



# Traffic Citations

[R.S. 32:393 – 32:398.5](#)

---

## Overview:

The following document is a summary of general principles and guidelines concerning [Traffic Citations](#). This document is presented in a “frequently asked questions” (FAQ) format. While the FAQ is fairly detailed, remember that every situation is unique and that each situation deserves careful individual review.

To facilitate your use of this document, links will direct your attention to text within the document and to related documents posted on the Louisiana Legislative Auditor’s website and on external websites. For example, clicking the question number in the Index will link you directly to the text of the FAQ that you wish to view. Within the FAQ, links will direct you to other areas of the FAQ text and to relevant external documents. Clicking on an individual question number within the text will return you to the Index to allow selection of another question.

## Index

### Court Information:

1. Are courts required to keep records of traffic violations?
2. What is a “traffic violations bureau”?

### Office of Motor Vehicles (OMV) Information:

3. Is the court required to send information related to traffic violations to the Office of Motor Vehicles (OMV)?
4. What information should be submitted to OMV regarding traffic violations?
5. Should voided tickets be sent to OMV?
6. What is the contact information for OMV?
7. Must the court charge a fee for submitting the information to OMV?
8. What information is submitted to the commissioner regarding a highway traffic accident?
9. Is there a form required by the commissioner of DPS & C for filing the accident report?

### Credit Bureau Information:

10. If an offender does not pay the fine, may the public entity send this information to a credit bureau, credit information agency or collection agency?
11. May the public entity contract with a consumer reporting agency to help the entity obtain current information on an individual with an unpaid traffic fine?

## **Accident Reports:**

- 12. Which law enforcement official investigates crashes resulting in injury or death or property damage in excess of \$100?**
- 13. Is there an obligation to provide copies of crash reports?**
- 14. May the local police charge a fee to provide copies of the accident report?**
- 15. Are law enforcement officers obligated to provide other information to interested parties?**
- 16. Are crash reports related to death, injury, or damage to property public records?**
- 17. Are there privacy protections for a citizen's information in accident reports?**
- 18. How does a citizen prevent commercial solicitations regarding an accident?**
- 19. Who prepares the "privacy" or "non-solicitation" form?**
- 20. What is the effect of soliciting an individual who completes and returns the privacy/non-solicitation form?**
- 21. Are there penalties for solicitation?**

## **Citations:**

- 22. What is the appropriate form for traffic citations?**
- 23. What is an "e-ticket"?**
- 24. Is there a record of the citation books issued to officers? Who is responsible for maintaining the record of the books issued to the officers?**
- 25. May officers issue warning citations?**
- 26. What procedure is followed by an officer issuing a traffic citation for an alleged violation of motor vehicle law of the state or a city or town?**
- 27. How is a traffic citation disposed of by a court?**

- 28.** Can a public employee or officer intercept a traffic citation and dispose of it?
- 29.** Are there penalties other than malfeasance for illegal cancellation of a traffic citation?
- 30.** How are traffic citations accounted for by traffic enforcement agencies?
- 31.** Must the CAO follow up on the disposition of the citation by the court?
- 32.** Is it possible to have a traffic violation dismissed?
- 33.** Are audits of the record of traffic citations required?
- 34.** May local municipal authorities adopt state traffic regulations and laws?

### **Louisiana Highway Safety Fund:**

- 35.** What is the law related to “local law enforcement bodies” writing citations for speeds less than ten MPH over the posted limit on interstate highways?
- 36.** What happens to the money deposited into the Louisiana Highway Safety Fund?
- 37.** Is the exemption of home rule charter jurisdictions from the requirements of R.S. 32:266 unconstitutional on the basis of equal protection?

### **Miscellaneous:**

- 38.** What is L.A.C.E.?
- 39.** What if the property damaged in the accident belongs to the Department of Transportation and Development (DOTD) or a local roadway owner?
- 40.** Does the LLA Local Government Services Section have information on Traffic Citation Controls?

