Regular Session, 2014

HOUSE BILL NO. 962

BY REPRESENTATIVE BARROW

TRAFFIC/SPEED LIMITS: Prohibits speed traps in the state

1   AN ACT

2   To enact R.S. 32:66, relative to speed limits; to provide for a definition of speed trap; to

3   prohibit speed traps in the state; and to provide for related matters.

4   Be it enacted by the Legislature of Louisiana:

5   Section 1. R.S. 32:66 is hereby enacted to read as follows:

6   §66. Speed Traps

7   A. A "speed trap" is defined as either a particular section of a highway

8   measured as to distance and with boundaries marked, designated, or otherwise

9   determined in order that the speed of a vehicle may be calculated by securing the

10   time it takes the vehicle to travel the known distance, or a particular section of the

11   highway with a prima facie speed limit as provided by statute or local ordinance, if

12   that prima facie speed limit is not justified by an engineering and traffic survey

13   conducted within the past five to seven years, as specified prior to the date of an

14   alleged violation, and enforcement of the speed limit involves the use of radar or any

15   other electronic device that measures the speed of moving objects.

16   B. No peace officer or other authorized officer shall use a speed trap in

17   arresting, or participating or assisting in the arrest of, any person for any alleged

18   violation of this Chapter nor shall any speed trap be used in securing evidence as to

19   the speed of any vehicle for the purpose of an arrest or prosecution under this

20   Chapter.

1   C. Subsection A of this Section shall not apply to:

2   (1) A local street, road, or school zone.

3   (2) When an arresting officer is able to demonstrate that the driver's speed

4   exceeded the prima facie speed limit by at least fifteen miles per hour and that speed

5   is greater than is reasonable and prudent having due regard for weather, visibility,

6   the traffic on, and the surface and width of, the highway, or at a speed that endangers

7   the safety of persons or property.

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)]

Barrow   HB No. 962

Abstract: Provides for the definition of speed traps and prohibits them in the state.

<u>Proposed law</u> defines a "speed trap" as either a particular section of a highway measured as to distance and with boundaries marked, designated, or otherwise determined in order that the speed of a vehicle may be calculated by securing the time it takes the vehicle to travel the known distance, or a particular section of the highway with a prima facie speed limit as provided by statute or local ordinance, if that prima facie speed limit is not justified by an engineering and traffic survey conducted within five to seven, as specified prior to the date of an alleged violation, and enforcement of the speed limit involves the use of radar or any other electronic device that measures the speed of moving objects.

<u>Proposed law</u> prohibits a peace officer or other authorized officer from using a speed trap in arresting any person for an alleged violation. Also prohibits a peace officer or other authorized officer from using a speed trap to secure evidence as to the speed of a vehicle for the purpose of an arrest or prosecution.

<u>Proposed law</u> provides that the law prohibiting officers from using a speed trap in arrests shall not apply to a local street, road, or school zone or when an arresting officer is able to demonstrate that the driver's speed exceeded the prima facie speed limit by at least 15 mph and that speed is greater than is reasonable and prudent having due regard for weather, visibility, the traffic on, and the surface and width of, the highway, or at a speed that endangers the safety of persons or property.

(Adds R.S. 32:66)