

First Extraordinary Session, 2011

HOUSE BILL NO. 15

BY REPRESENTATIVES HUTTER AND DOWNS

CENSUS: Provides relative to provisions in Title 32 which are limited in applicability to political subdivisions or local areas meeting specified population characteristics (Item #8)

1 AN ACT

2 To amend and reenact R.S. 32:294(A), 391(C), 393(F)(1), 398(K)(1)(b), 412(A)(1), (2), (5),

3 (6), (B)(1), (2), (7)(e)(i)(aa), (dd)(I), (e)(ii)(aa), and (dd)(I), 429(A)(2), 1252(7)(b)(i)

4 and (ii), and 1733(A), relative to provisions of Title 32 (Motor Vehicles and Traffic

5 Regulations) of the Louisiana Revised Statutes of 1950 which are limited in

6 applicability to certain political subdivisions or local areas based upon population

7 classifications; to specify applicability to one or more political subdivisions or local

8 areas; to adjust population categories to retain applicability; and to provide for

9 related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 32:294(A), 391(C), 393(F)(1), 398(K)(1)(b), 412(A)(1), (2), (5), (6),

12 (B)(1), (2), (7)(e)(i)(aa), (dd)(I), (e)(ii)(aa), and (dd)(I), 429(A)(2), 1252(7)(b)(i) and (ii), and

13 1733(A) are hereby amended and reenacted to read as follows:

14 §294. Mississippi River Bridge crossings prohibited

15 A. No motor vehicle or combination of motor vehicles other than vehicles

16 operated by a public utility requiring a special overlength, overheight, or overwidth

17 permit issued by the secretary of the department, as provided for in R.S. 32:387, shall

18 enter upon or cross over any bridge which spans the Mississippi River or, within a

19 distance of two miles of such bridge, park within 75 feet of the highway approaching

1 such bridge, in ~~any parish having a population in excess of two hundred and fifty~~
 2 ~~thousand inhabitants, according to the latest federal census~~ the parishes of Orleans
 3 ~~or Jefferson~~, between hours of six-thirty a.m. ~~o'clock~~ and nine ~~o'clock~~ a.m. and
 4 between the hours of three-thirty p.m. ~~o'clock~~ and six ~~o'clock~~ p.m. from Monday
 5 through Friday of each week, except on legal state holidays; however, this provision
 6 shall not apply to any such bridge spanning said river between the parishes of East
 7 Baton Rouge and West Baton Rouge.

* * *

9 §391. Appearance upon arrest

* * *

11 C. Notwithstanding any other provision of law to the contrary, in ~~any parish~~
 12 ~~having a population in excess of four hundred eighty-two thousand people as~~
 13 ~~determined by the most recent federal decennial census~~ Orleans Parish, if the person
 14 arrested holds a Louisiana operator's license and gives his written promise to appear
 15 at the time and place stated, the officer shall release him from custody, and shall not
 16 require the person arrested to deposit his operator's license. Any such person
 17 refusing to give the written promise to appear shall be taken immediately by the
 18 arresting officer before the nearest or most accessible magistrate having jurisdiction.
 19 Any person who willfully violates his written promise to appear shall be punished
 20 as provided in R.S. 32:57.1, regardless of the disposition of the charge upon which
 21 he was arrested originally. The arresting officer shall fully inform the arrested
 22 person of the consequences of failing to honor a written promise to appear pursuant
 23 to R.S. 32:57.1.

* * *

25 §393. Persons charged with traffic violations; time for disposition, licenses, reports,
 26 and records to be sent to Department of Public Safety and Corrections, fee
 27 charged; record of unpaid traffic fines and parking fines

* * *

1 F.(1) For each conviction or forfeiture of bail as outlined above, a fee of two
2 dollars shall be added to the fine of the person convicted, except in ~~a parish having~~
3 ~~a population of four hundred seventy-five thousand or more~~ Orleans Parish where
4 for each such conviction or forfeiture of bail a fee of ten dollars shall be added to the
5 fine of the person convicted. This fee shall be retained by the respective court to
6 cover the cost of preparing and submitting the abstract of the report to the
7 commissioner.

