

Regular Session, 2012

HOUSE BILL NO. 979

BY REPRESENTATIVE HOWARD

MTR VEHICLE/COMMERCIAL: Provides that certain commercial motor vehicle violations are to be handled as traffic tickets

1 AN ACT

2 To amend R.S. 32:387.6(4), 387.7(A)(4), 387.9(4), 387.16(B), 387.19(A), 388(A)(1), (3),
3 and (4), (B)(1), (2), and (4)(a), (C), (D), (E), and (F), 388.1, 389, and 392(A)(1) and
4 to repeal R.S. 32:388(G), relative to certain traffic violations by commercial motor
5 vehicle drivers; to provide that all law enforcement officers can enforce certain
6 traffic laws relating to commercial motor vehicles; to repeal administrative appeal
7 procedure for certain violations by commercial motor vehicle drivers and carriers;
8 and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 32:387.6(4), 387.7(A)(4), 387.9(4), 387.16(B), 387.19(A), 388(A)(1),
11 (3), and (4), (B)(1), (2), and (4)(a), (C), (D), (E), and (F), 388.1, 389, and 392(A)(1) are
12 hereby amended and reenacted to read as follows:

13 §387.6. Special permits; trucks hauling cotton modules

14 Notwithstanding any other provision of law to the contrary, the secretary
15 shall issue annual special permits to persons who operate trucks which haul cotton
16 modules and are in compliance with the provisions of the Federal Motor Carrier
17 Safety Regulations. These permits shall be issued in accordance with the following
18 provisions:

19 * * *

1 pursuant to R.S. 32:380 through 385 or in violation of R.S. 32:380 through 385 shall
2 be assessed a ~~penalty~~ fine of one hundred dollars for each violation.

3 * * *

4 (3) Each vehicle that is required to stop at a weight enforcement scale
5 location and which fails to stop shall be assessed the following ~~penalty~~ fine:

6 (a) Vehicles with a gross vehicle weight rating of less than twenty-six
7 thousand pounds shall be ~~penalized~~ fined one hundred dollars for failure to stop at
8 a weight scale. This ~~penalty~~ fine shall be in addition to any other ~~penalties~~ fines
9 which may be assessed for other violations.

10 (b) Vehicles with a gross vehicle weight rating of twenty-six thousand
11 pounds or more shall be ~~penalized~~ fined five hundred dollars for failure to stop at a
12 weight scale. This penalty shall be in addition to any other ~~penalties~~ fines which may
13 be assessed for other violations.

14 (4) Any vehicle which inadvertently bypasses weight scales and returns to
15 the scales voluntarily without the assistance of law enforcement shall not be assessed
16 any ~~penalty~~ fine for bypassing the scale.

17 B.(1)(a) Except as provided in Subparagraphs (b) and (c) of this Paragraph,
18 whoever owns or operates any vehicle or combination of vehicles in violation of any
19 rule, regulation, directive, or requirement adopted under R.S. 32:386 or in violation
20 of R.S. 32:386 shall be required to reduce the load to the maximum permissible gross
21 weight and shall be assessed a ~~penalty~~ fine on such weight which exceeds the
22 maximum permissible gross weight as defined by R.S. 32:386 or maximum
23 allowable axle weights, whichever results in the higher fine, in accordance with the
24 following schedule:

OVERWEIGHT	<u>PENALTY FINE</u>
POUNDS	
1 to 999	\$10.00 minimum
1,000 to 1,999	1¢ per pound in excess of legal limit
2,000 to 2,999	2¢ per pound in excess of legal limit

1	3,000 to 3,999	3¢ per pound in excess of legal limit
2	4,000 to 4,999	4¢ per pound in excess of legal limit
3	5,000 to 5,999	5¢ per pound in excess of legal limit
4	6,000 to 6,999	6¢ per pound in excess of legal limit
5	7,000 to 7,999	7¢ per pound in excess of legal limit
6	8,000 to 8,999	8¢ per pound in excess of legal limit
7	9,000 to 9,999	9¢ per pound in excess of legal limit
8	10,000 to 10,999	10¢ per pound in excess of legal limit
9	11,000 and over	11¢ per pound in excess of legal limit

10 (b)(i) Any truck hauling concrete or construction aggregates shall not be
 11 assessed a ~~penalty~~ fine for weight which exceeds the maximum allowable axle
 12 weights, if such truck does not also exceed the maximum permissible gross weight
 13 as provided in R.S. 32:386 and such truck is not operating on the interstate system.

