

2019 Regular Session

HOUSE BILL NO. 546

BY REPRESENTATIVE BAGLEY

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

MTR VEHICLE/INSPECTION: Eliminates the state inspection sticker requirement for certain vehicles

1 AN ACT

2 To amend and reenact R.S. 32:1301, 1302, 1304(A)(1), (2), and (3) and (B), 1306(C), and  
3 1306.1(A), and to repeal R.S. 32:707.5(D)(3) and 1303, relative to the vehicle  
4 inspection sticker requirement; to repeal the inspection sticker requirement for  
5 assembled vehicles; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 32:1301, 1302, 1304(A)(1), (2), and (3) and (B), 1306(C), and  
8 1306.1(A) are hereby amended and reenacted to read as follows:

9 §1301. Vehicles without required equipment or in unsafe condition

10 No person shall drive or move on any highway any motor vehicle, low-speed  
11 vehicle as defined in R.S. 32:1(40), trailer, semitrailer, or pole trailer, or any  
12 combination thereof, unless the equipment upon any such vehicle is in good working  
13 order and adjustment as required in this Chapter and the vehicle is in such safe  
14 mechanical condition as not to endanger the driver or other occupant or any person  
15 upon the highway. Every ~~motor vehicle, low-speed vehicle, trailer, semitrailer, and~~  
16 ~~pole trailer~~ vehicle registered in this state which shall be inspected pursuant to the  
17 provisions of this Chapter shall bear a valid safety inspection certificate issued in the  
18 state of Louisiana, except as otherwise provided by this Chapter.

19 §1302. ~~Inspection~~ Enforcement by officers of the department

1           ~~A.~~ The Director of Public Safety, members of the State Police and such other  
 2 officers and employees of the department as the director may designate, may at any  
 3 time upon reasonable cause to believe that a vehicle is unsafe or not equipped as  
 4 required by law, or that its equipment is not in proper adjustment or repair, require  
 5 the driver of such vehicle to stop and submit such vehicle to an inspection and such  
 6 test with reference thereto as may be appropriate, and issue a citation to the operator  
 7 of such vehicle.

8           ~~B. In the event such vehicle is found to be in unsafe condition or any~~  
 9 ~~required part or equipment is not present or is not in proper repair and adjustment the~~  
 10 ~~officer shall give a written notice to the driver and shall send a copy to the~~  
 11 ~~department. Said notice shall require that such vehicle be placed in safe condition~~  
 12 ~~and its equipment in proper repair and adjustment specifying the particulars with~~  
 13 ~~reference thereto and that a certificate of inspection and approval be obtained within~~  
 14 ~~5 days.~~

\* \* \*

§1304. Secretary to require ~~periodical~~ periodic inspection

17           A.(1) The secretary shall at least once every other year, but not more  
 18 frequently than twice each year, require that every ~~motor vehicle, low-speed vehicle,~~  
 19 ~~trailer, semitrailer, and pole trailer registered in this state~~ commercial motor vehicle  
 20 registered in this state and required to be inspected pursuant to 49 CFR Part 396,  
 21 including Part 396.17 and "Appendix G" thereof, and every student transportation  
 22 vehicle registered in this state and required to be inspected pursuant to LAC  
 23 28: CXIII.701(A)(3) be inspected and that an official certificate of inspection and  
 24 approval be obtained for such vehicle. However, overweight and oversize mobile  
 25 homes requiring a state permit shall not be required to bear a certificate of approved  
 26 inspection when being moved by a bonded carrier as defined by law nor shall used  
 27 motor vehicles in transit by a dealer be required to have a certificate of inspection  
 28 and approval. In addition, the secretary shall require motor vehicles registered in a  
 29 parish or municipality subject to the federal Clean Air Act, 42 USC 7401 et seq., or

1 regulations promulgated by the United States Environmental Protection Agency  
 2 requiring performance of the inspection and maintenance (I/M) program, be  
 3 inspected in accordance with R.S. 30:2054(B)(8). Nothing in this Section shall be  
 4 construed to relieve any operator of a motor vehicle, low-speed vehicle as defined  
 5 in R.S. 32:1(40), trailer, semitrailer, or pole trailer, or any combination thereof from  
 6 compliance with the provisions of R.S. 32:1301.

7 (2) Such inspection should be made and such certificates obtained with  
 8 respect to the mechanism, brakes, and equipment of ~~every vehicle~~ vehicles required  
 9 to be inspected as shall be designated by the secretary. The secretary shall require  
 10 the inspection of all approved automotive emission control devices installed on  
 11 ~~motor~~ vehicles required to be inspected and that were produced after model year  
 12 1980 to ~~insure~~ ensure that such devices are operative and have not been tampered  
 13 with. However, low-speed vehicles shall not be subject to regular emissions  
 14 inspections.

