

Regular Session, 2010

SENATE BILL NO. 635

BY SENATOR LONG

WEIGHTS/MEASURES. Provides with respect to DOTD stationary scale and mobile police transfer of authority. (7/1/10)

1 AN ACT
2 To amend and reenact R.S. 32:1(10) and (93.1), 2(C) and (D), 3(C), 388(F) and (G), and
3 389, R.S. 36:408(B)(3), 409(C)(8), R.S. 40:1379.8, and R.S. 47:718(B)(1) and (C)
4 and 812(C), and to repeal R.S. 32:2(E), relative to weights and standards; to transfer
5 the operation and maintenance of stationary weight enforcement scale locations from
6 the Department of Transportation and Development to the Department of Public
7 Safety and Corrections; to provide for authority of the Department of Transportation
8 and Development; to provide for the authority of the Department of Public Safety
9 and Corrections; to provide for definitions; to provide for penalties and payments;
10 to provide for enforcement, payment, and collections procedures; to provide for
11 administrative review; to provide for transition; to provide for effective date; and to
12 provide for related matters.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 32:1(10) and (93.1), 2(C) and (D), 3(C), 388(F) and (G), and 389 are
15 hereby enacted to read as follows:

16 §1. Definitions

17 When used in this Chapter, the following words and phrases have the

1 meaning ascribed to them in this Section, unless the context clearly indicates a
2 different meaning:

3 * * *

4 (10) "Commissioner" means the deputy secretary of the Department of
5 Public Safety and Corrections, **public safety services**.

6 * * *

7 (93.1) "Weights and standards ~~stationary-scale~~ police officer" means an
8 employee of the Department of ~~Transportation and Development~~ **Public Safety and**
9 **Corrections, public safety services**, authorized to enforce the provisions of R.S.
10 32:380 through ~~389~~ **388.1**, both inclusive **R.S. 32:390, R.S. 47:718, Chapter 4 of**
11 **Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, the access laws**
12 **and regulations relative to controlled access highways** and certain other specified
13 statutes and regulations **determined by the deputy secretary of the Department**
14 **of Public Safety and Corrections, public safety services, or by** of the Department
15 of Transportation and Development.

16 * * *

17 §2. Authority of Department of Transportation and Development

18 * * *

19 ~~C.(1) The Weights and Standards Stationary Scales Inspection Police Force~~
20 ~~is hereby created within the department. It may enforce only the provisions of R.S.~~
21 ~~32:380 through R.S. 32:389, R.S. 47:718 and the provisions of Chapter 4 of Subtitle~~
22 ~~H of Title 47 relating to trucks, trailers and semitrailers; Part V of Chapter 7 of~~
23 ~~Subtitle H of Title 47; the provisions of R.S. 32:289; and the access laws and~~
24 ~~regulations relative to controlled access highways.~~

25 ~~(2) Members of the Weights and Standards Stationary Scales Inspection~~
26 ~~Police Force are authorized to carry weapons and to make arrests in the enforcement~~
27 ~~of these laws and regulations, and in that regard, shall have the same authority and~~
28 ~~powers conferred by law upon other law enforcement officers of this state; however,~~
29 ~~no member of the Weights and Standards Stationary Scales Inspection Police Force~~

1 shall be authorized to carry a weapon until the member has received P.O.S.T.
2 certification training.

3 ~~Ð C.~~ The Department of Transportation and Development shall have ~~sole~~
4 authority ~~over the issuance of~~ **to issue the** special permits as set forth in R.S. 32:387.

5 **The Department of Public Safety and Corrections, public safety services, shall**
6 **be authorized to sell the permits at the stationary scale locations.**

7 E ~~D.~~ The secretary of the Department of Transportation and Development,
8 through the office of the weights and standards police force, shall provide the
9 personnel and equipment required to fully implement the provisions of R.S.
10 32:390.23 as it relates to the assessment and collection of fees and taxes of this
11 department. **Any monies made available or received from the Federal Highway**
12 **Administration, or from any other entity for the purpose of maintaining,**
13 **improving or upgrading the stationary or mobile scales shall be used solely for**
14 **that purpose. The Department of Public Safety and Corrections shall be**
15 **responsible for maintenance of the buildings and grounds, roadways, parking**
16 **lots, and scales.**

