

1 ~~safety services, with responsibilities and duties as provided by R.S. 40:1379.8: the~~
 2 Department of Transportation and Development, authorized to enforce the provisions
 3 of R.S. 32:380 through 388.1 and 390, R.S. 47:718, Chapter 4 of Subtitle II of Title
 4 47 of the Louisiana Revised Statutes of 1950, the access laws and regulations relative
 5 to controlled access highways, and certain other specified statutes and regulations
 6 of the Department of Transportation and Development.

7 * * *

8 §2. Authority of Department of Transportation and Development

9 * * *

10 C.(1) The Weights and Standards Stationary Scales and Mobile Police Force
 11 is hereby created within the department. It may enforce the provisions of R.S.
 12 32:380 through 388.1 and 390, R.S. 47:718 and the provisions of Chapter 4 of
 13 Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950 relating to trucks,
 14 trailers, and semi-trailers; Part V of Chapter 7 of Subtitle II of Title 47 of the
 15 Louisiana Revised Statutes of 1950; the provisions of R.S. 32:389; and the access
 16 laws and regulations relative to controlled access highways.

17 (2) Members of the Weights and Standards Stationary Scales and Mobile
 18 Police Force are authorized to carry weapons and to make arrests in the enforcement
 19 of these laws and regulations, and in that regard, shall have the same authority and
 20 powers conferred by law upon other law enforcement officers of this state; however,
 21 no member of the Weights and Standards Stationary Scales and Mobile Police Force
 22 shall be authorized to carry a weapon until the member has received P.O.S.T.
 23 certification training.

24 (3) Members of the Weights and Standards Stationary Scales and Mobile
 25 Police Force shall only stop a vehicle if an officer reasonably suspects that such
 26 vehicle may be in violation of one or more requirements set forth in Paragraph (C)(1)
 27 of this Section, or of regulations or permits issued pursuant to this provision.
 28 Members of the Weights and Standards Stationary Scales and Mobile Police Force

1 C.(1) Whenever any carrier, common carrier, contract carrier, private carrier,
2 transport vehicle, or driver is found in violation of any provision of this Chapter, the
3 ~~commissioner~~ or secretary shall send the responsible party a "Notice of Violation,
4 Proposed Finding and Proposed Civil Penalty", hereafter referred to as a "notice of
5 violation", within thirty calendar days of the violation.

6 (2)(a) Each notice of violation shall clearly indicate if a monetary penalty is
7 assessed for the violation or if the notice of violation is only a warning. When a
8 monetary penalty is assessed, each notice of violation shall be sent to the responsible
9 party by certificate of mailing. Such notice of violation shall also contain notice that
10 the responsible party shall have forty-five calendar days from the date of issuance
11 of the notice of violation to either pay the monetary penalty for the violation or to
12 request, in writing, an administrative hearing to review the notice of violation. When
13 the amount of the civil penalty is negotiated between the ~~commissioner~~ or secretary
14 and the responsible party, the ~~commissioner~~ or secretary shall send written
15 notification to the responsible party of the amount of the negotiated civil penalty
16 within thirty calendar days of the date of the final negotiation. Such payment shall
17 be made by certified check, money order, or credit card. If made by credit card, the
18 payment shall be deemed received by the ~~commissioner~~ or secretary when tendered
19 and an approval code is obtained from the credit card company or credit card
20 processor.

21 (b) The ~~commissioner~~ or secretary shall adopt rules and regulations in
22 accordance with the Administrative Procedure Act, subject to oversight by the House
23 and Senate committees on transportation, highways and public works as are
24 necessary regarding the administrative hearing, including but not limited to rules and
25 regulations regarding notification and the procedure for requesting a hearing
26 provided such rules shall not conflict with the provisions of R.S. 32:388.1.

27 (3) If the ~~commissioner~~ or secretary fails to issue the notice of violation to
28 the responsible party within thirty calendar days of the violation in accordance with
29 the provisions of this Section, the violation shall be dismissed. However, the

1 ~~commissioner~~ or secretary shall be granted an additional sixty calendar days to send
2 the responsible party a notice of violation in accordance with the provisions of this
3 Section if he experiences a data system failure caused by either an act of God or an
4 intentional act of sabotage.

