

**House Committee on Transportation, Highways and Public Works**

Minutes of Meeting  
2016 Regular Session  
May 2, 2016

**I. CALL TO ORDER**

Representative Kenneth E. Havard, chairman of the House Committee on Transportation, Highways and Public Works, called the meeting to order at 9:12 a.m. in Room 3, in the State Capitol in Baton Rouge, Louisiana. The secretary called the roll.

**II. ROLL CALL**

**MEMBERS PRESENT:**

Representative Kenneth E. Havard, chairman  
Representative Bryan Adams  
Representative Terry R. Brown  
Representative Barbara W. Carpenter  
Representative Stephen F. Carter  
Representative A B Franklin  
Representative Jerry Gisclair  
Representative John E. Guinn  
Representative Jeffrey "Jeff" Hall  
Representative Dorothy Sue Hill  
Representative Frank A. Howard  
Representative Terry C. Landry, Sr., vice chairman  
Representative H. Bernard LeBas  
Representative C. Denise Marcelle  
Representative Jack Montoucet  
Representative Vincent J. Pierre  
Representative J. Rogers Pope  
Representative Malinda B. White

**MEMBERS ABSENT:**

Representative Barbara M. Norton

**STAFF MEMBERS PRESENT:**

Kimberly Callaway, attorney  
Ashleigh Clare-Kearney, attorney

Angelique R. Mozee, secretary

**ADDITIONAL ATTENDEES PRESENT:**

Beverly Hurst, sergeant at arms

**III. DISCUSSION OF LEGISLATION**

**House Bill No. 1127 by Representative Howard**

Representative Havard announced that action on House Bill No. 1127, which provides relative to requirements of auto title companies, is being voluntarily deferred.

**House Bill No. 1132 by Representative Davis**

Representative Havard announced that action on House Bill No. 1132, which increases penalties for moving violations when children are present in the vehicle at the time of the violation, is being voluntarily deferred.

**Senate Bill No. 87 by Senator John Smith**

On behalf of Senator John Smith, Cheryl B. Cooper, attorney for the Senate Committee on Insurance, explained Senate Bill No. 87, which dedicates interchange of I-10 with US 171 in Calcasieu Parish as "Louisiana State Master Trooper Stephen H. Gray Memorial Interchange".

Representative Howard offered a motion to report Senate Bill No. 87 favorably. Without objection, Senate Bill No. 87 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Havard, Terry Brown, Carpenter, Steve Carter, Gisclair, Hall, Hill, Howard, Terry Landry, Pierre, Pope, and White voted yea.

**Senate Bill No. 95 by Senator Ward**

Senator Ward presented Senate Bill No. 95, which provides relative to evidence of compulsory motor vehicle insurance.

Staci Hoyt, Office of Motor Vehicles, P. O. Box 64886, Baton Rouge, Louisiana 70896, (225) 925-4656, spoke for information only on Senate Bill No. 95.

Representative Havard offered an amendment to clarify proposed law which prohibits the issuance of a citation resulting in a penalty fine, or fee for failure to have a document that evidences proof of compulsory motor vehicle liability security contained in the motor vehicle when the law enforcement

officer is able to electronically verify that the owner or operator has current motor vehicle liability security covering the vehicle at the time of the traffic stop.

Representative Havard offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 13 yeas and 0 nays. Representatives Havard, Adams, Terry Brown, Carpenter, Steve Carter, Gisclair, Hall, Hill, Howard, Terry Landry, Pierre, Pope, and White voted yea.

Representative Terry Landry offered a motion to report Senate Bill No. 95 with amendments. Without objection, Senate Bill No. 95 was reported with amendments by a vote of 14 yeas and 0 nays. Representatives Havard, Adams, Terry Brown, Carpenter, Steve Carter, Gisclair, Hall, Hill, Howard, Terry Landry, Marcelle, Pierre, Pope, and White voted yea.

