HLS 19RS-68 ENGROSSED

2019 Regular Session

HOUSE BILL NO. 546

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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

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.

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§1302. Inspection Enforcement by officers of the department

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

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

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§1304. Secretary to require periodical periodic inspection

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

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

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

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

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

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B. The secretary is hereby authorized to make necessary rules and
regulations for the administration and enforcement of this Section and to designate
any periods of time during which owners of vehicles, subject to this Section, shall
display upon such vehicles certificates of inspection and approval or shall produce
the same on demand of any officer or employee of the department designated by the
secretary or any police or peace officer when authorized by the secretary. Owners
and operators of all motor vehicles, subject to this Section, required to be equipped
with windshields shall display on the lower left hand corner of the windshield a
certificate of inspection affixed thereto by a duly authorized motor vehicle inspection
station. The secretary shall accept the certificate of inspection and approval issued
by any municipality pursuant to any municipal ordinance adopted prior to July 27
1960. However, each person who applies for a motor vehicle inspection tag in the
city of New Orleans shall produce written proof of insurance from an insurer that the
motor vehicle is covered by security and shall declare in writing that he or she
intends to maintain said security at all times while said vehicle is used upon the
highways of Louisiana.
* * *
§1306. Operation of official inspection stations
* * *
C.(1)(a) A charge or fee shall be charged for each certificate of inspection
and approval issued, as provided in this Subsection.
(b) Persons operating an official inspection station shall offer certificates of
inspection that are valid for both one year and two year periods. The owner of the
vehicle shall have the option of purchasing a one year or a two year certificate. A
charge or fee shall be charged for each year of validity of the certificate of inspection
and approval issued, as provided in this Subsection.
(c) The provisions of Subparagraph (b) of this Paragraph shall not apply to

to student transportation vehicles.

the inspection programs provided for in Paragraphs (3) and (5) of this Subsection and

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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 $\frac{(3)(a)}{(2)}$ (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 and performance of the I/M program. Two dollars of the additional charge shall be 18 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

in any other noncompliance regarding this Subsection.

agreements with the agency concerning the implementation of this program, or result

(5) <u>(</u> 4	An annual charge or fee of thirty dollars shall be charged for the
inspection of	all commercial motor vehicles which are required to be inspected under
the provision	s of Part 396 of Title 49 of the Code of Federal Regulations 49 CFF
<u>Part 396</u> , incl	uding Part 396.17 and "Appendix G" thereof. No charges or fees other
than the thirt	-dollar fee shall be charged for a commercial motor vehicle inspection
Of the thirty-	dollar fee, the motor vehicle inspection station operator who performs
this inspection	n shall retain twenty-three dollars and seventy-five cents; two dollars
and twenty-fi	ve cents shall be transferred to the office of motor vehicles for expenses
associated wi	th motor vehicle and financial responsibility programs; and four dollars
of which sha	ll be transferred to the office of state police for use in traffic law
enforcement	Included in the inspection shall be the adjustment of headlights at no
additional co	t to the operator of the motor vehicle being inspected. The Legislature
of Louisiana	hereby declares that a commercial motor vehicle inspection is much
more extensi	re than the inspection mandated in Paragraph (2) of this Subsection and
that the incre	ase in the fee or charge for the inspection of commercial vehicles is
based on the	difference in the two types of inspection.
(6)(a)	(5)(a) The charge or fee for the inspection of student transportation
vehicles wh	ich are required to be inspected under <u>pursuant to</u> LAC
28:CXIII.701	(A)(3) shall be twenty dollars. No charges or fees other than the
wenty-dolla	fee shall be charged for a student transportation vehicle inspection. O
the twenty-d	ollar fee, the motor vehicle inspection station operator who performs
this inspection	n shall retain fourteen dollars and seventy-five cents; one dollar and
twenty-five o	ents shall be transferred to the office of motor vehicles for expenses
associated wi	th motor vehicle and financial responsibility programs; and four dollars
shall be trans	ferred to the office of state police for use in traffic law enforcement.
(b) T	he adjustment of headlights shall be included in the inspection at no
additional co	st to the owner or operator of the school bus being inspected.
(c) T	e Legislature of Louisiana hereby declares that a student transportation

vehicle inspection is much more extensive than the inspection required of other

1 motor vehicles and that the increase in the fee or charge for the inspection of student 2 transportation vehicles is based on the difference in these types of inspections. 3 4 §1306.1. Inspection and maintenance program fees; nonattainment area; local 5 election 6 A. Upon adoption of a proposition approved by the voters of a nonattainment 7 area parish as provided for in this Section, seven dollars shall be charged for each 8 inspection that includes the performance of the inspection and maintenance (I/M) 9 program pursuant to the provisions of R.S. 30:2054(B)(8) for 1980 or newer model 10 year motor vehicles. This charge shall be in addition to the charge or fee provided 11 for in R.S. 32:1306(C)(3)(a) R.S. 32:1306(C)(2)(a). 12 Section 3. R.S. 32:707.5(D)(3) and 1303 are hereby repealed in their entirety. 13 14 Section 4. This Act shall take effect and become operative if and when the Act 15 which originated as House Bill No. 601 of this 2019 Regular Session of the Legislature is 16 enacted and becomes effective.

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 546 Engrossed

2019 Regular Session

Bagley

Abstract: Eliminates the requirement for certain vehicles to have an inspection sticker.

Present law requires all motor vehicles have an inspection sticker.

<u>Proposed law modifies present law by requiring only those vehicles required by proposed law have an inspection sticker.</u>

<u>Proposed law</u> authorizes certain law enforcement agencies to issue citations for motor vehicles that are unsafe or not equipped according to <u>present law</u>.

<u>Proposed law</u> requires only commercial vehicles and student transportation vehicles have an inspection sticker.

<u>Proposed law</u> also requires those vehicles registered in parishes governed by the U.S. Clean Air Act to obtain an emissions inspection as required under federal law.

<u>Proposed law</u> eliminates the requirement of assembled vehicles to have an inspection sticker.

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<u>Proposed law</u> 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 <u>House Committee on Transportation</u>, <u>Highways and Public Works</u> to the <u>original</u> bill:

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