

Regular Session, 2006  
HOUSE BILL NO. 1204

# ACT No. 841

BY REPRESENTATIVES QUEZAIRE AND ALARIO AND SENATORS ELLINGTON  
AND HEITMEIER

1 AN ACT

2 To amend and reenact R.S. 32:389(C)(3), to enact R.S. 32:1525, and to repeal R.S.  
3 32:1513(A), relative to motor carrier violations; to implement a procedure for the  
4 review of motor carrier violations; to provide relative to the assessment of penalties  
5 and collection of fines for violations; to provide relative to notification of violations  
6 to motor carriers and owners of motor vehicles; to provide relative to the  
7 administrative review of such violations; to authorize the posting of certain  
8 violations on the office of state police web site; to authorize the suspension of  
9 registration and commercial driver's license renewals under certain circumstances;  
10 to authorize the promulgation of rules and regulations; to prohibit the seizure of  
11 certain motor vehicles; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 32:389(C)(3) is hereby amended and reenacted and R.S. 32:1525 is  
14 hereby enacted to read as follows:

15 §389. Weights and standards police; enforcement procedure; payment and  
16 collection procedures; administrative review

17 \* \* \*

18 C.

19 \* \* \*

20 (3)(a) ~~Upon passage of sixty days without receipt of payment of the penalty~~  
21 ~~or receipt of a request for an agency review by a driver who is a resident of~~  
22 ~~Louisiana or who has a domicile in Louisiana, the Department of Transportation and~~  
23 ~~Development may order that the driver's license of the operator of the vehicle issued~~

1 ~~the violation ticket be suspended or renewal or reissuance of the driver's license be~~  
2 ~~denied, or both. Upon receipt of the payment of the penalty, the Department of~~  
3 ~~Transportation and Development shall direct that the driver's license of the operator~~  
4 ~~of the vehicle be reinstated. If a driver of a motor vehicle who is a resident of~~  
5 ~~Louisiana or who has a domicile in Louisiana is determined to be the responsible~~  
6 ~~party for the violation ticket by the Department of Transportation and Development~~  
7 ~~or the office of state police, the driver shall be responsible for the payment of all~~  
8 ~~finances and fees associated with issuance of the violation ticket. If the department or~~  
9 ~~the office of state police fails to receive payment of the violation ticket within sixty~~  
10 ~~calendar days of issuance of the violation ticket or within sixty calendar days of~~  
11 ~~receiving a notice of final judgment from the agency or administrative review, the~~  
12 ~~department or the office of state police shall transmit the driver's license number to~~  
13 ~~the office of motor vehicles. Upon receipt of the driver's license number, the office~~  
14 ~~of motor vehicles shall immediately notify the driver, by first class mail, that his~~  
15 ~~driver's license shall be suspended thirty calendar days after the date of mailing the~~  
16 ~~notice unless all fines and fees associated with the violation ticket are paid in full~~  
17 ~~together with notice of the imposition of a fifty-dollar fee by the office of motor~~  
18 ~~vehicles to cover its administrative costs. Upon payment of all fines and fees~~  
19 ~~associated with the violation ticket, the office of motor vehicles shall immediately~~  
20 ~~authorize the reinstatement of the driver's license.~~

21 (b) If a motor carrier is determined by the Department of Transportation and  
22 Development or the office of state police to be the responsible party for a violation  
23 ticket, and if such party fails to pay the assessed penalty within sixty calendar days  
24 of receiving the violation ticket or within sixty calendar days of receiving a notice  
25 of final judgment from the agency or administrative review, the department or the  
26 office of state police shall transmit the vehicle identification number of the offending  
27 vehicle for which the violation ticket was issued to the office of motor vehicles. The  
28 office of motor vehicles shall not renew the registration of the offending vehicle until  
29 all fines and fees associated with the violation ticket are paid in full. Upon payment  
30 of all fines and fees associated with the violation ticket, the office of motor vehicles



1 Committees on Transportation, Highways and Public Works as are necessary  
2 regarding the administrative hearing, including but not limited to rules and  
3 regulations regarding notification and procedure for requesting a hearing.

4 (3) If the Department of Public Safety and Corrections, office of state police,  
5 fails to issue the notice of violation to the responsible party within thirty calendar  
6 days of the violation in accordance with the provisions of this Section, the violation  
7 shall be dismissed. However, the office of state police shall be granted an additional  
8 sixty calendar days to send the responsible party a notice of violation in accordance  
9 with the provisions of this Section if the office of state police experiences a data  
10 system failure caused by either an act of God or an intentional act of sabotage.

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

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

1           (2) If the driver of a motor vehicle is found to be the responsible party for  
2           a notice of violation by the office of state police, the driver shall be responsible for  
3           the payment of all fines and fees associated with issuance of the notice of violation.  
4           If the office of state police fails to receive payment within forty-five calendar days  
5           of issuance of the notice of violation, or in the case of an administrative hearing, the  
6           responsible party fails to pay the assessed penalty within thirty calendar days of  
7           receiving a notice of final judgment from the administrative law judge, the office of  
8           state police shall transmit the driver's license number to the office of motor vehicles.  
9           Upon receipt of the driver's license number, the office of motor vehicles shall  
10           immediately notify the driver, by first class mail, that his driver's license shall be  
11           suspended thirty calendar days after the date of mailing the notice unless all fines  
12           and fees associated with the notice of violation or final judgment from the  
13           administrative law judge are paid in full together with notice of the imposition of a  
14           fifty-dollar fee by the office of motor vehicles to cover its administrative costs. The  
15           driver's license shall remain suspended until all fines and fees associated with the  
16           notice of violation or final judgment from the administrative law judge and the fifty-  
17           dollar fee for the office of motor vehicles are paid in full. Upon payment of all fines  
18           and fees, the office of motor vehicles shall immediately authorize the reinstatement  
19           of the driver's license.

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

21           C.(1) The office of state police and any law enforcement officer working for  
22           such office shall be prohibited from seizing a motor vehicle or the registration  
23           license plate of a motor vehicle for failing to pay a fine for a notice of violation.

24           (2) In the event a motor vehicle for which a notice of violation has been  
25           issued is subsequently sold, the new owner of such vehicle shall not be responsible  
26           for any outstanding fines or fees associated with a notice of violation. The new  
27           owner of the motor vehicle shall present proper documentation to the office of state  
28           police evidencing the lawful transfer of ownership.

29           D. During a gubernatorially declared state of emergency, the office of state  
30           police shall be granted an additional sixty calendar days to send the responsible party

1            a notice of violation in accordance with the provisions of Subsection A of this  
 2            Section. The extension of time granted in this Subsection shall terminate once the  
 3            state of emergency ends.

4            Section 2. R.S. 32:1513(A) is hereby repealed in its entirety.

5            Section 3. This Act shall become effective on January 1, 2007.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_