8 * * *

9 §398. Accident reports; when and to whom made; information aid; fees for copies;
10 fees for accident photographs

11 * * *

12 K.(1)

13 * * *

14 (b) In ~~any parish with a population exceeding four hundred seventy-five~~
15 ~~thousand as of the 2000 federal decennial census~~ Orleans Parish, the local police
16 department may charge a reasonable fee, not to exceed the sum of twenty dollars, to
17 provide copies of accident reports. State departments and agencies shall not be
18 required to pay such fee.

19 * * *

20 §412. Amount of fees; credit or refund; duration of license; disbursement of funds;
21 renewal by mail or electronic commerce of Class "D" or "E" drivers' licenses;
22 disposition of certain fees; exception

23 A.(1) Every applicant for a Class "D" driver's license, or for a renewal of a
24 Class "D" driver's license, except those bona fide residents of ~~cities having a~~
25 ~~population in excess of four hundred fifty thousand~~ the city of New Orleans, shall
26 pay for such basic license a fee of twenty-seven dollars and fifty cents. Seven dollars
27 and forty-three cents of the fee shall be paid to the State Police Pension and
28 Retirement Fund.

1 (2) The fee for Class "D" drivers' licenses, or renewal of a Class "D" driver's
2 license, issued to bona fide residents of ~~municipalities having a population in excess~~
3 ~~of four hundred fifty thousand~~ the city of New Orleans shall be thirty-five dollars,
4 ten dollars of which fee shall be payable by the department to the board of trustees
5 of the police pension fund of such municipalities. One dollar and twenty-three cents
6 of the fee shall be paid to the State Police Pension and Retirement Fund.

7 * * *

8 (5) Every applicant for a Class "E" driver's license, or for a renewal of a
9 Class "E" driver's license, except those bona fide residents of ~~cities having a~~
10 ~~population in excess of four hundred fifty thousand~~ the city of New Orleans, shall
11 pay for such basic license a fee of twelve dollars and fifty cents, which shall be the
12 cost of such basic license. Three dollars and seventy-five cents of the fee shall be
13 paid to the State Police Pension and Retirement Fund.

14 (6) The fee for a Class "E" driver's license, or renewal of a Class "E" driver's
15 license, issued to bona fide residents of ~~municipalities having a population in excess~~
16 ~~of four hundred fifty thousand~~ the city of New Orleans shall be twelve dollars and
17 fifty cents, two dollars and fifty cents of which fee shall be paid by the department
18 to the board of trustees of the police pension funds of such municipalities. Two
19 dollars and fifty cents of the fee shall be paid to the State Police Pension and
20 Retirement Fund.

21 * * *

22 B.(1) Every applicant for a Class "A", "B", or "C" commercial driver's
23 license, or for a renewal of a basic Class "A", "B", or "C" commercial driver's
24 license, except for those bona fide residents of ~~cities having a population in excess~~
25 ~~of four hundred fifty thousand~~ the city of New Orleans, shall pay for such basic
26 license a fee of forty dollars. Ten dollars and eighty cents of the fee shall be paid to
27 the State Police Pension and Retirement Fund.

28 (2) The fee for a basic Class "A", "B", or "C" commercial driver's license,
29 or for the renewal of a basic Class "A", "B", or "C" commercial driver's license,

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 issued to bona fide residents of ~~municipalities having a population in excess of four~~
2 ~~hundred fifty thousand~~ the city of New Orleans shall be fifty dollars, ten dollars of
3 which fee shall be paid by the department to the board of trustees of the police
4 pension fund of such municipalities. Ten dollars of the fee shall be paid to the State
5 Police Pension and Retirement Fund.

