

funding results in the provider exceeding the pre-public health emergency level, any retainer payment amounts in excess may be recouped.

LDH retains the right to recoup all or a portion of retainer payments from providers who furlough or lay off staff or fail to reopen. LDH may review cost reports and other documentation of expenses in making this determination.

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Dr. Courtney N. Phillips
Secretary

2207#020

DECLARATION OF EMERGENCY

Department of Transportation and Development Office of the Secretary

Weights and Standards Enforcement (LAC 73:I.Chapters 1, 3, 11, and 12)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and pursuant to the authority set forth in Act 384 of the 2021 Regular Legislative Session, the secretary of the Department of Transportation and Development declares an emergency to exist; and hereby adopts by emergency process the attached Rule relative to the Weights and Standards Stationary Police Force and enforcement of said laws and regulations by the Department.

23 C.F.R. §657.5 requires the state to enforce vehicle size and weight laws. Pursuant to 23 C.F.R. § 657.19, if such laws are not enforced, the State risks losing ten percent of its federal transportation funding apportionment. This enforcement responsibility is currently vested in the Department of Public Safety, specifically in Louisiana State Police. Effective July 1, 2022, responsibility for all enforcement at stationary scales will be transferred to DOTD. DOTD has worked with other agencies and diligently pursued efforts in order to timely prepare for this transfer while complying with federal and state law; however, revisions are necessary to existing provisions of the *Louisiana Administrative Code* in order to carry DOTD's new responsibilities into effect. Without this Emergency Rule to establish enforcement regulations, there may be imminent peril to public safety and welfare by the compromise of police business, in addition to the threat of sanctions by the United States Federal Highway Administration.

This Rule shall have the force and effect of law on July 1, 2022, and will remain in effect until the expiration of the maximum period allowed under the Administrative

Procedure Act or the adoption of the final Rule, whichever comes first.

Title 73

WEIGHTS, MEASURES AND STANDARDS

Part I. Weights and Standards

Chapter 1. Policy and Procedures for Weight Enforcement Field Personnel

§101. General Procedures

A.1. - 6. ...

7. Repealed.

8. Collecting Payment of Fines. The following shall be accepted as forms of payment of fines: certified or cashier's checks or money orders made payable to Louisiana Department of Transportation and Development, and credit card payments using Mastercard or Visa. If a company appears on the list of "Companies Which Have Posted Overweight and Oversize Penalty Bonds," the fine will be charged to the bond. Write "Paid by Posted Bond" in the Remarks section of the violation ticket, and release the truck without collecting the driver's license. It is not permissible to accept personal or company checks when collecting fines, unless the violator has a posted bond.

A.9. - D.12. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 5:26 (February 1979), amended LR 48:

§103. Field Procedures for Enforcing Weight and Size Limitations

A. Procedures for Weighing Vehicles. When a vehicle presents itself at the unit, it is for the purpose of checking the weight, width, length, height, permit, and vehicle registration and license to determine if the requirements governing the control of vehicles using state highways have been violated. The Weights and Standards Stationary Scale Police Force officer may require the driver to present proof of ownership or lease and any other information which may be required with regards to the vehicle or type of load being transported.

1. Weighing Vehicles on Stationary Scales. The officer shall have the driver position his vehicle on the scales so that all axles can be properly weighed. Caution shall be exercised by the officers to prevent vehicles from lining up beyond the scale approach lanes and blocking traffic lanes and to insure the safety of the motoring public.

2. Weighing Vehicles on Mobile Scales. The officer shall position the scales so that each axle or each set of tandem axles can be properly weighed. Caution shall be exercised by the officers in selecting a safe place to weigh a vehicle to insure the safety of the motoring public.

B. Procedures for Enforcing the Weight Law

1. Shifting the Load. Loads may be shifted after weighing and before proceeding to reduce or eliminate excess axle penalties, so long as no part of the shipment is removed.

2. Vehicles in violation of weight, size or permit regulations shall be documented and a Notice of Violation shall be sent to the violating party.

3. All loads that are not indivisible, perishable, or dangerous will be ticketed as required and may be permitted to proceed without reducing the load as stipulated herein.

a. Unloading of excess weight shall not be done on highways regardless of shoulder width. The driver shall be instructed to do this at a suitable location within a reasonable distance from the point of violation.

4. All indivisible loads and all perishable products will be ticketed in accordance with DOTD regulations and permitted to proceed to a suitable place to reduce the load.

a. Perishable Products. (Include the following, but may not be limited to these.) All agricultural products; hot mix asphalt; concrete; all seafood; products requiring refrigeration or those transported in insulated vehicles; dairy products or poultry and associated products, meat, pork, livestock, live animals; and all other loads that would lose their value or be damaged to such a degree that they would not be suitable for their intended use in commerce if delayed in transit.

b. Indivisible Loads. Indivisible loads are those that are divisible but became indivisible once loaded due to the nature of loading or equipment required for unloading. Indivisible loads include the following, but are not limited to all forest products; flammable, dangerous or toxic liquids, solids and gases such as gasoline, naphtha, kerosene, acids, liquefied petroleum gas, containerized cargo, pipe, prestressed or steel girders or large structural components or fabricated or unfabricated materials of indivisible nature that would require specialized equipment to unload or shift; or any load that would create a traffic hazard or danger to either the motoring public or the surrounding area if unloaded adjacent to the highway.

5. - 9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:2 and 32:386.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 5:28 (February 1979), amended by the Office of Weights, Measures and Standards, LR 24:1517 (August 1998), LR 48:

§107. Procedures for Enforcing Vehicle Registration and Licensing Laws

A. Louisiana Vehicles Which Are Improperly Licensed or Unlawfully Registered. This includes vehicles operating with the wrong class of license (the classes are described in R.S. 47:462), a vehicle whose serial number doesn't match the serial number on the registration certificate, a vehicle which exceeds its licensed weight (but does not exceed the legal weight for that type of vehicle).

1. Louisiana vehicles are allowed a 10 percent tolerance on licensed weight. If the vehicle is not more than 10 percent over its licensed weight and does not exceed the legal maximum allowable weight for that type of vehicle, no violation has occurred. The officer should advise the driver of the proper licensed weight for that vehicle.

2. For those vehicles which exceed the 10 percent tolerance on licensed weight, the officer shall write a "no fine" violation ticket, citing R.S. 47:516.

3. When the driver appears at the Vehicle Registration Bureau to purchase the proper plates, he will be charged an additional 25 percent of the cost of the new plates as a penalty.

4. If the vehicle's license plate is confiscated, the officer shall note this on the violation ticket, together with the number of the plate, and "Must secure proper license by (date)." The date noted shall be five working days from date of offense. The violation ticket serves as a receipt for the

license plate collected by the officer and is considered a temporary license plate for five working days.

5. The unit supervisor shall then mail the license plate to the Weights and Standards Headquarters Office for processing to the Weights and Standards Headquarters Office for processing to the Department of Public Safety, Office of Motor Vehicles.

6. If a vehicle in this situation also exceeds the legal weight limitations, the officer shall issue another violation ticket citing R.S. 32:386 and fine the vehicle for the weight in excess of the legal weight, according to the overweight penalty chart.

B. Louisiana Vehicles with an Expired License and Registration or No License and Registration

1. In these situations the officer shall write a "no fine" violation ticket citing R.S. 47:516, and the officer shall also remove the expired license plate.

2. When the driver appears at the Vehicle Registration Bureau to purchase the proper plates, he will be charged an additional 25 percent of the cost of the license as a penalty.

3. The unit supervisor shall mail the confiscated driver's license and expired license plate to the Weights and Standards Headquarters Office at DOTD. Upon notification that the proper registration and license have been purchased, the department shall return the driver's license to the address listed on the violation ticket.

4. If a vehicle in this situation also exceeds the legal weight limitations, the officer shall issue another violation ticket citing R.S. 32:386 and fine the vehicle for the weight in excess of the legal weight, according to the overweight penalty chart.

C. Out-of-State Vehicles with an Expired License and Registration or No License and Registration

1. These vehicles may not operate at all in Louisiana (neither interstate nor intrastate) without purchasing a temporary 48-hour permit either prior to entering Louisiana or at a port of entry.

2. If a vehicle in this situation is stopped and the driver does not have a temporary permit, the officer shall issue a violation ticket citing R.S. 47:511.1, assess a fine of \$200, and require the driver to purchase a \$25 temporary 48-hour permit. The expired license plate is not to be removed.

D. Out-of-State Vehicles Which Are Improperly Licensed

1. If a vehicle domiciled outside Louisiana has a current license but the actual weight of the vehicle exceeds the weight for which it is licensed and does not exceed the legal weight for that type vehicle, the officer shall issue a violation ticket citing R.S. 32:388. The license plate is not to be removed.

2. If the vehicle exceeds both the licensed weight and the Louisiana legal weight for that type of vehicle, it shall be fined \$100 or according to the overweight penalty chart, whichever amount is greater. If the officer fines according to the overweight penalty chart, he shall cite R.S. 32:386. When fining according to the overweight penalty chart, compute the amount of pounds overweight by subtracting the legal Louisiana weight for that type of vehicle from the actual weight of the vehicle.