17 * * *

18 §3. Authority of Department of Public Safety and Corrections

19 * * *

20 C. **The Weights and Standards Police Force is hereby created within the**
21 **Department of Public Safety and Corrections, public safety services. It may**
22 **enforce the provisions of R.S. 32:380 through 388.1, R.S. 32:390, R.S. 47:718,**
23 **Chapter 4 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, the**
24 **access laws and regulations relative to controlled access highways and certain**
25 **other specified statutes and regulations determined by the deputy secretary of**
26 **the Department of Public Safety and Corrections, public safety services.**

27 Members of the Weights and Standards ~~Mobile~~ Police Force are **may be** authorized
28 to carry weapons and to make arrests in the enforcement of these laws and
29 regulations, ~~and in that regard, shall~~ **may** have the same authority and powers

1 conferred by law upon other law enforcement officers of ~~this state~~ the Department
 2 of Public Safety and Corrections upon being duly commissioned as a peace
 3 officer by the deputy secretary of the Department of Public Safety and
 4 Corrections, public safety services; however, no member of the Weights and
 5 Standards ~~Mobile~~ Police Force shall be authorized to carry a weapon until the
 6 member has received P.O.S.T. certification training and upon being duly
 7 commissioned as a peace officer by the deputy secretary of the Department of
 8 Public Safety and Corrections, public safety services.

9 * * *

10 §388. Penalties; payments

11 * * *

12 F. Payments for penalties imposed by ~~the Department of Transportation and~~
 13 ~~Development and~~ the Department of Public Safety and Corrections, public safety
 14 services, shall be remitted to the Transportation Trust Fund. However, any payments
 15 for citations for weight limit violations on parish roads in a parish shall be paid to the
 16 public works department of said parish.

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

27 (2) The ~~department~~ Department of Public Safety and Corrections, public
 28 safety services, shall keep a set of books showing from whom every dollar is paid
 29 and for what purpose. It also shall keep in its file vouchers or receipts for all monies

1 paid out.

2 §389. Weights and standards police; enforcement procedure; payment and collection
3 procedures; administrative review

4 A. The weights and standards police force and the state police shall have
5 concurrent authority to enforce the provisions of R.S. 32:380 through 388.1 and R.S.
6 32:390.

7 B. Any weights and standards police officer having reason to believe that any
8 vehicle or combination of vehicles exceeds or is in violation of the provisions of R.S.
9 32:380 through R.S. 32:386 or R.S. 32:388.1 through R.S. 32:390, or the terms and
10 conditions of a special permit issued under R.S. 32:387 or regulations of either the
11 ~~department or secretary~~ Department of Transportation and Development or the
12 Department of Public Safety and Correction, public safety services, adopted
13 pursuant to this Part, is authorized to stop such vehicle or combination of vehicles
14 and to inspect, measure, or weigh such vehicle, either by means of portable or
15 stationary scales, or to require that such vehicle be driven to the nearest available
16 location equipped with facilities to inspect, measure, or weigh such vehicle.

17 (1) Any state policeman having reason to believe that any vehicle or
18 combination of vehicles exceeds or is in violation of the provisions of R.S. 32:380
19 through 32:386 or R.S. 32:388.1 through R.S. 32:390, or the terms and conditions
20 of a special permit issued under R.S. 32:387 or regulations of either the ~~department~~
21 ~~or secretary~~ Department of Transportation and Development or the Department
22 of Public Safety and Corrections, public safety services, adopted pursuant to this
23 Part is authorized to stop such vehicle or combination of vehicles and to inspect or
24 measure such vehicle or to require that such vehicle be driven to the nearest available
25 location equipped with facilities to inspect or measure such vehicle, provided that
26 any state policeman having reason to believe that any vehicle or combination of
27 vehicles exceeds or is in violation of the provisions of R.S. 32:386, any overweight
28 special permit as provided in R.S. 32:387, or the ~~department's~~ regulations adopted
29 pursuant thereto, may escort such vehicle to the nearest permanent or portable scale

1 operated by the ~~department's~~ weights and standards police force, where a weights
2 and standards police officer shall weigh such vehicle and if such vehicle is
3 overweight, is in violation of an overweight special permit, or the department's or
4 secretary's regulations adopted pursuant thereto, shall issue a violation ticket in
5 accordance with Subsection C of this Section.

6 C.(1) Whenever any vehicle or combination of vehicles is found in violation
7 of any provision of this Part or any regulation ~~of the department or secretary~~ adopted
8 pursuant thereto, the weights and standards police officer or any state policeman
9 shall take the name and address of the owner and driver and the license number of
10 the vehicle and shall issue a violation ticket assessing a penalty for such violation in
11 accordance with R.S. 32:388.