15 (3)(a) The secretary shall formulate and promulgate a set of standards for the  
 16 control and regulation of emission control devices on all automobiles and other  
 17 motor vehicles subject to inspection pursuant to this Section, which standards shall  
 18 be consistent with other federal and state regulations for the installation and  
 19 operation of approved emission control devices.

20 (b) The secretary is hereby authorized to make necessary rules and  
 21 regulations for the administration and enforcement of this Section and to designate  
 22 any periods of time during which owners of vehicles, subject to this Section, shall  
 23 display upon such vehicles certificates of inspection and approval and shall produce  
 24 them on demand of any officer or employee of the department designated by the  
 25 secretary or any police or peace officer when authorized by the secretary. ~~However,~~  
 26 ~~an owner or operator of a light trailer, utility trailer, boat trailer, or farm trailer need~~  
 27 ~~only provide a valid inspection sticker on demand of an inspecting officer to be in~~  
 28 ~~compliance with the inspection requirements of this Chapter.~~

29 \* \* \*

1           B. The secretary is hereby authorized to make necessary rules and  
2 regulations for the administration and enforcement of this Section and to designate  
3 any periods of time during which owners of vehicles, subject to this Section, shall  
4 display upon such vehicles certificates of inspection and approval or shall produce  
5 the same on demand of any officer or employee of the department designated by the  
6 secretary or any police or peace officer when authorized by the secretary. Owners  
7 and operators of all ~~motor~~ vehicles, subject to this Section, required to be equipped  
8 with windshields shall display on the lower left hand corner of the windshield a  
9 certificate of inspection affixed thereto by a duly authorized motor vehicle inspection  
10 station. The secretary shall accept the certificate of inspection and approval issued  
11 by any municipality pursuant to any municipal ordinance adopted prior to July 27,  
12 1960. However, each person who applies for a motor vehicle inspection tag in the  
13 city of New Orleans shall produce written proof of insurance from an insurer that the  
14 motor vehicle is covered by security and shall declare in writing that he ~~or she~~  
15 intends to maintain said security at all times while said vehicle is used upon the  
16 highways of Louisiana.

\* \* \*

§1306. Operation of official inspection stations

\* \* \*

20           C.(1)~~(a)~~ A charge or fee shall be charged for each certificate of inspection  
21 and approval issued, as provided in this Subsection.

22           ~~(b) Persons operating an official inspection station shall offer certificates of~~  
23 ~~inspection that are valid for both one year and two year periods. The owner of the~~  
24 ~~vehicle shall have the option of purchasing a one year or a two year certificate. A~~  
25 ~~charge or fee shall be charged for each year of validity of the certificate of inspection~~  
26 ~~and approval issued, as provided in this Subsection.~~

27           ~~(c) The provisions of Subparagraph (b) of this Paragraph shall not apply to~~  
28 ~~the inspection programs provided for in Paragraphs (3) and (5) of this Subsection and~~  
29 ~~to student transportation vehicles.~~

1           ~~(2)~~ Except as otherwise provided in this Subsection, for each year of validity  
2 of the certificate issued, a charge or fee of ten dollars shall be charged, four dollars  
3 and seventy-five cents of which shall be retained by the operator of the motor vehicle  
4 inspection station conducting the inspection, four dollars of which shall be  
5 transferred to the office of state police for use in traffic law enforcement, and one  
6 dollar and twenty-five cents shall be transferred to the office of motor vehicles for  
7 expenses associated with the motor vehicle inspection and financial responsibility  
8 programs. Included in the inspection shall be the adjustment of headlights when  
9 needed and mechanically practical, at no additional cost to the operator of the motor  
10 vehicle inspected.

11           ~~(3)~~~~(a)~~ (2)(a) For parishes and municipalities that have a vehicle inspection  
12 and maintenance program required by the federal Clean Air Act or regulations  
13 promulgated by the United States Environmental Protection Agency, ~~an additional~~  
14 eight dollars shall be charged for each inspection that includes the performance of  
15 the inspection and maintenance (I/M) program pursuant to the provisions of R.S.  
16 30:2054(B)(8) for 1980 or newer model year motor vehicles. The motor vehicle  
17 inspection station shall retain six dollars of the ~~additional~~ charge for implementation  
18 and performance of the I/M program. Two dollars of the ~~additional~~ charge shall be  
19 transferred to the Louisiana Department of Environmental Quality to implement and  
20 operate the inspection and maintenance program.

21           (b) The department shall promulgate and adopt rules and regulations  
22 necessary to implement the provisions of this Paragraph.

23           ~~(c)~~ The provisions of this Paragraph shall not apply to any trailer, light  
24 trailer, or semitrailer.