### **Attorney General Opinions**

## Traffic Citations

---

### Court Information:

**Q.1. Are courts required to keep records of traffic violations? [R.S. 32:393](#)**

**A.1** Yes, R.S. 32:393 requires, in part, that every court in Louisiana—including mayor’s courts—keep a full report of every case in which a person is charged with a traffic violation. This requirement includes parish and municipal ordinances lawfully established for regulating the operation of motor vehicles on highways.

However, it is important to note that R.S. 33:441, which governs mayor's courts, provides that “there shall be a mayor's court in the municipality, with jurisdiction over violations of municipal ordinances.” Because R.S. 33:441(A)(1) limits the jurisdiction of the mayor's court to violations of municipal ordinances, a mayor's court has no jurisdiction over traffic violations charged under state law and the Louisiana Highway Regulatory Act, R.S. 32:1 - 399. [AG Op. No. 11-0129](#).

**Q.2. What is a “traffic violations bureau”? [R.S. 13:1900](#)**

**A.2.** Originally, a traffic violations bureau was a division within a city court that handled traffic violations. These bureaus were first created in Louisiana in 1960 through the enactment of R.S. 13:1900. This law vested a city court judge with the authority to establish a traffic violations bureau, under his or her supervision and as part of his or her court. In 1983 substantial changes were made by amendment to R.S. 13:1900. The statute now vests mayors in any municipality, except New Orleans, in which a traffic violation bureau is not already being operated in the city court, with the authority to establish, under his/her supervision, a traffic violations bureau. As to those municipalities where a traffic violation bureau already exists as of the time of the amendment, the statute provides that the mayor of the municipality in which it operates can assume the responsibility and supervision of the traffic violations bureau. As to any existing bureaus that are not assumed by the mayor of its municipality, the statute provides that those bureaus can continue to operate until such time as they are assumed by the mayor of that municipality.

The provisions of R.S. 13:1900 do not apply to any city court in the parishes of Acadia, Allen, Ascension, Avoyelles, Beauregard, Caddo, Calcasieu, Concordia, East Baton Rouge, Evangeline, Franklin, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Lincoln, Livingston, Morehouse, Natchitoches, Rapides, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Vermilion,

Vernon, Washington, Webster, West Baton Rouge, Winn, Pointe Coupee, East Feliciana, West Feliciana, East Carroll, Madison, St. James, Red River, and Grant.

### **Office of Motor Vehicles (OMV) Information:**

**Q.3. Is the court required to send information related to traffic violations to the Office of Motor Vehicles (OMV)? [R.S. 32:393](#)**

**A.3.** Yes, R.S. 32:393 requires that when a person is convicted of a traffic violation and sentenced or bail is forfeited or other final disposition is made, an abstract of the report (excluding parking convictions) shall be sent by the court (including mayor's courts) or the district attorney to the Office of Motor Vehicles (OMV). The report should be sent no later than 30 days after the date of conviction and sentencing, forfeiture of bail and final judgment of forfeiture, or the final disposition of case.

**Q.4. What information should be submitted to OMV regarding traffic violations?**

**A.4.** To process the citation, OMV requires the following information: (1) a copy of the citation; (2) the driver's license number of the violator; (3) the violator's date of birth; (4) the date of the violation; (5) the violation cited; (6) the violation charge; (7) the ticket number; (8) whether or not the vehicle was a commercial or private vehicle; (9) the name of the court; (10) the court/conviction date; (11) the docket number; (12) the disposition of the violation; and (13) the license class of the violator (i.e., A, B, C, D, or E).

R.S. 32:393 states that the commissioner prepares forms for the abstract, and the abstract is certified by the judge or clerk of the court, or the district attorney if it is sent by the DA.

**Q.5. Should voided tickets be sent to OMV?**

**A.5.** No, voided tickets will not be added to the offender's official driving record.

**Q.6. What is the contact information for OMV?**

**A.6.** Questions about reporting traffic citations to OMV may be directed to a manager at (225) 925-6146. The mailing address is: OMV, P.O. Box 64886, Baton Rouge, LA 70896, and the OMV website can be accessed at [www.expresslane.org](http://www.expresslane.org).

