

Regular Session, 2008

SENATE BILL NO. 158

BY SENATOR CRAVINS

MOTOR VEHICLES. Prohibits the use of a radar detection device while operating a motor vehicle upon public highways. (8/15/08)

1 AN ACT

2 To enact R.S. 32:66, relative to motor vehicles; to prohibit the use of a radar detection
3 device or similar mechanism while operating a motor vehicle upon public highways;
4 and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

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

7 **§66. Radar detection device; prohibition**

8 **A. (1) No person shall operate a motor vehicle upon the highways of this**
9 **state when such vehicle is equipped with any device or mechanism, passive or**
10 **active, to detect or purposefully interfere with or diminish the measurement**
11 **capabilities of any radar, laser, or other device or mechanism employed by law**
12 **enforcement officers to measure the speed of motor vehicles on the highways of**
13 **the state for law enforcement purposes.**

14 **(2) No person, company, corporation, or association shall sell, lend, rent,**
15 **lease, give, exchange, or otherwise distribute to any person any device or**
16 **mechanism, passive or active, to detect or purposefully interfere with or**
17 **diminish the measurement capabilities of any radar, laser, or other device or**

1 mechanism employed by law enforcement officers to measure the speed of
2 motor vehicles on the highways of the state for law enforcement purposes.

3 B. The provisions of this Section shall not be construed to authorize the
4 confiscation of any such device or mechanism. Any such device or mechanism
5 may be taken by the law enforcement officer if needed as evidence, and when
6 no longer needed, shall be returned to the person charged with a violation of
7 this Section, or at that person's request, and at his expense, mailed to an address
8 specified by him. Any unclaimed devices may be disposed of upon court order
9 after six months have elapsed from the final date for filing an appeal.

10 C. The presence of any such prohibited device or mechanism in or on a
11 motor vehicle on the highways of this state shall constitute prima facie evidence
12 of a violation of this Section; however, a person shall not be guilty of a violation
13 of this Section when the device or mechanism in question, at the time of the
14 alleged offense, had no power source and was not readily accessible for use by
15 the driver or any passenger in the vehicle.

16 D. The provisions of this Section shall not apply to:

17 (1) Any receiver of radio waves utilized for lawful purposes to receive
18 any signal from a frequency lawfully licensed by any state or federal agency.

19 (2) Motor vehicles owned by the state or any political subdivision and
20 used by law enforcement officers in their official capacity.

21 (3) The sale of any such device or mechanism to law enforcement
22 agencies for use in their official capacity.

23 E. A violation of this Section shall be considered a nonmoving violation
24 and a citation issued by a law enforcement officer for a violation of this Section
25 shall not be included on the driver's operating record.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Cathy R. Wells.

DIGEST

Proposed law prohibits any person from operating a motor vehicle upon the highways of this
state when such vehicle is equipped with any device or mechanism, passive or active, to

detect or purposefully interfere with or diminish the measurement capabilities of any radar, laser, or other device or mechanism employed by law enforcement personnel to measure the speed of motor vehicles on the highways of the state for law enforcement purposes.

Proposed law prohibits any person, company, corporation, or association to sell, lend, rent, lease, give, exchange, or otherwise distribute to any person any such device or mechanism.

Proposed law provides that its provisions are not to be construed to authorize the confiscation of any such device or mechanism. Proposed law authorizes any such device or mechanism to be taken by a law enforcement officer, if needed, as evidence, and when no longer needed, proposed law requires such device or mechanism to be returned to the person charged with a violation of the proposed law, or at that person's request, and at his expense, mailed to an address specified by him. Proposed law authorizes any unclaimed devices to be disposed of upon court order after six months have elapsed from the final date for filing an appeal.

Proposed law provides that the presence of any such prohibited device or mechanism in or on a motor vehicle on the highways of this state constitutes prima facie evidence of a violation of the proposed law, but a person is not guilty when the device or mechanism in question, at the time of the alleged offense, has no power source and is not readily accessible for use by the driver or any passenger in the vehicle.

Proposed law provides that its provisions are not applicable to:

- (1) A receiver of radio waves utilized for lawful purposes to receive any signal from a frequency lawfully licensed by any state or federal agency.
- (2) Motor vehicles owned by the state or any political subdivision and used by law enforcement officers in their official capacity.
- (3) The sale of any such device or mechanism to law enforcement agencies for use in their official capacity.

Proposed law provides that a violation is considered a nonmoving violation and prohibits a citation issued by a law enforcement officer for a violation from being included on the driver's operating record.

Effective August 15, 2008.

(Adds R.S. 32:66)