

2016 Regular Session

HOUSE BILL NO. 1058

BY REPRESENTATIVE THIBAUT

TRANSPORTATION: Creates annual permits for ready-mix concrete trucks

1 AN ACT

2 To amend and reenact R.S. 32:388(B)(1)(b)(iv) and to enact R.S. 32:387.20, relative to  
3 trucks hauling concrete or construction aggregates; to extend the termination date for  
4 two years for the authorization of ready-mixed concrete trucks to exceed the  
5 maximum gross vehicle weight under certain conditions; to provide that such  
6 authorization to exceed the maximum gross vehicle weight shall not apply in certain  
7 circumstances; to provide for the issuance of special permits for vehicles transporting  
8 ready-mixed concrete under certain conditions; to provide for weight limits under the  
9 special permit for ready-mixed concrete trucks; to provide for a fee to be charged for  
10 the special permit for ready-mixed concrete trucks; and to provide for related  
11 matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 32:388(B)(1)(b)(iv) is hereby amended and reenacted and R.S.  
14 32:387.20 is hereby enacted to read as follows:

15 §387.20. Special permit; ready-mixed concrete trucks

16 A. Notwithstanding any provision of law to the contrary, the secretary shall  
17 issue annual special permits authorizing the operation of ready-mixed concrete  
18 trucks on state-maintained highways and frontage roads adjacent to a federal  
19 interstate highway. The permit shall not authorize the operation of ready-mixed  
20 concrete trucks on interstate highways.

1           B.(1) The permit shall authorize the operation of a ready-mixed concrete  
 2           truck with a gross vehicle weight not to exceed sixty-nine thousand pounds if a rear  
 3           tandem-axle mixer truck, a gross vehicle weight not to exceed seventy-five thousand  
 4           pounds if a rear tri-axle mixer truck, and a gross vehicle weight not to exceed eighty  
 5           four thousand pounds if a rear quad-axle mixer truck.

6           (2) The permit shall be specific to the vehicle that is listed in the permit  
 7           application.

8           (3) The fee for the permit shall be collected annually per vehicle in the  
 9           following amounts:

10           (a) One thousand five hundred dollars for a rear tandem axle ready-mixed  
 11           concrete truck.

12           (b) One thousand dollars for a rear tri-axle ready-mixed concrete truck.

13           (c) One thousand dollars for a rear quad-axle ready-mixed concrete truck.

14           C. A permit issued pursuant to this Section shall be valid for one year and  
 15           shall be carried in the vehicle for which it is issued.

16           D. When the department issues a permit pursuant to this Section, it shall  
 17           issue a sticker to be placed in the front windshield of the vehicle above the inspection  
 18           certificate issued to the vehicle. The department shall design the form of the sticker  
 19           to aid in the enforcement of weight limits for vehicles. The sticker shall indicate the  
 20           expiration date of the permit and be removed from the vehicle when the permit for  
 21           the operation of the vehicle expires, the lease of the vehicle expires, or the vehicle  
 22           is sold.

23           E. If the permitted gross vehicle weight is not exceeded there shall be no  
 24           finis imposed for over axle weight.

25           F. As used in this Section, "ready-mixed concrete truck" shall mean a vehicle  
 26           designed exclusively to transport or manufacture ready-mixed concrete.

27           §388. Penalties; payments

28                               \*       \*       \*

1                   B.(1)

2   \*       \*       \*

3                   (b)

4   \*       \*       \*

5                   (iv) Effective from August 1, 2012, through July 31, ~~2016~~ 2018, no truck  
6                   hauling ready-mixed concrete shall be assessed a penalty for exceeding its maximum  
7                   permissible gross weight, as determined by law, provided the total excess weight is  
8                   ten percent or less of such truck's maximum permissible gross weight, such truck  
9                   contains a certificate evidencing its most recent mixer chip-out of build-up occurred  
10                  within the previous ninety days, such truck does not exceed the posted load while  
11                  crossing a posted bridge, such truck is not operating on the interstate system, and no  
12                  tire on such truck exceeds its tire weight rating. If such truck's total excess weight  
13                  is greater than ten percent of its maximum permissible gross weight, as determined  
14                  by law, such truck shall be assessed a penalty calculated on the total amount by  
15                  which the truck's weight exceeds its maximum permissible gross weight, as  
16                  determined by law. For the purposes of this Item, a "ready-mixed concrete truck"  
17                  is defined as a vehicle designed exclusively to transport or manufacture ready-mixed  
18                  concrete and includes a concrete pump truck engaged in hauling ready-mixed  
19                  concrete. This Item shall not apply to any ready-mixed concrete truck as defined in  
20                  R.S. 32:387.20 that has been issued a permit pursuant to R.S. 32:387.20.

