

SENATE BILL NO. 190

BY SENATOR SMITH

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

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AN ACT

To amend and reenact R.S. 32:1(1), (16), and (108), 2(D), 3(C), 388(A)(3) and (4), the introductory paragraph of (B)(1)(a), (B)(4)(a), (F), and (G), 388.1, 389, and 392(A)(1), 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), to enact R.S. 32:1(108.1) and 2(B) and (C) and R.S. 36:408(B)(3), and to repeal R.S. 32:2(E), 388(C)(3), and Sections 6 through 14 of Act No. 320 of the 2010 Regular Session of the Legislature; relative to weights and standards; to transfer the operation and maintenance of stationary weight enforcement scale locations from the Department of Public Safety and Corrections to the Department of Transportation and Development; to provide for authority of the Department of Transportation and Development; to provide for the authority of the Department of Public Safety and Corrections; to provide for definitions; to provide for fines and payments; to provide for enforcement, payment, and collections procedures; to provide for administrative review; to provide for transition; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:1(1), (16), and (108), 2(D), 3(C), 388(A)(3) and (4), the introductory paragraph of (B)(1)(a), (B)(4)(a), (F), and (G), 388.1, 389, and 392(A)(1) are hereby amended and reenacted and R.S. 32:1(108.1) and 2(B) and (C) are hereby enacted to read as follows:

§1. Definitions

1           When used in this Chapter, the following words and phrases have the  
2 meanings ascribed to them in this Section, unless the context clearly indicates a  
3 different meaning:

4           (1) "Authorized emergency vehicle" means a vehicle of a fire department, a  
5 vehicle of the department's weights and standards police force, a police vehicle, a  
6 private vehicle, a privately owned vehicle belonging to members of an organized  
7 volunteer fire department or fire district when so designated or authorized by the fire  
8 chief of that fire department or fire district, an industrial-owned vehicle assigned to  
9 members of a fire department or fire district when so designated or authorized by the  
10 fire chief of that fire department or fire district, a vehicle parked or stopped by  
11 elevator repair or construction personnel while responding to an elevator emergency,  
12 such as ambulances and emergency medical response vehicles certified by the  
13 Department of Health and Hospitals that are operated by certified ambulance  
14 services, and emergency vehicles of municipal departments or public service  
15 corporations as are designated or authorized by the secretary of the Department of  
16 Transportation and Development or by the chief of police of any incorporated  
17 municipality. For purposes of this Section, elevator repair shall be limited to those  
18 elevators that move people.

19                                     \*       \*       \*

20           (16) "Commissioner" means the ~~deputy~~ secretary of the Department of Public  
21 Safety and Corrections, ~~public safety services~~.

22                                     \*       \*       \*

23           (108) "Weights and standards stationary scale police officer" means an  
24 employee of the Department of ~~Public Safety and Corrections, public safety services~~  
25 **Transportation and Development**, authorized to enforce the provisions of R.S.  
26 32:380 through 388.1, R.S. 32:390, R.S. 47:718, Chapter 4 of Subtitle II of Title 47  
27 of the Louisiana Revised Statutes of 1950, the access laws and regulations relative  
28 to controlled access highways, and certain other specified statutes and regulations  
29 ~~determined by the deputy secretary of the Department of Public Safety and~~  
30 ~~Corrections, public safety services, or by~~ of the Department of Transportation and

1 Development.

2 (108.1) "Weights and standards mobile police officer" means an  
3 employee of the office of state police of the Department of Public Safety and  
4 Corrections, public safety services, with responsibilities and duties as provided  
5 by R.S. 40:1379.8.

6 \* \* \*

7 §2. Authority of Department of Transportation and Development

8 \* \* \*

9 B. The department shall enforce the provisions of R.S. 32:380 through  
10 R.S. 32:388.1, R.S. 32:390, R.S. 47:718 and the provisions of Chapter 4 of  
11 Subtitle II of Title 47 relating to trucks, trailers and semi-trailers and Part V of  
12 Chapter 7 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950 and  
13 the department's regulations adopted pursuant thereto on all highways within  
14 this state and shall exercise other power and authority as is specifically set forth  
15 in this Chapter or other laws of this state.

