
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Xavier I. Alexander.

DIGEST

SB 190 Engrossed

2021 Regular Session

Smith

Proposed law transfers the operation and maintenance of the stationary weight enforcement scale locations from the Department of Public Safety and Corrections (DPS&C) to the Department of Transportation and Development (DOTD).

Present law defines "commissioner" and "weights and standards stationary scale police officer".

Proposed law defines commissioner as the secretary of the Department of Public Safety and Corrections.

Proposed law changes "weights and standards police officer" to "weights and standards stationary police officer".

Proposed law defines weights and standards mobile police officer.

Present law authorizes the DPS&C to enforce certain provisions of law relating to trucks, trailers, and semi-trailers.

Present law provides that DOTD shall enforce certain provisions of law and the regulations adopted on all highways of this state within its jurisdiction and shall exercise such other power and authority as authorized by law.

Proposed law retains present law and transfers operation and maintenance of all stationary weight enforcement scale locations from DPS&C to DOTD.

Present law provides that DOTD shall have sole authority over the issuance of special permits as provided by law.

Proposed law retains present law and authorizes DOTD to facilitate the issuance of permits by DOTD's truck permit office to place a vehicle or load in compliance with law.

Proposed law creates the Weights and Standards Stationary Scales Police Force within DOTD. Authorizes the police force to enforce certain provisions of law, the access laws and regulations relative to controlled access highways and certain other laws and regulations as determined by the secretary of DOTD.

Proposed law removes the requirement of the commissioner to provide the personnel and equipment to fully implement the provisions to collect fees and taxes.

Proposed law provides that when any vehicle is in violation of any provision of the Part, the driver shall be issued a violation ticket.

Present law provides for collection procedure; provides violations are penalties, rather than fines, to reflect civil nature; provides for notice of violation and civil penalty or warning to responsible party within 30 days of violation; provides 45 day period to pay the penalty or to request an administrative hearing; provides for payment by certified check, money order, or credit card; credit card payments are deemed received when approval code is obtained; provides for dismissal of violation if commissioner or secretary fails to issue a notice of violation to the responsible party in 30 calendar days of date of violation; extends notice period for 60 calendar days due to data system failure by act of God or intentional act of sabotage or during state of emergency declared by governor; provides for appeal of findings of an administrative law judge in state district court of proper venue; provides for posting of unpaid penalties after 45 days on the commissioner's or secretary's website until paid and notice to office of motor vehicles who shall not renew vehicle registration until penalties and fees are paid; provides for suspension of driver's license where the driver is the responsible party; provides for notice of suspension of license within 30 days unless all penalties and fees are paid; provides for a \$50 fee to OMV to cover administrative cost; provides that motor carriers shall not be responsible for driver violations.

Present law provides that any vehicle operated in violation of this Chapter shall be impounded.

Proposed law provides that any vehicle operated in violation of this Chapter may be impounded and the department shall not detain or impound any vehicle issued a violation if the owner or driver is a resident of Louisiana or has a domicile in Louisiana or has paid the penalty or posted the bond in accordance with R.S. 32:389(C).

Proposed law provides that within the office of state police there shall be a Weights and Standards Mobile Police Force to enforce functions related to R.S. 32:380 - 388.1, R.S. 32:390, and R.S. 47:718.

Present law provides that all penalties collected by the commissioner shall be paid into the state treasury on or before the 25th day of each month, following their collection, to be credited to the Bond Security and Redemption Fund.

Proposed law retains present law and provides that all penalties collected by the commissioner or secretary of the Department of Transportation and Development and after a sufficient amount is allocated from the Bond Security and Redemption Fund, the treasurer shall pay an amount equal to the fees paid into the Bond Security and Redemption Fund into the Transportation Trust Fund.

Present law provides for DOTD to promulgate rules and oversight of rules by the House and Senate committees on transportation, highways, and public works.

Proposed law provides transition provisions for the transfer of functions from DPS&C to DOTD.

Effective July 1, 2022.

(Amends R.S. 32:1(1),(10) and (108), 2(D), 3(C), 388(A)(3) and (4), (B)(1)(a)(intro para), (B)(4)(a), (F), and (G), 388.1, 389, and 392(A)(1), and R.S. 36:409(C)(8), R.S. 40:1379.8, and R.S. 47:511.1(B), (C), (D), and (E), 516(A), (B)(2), and (D), 718(B)(1) and (C) and 812(C); adds R.S. 32:1(108.1) and 2(B) and (C) and R.S. 36:408(B)(3); repeals R.S. 32:2(E), 388(C)(3), and Sections 6-14 of Act No. 320 of the 2010 R.S.)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Transportation, Highways, and Public Works to the original bill

1. Makes technical amendments.
2. Include the secretary for collection procedures.
3. Change the number of days of payment from 30 daysto45 days.
4. Defines "final disposition".