

State of Louisiana  
Highway Safety Program



2010 Annual Report

Prepared for the  
U.S. Department of Transportation  
National Highway Traffic Safety Administration  
By the  
Louisiana Highway Safety Commission

Sheriff Tony Mancuso, Chairman  
Lt. Colonel John A. LeBlanc, Executive Director  
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The mission of the Louisiana Highway Safety Commission is to reduce traffic fatalities and injuries on Louisiana roadways. Thanks to the guidance and dedication of the LHSC staff, numerous partnerships with traffic safety professionals, and the leadership of Governor Jindal, policy makers, and elected officials we experience a reduction in fatalities and injuries. We remain keenly aware of the long term traffic safety problems and will fervently rely on the best practices and programs to put in place thus allowing local communities and the state to address the terrible human tragedy and economic costs associated with traffic crashes.



### **Executive Summary**

The Louisiana Highway Safety Commission (LHSC) administers the State's highway safety grant program in accordance with the provisions and all amendments of the Highway Safety Act of 1966 (Public Law 89-564). Louisiana's highway safety program is designed to reduce traffic crashes and the resulting deaths, injuries, and property damage.

The following Annual Report reflects Highway Safety Program Objectives, which are derived from the Program Performance Budget Objectives as required by the State of Louisiana.

In addition to the Section 402 program, the LHSC expended funding from multiple special grant funds.

- Section 154/164 – Open Container and Repeat Offender Hazardous Elimination Funds
- Section 405a – Occupant Protection Incentive Funds
- Section 406 – Safety Belt Incentive
- Section 408 – Data Program
- Section 410 – Impaired Driving (Programmatic, High Fatality Rate, and High Visibility)
- Section 2010 – Motorcycle

These funding areas support Louisiana programs for Planning and Administration, Alcohol, Motorcycle, Occupant Protection, Child Passenger Restraint, Youth Involved Crashes, Police Traffic Services, Traffic Records, Paid Media, Railroad, Safe Communities, and Hazard Elimination.

The Louisiana Highway Safety Commission's mission is to develop and implement a comprehensive strategy aimed at saving lives and preventing injuries on our highways. We strive to attain our mission through a comprehensive statistical analysis, thorough planning, and the development of partnerships, supportive implementation, consistent evaluation, and program

assessments. The 2010 Annual Report reflects on the previous year and highlights success toward many of our goals and targets areas that need additional focus.

### Statistical Summary

The performance measures shown in the chart below, and illustrated in figures corresponding to each LHSC goal, constitute the national performance measures reported by all states. Although the LHSC goals are similar to most states, they are not identical, specific LHSC goals and progress is indicated within each program area summary.

All data presented is 2009 data which is the most current. LHSC will reassess our objectives using the 2010 data once it becomes available.

	2004	2005	2006	2007	2008	2009	2010
Total Fatalities	927	963	987	993	916	821	
Fatality rate / 100 million VMT	2.08	2.14	2.17	2.19	2.03		
Rural VMT	-	3.24	2.40	2.67	2.58	-	
Urban VMT	-	1.29	2.00	1.83	1.61	-	
Speeding-Related Fatalities	218	181	259	256	252	288	
Alcohol-Impaired Driving Fatalities (w/ $\geq .08$ BAC)	315	334	371	375	339	295	
Occupant Protection Observed Usage	75%	78%	75%	75%	75%	75%	76%
Unrestrained Passenger Vehicle Occupant Fatalities	410	375	440	437	397	351	
Drivers Aged 20 or younger Involved in Fatal Crashes	183	156	175	175	128	133	
Pedestrian fatalities	103	113	97	111	107	107	
Motorcycle fatalities	73	75	95	89	81	103	
Unhelmeted Motorcyclist Fatalities	36	18	12	21	32	25	
Total Serious Injuries	21,852	22,299	20,939	21,345	21,004	20,127	
Number of seat belt citations issued during grant-funded enforcement activities	31,659	22,288	44,540	32,512	20,690	37,088	53,471
Number of impaired driving arrests made during grant-funded enforcement activities	1,903	1,396	1,919	1,854	1,995	2,454	4,739
Number of speeding citations issued during grant-funded enforcement activities	-	-	53,235	30,567	19,983	9,584	12,811

Source: NHTSA Traffic Safety Facts, 2004 to 2009; FARS; Louisiana State University Highway Safety Research Group.

## 2009 Highlights

Source: LSU Highway Safety Research Group

- **OVERVIEW OF FATAL, INJURY, AND PROPERTY DAMAGE CRASHES**
  - Fatal crashes decreased from 818 in 2008 to 729 in 2009 a decrease of 11.1%
  - Persons killed decreased from 913 in 2008 to 824 in 2009 a decrease of 9.9%
  - Injury traffic crashes decreased from 46,501 in 2008 to 45,335 in 2009 a decrease of 2.5%
  - Traffic crash injuries decreased from 75,902 in 2008 to 73,856 in 2009 a decrease of 2.7%
  - Property-damage-only crashes decreased from 110,608 in 2008 to 109,793 in 2009 a decrease of 0.8%.
  
- **OF THE 824 FATALITIES:**
  - 109 were killed as pedestrians which decreased by 0.9% from 2008.
  - 556 were killed as drivers of vehicles which decreased by 6.6% from 2008.
  - 104 were killed on motorcycles which increased by 28.4% from 2008.
  - 12 were killed on bicycles which increased by 20% from 2008.
  
- Louisiana's 2009 mileage fatality rate was 1.84 per 100 million miles traveled, a decrease of 9.75% from 2008.
  
- Louisiana's 2009 fatality rate was 19.19 per 100,000 Population, a decrease of 9.95% from 2008.
  
- Louisiana's 2009 fatality rate was 28.81 per 100,000 licensed drivers, a decrease of 10.21% from 2008.
  
- **FATALITY INFORMATION SUMMARY**
  - The likelihood of fatal crashes increases on weekends (Friday to Sunday) compared to the rest of the week.
  - While Friday to Sunday accounts for about 42.9% of time in a week, Friday to Sunday accounted for 51.3% of all fatal crashes in 2009.
  - Fatal crashes are not equally distributed throughout the day. More fatal crashes occur during the late evening and early morning hours.
  - In 2009, about 67.5% of all traffic fatalities were drivers; about 19.3% were passengers and about 13.2% were pedestrians.
  - In 2009, 74.4% of all traffic fatalities were male and 25.6% were female.
  
- **INJURY INFORMATION SUMMARY**
  - In 2009, of the 73,856 people injured, 48,238 were drivers.
  - Approximately, 65.3% of the injured persons in 2009 were drivers, 33.2% were passengers, and 1.5% were pedestrians.
  - Males and females made up 48.4% and 51.6% of injured drivers, respectively. The remaining percentage is drivers with unknown gender.

- DRIVER INFORMATION SUMMARY
  - In 2009 there were 1,096 drivers in fatal crashes, 556 of whom were killed in the crash.
  - The age group 18-20 had 5.1% of licensed drivers, but this age group made up 8% of drivers involved in fatal crashes.
  - For comparison, the age group 35-44 represents 17.1% of licensed drivers in 2009 and 16.6% of drivers in fatal crashes.
  
- DRIVER FATALITIES
  - In 2009, there were 556 drivers who died in fatal crashes.
  - The fatality rate of drivers was 19 fatalities per 1000,000 licensed drivers.
  - In general, the fatality rates of drivers decline with age, but increased considerably for seniors.
  
- DRIVER GENDER
  - In 2009, the fatal crash rate of male drivers in the 18-20 year-old group was several times higher than the fatal crash rate of female drivers of the same age group, i.e. 82 compared to 39.
  - In 2009, on average, eighteen (18) out of 100,000 licensed female drivers were involved in fatal crashes.
  - In 2009, on the average, fifty-seven (57) out of 100,000 licensed male drivers were involved in fatal crashes.
  
- AGE AND GENDER
  - Of the 556 driver fatalities in 2009, 441 were male and one hundred 115 were female.
  - The fatality rate of male drivers is significantly higher than the fatality rate of female drivers. For example, in 2009 the fatality rate of male drivers in the 18-20 year-old age group was 41 versus 18.
  - While 79.3% of all driver fatalities were male in 2009, only 48.17% of all licensed drivers were male.
  
- VIOLATIONS
  - 66% of all drivers involved in fatal crashes had a violation.

## Commission Leadership

Jeffery McKneely	Tangipahoa Parish	1st Congressional District
Chief Dwayne Munch	Jefferson Parish	2nd Congressional District
Chief Warren Vedros Sr.	Lafourche Parish	3rd Congressional District
Tommy Head	Caddo Parish	4th Congressional District
Bobby W. Deen	Grant Parish	4th Congressional District
Sheriff Rodney Arbuckle	DeSoto Parish	4th Congressional District
Chief Randall Bryan	Vernon Parish	4th Congressional District
Carl Pendley	Caddo Parish	4th Congressional District
Mayor Reggie Skains	Union Parish	5th Congressional District
Sheriff Robert Buckley	Union Parish	5th Congressional District
Stephen J. Gremillion	Avoyelles Parish	5th Congressional District
Sheriff Charles McDonald	Richland Parish	5th Congressional District
Russ McInnis	Winn Parish	5th Congressional District
Mark Cooper	Baton Rouge	6 <sup>th</sup> Congressional District
Chief Alexcie Guillory	St. Landry Parish	7th Congressional District
Chief Jim Craft	Lafayette Parish	7th Congressional District
Johnny Gaspard	Vermilion Parish	7th Congressional District
<u>Chairman</u> Tony Mancuso	Calcasieu Parish	7th Congressional District
Ray Morvant	Vermilion Parish	7th Congressional District
Lt. Col. Mark Oxley	Calcasieu Parish	7th Congressional District
Bryan Bossier	Woodworth	8 <sup>th</sup> Congressional District



## **Planning and Administration**

### **P & A Objectives set in the FFY 2010 HSP:**

1. To administer the State and Community Highway Safety Grant Program and other state and Federal funded highway safety programs.
2. To plan for coordinated highway safety activities.
3. To use strategic resources most effectively.
4. To decrease traffic crashes, deaths, and injuries.

