

ACT No. 314

2019 Regular Session

HOUSE BILL NO. 369

BY REPRESENTATIVE PIERRE

1 AN ACT

2 To enact Part XVII of Chapter 3 of Title 32 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 32:691 through 694, relative to the trucking industry; to create the
4 Louisiana Trucking Research and Education Council; to provide for the purpose,
5 membership, and salary of the council; to provide for the rights and powers of the
6 council; to authorize the collection and payment of a surcharge; to establish the
7 Trucking Research and Education Council Fund Account as a special statutorily
8 dedicated fund account in the state treasury; to provide for the purpose of the fund
9 account; to provide for distributions from the fund account; and to provide for related
10 matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Part XVII of Chapter 3 of Title 32 of the Louisiana Revised Statutes of
13 1950, to be comprised of R.S. 32:691 through 694, is hereby enacted to read as follows:

14 PART XVII. LOUISIANA TRUCKING RESEARCH AND EDUCATION COUNCIL

15 §691. Louisiana Trucking Research and Education Council; purpose

16 The legislature recognizes that the Louisiana trucking industry faces many
17 challenges, including but not limited to workforce development, highway safety,
18 highway planning, and public education. The purpose of the Louisiana Trucking
19 Research and Education Council is to promote education, training, research, and
20 development for enhanced safety and efficiency within the industry.

1 §692. Creation; membership; salary

2 A. The Louisiana Trucking Research and Education Council, hereinafter
3 referred to as the "council", is hereby created as a political subdivision of the state
4 with its domicile as Baton Rouge, Louisiana. The council is hereby declared to be
5 a body corporate and public and shall be composed of thirteen members to serve
6 terms concurrent with the governor as follows:

7 (1) The Louisiana Motor Transport Association, Incorporated shall submit
8 the names of twelve trucking industry representatives and the governor shall appoint
9 eight persons from those nominees.

10 (2) The superintendent of the Louisiana State Police, or his designee.

11 (3) The state superintendent of education, or his designee.

12 (4) The secretary of the Louisiana Department of Transportation and
13 Development, or his designee.

14 (5) The president of the Louisiana Community and Technical College
15 System, or his designee.

16 (6) The secretary of the Louisiana Workforce Commission, or his designee.

17 B. The members of the council shall meet and organize immediately
18 following their appointment, and shall elect a chairman, vice chairman, and a
19 secretary-treasurer from the trucking industry representative members of the council,
20 whose duties shall be those customarily exercised by such offices or specifically
21 designated by the council. The council may disqualify any appointed member for
22 cause, including excessive absences from council meetings. If any council member
23 is disqualified or resigns, the vacancy shall be filled by a majority vote of the council
24 from a list of two names submitted by the Louisiana Motor Transport Association,
25 Incorporated.

26 C. Council members shall not receive a salary for their services as members,
27 but shall be reimbursed for actual travel expenses. The reimbursement shall be paid
28 from funds available to the council.

29 D. The council shall establish rules and regulations for its own government
30 and the administration of its affairs.

1 E. The council created by this Part shall be subject to the Public Records
 2 Law, R.S. 44:1 et seq., and the Open Meetings Law, R.S. 42:11 et seq., of the state.

3 §693. Jurisdiction; powers

4 The council may exercise powers necessary, pertinent, convenient, or
 5 incidental to carrying out its purposes, including but not limited to the following
 6 rights and powers:

7 (1) To develop programs and projects that carry out the purpose of the
 8 council, including but not limited to enhancing safety and training, providing for
 9 research and development, and educating the public.

10 (2) To provide for the payment of all council costs with funds collected
 11 pursuant to this Part.

12 (3) To coordinate council activities with the industry associations and others,
 13 as appropriate, to provide efficient delivery of services and avoid unnecessary
 14 duplication of efforts and activities.

15 (4) To contract with any public or private person, partnership, association,
 16 or corporation to carry out the purpose of the council.

17 (5) To apply for, receive, and accept grants, loans, advances, and
 18 contributions from any source of money, property, labor, or other things of value, to
 19 be held, used, and applied for the council's purposes.

20 (6) To enter into cooperative endeavor agreements with the LMTA
 21 Foundation, Inc., or its successor entity, a nonprofit corporation, for the use of staff
 22 and resources to carry out the powers and duties of the council.

23 §694. Surcharge assessment; collection

24 A. A surcharge shall be imposed and levied at the rate of fifteen dollars on
 25 truck registrations issued pursuant to R.S. 47:511 and on all Class 1 and Class 2
 26 registration fees for trucks and trailers in excess of 23,999 pounds, pursuant to R.S.
 27 47:462(B)(3)(a), and shall be paid in addition to and simultaneous with any annual
 28 registration or license tax, as provided in R.S. 47:511 and 462(B)(3)(a)

1 B. The surcharge shall be collected by the commissioner of the Department
2 of Public Safety and Corrections, office of motor vehicles, at the issuance of any
3 annual registration or license tax.

4 C. There is hereby created a statutorily dedicated fund account within the
5 state treasury known as the "Trucking Research and Education Council Fund
6 Account" which shall consist of those revenues derived from the surcharge collected
7 pursuant to this Section. Monies in the fund account shall be invested in the same
8 manner as monies in the general fund. Interest earned on the investment of monies
9 in the fund account shall be credited to the fund account. Monies deposited into the
10 fund account shall be categorized as fees and self-generated revenue for the sole
11 purpose of reporting related to the executive budget, supporting documents, and
12 general appropriation bills. Monies in the fund account shall be used as provided in
13 Subsection D of this Section. All unexpended and unencumbered monies in this
14 statutorily dedicated fund account at the end of the fiscal year shall remain in the
15 account.

16 D. Subject to legislative appropriation, the gross amount collected shall be
17 paid by the commissioner of the Department of Public Safety and Corrections, office
18 of motor vehicles, to the council on a quarterly basis. The quarterly payments made
19 to the council shall be made on or before the fifteenth day of the succeeding quarter
20 and shall be accompanied by a complete audit of all funds collected.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____