

SENATE BILL NO. 50

BY SENATOR MORRISH

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. 3:4672(D), R.S. 45:162(5)(d) and (9), 164(A), (B), and (C), and to enact R.S. 45:164(F), relative to motor carriers; to provide relative to common carrier certificates or contract carrier permits issued to certain motor carriers by the Louisiana Public Service Commission; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:4672(D) is hereby amended and reenacted to read as follows:

§4672. Measuring devices; calibration of vehicle tanks; application of Subpart; removal or change of markings unlawful; certificate of calibration

* * *

D. The provisions of this Subpart are not applicable to carriers-for-hire operating under valid ~~permits or certificates of convenience or necessity~~ **common carrier certificates or contract carrier permits** issued by the Louisiana Public Service Commission and not engaged in transporting gasoline, motor fuel, or any other petroleum products for the purpose of sale, use, or consumption within this state, and persons operating motor busses under franchises or licenses issued by municipalities.

* * *

Section 2. R.S. 45:162(5)(d) and (9) and 164(A), (B), and (C) are hereby amended and reenacted and R.S. 45:164(F) is hereby enacted to read as follows:

§162. Definitions

The following words and phrases when used in this Chapter shall have the meanings ascribed to them in this Section except where a different meaning is expressly stated or clearly indicated by the context.

* * *

1 (5)(a) * * *

2 (d) All ~~certificates of public convenience and necessity~~ **common carrier**
3 **certificates and contract carrier permits** now issued and validly outstanding for
4 common carriers defined ~~herein~~ **in this Paragraph** shall continue in full force and
5 effect until the further orders of the commission. Those portions of certificates of
6 public convenience and necessity issued and validly outstanding prior to January 1,
7 1995, which are subject to the preemption as provided by Section 601 of the Federal
8 Aviation Administration Act of 1994 are null and void and shall have no continuing
9 value.

10 * * *

11 (9) "Department" means the Department of ~~Highways~~ **Transportation and**
12 **Development**.

13 * * *

14 §164. Common carrier's certificate; contract carrier's permit

15 A. ~~Except as provided by Subsection C of this Section, no~~ **No** motor carrier;
16 ~~as defined in R.S. 45:162, of waste~~ shall operate as a common carrier without first
17 having obtained from the commission a ~~certificate of public convenience and~~
18 ~~necessity~~ **common carrier certificate or contract carrier permit**, which shall be
19 issued only after a written application made and filed, a public hearing, due notice
20 given ~~to applicant and all competing common carriers,~~ and a finding by the
21 commission that ~~public convenience and necessity require the issuance of~~ **the**
22 **applicant is fit to receive** a certificate. ~~No new or additional certificate shall be~~
23 ~~granted over a route where there is an existing certificate, unless it be clearly shown~~
24 ~~that the public convenience and necessity would be materially promoted thereby. No~~
25 ~~such certificate to operate as a motor carrier of passengers shall be issued to an~~
26 ~~applicant which uses or will use any vehicle with a reconstructed title as provided in~~
27 ~~R.S. 32:707 or an equivalent title issued pursuant to the laws of another state in the~~
28 ~~operation of such business.~~

29 B. ~~Except as provided by Subsection C of this Section, no~~ motor carrier shall
30 ~~operate as a contract carrier without having had a public hearing and obtained from~~

1 Section 3. This Act shall apply to all applications pending on the effective date. Any
2 restrictive language in any existing common carrier certificate of waste or any contract
3 carrier permit of waste that prevents the carrier from applying for expanded authority for any
4 period of time is null and void.

5 Section 4. This Act shall become effective upon signature by the governor or, if not
6 signed by the governor, upon expiration of the time for bills to become law without signature
7 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
8 vetoed by the governor and subsequently approved by the legislature, this Act shall become
9 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____