

Regular Session, 2012

HOUSE BILL NO. 421

BY REPRESENTATIVE ST. GERMAIN

TRANSPORTATION DEPT: Provides for effective date of rules promulgated by DOTD

1 AN ACT

2 To amend and reenact R.S. 32:2(A)(2) and to enact R.S. 32:2(A)(3), relative to rules,  
3 regulations, and orders of the Department of Transportation and Development; to  
4 remove certain requirements for filing certain regulations in clerks of court offices;  
5 to remove specific requirements for references; to provide for effectiveness of certain  
6 orders issued by the Department of Transportation and Development; and to provide  
7 for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 32:2(A)(2) is hereby amended and reenacted and R.S. 32:2(A)(3) is  
10 hereby enacted to read as follows:

11 §2. Authority of Department of Transportation and Development

12 A.

13 \* \* \*

14 (2) ~~Any regulation promulgated by the department pursuant to the authority~~  
15 ~~granted by this Section or by any other provision of law shall become effective when~~  
16 ~~filed with the clerks of court in the parishes in which such regulation is to be~~  
17 ~~effective or upon the erection of signs on the affected highways giving notice~~  
18 ~~thereof.~~ All rules and regulations promulgated by the department relative to weight  
19 enforcement, payment and collection procedures, shall be adopted in accordance

1 with the provisions of the ~~Louisiana Administrative Procedure Act and Act No. 279~~  
2 ~~of the 1976 Regular Session of the Louisiana Legislature. Such rules and regulations~~  
3 ~~shall be referenced to the sections and/or subsections which they interpret or apply.~~

4 (3) All orders issued by the department relative to the determination of a  
5 maximum or minimum speed limit on a highway or weight limit on a bridge shall be  
6 published on the official website of the department. Any such order issued by the  
7 department shall become effective upon the erection of signs on the affected highway  
8 or bridge.

9 \* \* \*

10 Section 2. This Act shall become effective upon signature by the governor or, if not  
11 signed by the governor, upon expiration of the time for bills to become law without signature  
12 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
13 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
14 effective on the day following such approval.

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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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St. Germain

HB No. 421

**Abstract:** Provides that orders issued by DOTD relative to speed limits on highways and weight limits on bridges shall be published on the website of the department and provides that such orders become effective upon the erection of signs on the affected highways and bridges.

Present law provides that any regulation promulgated by the DOTD shall become effective when filed with the clerks of court in the parishes in which such regulation is to be effective, or upon the erection of signs on the affected highways giving notice thereof. All rules and regulations promulgated by the department relative to weight enforcement, payment, and collection procedures, shall be adopted in accordance with the provisions of the La. Administrative Procedure Act and Act No. 279 of the 1976 R.S. of the La. Legislature.

Proposed law removes requirements for regulations to be filed with the clerks of court and removes references to weight enforcement related provisions and to Act. No. 279. Proposed law further provides that all rules and regulations promulgated by DOTD shall be adopted in accordance with the provisions of the Administrative Procedure Act. Proposed law provides that all orders issued by the department relative to the determination of a maximum or minimum speed limit on a highway or weight limit on a bridge shall be published on the official website of the department and that any such order issued by the department shall become effective upon the erection of signs on the affected highway or bridge.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 32:2(A)(2); Adds R.S. 32:2(A)(3))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill.

1. Removes proposed provision that regulations or orders promulgated by the chief engineer become effective when published on the website of the department.
2. Removes specific provision that DOTD rules and regulations be referenced to provisions of statutory law which they interpret or apply.
3. Removes proposed law providing that regulations or orders could become effective when published on the department's website.
4. Requires orders issued by DOTD relative to speed limits on highways and weight limits on bridges to be published on the website of the department and provides that such orders become effective upon the erection of signs on the affected highways and bridges.

House Floor Amendments to the engrossed bill.

1. Removes the word "advisory" when referring to an order by DOTD relative to the determination of a weight limit on a bridge.