



NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

CHAPTER: 61.20

TITLE: COMPULSORY MOTOR VEHICLE LIABILITY SECURITY

EFFECTIVE: 01/14/2018

REVISED: Replaces Policy 509

PURPOSE

The purpose of this Chapter is to provide officers with the process to be utilized when an operator of a motor vehicle cannot provide evidence of motor vehicle liability security when stopped by an officer of the New Orleans Police Department.

DEFINITION

Certificate of Insurance—The written evidence of motor vehicle liability insurance as defined by state law in the form of one of the following (**La. R.S. 32:900**):

- (a) An identification card issued by an insurer to the insured which contains the following information:
 1. The name and address of the insurance company.
 2. The insurance policy number.
 3. A description of the vehicle insured.
 4. The effective and expiration dates of the policy.
 5. The name of any person(s) excluded from the policy.
- (b) A motor vehicle liability insurance policy or a duplicate original thereof.
- (c) A motor vehicle liability policy binder or a duplicate original thereof.
- (d) A duplicate original of a motor vehicle liability bond which complies with requirements for a motor vehicle liability bond set forth by state law.
- (e) A certificate from the State Treasurer stating that cash or securities have been deposited with said Treasurer or provided for under the provisions of state law.
- (f) A certificate of self-insurance issued by the Assistant Secretary of the Office of Motor Vehicles under state law qualifying the owner of the vehicle as a self-insurer (La. R.S. 32:1042).

INSTRUCTIONS

1. Evidence of compulsory motor vehicle liability security are required to be maintained within all vehicles:
 - (a) Registered within the state of Louisiana, and
 - (b) Operated on any public highway or street in Louisiana.

2. Officers stopping a motor vehicle, including accident investigations, shall determine if the owner, lessee, or operator of each vehicle is able to present evidence of compulsory motor vehicle liability security as required by law (LA. R.S. 32:863.1).
3. If the operator of the motor vehicle is unable to demonstrate compliance with the law, the motor vehicle shall be impounded, subject to the provisions of this Chapter, and the operator shall be cited appropriately. The operator of the vehicle shall also be issued a notice of noncompliance for the violation. The notice of noncompliance shall serve as notice of his/her administrative hearings rights (La. R.S. 32:863.1).
4. A copy of the notice of noncompliance shall be provided to the towing or storage company taking possession of the vehicle, and a copy shall be forwarded to the Office of Motor Vehicles within three calendar days after the notice of noncompliance was issued.
5. The officer shall remove and confiscate the license plate from the vehicle, if registered in the State of Louisiana.
6. Confiscated vehicle license plates will be listed on the **NOPD Compulsory Insurance Violation Notices and Seized Plates Receipt Form**. When available, the SOD-Traffic Section Ticket Processor shall pickup the original and shall forward the paperwork daily (Monday through Friday) between the hours of 8:00 a.m. and 4:00 p.m. to the Louisiana Department of Motor Vehicles. If the Ticket Processor is not available, the District shall be responsible for delivering the paperwork. All confiscated license plates and the corresponding white original compulsory notice shall be forwarded with the NOPD Compulsory Insurance Violation Notices and Seized Plates Receipt Form. District units shall be responsible for maintaining the blue compulsory notice copy for their files. Each division shall be responsible for maintaining a filing system for receipts.

DUTY OF OFFICERS TO OCCUPANTS OF SEIZED VEHICLES

7. Officers shall assist occupants of seized vehicles in obtaining transportation from the location of the seizure to their destination, or a safe location. This assistance may take the form of contacting an individual or company (taxi) who will provide assistance, providing transportation to the individuals if their destination is within the immediate area, awaiting the arrival of public service transportation, or transporting the individuals to the district station to await the arrival of private transportation.

DUTY OF OFFICERS TO OCCUPANTS OF SEIZED VEHICLES

8. Officers may elect not to seize a vehicle for failure to show documentation of compulsory insurance in the following instances:
 - (a) The vehicle contains an occupant under the age of 12 years, or an occupant is handicapped, and alternate transportation is not readily available;
 - (b) Upon considering the location of the stop and/or the time of day, the officer believes that there would be a threat to public safety or to the occupants of the motor vehicle; and
 - (c) The assistance to relocate causes an undue burden upon the officer due to staffing constraints or working conditions.
9. The license plate on the vehicle shall be confiscated, a temporary sticker affixed to the rear window of the vehicle, valid for three days, and the operator cited for failure to show evidence of compulsory insurance. After the three day period, the vehicle may not be operated on any public street or highway. If a vehicle is found to be operating on a

public street or highway after the three day limit has expired, it shall be immediately seized.

PERSONAL PROPERTY

10. Officers shall complete a vehicle inventory using the **Tow Request and Inventory Record Form** (Form 39) in all instances where a vehicle is impounded for failure to maintain proof of liability insurance. Investigating officers shall ensure that the form number of the notice of violation is included on the form where indicated. The top and bottom portions of Form 39 shall be completed.
11. Copies of the Vehicle Storage - Tow Request and Inventory Record Form shall be distributed as indicated on the form.