

2016 Regular Session

HOUSE BILL NO. 840

BY REPRESENTATIVES HAVARD AND TERRY LANDRY

MTR VEHICLE/TRUCKS: Provides relative to weight, size, height, and length limitations for certain vehicles for movement on roads

1 AN ACT

2 To amend and reenacts R.S. 32:380(D), 381(A)(1), 382(A)(2)(c), (D), and (F), 386(E) and
3 (J), 387(A), (B)(1) and (c), (2), (3)(a) and (b), (4), (E)(1)(a) and (b), (G), (H)(1)(a),
4 (K), and 388(C)(1), relative to requirements and limitations on the movement of
5 certain vehicles on roadways; to provide relative to special permits issued by the
6 Department of Transportation and Development for vehicles which exceed or do not
7 meet certain requirements or which are carrying specific commodities; to provide
8 relative to the authority of the secretary of the Department of Transportation and
9 Development or his designee for issuing special permits; to provide relative to fees
10 for permits issued by the Department of Transportation and Development for
11 operating certain vehicles on roads and highways; to provide for the enforcement,
12 payment, and collection procedures for permits issued by the Department of
13 Transportation and Development; to provide for the enforcement, payment, and
14 collection procedures relative to penalties imposed for operating certain vehicles on
15 roadways; and to provide for matters.

16 Be it enacted by the Legislature of Louisiana:

17 Section 1. R.S. 32:380(D), 381(A)(1), 382(A)(2)(c), (D), and (F), 386(E) and (J),
18 387(A), (B)(1) and (c), (2), (3)(a) and (b), (4), (E)(1)(a) and (b), (G), (H)(1)(a), (K), and
19 388(C)(1) are hereby amended and reenacted to read as follows:

§380. Width; projecting loads on vehicles

* * *

D. The secretary, or his designee, shall designate the qualifying highway system to which the foregoing width limitations shall apply.

* * *

§381. Height

A.(1) The height of any vehicle and its load shall not exceed thirteen feet, six inches, except that the height of any vehicle and its load which operates exclusively on the interstate highway system shall not exceed fourteen feet, provided that vehicles operating on the interstate highway system shall have reasonable access, within one road mile from the interstate highway to terminals and facilities for food, fuel, repairs, and rest, unless prohibited by the secretary or his designee for specific safety reasons on individual routes.

* * *

§382. Length; special length limits

A. Length

* * *

(2)

* * *

(c) The combination of vehicles consisting of three vehicles excepted in this Section by Subsection A(2)(b) shall be permitted to operate over all highways within the Interstate System and other highways designated by the secretary, or his designee.

* * *

D. The secretary, or his designee, shall designate the qualifying highway system to which the foregoing length limitations shall apply.

* * *

F. All vehicles of legal length on the interstate system and other designated systems but which are not of legal length off of the interstate system and other

1 designated systems shall have reasonable access, not to exceed ten miles, between
2 the interstate system or other highways designated by the secretary or his designee
3 and terminals and facilities for food, fuel, repairs, and rest, unless otherwise
4 prohibited. Household goods carriers shall have unrestricted access for loading and
5 unloading purposes only, unless otherwise prohibited.

6 * * *

7 §386. Weight

8 * * *

9 E.(1) The total gross weight of any tridum axle attached to any vehicle and
10 equipped with low pressure pneumatic tires shall not exceed forty-two thousand
11 pounds.

12 ~~E-1:~~ (2) The total gross weight of any quadrum axle attached to any vehicle
13 and equipped with low pressure pneumatic tires shall not exceed fifty thousand
14 pounds.

15 * * *

16 J. When by reason of the condition of the weather or other emergency, or the
17 physical condition of any highway or its recent construction, or the making of repairs
18 thereto, the secretary, or his designee, deems it necessary, then for such time as is
19 reasonably necessary to remedy the situation, he may prohibit the use of such
20 highway or specify lesser gross weights than those fixed in this Section, pursuant to
21 the recommendations of the chief engineer of the department, in order to protect the
22 public highways and the persons and property of the traveling public from
23 unnecessary damage. Notice of such restrictions, prohibitions, or weight reductions
24 shall be given by the secretary, or his designee, by posters at the terminal of the
25 highway. However, failure to post such notice shall under no circumstances make
26 either the state or the department liable for damages which may result because of
27 such failure.

28 * * *

29 §387. Special permits

1 A. No vehicle or combination of vehicles which does not meet the
2 requirements of R.S. 32:380 through R.S. 32:386 shall use the public highways of
3 this state without first obtaining a special permit from the department in addition to
4 any other special permit which may be required from any other agency or department
5 of the state or a political subdivision, and the special permit herein provided for shall
6 be issued at the discretion of the secretary, or his designee.

7 B.(1) The secretary, or his designee, may issue a special permit for the
8 operation of vehicles or combination thereof having dimensions or weights in excess
9 of the limits imposed by R.S. 32:380 through R.S. 32:386 if the shipment is not
10 readily divided, broken, or dismantled, or the operation of such vehicles is otherwise
11 prohibited by law, however, if the parts which have been divided, broken or
12 dismantled from the shipment weight in the aggregate of five hundred pounds, or
13 less, then the shipment shall be considered as indivisible. Provided further, however,
14 that the secretary, or his designee, may issue special overwidth permits for vehicles
15 transporting pipe. In the exercise of his discretion, the secretary shall consider the
16 following factors, as well as any other circumstances existing in the particular case:

17 * * *

18 (c) The secretary, or his designee, considers the best interest of the state
19 requires the issuance of the permit.

