

2021 Regular Session

SENATE BILL NO. 190

BY SENATOR SMITH

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

TRANSPORTATION/DEV DEPT. Transfers stationary weight enforcement to DOTD.  
(7/1/22)

1 AN ACT  
2 To amend and reenact R.S. 32:1(1), (10), and (108), (2)(D), (3)(C), 388(A)(3) and (4), the  
3 introductory paragraph of (B)(1)(a), (B)(4)(a), (F), and (G), 388.1, 389, and  
4 392(A)(1), R.S. 36:409(C)(8), R.S. 40:1379.8, and R.S. 47:511.1(B), (C), (D), and  
5 (E), 516(A), (B)(2), and (D), 718(B)(1) and (C) and 812(C), to enact R.S.  
6 32:1(108.1) and (2)(B) and (C) and R.S. 36:408(B)(3), and to repeal R.S. 32:2(E),  
7 388(C)(3), and Sections 6 through 14 of Act No. 320 of the 2010 Regular Session of  
8 the Legislature; relative to weights and standards; to transfer the operation and  
9 maintenance of stationary weight enforcement scale locations from the Department  
10 of Public Safety and Corrections to the Department of Transportation and  
11 Development; to provide for authority of the Department of Transportation and  
12 Development; to provide for the authority of the Department of Public Safety and  
13 Corrections; to provide for definitions; to provide for fines and payments; to provide  
14 for enforcement, payment, and collections procedures; to provide for administrative  
15 review; to provide for transition; to provide for an effective date; and to provide for  
16 related matters.

17 Be it enacted by the Legislature of Louisiana:

1 Section 1. R.S. 32:1(1), (10), and (108), (2)(D), (3)(C), 388(A)(3) and (4), the  
2 introductory paragraph of (B)(1)(a), (B)(4)(a), (F), and (G), 388.1, 389, and 392(A)(1) are  
3 hereby amended and reenacted and R.S. 32:1(108.1) and (2)(B) and (C) are hereby enacted  
4 to read as follows:

5 §1. Definitions

6 When used in this Chapter, the following words and phrases have the  
7 meanings ascribed to them in this Section, unless the context clearly indicates a  
8 different meaning:

9 (1) "Authorized emergency vehicle" means a vehicle of a fire department, a  
10 vehicle of the **department's** weights and standards police force, a police vehicle, a  
11 private vehicle, a privately owned vehicle belonging to members of an organized  
12 volunteer fire department or fire district when so designated or authorized by the fire  
13 chief of that fire department or fire district, an industrial-owned vehicle assigned to  
14 members of a fire department or fire district when so designated or authorized by the  
15 fire chief of that fire department or fire district, a vehicle parked or stopped by  
16 elevator repair or construction personnel while responding to an elevator emergency,  
17 such **as** ambulances and emergency medical response vehicles certified by the  
18 Department of Health and Hospitals that are operated by certified ambulance  
19 services, and emergency vehicles of municipal departments or public service  
20 corporations as are designated or authorized by the secretary of the Department of  
21 Transportation and Development or by the chief of police of any incorporated  
22 municipality. For purposes of this Section, elevator repair shall be limited to those  
23 elevators that move people.

24 \* \* \*

25 (10) "Commissioner" means the ~~deputy~~ secretary of the Department of Public  
26 Safety and Corrections, ~~public safety services~~.

27 \* \* \*

28 (108) "Weights and standards **stationary scale** police officer" means an  
29 employee of the Department of ~~Public Safety and Corrections, public safety services~~



1 of these laws and regulations, and in that regard, shall have the same authority  
 2 and powers conferred by law upon other law enforcement officers of this state;  
 3 however, no member of the Weights and Standards Stationary Scales Police  
 4 Force shall be authorized to carry a weapon until the member has received  
 5 P.O.S.T. certification training.

6 D. The department **Department of Transportation and Development** shall  
 7 have sole authority over the issuance of special permits as set forth in R.S. 32:387.  
 8 ~~The commissioner may facilitate the issuance of permits by the department's truck~~  
 9 ~~permit office to place a vehicle or load in compliance with law.~~

10 E. ~~The commissioner shall provide the personnel and equipment required to~~  
 11 ~~fully implement the provisions of the Louisiana Truck Center, Part VI-B of Chapter~~  
 12 ~~1 of Title 32 of the Louisiana Revised Statutes, as it relates to the assessment and~~  
 13 ~~collection of fees and taxes of this department. Any money made available and~~  
 14 ~~received from the Federal Highway Administration, or from any other entity for the~~  
 15 ~~purpose of maintaining, improving, or upgrading the stationary or mobile scales shall~~  
 16 ~~be used solely for such purpose. The commissioner shall be responsible for~~  
 17 ~~maintenance of the buildings and grounds and the stationary scales at stationary scale~~  
 18 ~~locations. The department shall be responsible for the maintenance of the roadways~~  
 19 ~~and parking lots at the stationary scale locations.~~

