### 2020 Regular Session

#### HOUSE BILL NO. 472

### BY REPRESENTATIVE DEVILLIER

# WEIGHTS/MEASURES: Requires law enforcement officers have reasonable belief of a weight violation prior to checking the weight of certain vehicles

1	AN ACT
2	To enact R.S. 32:389(B)(2), relative to weights and standards police officers; to require
3	weights and standards police officers to have reasonable belief to stop certain
4	vehicles in certain circumstances; to require weights and standards police officers to
5	examine visible indicators that a certain vehicle is overweight prior to effectuating
6	a stop; and to provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 32:389(B)(2) is hereby enacted to read as follows:
9	§389. Weights and standards police; enforcement procedure; payment and
10	collection procedures; administrative review
11	* * *
12	B. Any weights and standards police officer having reason to believe that
13	any vehicle or combination of vehicles exceeds or is in violation of the provisions
14	of R.S. 32:380 through R.S. 32:386 or R.S. 32:388.1 through R.S. 32:390, or the
15	terms and conditions of a special permit issued under R.S. 32:387 or regulations of
16	either the Department of Transportation and Development or the Department of
17	Public Safety and Correction, public safety services, adopted pursuant to this Part,
18	is authorized to stop such vehicle or combination of vehicles and to inspect, measure,
19	or weigh such vehicle, either by means of portable or stationary scales, or to require

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	that such vehicle be driven to the nearest available location equipped with facilities
2	to inspect, measure, or weigh such vehicle.
3	* * *
4	(2) For purposes of this Subsection, a police officer shall not conduct a stop
5	of a vehicle or combination of vehicles, including an eighteen-wheeler, tractor
6	trailer, or truck, without a reasonable belief, based on an individualized observation,
7	that the vehicle or combination of vehicles is overweight. Reasonable belief shall
8	be determined by visible indicators; such as, bulging tires, excessive smoke or
9	exhaust, or difficulty accelerating up to road speed, that a vehicle or combination of
10	vehicles is overweight and only the indicators shall be examined to determine
11	violations of the provisions of R.S. 32:380 through R.S. 32:386 or R.S. 32:388.1
12	through R.S. 32:390. If the indicators are indicative of a violation of these
13	provisions, then the officer shall have reasonable belief to inspect, measure, or weigh
14	the vehicle or combination of vehicles to determine if it is in compliance with
15	applicable weight requirements.
16	* * *

## 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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Abstract: Requires a reasonable belief that is based on visible indicators that the vehicle is in violation of permissible weight requirements for a police officer to stop an 18-wheeler, tractor trailer, or truck to check for compliance.

<u>Present law</u> authorizes a police officer to stop a vehicle or combination of vehicles to inspect or measure the vehicle, or require the vehicle to drive to the nearest available location equipped with facilities to inspect or measure the vehicle if the police officer has reason to believe that the vehicle is in violation in terms of the length, width, or weight.

<u>Proposed law</u> requires a police officer have a reasonable belief that a vehicle or combination of vehicles, including an 18-wheeler, tractor trailer, or truck is overweight. <u>Proposed law</u> specifies that reasonable belief must be based on visible indicators. Further specifies that if indicators are indicative of a violation then the vehicle may be examined to determine if

there is a weight violation. Provides an illustrative list of indicators; such as, bulging tires, excessive smoke or exhaust, or difficulty accelerating up to road speed.

(Adds R.S. 32:389(B)(2))