

Regular Session, 2012

SENATE BILL NO. 424

BY SENATOR MARTINY

TRAFFIC. Provides relative to speed cameras. (1/1/13)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

AN ACT

To enact Subpart I-1 of Part IV of Chapter 1 of Title 32 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 32:241, relative to traffic violations; to provide regarding automated traffic enforcement systems; to require certain procedural mechanisms to be in place before civil fines may be imposed; to provide relative to fines imposed prior to the effective date of this Act; to define terms; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Subpart I-1 of Part IV of Chapter 1 of Title 32 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 32:241, is hereby enacted to read as follows:

SUBPART I-1. AUTOMATED TRAFFIC ENFORCEMENT SYSTEMS

§241. Traffic violations; civil fines; automated traffic enforcement systems

A. No governing authority of a local governmental subdivision may impose a civil fine for a violation of any traffic law, ordinance, rule, or regulation recorded by an automated traffic enforcement system unless the local governmental subdivision has an established adjudicatory and appeal process for such matters. The defendant shall be made aware of the adjudicatory and

1 appeal process and his right to confront the witnesses against him in the same
 2 correspondence that notifies him of the alleged violation. The adjudicatory
 3 process shall include a trial wherein the burden of proof shall be on the local
 4 governmental subdivision to prove the violation and the defendant shall be
 5 allowed the opportunity to confront the witnesses who issued the ticket or
 6 summons for the violation if the defendant chooses to do so.

7 B. Any governing authority which, prior to the effective date of this
 8 Section, has imposed civil fines for violations of traffic laws, ordinances, rules,
 9 or regulations captured by an automated traffic enforcement system shall cease
 10 collecting civil fines for such violations until the imposition of such civil fines
 11 has been authorized as provided in Subsection A of this Section.

12 C. For purposes of this Section, the term "automated traffic
 13 enforcement system" means a camera or optical device erected alongside a
 14 public road, street, or highway, or at a traffic light intersection and installed to
 15 work in conjunction with radar speed detection equipment, and designed to
 16 photographically record images of the license plate or other identifying features
 17 of a motor vehicle that is not operated in compliance with instruction of a
 18 posted speed zone sign. The term shall also mean a camera or optical device that
 19 is attached to the outside of a vehicle parked along a public road, street, or
 20 highway and installed to work in conjunction with any radar speed detection
 21 equipment.

22 Section 2. This Act shall become effective on January 1, 2013.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Dawn Romero Watson.

DIGEST

Proposed law prohibits the governing authority of a local governmental subdivision from imposing a civil fine for violation of any traffic law, ordinance, rule, or regulation captured by an automated traffic enforcement system, unless the local governmental subdivision has an established adjudicatory and appeal process for such matters.

Proposed law requires that the defendant be made aware of the adjudicatory and appeal process and his right to confront witnesses against him in the same correspondence that notifies him of the alleged violation. Requires that the adjudicatory process include a trial

wherein the burden of proof is on the local governmental subdivision to prove the violation and that the defendant be allowed the opportunity to confront the witnesses who issued the ticket or summons for the violation if he chooses to do so.

Proposed law provides that any governing authority which, prior to January 1, 2013, imposed civil fines for violations of traffic laws, ordinances, rules, or regulations captured by an automated traffic enforcement system cease collecting civil fines for such violations until an adjudicatory and appeal process as required in proposed law is established.

Proposed law defines "automated traffic enforcement system" as a camera or optical device erected alongside a public road, street, or highway, or at a traffic light intersection and installed to work in conjunction with radar speed detection equipment, and designed to photographically record images of the license plate or other identifying features of a motor vehicle that is not operated in compliance with instruction of a posted traffic sign. Further provides that it shall also mean a camera or optical device that is attached to the outside of a vehicle parked along a public road, street, or highway and installed to work in conjunction with any radar speed detection equipment.

Effective January 1, 2013.

(Adds R.S. 32:241)