### **House Bill No. 778 by Representative Hill**

Representative Hill presented House Bill No. 778, which requires a two-person crew on trains transporting freight.

David S. Duplechain, International Association Sheet Metal, Air, Rail, 429 Government Street, Baton Rouge, Louisiana (no zip code provided), (504) 782-9347, spoke for information only on House Bill No. 778.

Wayne A. Rau, City of Gretna, 936 Lafayette Street, Gretna, Louisiana (no zip code provided), (504) 366-3893, spoke in support of House Bill No. 778.

Ronnie Harris, executive director, Louisiana Municipal Association, 700 North 10<sup>th</sup> Street, Baton Rouge, Louisiana 70802, (225) 344-5001, spoke in support of House Bill No. 778.

Carmack M. Blackmon, Louisiana Railroads Association, P. O. Box 44035, Baton Rouge, Louisiana 70804-4035, (225) 388-9871, spoke in opposition to House Bill No. 778.

Drew Tessier, Union Pacific Railroads, 412 North 4<sup>th</sup> Street, Baton Rouge, Louisiana 70802, (225) 387-3179, spoke in opposition to House Bill No. 778.

Representative Terry Landry offered amendments to:

1. Make technical changes.
2. Provide if the section conflict with federal law, then the section shall be preempted.

Representative Terry Landry offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 16 yeas and 0 nays. Representatives Havard,

Adams, Carpenter, Steve Carter, Franklin, Gisclair, Guinn, Hall, Hill, Howard, Terry Landry, Marcelle, Montoucet, Pierre, Pope, and White voted yea.

Representative Marcelle offered a motion to report House Bill No. 778 with amendments, to which Representative Montoucet objected. The secretary called the roll, and the motion failed to pass by a vote of 4 yeas and 12 nays. Representatives Adams, Hill, Howard, and Marcelle voted yea. Representatives Havard, Carpenter, Steve Carter, Franklin, Gisclair, Guinn, Hall, Terry Landry, Montoucet, Pierre, Pope, and White voted nay.

Witness cards submitted by individuals who did not speak are as follows: 16 in support, 5 in opposition, and 1 for information only. Witness cards are included in the committee records.

#### **Senate Bill No. 45 by Senator Morrish**

Senator Morrish presented Senate Bill No. 45, which designates the interchange of I-10 (Exit 54) with LA 99 in Welsh, LA, Jefferson Davis Parish, as the "SP4 Donald C. Gillett Memorial Interchange".

Representative Guinn offered a motion to report Senate Bill No. 45 favorably. Without objection, Senate Bill No. 45 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Havard, Steve Carter, Franklin, Gisclair, Guinn, Hall, Howard, Terry Landry, Marcelle, Pierre, and Pope voted yea.

#### **Senate Bill No. 159 by Senator Cortez**

On behalf of Senator Cortez, Joshua Hollins, representing the Department of Transportation and Development, 1201 Capitol Access Road, Baton Rouge, Louisiana 70802, presented Senate Bill No. 159, which authorizes LTA to undertake state-designated priority "A" or "B" projects in Statewide Transportation Plan.

Representative Terry Landry offered a motion to report Senate Bill No. 159 favorably. Without objection, Senate Bill No. 159 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Havard, Steve Carter, Gisclair, Guinn, Hall, Howard, LeBas, Terry Landry, Marcelle, Pierre, Pope, and White voted yea.

Witness cards submitted by individuals who did not speak are as follows: 1 in support. Witness cards are included in the committee records.

**Senate Bill No. 195 by Senator Cortez**

On behalf of Senator Cortez, Joshua Hollins, representing the Department of Transportation and Development, 1201 Capitol Access Road, Baton Rouge, Louisiana 70802, presented Senate Bill No. 195, which authorizes DOTD to solicit and enter into public-private partnership contracts.

