

RÉSUMÉ DIGEST

ACT 384 (SB 190)

2021 Regular Session

Smith

New law transfers the operation and maintenance of the stationary weight enforcement scale locations from the Department of Public Safety and Corrections (DPS&C) to the Department of Transportation and Development (DOTD).

Prior law defined "commissioner" and "weights and standards stationary scale police officer".

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

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

New law defines weights and standards mobile police officer.

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

Prior law provided 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.

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

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

New law retains prior 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.

New law creates the Weights and Standards Stationary Scales 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.

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

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

Prior law provided 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; provided 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; provided for dismissal of violation if commissioner or secretary fails to issue a notice of violation to the responsible party in 30 calendar days of date of violation; extended 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; provided for posting of unpaid penalties after 45 days on the commissioner's or secretary's website until paid and notice to office of motor vehicles who shall not renew vehicle registration until penalties and fees are paid; provided for suspension of driver's license where the driver is the responsible party; provided for notice of suspension of license within 30 days unless all penalties and fees are paid; provided for a \$50 fee to OMV to cover administrative cost; provided that motor carriers shall not be responsible for driver violations.

Prior law provided that any vehicle operated in violation of this Chapter shall be impounded.

New 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).

New 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.

Prior law provided 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.

New law retains prior law and provides that all penalties collected by the commissioner or secretary of the DOTD 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.

Prior law provided that after a sufficient amount of penalties collected by the commissioner is allocated to 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 penalties into the Bond Security and Redemption Fund into the Transportation Trust Fund.

New law specifies that after a sufficient amount is allocated from the fund to pay all obligations secured by the state, which becomes due and payable within any fiscal year, the treasurer shall pay an amount equal to the fees paid into the Bond Security and Redemption Fund into the Transportation Trust Fund.

Prior law provided for DOTD to promulgate rules and oversight of rules by the House and Senate committees on transportation, highways, and public works.

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

Effective July 1, 2022.

(Amends R.S. 32:1(1),(16) 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 320 of the 2010 R.S.)