5 * * *

6 D.(1) If a carrier is determined to be the responsible party for a notice of
7 violation by the ~~commissioner~~ or secretary and, if the carrier fails to pay the assessed
8 penalty within forty-five calendar days of issuance of the notice of violation, or in
9 the case of an administrative hearing, the responsible party fails to pay the assessed
10 fine within thirty calendar days of receiving a notice of final judgment from the
11 administrative law judge, the outstanding penalty amount shall be posted on the
12 ~~commissioner's~~ or secretary's official website. The outstanding penalty amount for
13 such responsible party shall continue to appear on the website until all fines and fees
14 are paid in full. The ~~commissioner~~ or secretary shall transmit the vehicle
15 identification number of the offending vehicle for which the notice of violation was
16 written to the office of motor vehicles. The office of motor vehicles shall not renew
17 the registration of the offending vehicle until all fines and fees associated with the
18 notice of violation have been paid in full. Within seven calendar days of receiving
19 documentation from the responsible party that all fines and fees have been paid in
20 full, the ~~commissioner~~ or secretary shall remove the posting of the notice of violation
21 from his website. Additionally, upon payment of all fines and fees associated with
22 the notice of violation, the office of motor vehicles shall immediately authorize
23 renewal of the vehicle's registration. Such payment shall be made by certified check,
24 money order, or credit card. If made by credit card, the payment shall be deemed
25 received by the ~~commissioner~~ or secretary when tendered and an approval code is
26 obtained from the credit card company or credit card processor.

27 (2) If the driver of a motor vehicle is found to be the responsible party for
28 a notice of violation by the ~~commissioner~~ or secretary, the driver shall be responsible
29 for the payment of all fines and fees associated with issuance of the notice of

1 violation. Such payment shall be made by certified check, money order, or credit
 2 card. If made by credit card, the payment shall be deemed received by the
 3 ~~commissioner~~ or secretary when tendered and an approval code is obtained from the
 4 credit card company or credit card processor. If the ~~commissioner~~ or secretary fails
 5 to receive payment within forty-five calendar days of issuance of the notice of
 6 violation, or in the case of an administrative hearing, the responsible party fails to
 7 pay the assessed penalty within thirty calendar days of receiving a notice of final
 8 judgment from the administrative law judge, the ~~commissioner~~ or secretary shall
 9 transmit the driver's license number to the office of motor vehicles. Upon receipt of
 10 the driver's license number, the office of motor vehicles shall immediately notify the
 11 driver, by first class mail, that his driver's license shall be suspended thirty calendar
 12 days after the date of mailing the notice unless all fines and fees associated with the
 13 notice of violation or final judgment from the administrative law judge are paid in
 14 full together with notice of the imposition of a fifty-dollar fee by the office of motor
 15 vehicles to cover its administrative costs. The driver's license shall remain
 16 suspended until all fines and fees associated with the notice of violation or final
 17 judgment from the administrative law judge and the fifty-dollar fee for the office of
 18 motor vehicles are paid in full. Upon payment of all fines and fees, the office of
 19 motor vehicles shall immediately authorize the reinstatement of the driver's license.

* * *

21 E.(1) The ~~commissioner~~ or secretary and any law enforcement officer
 22 working for the ~~commissioner~~ or secretary shall be prohibited from seizing a motor
 23 vehicle or the registration license plate of a motor vehicle for failing to pay a fine for
 24 a notice of violation.

25 (2) In the event a motor vehicle for which a notice of violation has been
 26 issued is subsequently sold, the new owner of such vehicle shall not be responsible
 27 for any outstanding fines or fees associated with a notice of violation. The new
 28 owner of the motor vehicle shall present proper documentation to the ~~commissioner~~
 29 or secretary evidencing the lawful transfer of ownership.

1 F. During a state of emergency declared by the governor, the ~~commissioner~~
2 ~~or~~ secretary shall be granted an additional sixty calendar days to send the responsible
3 party a notice of violation in accordance with the provisions of this Section. Such
4 extension of time shall terminate not later than sixty days from the date the state of
5 emergency ends.

