for each year, divided by different
 11 areas of the state, as such data is already collected. The report shall be based on data
 12 the Department of Transportation and Development and the office of state police
 13 collect under existing state law.

14 Section 3. R.S. 32:300.5 through 300.8 are hereby repealed.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____