16 C.(1) The Weights and Standards Stationary Scales Police Force is  
17 hereby created within the department. It may enforce the provisions of R.S.  
18 32:380 through R.S. 32:388.1, R.S. 32:390, R.S. 47:718 and the provisions of  
19 Chapter 4 of Subtitle II of Title 47 relating to trucks, trailers, and semi-trailers;  
20 Part V of Chapter 7 of Subtitle II of Title 47; the provisions of R.S. 32:389; and  
21 the access laws and regulations relative to controlled access highways.

22 (2) Members of the Weights and Standards Stationary Scales Police  
23 Force are authorized to carry weapons and to make arrests in the enforcement  
24 of these laws and regulations, and in that regard, shall have the same authority  
25 and powers conferred by law upon other law enforcement officers of this state;  
26 however, no member of the Weights and Standards Stationary Scales Police  
27 Force shall be authorized to carry a weapon until the member has received  
28 P.O.S.T. certification training.

29 D. The department Department of Transportation and Development shall  
30 have sole authority over the issuance of special permits as set forth in R.S. 32:387.

1           The commissioner may facilitate the issuance of permits by the department's truck  
 2           permit office to place a vehicle or load in compliance with law.

3                                   \*       \*       \*

4           §3. Authority of Department of Public Safety and Corrections

5                                   \*       \*       \*

6                       C. ~~The Weights and Standards Police Force is hereby created within the~~  
 7           Department of Public Safety and Corrections, public safety services. It may enforce  
 8           the provisions of R.S. 32:380 through 388.1, R.S. 32:390, R.S. 47:718, Chapter 4 of  
 9           Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, the access laws and  
 10          regulations relative to controlled access highways, and certain other specified  
 11          statutes and regulations determined by the deputy secretary of the Department of  
 12          Public Safety and Corrections, public safety services. Members of the Weights and  
 13          Standards **Mobile** Police Force ~~may be~~ **are** authorized to carry weapons and to make  
 14          arrests in the enforcement of these laws and regulations and ~~may~~ have the same  
 15          authority and powers conferred by law upon other law enforcement officers of ~~the~~  
 16          Department of Public Safety and Corrections upon being duly commissioned as a  
 17          peace officer by the deputy secretary of the Department of Public Safety and  
 18          Corrections, public safety services **the state**; however, no member of the Weights  
 19          and Standards **Mobile** Police Force shall be authorized to carry a weapon until the  
 20          member has received P.O.S.T. certification training and has been duly commissioned  
 21          as a peace officer by the deputy secretary of the Department of Public Safety and  
 22          Corrections, public safety services.

23                                   \*       \*       \*

24           §388. Penalties; payments

25                       A.                                   \*       \*       \*

26                       (3) Each vehicle that is required to stop at a **department stationary** weight  
 27           enforcement scale location and ~~which~~ **that** fails to stop shall be assessed the  
 28           following penalty:

29                       (a) Vehicles with a gross vehicle weight rating of less than twenty-six  
 30           thousand pounds shall be ~~penalized~~ **fin****ed** one hundred dollars for failure to stop at

1 a weight scale ~~the department stationary weight scales~~. This penalty ~~fine~~ shall be  
2 in addition to any other penalties ~~fine~~ which may be assessed for other violations.

3 (b) Vehicles with a gross vehicle weight rating of twenty-six thousand  
4 pounds or more shall be penalized ~~fined~~ five hundred dollars for failure to stop at a  
5 weight scale ~~the department stationary weight scales~~. This penalty ~~fine~~ shall be  
6 in addition to any other penalties ~~finer~~ which may be assessed for other violations.

7 (4) Any vehicle which inadvertently bypasses ~~the department stationary~~  
8 ~~weight scales~~ and returns to the scales voluntarily without the assistance of law  
9 enforcement shall not be assessed any penalty for bypassing the ~~scale scales~~.

10 B.(1)(a) Except as provided in Subparagraphs (b) and (c) ~~of this Paragraph~~,  
11 whoever owns or operates any vehicle or combination of vehicles in violation of any  
12 rule, regulation, directive, or requirement ~~of the secretary~~ adopted under R.S.  
13 32:386 or in violation of R.S. 32:386 shall be required to reduce the load to the  
14 maximum permissible gross weight and shall be assessed a penalty on such weight  
15 which exceeds the maximum permissible gross weight as defined by R.S. 32:386 or  
16 maximum allowable axle weights, whichever results in the higher fine, in accordance  
17 with the following schedule:

