

Regular Session, 2014

HOUSE BILL NO. 893

BY REPRESENTATIVE SCHEXNAYDER

MTR VEHICLE/INSPECTION: Provides for physical inspections of a vehicle by a P.O.S.T. certified law enforcement officer

1 AN ACT

2 To amend and reenact R.S. 32:706.2(A)(1), 707.5(D)(1), 1728(D)(6), 1728.2(D)(2) and
3 (G)(1), 1728.3(D)(1)(b) and (F)(1)(a), and 1728.4(C)(5), relative to vehicle
4 inspections; to provide that a peace officer can conduct physical inspections of a
5 vehicle; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 32:706.2(A)(1), 707.5(D)(1), 1728(D)(6), 1728.2(D)(2) and (G)(1),
8 1728.3(D)(1)(b) and (F)(1)(a), and 1728.4(C)(5) are hereby amended and reenacted to read
9 as follows:

10 §706.2. Requirements for vehicle identification number inspections

11 A.(1) Any physical inspection of a vehicle for the purpose of vehicle
12 identification number verification shall be by a ~~full-time peace officer, as defined by~~
13 ~~R.S. 40:2402(3)(a)~~ Peace Officer Standards and Training (P.O.S.T.) certified law
14 enforcement officer, who has been trained and certified by the Department of Public
15 Safety and Corrections, office of state police, to inspect motor vehicles.

16 * * *

17 §707.5. Assembled vehicles

18 * * *

19 D. Prior to applying for a title or registration from the Department of Public
20 Safety and Corrections, the assembler shall:

1 (1) Obtain a physical inspection of the assembled vehicle by a ~~full-time~~
2 Peace Officer Standards and Training (P.O.S.T.) certified law enforcement officer
3 who has been trained and certified by the Department of Public Safety and
4 Corrections, office of state police, to inspect motor vehicles.

5 * * *

6 §1728. Disposal of a stored motor vehicle

7 * * *

8 D. Prior to issuance of the permit to sell or permit to dismantle, the storage
9 or parking facility owner shall provide the department with the following evidence:

10 * * *

11 (6) If the department requires an affidavit of physical inspection of the stored
12 vehicle, it shall be completed by a ~~full-time~~ Peace Officer Standards and Training
13 (P.O.S.T.) certified law enforcement officer, who has been trained and certified by
14 the Department of Public Safety and Corrections, office of state police, to inspect
15 vehicles to be crushed or dismantled.

16 §1728.2. Procedure for disposal of junk vehicles

17 * * *

18 D. Each owner-operator who possesses a vehicle which meets the criteria set
19 forth in Paragraph (C)(2) of this Section may make application for crushing of the
20 vehicle at the expiration of thirty days or make application for the dismantling of the
21 vehicle at the expiration of thirty days from mailing of the notice. The application
22 shall be made in a format authorized by the department upon satisfaction and
23 submission of each of the following requirements:

24 * * *

25 (2) The owner-operator has the vehicle physically inspected by a ~~full-time~~
26 Peace Officer Standards and Training (P.O.S.T.) certified law enforcement officer,
27 who has been trained and certified by the Department of Public Safety and
28 Corrections, office of state police, to inspect vehicles to be crushed or dismantled.

29 * * *

1 G. The owner-operator shall maintain copies of the following records on all
2 vehicles crushed or dismantled under the provisions of this Section:

3 (1) Completed physical inspection form as prepared by a ~~full-time~~ Peace
4 Officer Standards and Training (P.O.S.T.) certified law enforcement officer who has
5 been trained and certified by the Department of Public Safety and Corrections, office
6 of state police, to inspect vehicles to be crushed or dismantled.

7 * * *

8 §1728.3 Procedure for disposal of certain vehicles deemed abandoned by
9 municipality or parish

10 * * *

11 D.(1) Each owner-operator who possesses a vehicle which meets the criteria
12 set forth in Subsection C of this Section may crush or dismantle the vehicle provided
13 the owner-operator satisfies each of the following requirements:

14 * * *

15 (b) The owner-operator has the vehicle physically inspected by a ~~full-time~~
16 Peace Officer Standards and Training (P.O.S.T.) certified law enforcement officer
17 who has been trained and certified by the Department of Public Safety and
18 Corrections, office of state police, to inspect vehicles to be crushed or dismantled.

