

Regular Session, 2010

SENATE BILL NO. 480

BY SENATOR RISER

MOTOR VEHICLES. Authorizes DPSC to revoke "H" or "X" hazardous materials endorsements on a commercial driver's license for a person convicted or adjudicated for reckless handling on a second or subsequent violation. (8/15/10)

1 AN ACT

2 To amend and reenact R.S. 32:1518(A) and to enact R.S. 32:1518(C), relative to hazardous
3 materials transportation and motor carrier safety; to provide relative to revocation of
4 hazardous materials endorsements on a commercial driver's license; and to provide
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 32:1518(A) is hereby amended and reenacted and R.S. 32:1518(C)
8 is hereby enacted to read as follows:

9 §1518. Reckless handling of hazardous material

10 A. No person shall offer or accept for transportation, load or unload, or
11 transport a hazardous waste or hazardous material as defined in R.S. 32:1502, in a
12 **criminally negligent or reckless** manner that ~~endangers or~~ could endanger human
13 life or health.

14 * * *

15 **C.(1) The department may revoke the "H"- hazardous materials**
16 **endorsement issued pursuant to the provisions of R.S. 32:408(B)(3)(d) or the**
17 **"X"- combination tank vehicle and hazardous materials endorsement issued**

1 pursuant to the provisions of R.S. 32:408(B)(3)(e), or both, on the commercial
 2 driver's license of any person upon a final judgment of conviction or assessment
 3 of a civil penalty for a second or subsequent violation of this Section, if the
 4 material transported when the violation occurred met the definition of an
 5 extremely hazardous substance (EHS), as defined in R.S. 30:2363(5).

6 (2) The department may consider any prior final judgment of conviction
 7 or assessment of civil penalty under this Section to determine whether or not to
 8 revoke an "H" or "X" endorsement on a commercial driver's license.

The original instrument was prepared by Sharon F. Lyles. The following digest, which does not constitute a part of the legislative instrument, was prepared by Riley Boudreaux.

DIGEST

Riser (SB 480)

Present law prohibits a person from offering or accepting for transportation, load or unload, or transport, a hazardous waste or hazardous material defined in R.S. 32:1502, in a manner that endangers or could endanger human life or health.

Present law provides that any person who willfully violates this Section shall, upon conviction, be guilty of a felony and be fined or imprisoned pursuant to R.S. 32:1514(B) or may be subject to a civil penalty pursuant to R.S. 32:1512(A).

Proposed law changes present law to require transportation of hazardous waste or hazardous material in a criminally negligent or reckless manner that could endanger.

Proposed law authorizes the DPS&C to revoke "H"- hazardous material or "X"-combination tank vehicle and hazardous materials endorsement, or both, on a commercial driver's license of any person upon conviction or assessment of civil penalty for a second or subsequent offense for reckless handling of hazardous materials where the material transported meets the definition of extremely hazardous substance(EHS), as defined in R.S. 30:2363(5).

Proposed law authorizes the DPS&C to consider any prior final judgment of conviction or assessment of civil penalty in determining whether or not to revoke such "H" or "X" endorsements on commercial driver's license.

Effective August 15, 2010.

(Amends R.S. 32:1518(A); adds R.S. 32:1518(C))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Transportation, Highways, and Public Works to the original bill.

1. Changes R.S. 32:1518(A) to require transportation of hazardous waste or hazardous material in a criminally negligent or reckless manner that could endanger human life or health in order for a violation to occur.

2. Authorizes DPS&C to consider any prior final judgment of conviction or assessment of civil penalty for a violation of reckless handling of hazardous material to determine whether or not to revoke "H" or "X" endorsements on commercial driver's license.