20 §3. Authority of Department of Public Safety and Corrections

21 \* \* \*

22 C. ~~The Weights and Standards Police Force is hereby created within the~~  
 23 ~~Department of Public Safety and Corrections, public safety services. It may enforce~~  
 24 ~~the provisions of R.S. 32:380 through 388.1, R.S. 32:390, R.S. 47:718, Chapter 4 of~~  
 25 ~~Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, the access laws and~~  
 26 ~~regulations relative to controlled access highways, and certain other specified~~  
 27 ~~statutes and regulations determined by the deputy secretary of the Department of~~  
 28 ~~Public Safety and Corrections, public safety services. Members of the Weights and~~  
 29 ~~Standards **Mobile** Police Force ~~may be~~ **are** authorized to carry weapons and to make~~

1 arrests in the enforcement of these laws and regulations and ~~may~~ have the same  
 2 authority and powers conferred by law upon other law enforcement officers of ~~the~~  
 3 ~~Department of Public Safety and Corrections upon being duly commissioned as a~~  
 4 ~~peace officer by the deputy secretary of the Department of Public Safety and~~  
 5 ~~Corrections, public safety services~~ **the state**; however, no member of the Weights  
 6 and Standards **Mobile** Police Force shall be authorized to carry a weapon until the  
 7 member has received P.O.S.T. certification training and has been duly commissioned  
 8 as a peace officer by the deputy secretary of the Department of Public Safety and  
 9 Corrections, public safety services.

10 \* \* \*

11 §388. Penalties; payments

12 A. \* \* \*

13 (3) Each vehicle that is required to stop at a **department stationary** weight  
 14 enforcement scale location and ~~which~~ **that** fails to stop shall be assessed the  
 15 following penalty:

16 (a) Vehicles with a gross vehicle weight rating of less than twenty-six  
 17 thousand pounds shall be ~~penalized~~ **fined** one hundred dollars for failure to stop at  
 18 ~~a weight scale~~ **the department stationary weight scales**. This ~~penalty~~ **fine** shall be  
 19 in addition to any other ~~penalties~~ **fine** which may be assessed for other violations.

20 (b) Vehicles with a gross vehicle weight rating of twenty-six thousand  
 21 pounds or more shall be ~~penalized~~ **fined** five hundred dollars for failure to stop at a  
 22 ~~weight scale~~ **the department stationary weight scales**. This ~~penalty~~ **fine** shall be  
 23 in addition to any other ~~penalties~~ **finer** which may be assessed for other violations.

24 (4) Any vehicle which inadvertently bypasses **the department stationary**  
 25 **weight scales** and returns to the scales voluntarily without the assistance of law  
 26 enforcement shall not be assessed any penalty for bypassing the ~~scale~~ **scales**.

27 B.(1)(a) Except as provided in Subparagraphs (b) and (c) **of this Paragraph**,  
 28 whoever owns or operates any vehicle or combination of vehicles in violation of any  
 29 rule, regulation, directive, or requirement **of the secretary** adopted under R.S.

1 32:386 or in violation of R.S. 32:386 shall be required to reduce the load to the  
2 maximum permissible gross weight and shall be assessed a penalty on such weight  
3 which exceeds the maximum permissible gross weight as defined by R.S. 32:386 or  
4 maximum allowable axle weights, whichever results in the higher fine, in accordance  
5 with the following schedule:

6 \* \* \*

7 (4)(a) Whoever owns any business entity engaged in the sale or shipment of  
8 construction aggregates requiring a weigh master, not including asphalt, or transfer  
9 sales or shipment from rail, barge, or ship to wholesale stockpiles or inventories  
10 within a five-mile radius of the point where the shipment was transferred, who  
11 violates, or whose driver or contract driver violates any rule, regulation, directive,  
12 or requirement **of the secretary** adopted under R.S. 32:386 or violates R.S. 32:386  
13 shall also be assessed a separate penalty for each violation in accordance with the  
14 schedule set forth in Paragraph B(1) of this ~~Section~~ **Subsection**. However,  
15 notwithstanding any other provision of this Chapter or any law to the contrary, any  
16 such business, or weigh master thereof, who releases a vehicle that is within the  
17 maximum permissible gross weight limitations for travel on a state highway shall not  
18 be assessed any penalty when said vehicle is found in violation of gross maximum  
19 weight limitations while traveling on any interstate highway. For purposes of  
20 enforcing this Subsection, any weights and standards or state policeman having  
21 reason to believe that such owner is in violation of R.S. 32:386 is authorized to enter  
22 and go upon, without formal warrant, any vehicle, stand, place, building, or  
23 premises, for the purpose of inspecting only the shipping ticket or tickets issued in  
24 connection with the particular load found in violation of R.S. 32:386 by any weights  
25 and standards ~~or state policeman~~ **police** in order to determine whether such sales at  
26 the origin of shipment contain the amounts represented and are offered for sale or  
27 sold in a manner in accordance with law. The discovery of an overweight vehicle  
28 after proper weighing shall constitute "reason to believe" for purposes of this  
29 Subsection.