Status: Achieved

LHSC successfully administered the State and Community Highway Safety Grant Program per federal guidelines.

The LHSC planner conducted data analysis to complete the problem identification. Then, evidence based strategies were identified and resources were allocated to the identified areas.

In 2009, traffic crashes, fatalities, and injuries all decreased.

## **Alcohol**

### **Alcohol Objectives set in the FFY 2010 HSP:**

1. To decrease alcohol impaired fatalities by 2.3 percent from a five-year average of 347 (2004-2008) to 331 in 2010.

Status: Achieved

The number of alcohol impaired driving fatalities (BAC = .08) decreased from 339 in 2008 to 295 in 2009, a decrease of 12.98%. (FARS)

The number of alcohol impaired driving traffic fatalities decreased by 10.86% from 451 in 2008 to 402 in 2009. (LSU Highway Safety Research Group)

The percentage of alcohol related traffic fatalities was 49% in 2008 and remained at 49% for 2009.

The number of alcohol involved fatal crashes involving young (age 15 to 24) drivers decreased by 21% from 86 in 2008 to 68 in 2009.

The number of alcohol involved injury crashes involving young (age 15 to 24) drivers decreased by 23% from 974 in 2008 to 749 in 2009.

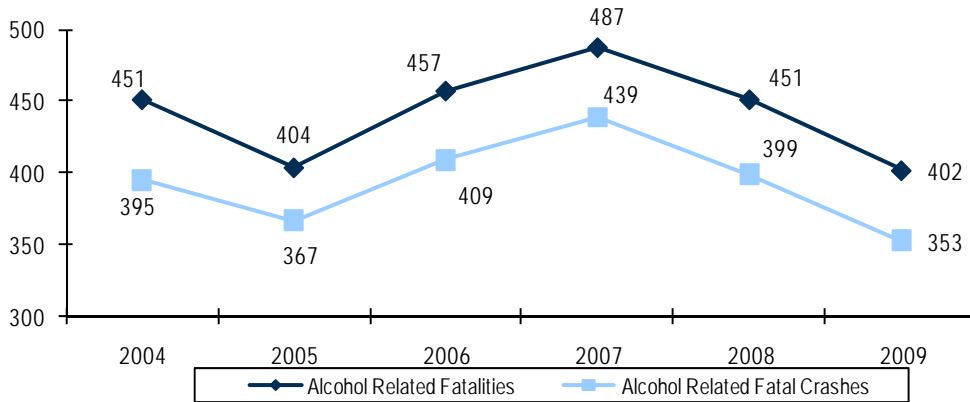
During FY10 \$1,191,674.09 was spent on alcohol paid media including 10,371 radio spots, 45,351 television spots, 52,860 donated spots, and 1,592,425 signage impressions.



See Legislative Acts Attachments (ACT 58 Allows for Electronic Signatures on Warrants and Subpoenas, ACT 203 Makes Texting While Driving Primary Offense for All Ages, ACT 260 Allows for Transmission of Written Evidence or affidavit by facsimile or other electronic means in probable cause determinations, ACT 583 Allows for Electronic Signature of Offenders, ACT 844 Provides for DL Suspension for Early Removal of Ignition Interlock.)

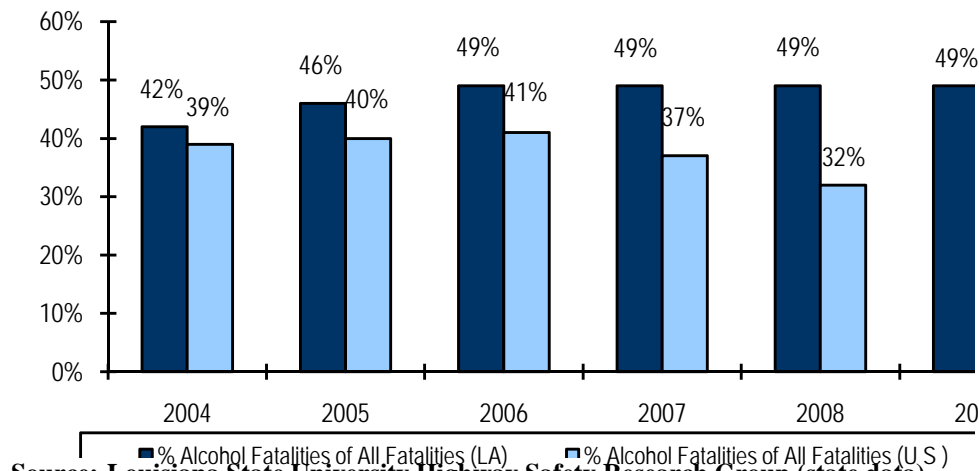
Below are the most up-to-date data available.

### Alcohol-Related Fatalities and Fatal Crashes



Source: Louisiana State University Highway Safety Research Group (state data).

### Alcohol-Related Fatalities as Percent of Total Fatalities



Source: Louisiana State University Highway Safety Research Group (state data).

**Alcohol Narrative:**

The LHSC contracted with 81 law enforcement agencies and the Louisiana State Police to conduct impaired driving overtime enforcement. The contracts specified that the 26 sheriff's offices and 55 municipal police departments would perform impaired driving enforcement each month of the 12 month period with special emphasis on the specific "enforcement waves". The Louisiana State Police contract specified that they would work every month during the 12 month period. These agencies worked a combined 59,967 overtime hours during these five "enforcement waves", resulting in 591 DWI checkpoints and 4,739 DWI arrests. It is very important to note that these same agencies provided a yearlong maintenance-of-effort attacking impaired driving by conducting 20,110 DWI arrests.

The LHSC utilized Section 154/164 Alcohol Funds to contract with 32 of the 81 law enforcement agencies. The contracts specified that the agencies would perform impaired driving enforcement each month of the 12 month period with special emphasis on the specific "enforcement waves". Overtime hours, checkpoints, and DWI arrests made by these contracts are included in the numbers listed above.

The LHSC conducted media events throughout Louisiana to support the "Drunk Driving. Over-the-Limit-Under-Arrest" campaign. Local and state government, various enforcement agencies, and medical personnel participated in the press events and public information campaigns. In addition, educators, business and industry, students, victims and citizens have planned, participated in, and attended many media related events, training seminars, and public information events during the DWI mobilizations.

During FY10 \$1,191,674.09 was spent on alcohol paid media including 10,371 radio spots, 45,351 television spots, 52,860 donated spots, and 1,592,425 impressions.

The LHSC funded a study in the greater New Orleans area that was organized by The Council on Alcohol and Drug Abuse and collected information regarding alcohol and drug use. A total of 500 responses were tabulated from a survey conducted among a random sample of households in Orleans, Jefferson, St. Bernard, Plaquemines, and St. Tammany Parishes. This study was conducted between June 3rd and July 31st, 2010. A random sample of this size has an error factor of plus or minus 5%. Respondents were asked questions regarding their awareness of various drinking-while-driving slogans and the media which delivered the message to them. The slogans included: "You Drink and Drive, You Lose"; "Over the Limit, Under Arrest"; "You Drink, You Drive, You Walk"; "Don't Drink & Drive".

Only 1% of the respondents overall had not heard of at least one of the slogans queried. Twenty-five percent (25%) recalled one of the slogans, 35% recalled two of them, 32% remembered three of them, and 7% reported knowing all four of them. Awareness of three or four slogans tended to decline as age increased, from a high of 67% among those under 25 years of age to only 33% among those 65 years of age and over. Males (45%) were more aware of three or four slogans than females (34%).

“Don’t Drink & Drive” was recalled by 97% of the respondents versus 62% for “You Drink & Drive, You Lose.” Less than a majority, 43%, reported awareness of “Over The Limit, Under Arrest” and a mere 17% indicated awareness of the slogan “You Drink, You Drive, You Walk.”

The best known slogan, “Don’t Drink & Drive,” was generally known across all demographic segments at about equal levels (all above 93%). No significant differences emerged in awareness levels for any demographic segment. Television and radio were the main media delivering this message (print provided some reinforcement, as did signage).

The next best known, “You Drink and Drive, You Lose,” also revealed little in terms of significant differences between demographic segments. Awareness increased as educational attainment rose. This slogan was better known among males (66%) versus females (59%). Television and radio were the most effective in delivering this slogan; signage leant a hand, followed by print.

“Over the Limit, Under Arrest” tended to attract more awareness among those between 45 and 55 years of age. Males outpaced females (50% versus 37%). Television (54%) again led in creating the awareness; however, signage slightly surpassed radio and print (17% versus 14% and 8%, respectively).

