

Regular Session, 2013

SENATE BILL NO. 132

BY SENATOR MORRISH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MOTOR CARRIERS. Provides for certificates or permits to non-hazardous oilfield waste motor carriers and the allocation of fees paid by motor carriers. (7/1/13)

AN ACT

To amend and reenact R.S. 45:162(12), 164(C), and 1177(A)(1), (B), and (C) and to enact R.S. 45:1177(A)(6), relative to motor carriers; to provide for definitions; to provide for issuance of certain certificates or permits to non-hazardous oilfield waste motor carriers; to provide for collection of and exemption from the collection of inspection and supervision fees and the allocation of these fees into the Utility Inspection and Supervision Fund and the Motor Carrier Inspection Fund; to create the special funds and provide for the use of monies in each fund; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 45:162(12), 164(C), and 1177(A)(1), (B), and (C) are hereby amended and reenacted and R.S. 45:1177(A)(6) is hereby enacted to read as follows:

§162. Definitions

The following words and phrases when used in this Chapter shall have the meanings ascribed to them in this Section except where a different meaning is expressly stated or clearly indicated by the context.

\* \* \*

(12) "Motor carriers" include both a common carrier by motor vehicle and

1 contract carrier by motor vehicle, which transport household goods, passengers,  
 2 waste intrastate, or any other classification of carriers created by law which  
 3 transports household goods, passengers, or waste intrastate for compensation or hire.  
 4 "Motor carriers" shall include tow trucks. "Motor carriers" shall not include contract  
 5 carriers by bus; however, for purposes of R.S. 45:173 and 1177 only, a contract  
 6 carrier by bus shall be considered a "motor carrier" subject to the control and  
 7 jurisdiction of the Louisiana Public Service Commission. **"Motor carriers" shall**  
 8 **not include any person engaged in the business of transporting non-hazardous**  
 9 **oilfield waste for purposes of R.S. 45:1177 only.**

10 \* \* \*

11 §164. Common carrier's certificate; contract carrier's permit

12 \* \* \*

13 C. Wrecker and towing services, passenger carrying vehicles, household  
 14 goods movers, and motor carriers **of non-hazardous oilfield waste or** of salt water  
 15 utilized in oil well exploration and production shall not be required to prove public  
 16 convenience and necessity when applying for a common carrier certificate or  
 17 contract carrier permit.

18 \* \* \*

19 §1177. Inspection and supervision fees; Utility ~~and Carrier~~ Inspection and  
 20 Supervision Fund; **Motor Carrier Inspection Fund**

21 A.(1) Each motor carrier as defined in R.S. 45:162(~~10~~) and public utility  
 22 doing business in Louisiana and subject to control and jurisdiction of the commission  
 23 shall pay to the state a fee for the inspection, control, and supervision of the business  
 24 service and rates of such common carrier and public utility, in addition to any and  
 25 all property, franchise, license, and other taxes, and fees and charges now or  
 26 hereafter fixed, assessed, or charged by law against such common carrier and public  
 27 utility. The amount of the fees shall be measured by the gross receipts of each public  
 28 utility from its Louisiana intrastate business. The amount of the fees for each motor  
 29 carrier as defined in R.S. 45:162(~~10~~) shall be measured by the gross receipts of such

1 carrier derived from those activities that are subject to the control and jurisdiction of  
2 the commission.

3 \* \* \*

4 **(6) The term "motor carrier" shall not be construed to include any**  
5 **person engaged in the business of transporting non-hazardous oilfield waste for**  
6 **purposes of this Section only.**

7 B. Funds received by the Department of Revenue in the form of inspection  
8 and supervision fees authorized in Subsection A shall be deposited immediately upon  
9 receipt into the state treasury.

10 **(1) After compliance with the requirements of Article VII, Section 9(B) of**  
11 **the Constitution of Louisiana relative to the Bond Security and Redemption Fund,**  
12 **and prior to monies collected on a public utility being placed in the state general**  
13 **fund, an amount equal to that deposited as required by this Subsection shall be**  
14 **credited to a special fund hereby created in the state treasury to be known as the**  
15 **"Utility and Carrier Inspection and Supervision Fund". The monies in this fund shall**  
16 **be used solely for the expenses of the operations of the commission, and only in the**  
17 **amounts appropriated by the legislature.**

18 **(2) After compliance with the requirements of Article VII, Section 9(B)**  
19 **of the Constitution of Louisiana relative to the Bond Security and Redemption**  
20 **Fund, and prior to monies collected on a motor carrier being placed in the state**  
21 **general fund, an amount equal to that deposited as required by this Subsection**  
22 **shall be credited to a special fund hereby created in the state treasury to be**  
23 **known as the "Motor Carrier Inspection Fund". The monies in this fund shall**  
24 **be used solely for the expenses of the operations of the Motor Carrier Safety**  
25 **Assistance Program, within the office of state police, Department of Public**  
26 **Safety and Corrections, and only in the amounts appropriated by the**  
27 **legislature.**

