

2019 Regular Session

HOUSE BILL NO. 546

BY REPRESENTATIVE BAGLEY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MTR VEHICLE/INSPECTION: Eliminates the state inspection sticker requirement for certain vehicles

1 AN ACT

2 To amend and reenact R.S. 32:1301, 1302, 1304(A)(1), (2), and (3) and (B), 1306(C), and
3 1306.1(A), and to repeal R.S. 32:707.5(D)(3) and 1303, relative to the vehicle
4 inspection sticker requirement; to repeal the inspection sticker requirement for
5 assembled vehicles; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 32:1301, 1302, 1304(A)(1), (2), and (3) and (B), 1306(C), and
8 1306.1(A) are hereby amended and reenacted to read as follows:

9 §1301. Vehicles without required equipment or in unsafe condition

10 No person shall drive or move on any highway any motor vehicle, low-speed
11 vehicle as defined in R.S. 32:1(40), trailer, semitrailer, or pole trailer, or any
12 combination thereof, unless the equipment upon any such vehicle is in good working
13 order and adjustment as required in this Chapter and the vehicle is in such safe
14 mechanical condition as not to endanger the driver or other occupant or any person
15 upon the highway. Every ~~motor vehicle, low-speed vehicle, trailer, semitrailer, and~~
16 ~~pole trailer~~ vehicle registered in this state which shall be inspected pursuant to the
17 provisions of this Chapter shall bear a valid safety inspection certificate issued in the
18 state of Louisiana, except as otherwise provided by this Chapter.

1 §1302. ~~Inspection~~ Enforcement by officers of the department

2 A. The Director of Public Safety, members of the State Police and such other
3 officers and employees of the department as the director may designate, may at any
4 time upon reasonable cause to believe that a vehicle is unsafe or not equipped as
5 required by law, or that its equipment is not in proper adjustment or repair, require
6 the driver of such vehicle to stop and submit such vehicle to an inspection and such
7 test with reference thereto as may be appropriate, and issue a citation to the operator
8 of such vehicle.

9 B. ~~In the event such vehicle is found to be in unsafe condition or any~~
10 ~~required part or equipment is not present or is not in proper repair and adjustment the~~
11 ~~officer shall give a written notice to the driver and shall send a copy to the~~
12 ~~department. Said notice shall require that such vehicle be placed in safe condition~~
13 ~~and its equipment in proper repair and adjustment specifying the particulars with~~
14 ~~reference thereto and that a certificate of inspection and approval be obtained within~~
15 ~~5 days.~~

16 * * *

17 §1304. Secretary to require ~~periodical~~ periodic inspection

18 A.(1) The secretary shall at least once every other year, but not more
19 frequently than twice each year, require that every ~~motor vehicle, low-speed vehicle,~~
20 ~~trailer, semitrailer, and pole trailer registered in this state~~ commercial motor vehicle
21 registered in this state and required to be inspected pursuant to 49 CFR Part 396,
22 including Part 396.17 and "Appendix G" thereof, and every student transportation
23 vehicle registered in this state and required to be inspected pursuant to LAC
24 28: CXIII.701(A)(3) be inspected and that an official certificate of inspection and
25 approval be obtained for such vehicle. However, overweight and oversize mobile
26 homes requiring a state permit shall not be required to bear a certificate of approved
27 inspection when being moved by a bonded carrier as defined by law nor shall used
28 motor vehicles in transit by a dealer be required to have a certificate of inspection
29 and approval. In addition, the secretary shall require motor vehicles registered in a

1 parish or municipality subject to the federal Clean Air Act, 42 USC 7401 et seq., or
 2 regulations promulgated by the United States Environmental Protection Agency
 3 requiring performance of the inspection and maintenance (I/M) program, be
 4 inspected in accordance with R.S. 30:2054(B)(8). Nothing in this Section shall be
 5 construed to relieve any operator of a motor vehicle, low-speed vehicle as defined
 6 in R.S. 32:1(40), trailer, semitrailer, or pole trailer, or any combination thereof from
 7 compliance with the provisions of R.S. 32:1301.

8 (2) Such inspection should be made and such certificates obtained with
 9 respect to the mechanism, brakes, and equipment of ~~every vehicle~~ vehicles required
 10 to be inspected as shall be designated by the secretary. The secretary shall require
 11 the inspection of all approved automotive emission control devices installed on
 12 ~~motor vehicles~~ required to be inspected and that were produced after model year
 13 1980 to ~~insure~~ ensure that such devices are operative and have not been tampered
 14 with. However, low-speed vehicles shall not be subject to regular emissions
 15 inspections.

16 (3)(a) The secretary shall formulate and promulgate a set of standards for the
 17 control and regulation of emission control devices on all automobiles and other
 18 motor vehicles subject to inspection pursuant to this Section, which standards shall
 19 be consistent with other federal and state regulations for the installation and
 20 operation of approved emission control devices.