**Q.7. Must the court charge a fee for submitting the information to OMV?**

**R.S. 32:393**

- A.7.** Yes, R.S. 32:393 mandates the court to charge a fee of \$2.00 for each conviction or forfeiture of bail, and the fee is added to the fine of the offender. However, in Orleans Parish, the fee shall be \$10.00 for the conviction or forfeiture of bail.

The fee shall be retained by the court to cover the cost of preparing and submitting the abstract of the report to the commissioner.

The City of Bossier is authorized to charge an additional fee of \$1.00.

**Q.8. What information is submitted to the commissioner regarding a highway traffic accident?**

**R.S. 32:397**

(Note: **R.S. 32:1(16)** defines the commissioner as the secretary of DPS & C)

- A.8.** The accident report [See **Q.9.**] should be sufficiently detailed to disclose the cause, the conditions, the persons and vehicles involved, names of liability carriers and policy numbers for the vehicles, and the name, address and telephone number of the insurance agents who procured the liability policies for the vehicles.

**Q.9. Is there a form required by the commissioner of DPS & C for filing the accident report?**

**R.S. 32:397(A)**

- A.9.** Yes, the commissioner shall prepare the accident report form and may supply it to the police and sheriff's offices and other suitable agencies.

**Credit Bureau Information:**

**Q.10. If an offender does not pay the fine, may the public entity send this information to a credit bureau, credit information agency or collection agency?**

**R.S. 32:393(C)(2)**

- A.10.** Information regarding unpaid parking fines shall not be sent to any of the above listed agencies.

**La. R.S. 13:1898** allows a municipal governing authority to contract with a third party collection agency to collect "fines forfeitures, penalties and costs" of the city court or mayor's court.

Failure of an individual to pay fines for traffic violations shall not be reported to any consumer reporting agency and shall not appear on any consumer report for the individual until 120 days have passed from the final disposition (final conviction, not capable of appeal or review, and not subject to dismissal) of the traffic fine. R.S. 32:393(C)(3)

**Q.11. May the public entity contract with a consumer reporting agency to help the entity obtain current information on an individual with an unpaid traffic fine? [R.S. 32:393\(C\)\(2\)](#)**

**A.11.** Yes, but the consumer reporting agency may not give the public entity any information other than the individual's name, social security number, present and previous address, phone number, and present and previous place of employment.

The consumer reporting agency may not provide any financial information to any public entity unless the individual consents to the release of that information.

Failure of an individual to pay fines for traffic violations shall not be reported to any consumer reporting agency and shall not appear on any consumer report for the individual until 120 days have passed from the final disposition (final conviction, not capable of appeal or review, and not subject to dismissal) of the traffic fine. R.S. 32:393(C)(3)

### **Accident Reports:**

**Q.12. Which law enforcement official investigates crashes resulting in injury or death or property damage in excess of \$100? [R.S. 32:398\(B\)](#)**

**A.12.** If the crash is outside the corporate limits of a city or town, the state police or the sheriff shall investigate the accident. If inside the corporate limits, the police department shall investigate.

**Q.13. Is there an obligation to provide copies of crash reports? [R.S. 32:398\(D\)](#)**

**A.13.** Yes, State Police, any local police department, or any sheriff's office shall provide copies of crash reports and may charge a fee, not to exceed the sum of \$5.00 per report that does not exceed two pages, and \$20.00, inclusive of all service fees and other charges, per report that exceeds two pages.

If State Police establishes a lesser charge for electronic copies of crash reports, then a local police department or sheriff's office shall charge the amount established by State Police for any electronic copies of crash reports.