14 (ii) Any truck hauling hot mix asphalt which is performing work pursuant
 15 to a contract with the state or the governing authority of a parish or municipality
 16 shall not be assessed a ~~penalty~~ fine for weight which exceeds the maximum
 17 allowable axle weights, if such truck does not also exceed the maximum permissible
 18 gross weight as provided in R.S. 32:386 and such truck is not operating on the
 19 interstate system.

20 (iii) Any truck fitted with a compactor body which is engaged in the
 21 collecting and hauling of solid waste including residential solid waste, agricultural
 22 waste, commercial solid waste, construction or demolition debris, garbage, industrial
 23 solid waste, trash, white goods, woodwaste, and yard trash, as defined in the rules
 24 and regulations of the Department of Environmental Quality, shall not be assessed
 25 a ~~penalty~~ fine for weight which exceeds the maximum allowable axle weights if such
 26 truck does not also exceed the maximum permissible gross weight as provided in
 27 R.S. 32:386 and 387 and such truck is not operating on the interstate system. Such
 28 truck shall not be assessed a ~~penalty~~ fine for exceeding its maximum permissible
 29 gross weight, as determined by law or pursuant to issuance of a special permit, if the

1 waste is wet and the location from which the waste was collected had received
 2 measurable precipitation, as recorded by National Weather Service recognized
 3 observation stations, within twenty-four hours prior to collection provided the total
 4 excess weight is ten percent or less of the truck's maximum permissible gross weight
 5 and such truck is not operating on the interstate system. If the total excess weight
 6 is greater than ten percent of the truck's maximum permissible gross weight, as
 7 determined by law or pursuant to issuance of a special permit, the assessed ~~penalty~~
 8 fine shall be calculated only on the excess weight which is above the ten percent
 9 allowance for water weight.

10 (c) Prior to assessment of a ~~penalty~~ fine for weight which exceeds the
 11 maximum allowable axle weights, the owner or operator is authorized to shift the
 12 load to reduce or eliminate such excess axle weight ~~penalties~~ fines as long as no part
 13 of the shipment is removed.

14 (2) Whoever owns or drives any vehicle or combination of vehicles with a
 15 gross weight in excess of its licensed weight but less than or equal to its legal
 16 maximum gross weight may be assessed a ~~penalty~~ fine of one hundred dollars and
 17 shall be required to increase its license to the weight being carried not to exceed the
 18 legal maximum.

19 * * *

20 (4)(a) Whoever owns any business entity engaged in the sale or shipment of
 21 construction aggregates requiring a weigh master, not including asphalt, or transfer
 22 sales or shipment from rail, barge, or ship to wholesale stockpiles or inventories
 23 within a five-mile radius of the point where the shipment was transferred, who
 24 violates, or whose driver or contract driver violates any rule, regulation, directive,
 25 or requirement adopted under R.S. 32:386 or violates R.S. 32:386 shall also be
 26 assessed a separate ~~penalty~~ fine for each violation in accordance with the schedule
 27 set forth in Paragraph ~~B(1)~~ (B)(1) of this Section. However, notwithstanding any
 28 other provision of this Chapter or any law to the contrary, any such business, or
 29 weigh master thereof, who releases a vehicle that is within the maximum permissible

