

2021 Regular Session

HOUSE BILL NO. 116

BY REPRESENTATIVE DEVILLIER

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

WEIGHTS/MEASURES: Requires law enforcement officers have reasonable belief of a weight violation prior to checking the weight of certain vehicles

1 AN ACT

2 To amend and reenact R.S. 32:389(B), relative to weights and standards police officers; to  
3 require weights and standards police officers to have reasonable belief to stop certain  
4 vehicles in certain circumstances; to require weights and standards police officers to  
5 examine visible indicators that a certain vehicle is overweight prior to effectuating  
6 a stop; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 32:389(B) is hereby amended and reenacted to read as follows:

9 §389. Weights and standards police; enforcement procedure; payment and  
10 collection procedures; administrative review

11 \* \* \*

12 B.(1) Any weights and standards police officer having reason to believe that  
13 any vehicle or combination of vehicles exceeds or is in violation of the provisions  
14 of R.S. 32:380 through R.S. 32:386 or R.S. 32:388.1 through R.S. 32:390, or the  
15 terms and conditions of a special permit issued under R.S. 32:387 or regulations of  
16 either the Department of Transportation and Development or the Department of  
17 Public Safety and ~~Correction~~ Corrections, public safety services, adopted pursuant  
18 to this Part, is authorized to stop such vehicle or combination of vehicles and to  
19 inspect, measure, or weigh such vehicle, either by means of portable or stationary

1 scales, or to require that such vehicle be driven to the nearest available location  
2 equipped with facilities to inspect, measure, or weigh such vehicle.

3 ~~(1)~~(2) Any state policeman having reason to believe that any vehicle or  
4 combination of vehicles exceeds or is in violation of the provisions of R.S. 32:380  
5 through R.S. 32:386 or R.S. 32:388.1 through R.S. 32:390, or the terms and  
6 conditions of a special permit issued under R.S. 32:387 or regulations adopted  
7 pursuant to this Part is authorized to stop such vehicle or combination of vehicles and  
8 to inspect or measure such vehicle or to require that such vehicle be driven to the  
9 nearest available location equipped with facilities to inspect or measure such vehicle,  
10 provided that any state policeman having reason to believe that any vehicle or  
11 combination of vehicles exceeds or is in violation of the provisions of R.S. 32:386,  
12 any overweight special permit as provided in R.S. 32:387, or the regulations adopted  
13 pursuant thereto, may escort such vehicle to the nearest permanent or portable scale  
14 operated by the weights and standards police force, where a weights and standards  
15 police officer shall weigh such vehicle and if such vehicle is overweight, is in  
16 violation of an overweight special permit, or the department's or secretary's  
17 regulations adopted pursuant thereto, shall issue a violation ticket in accordance with  
18 Subsection C of this Section.

19 (3) For purposes of this Subsection, a police officer shall not conduct a stop  
20 of a vehicle or combination of vehicles, including an eighteen-wheeler, tractor  
21 trailer, or truck, without a reasonable belief, based on an individualized observation,  
22 that the vehicle or combination of vehicles is overweight. Reasonable belief shall  
23 be determined by visible indicators; such as, bulging tires, excessive smoke or  
24 exhaust, or difficulty accelerating up to road speed, that a vehicle or combination of  
25 vehicles is overweight and only the indicators shall be examined to determine  
26 violations of the provisions of R.S. 32:380 through R.S. 32:386 or R.S. 32:388.1  
27 through R.S. 32:390. If the indicators are indicative of a violation of these  
28 provisions, then the officer shall have reasonable belief to inspect, measure, or weigh

1 the vehicle or combination of vehicles to determine if it is in compliance with  
2 applicable weight requirements.

3 \* \* \*

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 116 Original

2021 Regular Session

DeVillier

**Abstract:** Requires a reasonable belief that is based on visible indicators that the vehicle is in violation of permissible weight requirements for a police officer to stop an 18-wheeler, tractor trailer, or truck to check for compliance with weight requirements.

Present law authorizes a police officer to stop a vehicle or combination of vehicles to inspect or measure the vehicle, or require the vehicle to drive to the nearest available location equipped with facilities to inspect or measure the vehicle if the police officer has reason to believe that the vehicle is in violation in terms of the length, width, or weight.

Proposed law requires a police officer have a reasonable belief that a vehicle or combination of vehicles, including an 18-wheeler, tractor trailer, or truck is overweight. Proposed law specifies that reasonable belief must be based on visible indicators. Further specifies that if indicators are indicative of a violation then the vehicle may be examined to determine if there is a weight violation. Provides an illustrative list of indicators; such as, bulging tires, excessive smoke or exhaust, or difficulty accelerating up to road speed.

(Amends R.S. 32:389(B))