The final, and least known, slogan, “You Drink, You Drive, You Walk”, revealed no significant differences among segments. Television (51%) and word of mouth (16%) were the leading delivery media, with some print support (11%) and radio support (10%).

Table 1 below provides alcohol related fatality crash data for 15–24 age drivers. It shows a decrease in driver fatalities in the 15-24 year age group over the average of the previous 1 and 5 years.

**Table 1**

<b>Driver Fatality Alcohol Involved - Youth</b>			
Year	Fatal	Fatal	Fatal
	Ages 15-17	Ages 18-20	Ages 21-24
2003	16	31	27
2004	24	29	36
2005	26	33	31
2006	20	36	35
2007	15	46	39
2008	12	32	42
2009	6	28	34
<b>Difference</b>			
1 Year	-54%	-14%	-17%
5 Year	-76%	-4%	-11%
Average	-71%	-21%	-13%
Source: LSU Highway Safety Research Group			

Table 2 depicts the alcohol related crashes, fatal crashes, percent alcohol related and alcohol related fatalities per 100 million miles traveled.

Alcohol-Related Crashes						
Year	Fatal Crashes			Estimated-Alcohol Related		
	Crashes	Alcohol-Related Crashes	Percent Alcohol-Related Crashes	Fatalities (LA)	Fatalities per 100 Million Miles Traveled	Percent Fatalities (LA)
1999	831	382	46%	431	1.05	45%
2000	846	403	48%	446	1.10	48%
2001	859	401	47%	446	1.08	47%
2002	818	386	47%	431	1.00	47%
2003	826	372	45%	414	0.94	44%
2004	886	395	45%	451	1.01	45%
2005	874	367	42%	404	0.90	42%
2006	890	409	46%	457	1.01	46%
2007	900	439	49%	487	1.07	49%
2008	820	399	49%	451	1.00	49%
2009	729	353	48%	402	0.90	49%
Difference						
1 Year	-11.10%	-11.53%	-0.24%	-10.86%	-10.67%	-0.5%
5 Year	-17.72%	-10.63%	3.84%	-10.86%	-11.64%	3.32%
Average	-16.59%	-12.15%	2.43%	-10.67%	-10.28%	2.39%
Source: LSU Highway Safety Research Group						

Enforcement, public information, education, and paid media are strategies employed to address impaired driving issues in Louisiana, but we would be neglectful not to also attribute Louisiana's attempts to in reduce impaired driving crashes to the partners and stakeholders of the LHSC. A complete list of stakeholders is provided in Appendix A.



## Motorcycle

### Motorcycle Objectives in the 2010 HSP:

1. To decrease motorcycle fatalities by 4.7 percent from a five-year average of 85 (2004-2008) to 81 by 2010.

Status: Not Achieved

There were 103 motorcycle fatalities in 2009, up from 81 in 2008; an increase of 27.16%.

The number of alcohol-related motorcycle fatalities increased by 48.3% from 29 in 2008 to 43 in 2009.

2. To decrease unhelmeted motorcyclist fatalities by 4.1 percent from a five-year average of 24 (2004 to 2008) to 23 in 2010.

Status: Achieved

The number of unhelmeted motorcyclist fatalities in 2009 was 25 which decreased from 32 in 2008, a decrease of 21.88%.

Motorcycle helmet usage in crashes occurred at 89% in 2009 as compared to 88% in 2008.

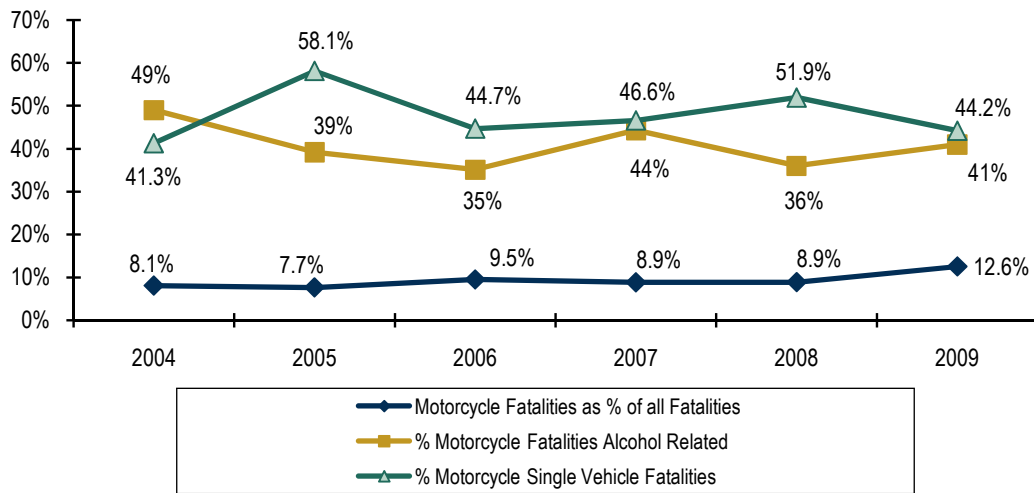
3. To decrease motorcycle fatal and serious injury crashes by 4.5 percent from a five-year average of 2,826 (2004 to 2008) to 2,698 in 2010.

Status: Achieved

The number of motorcycle fatal and serious injury crashes decreased from 1,032 in 2008 to 1,021 in 2009, a decrease of 1.07%.



## Motorcyclist Fatalities as Percent of Total Fatalities, Alcohol-Related Fatalities, and Single Vehicle Fatalities



Source: Louisiana State University Highway Safety Research Group (state data).

### Motorcycle Narrative:

During 2009, 103 motorcyclists were killed compared to eighty-one (81) in 2008. The Motorcycle Safety and Operator Training program officially moved to the Department of Public Safety in July of 2009, but safety courses were not provided by DPS until February 2010. There was a lapse in the state offered training and safety course for about 8 months. The training program is established in five markets with plans on expansion during the upcoming year. The Motorcycle Awareness Campaign (MAC) has continued to provide outreach for the "Share the Road" message for automobiles and has established new local chapters in 9 communities.

While the fatality increase from 2008 to 2009 is disappointing, we have carefully tracked motorcycle crashes and are optimistic to see a significant reduction in 2010 statistics. The population continues to grow in Louisiana and we are ever diligent in researching our demographics and providing messaging and outreach efforts to ensure all motorists watch for motorcycles and affordable training is available.

## Occupant Protection

### OP Objectives in the 2010 HSP:

1. To increase statewide observed seat belt use of front seat outboard occupants in passenger vehicles two percentage points from 74.5 percent in 2009 to 76.5 in 2010.

Status: Achieved a 1.4 percentage point increase

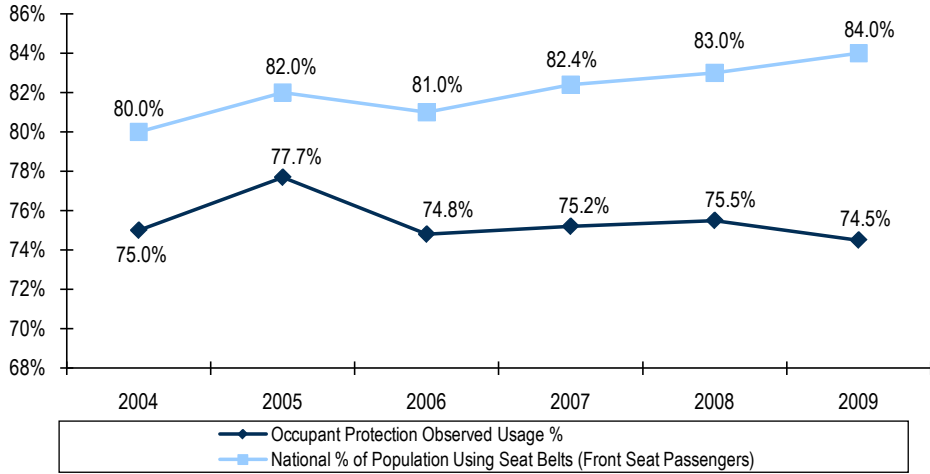
The overall percentage of vehicle occupants using safety belts was 74.5% in 2009 and increased to 75.9% in 2010. Child restraint usage rate increased from 86% in 2004 to 92% in 2009.

2. To decrease unrestrained passenger vehicle occupant fatalities in all seating positions 9 percent from a five-year average of 424 (2004 to 2008) to 405 in 2010.

Status: Achieved

The number of unrestrained passenger vehicle occupant fatalities decreased from 397 in 2008 to 351 in 2009 a decrease of 11.59%.

