

Regular Session, 2013

HOUSE BILL NO. 47

BY REPRESENTATIVE HOLLIS

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

TRAFFIC/VIOLATIONS: Restricts the issuance of certain traffic citations and the imposition of certain civil penalties

1 AN ACT

2 To enact Subpart I-1 of Part IV of Chapter 1 of Title 32 of the Louisiana Revised Statutes
3 of 1950, to be comprised of R.S. 32:241 and 242, relative to traffic violations; to
4 provide relative to automated traffic enforcement systems; to prohibit the sending of
5 a notice to an alleged violator and the imposition of penalties for violations under
6 certain circumstances; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Subpart I-1 of Part IV of Chapter 1 of Title 32 of the Louisiana Revised
9 Statutes of 1950, comprised of R.S. 32:241 and 242, is hereby enacted to read as follows:

10 SUBPART I-1. AUTOMATED TRAFFIC ENFORCEMENT SYSTEMS

11 §241. Definitions

12 When used in this Subpart, the following words and phrases have the
13 meanings ascribed to them in this Section, unless the context clearly indicates a
14 different meaning:

15 (1) "Automated traffic enforcement system" means a camera or optical
16 device erected alongside a public road, street, or highway, or at a traffic light
17 intersection and installed to work in conjunction with a traffic control signal or radar
18 speed detection equipment, or both, and designed to photographically record images
19 of the license plate or other identifying feature of a motor vehicle that is not operated
20 in compliance with instruction of a traffic control signal or a posted traffic sign. The

1 term shall also mean a camera or optical device that is attached to the outside of a
2 vehicle, commonly referred to as a "speed van", parked along a public road, street,
3 or highway and installed to work in conjunction with a traffic control signal or radar
4 speed detection equipment, or both.

5 (2) "Traffic enforcement agency" means a parish or municipality or a
6 company licensed, contracted, or otherwise authorized by the parish or municipality
7 to photographically record images of the license plate or other identifying feature of
8 a motor vehicle that is not operated in compliance with the instruction of a traffic
9 control signal or posted traffic sign.

10 §242. Automated traffic enforcement systems; jurisdictional limitations

11 A. Any traffic enforcement agency which utilizes an automated traffic
12 enforcement system to impose a civil penalty for an alleged violation shall send a
13 notice to an alleged violator only if the vehicle documented in violation of traffic
14 laws is registered to that violator at an address located in a parish or municipality
15 which also utilizes an automated traffic enforcement system.

16 B. A traffic enforcement agency shall be prohibited from sending a notice
17 to an alleged violator whose motor vehicle is not registered at an address within a
18 parish or municipality of this state which utilizes automatic traffic enforcement
19 systems.

20 C. No civil penalty shall be imposed by any traffic enforcement agency for
21 a violation of any traffic law, ordinance, or regulation based upon any image or
22 information captured by an automated traffic enforcement system if the motor
23 vehicle involved in the violation is not registered at an address within a parish or
24 municipality of this state which uses one or more automated traffic enforcement
25 systems.

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)]

Hollis

HB No. 47

Abstract: Restricts the imposition of civil penalties based upon information or images from automated traffic enforcement systems under certain circumstances.

Proposed law defines "automated traffic enforcement system" as any 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 a traffic control signal, or radar speed detection equipment, or both, and designed to photographically record images of a license plate or other identifying feature of a motor vehicle that is not operated in compliance with instruction of a traffic control signal or posted traffic sign. This term includes camera or optical devices attached to the outside of a parked vehicle along public roads working in conjunction with a traffic control signal or radar speed detection equipment, commonly referred to as a "speed van".

Proposed law defines "traffic enforcement agency" as a parish or municipality or company licensed, contracted, or authorized by a parish or municipality to photographically record images of the license plate or other identifying feature of a motor vehicle that is not operated in compliance with the instruction of a traffic control signal or posted traffic sign.

Proposed law provides that a traffic enforcement agency can send a violation notice only to a person whose vehicle is registered at an address located within a parish or municipality that also uses an automated traffic enforcement system.

Proposed law prohibits the imposition of civil penalties for an alleged automatic traffic enforcement system violation if the parish or municipality in which the motor vehicle is registered does not also utilize an automated traffic enforcement system.

(Adds R.S. 32:241 and 242)