

SENATE BILL NO. 657

BY SENATORS MCPHERSON, ADLEY, ALARIO, AMEDEE, BROOME, CASSIDY,
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MORRISH, MOUNT, MURRAY, NEVERS, QUINN, RISER, SHAW,
SMITH, THOMPSON AND WALSWORTH

1 AN ACT

2 To amend and reenact R.S. 32:1(10), 125(B), 141(C), 296(A)(introductory paragraph),
3 471(1) and (2), and 473.1(A) and (B), and 1735(C), to enact R.S. 32:125(D), Subpart
4 E-1 of Part IV of Chapter 1 of Title 32 of the Louisiana Revised Statutes of 1950, to
5 be comprised of 32:151 through 153, 291.1(C), and 296(C), and to repeal R.S.
6 32:475, all relative to motor vehicles; to create and provide relative to the Open
7 Roads Law; to provide for definitions; to provide relative to motor vehicles stopping,
8 standing, or parking on state roadways and shoulder of roadways; to provide relative
9 to the procedure upon approaching an authorized emergency vehicle; to provide
10 relative to roadway hazard cleanup; to create and provide relative to the Instant Tow
11 Dispatch Pilot Program and the Expedited Towing Pilot Program; to require
12 submission of reports from pilot programs; to require removal of abandoned vehicles
13 from roadways within a certain time; to repeal certain provisions relating to disposal
14 of vehicles; and to provide for related matters.

15 Be it enacted by the Legislature of Louisiana:

16 Section 1. R.S. 32:1(10), 125(B), 141(C), 296(A)(introductory paragraph), 471(1)
17 and (2), and 473.1(A) and (B), and 1735(C), are hereby amended and reenacted, and R.S.

1 32:125(D), Subpart E-1 of Part IV of Chapter 1 of Title 32 of the Louisiana Revised Statutes
2 of 1950, comprised of R.S. 32:151 through 153, 291(C), and 296(C) are hereby enacted, to
3 read as follows:

4 §1. Definitions

5 When used in this Chapter, the following words and phrases have the
6 meaning ascribed to them in this Section, unless the context clearly indicates a
7 different meaning:

8 * * *

9 (10) "Commissioner" means the secretary of the Department of Public Safety
10 **and Corrections.**

11 * * *

12 §125. Procedure on approach of an authorized emergency vehicle; passing a parked
13 emergency vehicle

14 * * *

15 B. When an ~~authorized emergency~~ **any** vehicle making use of any visual
16 signals **as authorized by law, including the display of alternately flashing amber**
17 **or yellow warning lights** is parked on or near the highway, the driver of every other
18 vehicle, ~~as soon as it is safe, shall proceed as follows except when otherwise directed~~
19 ~~by a police officer:~~

20 (1) When driving on an interstate highway or other highway with two or
21 more lanes traveling in the same direction as the emergency vehicle, ~~slow to a speed~~
22 ~~of twenty-five miles per hour until it is safe to proceed at the posted speed limit and~~
23 ~~merge into the lane farthest from the emergency vehicle~~ **yield the right of way by**
24 **making a lane change into a lane not adjacent to that of the authorized vehicle,**
25 **if possible with due regard to safety and traffic conditions.**

26 (2) ~~When driving on a two-lane road, slow to a speed of twenty-five miles per~~
27 ~~hour or the posted speed, whichever is lower, until it is safe to proceed at the posted~~
28 ~~speed limit~~ **Maintain a safe speed for road conditions, if unable or unsafe to**
29 **change lanes.**

30 * * *

1 **D. The open roads agreement required by this Section shall be completed**
2 **and implemented no later than January 1, 2009.**

3 **§152. Police Officer Standards and Training (POST) certified course for**
4 **Traffic Incident Management**

5 **A. Every law enforcement officer in the state shall be trained in a traffic**
6 **incident management POST certified course to be taught at a POST certified**
7 **academy. Any training shall include the basic process to follow for Unified**
8 **Command as contained in The National Incident Management System Law of**
9 **2004. The training shall also include a summary of the open roads agreement**
10 **and Louisiana laws pertaining to traffic incident management. Such training**
11 **program shall be developed by January 1, 2009, and be offered as a course of**
12 **training to all classes after January 1, 2009.**

