

**ORDINANCE NO. 6453 of 2024**

BY THE CADDO PARISH COMMISSION:

AN ORDINANCE ADOPTING ARTICLE VII OF CHAPTER 26 OF THE CODE OF ORDINANCES, RELATIVE TO ENFORCEMENT OF SPEED LIMITS BY MEANS OF TRAFFIC CAMERAS AND OTHER ELECTRONIC DEVICES, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, excessive speed on public highways in the Parish has been and remains a serious problem;

WHEREAS, operating a vehicle at a speed in excess of posted speed limits poses a safety hazard to motorists, passengers, cyclists, and pedestrians;

WHEREAS, vehicles traveling over the posted speed limit damages the public by increasing the chances of serious motor vehicle accidents which in turn harm the public by injury and death of individuals and damage to property;

WHEREAS, vehicles traveling over the posted speed limit also impact public resources by increasing expenses of public safety agencies in responding to accidents and reducing the resources available for law enforcement efforts generally;

WHEREAS, the Caddo Parish Commission has established speed limits on parish roads under its home rule charter authority;

WHEREAS, the Caddo Parish Commission is also authorized to provide for the enforcement of speed limits on parish roads; and

WHEREAS, the Caddo Parish Commission desires to increase enforcement efforts regarding excessive speed on roads in the parish so as to protect motorists, cyclists, and pedestrians on those roads.

NOW, THEREFORE, BE IT ORDAINED, by the Caddo Parish Commission in due, legal and regular session convened, that Article VII of Chapter 26 of the Code of Ordinances is hereby adopted to read as follows:

**ARTICLE VII. ELECTRONIC TRAFFIC ENFORCEMENT**

**Sec. 26- 201. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- a) Administrative adjudication hearing shall mean an administrative hearing of violations conducted by the hearing officer.
- b) Administrator shall mean the Parish Administrator or her designee.
- c) Hearing officer/adjudicator shall mean a licensed attorney designated by the Commission who meets the qualifications contained within this section.
- d) Owner shall mean the owner of a vehicle as shown on the vehicle registration records of the Louisiana Office of Public Safety, Office of Motor Vehicles, or the analogous office or agency of another state or county.
- e) Parish shall mean the Parish of Caddo.
- f) Photographic vehicle speed enforcement system or system shall mean a system consisting of an electronic process which is capable of producing one or more recorded images depicting the license plate attached to the rear of a vehicle being operated at a speed in excess of the speed limit. The speed measurement component of the system shall be properly calibrated on a regular basis as determined by the Sheriff and the records of such calibration shall be maintained with the Caddo Parish Sheriff's Department.
- g) Recorded image means an image recorded by the system depicting the rear of a vehicle which is automatically recorded on a photograph or digital image, which also depicts the recorded speed, date, location, and time of the recorded image.
- h) Sheriff shall mean the Sheriff of Caddo Parish or his designee.
- i) Speed limit shall mean the established regulatory speed limit on the subject roadway.
- j) System location means the roadway location toward which a photographic vehicle speed enforcement system is directed and in operation or a segment of roadway on which a vehicle speed enforcement system is in operation.

- k) Total civil violation amount shall mean the original fine amount plus any applicable late fees for failure to pay original fine amount within 30 calendar days from the date of receipt of civil notice of violation.
- l) Violation shall mean the notice of civil violation for speeding for this chapter.

**Sec. 26-202. Imposition of civil violation penalty for violations enforced by a photographic speed enforcement system.**

- a) Except as provided in subsection (c) below, the owner of a vehicle is responsible for a civil violation penalty as shown in the following tables if the vehicle is traveling at a speed in miles per hour (mph) greater than the speed limit as shown when captured by the system in accordance with the vehicle's recorded speed and the corresponding speed limit of the roadway where the notice of civil violation was issued.

MPH Over Speed Limit	Fine
9 MPH to 10 MPH	\$100.00
11 MPH to 20 MPH	110.00
21 MPH to 30 MPH	130.00
31 MPH to 100+ MPH	150.00

Following the guidelines as established by LaDOTD, the following thresholds shall be established ( $\geq$  shall mean greater than or equal to):

Posted Speed Limit (Miles Per Hour)	Minimum Speed for Violation to Be Issued (Miles Per Hour)
15	$\geq 21$
20	$\geq 26$
25	$\geq 31$
30	$\geq 36$
35	$\geq 43$
40	$\geq 48$
45	$\geq 55$
50	$\geq 60$
55	$\geq 65$
60	$\geq 70$
65	$\geq 75$
70	$\geq 80$

- b) Any photographic vehicle speed enforcement system which is hand-held, mounted in or on a trailer or in a fixed position shall be deployed at the discretion of the Sheriff, who shall deploy such systems in his discretion within the Parish. For each speed enforcement system which is hand-held, mounted in or on a trailer or is otherwise considered mobile, portable or easily transported to a different system location, the Parish or its designee shall clearly and conspicuously mark on the outside of the apparatus that contains the speed enforcement system that the system is the property or under the control of the Parish.