\* \* \*

C.

\* \* \*

~~(3) Nothing contained in this Subsection shall authorize the commissioner or any weights and standards or state policeman to assess any penalty provided for herein for both the failure to possess a required special permit and for operating a vehicle in violation of R.S. 32:386 when arising out of the same activity, and to this extent the penalties provided for in this Subsection shall not be cumulative in nature.~~

\* \* \*

F. Payments for penalties imposed by the **Department of Transportation and Development and the** Department of Public Safety and Corrections, ~~public safety services~~, shall be remitted to the Transportation Trust Fund. However, any payments for citations for weight limit violations on parish roads in a parish shall be paid to the public works department of said parish.

G.(1) All ~~such~~ penalties collected by **the secretary and** the commissioner shall be paid into the state treasury on or before the twenty-fifth day of each month following their collection and, in accordance with ~~Article VII, Section 9 of the Constitution of Louisiana~~ **La. Const. Art. VII, Sec. 9**, shall be credited to the Bond Security and Redemption Fund. However, after a sufficient amount of the penalties collected by **the secretary and** the commissioner is allocated from the fund to pay all obligations secured by the full faith and credit of the state within any fiscal year, the treasurer shall pay an amount equal to the fees paid into the Bond Security and Redemption Fund pursuant to this Paragraph into the Transportation Trust Fund created under ~~Article VII, Section 27 of the Constitution of Louisiana~~ **La. Const. Art. VII, Section 27**.

(2) The Department of Public Safety and Corrections, public safety services **Department of Transportation and Development**, shall keep a set of books showing from whom every dollar is paid and for what purpose. It also shall keep in its file vouchers or receipts for all monies paid out.

§388.1. Penalties; multiple violations





1 conditions of a special permit issued under R.S. 32:387 or regulations of the  
2 department or secretary adopted pursuant to this Part is authorized to stop such  
3 vehicle or combination of vehicles and to inspect or measure such vehicle or to  
4 require that such vehicle be driven to the nearest available location equipped with  
5 facilities to inspect or measure such vehicle, provided that any state policeman  
6 having reason to believe that any vehicle or combination of vehicles exceeds or is in  
7 violation of the provisions of R.S. 32:386, any overweight special permit as provided  
8 in R.S. 32:387, or the department's regulations adopted pursuant thereto, may escort  
9 such vehicle to the nearest permanent or portable scale operated by the department's  
10 weights and standards police force, where a weights and standards police officer  
11 shall weigh such vehicle and if such vehicle is overweight, is in violation of an  
12 overweight special permit, or the department's or secretary's regulations adopted  
13 pursuant thereto, shall issue a violation ticket in accordance with Subsection C of this  
14 Section.

15 C.(1) Whenever any carrier, common carrier, contract carrier, private carrier,  
16 transport vehicle, or driver is found in violation of any provision of this Chapter, the  
17 commissioner or secretary shall send the responsible party a "Notice of Violation,  
18 Proposed Finding and Proposed Civil Penalty", hereafter referred to as a "notice of  
19 violation", within thirty calendar days of the violation.

20 (2)(a) Each notice of violation shall clearly indicate if a monetary penalty is  
21 assessed for the violation or if the notice of violation is only a warning. When a  
22 monetary penalty is assessed, each notice of violation shall be sent to the responsible  
23 party by certificate of mailing. Such notice of violation shall also contain notice that  
24 the responsible party shall have forty-five calendar days from the date of issuance  
25 of the notice of violation to either pay the monetary penalty for the violation or to  
26 request, in writing, an administrative hearing to review the notice of violation. When  
27 the amount of the civil penalty is negotiated between the commissioner or secretary  
28 and the responsible party, the commissioner or secretary shall send written  
29 notification to the responsible party of the amount of the negotiated civil penalty

1 within thirty calendar days of the date of the final negotiation. Such payment shall  
2 be made by certified check, money order, or credit card. If made by credit card, the  
3 payment shall be deemed received by the commissioner when tendered and an  
4 approval code is obtained from the credit card company or credit card processor.