18 \* \* \*

19 (4)(a) Whoever owns any business entity engaged in the sale or shipment of  
20 construction aggregates requiring a weigh master, not including asphalt, or transfer  
21 sales or shipment from rail, barge, or ship to wholesale stockpiles or inventories  
22 within a five-mile radius of the point where the shipment was transferred, who  
23 violates, or whose driver or contract driver violates any rule, regulation, directive,  
24 or requirement ~~of the secretary~~ adopted under R.S. 32:386 or violates R.S. 32:386  
25 shall also be assessed a separate penalty for each violation in accordance with the  
26 schedule set forth in Paragraph ~~B(1)~~ of this ~~Section~~ ~~Subsection~~. However,  
27 notwithstanding any other provision of this Chapter or any law to the contrary, any  
28 such business, or weigh master thereof, who releases a vehicle that is within the  
29 maximum permissible gross weight limitations for travel on a state highway shall not  
30 be assessed any penalty when said vehicle is found in violation of gross maximum

1 weight limitations while traveling on any interstate highway. For purposes of  
 2 enforcing this Subsection, any weights and standards or state policeman having  
 3 reason to believe that such owner is in violation of R.S. 32:386 is authorized to enter  
 4 and go upon, without formal warrant, any vehicle, stand, place, building, or  
 5 premises, for the purpose of inspecting only the shipping ticket or tickets issued in  
 6 connection with the particular load found in violation of R.S. 32:386 by any weights  
 7 and standards ~~or state policeman~~ **police** in order to determine whether such sales at  
 8 the origin of shipment contain the amounts represented and are offered for sale or  
 9 sold in a manner in accordance with law. The discovery of an overweight vehicle  
 10 after proper weighing shall constitute "reason to believe" for purposes of this  
 11 Subsection.

12 \* \* \*

13 F. Payments for penalties imposed by the **Department of Transportation**  
 14 **and Development and the** Department of Public Safety and Corrections, ~~public~~  
 15 ~~safety services~~, shall be remitted to the Transportation Trust Fund. However, any  
 16 payments for citations for weight limit violations on parish roads in a parish shall be  
 17 paid to the public works department of said parish.

18 G.(1) All ~~such~~ penalties collected by **the secretary and** the commissioner  
 19 shall be paid into the state treasury on or before the twenty-fifth day of each month  
 20 following their collection and, in accordance with Article VII, Section 9 of the  
 21 Constitution of Louisiana, shall be credited to the Bond Security and Redemption  
 22 Fund. However, after a sufficient amount of the penalties collected by **the secretary**  
 23 **and** the commissioner is allocated from the fund to pay all obligations secured by  
 24 the full faith and credit of the state within any fiscal year, the treasurer shall pay an  
 25 amount equal to the fees paid into the Bond Security and Redemption Fund pursuant  
 26 to this Paragraph into the Transportation Trust Fund created under Article VII,  
 27 Section 27 of the Constitution of Louisiana.

28 (2) The Department of Public Safety and Corrections, public safety services  
 29 **and Department of Transportation and Development**, shall keep a set of books  
 30 showing from whom every dollar is paid and for what purpose. It also shall keep in

1 its file vouchers or receipts for all monies paid out.

2 §388.1. Penalties; multiple violations

3 Whoever owns or drives any vehicle or combination of vehicles in violation  
4 of two or more of the provisions of this Part at any one time shall be assessed the  
5 greater or the greatest of the penalties, in the full amount of the penalty. The  
6 ~~commissioner~~ **department** is hereby authorized to promulgate rules and regulations  
7 to provide that in addition to assessment of the greater or greatest penalty, the owner  
8 or driver shall be assessed a penalty not to exceed ten dollars for each other violation  
9 committed at the same time; however, such rules and regulations shall only be  
10 promulgated provided the Federal Highway Administration initiates official  
11 sanctions which would result in the loss of National Highway System apportionment  
12 or other federal funds should such penalties for multiple violations not be provided.

13 §389. Weights and standards **stationary scale** police; enforcement procedure;  
14 payment and collection procedures; administrative review

15 A. The weights and standards **stationary scale** police force and the state  
16 police shall have concurrent authority to enforce the provisions of R.S. 32:380  
17 through 388.1 and R.S. 32:390.

