

First Extraordinary Session, 2011

# ACT No. 9

HOUSE BILL NO. 15

BY REPRESENTATIVES HUTTER AND DOWNS

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~~ seventy-five feet of the highway  
20 approaching such bridge, in ~~any parish having a population in excess of two hundred~~  
21 ~~and fifty thousand inhabitants, according to the latest federal census~~ the parishes of  
22 Orleans or Jefferson, between hours of six-thirty ~~o'clock~~ a.m. and nine ~~o'clock~~ a.m.  
23 and between the hours of three-thirty ~~o'clock~~ p.m. and six ~~o'clock~~ p.m. from Monday

1 through Friday of each week, except on legal state holidays; however, this provision  
2 shall not apply to any such bridge spanning said river between the parishes of East  
3 Baton Rouge and West Baton Rouge.

4 \* \* \*

5 §391. Appearance upon arrest

6 \* \* \*

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

20 \* \* \*

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

24 \* \* \*

25 F.(1) For each conviction or forfeiture of bail as outlined above, a fee of two  
26 dollars shall be added to the fine of the person convicted, except in a ~~parish having~~  
27 ~~a population of four hundred seventy-five thousand or more~~ Orleans Parish where  
28 for each such conviction or forfeiture of bail a fee of ten dollars shall be added to the  
29 fine of the person convicted. This fee shall be retained by the respective court to

1 cover the cost of preparing and submitting the abstract of the report to the  
2 commissioner.

3 \* \* \*

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

6 \* \* \*

7 K.(1)

8 \* \* \*

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

14 \* \* \*

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

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

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

30 \* \* \*

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

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

\* \* \*

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

21          (2) The fee for a basic Class "A", "B", or "C" commercial driver's license,  
 22          or for the renewal of a basic Class "A", "B", or "C" commercial driver's license,  
 23          issued to bona fide residents of ~~municipalities having a population in excess of four~~  
 24          ~~hundred fifty thousand~~ the city of New Orleans shall be fifty dollars, ten dollars of  
 25          which fee shall be paid by the department to the board of trustees of the police  
 26          pension fund of such municipalities. Ten dollars of the fee shall be paid to the State  
 27          Police Pension and Retirement Fund.

\* \* \*

29          (7)

\* \* \*

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

8 \* \* \*

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

17 \* \* \*

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

25 \* \* \*

26 (dd)(I) Every applicant seventy years of age or older for a Class "D" driver's  
 27 license, or for the renewal of a Class "D" 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 seventeen dollars and  
 30 fifty cents, which shall be the cost of the license. This license shall expire on the

1 anniversary of the birthday of the applicant which is nearest to the date of four years  
2 subsequent to the issuing of the license, unless revoked, canceled, or suspended.

3 \* \* \*

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

5 A.

6 \* \* \*

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

11 \* \* \*

12 §1252. Definitions

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

16 \* \* \*

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

20 \* \* \*

21 (b) A marine dealer's area of responsibility shall mean the marine dealer's  
22 area of principal sales and service responsibility as specified by the contract,  
23 franchise, or selling agreement in effect with the manufacturer or distributor. The  
24 marine manufacturer or distributor shall designate and provide to the commission in  
25 writing the marine dealer's area of responsibility when the contract is granted or,  
26 should there be contracts in existence on August 15, 2004, without such designation,  
27 the commission shall require the manufacturer or distributor to designate the area of  
28 responsibility. The manufacturer or distributor shall adopt uniform procedures to  
29 establish the area of responsibility that is assigned to a marine dealer. The uniform  
30 procedures shall include market research information from identified credible

1 industry sources that project product sales of the brand of marine product for which  
2 the contract or franchise agreement is granted. In the absence of such designation by  
3 the manufacturer or distributor, or in the event that the area of responsibility  
4 designated by the manufacturer or distributor is rejected by the commission and such  
5 decision by the commission is affirmed on appeal, the marine dealer's area of  
6 responsibility shall mean either of the following:

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

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

13 \* \* \*

14 §1733. Fees charged for towing; certain parishes

15 A. When, in parishes with a population of ~~four~~ three hundred thousand or  
16 more, an individual parks a vehicle on private property and the owner or lessee of  
17 that property requests a towing company to remove and store the parked vehicle, the  
18 fee charged by the towing company shall not exceed the towing fee which the local  
19 governing authority would have charged had the vehicle been towed for a violation  
20 while parked on public property.

21 \* \* \*

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_