E. Vehicles Which Require Temporary 48-Hour Permits

1. Officers at port-of-entry locations (Greenwood, Slidell, Starks, Baptist, Kentwood, and Toomey) may sell an

out-of-state or apportioned vehicle a temporary 48-hour permit if the driver so requests. Temporary permits may also be purchased from the Vehicle Registration Bureau or one of the wire services, if the vehicle is eligible for such a permit.

2. The cost of a temporary 48-hour permit is \$25. It shall be valid for 48 continuous hours.

3. If a vehicle is required to have a temporary permit and does not possess one, the officer shall issue a violation ticket citing R.S. 47:511.1, and may require the operator to purchase a temporary permit. A fine of \$200 shall be added to the cost of purchasing a temporary permit as a penalty.

4. Officers at other than port-of-entry locations may sell temporary permits without issuing a violation ticket or assessing the fine if the driver requests the permit prior to movement of the vehicle (must be before the officer stops the vehicle).

5. If a vehicle is stopped and found to exceed the time limit of a temporary permit, a fine of \$200 shall be assessed and the driver shall be required to purchase another permit.

F. Procedures for Issuing Temporary 48-Hour Permits

1. Fill out the form completely, printing with ballpoint pen.

a. First fill out "Issue Date," noting date and time of day.

b. Then fill out "This Permit Expires" with the same time of day as the time of issuance, whether a.m. or p.m., and the date two days from the date of issuance.

c. "Effective Date" is for the first day for which the permit is valid, normally the same as the issue date.

2. Sign under "Issued by" and note your scale location number.

3. In the space beside "\$25" write "Pd. by" and the type of payment (for example: Am. Exp. M.O., BK. of Abbeville Ca. DK., U.S. Postal M.O., Republic M.O., BK. of La. Cert. Ck., etc.) and the check or money order number.

4. Fill in the owner's name; and the operator's name, if the owner is not the operator at the time of the violation; owner's address, the vehicle identification number (VIN), year, body style and make; the state where registered; the city where registered; and the current license number of the vehicle.

5. Give the driver the original and retain the other two copies.

6. Write the temporary 48-hour permit number on any violation ticket which required the purchase of the temporary permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 5:30 (February 1979), amended LR 48:

§109. Procedures for Enforcing Fuel Tax Laws

A. Authority of Weights and Standards Stationary Scale Police Force

1. Weights and Standards Stationary Scale Police Force of DOTD shall assist the Department of Revenue and Taxation in enforcing fuel tax laws. The Department of Revenue and Taxation is the final authority on fuel tax laws.

a. Office hours at the Department of Revenue and Taxation are, Monday through Friday, 7:45 a.m. to 4:30 p.m.

b. In emergencies which occur when the Department of Revenue and Taxation is closed, call the after-hours number at the Weight Enforcement Office, (225) 343-2345.

c. The telephone number at the Department of Revenue and Taxation is (225) 342-6148. Questions dealing with which companies are on the bonding list should be directed to (225) 342-6020.

d. Any questions dealing with DOTD procedures for writing violation tickets, etc., should be directed to the Weight Enforcement Office.

2. Fuel Use. Weights and Standards Stationary Scale Police Force officers have the authority to enforce fuel tax laws only when the vehicle is not fully licensed in Louisiana and is domiciled outside Louisiana.

a. The state of domicile shall be determined by the name and address on the cab doors.

b. License plates from another state which are apportioned for Louisiana have not been fully licensed in Louisiana. Vehicles with these plates may be checked if the vehicle is domiciled outside Louisiana.

3. Bulk Transports. Weights and Standards Stationary Police Force officers have the authority to enforce fuel tax laws on all bulk transports of taxable fuels.

B.1. - C.2.h. ...

D. Motor Vehicles Using Special Fuels

1. Special fuels are all fuels used by motor vehicles except gasoline. Special fuels include distillate fuels (e.g., diesel or kerosene) and also liquefied petroleum gases (e.g., butane or propane).

2. Vehicles using special fuels are required to have a working speedometer, odometer, or hub meter. Compare the speedometer, odometer, or hub meter reading with the reading on the special fuels invoice to determine if the mileage indicator is working properly.

3. - 4.c. ...

5. The fuel tax assessment form shall be used to determine if any special fuels tax is due.

a. Examine bills of lading, manifests, or loading tickets to find the origin and destination of the vehicle and the route that it has traveled in Louisiana.

5.b. - 5.i. ...

E. Bulk Gasoline Transports

1. The drivers of all bulk gasoline transports are required to have a currently dated invoice, bill of lading, or manifest showing the following information:

a. the seller's and purchaser's names and addresses;

b. the origin and destination of the gasoline;

c. the authorized routes to be followed (this applies only to gasoline going to or coming from Texas);

d. the quantity of gasoline.

2.a. Vehicles transporting bulk gasoline to or from Texas must have an authorization card issued by the Department of Revenue and Taxation. This card may not be transferred from one company to another.

b. The name on the card shall agree with the name on the vehicle. The vehicle must be on a route specified on the authorization card. (Check especially bulk vehicles with Texas apportioned plates for these cards and routes.)

3. Bulk fuel transports shall be checked at all enforcement units by Weights and Standards Stationary Scale Police Force officers.

a. Vehicles operated by common or contract carriers licensed by the Interstate Commerce Commission or the Louisiana Public Service Commission shall not be checked. (They may be checked, however, for the fuel they use to operate.)

b. Vehicles operated by companies on the list of "Bonded Gasoline Jobbers" or "Bonded Gasoline Dealers" shall be checked for the required information on the invoice, bill of lading, or manifest. If the gasoline is going to or coming from Texas, the vehicle shall be checked for the proper authorization card and proper route. (These vehicles shall also be checked for the fuel they use to operate.)

F. Bulk Special Fuels Transports. All vehicles transporting bulk special fuels shall be allowed to proceed. (These vehicles shall, however, be checked for the fuel they use to operate.)

G. Fuel Tax Violations

1. Users of Gasoline and Special Fuels

a. If an unbonded gasoline or special fuels user has a proper fuel invoice, but has not purchased enough fuel to cover all the miles traveled in Louisiana, then the officer shall assess the fuel tax, but no violation ticket shall be written.

b. If an unbonded gasoline or special fuels user has an improper fuel invoice or no fuel invoice, then the officer shall issue a violation ticket and assess a fine of \$25. Fuel tax shall be assessed in addition to the fine.

c. If a user of special fuels does not have a working speedometer, odometer, or hub meter, the officer shall issue a violation ticket and assess a fine of \$25.

d. If a user of special fuels does not have the name and address of the company on both cab doors, the officer shall issue a violation ticket and assess a fine of \$25. If the company's name and address is on only one door, the driver should be warned not to return to Louisiana with the same violation. No ticket shall be issued. However, if corrections have not been made within five days, a violation ticket for \$25 shall be issued.

e. No ticket shall be issued on any new transient vehicles or any new vehicle with less than 2,000 miles on the mileage indicator.

f. Fuel tax violations are cumulative. For example, a special fuels user may be fined for not having a working speedometer, not having the company's name and address on the cab doors, and not having a special fuels invoice. In addition, the user may also be assessed fuel tax.

g. Special Instructions for Officers at the East-Bound Slidell Unit

i. When a fuel user has not purchased enough fuel in Louisiana to cover the miles traveled or has purchased no fuel at all, a fuel tax assessment form shall be filled out and a copy given to the driver. The fuel tax assessment form shall be noted "Fuel Tax Not Collected." No violation ticket shall be issued. The driver shall be warned that fuel must be purchased at service stations between the unit and the Louisiana state line. The driver must give the fuel tax assessment form to the service station. (The station mails the form directly to the Weight

Enforcement Office along with the fuel invoice for the purchase.)

ii. Violation tickets shall be issued for not having the company's name and address on the cab doors or not having a working speedometer, odometer, or hub meter. Violation tickets shall also be issued if fuel was purchased, but the fuel invoice does not have all the required information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 5:31 (February 1979), amended LR 48:

§111. Procedures for Citing Violators

A. Issuing Notice of Violations

1. When any carrier, transport vehicle, or driver is found to be in violation of any provision of this Chapter, the violating party shall receive a "Notice of Violation, Proposed finding and Proposed Civil Penalty" (hereinafter referred to as "notice of violation") within 30 days of the violation.

2. Notices of violation shall provide specific information regarding the violation that is being cited. This information shall include the highway, parish, and the side (North, South, East, West) on which the citation is being issued. This information shall also include the specific nature of the violation-and the number of the statute that was violated.

