

## RÉSUMÉ DIGEST

ACT 278 (SB 50)

2017 Regular Session

Morrish

Prior law created the Commission of Weights and Measures in the Dept. of Agriculture and Forestry and gave the commissioner the authority for registration of weights, measures, and weighing and measuring devices in the distribution, handling, or sale of petroleum products and made its provisions inapplicable to carriers-for-hire operating under valid permits or certificates of convenience or necessity issued by the La. Public Service Commission (LPSC) and not engaged in transporting petroleum products for sale, use, or consumption in this state, and persons operating motor busses under franchises or licenses issued by municipalities.

New law retains prior law but changes terminology from "permits or certificates of convenience or necessity" to "common carrier certificates or contract carrier permits".

Prior law defined "motor carriers" to include both a common carrier by motor vehicle and a contract carrier by motor vehicle, which transports household goods, passengers, waste intrastate, or any other classification of carriers created by law which transports household goods, passengers, or waste intrastate for compensation or hire, including tow trucks, but not including contract carriers by bus, except that a contract carrier by bus is considered a "motor carrier" subject to the control and jurisdiction of the LPSC for purposes of R.S. 45:173 and 1177.

Prior law required motor carriers as defined in prior law to obtain a certificate of public convenience and necessity from the LPSC before operating as a common carrier, which requires an application, public hearing, and a finding of public convenience and necessity.

Prior law (R.S. 45:162(20)) defined "waste" to mean "non-hazardous oilfield waste", "non-hazardous industrial solid waste", and "hazardous waste".

Prior law excluded wrecker and towing services, passenger carrying vehicles, household goods movers, and motor carriers of salt water utilized in oil well exploration and production from requirement to prove public convenience and necessity when applying for a common carrier certificate or contract carrier permit.

New law requires a "motor carrier of waste" applicant for a common carrier certificate, contract carrier permit, or expansion of authority granted in an existing certificate or permit authorizing the transportation of waste to prove fitness in a hearing before an administrative law judge or hearing officer by proving the following:

- (1) The applicant holds, or is capable of acquiring, an insurance policy that complies with commission rules.
- (2) The applicant has the financial ability to provide the transportation of waste for disposal in a safe and efficient manner.
- (3) The applicant holds, or is capable of acquiring, all the necessary authorizations required by any and all regulatory authorities for the transportation of waste for disposal.
- (4) The applicant holds, or is capable of acquiring for use, equipment and man power to provide transportation services in a safe and efficient manner.
- (5) The applicant has in place, or is capable of establishing, a safety program necessary for the safe and efficient transportation of waste for disposal.

Prior law prohibited issuance of a certificate to operate as a motor carrier of passengers to an applicant which uses or will use any vehicle with a reconstructed title as provided in R.S. 32:707 or an equivalent title issued under the laws of another state in operation of such business.

New law retains prior law.

New law applies to all pending applications and declares null and void any restrictive language in existing common carrier certificates of waste or contract carrier permits of waste that would prevent the carrier from applying for expanded authority for any period of time.

Effective upon signature of the governor (June 15, 2017).

(Amends R.S. 3:4672(D), R.S. 45:162(5)(d) and (9), 164(A), (B), and (C); adds R.S. 45:164(F))