21 (b) The secretary is hereby authorized to make necessary rules and
 22 regulations for the administration and enforcement of this Section and to designate
 23 any periods of time during which owners of vehicles, subject to this Section, shall
 24 display upon such vehicles certificates of inspection and approval and shall produce
 25 them on demand of any officer or employee of the department designated by the
 26 secretary or any police or peace officer when authorized by the secretary. ~~However,~~
 27 ~~an owner or operator of a light trailer, utility trailer, boat trailer, or farm trailer need~~
 28 ~~only provide a valid inspection sticker on demand of an inspecting officer to be in~~
 29 ~~compliance with the inspection requirements of this Chapter.~~

* * *

1 ~~(2)~~ Except as otherwise provided in this Subsection, for each year of validity
2 of the certificate issued, a charge or fee of ten dollars shall be charged, four dollars
3 and seventy-five cents of which shall be retained by the operator of the motor vehicle
4 inspection station conducting the inspection, four dollars of which shall be
5 transferred to the office of state police for use in traffic law enforcement, and one
6 dollar and twenty-five cents shall be transferred to the office of motor vehicles for
7 expenses associated with the motor vehicle inspection and financial responsibility
8 programs. Included in the inspection shall be the adjustment of headlights when
9 needed and mechanically practical, at no additional cost to the operator of the motor
10 vehicle inspected.

11 ~~(3)~~(a) ~~(2)~~(a) For parishes and municipalities that have a vehicle inspection
12 and maintenance program required by the federal Clean Air Act or regulations
13 promulgated by the United States Environmental Protection Agency, ~~an additional~~
14 eight dollars shall be charged for each inspection that includes the performance of
15 the inspection and maintenance (I/M) program pursuant to the provisions of R.S.
16 30:2054(B)(8) for 1980 or newer model year motor vehicles. The motor vehicle
17 inspection station shall retain six dollars of the ~~additional~~ charge for implementation
18 and performance of the I/M program. Two dollars of the ~~additional~~ charge shall be
19 transferred to the Louisiana Department of Environmental Quality to implement and
20 operate the inspection and maintenance program.

21 (b) The department shall promulgate and adopt rules and regulations
22 necessary to implement the provisions of this Paragraph.

23 ~~(c)~~ The provisions of this Paragraph shall not apply to any trailer, light
24 trailer, or semitrailer.

25 ~~(4)~~ (3) The maintenance and inspection program and the fees provided for in
26 Paragraph ~~(3)~~ (2) of this Subsection shall be discontinued when the I/M program is
27 discontinued as allowed by the federal Clean Air Act, 42 USC 7401 et seq., and
28 regulations promulgated by the United States Environmental Protection Agency or
29 agreements with the agency concerning the implementation of this program, or result
30 in any other noncompliance regarding this Subsection.

1 ~~(5)~~ (4) An annual charge or fee of thirty dollars shall be charged for the
2 inspection of all commercial motor vehicles which are required to be inspected under
3 the provisions of ~~Part 396 of Title 49 of the Code of Federal Regulations~~ 49 CFR
4 Part 396, including Part 396.17 and "Appendix G" thereof. No charges or fees other
5 than the thirty-dollar fee shall be charged for a commercial motor vehicle inspection.
6 Of the thirty-dollar fee, the motor vehicle inspection station operator who performs
7 this inspection shall retain twenty-three dollars and seventy-five cents; two dollars
8 and twenty-five cents shall be transferred to the office of motor vehicles for expenses
9 associated with motor vehicle and financial responsibility programs; and four dollars
10 of which shall be transferred to the office of state police for use in traffic law
11 enforcement. Included in the inspection shall be the adjustment of headlights at no
12 additional cost to the operator of the motor vehicle being inspected. ~~The Legislature~~
13 ~~of Louisiana hereby declares that a commercial motor vehicle inspection is much~~
14 ~~more extensive than the inspection mandated in Paragraph (2) of this Subsection and~~
15 ~~that the increase in the fee or charge for the inspection of commercial vehicles is~~
16 ~~based on the difference in the two types of inspection.~~

17 ~~(6)(a)~~ (5)(a) The charge or fee for the inspection of student transportation
18 vehicles which are required to be inspected ~~under~~ pursuant to LAC
19 28: CXIII.701(A)(3) shall be twenty dollars. No charges or fees other than the
20 twenty-dollar fee shall be charged for a student transportation vehicle inspection. Of
21 the twenty-dollar fee, the motor vehicle inspection station operator who performs
22 this inspection shall retain fourteen dollars and seventy-five cents; one dollar and
23 twenty-five cents shall be transferred to the office of motor vehicles for expenses
24 associated with motor vehicle and financial responsibility programs; and four dollars
25 shall be transferred to the office of state police for use in traffic law enforcement.

26 (b) The adjustment of headlights shall be included in the inspection at no
27 additional cost to the owner or operator of the school bus being inspected.

28 ~~(c) The Legislature of Louisiana hereby declares that a student transportation~~
29 ~~vehicle inspection is much more extensive than the inspection required of other~~

Proposed law eliminates law enforcement's ability to require drivers to submit to a vehicle inspection and test.

Effective if and when the Act which originated as House Bill No. 601 of the 2019 Regular Session of the Legislature becomes effective.

(Amends R.S. 32:1301, 1302, 1304(A)(1), (2), and (3) and (B), 1306(C), and 1306.1(A); Repeals R.S. 32:707.5(D)(3) and 1303)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill:

1. Add language that makes the effectiveness of proposed law contingent on House Bill 601 of the 2019 Regular Session becoming effective.