18 B. Any weights and standards **stationary scale** police officer having reason  
19 to believe that any vehicle or combination of vehicles exceeds or is in violation of  
20 the provisions of R.S. 32:380 through R.S. 32:386 or R.S. 32:388.1 through R.S.  
21 32:390, or the terms and conditions of a special permit issued under R.S. 32:387 or  
22 regulations of ~~either the Department of Transportation and Development or the~~  
23 ~~Department of Public Safety and Correction, public safety services~~ **the department**  
24 **or secretary**, adopted pursuant to this Part, is authorized to stop such vehicle or  
25 combination of vehicles and to inspect, measure, or weigh such vehicle, either by  
26 means of portable or stationary scales, or to require that such vehicle be driven to the  
27 nearest available location equipped with facilities to inspect, measure, or weigh such  
28 vehicle.

29 (1) Any state policeman having reason to believe that any vehicle or  
30 combination of vehicles exceeds or is in violation of the provisions of R.S. 32:380

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

16 C.(1) Whenever any carrier, common carrier, contract carrier, private carrier,  
17 transport vehicle, or driver is found in violation of any provision of this Chapter, the  
18 commissioner **or secretary** shall send the responsible party a "Notice of Violation,  
19 Proposed Finding and Proposed Civil Penalty", hereafter referred to as a "notice of  
20 violation", within thirty calendar days of the violation.

21 (2)(a) Each notice of violation shall clearly indicate if a monetary penalty is  
22 assessed for the violation or if the notice of violation is only a warning. When a  
23 monetary penalty is assessed, each notice of violation shall be sent to the responsible  
24 party by certificate of mailing. Such notice of violation shall also contain notice that  
25 the responsible party shall have forty-five calendar days from the date of issuance  
26 of the notice of violation to either pay the monetary penalty for the violation or to  
27 request, in writing, an administrative hearing to review the notice of violation. When  
28 the amount of the civil penalty is negotiated between the commissioner **or secretary**  
29 and the responsible party, the commissioner **or secretary** shall send written  
30 notification to the responsible party of the amount of the negotiated civil penalty



1 within thirty calendar days of the date of the final negotiation. Such payment shall  
2 be made by certified check, money order, or credit card. If made by credit card, the  
3 payment shall be deemed received by the commissioner **or secretary** when tendered  
4 and an approval code is obtained from the credit card company or credit card  
5 processor.

6 (b) The commissioner **or secretary** shall adopt rules and regulations in  
7 accordance with the Administrative Procedure Act, subject to oversight by the House  
8 and Senate committees on transportation, highways and public works as are  
9 necessary regarding the administrative hearing, including but not limited to rules and  
10 regulations regarding notification and the procedure for requesting a hearing  
11 provided such rules shall not conflict with the provisions of R.S. 32:388.1.

12 (3) If the commissioner **or secretary** fails to issue the notice of violation to  
13 the responsible party within thirty calendar days of the violation in accordance with  
14 the provisions of this Section, the violation shall be dismissed. However, the  
15 commissioner **or secretary** shall be granted an additional sixty calendar days to send  
16 the responsible party a notice of violation in accordance with the provisions of this  
17 Section if he experiences a data system failure caused by either an act of God or an  
18 intentional act of sabotage.

19 (4) Any appeal of the findings of the administrative law judge shall be filed  
20 in a state district court with proper venue over the matter.

21 D.(1) If a carrier is determined to be the responsible party for a notice of  
22 violation by the commissioner **or secretary** and, if ~~such~~ **the** carrier fails to pay the  
23 assessed penalty within forty-five calendar days of issuance of the notice of  
24 violation, or in the case of an administrative hearing, the responsible party fails to  
25 pay the assessed fine within thirty calendar days of receiving a notice of final  
26 judgment from the administrative law judge, the outstanding penalty amount shall  
27 be posted on the commissioner's **or secretary's** official web site. The outstanding  
28 penalty amount for such responsible party shall continue to appear on the web site  
29 until all fines and fees are paid in full. The commissioner **or secretary** shall transmit  
30 the vehicle identification number of the offending vehicle for which the notice of

1 violation was written to the office of motor vehicles. The office of motor vehicles  
2 shall not renew the registration of the offending vehicle until all fines and fees  
3 associated with the notice of violation have been paid in full. Within seven calendar  
4 days of receiving documentation from the responsible party that all fines and fees  
5 have been paid in full, the commissioner or secretary shall remove the posting of  
6 the notice of violation from his web site. Additionally, upon payment of all fines and  
7 fees associated with the notice of violation, the office of motor vehicles shall  
8 immediately authorize renewal of the vehicle's registration. Such payment shall be  
9 made by certified check, money order, or credit card. If made by credit card, the  
10 payment shall be deemed received by the commissioner or secretary when tendered  
11 and an approval code is obtained from the credit card company or credit card  
12 processor.