**Sec. 26-203. Late payments.**

An owner who fails to pay a civil violation penalty beyond 30 calendar days from the date of mailing the civil notice of violation, inclusive of weekends and legal holidays, shall be subject to a late payment penalty of \$30.00 (e.g., original fine amount + 30 = total civil violation amount including late payment penalty). A notice of civil violation under this article is presumed to have been received on the tenth calendar day, inclusive of weekends and legal holidays, after the date the notice of civil violation is mailed.

**Sec. 26-204. Enforcement; procedures.**

- a) The Parish is responsible for the enforcement and administration of this article, or the Parish may enforce and administer this article in part or in whole, through one or more contractors selected in accordance with applicable law. The actions which can be used to enforce the payment of this civil penalty and related fees include, but are not limited to: referring the debt to collection agencies; and/or initiating actions through a court of competent jurisdiction, or any other lawful means, all in accordance with applicable authority, laws, and procedure.
- b) In the enforcement of this Article, the Parish shall comply with applicable provisions of pertinent state statutes, including without limitation,
  - 1) La.R.S. 32:45;
  - 2) La.R.S. 32:46;
  - 3) La.R.S. 32:47;
  - 4) La.R.S. 32:48;

- 5) La.R.S. 32:49; and
- 6) La.R.S. 32:365(B)(2)
- c) In order to impose a civil violation penalty under this article, the Parish and/or the contracted traffic safety company shall mail a notice of civil violation to the owner of the vehicle responsible for the civil violation penalty not later than the 30th calendar day, inclusive of weekends and legal holidays, after the date the department reviews and inspects the recorded images, and an alleged civil violation is determined by the department to have occurred.
- d) A notice of civil violation issued under this article shall comply with La.R.S. 32:48 and La.R.S. 32:49. It shall also contain the following, to the extent not in conflict with those state statutes:
  - (1) A description of the violation alleged;
  - (2) The date, time, and location of the violation;
  - (3) A copy of a recorded image of the vehicle involved in the violation;
  - (4) The amount of the civil violation penalty to be imposed for the violation;
  - (5) The date by which the civil violation penalty must be paid;
  - (6) A statement indicating the person named in the notice of civil violation may pay the civil violation penalty in lieu of appearing at an administrative adjudication hearing;
  - (7) Information informing the person named in the notice of civil violation:
    - a. Of the right to contest the imposition of the civil violation penalty in an administrative adjudication hearing;
    - b. Of the manner and time in which to contest the imposition of the civil violation penalty; and
    - c. Failure to pay the civil violation penalty or to contest liability within 30 calendar days from the date of receipt of the civil notice of violation, inclusive of weekends and legal holidays, is a waiver of the right to appeal.
  - (8) A statement that a recorded image is evidence in a proceeding for the imposition of a civil violation penalty; and
  - (9) A statement indicating failure to pay the civil violation penalty within the time allowed shall result in the imposition of an additional late penalty for each such violation.
- e) A notice of civil violation under this article is presumed to have been received on the tenth calendar day, inclusive of weekends and legal holidays, after the date the notice of civil violation is mailed.

**Sec. 26-205. Administrative adjudication hearing.**

- a) A person who receives a notice of civil violation may contest the imposition of the civil violation by making a request in writing for an administrative adjudication of the notice of civil violation within 30 calendar days, inclusive of weekends and holidays, after the notice of mailing of the notice of civil violation.
- b) Upon receipt of a request within the prescribed time period within this paragraph, the office and/or the contracted traffic safety company shall notify the person requesting such hearing of the date, time and/or manner of the administrative adjudication hearing.
- c) Administrative adjudications of violations shall be conducted by the hearing officer designated by the Administrator. In conducting administrative adjudications of violations, the hearing officer shall have the following functions, powers and duties:
  - (1) To administer oaths, to accept admissions to, and to hear and determine contests of, violations herein.
  - (2) To require the attendance of persons to give testimony at hearings, and to require the production of data and information, to the extent permitted by law.
  - (3) To adjudicate violations for which a notice of civil violation has been issued herein.
  - (4) To compile and maintain accurate records relating to notice of civil violations, violations and/or dispositions of violations and notice of civil violations.
  - (5) Upon request of the department or a person charged with a violation, or his attorney, to prepare or provide transcripts or audio records of hearings conducted by the hearing officer and to furnish such transcripts or audio records to the requesting person at a reasonable cost.
  - (6) To designate an individual or individuals with the responsibility to answer, within a reasonable period of time, relevant and reasonable inquiries made by a person charged with a violation, or his attorney, concerning the violation.