**Q.14. May the local police charge a fee to provide copies of the accident report?**

**R.S. 32:398**

**A.14.** R.S. 32:398(D)(1) authorizes State Police, any local police department, and any sheriff's office to charge a reasonable fee not to exceed \$5 for copies of accident reports that are 2 pages or less and \$20, inclusive of all service fees and other charges, per report to provide copies of accident reports exceeding 2 pages. For electronic copies, this amount that may be charges shall be reduced if state police establish a lesser charge for such electronic copies.

**Q.15. Are law enforcement officers obligated to provide other information to interested parties?**

**R.S. 32:398(E)**

**A.15.** Yes, State Police, any local police department, or any sheriff's office shall provide copies of photographs of crashes or other photographs required of the investigating agency, video recordings, audio recordings, and any extraordinary-sized documents, or documents stored on electronic media, to any interested person upon request and may charge a reasonable fee for copies.

**Q.16. Are crash reports related to death, injury, or damage to property public records?**

**R.S. 32:398(I)**

**A.16.** No, these reports are confidential and are exempt from public records requests.

They shall be provided only to:

- the parties to the crash,
- parents or guardians of a minor who is a party to the crash, and
- insurers, or an insurance support organization under contract to provide claims and underwriting, of any party who is the subject of the report;
- to any healthcare provider, or their agent, that rendered healthcare services to any party which is the subject of the report;
- the succession representatives of those parties, or to the attorneys of the parties or succession representatives; or
- a news-gathering organization that requests documents related to a specific crash.

Upon request, accident reports shall be made available to the above-enumerated persons within seven working days following the completion of the accident investigation.

A “news-gathering organization” for the purposes of this statute is defined as:

- A newspaper, or news publication, printed or electronic, of current news and intelligence of varied, broad, and general public interest, having been published for a minimum of one year and that can provide documentation of membership in a statewide or national press association, as represented by an employee thereof who can provide documentation of employment with the newspaper, wire service, or news publication.
- A radio broadcast station, television broadcast station, cable television operator, or wire service as represented by an employee thereof who can provide documentation of employment.

An “insurance support organization” for the purposes of this statute is defined as:

- Any person who regularly engages, in whole or in part, in the practice of assembling or collecting information about natural persons for the primary purpose of providing the information to an insurance institution or agent for insurance transactions, including the furnishing of consumer reports or investigative consumer reports to an insurance institution or agent for use in connection with an insurance transaction.
- The collection of personal information from insurance institutions, agents, or other insurance support organizations for the purpose of detecting or preventing fraud, material misrepresentation, or material nondisclosure in connection with insurance underwriting or insurance claim activity.
- Agents, governmental institutions, and insurance institutions, shall not be considered an “insurance support organizations”.

**Q.17. Are there privacy protections for a citizen’s information in accident reports?**  
**R.S. 32:397.1**

**A.17.** Yes, Article I, Section 5 of the Constitution provides protection to citizens from unreasonable invasions of privacy. A statutory procedure (see **Q.18**) allows citizens to prohibit commercial solicitation connected to an accident from attorneys, insurers, repair shops, and health care providers, and others.

**Q.18. How does a citizen prevent commercial solicitations regarding an accident?**

**R.S. 32:397.1**

**A.18.** All law enforcement agencies shall provide a form (See [Q.19](#)) to each person whose name appears in a traffic accident report. The form provides a method of stating that the person does not wish to be solicited by specific commercial businesses or by any business.

The law enforcement officer shall file the form with the accident report. Once filed, the form becomes a public record and shall be binding on all businesses listed on the form.”

PROCEDURE:

- Each law enforcement officer who investigates and writes up a traffic accident shall furnish a “non-solicitation” form to each person whose name appears in the accident report.
- Each form that is returned to the law enforcement officer shall be filed with the accident report.
- Upon filing, the form shall become public record, and under the “public records doctrine” shall become binding on all businesses that are listed on the form.