6 * * *

7 H. The failure of any vehicle or combination of vehicles to stop at a weigh
8 facility may be excused if stopping the vehicle or combination of vehicles creates a
9 serious traffic hazard. The ~~commissioner~~ ~~or~~ secretary shall promulgate rules under
10 the provisions of the Administrative Procedure Act to implement the provisions of
11 this Subsection. These rules shall define "serious traffic hazard" and shall authorize
12 the use of green traffic signal lights to allow vehicles to pass the weigh facility at
13 times as vehicles have accumulated on the entrance ramp to the weigh facility to the
14 extent that the vehicles present a traffic hazard. Rules previously adopted by the
15 department shall remain in full force and effect until such time as the ~~commissioner~~
16 ~~or~~ secretary promulgates rules pursuant to this Subsection. These rules shall be
17 subject to oversight by the House and Senate committees on transportation, highways
18 and public works.

19 Section 2. R.S. 47:718(B)(1) and (C), 809(A), and 812(C) are hereby amended and
20 reenacted to read as follows:

21 §718. Gasoline or motor fuel imported in a vehicle's reservoir and used within this
22 state

23 * * *

24 B.(1) In order to enforce the provisions of this Section, the secretary or his
25 authorized representative, or any ~~commissioned officer employed by the office of~~
26 ~~state police or by~~ weights and standards police officer of the Department of
27 Transportation and Development is empowered to stop any motor vehicle which
28 appears to be operating with gasoline or motor fuel for the purpose of examining the
29 invoices and for such other investigative purposes reasonably necessary to determine

1 whether the vehicle is being operated in compliance with the provisions of this
2 Section.

3 * * *

4 C. All penalties collected for violation of this Section shall be paid to the
5 secretary of ~~the Department of Public Safety and Corrections, or the Department of~~
6 ~~Transportation and Development, whichever agency issued the violation ticket,~~ who
7 shall pay said penalties into the state treasury on or before the twenty-fifth day of
8 each month following their collection and, in accordance with Article VII, Section
9 9 of the Constitution of Louisiana shall be credited to the Bond Security and
10 Redemption Fund. After a sufficient amount is allocated from that fund to pay all
11 obligations secured by the full faith and credit of the state which become due and
12 payable within any fiscal year, the treasurer shall pay an amount equal to the fees
13 paid into the Bond Security and Redemption Fund pursuant to this Subsection into
14 the Transportation Trust Fund.

15 * * *

16 §809. Power to stop and investigate vehicles; assessment and collection

17 A. In order to enforce the provisions of this Part, the secretary or his
18 authorized representative or any weights and standards police officer of the
19 Department of Transportation and Development is empowered to stop any motor
20 vehicle which appears to be operating with special fuels for the purpose of
21 examining the invoices and for such other investigative purposes reasonably
22 necessary to determine whether the taxes imposed by this Part have been paid, or
23 whether the vehicle is being operated in compliance with the provisions of this Part.

24 * * *

25 §812. Violations; cargo tank to carburetor connection; operation without
26 speedometer or hub meter; operation without name and address on trucks;
27 invoice

28 * * *

1 C. All specific penalties collected by ~~the Department of Public Safety and~~
2 ~~Corrections~~ or the Department of Transportation and Development in accordance
3 with this Part shall be paid to the secretary of ~~the Department of Public Safety and~~
4 ~~Corrections~~ or the Department of Transportation and Development, ~~whichever~~
5 ~~agency issued the violation ticket or notice~~, who shall pay said penalties into the state
6 treasury on or before the twenty-fifth day of each month following their collection
7 and, in accordance with Article VII, Section 9 of the Constitution of Louisiana, such
8 funds shall be credited to the Bond Security and Redemption Fund. After a
9 sufficient amount is allocated from that fund to pay all obligations secured by the full
10 faith and credit of the state which become due and payable within any fiscal year, the
11 treasurer shall pay an amount equal to the fees paid into the Bond Security and
12 Redemption Fund pursuant to this Subsection into the Transportation Trust Fund.

13 Section 3. R.S. 36:408(B)(3) and 409(C)(7), R.S. 40:1379.8, and Sections 6 through
14 14 of Act No. 1186 of the 1997 Regular Session of the Legislature are hereby repealed.