5 (b) The commissioner **or secretary** shall adopt rules and regulations in  
6 accordance with the Administrative Procedure Act, subject to oversight by the House  
7 and Senate committees on transportation, highways and public works as are  
8 necessary regarding the administrative hearing, including but not limited to rules and  
9 regulations regarding notification and the procedure for requesting a hearing  
10 provided such rules shall not conflict with the provisions of R.S. 32:388.1.

11 (3) If the commissioner **or secretary** fails to issue the notice of violation to  
12 the responsible party within thirty calendar days of the violation in accordance with  
13 the provisions of this Section, the violation shall be dismissed. However, the  
14 commissioner shall be granted an additional sixty calendar days to send the  
15 responsible party a notice of violation in accordance with the provisions of this  
16 Section if he experiences a data system failure caused by either an act of God or an  
17 intentional act of sabotage.

18 (4) Any appeal of the findings of the administrative law judge shall be filed  
19 in a state district court with proper venue over the matter.

20 D.(1) If a carrier is determined to be the responsible party for a notice of  
21 violation by the commissioner **or secretary** and, if ~~such~~ **the** carrier fails to pay the  
22 assessed penalty within forty-five calendar days of issuance of the notice of  
23 violation, or in the case of an administrative hearing, the responsible party fails to  
24 pay the assessed fine within thirty calendar days of receiving a notice of final  
25 judgment from the administrative law judge, the outstanding penalty amount shall  
26 be posted on the commissioner's **or secretary's** official web site. The outstanding  
27 penalty amount for such responsible party shall continue to appear on the web site  
28 until all fines and fees are paid in full. The commissioner **or secretary** shall transmit  
29 the vehicle identification number of the offending vehicle for which the notice of

1 violation was written to the office of motor vehicles. The office of motor vehicles  
2 shall not renew the registration of the offending vehicle until all fines and fees  
3 associated with the notice of violation have been paid in full. Within seven calendar  
4 days of receiving documentation from the responsible party that all fines and fees  
5 have been paid in full, the commissioner **or secretary** shall remove the posting of  
6 the notice of violation from his web site. Additionally, upon payment of all fines and  
7 fees associated with the notice of violation, the office of motor vehicles shall  
8 immediately authorize renewal of the vehicle's registration. Such payment shall be  
9 made by certified check, money order, or credit card. If made by credit card, the  
10 payment shall be deemed received by the commissioner when tendered and an  
11 approval code is obtained from the credit card company or credit card processor.

12 (2) If the driver of a motor vehicle is found to be the responsible party for a  
13 notice of violation by the commissioner **or secretary**, the driver shall be responsible  
14 for the payment of all fines and fees associated with issuance of the notice of  
15 violation. Such payment shall be made by certified check, money order, or credit  
16 card. If made by credit card, the payment shall be deemed received by the  
17 commissioner **or secretary** when tendered and an approval code is obtained from the  
18 credit card company or credit card processor. If the commissioner **or secretary** fails  
19 to receive payment within forty-five calendar days of issuance of the notice of  
20 violation, or in the case of an administrative hearing, the responsible party fails to  
21 pay the assessed penalty within thirty calendar days of receiving a notice of final  
22 judgment from the administrative law judge, the commissioner **or secretary** shall  
23 transmit the driver's license number to the office of motor vehicles. Upon receipt of  
24 the driver's license number, the office of motor vehicles shall immediately notify the  
25 driver, by first class mail, that his driver's license shall be suspended thirty calendar  
26 days after the date of mailing the notice unless all fines and fees associated with the  
27 notice of violation or final judgment from the administrative law judge are paid in  
28 full together with notice of the imposition of a fifty-dollar fee by the office of motor  
29 vehicles to cover its administrative costs. The driver's license shall remain suspended

1 until all fines and fees associated with the notice of violation or final judgment from  
2 the administrative law judge and the fifty-dollar fee for the office of motor vehicles  
3 are paid in full. Upon payment of all fines and fees, the office of motor vehicles shall  
4 immediately authorize the reinstatement of the driver's license.

5 (3) Motor carriers shall not be responsible for driver violations.

6 E.(1) The commissioner **or secretary** and any law enforcement officer  
7 working for the commissioner **or secretary** shall be prohibited from seizing a motor  
8 vehicle or the registration license plate of a motor vehicle for failing to pay a fine for  
9 a notice of violation.

