

Regular Session, 2008
HOUSE BILL NO. 550
BY REPRESENTATIVE HENRY

ACT No. 724

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AN ACT

To amend and reenact R.S. 45:161, 162(2), (5)(a) and (c), (6), (6.1), (7), (10), and (13), 163(A), 164(A) and (E)(1), 167, and 169.1(A)(1) and (C)(1) and (2), to enact R.S. 32:1526, and to repeal R.S. 45:163(D)(3), 163.1, and 194, relative to the Unified Carrier Registration Agreement; to require participation in the Unified Carrier Registration Agreement; to create the Unified Carrier Registration Fund; to give authority to the Department of Public Safety and Corrections; to provide for the deposit of funds into the state treasury; to provide for the use of funds deposited into the state treasury; to provide for the regulation of common carriers operating intrastate; to provide for powers of the Louisiana Public Safety Commission; to provide for definitions; to provide for common carriers' certificates and permits; to provide for the defraying of the cost of regulation; to repeal certain provisions pertaining to the regulation of common carriers; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:1526 is hereby enacted to read as follows:

§1526. Unified Carrier Registration Agreement; enforcement; disposition of money collected; Unified Carrier Registration Agreement Fund

A. Notwithstanding any other law to the contrary, the Department of Public Safety and Corrections shall be the state agency which shall administer and enforce the Unified Carrier Registration Agreement through its office of motor vehicles, office of state police, and such other offices, sections, or divisions as the secretary deems necessary, in accordance with the rules and regulations promulgated by the board of directors of the Unified Carrier Registration Plan, all as provided for in the Unified Carrier Registration Act of 2005, 49 U.S.C. 14504a et seq. The department shall be identified to the secretary of the United States Department of Transportation

1 as the state agency that has the legal authority, resources, and qualified personnel
 2 necessary to administer and enforce such act and such rules and regulations as
 3 provided for in 49 U.S.C. 14504a(e)(1)(A). The secretary, subject to the oversight
 4 of the House and Senate committees on transportation, highways and public works,
 5 shall adopt and promulgate rules and regulations in accordance with the
 6 Administrative Procedure Act necessary to implement the provisions of this Section.

7 B.(1) All revenue collected by or distributed to the department under the
 8 Unified Carrier Registration Agreement shall be deposited upon receipt into the state
 9 treasury. Out of the funds remaining in the Bond Security and Redemption Fund
 10 after a sufficient amount is allocated from that fund to pay all obligations secured by
 11 the full faith and credit of the state that become due and payable during a fiscal year
 12 as provided for in Article VII, Section 9(B) of the Constitution of Louisiana, the
 13 treasurer shall each fiscal year deposit into a special fund hereby created in the state
 14 treasury, to be known as the Unified Carrier Registration Agreement Fund, an
 15 amount equal to the total amount received by the treasurer pursuant to this
 16 Subsection.

17 (2) All unexpended and unencumbered money in the fund at the end of a
 18 fiscal year shall remain in the fund and shall be available for use in the next fiscal
 19 year as provided for in this Subsection. Money in the fund shall be invested as
 20 provided by law, and any interest earned on such investments shall be credited to the
 21 fund after compliance with the provisions of Article VII, Section 9(B) of the
 22 Constitution of Louisiana.

23 (3) The money in the fund shall be used each fiscal year solely and
 24 exclusively by the department, except as provided for in Paragraph (2) of this
 25 Subsection, for motor carrier safety programs, enforcement, or the administration of
 26 the Unified Carrier Registration Plan and the Unified Carrier Registration Agreement
 27 as required by the Unified Carrier Registration Act of 2005.

28 Section 2. R.S. 45:161, 162(2), (5)(a) and (c), (6), (6.1), (7), (10), and (13), 163(A),
 29 164(A) and (E)(1), 167, and 169.1(A)(1) and (C)(1) and (2) are hereby amended and
 30 reenacted to read as follows:

1 §161. Declaration of policy

2 The business of operating motor vehicles intrastate for hire as common or
3 contract carriers of persons or household goods, waste, or any other classification of
4 carriers, other than a contract carrier by bus, created by law for compensation upon
5 the public highways and bridges of this state is a business affected with a public
6 interest.

7 §162. Definitions

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

11 * * *

12 (2) "Certificate" means a certificate of public convenience and necessity
13 issued to intrastate transporters of household goods or waste, which shall not include
14 transporters of salt water utilized in oil well exploration or production, by motor
15 vehicle, and intrastate transporters of passengers by motor vehicle, other than
16 contract carriers by bus, under R.S. 45:161 through 172.

17 * * *

18 (5)(a) "Common carrier by motor vehicle" means any person, other than a
19 contract carrier by bus, the essential nature of whose business comprises engaging
20 in, soliciting, or accepting household goods, passengers, or waste, for intrastate
21 transportation for hire, charge, or compensation as an employment or holding
22 himself out as so available to the public generally and indiscriminately for such
23 business, whether or not the business is conducted over a regular route, between
24 fixed termini, within a defined area, or upon a regular or irregular schedule.