20 (2) Subject to the provisions of Paragraphs (3) and (4) of this Subsection, the
21 secretary, or his designee, may issue special permits to permit movement along the
22 interstate highway system within Louisiana of vehicles and loads up to sixteen feet
23 in width. The request for a permit may be denied, if the secretary determines that the
24 vehicle or load traveling along the proposed route would endanger the public due to
25 construction, highway conditions, or traffic along the proposed route. Any vehicle
26 traveling under a special permit issued pursuant to the provisions of this Paragraph
27 shall not exceed a speed of fifty-five miles per hour.

28 (3)(a) When an application for a special permit is made, the secretary, or his
29 designee, may require the special permit applicant to supply any information the

1 secretary deems necessary for the protection of the interests of the state, the state
2 highway system, and the public.

3 (b) Due to concurrent authority between the Department of Transportation
4 and Development and the Department of Public Safety and Corrections for the
5 enforcement of weight, size, and measurement laws and regulations, the secretary,
6 or his designee, shall provide computer terminal access to information pertaining to
7 all special permits to the Department of Public Safety and Corrections. All costs
8 related to the acquisition of such access shall be incurred by the Department of
9 Public Safety and Corrections.

10 * * *

11 (4) The secretary, or his designee, may impose conditions upon the issuance
12 of a special permit and may impose requirements upon its use, including but not
13 restricted to the use of additional axles, so as to require that the axle weight conform
14 as closely as possible to the weights provided in R.S. 32:386; the routing over the
15 highways of the shipment under the special permit; the date, time of day, and speed
16 limit; the furnishing of a bond with good and solvent surety to protect the state, the
17 department, and all political corporations and subdivisions of the state from all
18 liability and damage resulting from the use of such permit; the accompaniment of the
19 vehicle and shipment by a proper escort, all at the expense of the permittee; and such
20 other conditions or requirements as the secretary, or his designee, deems necessary
21 and proper. When state police vehicles are required as a proper escort, there shall
22 be a charge for the use thereof, and the ~~secretary~~ deputy secretary of the ~~Department~~
23 ~~of Public Safety~~ Department of Public Safety and Corrections shall determine the
24 fees charged for the use of the state police vehicles so used. Such charge shall be
25 based on the mileage of the escort with a minimum charge of twenty-five dollars.
26 Any fees charged in excess of twenty-five dollars shall be adopted pursuant to R.S.
27 49:951, et seq.

28 * * *

E.(1)(a) The secretary, or his designee, shall charge fees for special permits as provided in Subsection H of this Section for special permit applicants, if each permittee provides the department a surety bond or cash deposit in the minimum amount of one thousand dollars or any amount in excess thereof fixed by the secretary to guarantee payment of said account. To facilitate the use of such credit accounts, the department shall provide a sufficient number of Louisiana inbound wide area telephone service lines for use by the trucking industry.

(b) All of such special permit fees collected by the secretary, or his designee, shall be paid into the state treasury on or before the twenty-fifth day of each month following their collection and, in accordance with Article VII, Section 9 of the Constitution of Louisiana, shall be credited to the Bond Security and Redemption Fund. After compliance with the requirements of the Bond Security and Redemption Fund, the treasurer shall deposit an amount equal to all fees collected pursuant to special permits into the Transportation Trust Fund.

* * *

G. The secretary, or his designee, may adopt rules and regulations necessary to carry out the purpose of this Section relating to the issuance of special permits.

H. Special permit fees.

(1)(a) Except as provided for mobile homes in Subparagraph (b) of this Paragraph, the fee for each overwidth, overheight, or overlength permit issued by the secretary, or his designee, or the department shall be ten dollars per trip or ten dollars per operating day for trips lasting more than one calendar day provided such vehicle or combination of vehicles is not also overweight; provided, however, that the fee for trailers or semitrailers hauling loads of the same product which exceed the legal limit shall be ten dollars per operating day provided such vehicles or combination of vehicles is also not overweight. Overwidth, overheight, and overlength permits may be issued on a monthly basis for a fee of ten dollars per operating day, except equipment used in an unloaded condition by companies engaged in the business of

1 moving buildings may obtain one permit per company per month for a fee of fifteen
2 dollars.

3 * * *

4 K. The secretary or his designee may promulgate rules and regulations in
5 accordance with the Administrative Procedure Act as are necessary to enforce the
6 provisions of this Section.

7 * * *

8 §388. Penalties; payments

9 * * *

10 C.(1) Whoever owns or drives any vehicle or combination of vehicles in
11 violation of any rule, regulation, directive, or requirement of the secretary or his
12 designee adopted pursuant to R.S. 32:387 or in violation of the terms and conditions
13 of any special permit issued under R.S. 32:387 shall be assessed a penalty of one
14 hundred dollars.

15 * * *

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 840 Original 2016 Regular Session Havard

Abstract: Authorizes the designee of the secretary of the Dept. of Transportation and Development to take actions relative to limitations for weight, width, length or height for movement on roads and highways.

Present law provides for limitations and requirements for vehicles or for loads which exceed limitations for weight, width, length or height for movement on roads and highways.

Proposed law retains present law.

Present law provides method by which the secretary of the Dept. of Transportation and Development issues special permits for vehicles or loads which exceed limitations for weight, width, length or height for movement on roads and highways.

Proposed law retains present law.

Present law provides that fees may be charged for permits issued pursuant to present law and penalties may be imposed for violations of such permits.

Proposed law retains present law.

Proposed law authorizes the designee of the secretary of the Dept. of Transportation and Development to take actions relative to limitations for weight, width, length or height for movement on roads and highways.

(Amends R.S. 32:380(D), 381(A)(1), 382(A)(2)(c), (D), and (F), 386(E) and (J), 387(A), (B)(1) and (c), (2), (3)(a) and (b), (4), (E)(1)(a) and (b), (G), (H)(1)(a), (K), and 388(C)(1))