

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 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 and Development (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))