
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Xavier I. Alexander.

	DIGEST	
SB 413 Original	2020 Regular Session	Price

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

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

Proposed law defines commissioner as the secretary of the Department of Public Safety and Corrections.

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

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

Present law provides that the DOTD 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 DPS&C to DOTD.

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

Proposed law retains present law and authorizes DOTD to facilitate the issuance of permits by DOTD's truck permit office to place a vehicle or load in compliance with law.

Proposed law creates the Weights and Standards Police Force ("police force") within DOTD. 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 DOTD.

Proposed law provides that when any vehicle is in violation of any provision of the Part, the driver shall be issued a violation ticket.

Present law provides for collection procedure; provides violations are penalties, rather than fines, to reflect civil nature; provides for notice of violation and civil penalty or warning to responsible

party within 30 days of violation; provides 45 day period to pay the penalty or to request an administrative hearing; provides for payment by certified check, money order, or credit card; credit card payments are deemed received when approval code is obtained; provides for dismissal of violation if commissioner fails to issue a notice of violation to the responsible party in 30 calendar days of date of violation; extends notice period for 60 calendar days due to data system failure by act of God or intentional act of sabotage or during state of emergency declared by governor; provides for appeal of findings of an administrative law judge in state district court of proper venue; provides for posting of unpaid penalties after 45 days on commissioner's website until paid and notice to office of motor vehicles who shall not renew vehicle registration until penalties and fees are paid; provides for suspension of driver's license where driver is the responsible party; provides for notice of suspension of license within 30 days unless all penalties and fees are paid; provides for \$50 fee to OMV to cover administrative cost; provides motor carriers shall not be responsible for driver violations.

Proposed law repeals present law and provides that any person issued a violation under this Part, that is domicile or resides in Louisiana shall receive notice from the weights and standards stationary police that the penalty shall be paid within 30 days or a request of review from the agency within 30 days. A owner or driver who is a non-resident shall either pay the ticket at the time issued or post bond equal to the amount of the penalty.

Proposed law provides that the secretary shall establish credit accounts for violators, if violator has a cash deposit in the minimum amount of \$5,000 or any amount in excess fixed by the secretary.

Proposed law provides that a violator that is domiciled or a resident of Louisiana has to pay all fines and fees, failure to pay fees within 60 days of issuance will result in suspended license for 30 calendar days.

Proposed law provides that any owner or driver who pays an assessed penalty under this Section shall have a period of 90 days to institute a civil suit against the DOTD to recover the penalty. The 90-day time period shall be suspended for owners who request an agency review. After review the owner has 90 days after the final disposition to institute a civil proceeding against the DOTD to recover the penalty.

Proposed law provides that the secretary shall establish procedures for agency review of ticket violations. After the review of the violation the operator shall request a hearing conducted by a review panel comprise of five members:

- (1) One member appointed by the secretary of DOTD
- (2) Two members appointed by the chairman of the House Transportation Committee
- (3) Two members appointed by the chairman of the Senate Transportation Committee

Present law provides for DOTD to promulgate rules and oversight of rules by the House and Senate Committees on Transportation, Highways, and Public Works.

Proposed law provides transition provisions for the transfer of functions from DPS&C to DOTD.

Effective August 1, 2020.

(Amends R.S. 32:1(1),(10) and (93.1), 2(D) and (E), 3(C), 388(A)(3), and (4), (B)(1)(a)(intro para), (B)(4)(a), (C)(3), (F) and (G), 388.1, 389, 390.23(A) and 392(A)(1), and R.S. 36:408(B)(3) and 409(C)(8), and R.S. 40:1379.8, and R.S. 47:511.1(B), (C),(D) and (E), 516(A), (B)(2), and (D), 718(B)(1) and (C) and 812(C); Adds R.S. 32:1(93), and 2(B) and (C); Repeals Sections 6-14 of Act No. 320 of the 2010 Regular Session)