1 gross weight limitations for travel on a state highway shall not be assessed any
 2 ~~penalty~~ fine when said vehicle is found in violation of gross maximum weight
 3 limitations while traveling on any interstate highway. For purposes of enforcing this
 4 Subsection, any weights and standards, ~~or state policeman,~~ or law enforcement
 5 officer having reason to believe that such owner is in violation of R.S. 32:386 is
 6 authorized to enter and go upon, without formal warrant, any vehicle, stand, place,
 7 building, or premises, for the purpose of inspecting only the shipping ticket or tickets
 8 issued in connection with the particular load found in violation of R.S. 32:386 by any
 9 weights and standards, ~~or state policeman,~~ or law enforcement officer in order to
 10 determine whether such sales at the origin of shipment contain the amounts
 11 represented and are offered for sale or sold in a manner in accordance with law. The
 12 discovery of an overweight vehicle after proper weighing shall constitute "reason to
 13 believe" for purposes of this Subsection.

14 * * *

15 C.(1) Whoever owns or drives any vehicle or combination of vehicles in
 16 violation of any rule, regulation, directive, or requirement of the secretary adopted
 17 pursuant to R.S. 32:387 or in violation of the terms and conditions of any special
 18 permit issued under R.S. 32:387 shall be assessed a ~~penalty~~ fine of one hundred
 19 dollars.

20 (2) Whoever owns or drives a vehicle or combination of vehicles in violation
 21 of an overweight special permit shall be assessed a ~~penalty~~ fine for each pound of
 22 gross weight in excess of the special permit weight in accordance with the following
 23 schedule and may increase the permissible gross weight authorized by the special
 24 permit if he shall satisfy any special conditions imposed by the secretary or
 25 otherwise shall reduce his load to the maximum weight allowed under his special
 26 permit:

Pounds Over Permit	
Gross Weight	Penalty <u>Fine</u>
29 0 to 3,000	2¢ per pound

1	3,001 to 5,000	3¢ per pound
2	5,001 to 10,000	4¢ per pound
3	10,001 and over	\$100 plus 5¢ per pound

4 (3) Nothing contained in this Subsection shall authorize the commissioner
5 or any weights and standards or state policeman or law enforcement officer to assess
6 any ~~penalty~~ fine provided for herein for both the failure to possess a required special
7 permit and for operating a vehicle in violation of R.S. 32:386 when arising out of the
8 same activity, and to this extent the ~~penalties~~ fines provided for in this Subsection
9 shall not be cumulative in nature.

10 D. Whoever owns or drives any vehicle or combination of vehicles in
11 violation of R.S. 32:387(F) shall be assessed a ~~penalty~~ fine of twenty-five dollars.

12 E. Whoever owns or drives a vehicle or combination of vehicles without a
13 proper escort when such escort is required by a special permit shall be assessed a
14 ~~penalty~~ fine of one hundred dollars, and the vehicle or combination of vehicles shall
15 be impounded until a proper escort is secured by the permittee.

16 F. ~~Payments for penalties imposed by the Department of Public Safety and~~
17 ~~Corrections, public safety services, shall be remitted to the Transportation Trust~~
18 ~~Fund. However, any payments for citations for weight limit violations on parish~~
19 ~~roads in a parish shall be paid to the public works department of said parish.~~

20 ~~G.(1) All such penalties collected by the commissioner shall be paid into the~~
21 ~~state treasury on or before the twenty-fifth day of each month following their~~
22 ~~collection and, in accordance with Article VII, Section 9 of the Constitution of~~
23 ~~Louisiana, shall be credited to the Bond Security and Redemption Fund. However,~~
24 ~~after a sufficient amount of the penalties collected by the commissioner is allocated~~
25 ~~from the fund to pay all obligations secured by the full faith and credit of the state~~
26 ~~within any fiscal year, the treasurer shall pay an amount equal to the fees paid into~~
27 ~~the Bond Security and Redemption Fund pursuant to this Paragraph into the~~
28 ~~Transportation Trust Fund created under Article VII, Section 27 of the Constitution~~
29 ~~of Louisiana.~~

