2023 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 1

BY REPRESENTATIVE RISER

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

MTR VEHICLE/TOWING: Amends state police administrative rules pertaining to full time employment requirements for tow companies

A CONCURRENT RESOLUTION

To amend the office of state police, Department of Public Safety and Corrections, rule LAC 55:I.1947(F)(5), which provides for operational requirements for tow companies; to exempt certain business facilities from the full time staff requirement; and to direct the office of the state register to print the amendments in the Louisiana Administrative Code.

Be it enacted by the Legislature of Louisiana:

WHEREAS, tow companies in certain political subdivisions cannot afford to have full-time employees at their tow yards; and

WHEREAS, the cost of paying the employees to monitor an empty lot is an overwhelming burden on business owners who are attempting to make a profit; and

WHEREAS, existing rules that require tow truck companies be staffed from 8:00 a.m. to 5:00 p.m. has negatively impacted smaller businesses and may ultimately cause those owners to shut down.

WHEREAS, these rules, as written and applied, stifle commerce; and

WHEREAS, R.S. 49:969 provides that the "the legislature, by Concurrent Resolution, may suspend, amend, or repeal any rule or regulation or body of rules or regulations adopted by a state department, agency, board, or commission".

THEREFORE, BE IT RESOLVED by the Legislature of Louisiana that LAC 55: I.1947(F)(5) is hereby amended to read as follows:

CODING: Words in ~~struck through~~ type are deletions from existing law; words <u>underscored</u> are additions.

§1947. Law Enforcement Tow Truck Rotation List

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F.

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5. The business facility shall be staffed and open Monday through Friday, from 8:00 a.m. to 5:00 p.m., excluding holidays. A representative from the company shall be on call for emergencies and an individual shall not be charged a gate fee or storage fees for being unable to retrieve their vehicle as a result of an action or omission from which the tow company would benefit. Notwithstanding any provision of law to the contrary, any political subdivision with a population of twenty-thousand or less shall be exempt from any provision that requires an employee be present full time.

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BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the office of the state register.

BE IT FURTHER RESOLVED that the office of the state register is hereby directed to have the amendments to LAC 55:I.1947(F)(5) printed in the Louisiana Administrative Code.

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)]

HCR 1 Original 2023 Regular Session Riser

Amends LAC 55:I.1947(F)(5) of the rules and regulations promulgated by the office of state police, Dept. of Public Safety and Corrections, relative to requiring business facilities to maintain full time employees between the hours of 8:00 a.m. and 5:00 p.m. in all locations. Modifies the administrative rule to provide that political subdivisions with a population of 20,000 or less are exempt from the full-time employee requirement.

Directs the office of the state register to print the amendment of LAC 55:I.1947(F)(5) in the La. Administrative Code.

(Amends LAC 55:I.1947(F)(5))

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