

2016 Regular Session

SENATE BILL NO. 113

BY SENATOR CORTEZ

MOTOR CARRIERS. Provides relative to transporters of hazardous materials. (8/1/16)

1 AN ACT

2 To amend and reenact R.S. 32:1512(B) and to enact R.S. 32:1512(E) and 1520(C), relative  
3 to the transportation of hazardous substances; to authorize consideration of  
4 measurable harm in the assessment of civil penalties; to prohibit the imposition of  
5 a civil penalty on a person who transports hazardous materials in certain  
6 circumstances; to prohibit the issuance of a citation for careless handling of  
7 hazardous materials in certain circumstances; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 32:1512(B) is hereby amended and reenacted and R.S. 32:1512(E)  
10 and 1520(C) are hereby enacted to read as follows:

11 §1512. Civil penalties; assessment

12 \* \* \*

13 B. In determining the amount of the penalty, the secretary shall take into  
14 account the nature, circumstances, extent, and gravity of the violation; the degree of  
15 culpability of the person charged; the person's history of previous offenses and  
16 ability to pay; the effect of the penalty on the person's ability to continue to operate;  
17 **the amount of measurable harm, the potential for measurable harm, or the total**



- (4) The effect of the penalty on the person's ability to continue to operate.
- (5) Any other matters that justice requires.

Proposed law retains present law and adds as a consideration by the secretary in determining the amount of the civil penalty the amount of measurable harm, the potential for measurable harm or total lack of harm resulting from the violation.

Proposed law also adds that the secretary shall not subject a person to a civil penalty when that person or his representative reports a release of a hazardous material that is not of a reportable quantity.

Present law provides that any person who offers or accepts for transportation, loads or unloads, or transports a hazardous material or hazardous waste in a careless or imprudent manner without regard for the hazards of the material or the circumstances of such actions shall be guilty of careless handling.

Proposed law retains present law and provides that a person shall not be cited for violating present law (careless handling) when that person or his representative reports a release of a hazardous material that is not of a reportable quantity.

Effective August 1, 2016.

(Amends R.S. 32:1512(B); adds R.S. 32:1512(E) and 1520(C))