28 C. **(1) If the amounts contained in the Utility Inspection and Supervision**  
29 **Fund fund** provided for in this Section are in excess of that necessary to fund the

1 operations of the commission, then that excess shall be retained in such funds subject  
 2 to the requirements of Article VII, Section 9(B) of the Constitution of Louisiana  
 3 relative to the Bond Security and Redemption Fund and shall be subject to  
 4 appropriations by the legislature in subsequent years. In the event the Utility ~~and~~  
 5 ~~Carrier~~ Inspection and Supervision Fund ceases to exist for the purpose of its  
 6 creation, the assessments therefor likewise shall cease to exist.

7 **(2) If the amounts contained in the Motor Carrier Inspection Fund**  
 8 **provided for in this Section are in excess of that necessary to fund the**  
 9 **operations of the Motor Carrier Safety Assistance Program, then that excess**  
 10 **shall be retained in such fund subject to the requirements of Article VII, Section**  
 11 **9(B) of the Constitution of Louisiana relative to the Bond Security and**  
 12 **Redemption Fund and shall be subject to appropriations by the legislature in**  
 13 **subsequent years. In the event the Motor Carrier Inspection Fund ceases to**  
 14 **exist for the purpose of its creation, the assessments therefor likewise shall cease**  
 15 **to exist.**

16 \* \* \*

17 Section 2. This Act shall become effective on July 1, 2013.

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The original instrument and the following digest, which constitutes no part  
 of the legislative instrument, were prepared by Sharon F. Lyles.

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#### DIGEST

Present law defines term motor carriers to include both common carriers by motor vehicle and contract carrier by motor vehicle, which transport household goods, passengers, waste intrastate, or any other classification of carriers created by law which transports household goods, passengers, or waste intrastate for compensation or hire; further includes tow trucks; further excludes contract carriers by bus except for purposes of R.S. 45:173 and 1177, only contract carriers by bus are subject to the control and jurisdiction of the Louisiana Public Service Commission (PSC).

Present law requires motor carriers of household goods, waste, or passengers to prove public convenience and necessity in order to obtain permission from the PSC to operate as a common carrier or contract carrier.

Present law exempts wreckers and towing services, limousine services, and motor carriers of saltwater utilized in oil well exploration and production from the requirement to prove public convenience and necessity in order to obtain permission from the PSC to operate as a common carrier or contract carrier.

Proposed law retains present law and exempts motor carriers of non-hazardous oilfield waste

from proving public convenience and necessity.

Present law requires each motor carrier and public utility, doing business in Louisiana and subject to the control of the PSC, to pay a fee for the inspection, control, and supervision of business services and rates in addition to property, franchise, license, and other taxes, and fees and charges assessed against a motor carrier and public utility; further, provides that fees for motor carriers be measured by gross receipts of motor carriers derived from activities subject to control and jurisdiction of PSC.

Proposed law retains present law and exempts motor carriers of non-hazardous oilfield waste from payment of the inspection, control, and supervision fee to PSC.

Present law provides for deposit of inspection and supervision fees into the state treasury and after compliance with the requirements of Article VII, Section 9(B) of Louisiana Constitution relative to the Bond Security and Redemption Fund, and prior to the monies from fees being deposited into the state general fund, requires an amount equal to the fees deposited be credited to a special fund in state treasury known as "Utility and Carrier Inspection and Supervision Fund"; further, provides that monies in "Utility and Carrier Inspection and Supervision Fund" be used solely for expenses to operate the PSC, subject to appropriation by the legislature; further provides that should the fund cease to exist for purposes of its creation, the fees assessed cease.

Proposed law retains present law and reallocates deposit of inspection and supervision fees collected on public utilities to a special fund known as "Utility Inspection and Supervision Fund" and monies collected on motor carriers to special fund known as "Motor Carrier Inspection Fund". Further, provides that monies deposited in "Utility Inspection and Supervision Fund" be used solely for expenses to operate the PSC and monies deposited in "Motor Carrier Inspection Fund" be used solely for expenses to operate the Motor Carrier Safety Assistance Program in the office of state police, Department of Public Safety and Correction; further requires that monies in both funds are subject to appropriation by the legislature.

Effective July 1, 2013.

(R.S. 45:162(12), 164(C), and 1177(A)(1), (B), and (C); adds R.S. 45:1177(A)(6))