Statute	Violation	Fine
32:380	Overwidth	\$100
32:381	Overheight	\$100
32:382	Overlength, Overhand, Twin Trailer Combination	\$100
32:383	Dropping, Shifting or Leaking Load	\$100
32:384	Trailer and Towed Vehicle Violations	\$100
32:385	Farm Vehicle and Equipment Violations	\$100
32:386	Over Legal Gross Vehicle Weight or Over Legal Axle Weight	(see chart)
32:386	Improper Distribution of Axle Weight	\$100
32:387	Over Permitted Weight	(see chart)
32:387	Violating Terms or Conditions of Permit Issuance—Other than Weight	\$100
32:387	Permit Not in Vehicle	\$ 25
32:388	Over Licensed Weight	\$100
32:388	Failure to Stop at Stationary Scale	\$100
47:511.1	No Temporary 48-Hour Permit	\$200
47:516	Improper, Expired or No License and Registration	(No fine by DOTD)
47:718	Nonpayment of Gasoline Tax	\$ 25
47:812A	Cargo Tank Connected to Carburetor	\$ 25
47:812B	Nonoperating Speedometer, Odometer, or Hub Meter	\$ 25
47:812C	Owner's Name and Address Not on Outside of Cab Doors	\$25
47:812D	Nonpayment of Special Fuels Tax (No Invoice)	\$ 25

3. Notices of violation shall clearly indicate if a monetary penalty is assessed, or if the notice of violation is only a warning. If a monetary penalty is assessed, the amount of such penalty shall be clearly indicated on the notice of violation. The fines for violations of Title 32 are not cumulative, but a violator may be assessed more than one fine for violations of Title 47 or for violating both Title 32 and Title 47.

4. If the vehicle was found to be overweight, the notice of violation shall clearly indicate the measured weights.

5. For a violation of R.S. 47:516 (improper, expired or no license and registration), where DOTD does not assess the fine, instruct the driver to report to the nearest Vehicle Registration Bureau of the Department of Public Safety to secure the proper registration and license within five days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 5:33 (February 1979), amended LR 48:

§113. Procedures for Collecting Credit Card Payments

A. General Procedures

1. The driver may use a money order, certified check, cashier's check, Mastercard, Visa, or department charge account (established when a bond has been posted for fines). If the sale of a temporary 48-hour permit also requires assessment of the \$200 fine, the total amount shall be remitted by the driver in the form of a money order, certified check, cashier's check, Mastercard, Visa, or DOTD charge account. If the driver has a valid Louisiana driver's license, he can surrender this in lieu of the fine and pay for the permit.

B. Procedures for Handling Credit Card Payments

1. The officer shall check the expiration date and the name on the Mastercard or Visa and verify that it is valid and current. Under no circumstances may an officer use a card which has expired.

2. If the amount to be charged is over \$50, the officer shall call the toll free number for an authorization code (1-800-362-6742). When calling for the authorization code, give the type card (Mastercard or Visa), the card number, the expiration date, the total amount of the charge, and the merchant's account number. The merchant's account number is on the plate of your imprinter (01106747).

3. Use the imprinter to impress the card on the charge slip.

4. Fill in the following information:

a. date;

b. department—your unit number;

c. authorization code—the authorization number given you when you call the toll free number on amounts over \$50. If the amount is less than \$50, draw a horizontal line through that blank;

d. clerk—your initials;

e. description—use a separate line for each item (violation ticket, temporary 48-hour permit, DOTD permit) and the corresponding number of the forms and accounts; and give the total (see examples).

5. Have the driver (or whoever actually presents the credit card) sign it. His or her name, or the name of the company, should be on the card.

6. Give the individual the credit card and the original copy of the charge slip. Attach the yellow copy and the white hard copy to the headquarters copies of the violation ticket.

7. In the "Remarks" section of the violation ticket write the credit card number. (Example: Paid by Mastercard Number 813419839)

8. The charge slips are numbered. These numbers do not serve any purpose. In the event an error is made, destroy

the charge slip in the presence of the individual and use another slip.

9. In some instances the individual will not actually have the credit card but will be able to supply the account number. In all such instances, call the toll free number (1-800-363-6742) for approval, regardless of the amount involved. Write in the information normally imprinted by the credit card, and this information should include the expiration date if possible.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 5:34 (February 1979), amended LR 48:

§115. Forms for Supervisory Personnel

A. Receipt Cards. The top of this form will be filled out at the headquarters office and placed inside each book or set of forms sent to the field. Upon placing the book or set of forms in use, the supervisor shall verify that all the forms in the set are in consecutive numerical order and that none are missing, sign the card, and note the unit number. Violation ticket books and control permit forms shall be verified by the officer to whom the book or the forms were issued, and the officer shall also sign the card. The supervisor shall send the card to headquarters in the daily mailing.

B. Lost or Missing Form. In the rare event that a form is lost or found to be missing, the supervisor shall fill out two copies of a lost or missing form, noting the type of form, unit number, date, form number, and reason. Where applicable the officer responsible for the missing form shall sign, and the supervisor shall sign the form and send the original to headquarters in the daily mailing. The second copy shall be filed at the unit in place of the missing form.

C. Spoiled Form. When a mistake that cannot be easily corrected is made on a form and a new form has to be filled out, or when a form is filled out in error and has to be canceled, the officer shall fill out two copies of the spoiled form, noting the type of form, unit number, date, form number, reason, and cross reference to the corrected form (if any). The officer and the supervisor shall sign the form. The original shall be attached to the headquarters copy of the form that was spoiled and the copy attached to the unit's copy of the spoiled form.

D. Register of Violation Tickets. A ledger containing a register of violation tickets sheet for each book of tickets issued is to be maintained by each unit supervisor. The information required on the form shall be kept current on a daily basis.

E. Daily Report of Weighing Operations. This report shall be filled out by the officer weighing vehicles. All vehicles crossing the scales shall be counted with a mechanical counter, and only overweight and permit loads shall be logged on the daily report. The unit supervisor shall mail the original to headquarters daily and keep a copy on file at the unit.

F. Summary Report of Daily Weighing Operations. The unit supervisors of stationary units shall fill out this report daily, noting the information required on the form. They shall mail one copy with the day's tickets, receipts, and monies collected to the enforcement and truck permits administrator and retain a copy of the report at the unit. The supervisors of both stationary and portable units shall also

use this form to submit a monthly summary report of daily weighing operations.

G. Register of Control Permit Forms. A register of "C" forms issued, in consecutive order, shall be maintained. Note:

1. the "C" form number;
2. the number of the violation ticket that required the purchase of the permit;
3. the number of the permit issued by the permit office for that "C" form;
4. the cost of the permit;
5. the customer's method of payment (type of money order or check, etc.);
6. the money order or check; and
7. the date mailed to headquarters.

H. Register of Temporary 48-Hour Permits. A register of temporary 48-hour permits sold, in consecutive order, shall be maintained. Note:

1. the temporary permit number;
2. the corresponding violation ticket number issued (if any);
3. the customer's method of payment (type of money order or check, etc.);
4. the money order or check;
5. the date mailed to headquarters.

I. Daily Activity Report. This form is to be used by the mobile units only. It is a summary report of daily weighing operations.

1. The unit supervisor shall:
 - a. follow the instructions in preceding §115.F, J, and I;
 - b. send the original to headquarters daily; and
 - c. retain a copy in the unit files.
2. However, use the summary report of daily weighing operations form to submit the monthly summary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 5:26 (February 1979), amended LR 48:

Chapter 3. Oversize and Overweight Permit §307. Obtaining Permits

A. General Procedures

1. A permit should have been obtained before the movement of the vehicle began or the vehicle entered Louisiana. Permits may be sold by Weights and Standards Stationary Scale Police Force officers only when a fine has been incurred.

2. If the driver must leave the scales to obtain a permit or fine payment, then the driver may take a truck-tractor or any other vehicle which is of legal size and weight.

3. The violation ticket number shall be noted on the permit and the permit number shall be noted on the violation ticket.

4. If possible, officers should be prepared with all information before calling the truck permit office, since the permit office is able to allow only three minutes for each call.

5. The truck permit office does not issue routine permits after office hours.

6. Each of the control permit forms (C-Forms) which have been checked out to a unit shall be recorded on a register of control permit forms as it is used. Spoiled, lost or missing control permit forms shall also be recorded.

B. Assisting the Driver. There are four ways for officers to assist drivers in obtaining proper permits.

1. Customers who have DOTD permit charge accounts may obtain a permit from a weight and standards police officer and have the fee charged to their account. The officer shall use one of the control forms (C-Forms) which have been checked out to the unit. The officer shall fill out the form completely; then call the truck permit office, relay the information from the form, and request a permit number (P-number). The P-number must be written in the upper right corner of the permit. The line for "Issuing Official" must be filled in with the name of the person at the truck permit office who issues the permit number. The officer shall sign the form below the line for "Issuing Official." The officer shall sign the form below the line for "Issuing Official." The officer shall give the white and pink copies to the driver. The supervisor shall mail the yellow copy along with the attached violation ticket to the enforcement and truck permits administrator.

2. Drivers who have their own blanks of either control forms or prepaid forms may also be assisted. The officer shall complete the form and call the truck permit office as described in §307.B.1. The control forms must be charged to an authorized charge account. The officer shall give the white and pink copies to the driver. The supervisor shall mail the yellow copy and the attached violation ticket to the enforcement and truck permits administrator.

3. Drivers may also obtain a permit from an enforcement officer by paying the permit fee with an acceptable method of payment. The officer shall fill out one of the control forms (C-Forms) which have been checked out to the unit and call the truck permit office as described in Paragraph 1 above. The permit number shall be noted on the cashier's check, certified check, money order, or cash receipt; and the cashier's check, certified check, money order, or cash receipt number shall be noted on the permit. The officer shall give the white and pink copies of the form to the driver. The supervisor shall mail the fee payment, the yellow copy, and the attached violation ticket to the enforcement and truck permits administrator.