1 ~~(2) The Department of Public Safety and Corrections, public safety services,~~
2 ~~shall keep a set of books showing from whom every dollar is paid and for what~~
3 ~~purpose. It also shall keep in its file vouchers or receipts for all monies paid out.~~

4 The disposition of fines collected pursuant to R.S. 32:380 through 388.1 and
5 390, or any regulation adopted thereto, shall be made in accordance with this
6 Subsection:

7 (1) An amount equal to twenty percent of total fines and penalties received
8 each month shall be deposited into the treasury of the parish in which the violation
9 occurred for deposit into the Criminal Court Fund for that particular parish to pay for
10 all costs of issuance and prosecution the alleged violations of R.S. 32:380 through
11 388.1 and 390, or any regulation adopted thereto.

12 (2) All monies remaining after satisfying the requirements of Paragraph (1)
13 of this Subsection shall be transmitted to the state treasurer, who shall deposit such
14 monies are necessary for the requirements of the Bond Security and Redemption
15 Fund, and thereafter deposit all remaining monies into the Transportation Trust Fund
16 for distribution to the state police for traffic control purposes.

17 (3) Any entity collecting fines and penalties for violations of R.S. 32:380
18 through 388.1 and 390, or any regulation adopted thereto, shall keep a set of books
19 showing from whom every dollar is paid and for what purpose. It also shall keep in
20 its file vouchers or receipts for all monies paid out.

21 §388.1. Penalties; multiple violations

22 Whoever owns or drives any vehicle or combination of vehicles in violation
23 of two or more of the provisions of this Part at any one time shall be assessed the
24 greater or the greatest of the ~~penalties~~ fines, in the full amount of the ~~penalty~~ fines.

25 The commissioner is hereby authorized to promulgate rules and regulations to
26 provide that in addition to assessment of the greater or greatest ~~penalty~~ fines, the
27 owner or driver shall be assessed a ~~penalty~~ fine not to exceed ten dollars for each
28 other violation committed at the same time; however, such rules and regulations shall
29 only be promulgated provided the Federal Highway Administration initiates official

1 sanctions which would result in the loss of National Highway System apportionment
2 or other federal funds should such ~~penalties~~ fines for multiple violations not be
3 provided.

4 §389. ~~Weights and standards police; enforcement procedure; payment and~~
5 ~~collection procedures; administrative review~~ Enforcement and collection
6 procedures

7 A. ~~The weights and standards police force and the state police shall have~~
8 ~~concurrent~~ Any law enforcement officer shall have authority to enforce the
9 provisions of R.S. 32:380 through 388.1 and ~~R.S. 32:390~~.

10 B.(1) Any ~~weights and standards police officer~~ law enforcement officer
11 having reason to believe that any vehicle or combination of vehicles exceeds or is in
12 violation of the provisions of R.S. 32:380 through ~~R.S. 32:386~~ or R.S. 32:388.1
13 through ~~R.S. 32:390~~, or the terms and conditions of a special permit issued under
14 R.S. 32:387 or regulations of either the Department of Transportation and
15 Development or the Department of Public Safety and Correction, public safety
16 services, adopted pursuant to this Part, is authorized to stop such vehicle or
17 combination of vehicles and to inspect, measure, or weigh such vehicle, either by
18 means of portable or stationary scales, or to require that such vehicle be driven to the
19 nearest available location equipped with facilities to inspect, measure, or weigh such
20 vehicle.

