

2019 Regular Session

HOUSE BILL NO. 369

BY REPRESENTATIVE PIERRE

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

MTR VEHICLE/TRUCKS: Creates the Louisiana Trucking Research and Education Council

1 AN ACT

2 To enact Part XVII of Chapter 3 of Title 32 of the Louisiana Revised Statutes of 1950, to be  
3 comprised of R.S. 32:691 through 694, relative to the trucking industry; to create the  
4 Louisiana Trucking Research and Education Council; to provide for the purpose,  
5 membership, and salary of the council; to provide for the rights and powers of the  
6 council; to authorize the collection and payment of a surcharge; and to provide for  
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Part XVII of Chapter 3 of Title 32 of the Louisiana Revised Statutes of  
10 1950, to be comprised of R.S. 32:691 through 694, is hereby enacted to read as follows:

11 PART XVII. LOUISIANA TRUCKING RESEARCH AND EDUCATION COUNCIL

12 §691. Louisiana Trucking Research and Education Council; purpose

13 The legislature recognizes that the Louisiana trucking industry faces many  
14 challenges, including but not limited to workforce development, highway safety,  
15 highway planning, and public education. The purpose of the Louisiana Trucking  
16 Research and Education Council is to promote education, training, research, and  
17 development for enhanced safety and efficiency within the industry.

18 §692. Creation; membership; salary

19 A. The Louisiana Trucking Research and Education Council, hereinafter  
20 referred to as the "council", is hereby created as a political subdivision of the state

1 with its domicile as Baton Rouge, Louisiana. The council is hereby declared to be  
2 a body corporate and public and shall be composed of thirteen members to serve  
3 terms concurrent with the governor as follows:

4 (1) The Louisiana Motor Transport Association shall submit the names of  
5 twelve trucking industry representatives and the governor shall appoint eight persons  
6 from those nominees.

7 (2) The superintendent of the Louisiana State Police, or his designee.

8 (3) The state superintendent of education, or his designee.

9 (4) The secretary of the Louisiana Department of Transportation and  
10 Development, or his designee.

11 (5) The president of the Board of Supervisors of the Louisiana Community  
12 and Technical College System, or his designee.

13 (6) The secretary of the Louisiana Workforce Commission, or his designee.

14 B. The members of the council shall meet and organize immediately  
15 following their appointment, and shall elect a chairman, vice chairman, and a  
16 secretary-treasurer from the trucking industry representative members of the council,  
17 whose duties shall be those customarily exercised by such offices or specifically  
18 designated by the council. The council may disqualify any appointed member for  
19 cause, including excessive absences from council meetings. If any council member  
20 is disqualified or resigns, the vacancy shall be filled by a majority vote of the council  
21 from a list of two names submitted by the Louisiana Motor Transport Association.

22 C. Council members shall not receive a salary for their services as members,  
23 but shall be reimbursed for actual travel expenses. The reimbursement shall be paid  
24 from funds available to the council.

25 D. The council shall establish rules and regulations for its own government  
26 and the administration of its affairs.

27 E. The council created by this Part shall be subject to the Public Records  
28 Law, R.S. 44:1 et seq., and the Open Meetings Law, R.S. 42:11 et seq., of the state.

1        §693. Jurisdiction; powers

2                The council may exercise powers necessary, pertinent, convenient, or  
3        incidental to carrying out its purposes, including but not limited to the following  
4        rights and powers:

5                (1) To develop programs and projects that carry out the purpose of the  
6        council, including but not limited to enhancing safety and training, providing for  
7        research and development, and educating the public.

8                (2) To provide for the payment of all council costs with funds collected  
9        pursuant to this Part.

10               (3) To coordinate council activities with the industry associations and others,  
11        as appropriate, to provide efficient delivery of services and avoid unnecessary  
12        duplication of efforts and activities.

13               (4) To contract with any public or private person, partnership, association,  
14        or corporation to carry out the purpose of the council.

15               (5) To apply for, receive, and accept grants, loans, advances, and  
16        contributions from any source of money, property, labor, or other things of value, to  
17        be held, used, and applied for the council's purposes.

18               (6) To enter into cooperative endeavor agreements with the Louisiana Motor  
19        Transport Association Foundation or its successor entity, a nonprofit corporation, for  
20        the use of staff and resources to carry out the powers and duties of the council.