**Q.19. Who prepares the “privacy” or “non-solicitation” form?**

**R.S. 32:397.1(C)**

**A.19.** The office of motor vehicles shall establish a form which shall be made available, at cost, to all law enforcement agencies. The form shall provide each person who is involved in a traffic accident with a method of stating that the person does not wish to be solicited by specific commercial businesses. The businesses shall include but shall not be limited to attorneys, health care providers, motor vehicle repair businesses, and insurance businesses. The form shall allow the person who was involved in the accident to state that the person does not wish to be solicited by specific businesses or does not wish to be solicited by any businesses.

**Q.20. What is the effect of soliciting an individual who completes and returns the privacy/non-solicitation form?**

**R.S. 32:397.1(G)**

**A.20.** When a form has been executed by a person who was involved in a traffic accident, and the form has been filed with an accident report, the solicitation of that citizen by a business with regard to any commercial activity that is

reasonably related to the accident that is the subject of the report, in contravention of the statement on the form, is declared to be an unreasonable invasion of privacy as denounced by the provisions of Article I, Section 5 of the Constitution of Louisiana, and is prohibited.

**Q.21. Are there penalties for solicitation? [R.S. 32:397.1\(H\) and\( I\)](#)**

**A.21.** Yes, a violator shall be fined not more than \$1,000, or imprisoned for not more than six months, or both. In addition to the criminal penalties of Subsection H, a violation of the prohibition of Subsection G may be considered a violation of the ethical requirements of any profession or business that is regulated by a governing body created or recognized by law, and may subject the violator to sanctions by that governing body, including suspension or revocation of any license, permit, certificate, or similar document held by the offender.

NOTE: *Paragraph (J) of R.S. 32:397.1 provides: “the provisions of this Section shall not prohibit the sale of police accident reports or other driving record information to consumers of on-line driving records under written contracts with the [DPS & C]. The department shall include a clause in all such contracts that precludes the release of information in contravention of this Section.”*

**Citations:**

**Q.22. What is the appropriate form for traffic citations? [R.S. 32:398.1\(A\)](#)**

**A.22.** The appropriate hard copy form for traffic citations contains a notice to appear and is in books, quadruplicate copies and must meet the requirements of Title 32, Part VII-A approved by the commissioner. The statutes also authorize electronic tickets meeting the requirements of the statutes and approved by the commissioner.

**Q.23. What is an “e-ticket”? [R.S. 32:398.1\(A\)](#)**

**A.23.** An electronic ticket or e-ticket is a ticket that is electronically generated and transmitted.

**Q.24. Is there a record of the citation books issued to officers? Who is responsible for maintaining the record of the books issued to the officers?**

**[R.S. 32:398.1\(B\)](#)**

**A.24.** Citation books must be strictly overseen. The chief administrative officer of each traffic enforcement agency issues the books to all members of the agency and

maintains a record of each book and each citation contained in the book. The chief administrative officer must require and retain a receipt for each book issued. AG Op. No. 87-332 discusses the oversight of citation books for municipalities. The procedure for issuance and tracking citations is the same as the one discussed in the above paragraph. The AG also discusses “spoiled tickets” stating:

**The chief administrator of the traffic enforcement agency shall require all officers under his supervision to return to him a copy of every traffic citation issued by the officer and all copies of every traffic citation which has been spoiled or upon which an entry has been made without having issued the citation to the alleged violator. He shall also maintain or cause to be maintained, in connection with every traffic citation issued by an officer under his supervision, a record of the disposition of the charge by the Court (or traffic bureau) in which the original or a copy of the citation was deposited.**

**Q.25. May officers issue warning citations?**

**R.S. 32:398.1(C)**

**A.25.** Yes. Prior to 2018, Louisiana law, R.S. 32:398.1(C) strictly prohibited issuance of warning citations for violations of the motor vehicle law. However, [Act 192 of the 2018 Regular Session](#) repealed this provision.

**Q.26. What procedure is followed by an officer issuing a traffic citation for an alleged violation of motor vehicle law of the state or a city or town?**

**R.S. 32:398.2(A)**

**A.26.** The officer must deposit the original citation or a copy with a court with jurisdiction over the offense or with the appropriate traffic violations bureau.

