

2019 Regular Session

HOUSE BILL NO. 223

BY REPRESENTATIVE BRASS

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

MTR VEHICLE/TOWING: Provides with respect to towing and storage licenses and fines

1 AN ACT

2 To amend and reenact R.S. 32:1714(3) and 1724(A) and to enact R.S. 32:1717.1(C), relative  
3 to towing and storage licenses and fines; to provide a maximum fine for violations  
4 of the Louisiana Towing and Storage Act; to provide guidelines for suspension or  
5 revocation of licenses for violations of the Louisiana Towing and Storage Act; and  
6 to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 32:1714(3) and 1724(A) are hereby amended and reenacted and R.S.  
9 32:1717.1(C) is hereby enacted to read as follows:

10 §1714. Powers and duties of the office of state police

11 The Department of Public Safety and Corrections, office of state police,  
12 subject to the provisions of the Administrative Procedure Act, shall:

13 \* \* \*

14 (3) Adopt and levy fines for violation of this Chapter or any rule or  
15 regulation adopted pursuant to this Chapter. The administrative fine for each  
16 violation of this Chapter, or of the regulations adopted pursuant thereto, shall not  
17 exceed the sum of five hundred dollars.

18 \* \* \*

19 §1717.1. Licensing; storage facility inspection; fee

20 \* \* \*

1           C.(1) The Department of Public Safety and Corrections, office of state  
2           police, may initiate an administrative action to suspend the storage license pursuant  
3           to the provisions of this Chapter for either of the following:

4                   (a) Repeat violations of any provision of this Chapter.

5                   (b) The failure to meet requirements for the issuance of a storage license.

6                   (2) Except as otherwise provided for in R.S. 49:961(C), no suspension  
7           imposed pursuant to the provisions of this Chapter shall exceed thirty days.

8                   (3) Revocation may be issued for three or more suspensions.

9                   (4) Prior to the suspension or revocation of any license, the licensee will  
10           have the opportunity for an impartial hearing held in accordance with the  
11           Administrative Procedure Act.

12                   (5) For purposes of this Subsection, "repeat violations" means three or more  
13           violations of the same administrative rule or regulation within a two-year period.

14   \*       \*       \*

15           §1724. Administrative penalties

16                   A.(1) Any person who fails to comply with any provision required by this  
17           Chapter shall forfeit all claims for towing services and storage of such vehicles and  
18           shall be subject to an administrative fine. Each day's failure to make such a report  
19           as required hereunder shall constitute a separate offense.

20                   (2) The administrative fine for each violation of this Chapter, or of the  
21           regulations adopted pursuant thereto, shall not exceed the sum of five hundred  
22           dollars.

23   \*       \*       \*

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 223 Engrossed

2019 Regular Session

Brass

**Abstract:** Limits the fine for violations of the La. Towing and Storage Act to \$500. Provides guidelines for suspension and revocation of licenses for violation of the Act.

Present law requires the Dept. of Public Safety and Corrections, office of state police, to adopt and levy fines for violation of the La. Towing and Storage Act.

Proposed law limits the fine to not more than \$500.

Proposed law authorizes the Dept. to initiate an administrative action to suspend the storage license of a storage company for repeat violations of any provision of present law or for the failure to meet requirements for the issuance of a storage license.

Proposed law prohibits the suspension imposed from exceeding 30 days, except as otherwise provided in present law.

Proposed law authorizes revocations to be issued for three or more suspensions.

Proposed law grants a licensee an opportunity for an impartial hearing held in accordance with the Administrative Procedure Act prior to the suspension or revocation of any license.

Proposed law defines "repeat violations" as three or more violations of the same administrative rule or regulation within a two-year period.

Present law requires a fine be issued to any person who fails to comply with any provision required by the La. Towing and Storage Act and forfeit all claims for towing services and storage of such vehicles.

Proposed law limits the fine to not more than \$500.

(Amends R.S. 32:1714(3) and 1724(A); Adds R.S. 32:1717.1(C))

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill:

1. Authorize the Dept. of Public Safety and Corrections, office of state police, to initiate an administrative action to suspend the storage license of a storage company for repeat violations of any provision of present law or for the failure to meet requirements for the issuance of a storage license.
2. Prohibit the suspension imposed from exceeding 30 days, except as otherwise provided in present law.
3. Authorize revocations to be issued for three or more suspensions.
4. Grant a licensee an opportunity for an impartial hearing held in accordance with the Administrative Procedure Act prior to the suspension or revocation of any license.
5. Define "repeat violations" as three or more violations of the same administrative rule or regulation within a two-year period.