- (7) The functions and duties in subsections (4), (5), and (6) identified herein may be performed by representatives of the Parish, as directed by the hearing officer.
- (8) To prescribe regulations for the presentation and the conduct of hearings which need not necessarily be in strict conformity with the usual rules of evidence and technical rules of procedure, however, the fundamental principles governing a fair and impartial hearing or trial and due process of law must be reasonably and substantially adhered to.
- d) Except as provided in subsection (i), failure to pay a civil violation penalty or to contest liability beyond 30 calendar days from the date of mailing of the notice of civil violation, inclusive of weekends and legal holidays, constitutes a waiver of the right to contest under subsection (a).
- e) The civil violation penalty shall not be assessed if after a hearing, the hearing officer enters a finding of no liability.
- f) In an administrative adjudication hearing, the issues must be proved at the hearing by a preponderance of the evidence. The reliability of the system used to produce the recorded image of the violation may be attested to in an administrative adjudication hearing by affidavit of a law enforcement officer or a representative of the Sheriff, or by actual testimony by either of them. An affidavit of a sworn law enforcement officer or representative of the Sheriff, or actual testimony by either of them, that alleges a civil violation occurred based on an inspection of the pertinent recorded image is admissible in a proceeding under this article and is prima facie evidence of those facts contained in the affidavit or testified to. Testimony by any person shall be taken under oath or by affirmation, except to the extent such testimony is allowed by affidavit as provided above. The person charged with the ordinance violation may present any relevant evidence and testimony at such hearing.
- g) Adjudication by mail.
  - (1) In cases where a person charged with a violation shows good cause for not attending a hearing, either personally or through a representative, the hearing officer may permit the matter to be adjudicated by mail which adjudication shall be made within 60 days of the date of the citation. Letters, memoranda, affidavits, photographs or other documentary materials shall be admissible as evidence for the purposes of adjudications by mail. The hearing officer may exclude from consideration any material which is not relevant to the adjudication of the alleged violation. Failure of the person charged to proceed with an adjudication by mail after requesting and receiving permission to adjudicate by mail shall constitute an admission by the person charged of liability of the violation and shall subject the person who requested the adjudication by mail to the appropriate fines and costs assessed by the adjudication bureau.
  - (2) If a hearing examiner determines that an adjudication cannot proceed by mail, the person charged shall be notified by first class mail that he must appear to answer the charge at a hearing.
- h) It shall be an affirmative defense to the imposition of civil liability under this article, to be proven by a preponderance of the evidence, that:
  - (1) The operator of the vehicle was acting in compliance with the lawful order direction of a law enforcement or public safety officer;
  - (2) The operator of the vehicle violated the speed limit so as to move out of the way or an immediately approaching authorized emergency vehicle;
  - (3) The vehicle was being operated as an authorized emergency vehicle under R.S. 32:24, and the operator was acting in compliance with R.S. 32:24;
  - (4) The vehicle was being operated in accordance with R.S. 32:300.3—Funeral Processions; however, the operators are not exempt if they fail to comply with division 2, vehicle speed;
  - (5) The vehicle was being operated by a commissioned law enforcement officer performing authorized/assigned tasks;
  - (6) The vehicle was being operated during a bona fide medical emergency which is documented with adequate and sufficient evidence from a medical care facility, as determined by the department;
  - (7) At the time of the violation, the vehicle was in the care, custody or control of another person:
    - a. As set forth in the owner's signed affidavit identifying the name and correct mailing address of the person or entity who had the care, custody and control of the vehicle at the time of the violation.

