

Regular Session, 2012

HOUSE BILL NO. 857

BY REPRESENTATIVE JOHNSON

MOTOR CARRIERS: Provides for minimum liability coverage for passenger vans used to transport railroad workers

1 AN ACT

2 To enact R.S. 32:900.1, relative to for-hire motor vehicles used to transport railroad  
3 workers; to provide for minimum liability coverage for passengers; and to provide  
4 for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 32:900.1 is hereby enacted to read as follows:

7 §900.1. Proof of financial responsibility; carriers of railroad workers

8 A. This Section shall apply to persons, firms, corporations, or contract  
9 carriers who are in the for-hire business of providing transportation services on the  
10 highways of this state for railroad workers in the course of their employment.

11 B. It shall be unlawful for any for-hire person, firm, corporation, or contract  
12 carrier to operate any motor vehicle along or upon any public street or highway in  
13 any parish, incorporated city, town, or village in this state for the carriage of  
14 passengers employed by or contracting as workers for a railroad company in the  
15 course of their employment unless such for-hire person, firm, corporation, or  
16 contract carrier has given, and there is in full force and effect and on file with the  
17 office of motor vehicles of the Department of Public Safety and Corrections, proof  
18 of financial responsibility pursuant to Subsection C of this Section.

19 C. When a vehicle that is designed to carry fifteen or fewer passengers is  
20 used by a for-hire person, firm, corporation, or contract carrier to transport

1 passengers who are employed by or who are contracting as workers for a railroad  
2 company in the course of their employment, that for-hire person, firm, corporation,  
3 or contract carrier shall, as proof of financial responsibility, maintain and be able to  
4 show verification of hit and run, uninsured, and underinsured motor vehicle coverage  
5 in a total amount of not less than two hundred fifty thousand dollars per passenger.

6 D.(1) Whenever the owner of a for-hire carrier used to transport railroad  
7 workers is found in violation of this Section, the Department of Public Safety and  
8 Corrections, office of motor vehicles, shall send the owner a "Notice of Violation"  
9 within thirty days of the violation. The notice shall inform the owner that  
10 noncompliance with the provisions of this Section shall subject the registration of the  
11 carrier vehicle to suspension.

12 (2) The office of motor vehicles shall adopt rules and regulations in  
13 accordance with the Administrative Procedure Act, subject to oversight by the House  
14 and Senate committees on transportation, highways and public works as are  
15 necessary regarding the regulation and enforcement of this Section. This authority  
16 shall include the assessment of fees and fines in accordance with this Section.

17 (3) In the event that the driver and the owner are not the same person, the  
18 driver shall not be responsible for violations of this Section.

19 E. The provisions of this Section shall not apply to any railroad company  
20 using vehicles owned by the railroad company and operated by railroad employees  
21 to transport railroad employees in the course of their employment.

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#### 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)]

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Johnson

HB No. 857

**Abstract:** Requires for-hire carriers of railroad employees to obtain and be able to show proof of financial responsibility.

Proposed law requires for-hire persons and entities who are in the business of transporting railroad employees back and forth from their employment to file proof of financial responsibility with the office of motor vehicles of the Dept. of Public Safety and Corrections.

Proposed law further requires that for-hire persons and entities who are in the business of using vehicles designed to carry 15 or fewer persons to transport railroad employees maintain and be able to show verification of hit and run, uninsured, and underinsured motor vehicle coverage in a total amount of not less than \$250,000 per passenger.

Proposed law requires the office of motor vehicles to send a Notice of Violation to the owner within 30 days of failure to comply with proposed law.

Proposed law provides that the office of motor vehicles may suspend the registration of a vehicle that is used as a carrier when the owner does not comply with proposed law.

Proposed law provides that, as long as the owner and driver of the vehicle are not the same person, the driver shall not be responsible for the owner's violations of proposed law.

Proposed law does not apply to any railroad company using vehicles owned by the railroad company and operated by railroad employees to transport railroad employees in the course of their employment.

(Adds R.S. 32:900.1)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill.

1. Required for-hire carriers of railroad employees to obtain and be able to show proof of financial responsibility.
2. Proposed law does not apply to any railroad company using vehicles owned by the railroad company and operated by railroad employees to transport railroad employees in the course of their employment.