21        §694. Surcharge assessment; collection

22               (1) A surcharge shall be imposed and levied at the rate of three percent on  
23        all Class 1 registration fees for trucks and trailers in excess of 23,999 pounds,  
24        pursuant to R.S. 47:462(B)(3)(a), and shall be paid in addition to and simultaneous  
25        with any annual registration or license tax, as provided in R.S. 47:462(B)(3)(a).

26               (2) The surcharge shall be collected by the commissioner of the Department  
27        of Public Safety and Corrections, office of motor vehicles, at the issuance of any  
28        annual registration or license tax.

- 1           (3) The gross amount collected shall be paid by the commissioner of the  
 2           Department of Public Safety and Corrections, office of motor vehicles, to the council  
 3           on a quarterly basis. The quarterly payments made to the council shall be made on  
 4           or before the fifteenth day of the succeeding quarter and shall be accompanied by a  
 5           complete audit of all funds collected.
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#### 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)]

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HB 369 Reengrossed

2019 Regular Session

Pierre

**Abstract:** Creates the La. Trucking Research and Education Council.

Proposed law creates the La. Trucking Research and Education Council and establishes its domicile as Baton Rouge, La.

Proposed law specifies that the council is to be composed of 13 members who serve terms concurrent with the governor, as follows:

- (1) The La. Motor Transport Assoc. must submit the names of 12 trucking industry representatives and the governor must appoint 8 persons from those nominees.
- (2) The superintendent of the La. State Police, or his designee.
- (3) The state superintendent of education, or his designee.
- (4) The secretary of the La. Dept. of Transportation and Development, or his designee.
- (5) The president of the Board of Supervisors of the La. Community and Technical College System, or his designee.
- (6) The secretary of the La. Workforce Commission, or his designee.

Proposed law requires that the council meet immediately following their appointment and elect a chairman, vice chairman, and a secretary-treasurer from the trucking industry representative members, whose duties must be those customarily exercised by such officers or specifically designated by the council.

Proposed law authorizes the council to disqualify any appointed member for cause, including excessive absences from meetings, and clarifies that any vacancy must be filled by a majority vote of the council from a list of two names submitted by the La. Motor Transport Assoc.

Proposed law specifies that the council members must not receive a salary but will be reimbursed for actual travel expenses.

Proposed law specifies that the council must establish rules and regulations for its own government and the administration of its affairs.

Proposed law specifies that the council is subject to the Public Records Law and the Open Meetings Law.

Proposed law authorizes the council to exercise powers necessary, pertinent, convenient, or incidental to carrying out its purposes, including but not limited to the following:

- (1) To develop programs and projects to carry out the purpose of the council, including but not limited to enhancing safety and training, providing for research and development, and educating the public.
- (2) To provide for the payment of all council costs with funds collected pursuant to proposed law.
- (3) To coordinate council activities with the industry associations and others, as appropriate, to provide efficient delivery of services and avoid unnecessary duplication of efforts and activities.
- (4) To contract with any public or private person, partnership, association, or corporation to carry out the purpose of the council.
- (5) To apply for, receive, and accept grants, loans, advances, and contributions from any source of money, property, labor, or other things of value, to be held, used, and applied for council purposes.
- (6) To enter into cooperative endeavor agreements with the La. Motor Transport Assoc. Foundation or its successor entity, a nonprofit corporation, for the use of staff and resources to carry out the powers and duties of the council.

Proposed law imposes a surcharge levied at the rate of 3% on all Class 1 registration fees for trucks and trailers in excess of 23,999 lbs, as provided in present law, in addition to and simultaneous with any registration or license tax, as provided in present law.

Proposed law requires that the surcharge be collected by the commissioner of the Dept. of Public Safety and Corrections, office of motor vehicles, at the issuance of any annual registration or license tax and requires that the gross amount collected be paid by the commissioner to the council on a quarterly basis.

Proposed law requires the quarterly payments be made on or before the 15th day of the succeeding quarter accompanied by a complete audit of all funds collected.

(Adds R.S. 32:691-694)

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill:

1. Clarify that the council may enter into cooperative endeavor agreements with the La. Motor Transport Assoc. Foundation.
2. Clarify that the surcharge imposed and levied in present law is applicable to registration fees for Class 1 trucks and trailers in excess of 23,999 lbs.
3. Remove the requirement that the Dept. of Transportation and Development, office of multimodal commerce, provide staff support for the council until a cooperative endeavor agreement is finalized.
4. Make technical changes.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Clarify that the council members will not receive a salary for their services as members, but will be reimbursed for actual travel expenses incurred.
3. Remove the 3% surcharge imposed and levied on all single-trip special permit fees.