13 (2) If the driver of a motor vehicle is found to be the responsible party for a  
14 notice of violation by the commissioner or secretary, the driver shall be responsible  
15 for the payment of all fines and fees associated with issuance of the notice of  
16 violation. Such payment shall be made by certified check, money order, or credit  
17 card. If made by credit card, the payment shall be deemed received by the  
18 commissioner or secretary when tendered and an approval code is obtained from the  
19 credit card company or credit card processor. If the commissioner or secretary fails  
20 to receive payment within forty-five calendar days of issuance of the notice of  
21 violation, or in the case of an administrative hearing, the responsible party fails to  
22 pay the assessed penalty within thirty calendar days of receiving a notice of final  
23 judgment from the administrative law judge, the commissioner or secretary shall  
24 transmit the driver's license number to the office of motor vehicles. Upon receipt of  
25 the driver's license number, the office of motor vehicles shall immediately notify the  
26 driver, by first class mail, that his driver's license shall be suspended thirty calendar  
27 days after the date of mailing the notice unless all fines and fees associated with the  
28 notice of violation or final judgment from the administrative law judge are paid in  
29 full together with notice of the imposition of a fifty-dollar fee by the office of motor  
30 vehicles to cover its administrative costs. The driver's license shall remain suspended

1 until all fines and fees associated with the notice of violation or final judgment from  
2 the administrative law judge and the fifty-dollar fee for the office of motor vehicles  
3 are paid in full. Upon payment of all fines and fees, the office of motor vehicles shall  
4 immediately authorize the reinstatement of the driver's license.

5 (3) Motor carriers shall not be responsible for driver violations.

6 E.(1) The commissioner or secretary and any law enforcement officer  
7 working for the commissioner or secretary shall be prohibited from seizing a motor  
8 vehicle or the registration license plate of a motor vehicle for failing to pay a fine for  
9 a notice of violation.

10 (2) In the event a motor vehicle for which a notice of violation has been  
11 issued is subsequently sold, the new owner of such vehicle shall not be responsible  
12 for any outstanding fines or fees associated with a notice of violation. The new  
13 owner of the motor vehicle shall present proper documentation to the commissioner  
14 or secretary evidencing the lawful transfer of ownership.

15 F. During a state of emergency declared by the governor, the commissioner  
16 or secretary shall be granted an additional sixty calendar days to send the  
17 responsible party a notice of violation in accordance with the provisions of this  
18 Section. Such extension of time shall terminate not later than sixty days from the  
19 date the state of emergency ends.

20 G. Notwithstanding the provisions of this Section, any member of the armed  
21 forces, who is in uniform or presents an order for duty and who is operating a  
22 military vehicle in the line of duty in violation of any provision of R.S. 32:380  
23 through R.S. 32:387, or any regulation adopted pursuant thereto, shall not be  
24 required to pay the penalty assessed, nor shall ~~such~~ the member be required to  
25 surrender his Louisiana driver's license. However, the owner of the vehicle or the  
26 federal government shall pay the penalty within ~~thirty~~ forty-five days.

27 H. The failure of any vehicle or combination of vehicles to stop at a weigh  
28 facility may be excused if stopping the vehicle or combination of vehicles creates a  
29 serious traffic hazard. The commissioner or secretary shall promulgate rules under  
30 the provisions of the Administrative Procedure Act to implement the provisions of

1 this Subsection. ~~Such~~ **These** rules shall define "serious traffic hazard" and shall  
 2 authorize the use of green traffic signal lights to allow vehicles to pass the weigh  
 3 facility at ~~such~~ times as vehicles have accumulated on the entrance ramp to the weigh  
 4 facility to the extent that the vehicles present a traffic hazard. Rules previously  
 5 adopted by the department shall remain in full force and effect until such time as the  
 6 commissioner **or secretary** promulgates rules pursuant to this Subsection. ~~Rules~~  
 7 ~~adopted hereunder~~ **These rules** shall be subject to oversight by the House and Senate  
 8 committees on transportation, highways and public works.