10 (2) In the event a motor vehicle for which a notice of violation has been  
11 issued is subsequently sold, the new owner of such vehicle shall not be responsible  
12 for any outstanding fines or fees associated with a notice of violation. The new  
13 owner of the motor vehicle shall present proper documentation to the commissioner  
14 **or secretary** evidencing the lawful transfer of ownership.

15 F. During a state of emergency declared by the governor, the commissioner  
16 **or secretary** shall be granted an additional sixty calendar days to send the  
17 responsible party a notice of violation in accordance with the provisions of this  
18 Section. Such extension of time shall terminate not later than sixty days from the  
19 date the state of emergency ends.

20 G. Notwithstanding the provisions of this Section, any member of the armed  
21 forces, who is in uniform or presents an order for duty and who is operating a  
22 military vehicle in the line of duty in violation of any provision of R.S. 32:380  
23 through R.S. 32:387, or any regulation adopted pursuant thereto, shall not be  
24 required to pay the penalty assessed, nor shall ~~such~~ **the** member be required to  
25 surrender his Louisiana driver's license. However, the owner of the vehicle or the  
26 federal government shall pay the penalty within thirty days.

27 H. The failure of any vehicle or combination of vehicles to stop at a weigh  
28 facility may be excused if stopping the vehicle or combination of vehicles creates a  
29 serious traffic hazard. The commissioner **or secretary** shall promulgate rules under

1 the provisions of the Administrative Procedure Act to implement the provisions of  
 2 this Subsection. ~~Such~~ **These** rules shall define "serious traffic hazard" and shall  
 3 authorize the use of green traffic signal lights to allow vehicles to pass the weigh  
 4 facility at ~~such~~ times as vehicles have accumulated on the entrance ramp to the weigh  
 5 facility to the extent that the vehicles present a traffic hazard. Rules previously  
 6 adopted by the department shall remain in full force and effect until such time as the  
 7 commissioner or secretary promulgates rules pursuant to this Subsection. ~~Rules~~  
 8 ~~adopted hereunder~~ **These rules** shall be subject to oversight by the House and Senate  
 9 committees on transportation, highways and public works.

10 \* \* \*

11 §392. Impounding of vehicles; prohibitions

12 A.(1) Upon discovery of any vehicle operated in violation of this Chapter, the  
 13 vehicle shall not be impounded but ~~shall~~ **may** be directed to and followed by the  
 14 weights and standards police officer or state policeman to the nearest appropriate  
 15 place suitable for unloading to its licensed gross weight or maximum size  
 16 requirements as provided in this Chapter and storage of said product to preserve it  
 17 for its intended use in commerce and in either case shall be detained or unloaded at  
 18 the expense and responsibility of the owner or driver. The ~~commissioner~~  
 19 **department** shall not detain or impound any vehicle issued a violation ticket for any  
 20 violation of the provisions of R.S. 32:380 through 387 prior to the final disposition  
 21 of the violation ticket **if the owner or driver is a resident of Louisiana or has a**  
 22 **domicile in Louisiana, or has paid the penalty or posted the bond in accordance**  
 23 **with the provisions of R.S. 32:389(C). For purposes of this Section, "final**  
 24 **disposition" shall be defined as a final conviction, not capable of appeal or**  
 25 **review.**

26 \* \* \*

27 Section 2. R.S. 36:409(C)(8) is hereby amended and reenacted and R.S. 36:408(B)(3)  
 28 is hereby enacted to read as follows:

29 §408. Offices; purposes and functions

1 \* \* \*

2 B. \* \* \*

3 (3) Within the office of state police there shall be a Weights and  
4 Standards Mobile Police Force which shall perform the functions of the state  
5 related to the enforcement of R.S. 32:380 through 388.1, R.S. 32:390, and R.S.  
6 47:718, and the provisions of Chapter 4 of Subtitle II of Title 47 relating to  
7 trucks, trailers, and semi-trailers and Part V of Chapter 7 of Subtitle II of Title  
8 47 of the Louisiana Revised Statutes of 1950 and the department's regulations  
9 adopted pursuant thereto.

10 \* \* \*

11 §409. Transfer of agencies to Department of Public Safety and Corrections

12 \* \* \*

13 C. The following agencies, as defined by R.S. 36:3, are transferred to and  
14 hereafter shall be within the Department of Public Safety and Corrections, as  
15 provided in R.S. 36:802:

16 \* \* \*

17 (8) The Weights and Standards Police Force **(mobile units only)** (R.S.  
18 40:1379.8). The Weights and Standards Police Force shall perform the functions of  
19 the state related to the enforcement of R.S. 32:380 through 388, R.S. 32:388.1, R.S.  
20 32:390, and R.S. 47:718, and the provisions of Chapter 4 of Subtitle II of Title 47  
21 relating to trucks, trailers, and semi-trailers and Part V of Chapter 7 of Subtitle II of  
22 Title 47 of the Louisiana Revised Statutes of 1950 and the department's regulations  
23 adopted pursuant thereto.