Note that a violation of R.S. 32:80(A) [overtaking and passing a school bus] must be deposited only with a court and not a “bureau”. [See [Q.2.](#)]

**Q.27. How is a traffic citation disposed of by a court?**

**R.S. 32:398.2(B)**

**A.27.** A citation is disposed of only by trial in the court of proper jurisdiction or other official action by a judge of the court, including forfeiture of bail or deposit of sufficient bail with the traffic violations bureau or payment of a fine to the bureau by the offender. A court of proper jurisdiction includes a mayor’s court with jurisdiction over the matter.

**Q.28. Can a public employee or officer intercept a traffic citation and dispose of it? [R.S. 32:398.2\(C\)](#)**

**A.28.** No. It is unlawful for an officer or a public employee to dispose of a traffic citation or a copy or the record of the issuance of the citation other than as required by law.

Also, AG Op. No. 98-426 states that a city marshal has no authority to amend or dismiss a traffic citation because all citations shall be disposed of only by trial or acceptance of a plea in open court. See also, [AG Op. No. 11-0129](#). It is malfeasance to dispose of a citation in an unlawful manner. [R.S. 14:134](#)

**Q.29. Are there penalties other than malfeasance for illegal cancellation of a traffic citation? [R.S. 32:398.3\(A\)](#)**

**A.29.** Any person who cancels or solicits cancellation of any traffic citation other than as provided by law shall be guilty of a misdemeanor and upon conviction be fined not more than \$500.00 or imprisoned not more than six months, or both.

**Q.30. How are traffic citations accounted for by traffic enforcement agencies? [R.S. 32:398.2\(D\)](#)**

**A.30.** The chief administrative officer (CAO) of each traffic enforcement agency in the state shall require all officers to return a copy of every citation issued for a violation of the law or ordinances and shall require return of all spoiled citations or return of a citation upon which an entry was made but the citation was not issued to the alleged violator. In short, every citation must be tracked by the CAO.

**Q.31. Must the CAO follow up on the disposition of the citation by the court? [R.S. 32:398.2\(E\)](#)**

**A.31.** Yes, the CAO shall maintain a record of the disposition of the charge by the court or bureau in which the original citation or a copy was deposited.

**Q.32. Is it possible to have a traffic violation dismissed? [R.S. 32:398.2\(F\)](#)**

**A.32.** Yes, nothing prohibits or interferes with the power of the District Attorney or other prosecuting attorney to dismiss a traffic citation or charge by entry of a *nolle prosequi*, [i.e. suit is abandoned.]

Note that AG Op. No. 02-0026 states that the mayor can make a *nolle prosequi* decision on traffic tickets before his or her court.

**Q.33. Are audits of the record of traffic citations required? [R.S. 32:398.3\(B\)](#)**

**A.33.** Yes, the appropriate fiscal officer of the governmental agency to which the traffic enforcement agency is responsible shall audit the record of traffic citations quarterly.

**Q.34. May local government authorities adopt state traffic regulations and laws? [R.S. 32:41\(C\)](#)**

**A.34.** Yes, local municipal authorities may adopt by reference all or any part of the LA Highway Regulatory Act, Title 32, Chapter 1. [R.S. 32:42\(C\)](#)

Local parish authorities have the power to adopt ordinances regulating matters listed in R.S. 32:41 (discussed above) with respect to highways other than State-maintained highways and with respect to public roads within the parish limits but outside corporate limits of municipalities.

### **Louisiana Highway Safety Fund:**

**Q.35. What is the law related to “local law enforcement bodies”\* writing citations for speeds less than ten MPH over the posted limit on interstate highways? [R.S. 32:266\(B\)\(1\)](#)**

**A.35.** All fines or penalties collected by or on behalf of a local law enforcement body for citations issued for exceeding the posted speed limit by fewer than ten (10) miles per hour on an interstate highway shall be forwarded to the state treasurer and credited to a special fund that is created in the state treasury and designated as the “Louisiana Highway Safety Fund.”