12 (2) Upon issuance of the violation ticket, an owner or driver who is a resident
13 of Louisiana or who has a domicile in Louisiana shall receive notification from the
14 weights and standards ~~stationary-scale~~ police officer that the penalty shall be paid
15 within thirty days of issuance of the violation ticket or that the owner or driver may
16 request an agency review of the penalty within thirty days of issuance of the
17 violation ticket. An owner or driver who is not a resident of Louisiana or who does
18 not have a domicile in Louisiana shall receive notification from the weights and
19 standards ~~stationary-scale~~ police officer that the penalty shall either be paid at the
20 time the violation ticket is issued or he shall post a bond equal to the amount of the
21 penalty, which bond shall be forfeited if, within thirty days of issuance of the
22 violation ticket, the penalty has not been paid or an agency review has not been
23 requested. The owner or driver shall pay the penalty assessed with certified check,
24 cashier's check, money order, or ~~department-~~approved credit card. The **deputy**
25 secretary **of the Department of Public Safety and Corrections, public safety**
26 **services** may establish credit accounts for violators, if each violator provides the
27 department a cash deposit in the minimum amount of five thousand dollars or any
28 amount in excess thereof fixed by the secretary to guarantee payment of said
29 account. The ~~department~~ **Department of Public Safety and Corrections, public**

1 safety services shall not detain or impound any vehicle issued a violation ticket for
2 any violation of the provisions of R.S. 32:380 through 387 prior to the final
3 disposition of the violation ticket if the owner or driver is a resident of Louisiana or
4 has a domicile in Louisiana, or has paid the penalty or posted the bond in accordance
5 with this Section. For purposes of this Section, "final disposition" shall be defined
6 as a final conviction, not capable of appeal or review.

7 (3)(a) If a driver of a motor vehicle who is a resident of Louisiana or who has
8 a domicile in Louisiana is determined to be the responsible party for the violation
9 ticket issued by the Department of ~~Transportation and Development~~ **Public Safety**
10 **and Corrections, public safety services,** ~~or the office of state police,~~ the driver shall
11 be responsible for the payment of all fines and fees associated with issuance of the
12 violation ticket. If the ~~department or the office of state police~~ **Department of Public**
13 **Safety and Corrections, public safety services,** fails to receive payment of the
14 violation ticket within sixty calendar days of issuance of the violation ticket or within
15 sixty calendar days of receiving a notice of final judgment from the agency or
16 administrative review, the ~~department or the office of state police~~ **Department of**
17 **Public Safety and Corrections, public safety services,** shall transmit the driver's
18 license number to the office of motor vehicles. Upon receipt of the driver's license
19 number, the office of motor vehicles shall immediately notify the driver, by first
20 class mail, that his driver's license shall be suspended thirty calendar days after the
21 date of mailing the notice unless all fines and fees associated with the violation ticket
22 are paid in full together with notice of the imposition of a fifty-dollar fee by the
23 office of motor vehicles to cover its administrative costs. Upon payment of all fines
24 and fees associated with the violation ticket, the office of motor vehicles shall
25 immediately authorize the reinstatement of the driver's license.

26 (b) If a motor carrier is determined by the Department of ~~Transportation and~~
27 ~~Development or the office of state police~~ **Public Safety and Correction, public**
28 **safety services,** to be the responsible party for a violation ticket, and if such party
29 fails to pay the assessed penalty within sixty calendar days of receiving the violation

1 ticket or within sixty calendar days of receiving a notice of final judgment from the
2 agency or administrative review, the ~~department or the office of state police~~
3 **Department of Public Safety and Corrections, public safety services,** shall
4 transmit the vehicle identification number of the offending vehicle for which the
5 violation ticket was issued to the office of motor vehicles. The office of motor
6 vehicles shall not renew the registration of the offending vehicle until all fines and
7 fees associated with the violation ticket are paid in full. Upon payment of all fines
8 and fees associated with the violation ticket, the office of motor vehicles shall
9 immediately authorize renewal of the vehicle's registration. The Department of
10 ~~Transportation and Development and the office of state police~~ **Public Safety and**
11 **Corrections, public safety services,** shall adopt rules and regulations in accordance
12 with the Administrative Procedure Act, subject to oversight by the House and Senate
13 Committees on Transportation, Highways and Public Works, as are necessary to
14 implement the provisions of this Subparagraph.

