

Regular Session, 2005

HOUSE BILL NO. 568

BY REPRESENTATIVE GREENE

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

MTR VEHICLE/INSPECTION: Repeals the fees and requirements for obtaining vehicle safety inspection certificates on motor vehicles, trailers, semitrailers, and pole trailers registered in this state

1 AN ACT

2 To amend and reenact R.S. 32:862(C) and (G)(1), 863(A)(2), and 1301 and R.S. 47:301(17)
3 and to repeal R.S. 32:53(D), 412.1(A)(3)(h), 1302, 1303, 1304(A)(1), (2), and (4)
4 and (B) through (G), and 1305(D), R.S. 40:1235.1(B)(3) and 2266.1(B)(2)(a), R.S.
5 47:802.3(G), and R.S. 51:911.29, relative to motor vehicle safety inspections; to
6 repeal the requirements for such inspections and to repeal all provisions pertaining
7 to such inspections, including fees and sanctions or penalties for failure of
8 compliance; to provide for an effective date; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 32:862(C) and (G)(1), 863(A)(2), and 1301 are hereby amended and
11 reenacted to read as follows:

12 §862. Proof of compliance

13 * * *

14 C. Each person who applies for the registration of a motor vehicle or who
15 applies for the renewal of a registration of a motor vehicle, ~~or who applies for a~~
16 ~~motor vehicle inspection certificate~~ shall provide proof of compliance and shall
17 declare in writing that the applicant will remain in compliance during the time for
18 which the registration, or the renewal of registration, ~~or the certificate~~ is issued.

19 * * *

1 G. The prohibited actions and penalties for violations thereof are as follows:

2 (1) No person shall provide false or fraudulent information or documents or
3 make false or fraudulent representations in connection with any application for the
4 registration of a motor vehicle, ~~or~~ for a renewal of a registration of a motor vehicle,
5 ~~or for a motor vehicle inspection certificate,~~ or for a driver's license.

6 * * *

7 §863. Sanctions for false declaration; revocation; suspension of driving privileges;
8 review

9 A.

10 * * *

11 (2) Should the secretary determine that any person, whether in his
12 application for registration of a motor vehicle or ~~in his application for a motor~~
13 ~~vehicle inspection~~ or otherwise, has submitted false information that the motor
14 vehicle was covered by the security required by Section 861 of this Part, the
15 secretary shall impose upon the owner or owner's lessee the sanctions set forth in
16 ~~Subsection A~~ Paragraph A(1), but for a longer minimum period, as set forth
17 hereinafter.

18 * * *

19 §1301. Vehicles without required equipment or in unsafe condition

20 No person shall drive or move on any highway any motor vehicle, low-speed
21 vehicle as defined in R.S. 32:1(40), trailer, semitrailer, or pole trailer, or any
22 combination thereof, unless the equipment upon any such vehicle is in good working
23 order and adjustment as required in this Chapter and said vehicle is in such safe
24 mechanical condition as not to endanger the driver or other occupant or any person
25 upon the highway. ~~Every motor vehicle, low-speed vehicle, trailer, semitrailer, and~~
26 ~~pole trailer registered in this state shall bear a valid safety inspection certificate~~
27 ~~issued in the state of Louisiana, except as otherwise provided by R.S. 32:1305(G).~~

1 Section 2. R.S. 47:301(17) is hereby amended and reenacted to read as follows:

2 §301. Definitions

3 As used in this Chapter the following words, terms, and phrases have the
4 meaning ascribed to them in this Section, unless the context clearly indicates a
5 different meaning:

6 * * *

7 (17) "Off-road vehicle" is any vehicle manufactured for off-road use which
8 is issued a manufacturer's statement of origin that cannot be issued a registration
9 certificate and license to operate on the public roads of this state, ~~because at the time~~
10 ~~of manufacture the vehicle does not meet the safety requirements prescribed by R.S.~~
11 ~~32:1301 through R.S. 32:1310.~~ This includes vehicles that are issued a title only by
12 the Vehicle Registration Bureau, Department of Public Safety and Corrections, such
13 as all-terrain vehicles and recreational and sport vehicles, but it does not include off-
14 road vehicles used for farm purposes, farm equipment, or heavy construction
15 equipment.

16 * * *

17 Section 3. R.S. 32:53(D), 412.1(A)(3)(h), 1302, 1303, 1304(A)(1), (2), and (4) and
18 (B) through (G), and 1305(D), R.S. 40:1235.1(B)(3) and 2266.1(B)(2)(a), R.S. 47: 802.3(G),
19 and R.S. 51:911.29 are hereby repealed in their entirety.

20 Section 4. This Act shall take effect and become operative if and when the proposed
21 constitutional amendment of Article VII, Section 5 of the Constitution of Louisiana
22 contained in the Act which originated as House Bill No. _____ of this 2005 Regular
23 Session of the Legislature is adopted at the statewide election to be held on November 7,
24 2006, and becomes effective.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

Greene

HB No.

Abstract: Repeals the fees and requirements of obtaining vehicle safety inspections certificates on motor vehicles, trailers, semitrailers, and pole trailers registered in this state.

Present law requires every motor vehicle, trailer, semitrailer, and pole trailer registered in this state to be inspected at least once every other year, but not more frequently than twice each year.

Proposed law repeals provisions in the law requiring safety inspections at least once every other year, but not more frequently than twice each year, of every motor vehicle, trailer, semitrailer, and pole trailer registered in this state.

Commercial motor vehicles in interstate and intrastate commerce are governed by the provisions of the Periodic Motor Vehicle Inspection requisites contained in the Code of Federal Regulations; therefore, proposed law would not repeal those provisions.

Additionally, proposed law repeals references in other laws regarding such inspections, including fees and sanctions or penalties for failure to comply with the safety inspection provisions.

Present law provides for the implementation of an automobile inspection and maintenance program (I/M) to reduce emissions in parishes and municipalities that have been placed on the nonattainment list for ozone standards and classified as "serious" or worse by EPA. The I/M program consists of an emissions inspection that is in addition to the statewide required vehicle safety inspection. The fee for an emissions inspection is \$8.

Proposed law retains present law.

Effective if and when the constitutional amendment proposed in HB No. _____ of this session is adopted and becomes effective. The proposed constitutional amendment provides for increases in motor vehicle registration fees.

(Amends R.S. 32:862(C) and (G)(1), 863(A)(2), and 1301 and R.S. 47:301(17); Repeals R.S. 32:53(D), 412.1(A)(3)(h), 1302, 1303, 1304(A)(1), (2), and (4) and (B)-(G), and 1305(D), R.S. 40:1235.1(B)(3) and 2266.1(B)(2)(a), R.S. 47:802.3(G), and R.S. 51:911.29)