21 ~~(1)~~ (2) Any ~~state policeman~~ law enforcement officer having reason to believe
22 that any vehicle or combination of vehicles exceeds or is in violation of the
23 provisions of R.S. 32:380 through ~~R.S. 32:386~~ or ~~R.S. 32:388.1~~ through ~~R.S. 32:390~~,
24 or the terms and conditions of a special permit issued under R.S. 32:387 or
25 regulations adopted pursuant to this Part is authorized to stop such vehicle or
26 combination of vehicles and to inspect or measure such vehicle or to require that
27 such vehicle be driven to the nearest available location equipped with facilities to
28 inspect or measure such vehicle, provided that any state policeman having reason to
29 believe that any vehicle or combination of vehicles exceeds or is in violation of the

1 provisions of R.S. 32:386, any overweight special permit as provided in R.S. 32:387,
2 or the regulations adopted pursuant thereto, may escort such vehicle to the nearest
3 permanent or portable scale operated by the weights and standards police force,
4 where a weights and standards police officer shall weigh such vehicle and if such
5 vehicle is overweight, is in violation of an overweight special permit, or the
6 department's or secretary's regulations adopted pursuant thereto, shall issue a
7 violation ticket ~~in accordance with Subsection C of this Section.~~

8 C.~~(1) Whenever any carrier, common carrier, contract carrier, private carrier,~~
9 ~~transport vehicle, or driver is found in violation of any provision of this Chapter, the~~
10 ~~commissioner shall send the responsible party a "Notice of Violation, Proposed~~
11 ~~Finding and Proposed Civil Penalty", hereafter referred to as a "notice of violation",~~
12 ~~within thirty calendar days of the violation. A citation issued pursuant to R.S.~~
13 ~~32:380 through 388.1 and R.S. 32:390, or any regulation adopted thereto, shall be~~
14 ~~disposed of in accordance with R.S. 32:398.2.~~

15 ~~(2)(a) Each notice of violation shall clearly indicate if a monetary penalty is~~
16 ~~assessed for the violation or if the notice of violation is only a warning. When a~~
17 ~~monetary penalty is assessed, each notice of violation shall be sent to the responsible~~
18 ~~party by certificate of mailing. Such notice of violation shall also contain notice that~~
19 ~~the responsible party shall have forty-five calendar days from the date of issuance~~
20 ~~of the notice of violation to either pay the monetary penalty for the violation or to~~
21 ~~request, in writing, an administrative hearing to review the notice of violation. When~~
22 ~~the amount of the civil penalty is negotiated between the commissioner and the~~
23 ~~responsible party, the commissioner shall send written notification to the responsible~~
24 ~~party of the amount of the negotiated civil penalty within thirty calendar days of the~~
25 ~~date of the final negotiation. Such payment shall be made by certified check, money~~
26 ~~order, or credit card. If made by credit card, the payment shall be deemed received~~
27 ~~by the commissioner when tendered and an approval code is obtained from the credit~~
28 ~~card company or credit card processor.~~

1 ~~(b) The commissioner shall adopt rules and regulations in accordance with~~
2 ~~the Administrative Procedure Act, subject to oversight by the House and Senate~~
3 ~~committees on transportation, highways and public works as are necessary regarding~~
4 ~~the administrative hearing, including but not limited to rules and regulations~~
5 ~~regarding notification and the procedure for requesting a hearing provided such rules~~
6 ~~shall not conflict with the provisions of R.S. 32:388.1.~~

7 ~~(3) If the commissioner fails to issue the notice of violation to the~~
8 ~~responsible party within thirty calendar days of the violation in accordance with the~~
9 ~~provisions of this Section, the violation shall be dismissed. However, the~~
10 ~~commissioner shall be granted an additional sixty calendar days to send the~~
11 ~~responsible party a notice of violation in accordance with the provisions of this~~
12 ~~Section if he experiences a data system failure caused by either an act of God or an~~
13 ~~intentional act of sabotage.~~

14 ~~(4) Any appeal of the findings of the administrative law judge shall be filed~~
15 ~~in a state district court with proper venue over the matter.~~