4. If a customer does not have an acceptable method of payment, the officer may recommend the wire services to the driver. The location of the nearest office of each company can be obtained from the telephone book. If no listing is available in the phone book, the following toll-free numbers may be called to obtain the nearest local office: Instacom, 1-800-527-6161; Mid Continent, 1-800-643-8650; Transceiver, 1-800-537-7740; Western Union, 1-800-851-2300. After a location has been obtained, the officer shall telephone the truck permit office to request a permit and request that the permit be transmitted to that wire service location.

5. If a driver wishes to obtain a permit without assistance, the officer shall provide the driver with the public telephone number of the truck permit office, (225) 343-2345. The toll-free WATS number is for the use of weights and

standards police officers only, and calls from drivers on that line will not be accepted by the truck permit office.

C. Increasing Permitted Weight

1. If a vehicle needs to increase its permitted weight, officers may assist the driver by the methods described in §307.B.

2. The incorrect permit form may be reused and changed if the customer has an established permit charge account or if acceptable payment is made.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 5:38 (February 1979), amended LR 48:

§309. Permit Restriction

A. Enforcing Permit Restrictions

1. The truck permit office has the authority to put additional restrictions on a permit. These restrictions will be noted on the "Restrictions" or "Remarks" sections of the permit.

2. The Weights and Standards Stationary Scale Police Force officer shall see that all restrictions shown on the permit have been followed before a vehicle is allowed to proceed, unless directed otherwise by the truck permit office.

3. If an officer suspects that a normal restriction has been omitted from the permit (for example, a load 100 feet long without an escort), the truck permit office shall be contacted for verification. No ticket shall be issued for restrictions which were overlooked by the permit office; however, the vehicle shall be delayed until necessary restrictions have been met.

B. Escorts

1. Private escorts are required for all vehicles and loads:

- a. over 12 feet wide and up to 16 feet wide;
- b. over 90 feet long and up to 125 feet long.

2. State police escorts are normally required for vehicles and loads:

- a. over 16 feet in width;
- b. over 125 feet in length;
- c. on any vehicle or load deemed necessary by the department.

3. An escort vehicle may escort two overlength vehicles or loads, but only one overwidth vehicle or load.

4. An escort vehicle must be behind overlength vehicles and loads. On a multilane highway it must be behind an overwidth vehicle or load and on a two-lane highway it must be in front of an overwidth vehicle or load.

5. The DOTD District Maintenance Engineer must approve all movements over 18 feet wide, such as houses. This may be done by a letter which grants permission for the movement or by sending a representative from the district office to escort the movement. Either the letter or the representative must be present before the movement can proceed.

C. Interstate Movement

1. Vehicles and loads with forest product permits, forest management equipment permits, oil field equipment permits, and steering axle permits are prohibited from moving on interstate highways.

2. Vehicles and loads over 14 feet wide are prohibited from moving on interstate highways.

D. Night, Inclement Weather, and Holiday Movement

1. Most vehicles and loads requiring a permit will be prohibited from moving at night, in inclement weather, and on certain designated holidays by the truck permit office. The state police may override the truck permit office for safety reasons.

2. Weights and Standards Stationary Scale Police Force officers shall not allow vehicles requiring oversize permits to cross either of the Mississippi River Bridges in New Orleans from 6:30 to 9 a.m. and from 3:30 to 6 p.m. Except in cases of emergencies, these vehicles cannot be parked within 75 feet of the highway if they are within two miles of the bridges. Vehicles with valid utility vehicle permits are exempt from these restrictions if they are being operated by a public utility. Vehicles in violation shall be reported to the state police.

3. The truck permit office does not prohibit following vehicles and loads from on Sundays after 1 p.m., on holidays, or at night:

a. vehicles with valid waste disposal truck permits, steering axles permits, harvest season permits, utility vehicle permits, and oil field equipment permits;

b. vehicles with valid oversize and overweight permits:

i. if the load does not project beyond the boundaries of the vehicle;

ii. if the width of the vehicle and load does not exceed 8 feet;

iii. if the height of the vehicle and load does not exceed 14 feet, 4 inches; and

iv. if the weight of the vehicle and load does not exceed 120,000 pounds.

4. The truck permit office does not prohibit the following vehicles and loads from traveling on Sundays after 1 p.m. or on holidays, but it does prohibit them from traveling at night:

a. vehicles with valid forest product permits or forest management equipment permits;

b. vehicles with valid oversize permits which are transporting pipe loaded across the vehicle (rather than lengthwise) and which do not exceed 8 feet, 8 inches in width (including the pipe).

5. In the field the Weights and Standards Stationary Scale Police Force officer shall be responsible for determining the intensity of inclement weather (severe, moderate, or mild) unless the state police determine otherwise.

6. Severe Weather. Vehicles and loads requiring a permit are prohibited from traveling during weather which is physically severe, such as extremely heavy rain, heavy fog, icy road conditions, heavy snow, or any continuous condition which creates low visibility for drivers or hazardous driving conditions. However, vehicles with valid utility vehicle permits are not prohibited from traveling in severe weather.

7. Moderate Weather. Some vehicles with permits may travel at the option of the driver if the officer considers the weather to be moderate and if the vehicle has not been prohibited by the truck permit office from traveling during moderate weather. In general, the following vehicles and loads are not prohibited by the truck permit office from traveling during moderate weather:

a. vehicles with valid forest product permits, forest management equipment permits, utility vehicle permits, waste disposal permits, steering axle permits, harvest season permits, and oil field equipment permits;

b. vehicles with valid oversize and overweight permits:

i. if the load does not project beyond the boundaries of the vehicle;

ii. if the width of the vehicle and load does not exceed 8 feet;

iii. if the height of the vehicle and load does not exceed 14 feet, 4 inches; and

iv. if the weight of the vehicle and load does not exceed 120,000 pounds;

c. vehicles with valid oversize permits which are transporting pipe loaded across the vehicle (rather than lengthwise) and which do not exceed 8 feet, 8 inches in width (including pipe).

8. Mild Weather. Wet pavement, light drizzle, and wind are not considered inclement weather for the purposes of permit movement. Permit movements are not prohibited from traveling during these milder weather conditions unless the movement would create a traffic hazard; for example, movement of a load 14 feet wide during rain or movement of mobile homes in wind.

9. If a vehicle has been prohibited from moving in moderate or severe weather is underway when such weather occurs, the vehicle is required to proceed to a safe place off the roadway and park until the weather clears. During inclement weather officers at stationary location shall delay such vehicles until the weather clears, and officers on mobile units shall escort such vehicles to a safe place for parking until the weather clears. If the vehicle is observed traveling after being directed to stop, a violation ticket shall be issued.

E. Red Warning Flags

1. In general, flags are required by the truck permit office on vehicles and loads which exceed the legal width. There must be flags at the following points.

a. Four flags, two on the front edges and two on the rear edges, must be attached at the widest points on the part of the vehicle or load which exceeds the legal width.

b. If a load projects only to one side of a vehicle of legal width, one flag on the front edge of the load and one flag on the rear edge of the load will be sufficient.

c. If a projecting load does not exceed 3 feet from front to back, one flag on each side will be sufficient.

d. Flags must be attached on any other portion of the vehicle which is wider than the flagged front or rear edges.

2. Generally, red flags are also required by the truck permit office on vehicles and loads which exceed the legal length or which have a rear end overhang of more than 4 feet. (If the overhang clears the pavement by 6 feet or more, red flags are not required.) There must be flags at the following points.

a. If the overlength or projecting portion is 2 feet wide or less, one flag must be located at the extreme rear end of the load.

b. If the overlength or projection portion is wider than 2 feet, two flags at the extreme rear end of the load must be located to indicate maximum width.

3. All warning flags must be red and at least 18 inches square. Flags must either be securely fastened by at least one corner or securely mounted on a staff which keeps the flag upright.

F. Warning Signs

1. Vehicles and loads exceeding 10 feet in width must display two signs with the wording "OVERSIZE LOAD." One sign must be on the front of the vehicle. The other must be on the rear of the load; however, if the sign cannot be attached or clearly read in this position, then the sign must be on the rear of the vehicle itself.

2. Vehicles and loads exceeding 75 feet in length or the legal rear end overhang must display two signs with the wording "OVERSIZE LOAD." These signs must be on the sides of the overhanging part of the load; however, if the signs cannot be attached or clearly read in this position, then the signs must be on the sides of the vehicle. If the rear end overhang clears the pavement by 6 feet or more, no sign is required on the overhang.

3. Vehicles and loads exceeding the legal front end overhang must display one sign with the wording "OVERSIZE LOAD." This sign must be on the front of the vehicle. If the overhang clears the pavement by 6 feet or more, no sign is required.

4. All warning signs must be at least 7 feet long and 18 inches high. The background must be yellow and the lettering black. Letters must be at least 10 inches high with a 1 5/8 inch brush stroke.

