

Regular Session, 2013

HOUSE BILL NO. 225

BY REPRESENTATIVE HOWARD

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

MTR VEHICLE/COMMERCIAL: Provides citations issued by the weights and standards police force or state police for violations of weight, size, or load violations while in Sabine Parish shall be disposed of as traffic citations by courts in Sabine Parish.

1 AN ACT

2 To amend and reenact R.S. 32:388(F) and (G)(1), 389(B)(1), (D)(1), (2), and (3), and (E)(2)
3 and to enact R.S. 16:1(E) and R.S. 32:388.2, 389(C)(5), 398.1(D), and 398.2(G),
4 relative to size, width, and load violations in Sabine Parish; to provide for the
5 disposition of certain violations related to size, width, and load in Sabine Parish; to
6 provide relative to the authority of the district attorney for Sabine Parish; to provide
7 for penalty dispositions; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 16:1(E) is hereby enacted to read as follows:

10 §1. District attorneys; election; term; qualifications; assistants; powers and duties

11 * * *

12 E. The district attorney for Sabine Parish shall have charge of all citations
13 issued pursuant to R.S. 32:389.1(B) in the parish.

14 Section 2. R.S. 32:388(F) and (G)(1), 389(B)(1), (D)(1), (2), and (3), and (E)(2) are
15 hereby amended and reenacted and R.S. 32:388.2, 389(C)(5), 398.1(D), and 398.2(G) are
16 hereby enacted to read as follows:

17 §388. Penalties; payments

18 * * *

1 F.~~(1) Except for in Sabine Parish, Payments~~ payments for penalties imposed
 2 by the Department of Public Safety and Corrections, public safety services, shall be
 3 remitted to the Transportation Trust Fund. However, any payments for citations for
 4 weight limit violations on parish roads in a parish shall be paid to the public works
 5 department of said parish.

6 (2)(a) To pay for all costs associated with citations issued pursuant to R.S.
 7 32:389(B)(1), each month the Sabine Parish Sheriff's Office shall deposit into the
 8 treasury of the parish an amount equal to twenty percent of the total fines and
 9 penalties imposed by the court for civil citations issued in Sabine Parish pursuant to
 10 R.S. 32:389(B)(1).

11 (b) After satisfying the requirements of Subparagraph (a) of this Paragraph,
 12 all other monies from fines and penalties imposed by the court for civil citations
 13 issued in Sabine Parish pursuant to R.S. 32:389(B)(1) shall be deposited as follows:

14 (i) Any monies collected for violations issued on state roads in Sabine Parish
 15 shall be remitted by the state treasurer to the Transportation Trust Fund.

16 (ii) Any monies collected for weight violations issued on parish roads in
 17 Sabine Parish shall be remitted by the state treasurer to the public works department
 18 of Sabine Parish.

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

29 * * *

1 §388.2. Disposition of penalties; Sabine Parish

2 A court of proper jurisdiction in Sabine Parish shall have the same authority
3 as conferred upon the secretary or commissioner relative to the imposition of
4 penalties for violations of R.S. 32:380 through 386, 388.1, 388.2, and 390, or of any
5 permit issued, or regulation adopted pursuant to this Part. Notwithstanding any
6 provision to the contrary, no other costs, penalties, or fines may be assessed for
7 violations of R.S. 32:380 through 386, 388.1, 388.2, and 390 that occur in Sabine
8 Parish.

9 * * *

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

12 * * *

13 B.

14 * * *

15 (1) Any state policeman having reason to believe that any vehicle or
16 combination of vehicles exceeds or is in violation of the provisions of R.S. 32:380
17 through R.S. 32:386, ~~or R.S. 32:388.1, 389, and through R.S. 32:390~~, or the terms
18 and conditions of a special permit issued under R.S. 32:387 or regulations adopted
19 pursuant to this Part is authorized to stop such vehicle or combination of vehicles and
20 to inspect or measure such vehicle or to require that such vehicle be driven to the
21 nearest available location equipped with facilities to inspect or measure such vehicle,
22 provided that any state policeman having reason to believe that any vehicle or
23 combination of vehicles exceeds or is in violation of the provisions of R.S. 32:386,
24 any overweight special permit as provided in R.S. 32:387, or the regulations adopted
25 pursuant thereto, may escort such vehicle to the nearest permanent or portable scale
26 operated by the weights and standards police force, where a weights and standards
27 police officer shall weigh such vehicle and if such vehicle is overweight, is in
28 violation of an overweight special permit, or the department's or secretary's
29 regulations adopted pursuant thereto, shall issue a violation ticket in accordance with

1 Subsection C of this Section; however, if the violation occurs in Sabine Parish, the
 2 state policeman shall issue a civil citation in compliance with R.S. 32:398.1, and
 3 dispose of such citation as provided for in R.S. 32:398.2.

4 C.

5 * * *

6 (5) Paragraphs (1) through (4) of this Subsection shall not apply to civil
 7 citations issued in Sabine Parish pursuant to Subsection B of this Section.