15 Section 4. All books, papers, records, money, equipment, actions, and other property
16 of every kind, movable and immovable, real and personal, possessed, controlled or used by
17 the Department of Public Safety and Corrections for carrying out the functions, duties, and
18 responsibilities of the Weights and Standards Police Mobile Units, as well as those functions
19 and duties, including those related to due process proceedings are transferred to the
20 Department of Transportation and Development.

21 Section 5. All rules and regulations adopted or permits, licenses, registrations,
22 variances, or orders issued by the effective date of this Act shall continue in full force and
23 effect until and after the effective date of this Act, unless otherwise revoked, repealed,
24 amended, modified, or terminated in accordance with law. However, the secretary of the
25 Department of Transportation and Development shall immediately act to adopt such rules
26 and regulations as are necessary to the function of the Weights and Standards Mobile Police
27 Force, such that similar rules adopted by the Department of Public Safety and Corrections
28 may be revoked.

1 Section 6. Any legal proceeding, the statutory provisions for which are amended or
2 repealed by the provisions of this Act, to which any agency or office is a party and which
3 is filed, initiated, or otherwise pending before any court or hearing agency on the effective
4 date of this Act, and all documents involved in or affected by said legal proceeding, shall
5 retain their effectiveness and shall be continued in the name of the former agency. All
6 further legal proceedings and documents in the continuance, disposition, and enforcement
7 of said legal proceedings shall be in the name of the original party agency, and the
8 Department of Transportation and Development shall be substituted for the original party
9 agency without the necessity for amendment of any document to substitute the name of the
10 department or the name or title of any subdivision or section of the department.

11 Section 7. All employees engaged in the performance of functions of the Weights
12 and Standards Police Mobile Units, the provisions of which are amended or transferred by
13 this Act, are hereby assigned to the Department of Transportation and Development, and
14 shall insofar as practicable and necessary continue to perform duties heretofore assigned,
15 subject to applicable state civil service laws, rules, and regulations.

16 Section 8. The provisions of this Act shall not be construed in any manner which
17 will impair the contractual or other obligations of any agency, office, or department of the
18 state.

19 Section 9. The provisions of this Act shall not be construed so as to limit the power
20 or authority of any officer of the office of state police as provided in R.S. 47:53

21 Section 10. Any reference to the Weights and Standards Police Force, in any
22 provision of law, including provisions of Chapters 4 and 5 of Title 47 of the Louisiana
23 Revised Statutes of 1950, shall be understood to refer to either the Weights and Standards
24 Mobile Police Force or the Weights and Standards Stationary Scale Police Force of the
25 Department of Transportation and Development.

26 Section 11. All monies collected pursuant to duties assigned to the Department of
27 Transportation and Development shall be collected and deposited according to the provisions
28 of R.S. 32:387 through 389.

29 Section 12. This Act shall become effective on July, 1, 2024.

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)]

HB 594 Original

2023 Regular Session

Larvadain

Abstract: Updates the name and governing authority of the Weights and Standards Stationary Police Force and grants them the powers and responsibilities of the police enforcement.

Present law (R.S. 32:2(C)(1) and (2)) specifies that members of the Weights and Standards Stationary Scales Police Force (W&SSSPF) are authorized to carry weapons and to make arrests in the enforcement of these laws and regulations, and in that regard, have the same authority and powers conferred by law upon other law enforcement officers of this state; however, no member of the W&SSSPF is authorized to carry a weapon until the member has received P.O.S.T. certification training.

Proposed law changes the name of the W&SSSPF to the Weights and Standards Stationary Scales and Mobile Police Force (W&SSMPF)

Present law (R.S. 32:3(C) and (D)) specifies all rules and regulations promulgated by the commissioner relative to weight enforcement, payment, and collection of procedure be adopted in accordance with the provisions of the Administrative Procedure Act. Specifies that members of the W&SSMPF are authorized to carry weapons and make arrests. However, prohibits members of the W&SSMPF from carrying a weapon until the member has received P.O.S.T. certification training and has been duly commissioned as a peace officer.

Proposed law removes present law.