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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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HB 1058 Reengrossed                   2016 Regular Session                   Thibaut

**Abstract:** Creates an annual permit for ready-mixed concrete trucks and provides for fees and matters relating to such permit.

Proposed law requires the secretary to issue annual special permits authorizing the operation of ready-mixed concrete trucks on state-maintained highways and frontage roads adjacent to federal interstate highways.

Proposed law defines "ready-mixed concrete truck" for purposes of proposed law to mean a vehicle designed exclusively to transport or manufacture ready-mixed concrete.

Proposed law provides that the permit created by proposed law would authorize the operation of a ready-mixed concrete truck with a gross vehicle weight not to exceed 69,000 pounds if a rear tandem axle mixer truck, a gross vehicle weight not to exceed 75,000 pounds if a rear tri-axle mixer truck, and a gross vehicle weight not to exceed 84,000 pounds if a rear quad-axle mixer truck.

Proposed law requires the permit created by proposed law be specific to the vehicle that is listed in the permit application.

Proposed law requires a fee for the permit to be collected annually per vehicle in the following amounts: \$1,500 for a rear tandem axle ready-mixed concrete truck, \$1,000 for a rear tri-axle ready-mixed concrete truck, \$1,000 for a rear quad-axle ready-mixed concrete truck.

Proposed law requires the Dept. of Transportation and Development to issue a sticker to be placed in the front windshield of the vehicle above the inspection certificate issued to the vehicle for which a permit is issued pursuant to proposed law. Specifies that the sticker would indicate the expiration date of the permit and be removed from the vehicle when the permit for the operation of the vehicle expires, the lease of the vehicle expires, or the vehicle is sold.

Proposed law provides that if the permitted gross vehicle weight is not exceeded for a truck issued a permit pursuant to proposed law then there would be no fines imposed for over axle weight.

Present law authorizes ready-mixed concrete trucks to exceed the maximum permissible gross weight, without penalty, provided the total excess weight is 10% or less of the truck's maximum permissible gross weight, the truck contains a certificate evidencing its most recent mixer chip-out of build-up occurred within the previous 90 days, the truck does not exceed the posted load while crossing a posted bridge, the truck is not operating on the interstate system, and no tire on the truck exceeds its tire weight rating. Present law is effective from Aug. 1, 2012, through July 31, 2016.

Proposed law extends the termination date in present law for two years from July 31, 2016 to July 31, 2018.

Proposed law provides that present law, extended by proposed law, would not apply to ready-mixed concrete trucks that are issued a permit pursuant to proposed law.

(Amends R.S. 32:388(B)(1)(b)(iv); Adds R.S. 32:387.20)

#### Summary of Amendments Adopted by House

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

1. Provide that the permit created by proposed law would authorize the operation of a ready-mixed concrete truck with a gross vehicle weight not to exceed 69,000 pounds, rather than 70,000 pounds, if a rear tandem axle mixer truck.
2. Raise the fee for a permit created by proposed law from \$1,000 to \$1,500.
3. Delete repeal of prohibition of assessment of a penalty on trucks hauling ready-mixed concrete under certain circumstances.

The House Floor Amendments to the engrossed bill:

1. Provide that the permit created by proposed law would allow the operation of a ready-mixed concrete truck with a gross vehicle weight not to exceed 84,000 pounds if a rear quad-axle mixer truck to operate on state-maintained highways and frontage roads adjacent to a federal interstate highway rather than an 80,000 rear quad-axle mixer truck.
2. Change the fee for the permit authorized by proposed law from \$1,500 annually per vehicle to the following: \$1,500 for a rear tandem axle ready-mixed concrete truck, \$1,000 for a rear tri-axle ready-mixed concrete truck, \$1,000 for a rear quad-axle ready-mixed concrete truck.
3. Provide that if the permitted gross vehicle weight is not exceeded for a truck issued a permit pursuant to proposed law then there would be no fines imposed for over axle weight.
4. Extend present law authorization for ready-mixed concrete trucks to exceed the maximum permissible gross weight, without penalty, provided the total excess weight is 10% or less of the trucks maximum permissible gross weight until July 31, 2018. Provide that present law, extended by proposed law, would not apply to ready-mixed concrete trucks issued a permit pursuant to proposed law.
5. Make technical changes.