- b. As set forth in the owner's signed affidavit stating that at the time of the violation the motor vehicle or the license plates of the motor vehicle involved were stolen or were in the care, custody, and control of some person who did not have the owner's permission to use the motor vehicle, or that the motor vehicle or license plates of the motor vehicle were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation. In order to demonstrate that the motor vehicle or license plates were stolen before the violation occurred and were not under the control or possession of the vehicle owner at the time of the violation, the vehicle owner must submit proof that a police report, incident report/general offense report about the stolen motor vehicle or license plates was filed prior to the violation or within 48 hours after the violation occurred.
- c. As set forth in a document, or "transfer of liability," signed and dated by the person, or a representative of the entity, who had the care, custody and control of the vehicle at the time of the violation, indicating his/her responsibility for the violation and listing his/her name and mailing address. Responsibility for the violation shall in such a case be transferred to the person identified in the "transfer of liability."
- d. The tender of a statement of "transfer of liability" shall be for the sole purpose of identifying the person who is assuming responsibility for the violation identified in the notice of civil violation, but all defenses that may be asserted by the person alleged to be responsible are reserved and are not waived by the tender of such document.
- e. As set forth in a lease, rental contract or other agreement listing the name and mailing address of the person or entity who had the care, custody or control of the leased or rented vehicle at the time of the violation. Responsibility for the violation shall in such case be transferred to the lessee.
- i) Notwithstanding anything in this article to the contrary, a person who fails to pay the amount of a civil violation penalty or to contest liability is entitled to an administrative adjudication hearing on the violation if:
  - (1) The person files an affidavit with the office stating the date on which the person received the notice of civil violation mailed to the person; and
  - (2) The person files a request for an administrative hearing within 30 days from the date of receipt of the notice of civil violation, as stated in the affidavit.
- j) The decision of the hearing officer shall be the final decision in the hearing.

**Sec. 26-206. Appointment of hearing officers.**

- a) Administrative adjudication proceedings under this article shall be conducted before hearing officers who have been licensed to practice law in Louisiana for at least two years.
- b) There shall be hearing officers appointed for the adjudication of proceedings under this article who shall serve in accordance with a schedule determined and approved by the Administrator.
- c) There shall be hearing officers appointed by the Administrator subject to confirmation by the Parish Commission.
- d) Hearing officers shall be sworn before to uphold the Constitution, the laws and constitution of the State of Louisiana, and the Charter and ordinances of the City of Shreveport, and to abide by the provisions of the Louisiana Code of Governmental Ethics.

**Sec. 26-207. Orders of the hearing officer.**

- a) Hearing officers at administrative adjudication hearings under this article shall issue an order stating:
  - (1) Whether the person charged with the violation is responsible for the violation; and
  - (2) The amount of any civil violation penalty, late penalty, and administrative adjudication costs assessed against the person.
- b) The orders issued under subsection (a) may be filed with the department. The department shall maintain the hearing officers' orders/determinations.

**Sec. 26-208. Effect of liability; exclusion of civil remedy.**

- a) The imposition of a civil violation penalty under this article shall not be considered a criminal conviction.
- b) A civil violation penalty may not be imposed under this article upon the owner of a vehicle if the operator of the vehicle was arrested or was issued a speeding citation and notice to appear by a law enforcement or public safety officer as a violation of any of the provisions of Subpart A, Part IV, Chapter 1 of Title 32 of the Louisiana Revised States if such violation was captured by the system.
- c) Upon receipt of all documents supplied to the contractor, the hearing officer may enforce collection of all unpaid fines, fees, penalties, late payment penalties and administrative adjudication fees in a court of competent jurisdiction for vehicles registered through a filing with the Louisiana Office of Revenue and the Federal Offset Program.
- d) The Sheriff or contractor, as applicable, shall supply to the hearing officer, or outside counsel bringing suit, all materials and/or testimony necessary to support enforcement.
- e) Defendants in enforcement suits authorized by this section have, until rendition of final judgment, the option of settlement by payment of all outstanding fines, fees, penalties, late payment penalties and administrative adjudication fees, as well as court costs and filing fees incurred (whether prepaid or otherwise) in enforcement. No defendant in such suit shall be required to pay attorney's fees in connection with such settlement.
- f) Any money judgment obtained in a suit to enforce fines levied for violation of this division shall be recorded in the mortgage records of Caddo Parish, and/or any other parish, as a judicial mortgage against the property of the defendant.

**Sec. 26-209. Collections fees and costs.**

In the event a fine or penalty is assessed pursuant to any provision of this Code, a default in the payment of a fine, penalty or any installment of a fine or penalty may be collected by any means authorized for the collection of monetary judgments. The department may retain attorneys and private collection agents for the purpose of collecting any default in payment of any fine or penalty imposed by the Code, or any installment of a fine or penalty. The Parish shall add a 35 percent cost of collections to any outstanding balance that requires the Parish to retain the services of a collection agency. This 35 percent cost includes any default in a fine, penalty or any installment of a fine or penalty that was previously referred to an attorney or private agency and the payment of which remains outstanding.

BE IT FURTHER ORDAINED, that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications which can be given effect without the invalid provisions, items or applications, and to this end the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED, that this ordinance shall take effect upon adoption.

BE IT FURTHER ORDAINED, that all ordinances or parts thereof in conflict herewith are hereby repealed.

**Approved as to legal form:**

\_\_\_\_\_  
**Parish Attorney**

\_\_\_\_\_  
**Date**