25           ~~(4)~~ (3) The maintenance and inspection program and the fees provided for in  
26 Paragraph ~~(3)~~ (2) of this Subsection shall be discontinued when the I/M program is  
27 discontinued as allowed by the federal Clean Air Act, 42 USC 7401 et seq., and  
28 regulations promulgated by the United States Environmental Protection Agency or

1 agreements with the agency concerning the implementation of this program, or result  
2 in any other noncompliance regarding this Subsection.

3 ~~(5)~~ (4) An annual charge or fee of thirty dollars shall be charged for the  
4 inspection of all commercial motor vehicles which are required to be inspected under  
5 the provisions of ~~Part 396 of Title 49 of the Code of Federal Regulations~~ 49 CFR  
6 Part 396, including Part 396.17 and "Appendix G" thereof. No charges or fees other  
7 than the thirty-dollar fee shall be charged for a commercial motor vehicle inspection.  
8 Of the thirty-dollar fee, the motor vehicle inspection station operator who performs  
9 this inspection shall retain twenty-three dollars and seventy-five cents; two dollars  
10 and twenty-five cents shall be transferred to the office of motor vehicles for expenses  
11 associated with motor vehicle and financial responsibility programs; and four dollars  
12 of which shall be transferred to the office of state police for use in traffic law  
13 enforcement. Included in the inspection shall be the adjustment of headlights at no  
14 additional cost to the operator of the motor vehicle being inspected. ~~The Legislature~~  
15 ~~of Louisiana hereby declares that a commercial motor vehicle inspection is much~~  
16 ~~more extensive than the inspection mandated in Paragraph (2) of this Subsection and~~  
17 ~~that the increase in the fee or charge for the inspection of commercial vehicles is~~  
18 ~~based on the difference in the two types of inspection.~~

19 ~~(6)(a)~~ (5)(a) The charge or fee for the inspection of student transportation  
20 vehicles which are required to be inspected ~~under~~ pursuant to LAC  
21 28:CXIII.701(A)(3) shall be twenty dollars. No charges or fees other than the  
22 twenty-dollar fee shall be charged for a student transportation vehicle inspection. Of  
23 the twenty-dollar fee, the motor vehicle inspection station operator who performs  
24 this inspection shall retain fourteen dollars and seventy-five cents; one dollar and  
25 twenty-five cents shall be transferred to the office of motor vehicles for expenses  
26 associated with motor vehicle and financial responsibility programs; and four dollars  
27 shall be transferred to the office of state police for use in traffic law enforcement.

28 (b) The adjustment of headlights shall be included in the inspection at no  
29 additional cost to the owner or operator of the school bus being inspected.

1           ~~(c) The Legislature of Louisiana hereby declares that a student transportation~~  
2           ~~vehicle inspection is much more extensive than the inspection required of other~~  
3           ~~motor vehicles and that the increase in the fee or charge for the inspection of student~~  
4           ~~transportation vehicles is based on the difference in these types of inspections:~~

5                                 \*       \*       \*

6           §1306.1. Inspection and maintenance program fees; nonattainment area; local  
7           election

8           A. Upon adoption of a proposition approved by the voters of a nonattainment  
9           area parish as provided for in this Section, seven dollars shall be charged for each  
10           inspection that includes the performance of the inspection and maintenance (I/M)  
11           program pursuant to the provisions of R.S. 30:2054(B)(8) for 1980 or newer model  
12           year motor vehicles. This charge shall be in addition to the charge or fee provided  
13           for in ~~R.S. 32:1306(C)(3)(a)~~ R.S. 32:1306(C)(2)(a).

14                                 \*       \*       \*

15           Section 3. R.S. 32:707.5(D)(3) and 1303 are hereby repealed.

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)]

HB 546 Original                                 2019 Regular Session                                 Bagley

**Abstract:** Eliminates the requirement for certain vehicles to have an inspection sticker.

Present law requires all motor vehicles have an inspection sticker.

Proposed law modifies present law by requiring only those vehicles required by proposed law have an inspection sticker.

Proposed law authorizes certain law enforcement agencies to issue citations for motor vehicles that are unsafe or not equipped according to present law.

Proposed law requires only commercial vehicles and student transportation vehicles have an inspection sticker.

Proposed law also requires those vehicles registered in parishes governed by the U.S. Clean Air Act to obtain an emissions inspection as required under federal law.

Proposed law eliminates the requirement of assembled vehicles to have an inspection sticker.

Proposed law eliminates law enforcement's ability to require drivers to submit to a vehicle inspection and test.

(Amends R.S. 32:1301, 1302, 1304(A)(1), (2), and (3) and (B), 1306(C), and 1306.1(A); Repeals R.S. 32:707.5(D)(3) and 1303)