2017 Regular Session

ACT No. 278

SENATE BILL NO. 50

BY SENATOR MORRISH

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

1	AN ACT
2	To amend and reenact R.S. 3:4672(D), R.S. 45:162(5)(d) and (9), 164(A), (B), and (C), and
3	to enact R.S. 45:164(F), relative to motor carriers; to provide relative to common
4	carrier certificates or contract carrier permits issued to certain motor carriers by the
5	Louisiana Public Service Commission; and to provide for related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 3:4672(D) is hereby amended and reenacted to read as follows:
8	§4672. Measuring devices; calibration of vehicle tanks; application of Subpart;
9	removal or change of markings unlawful; certificate of calibration
10	* * *
11	D. The provisions of this Subpart are not applicable to carriers-for-hire
12	operating under valid permits or certificates of convenience or necessity common
13	carrier certificates or contract carrier permits issued by the Louisiana Public
14	Service Commission and not engaged in transporting gasoline, motor fuel, or any
15	other petroleum products for the purpose of sale, use, or consumption within this
16	state, and persons operating motor busses under franchises or licenses issued by
17	municipalities.
18	* * *
19	Section 2. R.S. 45:162(5)(d) and (9) and 164(A), (B), and (C) are hereby amended
20	and reenacted and R.S. 45:164(F) is hereby enacted to read as follows:
21	§162. Definitions
22	The following words and phrases when used in this Chapter shall have the
23	meanings ascribed to them in this Section except where a different meaning is
24	expressly stated or clearly indicated by the context.
25	* * *

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1	(5)(a) * * * *
2	(d) All certificates of public convenience and necessity common carrier
3	certificates and contract carrier permits now issued and validly outstanding for
4	common carriers defined herein in this Paragraph shall continue in full force and
5	effect until the further orders of the commission. Those portions of certificates of
6	public convenience and necessity issued and validly outstanding prior to January 1,
7	1995, which are subject to the preemption as provided by Section 601 of the Federal
8	Aviation Administration Act of 1994 are null and void and shall have no continuing
9	value.
10	* * *
11	(9) "Department" means the Department of Highways Transportation and
12	Development.
13	* * *
14	§164. Common carrier's certificate; contract carrier's permit
15	A. Except as provided by Subsection C of this Section, no No motor carrier,
16	as defined in R.S. 45:162, of waste shall operate as a common carrier without first
17	having obtained from the commission a certificate of public convenience and
18	necessity common carrier certificate or contract carrier permit, which shall be
19	issued only after a written application made and filed, a public hearing, due notice
20	given to applicant and all competing common carriers, and a finding by the
21	commission that public convenience and necessity require the issuance of the
22	applicant is fit to receive a certificate. No new or additional certificate shall be
23	granted over a route where there is an existing certificate, unless it be clearly shown
24	that the public convenience and necessity would be materially promoted thereby. No
25	such certificate to operate as a motor carrier of passengers shall be issued to an
26	applicant which uses or will use any vehicle with a reconstructed title as provided in
27	R.S. 32:707 or an equivalent title issued pursuant to the laws of another state in the
28	operation of such business.
29	B. Except as provided by Subsection C of this Section, no motor carrier shall
30	operate as a contract carrier without having had a public hearing and obtained from

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1	the commission a permit to do so, which permit shall not be issued unless in the
2	public interest and until the applicant shall have complied with the requirements of
3	R.S. 45:161 through 172. An applicant applying for a common carrier certificate,
4	contract carrier permit, or expansion of authority granted in an existing
5	certificate or permit authorizing the transportation of waste, as defined in R.S.
6	45:162, shall prove fitness in a hearing before an administrative law judge or
7	hearing officer by proving all of the following:
8	(1) The applicant holds, or is capable of acquiring, an insurance policy
9	that complies with commission rules.
10	(2) The applicant has the financial ability to provide the transportation
11	of waste for disposal in a safe and efficient manner.
12	(3) The applicant holds, or is capable of acquiring, all the necessary
13	authorizations required by any and all regulatory authorities for the
14	transportation of waste for disposal.
15	(4) The applicant holds, or is capable or acquiring for use, equipment
16	and man power to provide transportation services in a safe and efficient
17	manner.
18	(5) The applicant has in place, or is capable of establishing, a safety
19	program necessary for the safe and efficient transportation of waste for
20	disposal.
21	C. Wrecker and towing services, passenger carrying vehicles, household
22	goods movers, and motor carriers of salt water utilized in oil well exploration and
23	production shall not be required to prove public convenience and necessity comply
24	with Subsection B of this Section when applying for a common carrier certificate
25	or contract carrier permit.
26	* * *
27	F. No certificate to operate as a motor carrier of passengers shall be
28	issued to an applicant which uses or will use any vehicle with a reconstructed
29	title as provided in R.S. 32:707 or an equivalent title issued pursuant to the laws
30	of another state in the operation of such business.

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1	Section 3. This Act shall apply to all applications pending on the effective date. Any
2	restrictive language in any existing common carrier certificate of waste or any contract
3	carrier permit of waste that prevents the carrier from applying for expanded authority for any
4	period of time is null and void.
5	Section 4. This Act shall become effective upon signature by the governor or, if not
6	signed by the governor, upon expiration of the time for bills to become law without signature
7	by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
8	vetoed by the governor and subsequently approved by the legislature, this Act shall become
9	effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____