
DIGEST

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HB 594 Original

2023 Regular Session

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Abstract: Updates the name and governing authority of the Weights and Standards Stationary Police Force and grants them the powers and responsibilities of the police enforcement.

Present law (R.S. 32:2(C)(1) and (2)) specifies that members of the Weights and Standards Stationary Scales Police Force (W&SSSPF) are authorized to carry weapons and to make arrests in the enforcement of these laws and regulations, and in that regard, have the same authority and powers conferred by law upon other law enforcement officers of this state; however, no member of the W&SSSPF is authorized to carry a weapon until the member has received P.O.S.T. certification training.

Proposed law changes the name of the W&SSSPF to the Weights and Standards Stationary Scales and Mobile Police Force (W&SSMMPF)

Present law (R.S. 32:3(C) and (D)) specifies all rules and regulations promulgated by the commissioner relative to weight enforcement, payment, and collection of procedure be adopted in accordance with the provisions of the Administrative Procedure Act. Specifies that members of the W&SSMMPF are authorized to carry weapons and make arrests. However, prohibits members of the W&SSMMPF from carrying a weapon until the member has received P.O.S.T. certification training and has been duly commissioned as a peace officer.

Proposed law removes present law.

Present law (R.S. 32:388(F) and (G)(1) and (2)) requires payments for penalties imposed by the Dept. of Transportation and Development (DOTD) and the Dept. of Public Safety and Corrections (DPS&C) be remitted to the Transportation Trust Fund (TTF). However, specifies that any payments for citations for weight limit violations on parish roads in a parish will be paid to the public works department of the parish. Further provides that all penalties collected by the secretary and the commissioner will be paid into the state treasury on or before the 25th day of each month following their collection and, in accordance with the state constitution, be credited to the Bond Security and Redemption Fund. However, specifies that 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 TTF created under the state constitution. Requires the DPS&C and the DOTD keep a set of books showing from whom every dollar is paid and for what purpose along with vouchers or receipts for all monies paid out.

Proposed law removes the DPS&C from present law. Additionally, proposed law removes the commissioner from the collection of penalties in present law.

Present law (R.S. 32:389(A)) creates the weights and standards police enforcement procedures, payment and collection procedures, and administrative review.

Proposed law updates the name of the W&SSSPF and adds to present law that their authority is all inclusive, with a stipulation that the state police not carry weight scales or weigh vehicles or combinations of vehicles.

Present law (R.S. 32:389(B)(1)) establishes the weights and standards stationary scale police to have concurrent authority to enforce provisions governing, dimensions, weight, and load of vehicles in regular operation, penalties, and the weigh-in-motion enforcement system.

Present law (R.S. 36:409(C)(7)) establishes within the office of state police there is a W&SSSPF which performs the functions of the state related to the enforcement of governing, dimensions, weight, and load of vehicles in regular operation, penalties, and the weigh-in-motion enforcement system, and fuel imported in a vehicle's reservoir and used in the state, and provisions relating to trucks, trailers, and semi-trailers and the department's regulations adopted pursuant thereto.

Proposed law removes present law.

Present law (R.S. 40:1379.8) creates the W&SSSPF within the department. Specifies members of the W&SSMPPF of the DPS&C who receive P.O.S.T. certification training, are considered peace officers that have the authority to enforce the criminal and traffic laws of the state, apprehend criminals and make arrests, and perform other related duties imposed upon them by the legislature. Specifies that as peace officers, they also have, in any part of the state, the same powers with respect to criminal matters and the enforcement of the law relating thereto as sheriffs, constables, and police officers have in their respective jurisdictions. Specifies that no member of the W&SSMPPF can be authorized to carry a weapon until the member has received P.O.S.T. certification training.

Proposed law removes present law.

Present law (R.S. 47:718(B)(1)) establishes the secretary or his authorized representative, or any commissioned officer employed by the office of state police or by the DOTD is empowered to stop any motor vehicle which appears to be operating with gasoline or motor fuel for the purpose of examining the invoices and for such other investigative purposes reasonably necessary to determine whether the vehicle is being operated in compliance with the provisions of this Section.

Proposed law removes commission officer employed by the office of state police and adds weights and standards police officer.

Present law (R.S. 47:718(C)) establishes all penalties collected for violation of present law must be paid to the secretary of the DPS&C, or the DOTD, whichever agency issued the violation ticket, who shall pay said penalties into the state treasury on or before the 25th day of each month following their

collection and, in accordance with the state constitution must be credited to the Bond Security and Redemption Fund. Specifies that after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state which become 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 pursuant to this Subsection into the TTF.

Proposed law removes the DPS&C, and removes the reference to the agency that issued the violation ticket from present law.

(Amends 32: 1(108), 2(C), 3(B) and (C), 388(F), (G)(1) and (2), 389(A), (B)(1), (C)(1), (2)(a) and (b), (3), (D)(1) and (2), (E)(1) and (2), (F), and (H), and R.S. 47:718(B)(1) and (C), 809(A), and 812(C); Repeals R.S. 36:408(B)(3) and 409(C)(7), R.S. 40:1379.8, and Sections 6-14 of Act No. 1186)