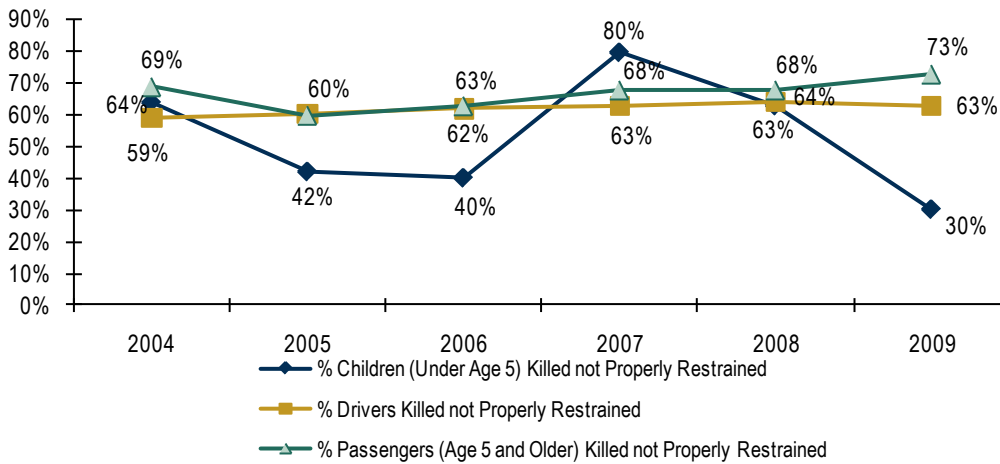
### Statewide Seat Belt Use Compared to U.S. Average



Source: Louisiana State University Highway Safety Research Group (state data); NHTSA.

The chart above illustrates the National seat belt use rate and Louisiana's seat belt use rate. While safety belt use rates have improved nationally since 2004, Louisiana has also improved but at a lower rate.

### Percent of Unrestrained Fatalities



Source: Louisiana State University Highway Safety Research Group (state data)

The chart above shows Louisiana’s unrestrained fatality percentage from 2004 to 2009. Unfortunately, these data point to the need to maintain the highest levels of enforcement and media coverage supported by legislation requiring all persons in a moving motor vehicle to use a seat belt.

**Occupant Protection Narrative:**

In 2009, sixty-three percent (63%) of drivers killed were not wearing a safety belt. A decrease of 1 percent from 2008. In 2008, sixty-eight percent (68%) of passengers age 5 and older who were killed were not wearing a safety belt; while in 2009 this number increased to seventy-three percent (73%). In 2008, sixty-three percent (63%) of children ages 4 and younger who were killed were not properly seated in a child seat; while in 2009 this number decreased to thirty percent (30%).

The LHSC contracted with 48 law enforcement agencies and the Louisiana State Police to conduct safety belt overtime enforcement during the 12 months of FY 2010 and to support the “Click It or Ticket” campaign. These agencies worked a combined 27,591 overtime hours, resulting in 53,471 adult citations and 2,402 child restraint citations. It is important to note that these same agencies provided a yearlong maintenance-of-effort to improve safety belt use through aggressive enforcement. Law enforcement agencies reported issuing 128,567 adult safety belt citations and 14,905 child restraint citations for a total of 143,472 citations.

The LHSC conducted media events throughout Louisiana. Local and state government, various enforcement agencies, medical personnel, educators, business and industry, students, victims and citizens participated in the press events and public information campaigns. \$600,909.68 was spent on seat belt advertising including 12,432 radio spots, 26,299 television spots, 30,295 donated spots, and 2,722,585 impressions. Signage includes web banners. These figures include the teen belt effort.

Table 3 shows the Safety Belt usage, by region, since 2001.

Table 3

<b>Adult Safety Belt Usage (All Vehicles and All Locations)</b>										
<b>Region</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
<b>1-New Orleans</b>	66%	67%	75%	73%	77%	71%	73%	73%	74%	73%
<b>2-Baton Rouge</b>	66%	68%	71%	72%	76%	74%	76%	76%	75%	78%
<b>3-Houma</b>	77%	80%	77%	81%	81%	79%	78%	78%	76%	77%
<b>4-Lafayette</b>	65%	69%	69%	74%	78%	78%	79%	79%	76%	77%
<b>5-Lake Charles</b>	63%	66%	77%	77%	79%	73%	71%	71%	77%	74%
<b>6-Alexandria</b>	74%	71%	78%	76%	78%	71%	73%	73%	77%	72%
<b>7-Shreveport</b>	74%	69%	76%	77%	78%	78%	76%	76%	72%	79%
<b>8-Monroe</b>	66%	64%	75%	74%	77%	73%	72%	72%	71%	75%
<b>Louisiana</b>	<b>68%</b>	<b>69%</b>	<b>74%</b>	<b>75%</b>	<b>78%</b>	<b>75%</b>	<b>75%</b>	<b>75%</b>	<b>75%</b>	<b>76%</b>
<b>Source: SB Surveys - Applied Technology Research</b>										



The following surveys were conducted in 2010:

- A safety belt observational survey was conducted in June and July 2010. Observational data was collected at 415 locations selected from Louisiana's eight regions. There were 62,058 vehicles observed including autos, pickup trucks, SUVs and Vans. The results of this survey showed a slight increase of 1.4 percentage points in seat belt usage from 2009. The 2009 statewide usage rate is 74.5% compared to 75.9% in 2010. Safety restraint usage ranges by region from 71.8% in the Alexandria area to 78.6% in the Shreveport area. Usage rates by vehicle type range from a low of 69.7% among pickup truck occupants to 82.0% among van occupants. Restraint usage among automobile occupants is 77.3%.
- A child restraint observational survey was conducted during May 2010. A total of 1,944 observations were made at 68 sites. (86.8%) percent of children subject to Louisiana's child safety restraint law were restrained while in the motor vehicle. The use of child safety restraints decreases as age increases. Almost all (97.6%) of the infants observed were restrained. The child restraint usage rate for children ages one through three was 95.9%, up from 94.4% in 2009. Among four and five year olds, the usage rate decreased to 85.8%, from the 86.1% measured in 2009. Child restraint usage among children aged six through twelve was 83.6%, a substantial increase from the 74.4% measured in 2009.

Louisiana participated in the Teen Rock the Belt project during 2010. LHSC worked through existing law enforcement and media contacts to conduct two enforcement and media mobilizations in November 2009 and May 2010. The media efforts were concentrated in the Baton Rouge market which includes East Baton Rouge, West Baton Rouge, Ascension, Livingston, Pointe Coupee, East Feliciana, West Feliciana, and Iberville Parishes. The law enforcement efforts were concentrated in East Baton Rouge, Ascension, and Livingston Parishes. The project was very well received in Louisiana. Louisiana received the most media coverage of the states in Region 6.

In 2010, Louisiana saw an increase from 74.5% to 75.9% in statewide observed front seat belt usage. The LHSC placed a substantial amount of funding into occupant protection overtime enforcement hours and paid media to support the high visibility enforcement. The massive oil spill in the Gulf of Mexico during 2009 did create some sampling issues for the observation survey as well as some disruptions in the economy and life in the communities throughout much of southern Louisiana. These disruptions coupled with the low usage rate for pickup truck drivers (69.7%) likely contributed to the failure to meet this objective despite the increase in observed usage.

Enforcement, public information, education, and paid media are critical factors in improving the use of safety restraints in Louisiana. The LHSC values the partners and stakeholders who continue to work toward increasing safety restraint usage. A complete list of stakeholders is in Appendix A.



## Police Traffic Services

### PTS Objectives in the 2010 HSP:

1. To decrease fatalities from a five-year average of 956 (2004 to 2008) to 912 by 2010, a 4.5 percent reduction.

Status: Achieved

The number of fatalities decreased from 916 in 2008 to 821 in 2009, a decrease of 10.04%.

2. To decrease serious injuries by 4.5 percent from a five-year average (2004 to 2008) of 15,460 to 14,758 by 2010.

Status: Not Achieved

The number of serious injuries decreased from 21,345 in 2008 to 21,004 in 2009, a decrease of 1.60%.

3. To decrease fatalities per 100 M VMT by 10 percent from 2.0 in 2008 to 1.8 in 2010.

Status: Achieved

The fatality rate per 100 million VMT was 2.0 in 2008 and decreased to 1.84 in 2009.

4. To decrease speeding-related fatalities by 4.3 percent from a five-year average of 232 (2004 to 2008) to 223 in 2010.

Status: Not Achieved

The number of speeding-related fatalities increased from 252 in 2008 to 288 in 2009, an increase of 14.29%.

5. To decrease alcohol impaired fatalities by 2.3 percent from a five-year average of 347 (2004 to 2008) to 331 in 2010.

Status: Achieved a 12.98% decrease

The number of alcohol impaired driving fatalities (BAC = .08) decreased from 339 in 2008 to 295 in 2009, a decrease of 12.98%. (FARS)

The number of alcohol impaired fatalities decreased from 449 in 2008 to 402 in 2009, a decrease of 10.47%. (LSU Highway Safety Research Group)

The percentage of alcohol impaired fatalities as a proportion to all fatalities was 49% in 2008 and remained unchanged in 2009.

The alcohol impaired fatality rate per VMT decreased from 1 in 2008 to 0.9 in 2009.

6. To increase statewide observed seat belt use of front seat outboard occupants in passenger vehicles two percentage points from 74.5 percent in 2009 to 76.5 percent in 2010.

Status: Achieved a 1.4 percentage point increase

The percentage of the population using safety belts was 74.5% in 2009 and increased 1.4 percentage points to 75.9% in 2010.

7. To decrease number of fatal crashes involving young drivers by 6.7 percent from an average of 170 (2004 to 2008) to 162 in 2010.

Status: Achieved

The number of fatal crashes involving young drivers increased from 128 in 2008 to 131 in 2009, an increase of 2.34%.