15 (c) The Department ~~of Transportation and Development and the office of~~
16 ~~state police~~ **Public Safety and Corrections, public safety services,** shall be
17 prohibited from seizing the registration license plate of a motor vehicle for failing
18 to pay a fine for a violation ticket.

19 (4)(a) Any owner or driver who pays an assessed penalty in accordance with
20 the provisions of this Section shall have a period of ninety days after the date of
21 payment to institute a civil suit against the ~~department~~ **Department of Public Safety**
22 **and Corrections, public safety services,** to recover the penalty so paid. However,
23 the ninety-day time period to institute a civil suit against the ~~department~~
24 **Department of Public Safety and Corrections, public safety services,** shall be
25 suspended for any owner or driver who timely requests an agency review in
26 accordance with the provisions of this Section, in which case the owner or driver
27 shall have a period of ninety days after the final disposition of the agency review to
28 institute a civil suit against the department to recover the penalty so paid.

29 (b) The right to sue for recovery of a penalty paid shall afford a legal remedy

1 and right of action in any state district court for a full and complete adjudication of
2 any questions arising in the enforcement of a penalty respecting the legality of any
3 penalty assessed or the method of enforcement thereof. Any such suit may be
4 instituted either in the parish in which the violation occurred, the domicile of
5 vehicles, provided the domicile is within the state of Louisiana, or in East Baton
6 Rouge Parish. In any such suit, service of process shall be made on the ~~department,~~
7 ~~through the~~ deputy secretary of the Department of Public Safety and
8 Corrections, public safety services. The ~~department~~ Department of Public Safety
9 and Corrections, public safety services, shall be a necessary and proper party
10 defendant in any such suit.

11 (5) No court of this state shall issue any process whatsoever to restrain the
12 collection of any penalty assessed by the department pursuant to this Part.

13 (6) If upon expiration of the ninety-day period provided in Paragraph (4)(a)
14 of this Subsection any penalty assessed remains unpaid, the ~~department~~ Department
15 of Public Safety and Corrections, public safety services, may institute a civil suit
16 in the parish in which the violation occurred or in the domicile of the owner or driver
17 to collect any penalty assessed but unpaid. The ~~department~~ Department of Public
18 Safety and Corrections, public safety services, shall have one year from the date
19 of expiration of the ninety-day period to institute such a suit.

20 (7) Notwithstanding the above provisions, any member of the armed forces,
21 who is in uniform or presents an order for duty and who is operating a military
22 vehicle in the line of duty in violation of any provision of R.S. 32:380 through R.S.
23 32:387 or any regulation ~~of the department or secretary~~ adopted pursuant thereto
24 shall not be required to pay the penalty assessed, nor shall he be required to surrender
25 his Louisiana driver's license. However, the owner of the vehicle or the federal
26 government shall pay the penalty within thirty days.

27 (8) Failure of any vehicle or combination of vehicles to stop at a weigh
28 facility may be excused if stopping the vehicle or combination of vehicles would
29 create a serious traffic hazard. The Department of ~~Transportation and Development~~

1 **Public Safety and Corrections, public safety services**, shall promulgate rules under
2 the provisions of the Administrative Procedure Act for the implementation of this
3 Paragraph. Such rules shall define "serious traffic hazard" and shall authorize the use
4 of green traffic signal lights to allow vehicles to pass the weigh facility at such times
5 as vehicles have accumulated on the entrance ramp to the weigh facility to the extent
6 that the vehicles present a traffic hazard. Rules adopted hereunder shall be subject
7 to oversight by the House and Senate Committees on Transportation, Highways and
8 Public Works.

9 D.(1) The ~~secretary~~ **commissioner** shall establish a procedure for agency
10 review of violation tickets issued by weights and standards ~~stationary-scale~~ police
11 officers and may take appropriate actions based on the findings of the agency's
12 review. The ~~secretary~~ **commissioner** shall adopt rules in accordance with the
13 Administrative Procedure Act to govern agency review and any actions taken based
14 on the findings of the agency.

