

NOTICE OF INTENT

Department of Transportation and Development Weights, Measures and Standards

Violation Review Committee (LAC 73:I.1101-1117)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Transportation and Development intends to adopt a rule in accordance with Act 429 of the 1995 Regular Session of the Louisiana Legislature.

Title 73

WEIGHTS, MEASURES AND STANDARDS

Part I. Weights and Standards

Chapter 11. Violation Ticket Review Committee

§1101. Composition of Violation Ticket Review Committee

- A. One representative of the DOTD Maintenance Section.
- B. One representative of the DOTD Legal Section.
- C. One designee of the chief engineer or the chief, Maintenance Division.
- D. The chairman of the committee is the chief, Maintenance Division, or his designee.
- E. The Weights and Standards Enforcement and Vehicle Permits administrator or his designee shall be a nonvoting member.
- F. Three of four voting members present are a quorum.

AUTHORITY NOTE: Promulgated in accordance with Act 429 of the 1995 Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Weights, Measures and Standards, LR 22:

§1103. Tickets Subject to Review

- A. All tickets recognized to contain mathematical error or obvious legal error; or
- B. All tickets formally protested (in writing).

AUTHORITY NOTE: Promulgated in accordance with Act 429 of the 1995 Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Weights, Measures and Standards, LR 22:

§1105. Time Limitations

- A. Payment of the fine imposed by a violation ticket is due within 30 days from the date of issuance of the ticket.
- B. To receive consideration, a violation ticket must be formally protested within 60 days from the date of issuance of the ticket.
- C. The Violation Ticket Review Committee must dispense with tickets within 30 working days from receipt of the request for review.

D. The Weights and Standards Enforcement and Vehicle Permits Administrator must report to the protestor within seven working days from the committee's decision. Said report shall fully inform the protestor of the decision of the committee.

AUTHORITY NOTE: Promulgated in accordance with Act 429 of the 1995 Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Weights, Measures and Standards, LR 22:

§1107. Duties of Weights and Standards Enforcement and Vehicle Permits Administrator

- A. Receive and assemble all formally protested violation tickets for review.
- B. Investigate the circumstances surrounding all violation tickets formally submitted for review.
- C. Communicate with the protestor during the process and after the decision of the committee.

AUTHORITY NOTE: Promulgated in accordance with Act 429 of the 1995 Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Weights, Measures and Standards, LR 22:

§1109. Authorized Action

The Violation Ticket Review Committee is authorized to void or reduce violation tickets, or leave violation tickets intact.

AUTHORITY NOTE: Promulgated in accordance with Act 429 of the 1995 Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Weights, Measures and Standards, LR 22:

§1111. Rights of Protesting Party

A. These rules do not impair the right of the protesting party to sue the department to recover payment of the violation ticket as provided in R.S. 32:389.

B. The protesting party will not be afforded the opportunity to personally appear before the Violation Ticket Review Committee. Only his written statement will be considered.

AUTHORITY NOTE: Promulgated in accordance with Act 429 of the 1995 Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Weights, Measures and Standards, LR 22:

§1113. Prescription

A. The running of prescription for collection of unpaid violation tickets is not interrupted by filing of the protest.

B. The running of prescription for suing the department to recover monies paid for a violation ticket is not interrupted by filing of the protest.

AUTHORITY NOTE: Promulgated in accordance with Act 429 of the 1995 Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Weights, Measures and Standards, LR 22:

§1115. Reconsideration

The decision of the Violation Ticket Review Committee may be reconsidered one time, either upon request of the protestor or upon motion of a member of the Violation Ticket Review Committee. Additional information must be provided at second review.

AUTHORITY NOTE: Promulgated in accordance with Act 429 of the 1995 Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Weights, Measures and Standards, LR 22:

§1117. Record-Keeping

All actions of the Violation Ticket Review Committee shall be recorded on computer and reported to the DOTD Financial Services Section. All records shall be maintained in accordance with the Public Records Law.

AUTHORITY NOTE: Promulgated in accordance with Act 429 of the 1995 Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Weights, Measures and Standards, LR 22:

All interested persons so desiring shall submit oral or written data, views, comments or arguments no later than 30 days from the date of publication of this notice of intent. Such comments should be submitted to Major Marshall Linton, Weights and Standards Police, Box 94042, Baton Rouge, LA 70804-9052, (504) 377-7100

Frank M. Denton
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Violation Ticket Review Committee**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no implementation costs or savings for state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
Directly affected persons (the trucking industry) will benefit from access to a review process other than the judicial process. There will be no costs for access to this process, and they will save the costs of accessing the legal system.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition or employment.

Frank M. Denton
Secretary
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