24 \* \* \*

25 Section 3. R.S. 40:1379.8 is hereby amended and reenacted to read as follows:

26 §1379.8. Weights and Standards **Mobile** Police Force

27 A. The Weights and Standards **Mobile** Police Force is hereby created within  
28 the **office of state police of the** Department of Public Safety and Corrections, ~~public~~  
29 ~~safety services.~~



1 or secretary when tendered and an approval code is obtained from the credit card  
2 company or credit card processor.

3 E. All of such penalties collected by the commissioner or secretary of the  
4 Department of Transportation and Development shall be paid into the state  
5 treasury on or before the twenty-fifth day of each month following their collection  
6 and, in accordance with ~~Article VII, Section 9 of the constitution~~ La. Const. Art.  
7 VII, Section 9 shall be credited to the Bond Security and Redemption Fund. After  
8 a sufficient amount is allocated from that fund to pay all obligations secured by  
9 the full faith and credit of the state which become due and payable within any  
10 fiscal year, the treasurer shall pay an amount equal to the fees paid into the  
11 Bond Security and Redemption Fund pursuant to this Subsection into the  
12 Transportation Trust Fund.

13 \* \* \*

14 §516. Vehicles improperly licensed; weighing, inspections and investigations;  
15 purchase of proper license required; penalty

16 A. The commissioner, or the division of state police, weights and standards  
17 police officers; of the Department of Transportation and Development or other  
18 proper legal authority, shall have the right and power at any time and place to  
19 investigate, in any lawful manner, and inspect, at any time and place, any vehicle,  
20 with respect to its registration, license, tax payment or other manner or thing  
21 contemplated by or provided for in this Chapter. To that end the commissioner may  
22 select, appoint or designate inspectors, acquire the necessary scales or other  
23 equipment incident to their functioning, and where necessary may cause the owner  
24 or driver of any vehicle to move the same or cause it to be moved, forthwith, to the  
25 nearest scales available in the direction of destination.

26 B. \* \* \*

27 (2) Twenty-five percent of the annual price of the license or registration shall  
28 be added to the cost of purchasing the same as a penalty, which shall be in lieu of the  
29 penalties directed to be imposed by R.S. 47:508. There shall be credited against the



1 price of this license or registration the price of the license or registration on the  
 2 vehicle at the time of its unlawful operation. However, in lieu of impoundment and  
 3 immediate purchase of license and registration, a **Department of Transportation**  
 4 **and Development** stationary weights and standards ~~police~~ **scales enforcement**  
 5 officer may issue a violation ticket in the amount of seventy-five dollars, in addition  
 6 to any overweight penalties due as provided by R.S. 32:388, to any operator  
 7 possessed of an improper Louisiana license and registration.

8 \* \* \*

9 D. Whoever violates his promise to appear, purchase license plate and  
 10 registration and pay any penalty assessed under Subsections B and C of this section  
 11 shall be punished by a fine of not more than five hundred dollars, or by  
 12 imprisonment for not more than ninety days, or both, and the driver's license or  
 13 license plate shall be forwarded to the ~~commissioner~~ **Department of Public Safety**  
 14 for suspension, revocation, and cancellation.

15 \* \* \*

16 §718. Gasoline or motor fuel imported in a vehicle's reservoir and used within this  
 17 state

18 \* \* \*

19 B.(1) In order to enforce the provisions of this Section, the secretary or his  
 20 authorized representative, or any commissioned officer employed by the ~~Department~~  
 21 ~~of Public Safety and Corrections, public safety services,~~ **office of state police or by**  
 22 **the Department of Transportation and Development** is empowered to stop any  
 23 motor vehicle which appears to be operating with gasoline or motor fuel for the  
 24 purpose of examining the invoices and for such other investigative purposes  
 25 reasonably necessary to determine whether the vehicle is being operated in  
 26 compliance with the provisions of this Section.

27 \* \* \*

28 C. All penalties collected for violation of this Section shall be paid to the  
 29 ~~deputy~~ secretary of the Department of Public Safety and Corrections, ~~public safety~~

1 ~~services;~~ or the Department of Transportation and Development, whichever  
 2 agency issued the violation ticket, who shall pay said penalties into the state  
 3 treasury on or before the twenty-fifth day of each month following their collection  
 4 and, in accordance with Article VII, Section 9 of the Constitution of Louisiana shall  
 5 be credited to the Bond Security and Redemption Fund. After a sufficient amount is  
 6 allocated from that fund to pay all obligations secured by the full faith and credit of  
 7 the state which become due and payable within any fiscal year, the treasurer shall  
 8 pay an amount equal to the fees paid into the Bond Security and Redemption Fund  
 9 pursuant to this Subsection into the Transportation Trust Fund.

