

2017 Regular Session

HOUSE BILL NO. 128

BY REPRESENTATIVE CARMODY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PUBLIC SERVICE COMN: Provides relative to regulations imposed by the Louisiana Public Service Commission on household goods carriers

1 AN ACT

2 To amend and reenact R.S. 45:164(E)(2)(a) and (c) and (3), relative to carriers of household
3 goods; to impose certain requirements on the operation of a household goods carrier
4 business; to authorize the commission to suspend or cancel a household goods carrier
5 certificate in certain circumstances; to remove provisions related to the promulgation
6 of rules and regulations; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 45:164(E)(2)(a) and (c) and (3) are hereby amended and reenacted
9 to read as follows:

10 §164. Common carrier's certificate; contract carrier's permit

11 * * *

12 E.

13 * * *

14 (2)(a) Any carrier whether domiciled in or outside of Louisiana, who is
15 providing the intrastate transportation of household goods in Louisiana shall
16 maintain a permanent establishment in Louisiana. A permanent establishment shall
17 mean a fixed place of business through which the business of the carrier is wholly
18 or partly carried on. The place of business shall be a particular building or physical
19 location used by the carrier for the conduct of its business, and it shall be foreseeable
20 that the carrier's use of this building or other physical location shall be more than

1 temporary. The physical location or place of business shall be open for business and
 2 shall be staffed during regular business hours by one or more persons employed by
 3 the carrier on a permanent basis for the purpose of general management of the
 4 household goods moving business. The permanent establishment may include a
 5 place of management, a branch, an office, or a terminal. The permanent
 6 establishment may be operated by either an employee of the carrier or an agent of the
 7 carrier provided that the agent has and habitually exercises the authority to conclude
 8 transportation contracts in the name of the carrier.

9 * * *

10 (c) Should the carrier cease to maintain a permanent establishment in the
 11 state, its right to conduct business in the state shall be immediately suspended or
 12 cancelled at the discretion of the commission.

13 (3) ~~The Louisiana Public Service Commission shall adopt and promulgate~~
 14 ~~rules and regulations necessary to the proper implementation and administration of~~
 15 ~~this Subsection, subject to the oversight of the standing committees on~~
 16 ~~transportation, highways and public works of the Senate and the House of~~
 17 ~~Representatives pursuant to the Administrative Procedure Act.~~ The provisions of
 18 this Subsection shall apply only when the contract for moving household goods
 19 exceeds two hundred fifty dollars.

20 Section 2. This Act shall become effective on January 1, 2018.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 128 Original

2017 Regular Session

Carmody

Abstract: Imposes certain regulations on household goods carriers.

Present law, in pertinent part, provides that any carrier whether domiciled in or outside of La., who is providing the intrastate transportation of household goods in La. shall maintain a permanent establishment in La. Proposed law retains present law and further requires the physical location or place of business to be open for business and to be staffed during regular business hours by one or more persons employed by the carrier on a permanent basis for the purpose of general management of the household goods moving business.

Present law provides that, should the carrier cease to maintain a permanent establishment in the state, its right to conduct business in the state shall be immediately suspended. Proposed law retains present law and provides that the La. Public Service Commission (commission) has discretion to suspend or cancel that right to conduct business in the state.

Present law requires the commission to adopt and promulgate rules and regulations necessary to the proper implementation and administration of present law, subject to the oversight of the standing committees on transportation, highways and public works of the Senate and the House of Representatives pursuant to the Administrative Procedure Act. Proposed law deletes present law.

Effective January 1, 2018.

(Amends R.S. 45:164(E)(2)(a) and (c) and (3))