15 (2) Following conclusion of the agency's review, the operator or responsible
16 party issued the violation ticket by the weights and standards ~~stationary-scale~~ police
17 officer may request a hearing conducted by a review panel comprised of five
18 members. One member of the review panel shall be appointed by the ~~secretary~~
19 **commissioner** ~~of the Department of Transportation and Development~~, two members
20 shall be appointed by the chairman of the House Transportation, Highways and
21 Public Works Committee, and two members shall be appointed by the chairman of
22 the Senate Transportation, Highways and Public Works Committee. Decisions of the
23 review panel shall be binding upon the Department of ~~Transportation and~~
24 ~~Development~~ **Public Safety and Corrections, public safety services**. The ~~secretary~~
25 **commissioner** shall adopt rules and regulations in accordance with the
26 Administrative Procedure Act regarding the hearing conducted by the review panel
27 including but not limited to rules and regulations regarding the notification and
28 procedure for requesting a hearing by the review panel and deadlines for request for
29 a hearing before the review panel.

1 Section 2. R.S. 36:408(B)(3) and 409(C)(8) are hereby amended and reenacted to
2 read as follows:

3 §408. Offices; purposes and functions

4 * * *

5 B. * * *

6 (3) Within the ~~office of state police~~ **Department of Public Safety and**
7 **Corrections, public safety services,** there shall be a Weights and Standards ~~Mobile~~
8 Police Force (~~R.S. 40:1379.8~~) which shall perform the functions of the state related
9 to the enforcement of R.S. 32:380 through ~~389~~ **388, R.S. 32:388.1, R.S. 32:390,** and
10 R.S. 47:718, and the provisions of Chapter 4 of Subtitle II of Title 47 relating to
11 trucks, trailers, and semitrailers and Part V of Chapter 7 of Subtitle II of Title 47 of
12 the Louisiana Revised Statutes of 1950 and the department's regulations adopted
13 pursuant thereto.

14 * * *

15 §409. Transfer of agencies to Department of Public Safety and Corrections

16 * * *

17 C. The following agencies, as defined by R.S. 36:3, are transferred to and
18 hereafter shall be within the Department of Public Safety and Corrections, as
19 provided in R.S. 36:802:

20 * * *

21 (8) The Weights and Standards Police Force (~~mobile units only~~) (R.S.
22 40:1379.8).

23 * * *

24 Section 3. R.S. 40:1379.8 is hereby amended and reenacted to read as follows:

25 §1379.8. Weights and Standards ~~Mobile~~ Police Force

26 A. The Weights and Standards ~~Mobile~~ Police Force is hereby created within
27 the ~~office of state police of the~~ Department of Public Safety and Corrections, **public**
28 **safety services.**

29 B. Members of the Weights and Standards ~~Mobile~~ Police Force **who are**

1 accordance with Article VII, Section 9 of the Constitution of Louisiana shall be
 2 credited to the Bond Security and Redemption Fund. After a sufficient amount is
 3 allocated from that fund to pay all obligations secured by the full faith and credit of
 4 the state which become due and payable within any fiscal year, the treasurer shall
 5 pay an amount equal to the fees paid into the Bond Security and Redemption Fund
 6 pursuant to this Subsection into the Transportation Trust Fund.

7 * * *

8 §812. Violations; cargo tank to carburetor connection; operation without
 9 speedometer or hub meter; operation without name and address on
 10 trucks; invoice

11 * * *

12 C. All specific penalties collected by the Department of Public Safety and
 13 Corrections, **public safety services**, ~~or the Department of Transportation and~~
 14 ~~Development~~ in accordance with this Part shall be paid to the **deputy** secretary of the
 15 Department of Public Safety and Corrections, **public safety services**, ~~or the~~
 16 ~~Department of Transportation and Development~~, whichever agency issued the
 17 ~~violation ticket~~, who shall pay said penalties into the state treasury on or before the
 18 twenty-fifth day of each month following their collection and, in accordance with
 19 Article VII, Section 9 of the Constitution of Louisiana, such funds shall be credited
 20 to the Bond Security and Redemption Fund.

21 Section 5. R.S. 32:2(E) is hereby repealed.

22 Section 6. All books, records, money, equipment, actions, and other property of
 23 every kind, movable and immovable, real and personal possessed, controlled or used by the
 24 Department of Transportation and Development for carrying out the functions, duties, and
 25 responsibilities of the previously constituted Weights and Standards stationary scales police
 26 force, under R.S. 32:2, and anywhere else found in law, as well as those functions and duties,
 27 including those related to due process proceedings, are transferred to Public Safety Services
 28 of the Department of Public Safety and Corrections. Said property shall not include the
 29 building and immovable property located at 1201 Capitol Access Road, Baton Rouge,

1 Louisiana, which currently houses Sections 43 and 44 of the Department of Transportation
2 and Development. Maintenance of this immovable property shall remain the responsibility
3 of DOTD.