10 \* \* \*

11 §812. Violations; cargo tank to carburetor connection; operation without  
 12 speedometer or hub meter; operation without name and address on  
 13 trucks; invoice

14 \* \* \*

15 C. All specific penalties collected by the Department of Public Safety and  
 16 Corrections, ~~public safety services,~~ or the Department of Transportation and  
 17 Development in accordance with this Part shall be paid to the ~~deputy~~ secretary of the  
 18 Department of Public Safety and Corrections, ~~public safety services,~~ or the  
 19 Department of Transportation and Development, whichever agency issued the  
 20 violation ticket or notices, who shall pay said penalties into the state treasury on or  
 21 before the twenty-fifth day of each month following their collection and, in  
 22 accordance with Article VII, Section 9 of the Constitution of Louisiana, such funds  
 23 shall be credited to the Bond Security and Redemption Fund. After a sufficient  
 24 amount is allocated from that fund to pay all obligations secured by the full  
 25 faith and credit of the state which become due and payable within any fiscal  
 26 year, the treasurer shall pay an amount equal to the fees paid into the Bond  
 27 Security and Redemption Fund pursuant to this Subsection into the  
 28 Transportation Trust Fund.

29 Section 5. R.S. 32:2(E), 388 (C)(3), and Sections 6 through 14 of Act No. 320 of the

1 2010 Regular Session of the Legislature are hereby repealed.

2 Section 6. The items that are currently necessary to the duties and responsibilities  
3 currently performed by the Department of Public Safety and Corrections, public safety  
4 services for carrying out the functions, duties, and responsibilities of the previously  
5 constituted Weights and Standards Stationary Scales Police Force are transferred to the  
6 Department of Transportation and Development.

7 Section 7. All rules and regulations adopted or permits, licenses, registrations,  
8 variances, or orders issued by the effective date of this Act shall continue in full force unless  
9 otherwise revoked, repealed, amended, modified, or terminated in accordance with law.  
10 However, the secretary of the Department of Transportation and Development shall act to  
11 adopt such rules and regulations as are necessary to the function of the Weights and  
12 Standards Police Force.

13 Section 8. Any legal proceeding, the statutory provisions for which are amended or  
14 repealed by the provisions of this Act, to which any agency or office is a party and that is  
15 filed, initiated, or otherwise pending before any court or hearing agency on the effective date  
16 of this Act, and all documents involved or affected by said legal proceeding shall retain their  
17 effectiveness and shall be continued in the name of the former agency. All further legal  
18 proceedings shall be in the name of the original party agency and the Department of  
19 Transportation and Development shall be substituted for the original party agency without  
20 the necessity for amendment of any document to substitute the name of the department or  
21 the name or title of any subdivision or section of the department.

22 Section 9. All employees engaged in the performance of the functions of the Weights  
23 and Standards Stationary Scales Police Force, the provisions of which are amended or  
24 transferred by this Act, are hereby assigned to the Department of Transportation and  
25 Development and, shall insofar as practicable and necessary continue to perform duties  
26 heretofore assigned, subject to applicable state civil service laws, rules, and regulations.

27 Section 10. The provisions of this Act shall not be construed in any manner that will  
28 impair the contractual or other obligations of any agency, office, or department of this state.

29 Section 11. Any reference to the Weights and Standards Stationary Scales Police

1 Force or Weights and Standards Mobile Police Force, in any provision of law, including but  
 2 not limited to provisions of Chapters 4 and 7 of Subtitle II of Title 47 of the Louisiana  
 3 Revised Statutes of 1950, shall be understood to refer to the Weights and Standards Police  
 4 Force of the Department of Transportation and Development and the Louisiana State Law  
 5 Institute shall make the necessary statutory changes in order to comply with the provisions  
 6 of this Section.

7 Section 12. All rules and regulations promulgated by the Department of  
 8 Transportation and Development relative to weight enforcement, payment, and collection  
 9 procedures shall be adopted in accordance with the provisions of the Louisiana  
 10 Administrative Procedure Act. These rules and regulations shall make reference to the  
 11 Sections or Subsections which they may interpret or apply.

12 Section 13. This Act shall become effective on July 1, 2022.

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The original instrument and the following digest, which constitutes no part  
 of the legislative instrument, were prepared by Xavier I. Alexander.