\*“Local law enforcement body” means any law enforcement body seated in a jurisdiction that is not governed by a home rule charter and that has the authority to write civil or criminal traffic citations within that area and all the agents or contractors thereof. R.S. 32:266(A)(2)

**Q.36. What happens to the money deposited into the Louisiana Highway Safety Fund? [R.S. 32:266\(B\)\(2\)](#)**

**A.36.** The monies in the Louisiana Highway Safety Fund shall be used solely to fund the costs to purchase and install permanent radar speed displays on interstate highways in the amounts appropriated each year to the Department of Transportation and Development (DOTD) by the legislature.

Any surplus monies and interest remaining to the credit of the fund on June 30th of each year after all such appropriations of the preceding fiscal year have been made shall remain to the credit of the fund, and no part shall revert to the state general fund.

**Q.37. Is the exemption of home rule charter jurisdictions from the requirements of R.S. 32:266 unconstitutional on the basis of equal protection?**

**A.37.** R.S. 32:266 applies only to Lawrason Act municipalities. The Attorney General opinion ([AG Op. No. 09-0184](#)) states that the exemption of home-rule charter municipalities from the mandates of R.S. 32:266 does not violate the guarantees of equal protection afforded by the United States Constitution or the Louisiana Constitution, because a municipality, as a political subdivision of the State, is not entitled to equal protection guaranteed by law.

The constitution guarantees equal protection to persons, not public entities. Thus, creating a distinction between Lawrason Act municipalities and home rule charter municipalities is not a constitutional violation.

**Miscellaneous:**

**Q.38. What is L.A.C.E.?**

**A.38.** L.A.C.E. stands for a Local Agency Compensated Enforcement detail which is established pursuant to an intergovernmental agreement. Prior to implementing a L.A.C.E. program, the chief of police, city judge and prosecuting attorney must agree to implement the program, and the criminal court fund authorized by [R.S. 15:571.11\(L\)](#) may be used to fund L.A.C.E. Monies from the criminal court fund to L.A.C.E. are used to pay off-duty police officers to provide law enforcement services. The AG can provide a sample of a L.A.C.E. intergovernmental agreement. See [AG Op. No. 11-0185](#), [AG Op. No. 07-0193](#); [AG Op. No. 07-0055](#); AG Op. No. 88-0258 AG Op. No. 87-0244A and AG Op. No. 87-0244.

**Q.39. What if the property damaged in the accident belongs to the Department of Transportation and Development (DOTD) or a local roadway owner? [R.S. 32:398\(K\)\(1\)&\(2\)](#)**

**A.39.** All police, state or local, should immediately contact the district office of DOTD or the local roadway owner when called to the scene of an accident where that department's or local roadway owner's property has been damaged.



Upon completion of the investigation, all police, state or local, shall make available, at no cost to the DOTD or local roadway owner copies of crash reports that indicate damage to property of the DOTD or the local roadway owner.

**Q.40. Does the LLA Local Government Services Section have information on Traffic Citation Controls?**

**A.40.** Yes, click on the link: [CONTROLS OVER TRAFFIC TICKETS](#)

**Attorney General Opinions:**

**AG Op. No. 21-0108:** Louisiana law prohibits the requirement or expectation that a law enforcement officer issue a specified number of traffic citations. A municipality may obtain budgetary information from a court including an estimate of the amount of money the court anticipates will be collected in a budget year.

**\*\*\*Recalls AG Op. No. 05-0038 and AG Op. No. 97-0470.**

**AG Op. No. 20-0069:** A privately owned street is not a “highway” under the Louisiana Highway Regulatory Act (Act), R.S. 32:1, et seq. Therefore, a municipality may not enforce the Act under its general authority provided by R.S. 32:5(A), unless the owner of the private roadway has requested that the municipality adopt ordinances to enforce provisions of the Act and/or establish and enforce speed limits or speed zones, and the municipality has adopted such ordinances pursuant to R.S. 32:41(E).