Present law (R.S. 32:388(F) and (G)(1) and (2)) requires payments for penalties imposed by the Dept. of Transportation and Development (DOTD) and the Dept. of Public Safety and Corrections (DPS&C) be remitted to the Transportation Trust Fund (TTF). However, specifies that any payments for citations for weight limit violations on parish roads in a parish will be paid to the public works department of the parish. Further provides that all penalties collected by the secretary and the commissioner will be paid into the state treasury on or before the 25th day of each month following their collection and, in accordance with the state constitution, be credited to the Bond Security and Redemption Fund. However, specifies that after a sufficient amount of the penalties collected by the secretary and the commissioner is allocated from the fund to pay all obligations secured by the full faith and credit of the state within any fiscal year, the treasurer shall pay an amount equal to the fees paid into the Bond Security and Redemption Fund pursuant to this Paragraph into the TTF created under the state constitution. Requires the DPS&C and the DOTD keep a set of books showing from whom every dollar is paid and for what purpose along with vouchers or receipts for all monies paid out.

Proposed law removes the DPS&C from present law. Additionally, proposed law removes the commissioner from the collection of penalties in present law.

Present law (R.S. 32:389(A)) creates the weights and standards police enforcement procedures, payment and collection procedures, and administrative review.

Proposed law updates the name of the W&SSSPF and adds to present law that their authority is all inclusive, with a stipulation that the state police not carry weight scales or weigh vehicles or combinations of vehicles.

Present law (R.S. 32:389(B)(1)) establishes the weights and standards stationary scale police to have concurrent authority to enforce provisions governing, dimensions, weight, and load of vehicles in regular operation, penalties, and the weigh-in-motion enforcement system.

Present law (R.S. 36:409(C)(7)) establishes within the office of state police there is a W&SSSPF which performs the functions of the state related to the enforcement of governing, dimensions, weight, and load of vehicles in regular operation, penalties, and the weigh-in-motion enforcement system, and fuel imported in a vehicle's reservoir and used in the state, and provisions relating to trucks, trailers, and semi-trailers and the department's regulations adopted pursuant thereto.

Proposed law removes present law.

Present law (R.S. 40:1379.8) creates the W&SSSPF within the department. Specifies members of the W&SSSPF of the DPS&C who receive P.O.S.T. certification training, are considered peace officers that have the authority to enforce the criminal and traffic laws of the state, apprehend criminals and make arrests, and perform other related duties imposed upon them by the legislature. Specifies that as peace officers, they also have, in any part of the state, the same powers with respect to criminal matters and the enforcement of the law relating thereto as sheriffs, constables, and police officers have in their respective jurisdictions. Specifies that no member of the W&SSSPF can be authorized to carry a weapon until the member has received P.O.S.T. certification training.

Proposed law removes present law.

Present law (R.S. 47:718(B)(1)) establishes the secretary or his authorized representative, or any commissioned officer employed by the office of state police or by the DOTD is empowered to stop any motor vehicle which appears to be operating with gasoline or motor fuel for the purpose of examining the invoices and for such other investigative purposes reasonably necessary to determine whether the vehicle is being operated in compliance with the provisions of this Section.

Proposed law removes commission officer employed by the office of state police and adds weights and standards police officer.

Present law (R.S. 47:718(C)) establishes all penalties collected for violation of present law must be paid to the secretary of the DPS&C, or the DOTD, whichever agency issued the violation ticket, who shall pay said penalties into the state treasury on or before the 25th day of each month following their collection and, in accordance with the state constitution must be credited to the Bond Security and Redemption Fund. Specifies that after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer shall pay an amount equal to the fees paid into the Bond Security and Redemption Fund pursuant to this Subsection into the TTF.

Proposed law removes the DPS&C, and removes the reference to the agency that issued the violation ticket from present law.

(Amends 32: 1(108), 2(C), 3(B) and (C), 388(F), (G)(1) and (2), 389(A), (B)(1), (C)(1), (2)(a) and (b), (3), (D)(1) and (2), (E)(1) and (2), (F), and (H), and R.S. 47:718(B)(1) and (C), 809(A), and 812(C); Repeals R.S. 36:408(B)(3) and 409(C)(7), R.S. 40:1379.8, and Sections 6-14 of Act No. 1186)