G. Warning Lights

1. The truck permit office requires lights at night and during inclement weather on vehicles and loads which exceed the legal width, in the following places.

a. Two amber lights must be attached at the widest points on the front edges of the overwidth part of the vehicle or load, and these lights must be visible from both the front and the side.

b. Two red lights must be attached at the widest points on the rear edges of the overwidth part of the vehicle or load and these lights must be visible from both the rear and the side.

c. An amber light must be attached on any part of the vehicle or load which is wider than the front or rear edges, and this light must be visible from the front, side and rear.

d. A single light on each side, visible from the front, side, and rear, may be used if the overwidth part of the vehicle or load does not exceed 3 feet from front to back. If the overwidth part is at or near the front of the vehicle, this light must be amber. If the overwidth part is at or near the rear of the vehicle, this light must be red.

2. The truck permit office also requires lights at night and during inclement weather on vehicles and loads which are overlength or have rear end overhangs of more than 4 feet, in the following places.

a. Two red lights, one on each side, must be visible from the side and indicate the extreme rear of the vehicle or load.

b. Two red lights, one on each side, and two red reflectors, one on each side, must be visible from the rear, must be located on the rear of the vehicle or load, and must indicate maximum width of the overlength or projecting

part. However, if the overlength or projecting part is 2 feet wide or less, one red light and one red reflector are sufficient.

3. Two or more lights may be combined if the resulting light still conforms to the requirements and its effectiveness is not hurt by the combinations.

4. All lights must be of types approved for such use by the Department of Public Safety and must be visible from a distance of 500 feet. (Approval of any nonstandard lights is done by state police troops.)

H. Speed Limits

1. The truck permit office may also restrict the speed of a movement. Permit movements are limited to 45 miles per hour unless otherwise noted on the permit.

2. The state police shall be contacted if any vehicle with a permit appears to be exceeding its permitted speed limit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 5:38 (February 1979), amended LR 18:508 (May 1992), amended by the Office of Weights Measures and Standards, LR 20:463 (April 1994), LR 48:

§311. Checking Permits

A. General Procedures

1. A permit must be carried with the vehicle for which it was issued at all times. Any vehicle requiring a permit which does not have a permit with it shall be fined. (A permit may be carried in an escort vehicle as long as the escort vehicle is not separated from the vehicle requiring the permit.)

2. All permits which have been checked shall be signed by the officer, and the date, time of day, and scale location shall be noted on the permit. If the truck permit office was called for verification, the name of the official at that office shall also be noted next to the changes. All additions or changes which were verified shall be initialed by the officer and also noted again near the officer's signature.

3. When vehicles arrive at the scales with permits which have already been checked by an officer, they do not have to be reverified with the truck permit office if all changes have been initialed by a Weights and Standards Stationary Scale Police Force officer.

4. If a permitted vehicle or load is too large to pass through a stationary unit, a state police escort may radio ahead for authorization to bypass the unit. The permit shall be checked by radio and verified if necessary with the truck permit office. All other oversize and overweight permits shall be actually seen by the officer.

5. No vehicle shall be delayed more than 15 minutes for permit checking.

B. Comparing the Permit to the Vehicle or Load. Since officials at the truck permit office do not actually see or physically inspect a vehicle or load before a permit is issued, all information on a permit shall be checked against the vehicle or load by enforcement officers.

1. The name of the mover on the form must be the same as the identification on the cab of the vehicle and the owner on the vehicle registration certificate. If the mover has leased the vehicle and is different from the owner on the cab

doors or on the vehicle registration certificate, proof of the lease must be shown to the officer.

2. The load being hauled must agree with the information on the form. A vehicle and load with a permit must always be an indivisible vehicle and load, with the following exceptions:

a. vehicles with forest product permits, waste disposal truck permits, or harvest season permits;

b. vehicles transporting pipe loaded across the vehicle (rather than lengthwise) may have overwidth permits if the width of the vehicle and load does not exceed 8 feet, 8 inches;

c. vehicles transporting up to three bundles of pre-packaged or strapped oil field pipe may have overwidth permits if the load does not exceed 10 feet in width;

d. vehicles transporting up to 500 pounds of small parts which have been or can be easily divided or dismantled from the indivisible part of a vehicle or load may be moved with the main part of the shipment on a single permit.

3. If the vehicle is a mobile home, the serial number on the mobile home must be the same as the number listed on the permit.

4. The vehicle make or model (Mack, International, Peterbilt, etc.) shall be compared to the permit. The license plate on a truck or truck-tractor, serial number on off-road equipment, and license plates on trailers or semi-trailers shall also be checked against the permit.

5. The highway numbers on the permit shall be examined to insure that the movement is following the route described on the permit.

a. The monthly oversize permit is issued from any point to any point.

b. The steering axle permit, oil field equipment permit, forest product permit, and forest management equipment permit are issued for all highways except interstate highways.

6. The date shall be compared to the dates the movement is to begin and end as noted on the permit.

a. Oversize permits are issued at \$8 per trip if the trip lasts less than one day and \$8 per day if the trip lasts more than one day. Vehicles observed making more than one trip per day with an oversize permit have an invalid permit for the second trip. Anytime the prepaid permit form is used, the permit is valid for only one day and one trip.

b. Monthly oversize permits are issued for Monday through Friday only, Monday through Saturday only, or for every day of the week. (Holidays may be excepted.) The monthly oversize permit may be used for more than one trip per day.

c. Overweight permits are issued for one trip. The number of days allowed for the trip will be indicated by the "Date Movement Begins" and "Date Movement Ends."

d. Waste disposal truck permits, steering axle permits, forest product permits, and forest management equipment permits, which are issued for a year, must have a valid "Date Movement Ends."

e. Harvest season permits, which are issued for a year, must have a valid "Expiration Date."

f. Utility vehicle permits, may only be used for one 24-hour period. Both the date and the time of day shall be checked by the officer. These permits must be filled out in ink.

g. Oil field equipment permits are issued for a month and must have a valid "Date Movement Ends."

7. The number of axles noted on the permit shall be compared to the number and type (tandem, etc.) on the vehicle. The axle weights and the gross vehicle weight on the permit shall be matched against the weights shown on the scales. The scale weights must be equal to or lower than the weights on the permit.

a. Prepaid permit forms may not be used for overweight loads. If a prepaid permit form accompanies an overweight vehicle or load, the vehicle is in violation.

b. Permits on regular forms, transmitted forms, and control forms which are for overweight are also valid for oversize if the dimensions are shown on the permit. This does not apply to waste disposal truck permits or harvest season permits, which have been limited to vehicles and loads which are only overweight.

c. If the gross vehicle weight is under the weight shown on the permit, vehicles with harvest season permits shall be allowed a 500-pound variance on each single axle or axle group (tandem, tridum, or quadrum).

d. No load may be carried by vehicles with oil field equipment permits or by rig-up trucks with steering axle permits.

8. All dimensions on the vehicle or load (width, height, length, front and rear overhang) must be equal to or less than the dimensions listed on the permit.

9. The movement shall also be compared to the "Restrictions" and "Remarks" sections of the permit:

- a. night movement;
- b. inclement weather movement;
- c. Sunday movement;
- d. holiday movement;
- e. warning flags;
- f. warning lights;
- g. warning signs;
- h. speed;
- i. escorts; and
- j. any other limitations added to the permit by the truck permit office.

C. Verifying Permits with the Truck Permit Office

1. In some cases it is necessary to call the truck permit office to compare a permit with the master copy at the office. When calling, officers should be prepared with the date of issuance and the permit number (P-number, F-number, or U-number) from the upper right corner of the permit.

2. All information on prepaid forms (A-Forms) and control forms (C-Forms) shall be verified due to the fact that the truck permit office activates these permits over the phone.

3. All date changes shall be verified with the truck permit office.

4. All restrictions which the officer suspects were omitted from the permit shall be verified with the truck permit office.

5. The truck permit office shall also be called about any other unverified additions, changes or suspicious information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 5:40

(February 1979), amended by the Office of Weights Measures and Standards, LR 20:463 (April 1994), LR 48:

§313. Permit Violations

A. General Procedures

1. If a vehicle or load requires a permit and is operating without a valid permit or violating conditions of a permit, the officer shall issue a violation ticket for the violation which gives the greatest fine.

2. Drivers shall be given the opportunity to shift loads to reduce or eliminate permit fines as long as no part of the load is removed from the vehicle.

3. The axle variance on noninterstate highways shall be allowed for vehicles with oversize permits. Vehicles with overweight permits which have exceeded their permitted axle weight shall not be allowed any additional axle variance. However, vehicles with harvest season permits shall be allowed a 500-pound variance on each single axle or axle group (tandem, tridum, or quadrum) if the gross vehicle weight is under the weight shown on the permit.

B. Handling Permit Violations

1. **No Permit, Oversize.** If an indivisible vehicle or indivisible load exceeds the legal limitations or department regulations for width, height, length, or projecting loads and is operating without a valid permit when one is required the officer shall issue a violation ticket and assess a fine of \$100.

2. **No Permit, Overweight.** If an indivisible vehicle or indivisible load exceeds the legal limitations or department regulations for axle weight or gross vehicle weight and is operating without a valid permit when one is required, the officer shall assess a fine from the overweight penalty schedule. The fine must be based on either the number of pounds over legal gross weight or on the number of pounds over legal axle weight or on the number of pounds over legal axle weight on all overweight axles, whichever results in the greater fine.