6 * * *

7 (7)

8 * * *

9 (e)(i)(aa) Every applicant seventy years of age or older for a Class "E"
10 driver's license, or for the renewal of a Class "E" driver's license, except those bona
11 fide residents of ~~cities having a population in excess of four hundred fifty thousand~~
12 the city of New Orleans, shall pay for such basic license a fee of three dollars and
13 fifty cents, which shall be the cost of the license. The license shall expire on the
14 anniversary of the birthday of the applicant which is nearest to a date of four years
15 subsequent to the issuing of the license, unless revoked, canceled, or suspended.

16 * * *

17 (dd)(I) Every applicant seventy years of age or older for a Class "D" driver's
18 license, or for the renewal of a Class "D" driver's license, except those bona fide
19 residents of ~~cities having a population in excess of four hundred fifty thousand~~ the
20 city of New Orleans, shall pay for such basic license a fee of thirteen dollars and
21 seventy-five cents, which shall be the cost of the license. The license shall expire on
22 the anniversary of the birthday of the applicant which is nearest to the date of four
23 years subsequent to the issuing of the license, unless revoked, canceled, or
24 suspended.

25 * * *

26 (ii)(aa) Every applicant seventy years of age or older for a Class "E" driver's
27 license, or for the renewal of a Class "E" driver's license, issued to bona fide
28 residents of ~~cities having a population in excess of four hundred fifty thousand~~ the
29 city of New Orleans, shall pay for such basic license a fee of three dollars and fifty

1 cents, which shall be the cost of the license. This license shall expire on the
2 anniversary of the birthday of the applicant which is nearest to a date of four years
3 subsequent to the issuing of the license, unless revoked, canceled, or suspended.

4 * * *

5 (dd)(I) Every applicant seventy years of age or older for a Class "D" driver's
6 license, or for the renewal of a Class "D" driver's license, issued to bona fide
7 residents of ~~cities having a population in excess of four hundred fifty thousand~~ the
8 city of New Orleans, shall pay for such basic license a fee of seventeen dollars and
9 fifty cents, which shall be the cost of the license. This license shall expire on the
10 anniversary of the birthday of the applicant which is nearest to the date of four years
11 subsequent to the issuing of the license, unless revoked, canceled, or suspended.

12 * * *

13 §429. Office of motor vehicles field offices; authorization of fees

14 A.

15 * * *

16 (2) The fee provided for in Paragraph (1) of this Subsection may be levied
17 in an amount not to exceed four dollars by the local governing authority of ~~a parish~~
18 ~~having a population in excess of four hundred seventy-five thousand persons as~~
19 ~~determined by the most recent federal decennial census~~ Orleans Parish.

20 * * *

21 §1252. Definitions

22 The following words, terms, and phrases, when used in this Chapter, shall
23 have the meanings respectively ascribed to them in this Section, except where the
24 context clearly indicates a different meaning:

25 * * *

26 (7) "Community or territory" or "area of responsibility" shall mean the
27 licensee's area of principal sales and service responsibility as specified by the
28 franchise in effect with any licensee of the commission.

29 * * *

1 (b) A marine dealer's area of responsibility shall mean the marine dealer's
 2 area of principal sales and service responsibility as specified by the contract,
 3 franchise, or selling agreement in effect with the manufacturer or distributor. The
 4 marine manufacturer or distributor shall designate and provide to the commission in
 5 writing the marine dealer's area of responsibility when the contract is granted or,
 6 should there be contracts in existence on August 15, 2004, without such designation,
 7 the commission shall require the manufacturer or distributor to designate the area of
 8 responsibility. The manufacturer or distributor shall adopt uniform procedures to
 9 establish the area of responsibility that is assigned to a marine dealer. The uniform
 10 procedures shall include market research information from identified credible
 11 industry sources that project product sales of the brand of marine product for which
 12 the contract or franchise agreement is granted. In the absence of such designation by
 13 the manufacturer or distributor, or in the event that the area of responsibility
 14 designated by the manufacturer or distributor is rejected by the commission and such
 15 decision by the commission is affirmed on appeal, the marine dealer's area of
 16 responsibility shall mean either of the following:

17 (i) The area within a fifteen-mile radius of the dealership if the dealership
 18 is located in a parish containing a population of ~~four~~ three hundred thousand persons
 19 or more.

