

2020 Regular Session

HOUSE BILL NO. 516

BY REPRESENTATIVE BAGLEY

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 motor vehicle
4 inspections; to repeal the inspection sticker requirement for certain vehicles; to
5 require the inspection of commercial vehicles and student transportation vehicles;
6 to modify requirements of official inspection stations; to repeal certain inspection
7 requirements for owners and drivers of vehicles; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 32:1301, 1302, 1304(A)(1), (2), and (3) and (B), 1306(C), and
10 1306.1(A) are hereby amended and reenacted to read as follows:

11 §1301. Vehicles without required equipment or in unsafe condition

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

1 provisions of this Chapter shall bear a valid safety inspection certificate issued in the
2 state of Louisiana, except as otherwise provided by this Chapter.

3 §1302. ~~Inspection~~ Enforcement by officers of the department

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

11 ~~B. In the event such vehicle is found to be in unsafe condition or any~~
12 ~~required part or equipment is not present or is not in proper repair and adjustment the~~
13 ~~officer shall give a written notice to the driver and shall send a copy to the~~
14 ~~department. Said notice shall require that such vehicle be placed in safe condition~~
15 ~~and its equipment in proper repair and adjustment specifying the particulars with~~
16 ~~reference thereto and that a certificate of inspection and approval be obtained within~~
17 ~~5 days.~~

18 * * *

19 §1304. Secretary to require ~~periodical~~ periodic inspection

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

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

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

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

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

1 ~~(c) The provisions of Subparagraph (b) of this Paragraph shall not apply to~~
2 ~~the inspection programs provided for in Paragraphs (3) and (5) of this Subsection and~~
3 ~~to student transportation vehicles.~~

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

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

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

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

28 ~~(4)~~ (3) The maintenance and inspection program and the fees provided for in
29 Paragraph ~~(3)~~ (2) of this Subsection shall be discontinued when the I/M program is

1 discontinued as allowed by the federal Clean Air Act, 42 U.S.C. 7401 et seq., and
2 regulations promulgated by the United States Environmental Protection Agency or
3 agreements with the agency concerning the implementation of this program, or result
4 in any other noncompliance regarding this Subsection.

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

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

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

3 (c) ~~The Legislature of Louisiana hereby declares that a student transportation~~
4 ~~vehicle inspection is much more extensive than the inspection required of other~~
5 ~~motor vehicles and that the increase in the fee or charge for the inspection of student~~
6 ~~transportation vehicles is based on the difference in these types of inspections.~~

7 * * *

8 §1306.1. Inspection and maintenance program fees; nonattainment area; local
9 election

10 A. Upon adoption of a proposition approved by the voters of a nonattainment
11 area parish as provided for in this Section, seven dollars shall be charged for each
12 inspection that includes the performance of the inspection and maintenance (I/M)
13 program pursuant to the provisions of R.S. 30:2054(B)(8) for 1980 or newer model
14 year motor vehicles. This charge shall be in addition to the charge or fee provided
15 for in ~~R.S. 32:1306(C)(3)(a)~~ R.S. 32:1306(C)(2)(a).

16 * * *

17 Section 2. R.S. 32:707.5(D)(3) and 1303 are hereby repealed in their entirety.

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 516 Original

2020 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.

Proposed law eliminates the requirement that certain motor vehicles, low-speed vehicles, trailers, semitrailers, and pole trailers obtain an inspection certificate and specifies that only those vehicles required by proposed law are required to have an inspection certificate.

Present law authorizes certain law enforcement agencies to require the driver of a vehicle to stop and submit the vehicle to an inspection and any test that may be appropriate when the vehicle is unsafe or not equipped as required by present law.

Proposed law maintains present law and further authorizes certain law enforcement agencies to issue citations for motor vehicles that are unsafe or not equipped according to present law.

Present law requires that an officer give a written notice to the driver indicating that the vehicle must be placed in safe condition and its equipment in proper repair and adjustment in the event a vehicle is found to be in unsafe condition or any required part or equipment is not present or in proper repair and adjustment. Present law further requires that a certificate of inspection and approval be obtained within 5 days.

Proposed law deletes present law.

Present law requires that every motor vehicle, low-speed vehicle, trailer, semitrailer, and pole trailer registered in the state be inspected and receive an official certificate of inspection.

Proposed law modifies present law by specifying that only commercial vehicles and student transportation vehicles be inspected and receive an official certification of inspection.

Present law requires that overweight and oversize mobile homes requiring a state permit when being moved by a bonded carrier and used motor vehicles in transit by a dealer obtain a certificate of inspection and approval.

Proposed law modifies present law by exempting those vehicles from obtaining a certificate of inspection and approval.

Proposed law requires those vehicles that are registered in parishes or municipalities governed by the U.S. Clean Air Act or the U.S. Environmental Protection Agency to obtain an emissions inspection as required by present law.

Present law requires that the inspection be made and certificates be obtained with respect to mechanism, brakes, and equipment of every vehicle as designated by the secretary.

Proposed law maintains present law but specifies that the requirement only applies to those vehicles required to be inspected.

Present law authorizes the secretary to make necessary rules and regulations for the administration and enforcement of present law and designate any periods of time during which owners of vehicles are required to display certificates of inspection and approval and produce them on demand under certain circumstances. Present law further requires that an owner or operator of a light trailer, utility trailer, boat trailer, or farm trailer only provide a valid inspection sticker on demand of an inspecting officer to be in compliance with the inspection requirements of present law.

Proposed law maintains present law but removes the exception for owners or operators of a light trailer, utility trailer, boat trailer, or farm trailer and requires those vehicles to display certificates of inspection and approval and produce them on demand under certain circumstances.

Present law requires that persons operating an official inspection station offer certificates of inspection that are valid for both one year and two year periods, at the owner's option, and requires that a fee be charged for each year of validity of the certificate of inspection and approval issued.

Proposed law deletes present law.

Present law imposes a fee of \$10 for each year of validity of the certificate issued with \$4.75 being retained by the operator of the motor vehicle inspection station conducting the inspection, \$4 being transferred to the office of state police for use in traffic law enforcement, and \$1.25 being transferred to the office of motor vehicles for expenses associated with the motor vehicle inspection and financial responsibility programs.

Present law specifies that the inspection includes the adjustment of headlights when needed and mechanically practical at no additional cost to the operator of the motor vehicle inspected.

Proposed law deletes present law.

Present law requires that an assembler obtain a motor vehicle inspection sticker or statement from a licensed La. motor vehicle inspection station indicating that the vehicle meets all safety requirements.

Proposed law eliminates the inspection sticker and safety statement requirement for assembled vehicles.

Present law prohibits any person driving a vehicle from refusing to submit the vehicle to an inspection and test when required to do so by the director or an authorized officer or employee of the department.

Present law requires that every owner or driver, upon receiving notice that a vehicle is in unsafe condition or any required part or equipment is not present or is not in proper repair and adjustment, comply with the notice and secure an official certificate of inspection and approval within five days.

Present law prohibits any person from operating any vehicle after receiving a notice with reference to an unsafe vehicle, except as may be necessary to return the vehicle to the residence or place of business of the owner or driver, if the destination is within 20 miles, or a garage.

Present law authorizes the owner of a vehicle that requires repair or adjustment to have the vehicle repaired at any place he may chose, but an official certificate of inspection and approval must be obtained prior to operating the vehicle on the highways of this state.

Proposed law repeals present law.

(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)