

2017 Regular Session

SENATE BILL NO. 80

BY SENATOR BISHOP

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

TRAFFIC. Authorizes civilian traffic control officer or entity to investigate certain traffic accidents in certain parishes. (8/1/17)

AN ACT

To enact R.S. 32:398(N), relative to traffic accidents; to authorize a civilian traffic control officer or entity to investigate a traffic accident in any parish with a population of not less than two hundred fifty-five thousand nor more than three hundred fifty thousand, based upon the latest federal decennial census; to provide for exceptions; to provide for qualifications and training; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:398(N) is hereby enacted to read as follows:

§398. Accident reports; when and to whom made; information aid; fees for copies; fees for accident photographs

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**N.(1) Notwithstanding the provisions of this Section, in any parish with a population of not less than two hundred fifty-five thousand nor more than three hundred fifty thousand, based upon the latest federal decennial census, the superintendent of police may authorize a civilian traffic control officer or entity to investigate traffic accidents in accordance with the provisions of this Subsection, with the exception of traffic accidents that meet the following**

**criteria:**

**(a) Accidents resulting in the death or injury to any person.**

**(b) Accidents involving a driver who refuses to or cannot provide a driver's license, proof of insurance, or vehicle registration.**

**(c) Accidents involving a driver who is suspected of being under the influence of alcohol, narcotics, or other controlled substances.**

**(2) The superintendent of police shall establish qualifications for any civilian traffic control officer or entity who is authorized to conduct a traffic accident investigation pursuant to the provisions of this Subsection, and shall have the qualifications adopted by the governing authority. A civilian traffic control officer or entity shall be trained by the parish's police department prior to conducting any traffic accident investigation pursuant to the provisions of this Subsection.**

**(3) A civilian traffic control officer or entity, who is authorized to investigate traffic accidents pursuant to the provisions of this Subsection, shall provide an accident report in accordance with the provisions of this Section, but shall not be authorized to issue traffic citations. If the civilian traffic control officer or entity has reason to believe that a criminal offense has occurred or that the traffic accident involves one of the criteria listed in Paragraph (1) of this Subsection, the civilian traffic control officer or entity shall report that information immediately to the parish's police department.**

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Sharon F. Lyles.

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Present law requires a law enforcement officer (state police, sheriff, or local police officer) to investigate and report traffic accidents within their jurisdiction to the Dept. of Public Safety and Corrections.

Proposed law authorizes the superintendent of police in any parish with a population of not less than 250,000 nor more than 350,000, based upon the latest federal decennial census, to authorize a civilian traffic control officer or entity to investigate traffic accidents except when the traffic accident (1) results in the death or injury to any person; (2) involves a driver who refuses to or cannot provide a driver's license, proof of insurance, or vehicle

registration; or (3) involves a driver who is suspected of being under the influence of alcohol, narcotics, or other controlled substances.

Proposed law requires the superintendent of police to establish qualifications for and provide training to a civilian traffic control officer or entity that meets the qualifications prior to conducting any traffic accident investigation under proposed law.

Proposed law requires the civilian traffic control officer or entity to provide an accident report to the DPS&C and to immediately report the accident to the parish police department if he believes a criminal offense has occurred or the accident (1) results in the death or injury to any person; (2) involves a driver who refuses to or cannot provide a driver's license, proof of insurance, or vehicle registration; or (3) involves a driver who is suspected of being under the influence of alcohol, narcotics, or other controlled substances.

Effective August 1, 2017.

(Adds R.S. 32:398(N))