16 ~~D.(1) If a carrier is determined to be the responsible party for a notice of~~
17 ~~violation by the commissioner and, if such carrier fails to pay the assessed penalty~~
18 ~~within forty-five calendar days of issuance of the notice of violation, or in the case~~
19 ~~of an administrative hearing, the responsible party fails to pay the assessed fine~~
20 ~~within thirty calendar days of receiving a notice of final judgment from the~~
21 ~~administrative law judge, the outstanding penalty amount shall be posted on the~~
22 ~~commissioner's official web site. The outstanding penalty amount for such~~
23 ~~responsible party shall continue to appear on the web site until all fines and fees are~~
24 ~~paid in full. The commissioner shall transmit the vehicle identification number of~~
25 ~~the offending vehicle for which the notice of violation was written to the office of~~
26 ~~motor vehicles. The office of motor vehicles shall not renew the registration of the~~
27 ~~offending vehicle until all fines and fees associated with the notice of violation have~~
28 ~~been paid in full. Within seven calendar days of receiving documentation from the~~
29 ~~responsible party that all fines and fees have been paid in full, the commissioner~~

1 shall remove the posting of the notice of violation from his web site. Additionally,
2 upon payment of all fines and fees associated with the notice of violation, the office
3 of motor vehicles shall immediately authorize renewal of the vehicle's registration.
4 Such payment shall be made by certified check, money order, or credit card. If made
5 by credit card, the payment shall be deemed received by the commissioner when
6 tendered and an approval code is obtained from the credit card company or credit
7 card processor.

8 (2) If the driver of a motor vehicle is found to be the responsible party for
9 a notice of violation by the commissioner, the driver shall be responsible for the
10 payment of all fines and fees associated with issuance of the notice of violation.
11 Such payment shall be made by certified check, money order, or credit card. If made
12 by credit card, the payment shall be deemed received by the commissioner when
13 tendered and an approval code is obtained from the credit card company or credit
14 card processor. If the commissioner fails to receive payment within forty-five
15 calendar days of issuance of the notice of violation, or in the case of an
16 administrative hearing, the responsible party fails to pay the assessed penalty within
17 thirty calendar days of receiving a notice of final judgment from the administrative
18 law judge, the commissioner shall transmit the driver's license number to the office
19 of motor vehicles. Upon receipt of the driver's license number, the office of motor
20 vehicles shall immediately notify the driver, by first class mail, that his driver's
21 license shall be suspended thirty calendar days after the date of mailing the notice
22 unless all fines and fees associated with the notice of violation or final judgment
23 from the administrative law judge are paid in full together with notice of the
24 imposition of a fifty-dollar fee by the office of motor vehicles to cover its
25 administrative costs. The driver's license shall remain suspended until all fines and
26 fees associated with the notice of violation or final judgment from the administrative
27 law judge and the fifty-dollar fee for the office of motor vehicles are paid in full.
28 Upon payment of all fines and fees, the office of motor vehicles shall immediately
29 authorize the reinstatement of the driver's license.

1 ~~(3) Motor carriers shall not be responsible for driver violations.~~

2 E: (1) ~~The commissioner and any law enforcement officer working for the~~
3 ~~commissioner~~ Law enforcement officers shall be prohibited from seizing a motor
4 vehicle or the registration license plate of a motor vehicle for failing to pay a fine for
5 ~~a notice of violation.~~

6 (2) In the event a motor vehicle for which a ~~notice of violation~~ citation has
7 been issued is subsequently sold, the new owner of such vehicle shall not be
8 responsible for any outstanding fines or fees associated with ~~a notice of violation~~ the
9 citation. The new owner of the motor vehicle shall present proper documentation ~~to~~
10 ~~the commissioner~~ evidencing the lawful transfer of ownership.