9 \* \* \*

10 §392. Impounding of vehicles; prohibitions

11 A.(1) Upon discovery of any vehicle operated in violation of this Chapter, the  
 12 vehicle shall not be impounded but ~~shall~~ **may** be directed to and followed by the  
 13 weights and standards police officer or state policeman to the nearest appropriate  
 14 place suitable for unloading to its licensed gross weight or maximum size  
 15 requirements as provided in this Chapter and storage of said product to preserve it  
 16 for its intended use in commerce and in either case shall be detained or unloaded at  
 17 the expense and responsibility of the owner or driver. The ~~commissioner~~  
 18 **department** shall not detain or impound any vehicle issued a violation ticket for any  
 19 violation of the provisions of R.S. 32:380 through 387 prior to the final disposition  
 20 of the violation ticket. **For purposes of this Section, "final disposition" shall be**  
 21 **defined as a final decision, not capable of appeal or review.**

22 \* \* \*

23 Section 2. R.S. 36:409(C)(8) is hereby amended and reenacted and R.S. 36:408(B)(3)  
 24 is hereby enacted to read as follows:

25 §408. Offices; purposes and functions

26 \* \* \*

27 B. \* \* \*

28 **(3) Within the office of state police there shall be a Weights and**  
 29 **Standards Mobile Police Force which shall perform the functions of the state**  
 30 **related to the enforcement of R.S. 32:380 through 388.1, R.S. 32:390, and R.S.**

1 47:718, and the provisions of Chapter 4 of Subtitle II of Title 47 relating to  
2 trucks, trailers, and semi-trailers and Part V of Chapter 7 of Subtitle II of Title  
3 47 of the Louisiana Revised Statutes of 1950 and the department's regulations  
4 adopted pursuant thereto.

5 \* \* \*

6 §409. Transfer of agencies to Department of Public Safety and Corrections

7 \* \* \*

8 C. The following agencies, as defined by R.S. 36:3, are transferred to and  
9 hereafter shall be within the Department of Public Safety and Corrections, as  
10 provided in R.S. 36:802:

11 \* \* \*

12 (8) The Weights and Standards Police Force (**mobile units only**) (R.S.  
13 40:1379.8). The Weights and Standards Police Force shall perform the functions of  
14 the state related to the enforcement of R.S. 32:380 through 388, R.S. 32:388.1, R.S.  
15 32:390, and R.S. 47:718, and the provisions of Chapter 4 of Subtitle II of Title 47  
16 relating to trucks, trailers, and semi-trailers and Part V of Chapter 7 of Subtitle II of  
17 Title 47 of the Louisiana Revised Statutes of 1950 and the department's regulations  
18 adopted pursuant thereto.

19 \* \* \*

20 Section 3. R.S. 40:1379.8 is hereby amended and reenacted to read as follows:

21 §1379.8. Weights and Standards **Mobile** Police Force

22 A. The Weights and Standards **Mobile** Police Force is hereby created within  
23 the Department of Public Safety and Corrections, public safety services.

24 B. Members of the Weights and Standards **Mobile** Police Force ~~who are~~  
25 ~~commissioned by the deputy secretary~~ of the Department of Public Safety and  
26 ~~Corrections, public safety services,~~ and who receive P.O.S.T. certification training,  
27 are considered peace officers and shall have the authority to enforce the criminal and  
28 traffic laws of the state, apprehend criminals and make arrests, and perform other  
29 related duties imposed upon them by the legislature. As peace officers, they shall  
30 also have, in any part of the state, the same powers with respect to criminal matters

1 and the enforcement of the law relating thereto as sheriffs, constables, and police  
 2 officers have in their respective jurisdictions. No member of the Weights and  
 3 Standards **Mobile** Police Force shall be authorized to carry a weapon until the  
 4 member has received P.O.S.T. certification training.

5 Section 4. R.S. 47:511.1(B), (C), (D) and (E), 516(A), (B)(2) and (D), 718(B)(1) and  
 6 (C) and 812(C) are hereby amended and reenacted to read as follows:

7 §511.1. Temporary permits

8 \* \* \*

9 B. The Weights and Standards Police Force **of the Department of**  
 10 **Transportation and Development** is hereby authorized and empowered to issue  
 11 temporary permits on behalf of the commissioner and to enforce the provisions of  
 12 this Section.

13 C. If upon inspecting a vehicle or combination of vehicles it is found that it  
 14 has no temporary permit, the weights and standards **stationary scales** police officer  
 15 or other enforcement officer of the ~~commissioner~~ **Department of Public Safety and**  
 16 **Corrections** may impound the vehicle and may require the operator to purchase  
 17 forthwith a temporary permit. Two hundred dollars shall be added to the cost of  
 18 purchasing a temporary permit as a penalty.