8. To decrease pedestrian fatalities by 4.7 percent from a five year average of 105 (2004 to 2008) to 100 by 2010.

Status: Not Achieved

The number of pedestrian fatalities was 107 in 2008 and remained the same in 2009.

9. To increase the number of seat belt citations issued during grant-funded enforcement activities by 18 percent from 20,690 in 2008 to 24, 414 in 2010.

Status: Achieved an increase of 44.17%

53,471 seatbelt citations were issued during grant funded enforcement activities in 2009; while 37,088 were issued in 2008, an increase of 44.17% .

10. To increase the number of impaired driving arrests made during grant-funded enforcement activities by 7 percent from 1,995 in 2008 to 2,135 in 2010.

Status: Achieved a 93.11% increase

In 2009, 4,739 impaired driving citations were issued during grant funded enforcement activities; while 2,454 citations were issued in 2008, an increase of 93.11%.

11. To increase the number of speeding citations issued during grant-funded enforcement activities by 15 percent from 19,983 in 2008 to 22,980 in 2010.

Status: Achieved a 33.67% increase

In 2009, 12,811 speeding citations were issued during grant funded enforcement activities; while 9,584 citations were issued in 2008. In 2009, there was an increase of 33.67%. It is important to note that LHSC did not fund any branded speed campaigns in 2010. Funded enforcement agencies reported issuing 51,574 speeding citations during the yearlong maintenance-of-effort.

**Police Traffic Services Narrative:**

The LHSC contracted with the Louisiana State Police, 26 Sheriff’s Departments, and 55 municipal agencies to conduct three primary types of enforcement. Impaired Driving, Occupant Protection and Speed are the leading causes of traffic fatalities and injuries, and law enforcement efforts have historically been a critical component to addressing each issue.

The LHSC contracted with 81 law enforcement agencies and the Louisiana State Police to conduct impaired driving overtime. The contracts specified that the 26 sheriff departments and 55 municipal police departments would work baseline hours all year with additional hours worked during the enforcement waves in FY 2010. The Louisiana State Police contract specified that they would work each month during the 12 month period. These agencies worked a combined 59,967 overtime hours, resulting in 4,739 DWI arrests. The maintenance-of-effort reported by these agencies resulted in 20,110 DWI arrests.

Enforcement agencies worked a combined 27,591 occupant protection overtime hours in support of the “Click it or Ticket” campaign. This resulted in 53,471 adult citations and 2,402 child restraint citations being issued. The maintenance-of effort resulted in 14,905 child restraint and 128,567 adult safety belt citations being issued.



Additionally, Lafourche Parish Sheriff’s Office saw continued success with DDACTS, and the LHSC is supporting this effort to the full extent possible and will continue to do so in upcoming years.

The LHSC did not conduct any branded speed enforcement campaigns during 2010 due to limited resources. However, 12,081 speeding citations were issued through grant funded enforcement activities. Funded enforcement agencies issued 51,272 speeding citations during the year through non-overtime enforcement activities. Even with the non-overtime enforcement activities focusing on speed, Louisiana did experience an increase in speed related fatalities in 2010. It is difficult to identify what led to the increase in speed related fatalities perhaps the lack of branded speed enforcement campaigns was a contributing factor.



## **Traffic Records**

### **Traffic Records Objectives in the 2010 HSP:**

1. To support the improvement of road safety through the collection, integration, and analysis of traffic safety data.
2. To improve the accessibility, accuracy, completeness, integration, timeliness, and uniformity of the crash data system.
3. To improve the accuracy of the roadway system.
4. To improve the timeliness of the citation/adjudication system.
5. To improve the completeness of the driver license/history system.

Status: Achieved

Louisiana qualified for Section 408 funds based on its adoption and use of model data elements and the completeness and timeliness of data.

A systems approach in engineering to strike a balance between single unique locations and addressing the safety of the road network was developed.

A comprehensive, timely, and accurate information and decision support system was developed.

A comprehensive, data driven legislative agenda that all partners actively supported and implemented was developed.

### **Traffic Records Narrative:**

The Traffic Records Coordinating Committee (TRCC) has sole authority to expend TRCC funding. The TRCC Chair is a DOTD employee. The LHSC is only a member of the TRCC, but serves as the fiscal agent for TRCC approved projects. The TRCC continued efforts to work on establishing a network that links crash files with roadway files, GIS data, EMS data, driver licensing and vehicle registration data, prosecution and courts. The LHSC continues to monitor crash data and provide feedback to local law enforcement with the goal to improve data quality, timelines and crash investigations. The TRCC worked closely with municipal and parish law enforcement agencies, providing training and computer equipment.

Louisiana has demonstrated measurable progress in improving the completeness and accuracy of the crash database. On August 15-19, 2010, a Traffic Records Assessment was conducted in order to comply with the Section 408 requirements.

Various projects are being funded to accomplish the objectives for this project area. RMS Consulting was funded for research and groundwork for the automated DWI reporting system. The Supreme Court was also funded to assist in transforming local court records from manual to electronic and to train local courts on electronically uploading traffic conviction data to the Office of Motor Vehicles. Easy Street Draw Software was purchased that will integrate with the LaCrash software to collect the officer's drawing of the crash scene as part of the electronic crash report. This purchase will enhance reporting.

Funds were also used to enhance the Kenner Mayor's Court which is the largest Mayor's court in Louisiana. The enhancements involved making the processing of traffic tickets completely electronic. Funds were also used to support local agencies in purchasing GPS devices and integrating with Mobile Data Terminals to enhance data collection and assist in locating crashes electronically. Funds were also used to purchase laptop computers for police vehicles to be used in conjunction with LaCrash Reporting System to assist in investigating traffic crashes.

## **Paid Media**

### **Paid Media Objectives in the 2010 HSP:**

1. Raise the level of awareness among Louisiana citizens regarding traffic safety issues throughout 2010.

Status: Achieved

In 2010, LHSC had a paid media contract; additionally, earned media was used to raise the level of awareness among Louisiana citizens regarding traffic safety issues.

### **Paid Media Narrative:**

The LHSC prepares an annual Marketing and Communications Plan that drives the coordination of each NHTSA campaign and the collaborative enforcement overtime. The goal of the media campaign was to reach a targeted audience by purchasing a combination of radio, television, and web based advertisements for both alcohol and occupant protection program areas.

Paid media flights were planned based on a strategic assessment of crash statistics, driver and passenger demographics, planned enforcement periods, available messaging, and funds to determine the most effective marketing and communications plan. A media firm, Garrison Advertising, was selected under a "Request For Proposal" process and provided professional guidance in plan development and the facilitation of all media placements. Overall placements are assessed quarterly through post media buy analysis and an ongoing assessment of individual markets and vendors who are producing the expected levels of donated space.

The LHSC maintains affidavits of performance on all paid media buys and implements a more extensive assessment to measure target audience reaction for paid media campaigns that exceed

\$100,000.00. The LHSC has implemented telephone attitudinal surveys to assess how the target audience's knowledge, attitude, and actions were affected by the impaired driving and occupant protection messages.

In addition to paid media, the LHSC contracted for specific earned media efforts to supplement the paid campaign. The LHSC issued numerous news releases and editorial columns throughout the fiscal year and arranged for numerous television and radio appearances for the Governor's Highway Safety Representatives. Two-thousand two hundred and seventy four (2,274) press clippings were printed throughout fiscal year 2010. An additional one hundred and seventeen (117) web posted entries were reported to the LHSC by Region VI.

#### SUMMARY OF PAID MEDIA AIR TIME EXPENDITURES DURING FFY 2010

TABLE 4

Campaign Name	Television Airings	Radio Spots	Impressions	Earned/Donated Space	Amount
<b>Alcohol</b>	<b>45,351.00</b>	<b>10,371.00</b>	<b>1,592,425.00</b>	<b>52,860.00</b>	<b>\$ 1,191,674.09</b>
Teen Belt	-	6,583.00	2,622,259.00	3,251.00	\$ 58,025.26
Child Passenger Safety	2,248.00	106.00	-	948.00	\$ 22,545.44
May Click It Or Ticket	24,051.00	5,743.00	100,326.00	26,096.00	\$ 520,338.98
<b>OP TOTAL</b>	<b>26,299.00</b>	<b>12,432.00</b>	<b>2,722,585.00</b>	<b>30,295.00</b>	<b>600,909.68</b>

The impaired driving and occupant protection campaigns focused primarily on television and radio outlets; however, web based outreach was utilized as part of some of our sports marketing stations with click through advertising on their home pages. Impression numbers for web based placements is noted as impressions on the chart above. University outreach for both campaigns included live reads at football games, print ads in game day and player books, and allowed for the opportunity for broadcast interviews.

The LHSC utilizes the Marketing and Communications Plan and the additional earned media efforts to ensure campaign messages are targeted statewide and to specific audiences when data identifies the need. Through this strategic use of media the LHSC is able to raise the citizens' level of awareness of traffic safety issues.