3. **With Permit, Oversize.** If an indivisible vehicle or indivisible load exceeds the width, height, length, front end overhang, or rear end overhang allowed by a valid permit the officer shall issue a violation ticket and assess a fine of \$100.

4. With Permit, Over Axle Weight Only

a. If an indivisible vehicle or indivisible load exceeds the axle weight, but not the gross vehicle weight, allowed by a valid permit; then no ticket shall be issued (except for harvest season permits, waste disposal truck permits, and steering axle permits). The officer shall contact the truck permit office.

b. If a vehicle or combination of vehicles has a harvest season permit, waste disposal truck permit, or steering axle permit and exceeds the axle weight, but not the gross vehicle weight, allowed by a valid permit then the officer shall issue a violation ticket and assess a fine from the overweight penalty schedule. The fine shall be based on all pounds in excess of the permit's axle weight.

i. The officer shall require that vehicles with harvest season permits or waste disposal truck permits proceed to the nearest suitable place to off-load to the permitted axle weights at the owner's expense.

5. With Permit, Over Gross and Axle Weights

a. If an indivisible vehicle or indivisible load exceeds both the axle weight and the gross vehicle weight allowed by a valid permit (except for harvest season permits, waste disposal truck permits, and steering axle permits), the

officer shall issue a violation ticket and assess a fine on all pounds in excess of the permit's gross weight from the chart for assessing penalty for violation of weight limitations stated on an overweight permit. The permit fee charged shall be only for the difference between the fee already paid and the correct permit fee.

i. If the truck permit office requires that the vehicle or load be returned to an adjoining state or point of origin in Louisiana, the officer shall then release the vehicle or load from impoundment.

b. If a vehicle or combination of vehicles has a harvest season permit, waste disposal truck permit, or steering axle permit and exceeds both the axle weight and the gross vehicle weight allowed by a valid permit, the officer shall issue a violation ticket on the greater of a fine from the chart for assessing penalty for violation of weight limitations stated on an overweight permit on all pounds in excess of the permit's gross vehicle weight or a fine from the overweight penalty schedule on all pounds in excess of the permit's axle weights.

i. The officer shall require that vehicles with harvest season permits or waste disposal truck permits proceed to the nearest suitable place to off-load to the permitted weights at the owner's expense.

C. Writing Permit Tickets

1. In issuing tickets, an officer shall cite the specific violation on the ticket.

2. For vehicles which have no permit or which have an invalid permit, the officer shall cite:

a. R.S. 32:380, overwidth;

b. R.S. 32:381, overheight;

c. R.S. 32:382, overlength, overfront overhand, over rear overhang;

d. R.S. 32:386, overweight.

3. For vehicles which do have a valid permit, the officer shall cite:

a. R.S. 32:387, over permitted size, over permitted overhang;

b. R.S. 32:387, over permitted weight;

c. R.S. 32:387, no escort, no warning flags, no warning signs, no warning lights, traveling on interstate, traveling on a holiday, traveling in severe weather, traveling in moderate weather, traveling at night, exceeding permitted speed, etc.;

d. R.S. 32:387, permit not in vehicle.

4. The officer shall note "no permit," "invalid permit," "expired permit," etc., in the "Remarks" section of the violation ticket. The permit number of any invalid or expired permit and the correct permit's number shall also be noted on the ticket.

5. Invalid or improper permits shall be confiscated and mailed daily to the enforcement and truck permit administrator by the supervisor. These permits must have "VOID" written across them and the reason for voiding. If a new permit was obtained, the new permit number and the violation ticket number shall be noted on the voided permit. The voided permit number and the violation ticket number shall be noted on the new permit.

6. Permit Not in Vehicle. If a vehicle or load has a valid permit, but fails to have the permit in the vehicle for which it was issued, the officer shall issue a violation ticket and assess a fine of \$25 after verification of the existence of

the permit with the truck permit office. The vehicle shall be allowed to proceed after ticketing.

a. If a permit's existence has been verified by the truck permit office and the permit is located within a reasonable distance of the enforcement unit, the driver shall be allowed to get the permit. No ticket shall be issued.

b. If the driver insists that a permit was issued, but no permit can be located by the truck permit office within a short time; then the driver shall be given the option of paying the fine for not having a permit (as in §313.C.1 or 2) or of waiting for the permit to be located. If the driver opts to pay the fine, then the driver shall be assured that all but \$25 of that fine will be returned if the permit is later located.

7. Permit Restriction Violations

a. When restrictions have been written on a permit or when the truck permit office confirms (on A-Forms and C-Forms) that their master copy shows permit restrictions, then the officer shall issue a violation ticket and assess a fine of \$100. This procedure applies to vehicles operating without an escort; traveling on interstate highways, at night, during inclement weather, or on designated holidays; or violating any other permit restrictions except operating without red flags, warning signs, or warning lights.

b. When the above restrictions are not written on a permit and were overlooked or omitted by the truck permit office, no violation ticket shall be issued. The vehicle shall, however, be delayed until any restrictions required by the truck permit office have been met.

c. If a vehicle is operating without red flags, warning signs, or warning lights when required by its permit, no violation ticket shall be issued. The driver shall be warned and the vehicle shall be allowed to proceed. If a vehicle has been repeatedly in violation, the Weight Enforcement Office shall be contacted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 5:41 (February 1979), amended by the Office of Weights Measures and Standards, LR 20:463 (April 1994), LR 48:

Chapter 11. Enforcement Procedures and Penalties

§1101. General Procedures

A. All vehicles, rated 1 ton or over are required to stop at DOTD stationary enforcement units except the following:

1. automobiles, including those towing another vehicle;

2. pickup trucks under one ton, if they are not towing another vehicle;

3. vans, if they have less than one-ton capacity;

4. recreational vehicles, if they are not oversize or overweight;

5. buses;

6. wreckers towing a vehicle which would not be required to stop at the scales.

B. Penalty for vehicles failing to stop at stationary scales, or disregarding the mobile unit's efforts to stop a vehicle or combination of vehicles is \$100 fine.

C. Any owner or driver who disagrees with a penalty or the enforcement of these laws must pay the penalty assessed and give the officer notice at the time of payment of his or her intention to file suit for its recovery. Any owner or operator has 90 days to file suit against the Department of Transportation and Development in the State district court

located either in the parish in which the violation occurred, in the parish of domicile of the vehicle, or in East Baton Rouge Parish. No court may restrain the collection of any penalty assessed by DOTD.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 5:26 (February 1979), amended by the Office of Weights, Measures and Standards, LR 22:120 (February 1996), LR 48:

§1103. Legal Limitation Violations

A.1. The secretary of DOTD, or his designee, shall send the responsible party a “Notice of Violation, Proposed Finding and Proposed Civil Penalty” within 30 calendar days of the violation. However, the commissioner or secretary shall be granted an additional 60 calendar days to send the Notice of Violation only in the case of a data system failure due to either an act of God, or an intentional sabotage.

2. Each Notice of Violation shall state whether or not a monetary penalty is assessed, or if the Notice of Violation serves only as a warning.

3. When a monetary penalty is assessed, each Notice of Violation, shall be sent to the responsible party by certificate of mailing. The responsible party shall have 45 calendar days from the date of the Notice of Violation to either pay the fine, or to request in writing an administrative hearing to review the Notice of Violation. If the amount of the fine has been negotiated between the secretary of DOTD, or his designee, and the responsible party, the responsible party shall be notified within 30 calendar days from the final negotiation date.

4. The responsible party shall have 45 calendar days from the date of the Notice of Violation to either pay the fine, or to request in writing an administrative hearing to review the Notice of Violation. After the administrative hearing has occurred and findings have been made by the hearing officer, any appeal of the findings of the hearing officer shall be filed in a state district court with jurisdiction over the matter.

5. The responsible party shall pay all fees and fines by not later than 45 calendar days after the issuance of the Notice of Violation, or not later than 30 calendar days after receiving a notice of final judgment from the administrative law judge following the hearing on the matter.

6. Fines shall be paid by certified check, money order, or credit card. Payment made by credit card shall be deemed received by the secretary of DOTD when tendered and an approval code is received from the credit card company or processor.

7. If the responsible party fails to timely pay the assessed fine in the prescribed time, the secretary shall transmit the driver’s license number to the Office of Motor Vehicles, upon receipt of which the Office of Motor Vehicle shall immediately notify the driver by first class mail that his driver’s license shall be suspended for 30 calendar days after the date of the mailing of the notice until such time as all fines assessed by the Notice of Violation, or the final judgment of the administrative law judge, are paid in full, with an additional fifty dollar fee, payable to the Office of Motor Vehicles, in order to cover its administrative costs.

B. Twin Trailer Combinations, Trailer and Towed Vehicles, Farm Vehicles and Equipment, and Care of Vehicle Loads. If a vehicle, combination of vehicles, or load violates Louisiana law or DOTD regulations for twin trailer combinations, trailers and towed vehicles, farm vehicles and equipment, or care of vehicle loads, the penalty will be \$100 and the driver must correct the violation.

C. Oversize. If a vehicle and divisible load exceeds the legal limitations or DOTD regulations for width, height, length, or projecting loads; the penalty will be \$100 and the driver must reduce the load to the legal size.