19 D. Payments for penalties under this Section shall be remitted to the  
 20 ~~commissioner~~ **Department of Transportation and Development**. ~~Such~~ **The**  
 21 payment shall be made by certified check, money order, or credit card. If payment  
 22 is made by credit card, the payment shall be deemed received by the commissioner  
 23 **or secretary** when tendered and an approval code is obtained from the credit card  
 24 company or credit card processor.

25 E. All of such penalties collected by the commissioner **or secretary of the**  
 26 **Department of Transportation and Development** shall be paid into the state  
 27 treasury on or before the twenty-fifth day of each month following their collection  
 28 and, in accordance with ~~Article VII, Section 9 of the constitution~~ **La. Const. Art.**  
 29 **VII, Section 9** shall be credited to the Bond Security and Redemption Fund.  
 30 ~~However, after~~ **After** a sufficient amount ~~of the penalties collected by the~~

1 commissioner is allocated from the ~~that~~ fund to pay all obligations secured by the  
 2 full faith and credit of the state **which become due and payable** within any fiscal  
 3 year, the treasurer shall pay an amount equal to the ~~penalties~~ **fees** paid into the Bond  
 4 Security and Redemption Fund pursuant to ~~the provisions of this Subsection into the~~  
 5 Transportation Trust Fund ~~created under Article VII, Section 27 of the Constitution~~  
 6 ~~of Louisiana.~~

7 \* \* \*

8 §516. Vehicles improperly licensed; weighing, inspections and investigations;  
 9 purchase of proper license required; penalty

10 A. The commissioner; **or the division of state police,** weights and standards  
 11 police officers; **of the Department of Transportation and Development** or other  
 12 proper legal authority, ~~shall~~ have the right and power at any time and place to  
 13 investigate, in any lawful manner, and inspect, at any time and place, any vehicle,  
 14 with respect to its registration, license, tax payment or other manner or thing  
 15 contemplated by or provided for in this Chapter. To that end the commissioner **or**  
 16 **secretary** may select, appoint or designate inspectors, acquire the necessary scales  
 17 or other equipment incident to their functioning, and where necessary may cause the  
 18 owner or driver of any vehicle to move the same or cause it to be moved, forthwith,  
 19 to the nearest scales available in the direction of destination.

20 B. \* \* \*

21 (2) Twenty-five percent of the annual price of the license or registration shall  
 22 be added to the cost of purchasing the same as a penalty, which shall be in lieu of the  
 23 penalties directed to be imposed by R.S. 47:508. There shall be credited against the  
 24 price of this license or registration the price of the license or registration on the  
 25 vehicle at the time of its unlawful operation. However, in lieu of impoundment and  
 26 immediate purchase of license and registration, a **Department of Transportation**  
 27 **and Development** stationary weights and standards ~~police~~ **scales** ~~police~~ officer may  
 28 issue a violation ticket in the amount of seventy-five dollars, in addition to any  
 29 overweight penalties due as provided by R.S. 32:388, to any operator possessed of  
 30 an improper Louisiana license and registration.

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D. Whoever violates his promise to appear, purchase license plate and registration and pay any penalty assessed under Subsections B and C of this ~~section~~ **Section** shall be punished by a fine of not more than five hundred dollars, or by imprisonment for not more than ninety days, or both, and the driver's license or license plate shall be forwarded to the ~~commissioner~~ **Department of Public Safety and Corrections** for suspension, revocation, and cancellation.

\* \* \*

§718. Gasoline or motor fuel imported in a vehicle's reservoir and used within this state

\* \* \*

B.(1) In order to enforce the provisions of this Section, the secretary or his authorized representative, or any commissioned officer employed by the ~~Department of Public Safety and Corrections, public safety services,~~ **office of state police or by the Department of Transportation and Development** is empowered to stop any motor vehicle which appears to be operating with gasoline or motor fuel for the purpose of examining the invoices and for such other investigative purposes reasonably necessary to determine whether the vehicle is being operated in compliance with the provisions of this Section.

\* \* \*

C. All penalties collected for violation of this Section shall be paid to the ~~deputy~~ secretary of the Department of Public Safety and Corrections, ~~public safety services,~~ **or the Department of Transportation and Development, whichever agency issued the violation ticket,** who shall pay said penalties into the state treasury on or before the twenty-fifth day of each month following their collection and, in accordance with Article VII, Section 9 of the Constitution of Louisiana shall be credited to the Bond Security and Redemption Fund. After a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer shall pay an amount equal to the fees paid into the Bond Security and Redemption Fund



1 pursuant to this Subsection into the Transportation Trust Fund.