19 * * *

20 F.(1) The owner-operator shall maintain the following records on all vehicles
21 crushed or dismantled under the provisions of this Section:

22 (a) A completed physical inspection form as prepared by a ~~full-time~~ Peace
23 Officer Standards and Training (P.O.S.T.) certified law enforcement officer who has
24 been trained and certified by the Department of Public Safety and Corrections, office
25 of state police, to inspect vehicles to be crushed or dismantled.

26 * * *

27 §1728.4. Procedure for disposal of vehicles with no record of ownership; out-of-
28 country vehicles

29 * * *

1 C. Prior to issuance of the permit to sell or permit to dismantle the stored
2 vehicle, the storage or parking facility owner shall provide the department with the
3 following information:

4 * * *

5 (5) An affidavit of physical inspection completed by a ~~full-time~~ Peace
6 Officer Standards and Training (P.O.S.T.) certified law enforcement officer, who has
7 been trained and certified by the Department of Public Safety and Corrections, office
8 of state police, to inspect motor vehicles.

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)]

Schexnayder

HB No. 893

Abstract: Removes the requirement that an officer be full-time in order to conduct physical inspections of vehicles.

Present law (R.S. 32:706.2) provides that any physical inspection of a vehicle for the purpose of vehicle identification number verification shall be by a full-time peace officer.

Proposed law provides that any physical inspection of a vehicle for the purpose of vehicle identification number verification shall be by a P.O.S.T. certified law enforcement officer, whether he is full-time or not.

Present law (R.S. 32:707.5) provides that prior to applying for a title or registration from the Dept. of Public Safety and Corrections and the assembler shall obtain a physical inspection of the assembled vehicle by a full-time P.O.S.T. certified law enforcement officer.

Proposed law removes the requirement that a P.O.S.T. certified law enforcement officer be full-time.

Present law (R.S. 32:1728) provides that prior to the issuance of the permit to sell or permit to dismantle, the storage or parking facility owner shall provide the department with an affidavit of physical inspection of the stored vehicle if required by the department, and the affidavit shall be completed by a full-time P.O.S.T. certified law enforcement officer.

Proposed law removes the requirement that a P.O.S.T. certified law enforcement officer be full-time.

Present law (R.S. 32:1728.2) provides that an owner-operator who possesses a vehicle that meets the criteria may make application for crushing the vehicle or dismantling the vehicle. Requires the application satisfy certain requirements, including that the owner-operator has the vehicle physically inspected by a full-time P.O.S.T. certified law enforcement officer. Also requires the owner-operator maintain a copy of the complete physical inspection form as prepared by a full-time P.O.S.T. certified law enforcement officer.

Proposed law removes the requirement that a P.O.S.T. certified law enforcement officer be full-time.

Present law (R.S. 32:1728.3) provides that each owner-operator who possesses a vehicle that meets the criteria may crush or dismantle the vehicle provided the owner-operator has the vehicle physically inspected by a full-time P.O.S.T. certified law enforcement officer. Provides that the owner-operator maintain a copy of a completed physical inspection form as prepared by a full-time P.O.S.T. certified law enforcement officer.

Proposed law removes the requirement that a P.O.S.T. certified law enforcement officer be full-time.

Present law (R.S. 32:1728.4) provides that prior to the issuance of the permit to sell or permit to dismantle the stored vehicle, the storage or parking facility owner shall provide the department with an affidavit of physical inspection completed by a full-time P.O.S.T. certified law enforcement officer.

Proposed law removes the requirement that a P.O.S.T. certified law enforcement officer be full-time but specifies that such officer be trained and certified by the Dept. of Public Safety and Corrections, office of state police, to inspect vehicles.

(Amends R.S. 32:706.2(A)(1), 707.5(D)(1), 1728(D)(6), 1728.2(D)(2) and (G)(1), 1728.3(D)(1)(b) and (F)(1)(a), and 1728.4(C)(5))