

Regular Session, 2008
HOUSE BILL NO. 832
BY REPRESENTATIVE HENRY

ACT No. 708

1 AN ACT

2 To amend and reenact R.S. 32:387(J) and to enact R.S. 32:387(H)(1)(c) and (K), relative to
3 permits for transportation of sealed containers; to provide that a permit for a sealed
4 ocean container be issued for the container rather than the transport vehicle; to
5 provide that regulations for vehicles transporting intermodal containers be applicable
6 to all domestic and international trade; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 32:387(J) is hereby amended and reenacted and R.S. 32:387(H)(1)(c)
9 and (K) are hereby enacted to read as follows:

10 §387. Special permits

11 * * *

12 H. Special permit fees.

13 (1)

14 * * *

15 (c) Permits issued to facilitate the movement of sealed ocean containers shall
16 not require the specific identification of the vehicle carrying the permitted container.
17 The permit shall be issued based upon the specific container and seal number.

18 * * *

19 J. Notwithstanding other provisions of this Subpart or other provisions of
20 law to the contrary, vehicles hauling prepackaged products in international trade
21 originating from or destined to an intermodal facility, which are containerized in
22 such a manner as to make subdivision thereof impractical, shall be authorized special
23 container permits. For the purposes of this Subsection, the contents of a sealed
24 container being used in international trade in conjunction with a maritime shipment

1 shall be considered ~~nondivisible~~ indivisible. The special container permits shall be
2 subject to the following provisions:

3 (1)(a) Upon application of the owner or operator of any vehicle transporting
4 intermodal containers, the secretary shall issue a Class I Ocean Container Permit for
5 the transportation of such containers with the gross vehicle weight limitation not to
6 exceed eighty thousand pounds and the axle weight not to exceed forty thousand
7 pounds per tandem axle group. Additionally, provided there are no objections raised
8 by the Federal Highway Administration, any vehicle transporting intermodal
9 containers with an open-top or flat rack with a gross vehicle weight not to exceed
10 eighty thousand pounds and axle weight not to exceed forty thousand pounds per
11 tandem axle group shall be eligible for the Class I Ocean Container Permit. The
12 ~~applicant shall indicate on the application the VIN number of the vehicle for which~~
13 ~~the permit shall be issued~~ permit issued shall not require the specific identification
14 of the vehicle carrying the permitted container. The permit shall be issued based
15 upon the specific container and seal number. The annual fee for the permit shall be
16 fifty dollars per vehicle. ~~If the vehicle for which the permit is issued is no longer~~
17 ~~usable by the owner or operator, the permit may be transferred to a replacement~~
18 ~~vehicle. However, such transfer shall be authorized only one time during the year~~
19 ~~for which the permit is in effect.~~ All fines and penalties assessed against a vehicle
20 hauling containerized prepackaged products in international trade for failing to
21 provide proof to any law enforcement or weight enforcement officer that the cargo
22 originated from or is destined to an intermodal facility shall be waived by the
23 Department of Transportation and Development upon submission to the department
24 of satisfactory proof that the cargo originated from or was destined to an intermodal
25 facility.

26 (b) For the purposes of this permit a vehicle is deemed to be in international
27 trade if the bill of lading contains, but is not limited to, any one of the following
28 references: a port facility, a booking number, a vessel name, a voyage number, a
29 foreign port of discharge, or a steamship line.

1 (2)(a) Upon application of the owner or operator of any vehicle transporting
2 sealed intermodal containers within a fifty-mile radius of a statutorily defined port
3 or harbor district, the secretary shall issue a Class II Ocean Container Permit for the
4 transportation of such containers with the gross vehicle weight limitation not to
5 exceed ninety-five thousand pounds and the axle weight not to exceed twenty
6 thousand pounds per axle provided the rear axle set is in tridem. ~~The applicant shall~~
7 ~~indicate on the application the VIN number of the vehicle for which the permit shall~~
8 ~~be issued~~ permit issued shall not require the specific identification of the vehicle
9 carrying the permitted container. The permit shall be issued based upon the specific
10 container and seal number. The annual fee for the permit shall be five hundred
11 dollars per vehicle. ~~If the vehicle for which the permit is issued is no longer usable~~
12 ~~by the owner or operator, the permit may be transferred to a replacement vehicle.~~
13 ~~However, such transfer shall be authorized only one time during the year for which~~
14 ~~the permit is in effect.~~

15 (b) The provisions of this Paragraph limiting the transportation of sealed
16 intermodal containers within a fifty-mile radius of a statutorily defined port or harbor
17 district shall not apply to vehicles transporting such containers within a fifty-mile
18 radius of the Interstate Ten Twin Span Bridge, until such time as the Interstate Ten
19 Twin Span Bridge is opened to owners or operators of any vehicle transporting
20 sealed intermodal containers.

21 (3)(a) Upon application of the owner or operator of any vehicle transporting
22 a liquid bulk container within a fifty-mile radius of a statutorily defined port or
23 harbor district, the secretary shall issue a Liquid Bulk Container Permit with the
24 gross vehicle weight limitation not to exceed ninety-five thousand pounds and the
25 axle weight not to exceed twenty thousand pounds per axle provided the rear axle set
26 is in tridem. Each vehicle issued such a permit shall be equipped with a standard
27 intermodal drop-frame chassis with twist locks to secure the liquid bulk container on
28 the chassis. The applicant shall indicate on the application the VIN number for the
29 power unit of the vehicle for which the permit shall be issued. The annual fee for the
30 permit shall be two hundred dollars per vehicle. If the vehicle for which the permit

1 is issued is no longer usable by the owner or operator, the permit may be transferred
2 to a replacement vehicle. However, such transfer shall be authorized only one time
3 during the year for which the permit is in effect.

4 (b) The provisions of this Paragraph limiting the transportation of sealed
5 intermodal containers within a fifty-mile radius of a statutorily defined port or harbor
6 district shall not apply to vehicles transporting such containers within a fifty-mile
7 radius of the Interstate Ten Twin Span Bridge, until such time as the Interstate Ten
8 Twin Span Bridge is opened to owners or operators of any vehicle transporting
9 sealed intermodal containers.

10 K. The secretary may promulgate rules and regulations in accordance with
11 the Administrative Procedure Act as are necessary to enforce the provisions of this
12 Section.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____