8 D.(1) If a carrier is determined to be the responsible party for a notice of
 9 violation by the commissioner or court, if the civil citation was issued in Sabine
 10 Parish, and, if such carrier fails to pay the assessed penalty within forty-five calendar
 11 days of issuance of the notice of violation or the issuance of a civil citation in Sabine
 12 Parish, or in the case of an administrative hearing or judgment issued by a court in
 13 Sabine Parish, the responsible party fails to pay the assessed fine within thirty
 14 calendar days of receiving a notice of final judgment from the administrative law
 15 judge or district court, the outstanding penalty amount shall be posted on the
 16 commissioner's official ~~web site~~ website. The outstanding penalty amount for such
 17 responsible party shall continue to appear on the ~~web site~~ website until all fines and
 18 fees are paid in full. The commissioner shall transmit the vehicle identification
 19 number of the offending vehicle for which the notice of violation or civil citation was
 20 written to the office of motor vehicles. The office of motor vehicles shall not renew
 21 the registration of the offending vehicle until all fines and fees associated with the
 22 notice of violation or civil citation have been paid in full. Within seven calendar
 23 days of receiving documentation from the responsible party that all fines and fees
 24 have been paid in full, the commissioner shall remove the posting of the notice of
 25 violation from his ~~web site~~ website. Additionally, upon payment of all fines and fees
 26 associated with the notice of violation or civil citation, the office of motor vehicles
 27 shall immediately authorize renewal of the vehicle's registration. Such payment shall
 28 be made by certified check, money order, or credit card. If made by credit card, the

1 payment shall be deemed received by the commissioner when tendered and an
2 approval code is obtained from the credit card company or credit card processor.

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

1 (3) Motor carriers shall not be responsible for driver violations or civil
2 violations found to be the fault of the driver.

3 E.

4 * * *

5 (2) In the event a motor vehicle for which a notice of violation or civil
6 citation has been issued is subsequently sold, the new owner of such vehicle shall not
7 be responsible for any outstanding fines or fees associated with a notice of violation
8 or civil citation. The new owner of the motor vehicle shall present proper
9 documentation to the commissioner or district court evidencing the lawful transfer
10 of ownership.

11 * * *

12 §398.1. Traffic citations; form; issuance

13 * * *

14 D. All citations issued by a state policeman in Sabine Parish pursuant to R.S.
15 32:389(B)(1) shall be considered civil citations.

16 * * *

17 §398.2. Disposition of traffic citations; unlawful acts; records

18 * * *

19 G. No civil citation issued by a state policeman in Sabine Parish pursuant to
20 R.S. 32:389(B)(1) shall be interpreted as creating a criminal violation.

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)]

Howard

HB No. 225

Abstract: Provides citations issued by the weights and standards police force or state police for violations of weight, size, or load violations while in Sabine Parish shall be disposed of as traffic citations by courts in Sabine Parish.

Present law provides that the secretary of Dept. of Transportation (DOTD) or deputy secretary of Dept. of Public Safety and Corrections (DPS&C), public safety services, may impose civil penalties for violations of law pertaining to violations of size, width, or load laws committed in any parish.

Proposed law provides that a court of proper jurisdiction in Sabine Parish may impose any penalty that the secretary of DOTD or deputy secretary of DPS&C, public safety services, may impose for violations pertaining to violations of size, width, or load laws committed in Sabine Parish.

Present law provides that payments for penalties imposed for violations of size, width, or load laws in any parish shall be remitted to the Transportation Trust Fund. However, any payments for citations for weight limitations on parish roads in a parish shall be paid to the public works department of said parish.

Proposed law provides that the disposition of payment for penalties imposed for violations of laws pertaining to the size, width, or load of a vehicle issued while in Sabine Parish shall be made as follows:

- (1) An amount not to exceed 20% of total fines and penalties received each month shall be deposited into the treasury of Sabine Parish to pay for all costs associated with the alleged violations.
- (2) All monies remaining after satisfying the requirements of proposed law shall be transmitted to the state treasurer, who shall deposit such monies as are necessary for the requirements of the Bond Security and Redemption Fund, and thereafter deposit all remaining monies to into the Transportation Trust Fund unless the violation occurred on a parish road. Any payments for citations for weight limitations on a Sabine Parish road shall be remitted to the state treasurer and paid to the public works department of Sabine Parish.

Present law provides that any person violating laws pertaining to size, width, or load of a vehicle in any parish shall be issued a notice of violation with a civil penalty being assessed by the deputy secretary of DPS&C, public safety services, subject to review by an administrative law judge. Any decision by an administrative law judge can be appealed in a state district court with proper venue over the matter.

Proposed law provides that violations of laws pertaining to the size, width, or load of a vehicle while in Sabine Parish shall be disposed of as a civil traffic ticket to be prosecuted by the district attorney in Sabine Parish and shall result in a civil penalty.

(Amends R.S. 32:388(F) and (G)(1), 389(B)(1), (D)(1), (2), and (3), and (E)(2); Adds R.S. 16:1(E) and R.S. 32:388.2, 389(C)(5), 398.1(D), and 398.2(G))