13 **B. The training program shall also be offered to all other entities that**
14 **respond to emergencies on Louisiana roadways.**

15 **§153. Instant Tow Dispatch Pilot Program; Expedited Towing Pilot Program**

16 **A. The Legislature of Louisiana hereby expresses its intention to**
17 **alleviate extended delays associated with motor vehicle accidents on Louisiana's**
18 **multi-lane highways. A coordinated interagency open roads policy will**
19 **contribute to timely deliveries, safe travel, and improved safe movement of**
20 **goods and persons along critical multi-lane highways.**

21 **B. In order to achieve improved traffic incident management practices**
22 **that will decrease the impact of all types of incidents on Louisiana's multi-lane**
23 **highways, the Department of Transportation and Development and the**
24 **Department of Public Safety and Corrections, office of state police, shall**
25 **coordinate with the Louisiana Motor Transport Association, the Towing and**
26 **Recovery Professionals of Louisiana, and the appropriate municipal and**
27 **parochial law enforcement associations to develop an Instant Tow Dispatch**
28 **Pilot Program for passenger vehicles and an Expedited Towing Pilot Program**
29 **for freight-carrying vehicles, provided for in Subsections C and D of this**
30 **Section.**

1 C.(1) The Instant Tow Dispatch Pilot Program shall develop and
2 implement a plan to reduce the time required to arrive and remove disabled or
3 damaged vehicles. This program shall be developed by the creation of a pilot
4 program in two areas of the state with high density interstate highway traffic.
5 The Department of Transportation and Development is authorized to make
6 "dry run" payments, in an amount to be determined by such department, for
7 tows that are dispatched to the scene of an incident and are not used, provided
8 that the "dry run" is documented by the appropriate Department of
9 Transportation and Development or Department of Public Safety and
10 Corrections, office of state police dispatch center. The Department of
11 Transportation and Development and the Department of Public Safety and
12 Corrections, office of state police along with the other associations provided for
13 in Subsection B of this Section shall:

14 (a) Determine the numbers of incidents tows are used and the time
15 required to complete restoration of traffic.

16 (b) Document the results of the pilot program.

17 (c) Submit a written report to the Senate and House committees on
18 transportation, highways and public works no later than March 1, 2010. Such
19 report shall document proposals for suggested legislation that will alleviate
20 extended delays associated with motor vehicle accidents on Louisiana's multi-
21 lane highways.

22 (2) The Expedited Towing Pilot Program shall develop and implement
23 a plan identifying procedures that will reduce interstate highway blockage time
24 and provide for a more effective incident response performance that will
25 mitigate resulting traffic congestion, as well as efficiently preserving commercial
26 goods. This program shall be developed by the creation of a pilot program in
27 two areas of the state with high density interstate highway traffic that are at a
28 greater risk of incidents involving freight-carrying vehicles. The Department of
29 Transportation and Development and the Department of Public Safety and
30 Corrections, along with the other associations provided for in Subsection B of

1 this Section shall:

2 (a) Determine the number of freight-carrying vehicle incident tows that
3 are used and the time required to complete restoration of traffic.

4 (b) Document loss of any freight.

5 (c) Document the results of the pilot program.

6 (d) Submit a written report to the Senate and House committees on
7 transportation, highways and public works no later than March 1, 2010. Such
8 report shall document proposals for suggested legislation that will alleviate
9 extended delays associated with freight-carrying vehicle incidents on
10 Louisiana's multi-lane highways.

11 D. Prior to implementation of the Instant Tow Dispatch Pilot Program
12 and the Expedited Towing Pilot Program as required in Subsection C of this
13 Section, the participating entities shall develop procedures which they propose
14 will be followed in each of the programs. Such procedures shall be approved by
15 the House and Senate transportation, highways, and public works committees
16 prior to implementation of such programs.