D. Overweight. The amount assessed for an overweight penalty will be for the violation with the greatest dollar value, whether based on gross vehicle weight, axle weight(s), or bridge formula. A \$10 penalty will be assessed for each lesser violation(s).

1. Gross Vehicle Weight or Axle Weight

a. If a vehicle and divisible load exceeds the legal limitations or DOTD regulations for axle weight or gross vehicle weight, these schedules will be used.

Overweight Pounds	Over Gross Weight	Over Axle Weight(s) Only
0 to 3,000	\$0.02 per pound	\$0.01 per pound
3,001 to 5,000	\$0.03 per pound	\$0.015 per pound
5,001 to 10,000	\$0.04 per pound	\$0.02 per pound
10,001 and over	\$100.00 plus \$0.05 per pound	\$100.00 plus \$0.05 per pound

b. If a vehicle exceeds the legal maximum gross weight but not the legal maximum axle weight, the over gross weight schedule is used to assess the penalty.

c. If a vehicle does not exceed the legal maximum gross weight, but exceeds the legal maximum axle weights for any axle or axle groups, the penalties are then computed separately for each axle or group, the sum amount of which is the penalty assessed.

d. If a vehicle exceeds both the legal maximum gross weight and the legal maximum axle weight, both penalties are computed from the over gross weight schedule, and the greater of the two is assessed as the penalty. When two or more single axle or axle groups are overweight, the sum of the penalties of the overweight axles is compared to the penalty on the gross weight, and the greater of the two will be assessed. A \$10 penalty is assessed for the lesser violation.

2. Posted Bridges. If a vehicle or combination of vehicles is observed crossing a bridge which has regulatory weight limits and the vehicle or combination of vehicles exceeds the posted weight limit on the bridge, the penalty will be \$100.

3. Escort Vehicles

a. Operating as an escort vehicle when required by oversize/overweight permit unable to pass required inspection, the penalty will be \$100.

b. Transporting load without an escort when one is required, the penalty will be \$100.

4. Bridge Formula. If the owner or driver of a vehicle or combination of vehicles is in violation of the bridge formula axle spacing requirements, the penalty will be \$50.

5. Stationary Poles. If a combination of vehicles transporting forest products in their natural state is not equipped with stationary vertical retaining poles on the driver's side of the trailer portion, the penalty will be \$100.

6. Variable Load Suspension Axles

a. If vehicles equipped with VLS axles are observed to have the regulator for these axles installed in the cab, the penalty will be \$100.

b. If vehicles equipped with VLS axles are observed operating with axles in the up position when not entering or leaving a turn, the vehicle will be cited as the type represented by the number of axles on the ground. The penalty will be calculated from the appropriate overweight chart.

E. Permit Violations

1. Drivers will be given the opportunity to shift the load to reduce or eliminate oversize and overweight penalties as long as no part of the shipment is removed.

2. Indivisible vehicles or indivisible loads exceeding the legal limitations without a permit or violating the restrictions of a permit will be issued a notice of violation.

3. No axle variance will be allowed for vehicles which exceed their permitted axle weight.

4. Penalties will be due immediately upon receipt of the ticket.

5. Exception. The Secretary of the Department of Transportation and Development may establish credit accounts for violators, if each violator provides the department a cash bond or penalty bond in the minimum amount of \$5,000. It is required that the original penalty bond, a power of attorney for the principal, and a power of attorney for the insurance company be furnished to the department's Weights and Standards Headquarters Office.

6. Exception. A driver of a vehicle registered in Louisiana who possesses a valid Louisiana driver's license may deposit the license with the enforcement officer instead of paying the penalty immediately. A receipt will be provided which will notify the owner and driver of when and where to pay the penalty. The receipt will also serve as a valid Louisiana driver's license for 30 days. If the penalty has not been paid within the 30-day period, the driver's license will be forwarded to the Department of Public Safety for suspension, and the DOTD Weights and Standards Police Force will locate and remove the license plate from the vehicle in violation until any penalty assessed is paid. In addition, DOTD will institute suit against the violator; and the violator may be penalized an additional \$100, imprisoned for 30 days, or both. For a second violation, the violator may be penalized an additional \$500, imprisoned for 90 days, or both. If the violator is not an individual, imprisonment will not be required; however, a double penalty may be assessed.

7. In case of multiple violations of size, weight and permits, the penalty assessed will be for the violation which gives the greatest penalty. However, multiple weight violations are susceptible to additional penalties.

8. If upon expiration of a 90-day period any penalty assessed remains unpaid, the department may institute a civil suit in the parish in which the violation occurred or in the domicile of the owner or driver to collect any penalty assessed but unpaid.

F. Oversize. If an indivisible vehicle or indivisible load exceeds the legal limitations or DOTD regulations for width, height, length, or projecting loads and is operating without a permit or exceeding the size allowed by a valid permit; the penalty will be: \$100, plus the cost of an oversize permit, if a permit was not previously purchased. In addition, any restrictions imposed by DOTD must be met.

G. Overweight

1. No Permit for Weight

a. If a vehicle, vehicle combination, or vehicle/indivisible load combination exceeds the legal limitations or DOTD regulations for axle weight or gross vehicle weight and is operating without a permit, an overweight permit must be purchased and any restrictions imposed by DOTD must be met.

b. If a vehicle exceeds the legal gross weight but not the legal axle weight, a penalty will be assessed from the over gross weight schedule on all pounds in excess of the legal gross vehicle weight.

c. If a vehicle exceeds the legal axle weight but not the legal gross vehicle weight, a penalty will be assessed from the over axle weight only schedule on all pounds in excess of the legal axle weight. When two or more single axles or axle groups are overweight, the penalty will be figured for each overweight single axle or axle group; then all the penalties will be added together.

d. If a vehicle exceeds both the legal gross vehicle weight and the legal axle weight, one penalty will be figured using the pounds in excess of the legal gross vehicle weight and one penalty using the pounds in excess of the legal axle weight. Both penalties will be figured using the over gross weight schedule, and the greater of the penalties will be assessed. When two or more single axles or axle groups are overweight, the sum of the penalties on the overweight axles will be compared to the penalty on the gross weight; then the greater of the two will be assessed plus \$10 penalty for the lesser violation.

2. Over Permitted Axle Weight Only

a. If a vehicle, vehicle combination, or vehicle/indivisible load combination exceeds the axle weight but not the gross vehicle weight allowed by its permit, then no penalty will be assessed (except for harvest season permits, natural forest product permits, waste disposal truck permits, and steering axle permits). However, DOTD may require either additional dismantling of the load, modification of the hauling equipment, or return of the movement to the state of origin or to its point of origin in Louisiana.

b. If a vehicle or combination of vehicles has a harvest season permit or natural forest product permit and exceeds the axle weight but not the gross vehicle weight allowed by the permit, then a penalty will be assessed on all pounds in excess of the permit's axle weights according to the over axle weight only schedule. When two or more single axles or axle groups are overweight, the penalty will be figured for each over-weight single axle or axle group; then all the penalties will be added together. In addition, these vehicles may be required to proceed to the nearest suitable place to off-load to the permitted axle weights at the owner's expense.

c. If a vehicle has a waste disposal truck permit or steering axle permit and exceeds the axle weight but not the

gross vehicle weight allowed by the permit, a penalty will be assessed from the over axle weight only schedule. The penalty will be based on all pounds in excess of the permit's axle weight.

NOTE: Vehicles with waste disposal truck permits may be required to proceed to the nearest suitable place to off-load to the permitted axle weight at the owner's expense.

NOTE: Vehicles with steering axle permits must increase the permit's weight to the weight being carried.

3. Over Permitted Gross Weight Only

a. If a vehicle, vehicle combination, or vehicle/load combination exceeds the gross vehicle weight but not the axle weight allowed by a valid permit, a penalty will be assessed from the over gross weight schedule. The penalty will be based on all pounds in excess of the permit's gross vehicle weight.

NOTE: Vehicles with overweight permits will be required to increase the permit's weight to the weight being carried, and the driver will be charged for the difference between the fee already paid and the correct permit fee. DOTD may also require additional dismantling of the load, modification of the hauling equipment, or return of the movement to the state of origin or its point of origin in Louisiana.

NOTE: Vehicles with harvest season or natural forest product permits may be required to proceed to the nearest suitable place to off-load to the permitted gross vehicle weight at the owner's expense.

4. Over Permitted Gross and Axle Weights

a. If a vehicle, vehicle combination, or vehicle/load combination exceeds both the gross vehicle weight and the axle weight allowed by a valid permit, one penalty shall be figured using the pounds in excess of the permit's maximum allowable gross vehicle weight.

NOTE: Vehicles with overweight permits will be required to increase the permit's weight to the weight being carried, and the driver will be charged for the difference between the fee already paid and the correct permit fee. DOTD may also require additional dismantling of the load, modification of the hauling equipment, or return of the movement to the state of origin or its point of origin in Louisiana.

NOTE: Vehicles with harvest season or natural forest product permits may be required to proceed to the nearest suitable place to off-load to the permitted weights at the owner's expense.

