

Regular Session, 2012

SENATE BILL NO. 634

BY SENATOR MORRISH

MOTOR VEHICLES. Provides relative to the operation of a motor vehicle issued a reconstructed title as a motor carrier of passengers or as a public carrier vehicle.(10/15/12)

1 AN ACT

2 To amend and reenact R.S. 32:707(I)(1)(f) and R.S. 45:164(A), 178, and 200.3, and to enact
3 R.S. 32:707(N) and R.S. 47:469.1, relative to vehicles; to prohibit operation of
4 vehicles issued a reconstructed title as a motor carrier of passengers or as a public
5 carrier vehicle; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 32:707(I)(1)(f) is hereby amended and reenacted and R.S. 32:707(N)
8 is hereby enacted to read as follows:

9 §707. Application for certificates of title; exception; salvage title; antique vehicles;
10 reconstructed title

11 * * *

12 I. (1) * * *

13 (f) Upon receipt of the salvage title, the insurance company, its authorized
14 agent, or the vehicle owner may proceed to dismantle the vehicle, sell it, or rebuild
15 and restore it to operation. A rebuilder of a salvaged title motor vehicle may upon
16 completion of rebuilding the vehicle demonstrate the rebuilt motor vehicle to a
17 prospective purchaser without applying for a reconstructed vehicle title. Except for

1 the purposes of this demonstration, no rebuilt and restored vehicle shall be operated
 2 upon any public street, roadway, or highway until it is registered with the office of
 3 motor vehicles, and a reconstructed vehicle title is issued. **No such vehicle issued**
 4 **a reconstructed title shall be operated as a motor carrier of passengers pursuant**
 5 **to R.S. 45:164(A) or as a public carrier vehicle as defined in R.S. 45:200.2(2).**

* * *

7 **N. No vehicle with a reconstructed title shall be issued a license plate to**
 8 **operate as a motor carrier of passengers pursuant to R.S. 45:164(A) or as a**
 9 **public carrier vehicle as defined in R.S. 45:200.2(2).**

10 Section 2. R. S. 45:164(A), 178, and 200.3 are hereby amended and reenacted to read
 11 as follows:

12 §164. Common carrier's certificate; contract carrier's permit

13 A. Except as provided by Subsection C of this Section, no motor carrier, as
 14 defined in R.S. 45:162, shall operate as a common carrier without first having
 15 obtained from the commission a certificate of public convenience and necessity,
 16 which shall be issued only after a written application made and filed, a public
 17 hearing, due notice given to applicant and all competing common carriers, and a
 18 finding by the commission that public convenience and necessity require the
 19 issuance of a certificate. No new or additional certificate shall be granted over a
 20 route where there is an existing certificate, unless it be clearly shown that the public
 21 convenience and necessity would be materially promoted thereby. **No such**
 22 **certificate to operate as a motor carrier of passengers shall be issued to an**
 23 **applicant which uses or will use any vehicle with a reconstructed title as**
 24 **provided in R.S. 32:707 or an equivalent title issued pursuant to the laws of**
 25 **another state in the operation of such business.**

* * *

27 §178. License for carrier's vehicle; certificate from public service commission
 28 required

29 **A.** Neither the vehicle commissioner nor any public official charged with the

1 sale and issuance of license plates and registration certificates for motor vehicles
 2 shall sell or issue, or permit to be sold or issued, a certificate or license plate to be
 3 used on a motor vehicle of a common or contract carrier in the conduct of such
 4 business, unless there is presented a certificate from the Louisiana Public Service
 5 Commission certifying that the applicant for the license plate or registration
 6 certificate is entitled to use it.

7 **B. Neither the vehicle commissioner nor any public official charged with**
 8 **the sale and issuance of license plates and registration certificates for motor**
 9 **vehicles shall sell or issue, or permit to be sold or issued, a certificate or license**
 10 **plate for a motor vehicle which will be used in the conduct of a business as a**
 11 **motor carrier of passengers pursuant to R.S. 45:164(A) or as a public carrier**
 12 **vehicle as defined in R.S. 45:200.2(2) if the motor vehicle has a reconstructed**
 13 **title as provided in R.S. 32:707 or an equivalent title issued pursuant to the laws**
 14 **of another state.**

15 * * *

16 §200.3. Necessity of municipal or parochial consent for operation of public carrier
 17 vehicles

18 No public carrier vehicle shall be operated upon any street in any
 19 municipality or parish until the owner thereof shall have applied for, and shall have
 20 received, from the municipality or parish, a certificate issued by the duly designated
 21 authority thereof. **No such certificate as a public carrier vehicle shall be issued**
 22 **to an owner to operate any vehicle with a reconstructed title as provided in R.S.**
 23 **32:707 or an equivalent title issued pursuant to the laws of another state.**

24 Section 3. R.S. 47:469.1 is hereby enacted to read as follows:

25 **§469.1. Taxi cabs; reconstructed title prohibition**

26 **No vehicle issued a reconstructed title as provided in R.S. 32:707 or**
 27 **which has ever been issued a title marked as salvage, rebuilt, junk, total loss, or**
 28 **any equivalent certificate of title in this state or any other state shall be issued**
 29 **a registration certificate or license plate to operate as a taxicab.**

1 Section 4. The provisions of this Act shall be applicable to any application for a new
2 or renewal certificate, registration, and license required by law to operate as a motor carrier
3 of passengers or as a public carrier vehicle filed with the office of motor vehicles, any
4 municipal or parish authority, and the Louisiana Public Service Commission.

5 Section 5. This Act shall become effective on October 15, 2012.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Sharon F. Lyles.

DIGEST

Morrish (SB 634)

Present law provides for issuance of a reconstructed title to damaged vehicles under certain circumstances.

Present law provides for issuance of a certificate of public convenience and necessity by the LPSC to operate as a motor carrier of passengers.

Present law provides for issuance of a certificate by a municipality or parish to operate as a public carrier vehicle.

Proposed law prohibits issuance pursuant to R.S. 45:164(A) of a certificate to operate as a motor carrier of passengers to an applicant which uses or will use any vehicle with a reconstructed title as provided in R.S. 32:707 or an equivalent title issued pursuant to the laws of another state in the operation of such business.

Proposed law prohibits issuance by a municipality or parish of a certificate to operate as a public carrier vehicle as defined in R.S. 45:200.2(2) to an applicant which uses or will use any vehicle with a reconstructed title as provided in R.S. 32:707 or an equivalent title issued pursuant to the laws of another state.

Proposed law prohibits issuance of a registration certificate or license plate to operate as a taxicab to any vehicle issued a reconstructed title pursuant to R.S. 34:707 or which has ever been issued a title marked as salvage, rebuilt, junk, total loss, or any equivalent certificate of title in this state or any other state.

Proposed law applies to new or renewal applications for certificates, registrations, and licenses filed with the office of motor vehicles, any municipal or parish authority, and the LPSC on October 15, 2012.

Effective October 15, 2012.

(Amends R.S. 32:707(I)(1)(f) and R.S. 45:164(A), 178, and 200.3; adds R.S. 47:469.1)