2 \* \* \*

3 §812. Violations; cargo tank to carburetor connection; operation without  
 4 speedometer or hub meter; operation without name and address on  
 5 trucks; invoice

6 \* \* \*

7 C. All specific penalties collected by the Department of Public Safety and  
 8 Corrections, ~~public safety services,~~ **or the Department of Transportation and**  
 9 **Development** in accordance with this Part shall be paid to the ~~deputy~~ secretary of the  
 10 Department of Public Safety and Corrections, ~~public safety services,~~ **or the**  
 11 **Department of Transportation and Development, whichever agency issued the**  
 12 **violation ticket or notice,** who shall pay said penalties into the state treasury on or  
 13 before the twenty-fifth day of each month following their collection and, in  
 14 accordance with Article VII, Section 9 of the Constitution of Louisiana, such funds  
 15 shall be credited to the Bond Security and Redemption Fund. **After a sufficient**  
 16 **amount is allocated from that fund to pay all obligations secured by the full**  
 17 **faith and credit of the state which become due and payable within any fiscal**  
 18 **year, the treasurer shall pay an amount equal to the fees paid into the Bond**  
 19 **Security and Redemption Fund pursuant to this Subsection into the**  
 20 **Transportation Trust Fund.**

21 Section 5. R.S. 32:2(E), 388 (C)(3), and Sections 6 through 14 of Act No. 320 of the  
 22 2010 Regular Session of the Legislature are hereby repealed.

23 Section 6. The items that are currently necessary to the duties and responsibilities  
 24 currently performed by the Department of Public Safety and Corrections, public safety  
 25 services for carrying out the functions, duties, and responsibilities of the previously  
 26 constituted Weights and Standards Stationary Scales Police Force are transferred to the  
 27 Department of Transportation and Development.

28 Section 7. All rules and regulations adopted or permits, licenses, registrations,  
 29 variances, or orders issued by the effective date of this Act shall continue in full force unless  
 30 otherwise revoked, repealed, amended, modified, or terminated in accordance with law.

1 However, the secretary of the Department of Transportation and Development shall act to  
2 adopt such rules and regulations as are necessary to the function of the Weights and  
3 Standards Police Force.

4 Section 8. Any legal proceeding, the statutory provisions for which are amended or  
5 repealed by the provisions of this Act, to which any agency or office is a party and that is  
6 filed, initiated, or otherwise pending before any court or hearing agency on the effective date  
7 of this Act, and all documents involved or affected by said legal proceeding shall retain their  
8 effectiveness and shall be continued in the name of the former agency. All further legal  
9 proceedings shall be in the name of the original party agency and the Department of  
10 Transportation and Development shall be substituted for the original party agency without  
11 the necessity for amendment of any document to substitute the name of the department or  
12 the name or title of any subdivision or section of the department.

13 Section 9. All civilian employees engaged in the performance of the functions of the  
14 Weights and Standards Stationary Scales Police Force, the provisions of which are amended  
15 or transferred by this Act, are hereby assigned to the Department of Transportation and  
16 Development and, shall insofar as practicable and necessary continue to perform duties  
17 heretofore assigned, subject to applicable state civil service laws, rules, and regulations.

18 Section 10. The provisions of this Act shall not be construed in any manner that will  
19 impair the contractual or other obligations of any agency, office, or department of this state.

20 Section 11. Any reference to the Weights and Standards Stationary Scales Police  
21 Force or Weights and Standards Mobile Police Force, in any provision of law, including but  
22 not limited to provisions of Chapters 4 and 7 of Subtitle II of Title 47 of the Louisiana  
23 Revised Statutes of 1950, shall be understood to refer to the Weights and Standards Police  
24 Force of the Department of Transportation and Development and the Louisiana State Law  
25 Institute shall make the necessary statutory changes in order to comply with the provisions  
26 of this Section.

27 Section 12. All rules and regulations promulgated by the Department of  
28 Transportation and Development relative to weight enforcement, payment, and collection  
29 procedures shall be adopted in accordance with the provisions of the Louisiana  
30 Administrative Procedure Act. These rules and regulations shall make reference to the

1 Sections or Subsections which they may interpret or apply.

2 Section 13. This Act shall become effective on July 1, 2022.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_