## Rail Grade

### Rail Grade Objectives in the 2010 HSP:

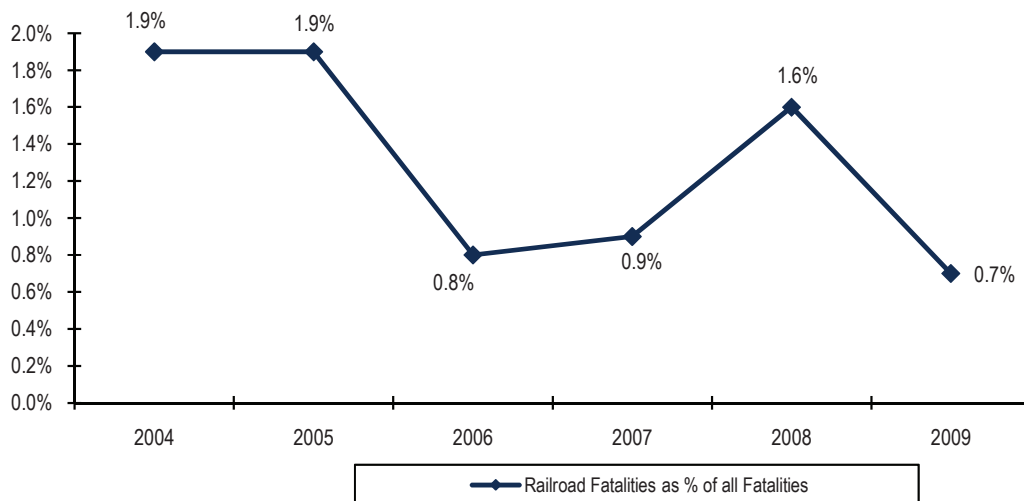
1. To decrease rail grade fatalities by 7 percent from a five-year average of 16 (2004 to 2008) to 14 in 2010.

Status: Achieved a 60% decrease

The number of rail grade related fatalities decreased from 15 in 2008 to 6 in 2009, a decrease of 60%.

By comparison to total fatalities rail grade crossing fatalities represent 0.7% of all Louisiana fatalities. LHSC remains committed to support Louisiana Operation Lifesaver by partnering with the LADOTD.

### Railroad Fatalities as Percent of Total Fatalities



Source: Louisiana State University Highway Safety Research Group (state data).

### Rail Grade Narrative:

Louisiana Operation Lifesaver continues to be partially funded by the LHSC. In 2007-2008, LHSC funded a portion of the director and administrative assistant's salaries and travel, along with training materials for the Grade Crossing Collision Investigation course for law enforcement and the implementation of the Highway Safety Summit. In 2009, LHSC contracted to partially fund the director's salary for the 2009-2010 fiscal year.



Partnerships with the railroad industry, preventative legislation on clearings, and on-going public information and education programs make the Louisiana program a national model. Rail traffic continues to increase, and many crossings in rural areas lead to the unfortunate number of crashes in the state. Louisiana Operation Lifesaver evaluates crash data to concentrate its educational in parishes with increased highway-rail grade crossing and trespassing incidents.

In 2010, Louisiana Operation Lifesaver conducted more than 1,130 school and community education programs to more than 38,400 people. Display booths were held at approximately 45 conferences and festivals, and another 19 outreach activities provided railroad safety information to around 26,580 people. Approximately 15 people attended the Rail Safety for Emergency Responders course statewide, and more than 724 law enforcement personnel attended 31 Grade Crossing Collision Investigation courses statewide. Twelve Presenter Certification Classes were held statewide, and 58 students successfully completed the course.

Louisiana Operation Lifesaver has undertaken strategic planning to define its future direction for the next five years, and LHSC is participating in this process.

### **Safe Communities**

#### **Safe Communities Objectives in the 2010 HSP:**

1. To decrease speeding-related fatalities by 4.3 percent from a five-year average of 232 (2004 to 2008) to 223 in 2010.

Status: Not Achieved

The number of speeding-related fatalities increased from 252 in 2008 to 288 in 2009, an increase of 14.29%.

2. To decrease fatalities involving a driver or motorcycle operator with .08+ BAC by 2.3 percent from a five-year average of 347 (2004 to 2008) to 331 in 2010.

Status: Achieved a 12.98% decrease

The number of fatalities involving a driver or motorcycle operator with .08+ BAC decreased from 339 in 2008 to 295 in 2009, a decrease of 12.98%.

The number of fatalities decreased from 916 in 2008 to 821 in 2009, a decrease of 10.37%.

3. To increase statewide observed seat belt use of front seat outboard occupants in passenger vehicles two percentage points from 74.5 percent in 2009 to 76.5 percent in 2010.

Status: Achieved a 1.4 percentage point increase

The percentage of the population using safety belts was 74.5% in 2009 and increased 1.4 percentage points to 75.9% in 2009.

4. To decrease alcohol impaired fatalities by 2.3 percent from a five-year average of 347 (2004 to 2008) to 331 in 2010.

Status: Achieved a decrease of 12.98%

The number of alcohol impaired driving fatalities (BAC = .08) decreased from 339 in 2008 to 295 in 2009, a decrease of 12.98%. (FARS)

The number of alcohol related fatalities decreased from 449 in 2008 to 402 in 2009, a decrease of 10.47%. (LSU Highway Safety Research Group)

5. To decrease number of fatal crashes involving young drivers by 6.7 percent from a five-year average of 170 (2004 to 2008) to 162 in 2010.

Status: Achieved

The number of fatal crashes involving young drivers increased from 128 in 2008 to 131 in 2009, an increase of 2.34%.

6. To decrease pedestrian fatalities by 4.7 percent from a five-year average of 105 (2004 to 2008) to 100 by 2010.

Status: Not Achieved

The number of pedestrian fatalities was 107 in 2008 and remained the same in 2009.

### **Safe Communities Narrative:**

The LHSC is involved in multiple Safe Community programs. Programs under the Safe Community model include, South Central Planning and Development Commission, the North Central Partners in Prevention, St. Martin Parish Safety Community, New Orleans "Who Dat" Coalition, and the Baton Rouge Safe Community. Each of the five Safe Community programs have the responsibility to create a data driven action plan, establish /maintain a coalition of members who support the model and participate in the implementation of the action plan, conduct a local Traffic Safety Summit, and specifically support the two National Mobilizations of Click it or Ticket and Drink Driving. Over the Limit Under Arrest. Additionally, they each are responsible for continual assessment of need and the strategic implementation of cost effective programs to promote traffic safety.

The Safe Communities concept continues to be shared with existing contractors and explained to potential new contractors. The model provides local empowerment and collaboration on traffic safety issues that would otherwise not likely exist. The partnerships provide great access to policy makers, local culture and attitudes regarding traffic safety programs. A few highlights of the various programs include implementation of parish wide participation in nighttime seatbelt checkpoints, education to policy leaders on alcohol ordinances such as "Mandatory 21", teen seat belt initiatives, and community based awareness campaigns. Additionally, the programs are able to provide mini-grants to local law enforcement to address problems identified through a data-

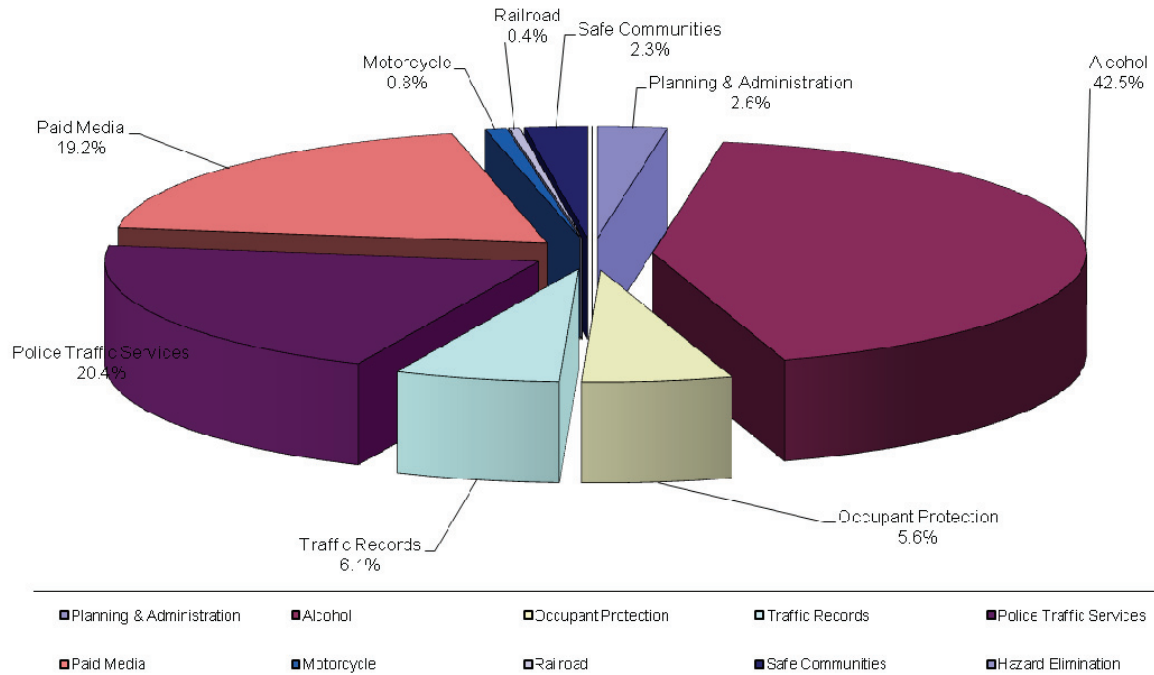
driven problem analysis of local data. In order to qualify, the local law enforcement agency must not currently be a recipient of LHSC funding.