25 * * *

26 (c) "Common carriers of special commodities over irregular routes" means
27 any person, as a common carrier, transporting commodities intrastate which require
28 special equipment, service, or handling over irregular routes and not between fixed
29 termini.

30 * * *

1 vehicle" transporting in ~~interstate or foreign~~ intrastate commerce by motor vehicle
2 property of which such person is the owner, lessee, or bailee when such
3 transportation is for the purpose of sale, lease, rent, or bailment, or in furtherance of
4 any commercial enterprise.

5 * * *

6 §163. Powers of commission; rates; insurance policies or bonds

7 A. The commission has the power and authority necessary to supervise,
8 govern, regulate, and control motor carriers, other than a contract carrier by bus,
9 which transport household goods, passengers, or waste intrastate and to fix
10 reasonable and just rates, fares, tolls, or charges for the commodities furnished or
11 services rendered by such motor carriers. The commission shall prescribe rules and
12 regulations governing the operation of contract carriers in competition with common
13 carriers, and prescribe minimum rates, fares, and charges to be collected by such
14 carriers.

15 * * *

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

17 A. Except as provided by Subsection C of this Section, no motor carrier, as
18 defined in R.S. 45:162(10), shall operate as a common carrier without first having
19 obtained from the commission a certificate of public convenience and necessity,
20 which shall be issued only after a written application made and filed, a public
21 hearing, due notice given to applicant and all competing common carriers, and a
22 finding by the commission that public convenience and necessity require the
23 issuance of a certificate. No new or additional certificate shall be granted over a
24 route where there is an existing certificate, unless it be clearly shown that the public
25 convenience and necessity would be materially promoted thereby.

26 * * *

27 E.(1) All intrastate movers of household goods shall be required to apply for
28 and secure a registration permit from the Louisiana Public Service Commission,
29 shall secure and maintain the insurance policies required by the Louisiana Public
30 Service Commission for movers of household goods, shall comply with all other

1 requirements of the Louisiana Public Service Commission, shall carry motor truck
 2 cargo carriers insurance of at least fifty thousand dollars per truck and one hundred
 3 thousand dollars per catastrophe, shall secure and maintain workers' compensation
 4 insurance, and shall file a surety bond by a qualified surety company with the
 5 Louisiana Public Service Commission in the amount of five thousand dollars, prior
 6 to engaging in any activities related to moving household goods.

7 * * *

8 §167. Name and address of operator and certificate or permit number to be
 9 displayed

10 There shall be displayed upon every vehicle operated intrastate under the
 11 authority of R.S. 45:161 through ~~45:172~~ the name and address of the operator and
 12 his certificate or permit number in such a manner as to be plainly discernible.

13 * * *

14 §169.1. Motor Carrier Regulation Fund

15 A.(1) All monies recovered by the transportation division of the Public
 16 Service Commission, by the collection of ~~interstate and~~ intrastate application,
 17 registration, and permit fees, and fines collected from penalties, shall be deposited
 18 into the state treasury and shall be credited to the Bond Security and Redemption
 19 Fund. After satisfaction of the requirements of the Bond Security and Redemption
 20 Fund, the treasurer shall deposit into the special fund, hereby created in the state
 21 treasury and designated as the "Motor Carrier Regulation Fund", an amount equal
 22 to one hundred percent of the total sums recovered as provided in R.S. ~~45:163-1~~, 168
 23 and 169.

24 * * *

25 C.(1) The monies in the carrier fund shall be used to defray the cost of
 26 regulation of the intrastate ~~and interstate~~ motor carrier industry, specifically by the
 27 transportation division of the Public Service Commission.

28 (2) Monies in the carrier fund shall be available to increase manpower and
 29 physical support for regulation of the intrastate motor carrier industry.

30 * * *

1 Section 3. R.S. 45:163(D)(3), 163.1, and 194 are hereby repealed in their entirety.

2 Section 4. Any employee which the Public Service Commission determines are not
3 needed for the administration and enforcement of laws relating to the control of motor
4 carriers which transport household goods, passengers, or waste, and of wreckers and towing
5 services under the jurisdiction of the commission may be transferred to the Department of
6 Public Safety and Corrections to administer or assist in the administration or enforcement
7 of the Unified Carrier Registration Agreement. In the case that the Department of Public
8 Safety and Corrections determines that such employees are not needed, the employees shall
9 be afforded protection in accordance with the rules and regulations of the State Civil Service
10 Commission and shall remain in the same position and locale that the employee is currently
11 situated unless the employee is willing to relocate.

12 Section 5. This Act shall become effective upon signature by the governor or, if not
13 signed by the governor, upon expiration of the time for bills to become law without signature
14 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
15 vetoed by the governor and subsequently approved by the legislature, this Act shall become
16 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____