**AG Op. No. 19-0039:** Only “law enforcement officers” with the authority of a “peace officer” as provided by law may enforce the provisions of the Louisiana Highway Regulatory Act. The City may not authorize non-law enforcement officers to enforce provisions of the Act. Thus, civilian employees of a private contractor are not authorized to enforce limited provisions of the Act concerning investigations of traffic accidents and issuing citations.

**AG Op. No. 15-0110:** Absent establishment of a mayor’s court, a village may not accept payments for violations of municipal traffic ordinances. Any payments received from such violations must be deposited with the District Court, who has jurisdiction over the violations.

**AG Op. No. 15-0104:** Funds generated through a municipality’s traffic enforcement detail must be deposited into the municipality’s general fund. Drug asset forfeiture funds must be kept separate from the municipality’s general fund pursuant to R.S. 40:2616, but must still be allocated to the department prior to expenditure.

**AG Op. No. 13-0229:** La. R.S. 33:422 and La. R.S. 13:1898 require that fines collected from tickets issued by a police officer in a Lawrason Act municipality be deposited into the municipal treasury.

**AG Op. No. 11-0129:** The magistrate of the mayor's court may not reduce a moving violation to a nonmoving violation. Rather, the authority to reduce a moving violation to a nonmoving violation rests with the town attorney, appointed pursuant to La. R.S. 33:404(A)(3), who serves as prosecutor in the mayor's court. The prosecuting attorney is the only person who may amend a criminal charge. See AG Op. No. 06-0075.

**AG Op. No. 09-0184:** The exemption of home-rule charter municipalities from the mandates of R.S. 32:266 does not violate the guarantees of equal protection afforded by the United States Constitution or the Louisiana Constitution, because a municipality, as a political subdivision of the State, is not entitled to equal protection of the law as guaranteed by the Fourteenth Amendment to the United States Constitution or Article I, Section 3 of the Louisiana Constitution.

**AG Op. No. 08-0010:** The chief administrative officer of each traffic enforcement agency is required to maintain and file a record of the disposition of each traffic citation issued. The court or district attorney must send an abstract of the report to the Department of Public Safety and Corrections.

**AG Op. No. 06-0008:** Discusses duties and responsibilities of mayor, board of aldermen and chief of police relative to mayor's court and traffic citations.

**A.G. Op. No. 05-0021:** “[D]espite the fact that the improved law enforcement is a laudatory endeavor, we are unaware of, and our research did not reveal, any provision of law which would obligate or authorize the use of public funds entrusted to the City Courts, for the fair and impartial administration of justice and the proper operation of the courts, to be utilized for the enhancement of the department's ability to collect evidence. To the contrary, the constitution prohibits the courts from engaging in such activities. Accordingly, it is the opinion of this office that the Abbeville City Court cannot equip, or fund the equipping, of Abbeville Police Department patrol units with cameras, radar and other equipment, even though the City Court would indirectly benefit financially thereby.”

**AG Op. No. 00-0197:** Mayor's courts have jurisdiction to conduct trials, determine guilt, and impose sentences including fines and imprisonment for breach of municipal ordinances. Mayor's courts may impose penalties for breach of municipal ordinances where the fine does not exceed \$500.00, or by imprisonment by not more than sixty days, or both.

**AG Op. No. 97-0118**: Concerns legality of proposed compensation to mayor and clerk of mayor's court with monies collected from fines imposed in mayor's court. References AG Op. Nov. 22, 1972 which states:

**A mayor may not constitutionally sit as a judge of a mayor's court if a substantial part of the municipality's income is derived from fines, forfeitures, fees, and costs imposed by the mayor's court and the mayor's power and responsibility in financial matters is great enough to warrant an inference that he [or she] cannot be considered an impartial judge and might be tempted to maintain the high level of income contribution from this source. Op. Atty. Gen., Nov. 22, 1972.**