11 F. ~~During a state of emergency declared by the governor, the commissioner~~
12 ~~shall be granted an additional sixty calendar days to send the responsible party a~~
13 ~~notice of violation in accordance with the provisions of this Section. Such extension~~
14 ~~of time shall terminate not later than sixty days from the date the state of emergency~~
15 ~~ends.~~

16 G. ~~Notwithstanding the provisions of this Section, any member of the armed~~
17 ~~forces, who is in uniform or presents an order for duty and who is operating a~~
18 ~~military vehicle in the line of duty in violation of any provision of R.S. 32:380~~
19 ~~through R.S. 32:387, or any regulation adopted pursuant thereto, shall not be~~
20 ~~required to pay the penalty assessed, nor shall such member be required to surrender~~
21 ~~his Louisiana driver's license. However, the owner of the vehicle or the federal~~
22 ~~government shall pay the penalty within thirty days.~~

23 H. ~~The failure of any vehicle or combination of vehicles to stop at a weigh~~
24 ~~facility may be excused if stopping the vehicle or combination of vehicles creates a~~
25 ~~serious traffic hazard. The commissioner shall promulgate rules under the provisions~~
26 ~~of the Administrative Procedure Act to implement the provisions of this Subsection.~~
27 ~~Such rules shall define "serious traffic hazard" and shall authorize the use of green~~
28 ~~traffic signal lights to allow vehicles to pass the weigh facility at such times as~~
29 ~~vehicles have accumulated on the entrance ramp to the weigh facility to the extent~~

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

Present law provides that violations of laws, rules, or regulations pertaining to the size, width, or load of a vehicle or any special permit issued to a vehicle or load shall be a civil violation issued by a state policeman or weights and standards officer.

Proposed law provides violations of laws, rules, or regulations pertaining to the size, width, or load of a vehicle or any special permit issued to a vehicle or load shall be a traffic violation issued by any law enforcement officer.

Present law provides that violations of laws, rules, or regulations pertaining to the size, width, or load of a vehicle or any special permit issued to a vehicle or load shall be issued a notice of violation with a civil penalty being assessed by the deputy secretary of DPS&C, public safety services, subject to review in an administrative hearing by an administrative law judge. Any decision by an administrative law judge can be appealed in a state district court with proper venue over the matter.

Proposed law provides that violations of laws, rules, or regulations pertaining to the size, width, or load of a vehicle or any special permit issued to a vehicle or load shall be disposed of as any other traffic ticket.

Present law provides that violations of laws, rules, or regulations pertaining to the size, width, or load of a vehicle or any special permit issued to a vehicle or load shall be issued a notice of violation with a civil penalty being assessed by the deputy secretary of DPS&C, public safety services.

Proposed law provides that violations of laws, rules, or regulations pertaining to the size, width, or load of a vehicle or any special permit issued to a vehicle or load shall be issued a traffic ticket and fine by a court of law.

Present law provides that payments for penalties imposed by DPS&C, public safety services, shall be remitted to the Transportation Trust Fund. However, any payments for citations for weight limit violations on parish roads in a parish shall be paid to the public works department of said parish.

Proposed law provides that the disposition of fines collected for violations of laws, rules, or regulations pertaining to the size, width, or load of a vehicle or any special permit issued to a vehicle or load shall be made as follows:

- (1) An amount equal to 20% of total fines and penalties received each month shall be deposited into the treasury of the parish in which the violation occurred for deposit into the Criminal Court Fund for that particular parish to pay for all costs of issuance and prosecution the alleged violations of R.S. 32:380 through 388.1 and 390, or any regulation adopted thereto.
- (2) All monies remaining after satisfying the requirements of proposed law shall be transmitted to the state treasurer, who shall deposit such monies are necessary for the requirements of the Bond Security and Redemption Fund, and thereafter deposit all remaining monies into the Transportation Trust Fund for distribution to the state police for traffic control purposes.

Proposed law provides that provisions of proposed law shall not apply to the disposition of a notice of violation issued prior to Jan. 1, 2013, and shall only apply to violations occurring on or after Jan. 1, 2013.

(Amends R.S. 32:387.6(4), 387.7(A)(4), 387.9(4), 387.16(B), 387.19(A), 388(A)(1), (3), and (4), (B)(1), (2), and (4)(a), (C), (D), (E), and (F), 388.1, 389, and 392(A)(1); Repeals R.S. 32:388(G))