4 Section 7. All rules and regulations adopted or permits, licenses, registrations,
5 variances, or orders issued by the effective date of this Act shall continue in full force unless
6 otherwise revoked, repealed, amended, modified, or terminated in accordance with law.
7 However, the deputy secretary for Public Safety Services of the Department of Public Safety
8 and Corrections shall act to adopt such rules and regulations as are necessary to the function
9 of the Weights and Standards Police Force.

10 Section 8. Any legal proceeding, the statutory provisions for which are amended or
11 repealed by the provisions of this Act, to which any agency or office is a party and which
12 is filed, initiated, or otherwise pending before any court or hearing agency on the effective
13 date of this Act, and all documents involved or affected by said legal proceeding shall retain
14 their effectiveness and shall be continued in the name of the former agency. All further legal
15 proceedings shall be in the name of the original party agency and Public Safety Services of
16 the Department of Public Safety and Corrections shall be substituted for the original party
17 agency without the necessity for amendment of any document to substitute the name of the
18 department or the name or title of any subdivision or section of the department.

19 Section 9. All employees engaged in the performance of the functions of the
20 Weights and Standards stationary police force, the provisions of which are amended or
21 transferred by this Act, are hereby assigned to Public Safety Services of the Department of
22 Public Safety and Corrections and, shall insofar as practicable and necessary continue to
23 perform duties heretofore assigned, subject to applicable state civil service laws, rules, and
24 regulations.

25 Section 10. The provisions of this Act shall not be construed in any manner which
26 will impair the contractual or other obligations of any agency, office, or department of this
27 state.

28 Section 11. The provisions of this Act shall not be construed so as to limit the power
29 or authority of any member of the office of state police as provided in R.S. 40:1379.

1 Section 12. Any reference to the Weights and Standards Stationary Police Force or
2 Weights and Standards Mobile Police Force, in any provision of law, including but not
3 limited to provisions of Chapters 4 and 7 of Subtitle II of Title 47 of the Louisiana Revised
4 Statutes of 1950, shall be understood to refer to the Weights and Standards Police Force of
5 Public Safety Services of the Department of Public Safety and Corrections.

6 Section 13. All rules and regulations promulgated by Public Safety Services of the
7 Department of Public Safety and Corrections relative to weight enforcement, payment, and
8 collection procedures shall be adopted in accordance with the provisions of the Louisiana
9 Administrative Procedure Act. Such rules and regulations shall make reference to the
10 Sections or Subsections which they may interpret or apply.

11 Section 14. This Act shall become effective on July 1, 2010.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Greg Waddell.

DIGEST

Proposed law transfers the Weights and Standards Police Force from the Department of Transportation and Development ("DOTD") to the Department of Public Safety and Corrections ("DPS&C").

Present law defines "commissioner" and "weights and standards stationary scale police officer."

Proposed law defines commissioner as the deputy secretary of the Department of Public Safety and Corrections, public safety services.

Proposed law changes "weights and standards stationary police officer" to "weights and standards police officer."

Present law authorizes the DOTD to enforce certain provisions of law relating to relating to trucks, trailers and semi-trailers.

Present law provides that the DPS&C shall enforce certain provisions of law and the regulations adopted on all highways of this state within its jurisdiction and shall exercise such other power and authority as authorized by law.

Proposed law retains present law and transfers operation and maintenance of all stationary weight enforcement scale locations from DOTD to DPS&C.

Present law provides that DOTD shall have sole authority over the issuance of special permits as provided by law.

Proposed law provides that DOTD shall still issue permits, but DPS&C shall also be allowed to sell the permits at the stationary scale locations.

Proposed law creates the Weights and Standards Police Force ("police force") within DPS&C. Authorizes the police force to enforce certain provisions of law, the access laws and regulations relative to controlled access highways and certain other laws and regulations as determined by the deputy secretary of DPS&C.

Effective July 1, 2010.

(Amends R.S. 32:1(10) and (93.1), 2(C) and (D), 3(C), 388(F) and (G), and 389, R.S. 36:408(B)(3), 409(C)(8), R.S. 40:1379.8, and R.S. 47:718(B)(1) and (C) and 812(C); repeals R.S. 32:2(E))