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DIGEST

SB 190 Original

2021 Regular Session

Smith

Proposed law transfers the Weights and Standards Police Force from the Department of Public Safety and Corrections (DPS&C) to the Department of Transportation and Development (DOTD).

Present law defines "commissioner" and "weights and standards stationary scale police officer".

Proposed law defines commissioner as the secretary of the Department of Public Safety and Corrections.

Proposed law changes "weights and standards police officer" to "weights and standards stationary police officer".

Proposed law defines weights and standards mobile police officer.

Present law authorizes the DPS&C to enforce certain provisions of law relating to trucks, trailers, and semi-trailers.

Present law provides that DOTD shall enforce certain provisions of law and the regulations adopted on all highways of this state within its jurisdiction and shall exercise such other power and authority as authorized by law.

Proposed law retains present law and transfers operation and maintenance of all stationary weight enforcement scale locations from DPS&C to DOTD.

Present law provides that DOTD shall have sole authority over the issuance of special permits as provided by law.

Proposed law retains present law and authorizes DOTD to facilitate the issuance of permits by DOTD's truck permit office to place a vehicle or load in compliance with law.

Proposed law creates the Weights and Standards Mobile Police Force (mobile police force) within DOTD. Authorizes the police force to enforce certain provisions of law, the access laws and regulations relative to controlled access highways and certain other laws and regulations as determined by the secretary of DOTD.

Proposed law removes the requirement of the commissioner to provide the personnel and equipment to fully implement the provisions to collect fees and taxes.

Proposed law provides that when any vehicle is in violation of any provision of the Part, the driver shall be issued a violation ticket.

Present law provides for collection procedure; provides violations are penalties, rather than fines, to reflect civil nature; provides for notice of violation and civil penalty or warning to responsible party within 30 days of violation; provides 45 day period to pay the penalty or to request an administrative hearing; provides for payment by certified check, money order, or credit card; credit card payments are deemed received when approval code is obtained; provides for dismissal of violation if commissioner fails to issue a notice of violation to the responsible party in 30 calendar days of date of violation; extends notice period for 60 calendar days due to data system failure by act of God or intentional act of sabotage or during state of emergency declared by governor; provides for appeal of findings of an administrative law judge in state district court of proper venue; provides for posting of unpaid penalties after 45 days on the commissioner's website until paid and notice to office of motor vehicles who shall not renew vehicle registration until penalties and fees are paid; provides for suspension of driver's license where the driver is the responsible party; provides for notice of suspension of license within 30 days unless all penalties and fees are paid; provides for a \$50 fee to OMV to cover administrative cost; provides that motor carriers shall not be responsible for driver violations.

Present law provides that any vehicle operated in violation of this Chapter shall be impounded.

Proposed law provides that any vehicle operated in violation of this Chapter may be impounded and the department shall not detain or impound any vehicle issued a violation if the owner or driver is a resident of Louisiana or has a domicile in Louisiana or has paid the penalty or posted the bond in accordance with R.S. 32:389(C).

Proposed law provides that within the office of state police there shall be a Weights and Standards Mobile Police Force to enforce functions related to R.S. 32:380 - 388.1, R.S. 32:390, and R.S. 47:718.

Present law provides that all penalties collected by the commissioner shall be paid into the state treasury on or before the 25th day of each month, following their collection, to be credited to the Bond Security and Redemption Fund.

Proposed law retains present law and provides that all penalties collected by the commissioner or secretary of the Department of Transportation and Development and after a sufficient amount is allocated from the Bond Security and Redemption Fund, the treasurer shall pay an amount equal to the fees paid into the Bond Security and Redemption Fund into the Transportation Trust Fund.

Present law provides for DOTD to promulgate rules and oversight of rules by the House and Senate Committees on Transportation, Highways, and Public Works.

Proposed law provides transition provisions for the transfer of functions from DPS&C to DOTD.

Effective July 1, 2022.

(Amends R.S. 32:1(1),(10) and (108), 2(D), 3(C), 388(A)(3) and (4), (B)(1)(a)(intro para), (B)(4)(a), (F), and (G), 388.1, 389, and 392(A)(1), and R.S. 36:409(C)(8), R.S. 40:1379.8, and R.S. 47:511.1(B), (C), (D), and (E), 516(A), (B)(2), and (D), 718(B)(1) and (C) and 812(C); adds R.S. 32:1(108.1) and 2(B) and (C) and R.S. 36:408(B)(3); repeals R.S. 32:2(E), 388(C)(3), and Sections 6-14 of Act No. 320 of the 2010 R.S.)