17 * * *

18 §291.1. Roadway hazard cleanup

19 * * *

20 C. Nothing in this Section shall require a tow truck owner, operator, or
21 employee to follow a directive or order that is unsafe or beyond the operational
22 standard or capacity of any equipment being used in cleanup or in removing the
23 roadway hazard. If a tow truck owner or operator refuses to follow a directive
24 or order because of an unsafe condition, no adverse action by a law enforcement
25 agency shall be taken against such owner or operator including removal from
26 any rotation list.

27 * * *

28 §296. Stopping, parking, or standing upon the highway shoulder; driving upon the
29 highway shoulder

30 A. No person shall stop, park, or leave standing any unattended vehicle on

any state highway shoulder ~~when such stopping or parking on the highway shoulder shall obstruct the flow of traffic or is a hazard to public safety~~, unless such stopping, parking, or standing is made necessary by an emergency, except:

* * *

C. If the vehicle is not removed from the highway within twenty-four hours, the provisions of R.S. 32:473.1(B) shall apply.

* * *

§471. Definitions

The following words and phrases, when used in this Chapter, shall have the meanings herein assigned unless the context clearly indicates otherwise:

(1) "Abandoned motor vehicle" means a motor vehicle that is inoperable and is left unattended on public property for more than ~~three days~~ **twenty-four hours**, or is inoperable and left unattended on the shoulder or right-of-way of an interstate or a four-lane highway for more than ~~three days~~ **twenty-four hours**, or a motor vehicle that has remained illegally on public property for a period of more than ~~three days~~ **twenty-four hours**, or a motor vehicle that has remained on private property without the consent of the owner or person in control of the property for more than three days.

(2) "Department" means the Louisiana Department of Public Safety **and Corrections**.

* * *

§473.1. Abandoned vehicle; removal by tow truck operator

A. Whenever any motor vehicle is found to be abandoned by any ~~policing authority~~ **law enforcement officer, such officer** ~~of a municipality or parish by reason of the illegal parking or the stationing of such motor vehicle on a public street, way, road, or highway within the municipality or parish, as the case may be, the municipality or parish, through the appropriate policing authority, shall post a notice on the windshield of the vehicle directing that the vehicle be removed from said location within ~~forty-eight~~ **twenty-four** hours, ~~not to include weekends or legal holidays~~. Additionally, the notice shall direct that the failure to remove the vehicle~~

1 may result in the vehicle's being removed by the municipality or parish, as the case
2 may be, or by a tow truck operator acting on behalf of the municipality or parish.

3 B. If the abandoned motor vehicle is not removed within ~~forty-eight~~ **twenty-**
4 **four** hours, ~~not to include weekends or legal holidays~~, from date of posting of notice,
5 the motor vehicle may be removed and disposed of by a tow truck operator acting
6 on behalf of the municipality or parish. No other action by the municipality or parish
7 shall be required and the procedures provided in this Section shall constitute a
8 request of the municipality or parish to the tow truck operator to remove the vehicle.

9 * * *

10 §1735. Driver's selection of licensed tow company; law enforcement rotation list;
11 minimum requirements; removal from rotation list

12 * * *

13 C. Law enforcement agencies may establish a rotation list of towing
14 companies with tow trucks licensed in accordance with the provisions of R.S.
15 32:1716. However, prior to a tow truck company's participation on a law
16 enforcement agency's rotation list, the tow truck company shall comply with the
17 provisions of R.S. 45:164 and 180.1. ~~Towing companies selected by the law~~
18 ~~enforcement agency to participate in the rotation list shall participate at the discretion~~
19 ~~of the law enforcement agency and may be removed for any violation of law, agency~~
20 ~~rule, or policy.~~ **The Department of Public Safety and Corrections, office of state**
21 **police shall establish minimum standards, rules, and procedures for**
22 **participation in a rotation list which shall be approved by the House and Senate**
23 **transportation, highways, and public works committees prior to their adoption.**
24 **Any local law enforcement agency may adopt minimum standards consistent**
25 **with the office of state police rules or comply with the standards established by**
26 **the office of state police.**

27 Section 2. R.S. 32:475 is hereby repealed.

28 Section 3. This Act shall become effective upon signature by the governor or, if not
29 signed by the governor, upon expiration of the time for bills to become law without signature
30 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____