**Section 154 and Section 164**  
**Open Container Transfer Funds and Repeat Offender Transfer Funds**

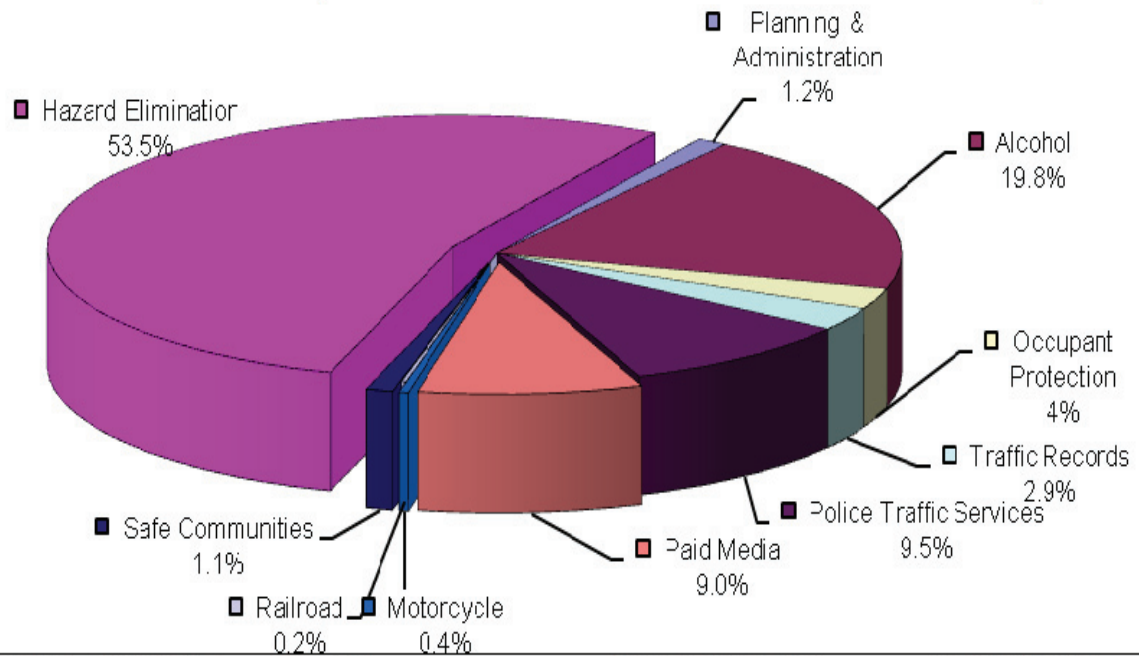
Funds Transferred to the Section 402 program pursuant to this section of law were administered, by mutual agreement, by the Louisiana Department of Transportation and Development (La. DOTD) in their Hazard Elimination program. The LHSC participates in the project selection process of the Hazard Elimination.

The LHSC also utilized a portion of these funds for impaired driving enforcement activities. For progress on these activities see the Alcohol Section.

## 2010 Louisiana Financial Summary (without Hazard Elimination Funds)



# 2010 Louisiana Financial Summary (Includes Hazard Elimination Funds)



■ Planning & Administration	■ Alcohol	■ Occupant Protection	■ Traffic Records
■ Police Traffic Services	■ Paid Media	■ Motorcycle	■ Railroad
■ Safe Communities	■ Hazard Elimination		

## LHSC Stakeholders

AAA	LHSC Youth Advisors (24)
Administrative License Hearing Office	Louisiana District Attorneys Association
African American Sororities	Louisiana Passenger Safety Task Force
All Major Railroads	Louisiana State Police
Applied Technology Inc.	Louisiana State Police Motorcycle Program
Attorney General's Office	Louisiana State University
Baton Rouge Alcohol and Drug Abuse Council	Louisiana Supreme Court
Baton Rouge Alcohol Beverage Control	LSU Medical Center
Baton Rouge Collegiate Alliance	MADD
Baton Rouge Mayor's Office	Mayors
Baton Rouge Rape Crisis Center	Metropolitan Planning Offices
Baton Rouge Safety Council	New Orleans Alcohol & Drug Abuse Council
Coroners Association	New Orleans Charity Hospital
Crime Labs	NHTSA
Department of Health and Hospitals	Office of Motor Vehicles
Department of Insurance	Office of Public Health
Department of Transportation and Development	Operation Lifesaver
DRE/SFST Instructors	Partners in Prevention
Driving Schools	Police Juries
East Baton Rouge Parish I CARE	Pride of St. Tammany
EMS	SADD
Faith Based Communities	Safe & Drug Free Schools
Federal Highway Administration	Safe Communities
Fire Departments	Safe Kids
Governor's DWI Task Force	Safety Councils
Hospitals	School Boards
Houma Alcohol & Drug Abuse Council	State Alcohol and Tobacco Control
Jefferson Parish Courts, 1 <sup>st</sup> and 2 <sup>nd</sup>	State Risk Management
Law Enforcement	Tangipahoa Alcohol & Drug Abuse Council
Legislators	Terrebonne General Hospital
LHSC Law Enforcement Liaisons	Traffic Court Judges
	Universities

**Traffic Safety Related Bills Passed in 2010**

Act #	Author	Effective	Description
<i>What Passed</i>			
58	Amedee	8/15/2010	Allows for electronic signatures on applications for warrants and subpoenas.
81	McPherson	8/15/2010	Authorizes state DOTD to establish "speed zones" in excess of legal speed limits based on engineering and traffic investigations.
203	B. Gautreaux	8/15/2010	Makes texting while driving a primary offense for all age groups and makes the use of any wireless communications device by drivers age 17 and younger a secondary offense.
229	Burns	8/15/2010	Exempts registered antique vehicles 25 years and older from motor vehicle inspection requirements.
260	White	8/15/2010	Allows for the transmission of written evidence or affidavit by facsimile or other electronic means in probable cause determinations.
319	McPherson	6/18/10	Removes authority for record check fee for Class D and E driver's licenses and requires a refund for fees paid after 3/07/10.
401	Landry	8/15/2010	Disqualifies commercial drivers from operating school buses for 10 years after a conviction of driving under the influence or refusing to submit to an alcohol concentration or drug test. Period of disqualification may be reduced if, after 5 years, the driver has not been convicted of impaired driving or refused a chemical test and has completed state-approved medical treatment and/or therapy.
403	Perry	8/15/2010	Suspends the driver's license of a person convicted of third degree feticide resulting from the operation of a motor vehicle.
405	Perry	1/01/11	Provides for a code to be placed on the driver's licenses of DWI offenders required to have an ignition interlock device installed on their vehicles as a condition of license reinstatement.
409	Monica	8/15/2010	Requires drivers convicted of second offense DWI and vehicular negligent injuring to serve 45 days of 2 year driver's license suspension and have ignition interlock installed before obtaining restricted driver's license.
563	Little	8/15/2010	Authorizes "mini-truck" to operate upon highways where speed limit is 55 miles per hour or less, except interstate, controlled access, or multi-lane divided highways with partial or no control of access. Requires certain safety equipment, registration as off-road vehicle, and decal. Prohibits operation of "mini-truck" upon highways by an unlicensed driver, requires liability insurance. Directs Office of Motor Vehicles to adopt governing rules, and authorizes DOTD, parish, or municipal governments to prohibit "mini-trucks" upon any highway if necessary for public safety.
583	Baldone	8/15/2010	Authorizes electronic signature of offenders on any record, bail undertaking, summons, or affidavit to be signed, acknowledged, verified, or made under oath.
693	Morris	8/15/2010	Requires the party seeking to introduce a certificate of analysis in a criminal proceeding to give 45 days' notice of intent and removes requirement that the person in charge of examining facility sign the analysis.

Act #	Author	Effective	Description
801	Mount	6/30/10	Gives discretion to district attorney on vehicle seizure and sale for felony DWI convictions and distributes funds resulting from sale of vehicle as follows: 60% to arresting agency, 20% to prosecuting agency, 20% to LA Property and Casualty Commission. Increases the mandatory minimum incarceration from 45 days to 1 year for 3 <sup>rd</sup> offense DWI and from 75 days to 2 years for 4 <sup>th</sup> or subsequent offense DWI. The Court may suspend the sentence with prosecutor approval if the offender completes drug court, DWI court or 1 year in an approved residential treatment program.
812	Billiot	8/15/2010	Requires the Court to notify the sheriff or chief law enforcement officer when a defendant has been sentenced to home incarceration in their jurisdiction, and when defendant is on parole, allows the electronic device provider to send notice to the sheriff of that jurisdiction.
844	Leger	8/15/2010	Provides for the driver's license suspension of a person who prematurely removes a required ignition interlock device and allows for reinstatement only after proof of re-installment of the device and payment of reinstatement fees.
995	M. Jackson	8/15/2010	Allows an additional \$7 charge for motor vehicle inspections if parish governing authority place on 10/02/10 or 11/02/10 ballot and majority of voters approve. Requires voter-approved inspections to occur in parish where vehicle is registered and provides for disbursement of fees collected.
1039	Downs	6/29/10	Requires first time driver's license applicants age 17 or older to complete a minimum of 50 hours of supervised driving practice, 15 of which is at nighttime, with a licensed parent, guardian, or adult at least age 21 or older. Allows learner's license to be converted to intermediate license at age 16 if applicant completes the 50 hours of supervised driving (15 at nighttime), passes an on-road driving test, is free of "at fault" accidents and convictions of seatbelt, curfew or moving violations. Requires intermediate licensee to be accompanied by a licensed parent, guardian, or adult at least age 21 or older if transporting more than one non-immediate family member passenger that is under 21 years of age between the hours of 6:00 p.m. and 5:00 a.m. Requires intermediate licensee not be convicted of any laws pertaining to drug or alcohol use for 12 consecutive months after being issued his intermediate license before being issued full driving privileges. Requires every occupant of the vehicle to be restrained by seat belt or other occupant restraint system before intermediate licensee can place vehicle in motion.
HCR 169	Baldone	Signed by Secretary of State 5/25/2010	Requests Judicial Council of the LA Supreme Court to develop a uniform form for courts to notify defendants charged with DWI of their rights and the penalties for subsequent charges of DWI.