20 (ii) The area within a thirty-mile radius of the dealership if the dealership is
 21 located in a parish containing a population of less than ~~four~~ three hundred thousand
 22 persons.

23 * * *

24 §1733. Fees charged for towing; certain parishes

25 A. When, in parishes with a population of ~~four~~ three hundred thousand or
 26 more, an individual parks a vehicle on private property and the owner or lessee of
 27 that property requests a towing company to remove and store the parked vehicle, the
 28 fee charged by the towing company shall not exceed the towing fee which the local

1 governing authority would have charged had the vehicle been towed for a violation
2 while parked on public property.

3 * * *

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)]

Hutter

HB No. 15

Abstract: Updates applicability of provisions in Title 32 as a result of the 2010 census.

Proposed law, contained in Title 32 (Motor Vehicles and Traffic Regulation) of the Louisiana Revised Statutes of 1950, legislates with regard to classifications of parishes, municipalities, or other political subdivisions or local areas according to population by enacting local bills to limit the application of laws based upon specific classifications to one or more parishes, municipalities, or other political subdivisions or local areas, by adjusting the population ranges affected by the 2010 census, and by repealing certain provisions based upon certain population classification ranges, as follows:

CITATION/ TOPIC	EXISTING LAW	AFFECTED LOCATIONS	PROPOSED LAW
R.S. 32:294(A) – Overweight/oversize vehicles prohibited from crossing Mississippi River Bridge at certain times	A parish having a population of 250,000 +	Orleans and Jefferson parishes (all 1970, 1980, 1990, 2000 census)	Orleans and Jefferson parishes
R.S. 32:391(C) – Appearance upon arrest for violations of the La. Highway Regulatory Act	Any parish having a population of 482,000 +	Orleans Parish (2000 census)	Orleans Parish
R.S. 32:393(F)(1) – Fees assessed for convictions and forfeiture of bail in cases of violations of the La. Highway Regulatory Act or regulations of DPS&C	A parish having a population of 475,000 +	Orleans Parish (1990, 2000 census)	Orleans Parish
R.S. 32:398(K)(1)(b) – Fees for accident reports	Any parish having a population of 475,000 + according to 2000 decennial census	Orleans Parish (2000 census)	Orleans Parish

R.S. 32:412 (A)(1), (2), (5), (6), (B)(1), (2), (7)(e)(i)(aa), (dd)(I), (e)(ii)(aa), and (dd)(I) – Rate and distribution of fees for driver's licenses	Cities having a population of 450,000 +	City of New Orleans (2000 census)	City of New Orleans
R.S. 32:429(A)(2) – Authorization of governing authorities to assess fees at OMV offices	Any parish having a population of 475,000 +	Orleans Parish (2000 census)	Orleans Parish
R.S. 32:1252(7)(b)(i) and (ii) – Definitions relative to the distribution and sale of motor vehicles	Any parish having a population of 400,000 +	Orleans, Jefferson, and East Baton Rouge parishes (all 2000 census)	Parishes with populations of 300,000 +
R.S. 32:1733(A) – Fees charged for towing in certain parishes limited to what local governing authority would charge	Any parish having a population of 400,000 +	Orleans and Jefferson parishes (both 1990, 2000 census) East Baton Rouge Parish (2000 census)	Parishes with populations of 300,000 +

(Amends R.S. 32:294(A), 391(C), 393(F)(1), 398(K)(1)(b), 412(A)(1), (2), (5), (6), (B)(1), (2), (7)(e)(i)(aa), (dd)(I), (e)(ii)(aa), and (dd)(I), 429(A)(2), 1252(7)(b)(i) and (ii), and 1733(A))