H. International Trade Container Permits

1. Containerized Cargo Permit. If a vehicle combination exceeds the permitted maximum allowable weight on tandem axles the minimum penalty will be \$100 for violation of terms of the permit. If the vehicle combination also exceeds its maximum gross weight, the penalty will be figured from the appropriate chart and the greater of the two penalties will be assessed plus \$10 penalty for the lesser violation.

2. Liquid Bulk Container Permit. If a vehicle combination exceeds the permitted maximum allowable weight on tandem axles the minimum penalty will be \$100

for violation of terms of the permit. If the vehicle combination also exceeds its maximum gross weight, the penalty will be figured from the appropriate chart and the greater of the two penalties will be assessed plus \$10 penalty for the lesser violation.

I. Permit Restrictions

1. If a vehicle is operating without an escort, warning flags, warning signs, or warning lights when they are required by its permit; is traveling at night, during inclement weather, or on a designated holiday when prohibited by its permit; is exceeding the permitted speed limit; or is violating any other permit restrictions, the penalty will be \$100 and the driver must comply with all permit restrictions.

2. If it is verified that a vehicle has a valid permit, but fails to have the permit in the vehicle for which it was issued, the penalty will be \$25.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:2 and 32:386.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 5:26 (February 1979), amended by the Office of Weights, Measures and Standards, LR 22:120 (February 1996), LR 24:1517 (August 1998), LR 48:

§1105. Vehicle Registration and Licensing Violations

A. Improper License or Registration

1. If a vehicle domiciled in Louisiana is operating with an improper Louisiana license or registration (full or apportioned), the penalty will be 25 percent of the annual cost of the proper license. The driver will be required to purchase the proper Louisiana license from the Vehicle Registration Bureau (of the Office of Motor Vehicles, Department of Public Safety). The cost of the Louisiana license on the vehicle will be credited toward the cost of the proper license.

2. Vehicles domiciled in Louisiana which have improper Louisiana license plates (full or apportioned) or an unlawful Louisiana registration will be issued a notice of violation in accordance with the provisions of this Title.

3. Exception. The driver may deposit improper Louisiana license plates with the enforcement officer instead of having to purchase the proper license and registration immediately. A receipt will be provided which will notify the owner or driver to appear within five days to purchase the proper license or properly register the vehicle or combination of vehicles and to pay any penalty which is due. The receipt will also serve as a temporary license plate for five days. An OMV form 1757 must be presented to the Weights and Standards Office to clear the status of such a violation ticket.

4. If a vehicle is domiciled outside Louisiana, but exceeds its licensed gross weight, the penalty will be \$100.

B. Expired or No License or Registration

1. If a vehicle domiciled in Louisiana is operating with an expired Louisiana license or registration or no Louisiana license or registration, the penalty will be 25 percent of the annual cost of the proper license. The driver will be required to purchase the proper Louisiana license from the Vehicle Registration Bureau (of the Office of Motor Vehicles, Department of Public Safety).

C. No Temporary 48-Hour Trip Permit

1. If a vehicle is operating without a temporary 48-hour trip permit when one is required, \$200 fine shall be assessed and the driver will also be required to purchase a temporary 48-hour trip permit for \$25.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 5:26 (February 1979), amended by the Office of Weights, Measures and Standards, LR 22:120 (February 1996), amended LR 48:

§1107. Fuel Tax Violations

A. Penalties will be due immediately upon receipt of the ticket.

B. Vehicles Using Gasoline

1. If the driver of a vehicle which operates on gasoline has a valid fuel invoice, but additional tax is due, no penalty will be assessed. However, the additional tax must be paid.

2. If the driver of a vehicle which operates on gasoline has no fuel invoice or has an improper fuel invoice, a \$50 fine will be assessed-plus the amount of fuel tax assessed.

C. Vehicles Using Special Fuels

1. If the driver of a vehicle which operates on special fuels has a valid special fuels invoice, but additional tax is due, no penalty will be assessed. However, the additional tax must be paid.

2. If the driver of a vehicle which operates on special fuels has no special fuels invoice or has an improper special fuels invoice, the penalty will be \$50 plus the amount of fuel tax assessed (interstate user) \$50 (intrastate user).

3. If a vehicle which operates on special fuels does not have either a working odometer, speedometer, or hub meter, the fine shall be \$50.

4. If a vehicle which operates on special fuels does not have the true owner's name and address or adequate identification on both cab doors, the penalty will be \$50.

5. Vehicles operating with special fuels which have nonworking odometers, speedometers, or hub meters or which do not have the true owner's name and address on both cab doors shall be issued a notice of violation.

D. Vehicles Transporting Bulk Gasoline

1. Vehicles transporting bulk gasoline into or out of Louisiana from or into any state which has a lower tax rate than Louisiana must have an approved route card issued by the Department of Revenue and Taxation.

2. The driver is required to have the card in his possession at all times.

3. The driver must also carry, at all times, one of the following: a bill of lading, a manifest, or a dated invoice indicating:

- a.i. both seller's and purchaser's name and address;
- ii. origin of gasoline being transported;
- iii. destination or destinations of gasoline being transported;
- iv. quantities of each type of gasoline being transported.

b. Exceptions

i. Vehicles belonging to common and contract carriers who are licensed by the Interstate Commerce Commission who are required to file monthly reports under Louisiana law.

ii. Vehicles belonging to farmers who are registered for refunds who move gasoline within the state, in

quantities of 500 gallons or less, from one location to another within the scope of their farming activities.

iii. Vehicles transporting gasoline not for resale and the quantity being transported does not exceed 150 gallons.

iv. Delivery trucks commonly known as bobtails or tank wagons with a total capacity of 2,500 gallons or less when such deliveries originate in Louisiana and have a Louisiana destination.

4. If any person transporting bulk gasoline is traveling on other than the approved route or not carrying the above information as required, the penalty will fine shall be:

- a. \$300 for the first offense;
- b. \$600 for the second offense;
- c. \$1,200-\$2,000 for the third and succeeding offenses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 5:26 (February 1979), amended by the Office of Weights, Measures and Standards, LR 22:120 (February 1996), LR 48:

Chapter 12. Violation Ticket Review Committee

§1201. Composition of Violation Ticket Review Committee

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:389 (D).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Weights, Measures and Standards, LR 22:372 (May 1996), amended LR 28:522 (March 2002), LR 33:863 (May 2007), repealed LR 48:

§1203. Tickets Subject to Review

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:389(D).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Weights, Measures and Standards, LR 22:372 (May 1996), amended LR 28:522 (March 2002), repealed LR 48:

§1205. Time Limitations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:389(D).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Weights, Measures and Standards, LR 22:372 (May 1996), amended LR 28:522 (March 2002), repealed LR 48:

§1207. Duties of the DOTD Weights and Standards Administrator

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:389.D.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Weights, Measures and Standards, LR 22:372 (May 1996), amended LR 28:522 (March 2002), repealed LR 48:

§1209. Authorized Action

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:389.D.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Weights, Measures and Standards, LR 22:372 (May 1996), amended LR 28:523 (March 2002), repealed LR 48:

§1211. Rights of Protesting Party

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:389.D.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Weights, Measures and Standards, LR 22:372 (May 1996), amended LR 28:523 (March 2002), repealed LR 48:

§1213. Prescription

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:389.D.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Weights, Measures and Standards, LR 22:372 (May 1996), amended LR 28:523 (March 2002), repealed LR 48:

§1215. Reconsideration by Violation Ticket Review Committee

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:389.D.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Weights, Measures and Standards, LR 22:372 (May 1996), amended LR 28:523 (March 2002), repealed LR 48:

§1216. Consideration by Review Panel

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:389 (D).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Weights, Measures and Standards, LR 22:372 (May 1996), amended LR 28:523 (March 2002), LR 33:863 (May 2007), repealed LR 48:

§1217. Record-Keeping

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:389.D.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Weights, Measures and Standards, LR 22:372 (May 1996), amended LR 28:523 (March 2002), repealed LR 48:

Shawn D. Wilson, Ph.D.
Secretary

2207#002

DECLARATION OF EMERGENCY

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

**Closure of Spring Inshore Shrimp Season
in State Inside Waters**

The secretary of the Department of Wildlife and Fisheries has been notified that the occurrence of small juvenile white shrimp collected in biological samples within inside state waters has rapidly increased. Closing these waters is necessary to protect developing white shrimp.

In accordance with the emergency provisions of R.S. 49:953.1 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons and R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall fix no less than two open seasons each year for all or part of inside waters and a declaration of emergency adopted by the Wildlife and Fisheries Commission on May 5, 2022 which authorized the secretary of the Department of Wildlife and Fisheries to close the 2022 spring inshore shrimp season in any portion of Louisiana’s inside waters to protect small white shrimp if biological and technical data indicate the need to do so or if enforcement problems develop, the secretary hereby declares:

The 2022 Louisiana spring inshore shrimp season will close on Thursday, June 30, 2022, at official sunset in all Louisiana inside waters from the Mississippi/Louisiana state line westward to the Louisiana/Texas state line.

The open waters of Breton and Chandeleur Sounds as bounded by the double-rig line described in R.S. 56:495.1(A)2 and all state outside waters seaward of the Inside/Outside Shrimp Line, as described in LAC 76:VII.370 will remain open to shrimping until further notice.

Jack Montoucet
Secretary

2207#003