Regular Session, 2010

**ACT No. 58**

**ENROLLED**

SENATE BILL NO. 61

BY SENATOR AMEDEE

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AN ACT

To amend and reenact Code of Criminal Procedure Articles 162, 202(A)(introductory paragraph) and (1), and 731(B) and to enact R.S. 9:2603.1(F), relative to the issuance of warrants and subpoenas; to provide for certain requirements relative to electronic signatures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:2603.1(F) is hereby enacted to read as follows:

§2603.1. Electronic applications for all warrants; signatures; electronic judicial records

\* \* \*

**F. In any instance where an affidavit is submitted to a judge or magistrate electronically, the electronic signature of the affiant shall satisfy the constitutional requirement that the testimony of the affiant be made under oath, provided that such signature is made under penalty of perjury and in compliance with Subsection D of this Section. If the requirements of Subsection D of this Section are met, it shall not be necessary for the oath to be made orally for the affidavit to have legal effect.**

Section 2. Code of Criminal Procedure Articles 162, 202(A)(introductory paragraph) and (1), and 731(B) are hereby amended and reenacted to read as follows:

Art. 162. Issuance of warrant; affidavit; description

**A.** A search warrant may issue only upon probable cause established to the

SB NO. 61

ENROLLED

1 satisfaction of the judge, by the affidavit of a credible person, reciting facts  
2 establishing the cause for issuance of the warrant.

3 ~~A search warrant shall particularly describe the person or place to be~~  
4 ~~searched, the persons or things to be seized, and the lawful purpose or reason for the~~  
5 ~~search or seizure.~~

6 **B. In any application for warrant, an affidavit containing the electronic**  
7 **signature of the applicant shall satisfy the constitutional requirement that the**  
8 **testimony of the applicant be made under oath, provided that such signature is**  
9 **made under penalty of perjury and in compliance with R.S. 9:2603.1(D).**

10 ~~C. A search warrant shall particularly describe the person or place to~~  
11 ~~be searched, the persons or things to be seized, and the lawful purpose or reason~~  
12 ~~for the search or seizure.~~

13 \* \* \*

14 Art. 202. Warrant of arrest; issuance

15 A. A warrant of arrest may be issued by any magistrate pursuant to this  
16 Paragraph or as provided in Paragraph D of this Article and, except where a  
17 summons is issued under Article 209, shall be issued when all of the following  
18 occur:

19 (1) The person making the complaint executes an affidavit specifying, to his  
20 best knowledge and belief, the nature, date, and place of the offense, and the name  
21 and surname of the offender if known, and of the person injured if there be any; and,  
22 **An affidavit containing the electronic signature of the applicant shall satisfy the**  
23 **constitutional requirement that the testimony of the applicant be made under**  
24 **oath, provided that such signature is made under penalty of perjury and in**  
25 **compliance with R.S. 9:2603.1(D).**

26 \* \* \*

27 Art. 731. Issuance of subpoenas

28 \* \* \*

29 B. ~~The clerk of court for the Criminal District Court for the Parish of Orleans~~  
30 ~~and the Twenty-Fourth Judicial District Court~~ **The court and the clerks of court are**

SB NO. 61

ENROLLED

- 1 authorized to place their signatures by electronic means on all subpoenas issued
- 2 pursuant to this Article Chapter.

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

Regular Session, 2010

**ACT No. 203**

ENROLLED

SENATE BILL NO. 9

BY SENATOR B. GAUTREAUX

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AN ACT

To amend and reenact R.S. 32:300.5(C)(4) and R.S. 32:300.7(D), relative to texting while driving a motor vehicle; to provide for the use of certain wireless telecommunications devices for text messaging; to change the violation to a primary offense; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:300.5(C)(4) and R.S. 32:300.7(D) are hereby amended and reenacted to read as follows:

§300.5. Use of certain wireless telecommunications devices for text messaging prohibited

\* \* \*

C. \* \* \*

(4) Any violation of this Section shall constitute a moving violation. A law enforcement officer shall enforce the provisions of this Section only as a secondary action when the officer detains a driver for an alleged violation of another provision of this Chapter:

\* \* \*

§300.7. Use of certain wireless telecommunications devices by minors while driving prohibited; exceptions

\* \* \*

D. Any violation of this Section shall constitute a non-moving moving



ENROLLED

# ACT No. 260

Regular Session, 2010

HOUSE BILL NO. 608

BY REPRESENTATIVE WHITE

(On Recommendation of the Louisiana State Law Institute)

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 230.2(A), relative to probable  
3 cause determinations; to authorize the use of facsimile or other electronic means to  
4 transmit affidavits or other written evidence in probable cause determinations; and  
5 to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Article 230.2(A) is hereby amended and  
8 reenacted to read as follows:

9 Art. 230.2. Probable cause determinations; persons arrested without a warrant and  
10 continued in custody

11 A. A law enforcement officer effecting the arrest of a person without a  
12 warrant shall promptly complete an affidavit of probable cause supporting the arrest  
13 of the person and submit ~~the same~~ it to a magistrate. Persons confined or remaining  
14 in custody pursuant to an arrest made without a warrant shall be entitled to a  
15 determination of probable cause within forty-eight hours of arrest. The probable  
16 cause determination shall be made by a magistrate and shall not be an adversary  
17 proceeding. The determination may be made without the presence of the defendant  
18 and may be made upon affidavits or other written evidence, which may be  
19 transmitted to the magistrate by means of facsimile transmission or other electronic

HB NO. 608

**ENROLLED**

1        ~~means.~~ A magistrate's determination of probable cause hereunder shall not act as a  
2        waiver of a person's right to a preliminary examination pursuant to Article 292.

3     \*   \*   \*

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

ENROLLED

**ACT No. 583**

Regular Session, 2010

HOUSE BILL NO. 549

BY REPRESENTATIVE BALDONE

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AN ACT

To enact Code of Criminal Procedure Article 233, relative to criminal procedure; to authorize the use of electronic signatures of offenders; to provide for the collection of electronic signatures; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 233 is hereby enacted to read as follows:

Art. 233. Electronic signature of offender, requirements

A. Law enforcement agencies are authorized to utilize the electronic signature of any offender. The signature may be captured by any generally accepted method or process of electronic signature capture, including the use of devices which capture and convert analog writing to electronic or digital form.

B. If any provision of law requires a signature or any record, bail undertaking, summons, or affidavit to be signed, acknowledged, verified, or made under oath by a criminal offender, the requirement is satisfied if the electronic signature of the offender, together with all other information required to be included by other applicable law, is attached to or logically associated with the signature or record.



HB NO. 549

**ENROLLED**

1            ~~C. For purposes of this Section, "electronic signature" shall mean an~~  
2            ~~electronic sound, symbol, or process attached to or logically associated with a record~~  
3            ~~and executed or adopted by a person with the intent to sign the record.~~

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

ENROLLED

**ACT No. 844**

Regular Session, 2010

HOUSE BILL NO. 1236

BY REPRESENTATIVES LEGER, AUSTIN BADON, BARRAS, BILLIOT, HENRY BURNS, TIM BURNS, CARTER, CHAMPAGNE, DOERGE, DOWNS, GISCLAIR, GUILLORY, HILL, HOFFMANN, HOWARD, LABRUZZO, LIGI, LITTLE, MILLS, POPE, PUGH, RICHARD, JANE SMITH, ST. GERMAIN, TALBOT, TEMPLET, THIBAUT, AND WHITE AND SENATORS ALARJO, APPEL, BROOME, GUILLORY, LAFLEUR, LONG, MARTINY, MORRELL, MOUNT, AND WALSWORTH

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AN ACT

To enact R.S. 32:667(J), relative to driver's licenses; to provide for driver's license suspension for removal of ignition interlock device; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:667(J) is hereby enacted to read as follows:

§667. Seizure of license; circumstances; temporary license

\* \* \*

(J) Upon notice to the department that a driver has prematurely removed or disabled, or caused to be prematurely removed or disabled, an ignition interlock device required as condition of reinstatement pursuant to Subsection I of this Section, the department shall mail notice to the driver that his license is suspended until such time as the department receives sufficient proof that the driver has had the ignition interlock device properly reinstalled and paid all applicable reinstatement

HB NO. 1236

**ENROLLED**

- 1 fees. Upon reinstatement, the driver shall receive credit only for the time period
- 2 when the ignition interlock device was installed and functioning.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_