

Regular Session, 2012

HOUSE BILL NO. 584

BY REPRESENTATIVE ST. GERMAIN

MOTOR VEHICLES: Defines peace officer in provisions regarding requirements for vehicle identification number inspections

1 AN ACT

2 To amend and reenact R.S. 32:706.2, relative to peace officers; to clarify whom is qualified
3 to perform inspections for vehicle identification number; to provide for rules and
4 regulations; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 32:706.2 is hereby amended and reenacted to read as follows:

7 §706.2. Requirements for vehicle identification number inspections

8 A.(1) Any physical inspection of a vehicle for the purpose of vehicle
9 identification number verification shall be by a full-time ~~Peace Officer Standards~~
10 ~~and Training (P.O.S.T.) certified law enforcement officer~~ peace officer, as defined
11 by R.S. 40:2402(3)(a), and who has been trained and certified by the Department of
12 Public Safety and Corrections, office of state police, to inspect motor vehicles.

13 (2) No peace officer shall conduct a physical inspection of a vehicle in which
14 he has a fiduciary interest, an ownership interest, or is in the process of acquiring an
15 interest through a company or entity in which he has a fiduciary interest.

16 B. The deputy secretary of public safety services of the Department of Public
17 Safety and Corrections shall have authority to promulgate rules and regulations
18 regarding physical inspection certificates. The deputy secretary shall revoke the
19 certification of any peace officer who fails to satisfy any of the requirements as
20 promulgated.

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)]

St. Germain

HB No. 584

Abstract: Clarifies who may perform inspections for vehicle identification number verifications.

Present law provides that only a P.O.S.T.-certified law enforcement officer, who has been trained and certified by the office of state police, may perform a physical inspection of a vehicle for the purpose of vehicle identification number verification.

Proposed law changes P.O.S.T.-certified law enforcement officer to "peace officer", as defined in R.S. 40:2402(3)(a): "any full-time employee of the state, a municipality, a sheriff, or other public agency, whose permanent duties actually include the making of arrests, the performing of searches and seizures, or the execution of criminal warrants, and is responsible for the prevention or detection of crime or for the enforcement of the penal, traffic, or highway laws of this state, but not including any elected or appointed head of a law enforcement department."

Proposed law prohibits a peace officer from conducting a physical investigation of a vehicle in which he has a fiduciary interest, an ownership interest, or is in the process of acquiring an interest through a company or entity in which he has an interest.

Proposed law authorizes the deputy secretary of public safety services to promulgate rules and regulations regarding physical inspection certificates. Further provides that the deputy secretary shall revoke the certificate of any peace officer who fails to satisfy any requirements of the rules promulgated.

(Amends R.S. 32:706.2)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Commerce to the original bill.

1. Prohibited a peace officer from conducting a physical investigation of a vehicle in which he has a fiduciary interest, an ownership interest, or is in the process of acquiring an interest through a company or entity in which he has an interest.