

Regular Session, 2009

ACT No. 189

HOUSE BILL NO. 666

BY REPRESENTATIVE HENRY

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. 32:387(H)(1)(c) and (J)(1) and (2)(a), relative to permits for transportation of sealed containers; to provide for a single-trip permit for a sealed ocean container to be issued for the container rather than the transport vehicle; to require certain information on the permit application form; to provide for transfer of the permit to another vehicle under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:387(H)(1)(c) and (J)(1) and (2)(a) are hereby amended and reenacted to read as follows:

§387. Special permits

* * *

H. Special permit fees.

(1)

* * *

(c) ~~Permits~~ Single-trip permits issued to facilitate the movement of sealed ocean containers shall not require the specific identification of the vehicle carrying the permitted container. The single-trip permit shall be issued based upon the specific container and seal number.

* * *

J. Notwithstanding other provisions of this Subpart or other provisions of law to the contrary, vehicles hauling prepackaged products in international trade originating from or destined to an intermodal facility, which are containerized in such a manner as to make subdivision thereof impractical, shall be authorized special

1 container permits. For the purposes of this Subsection, the contents of a sealed
2 container being used in international trade in conjunction with a maritime shipment
3 shall be considered indivisible. The special container permits shall be subject to the
4 following provisions:

5 (1)(a) Upon application of the owner or operator of any vehicle transporting
6 intermodal containers, within a fifty-mile radius of a statutorily defined port or
7 harbor district, the secretary shall issue a Class I Ocean Container Permit for the
8 transportation of such containers with the gross vehicle weight limitation not to
9 exceed eighty thousand pounds and the axle weight not to exceed forty thousand
10 pounds per tandem axle group. Additionally, provided there are no objections raised
11 by the Federal Highway Administration, any vehicle transporting intermodal
12 containers with an open-top or flat rack with a gross vehicle weight not to exceed
13 eighty thousand pounds and axle weight not to exceed forty thousand pounds per
14 tandem axle group shall be eligible for the Class I Ocean Container Permit. ~~The~~
15 ~~permit issued shall not require the specific identification of the vehicle carrying the~~
16 ~~permitted container. The applicant shall indicate on the application the vehicle~~
17 ~~identification number of the vehicle for which the permit shall be issued. The permit~~
18 ~~shall be issued based upon the specific container and seal number.~~ The annual fee
19 for the permit shall be fifty dollars per vehicle. If the vehicle for which the permit
20 issued is no longer usable to the owner or operator, the permit may be transferred to
21 a replacement vehicle. However, such transfer shall be authorized only one time
22 during the year for which the permit is in effect. All fines and penalties assessed
23 against a vehicle hauling containerized prepackaged products in international trade
24 for failing to provide proof to any law enforcement or weight enforcement officer
25 that the cargo originated from or is destined to an intermodal facility shall be waived
26 by the Department of Transportation and Development upon submission to the
27 department of satisfactory proof that the cargo originated from or was destined to an
28 intermodal facility.

29 (b) For the purposes of this permit a vehicle is deemed to be in international
30 trade if the bill of lading contains, but is not limited to any one of the following

1 references: a port facility, a booking number, a vessel name, a voyage number, a
2 foreign port of discharge, or a steamship line.

3 (c) The provisions of this Paragraph limiting the transportation of sealed
4 intermodal containers within a fifty-mile radius of a statutorily defined port or harbor
5 district shall not apply to vehicles transporting such containers within a fifty-mile
6 radius of the Interstate Ten Twin Span Bridge, until such time as the Interstate Ten
7 Twin Span Bridge is opened to owners or operators of any vehicle transporting
8 sealed intermodal containers.

9 (2)(a) Upon application of the owner or operator of any vehicle transporting
10 sealed intermodal containers within a fifty-mile radius of a statutorily defined port
11 or harbor district, the secretary shall issue a Class II Ocean Container Permit for the
12 transportation of such containers with the gross vehicle weight limitation not to
13 exceed ninety-five thousand pounds and the axle weight not to exceed twenty
14 thousand pounds per axle provided the rear axle set is in tridem. The applicant shall
15 indicate on the application the vehicle identification number of the vehicle for which
16 the permit shall be issued. ~~The permit issued shall not require the specific~~
17 ~~identification of the vehicle carrying the permitted container. The permit shall be~~
18 ~~issued based upon the specific container and seal number.~~ The annual fee for the
19 permit shall be five hundred dollars per vehicle. If the vehicle for which the permit
20 is issued is no longer usable by the owner or operator, the permit may be transferred
21 to the replacement vehicle. However, such transfer shall be authorized only one time
22 during the year for which the permit is in effect.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.