Representative Havard offered an amendment to require present law provisions relative to the payment of a bond and the process for the payment of a claim be applicable in the same manner as any other department projects. Representative Havard offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 11 yeas and 0 nays. Representatives Havard, Steve Carter, Gisclair, Guinn, Hall, Howard, LeBas, Marcelle, Pierre, Pope, and White voted yea.

Representative Marcelle offered a motion to report Senate Bill No. 195 with amendments. Without objection, Senate Bill No. 195 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Havard, Carpenter, Steve Carter, Gisclair, Guinn, Hall, Howard, LeBas, Marcelle, Pierre, Pope, and White voted yea.

**Senate Bill No. 354 by Senator Cortez**

On behalf of Senator Cortez, Joshua Hollins, representing the Department of Transportation and Development, 1201 Capitol Access Road, Baton Rouge, Louisiana 70802, presented Senate Bill No. 354, which provides relative to contracts of the DOTD.

Representative Havard offered an amendment to remove repeal of a provision that provides for payment of attorney fees by DOTD to the contractor if the DOTD fails to make final payment or neglects to promptly ascertain final quantities under the contract in bad faith and a mandamus to perform such acts is required for the contractor to receive all monies due and owed the contractor under the contract. Representative Havard offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 12 yeas and 0 nays. Representatives Havard, Adams, Carpenter, Steve Carter, Gisclair, Guinn, Hall, Howard, LeBas, Pierre, Pope, and White voted yea.

Representative Pope offered a motion to report Senate Bill No. 354 with amendments. Without objection, Senate Bill No. 354 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Havard, Adams, Carpenter, Steve Carter, Gisclair, Guinn, Hall, Howard, LeBas, Pierre, Pope, and White voted yea.

The committee recessed at 10:51 a.m. The committee reconvened at 10:54 a.m.

**House Bill No. 1063 by Representative Robby Carter**

*This is a continuation of the discussion on house Bill No. 1063 from April 19, 2016. Please check for the prior action to complete the record of discussion and motions on House Bill No. 1063.*

Representative Robby Carter presented House Bill No. 1063, which provides that certain fees assessed by the office of motor vehicles for failure to maintain automobile liability insurance become final delinquent debt sixty days after receipt of notice by the owner. Representative Carter provided a handout, Exhibit A, which is included in the committee records.

Representative Havard offered amendments to the substitute bill which:

1. Remove the notices sent by registered or certified mail.
2. Provide that the debt be limited to \$5,000.
3. Make technical changes.

Representative Havard offered a motion to amend the substitute bill adopted by the committee on April 19, 2016. Without objection, the amendments were adopted by a vote of 13 yeas and 0 nays. Representatives Havard, Terry Brown, Carpenter, Franklin, Gisclair, Guinn, Hall, Hill, Howard, LeBas, Marcelle, Pope, and White voted yea.

Staci Hoyt, Office of Motor Vehicles, P. O. Box 64886, Baton Rouge, Louisiana 70896, (225) 925-4656, spoke for information only on House Bill No. 1063.

Karen St. Germain, commissioner, Office of Motor Vehicles, P. O. Box 64886, Baton Rouge, Louisiana 70896, (225) 925-4656, spoke for information only on House Bill No. 1063.

Representative Howard offered a motion to report House Bill No. 1063 by substitute, to which Representative Adams objected. The secretary called the roll, and House Bill No. 1063 was reported by substitute by a vote of 9 yeas and 6 nays. Representatives Havard, Carpenter, Franklin, Hill, Howard, LeBas, Marcelle, Pope, and White voted yea. Representatives Adams, Gisclair, Hall, Terry Landry, Montoucet, and Pierre voted nay.

**Senate Bill No. 22 by Senator Chabert**

Representative Havard announced that the witness card submitted by Joe Accardo in support for Senate Bill No. 22 by Charbert was read in error on House Bill No. 778 by Representative Hill.

Representative Havard announced that action on House Bill No. 22, which changes the chair of the Multimodal Commerce Advisory Commission to the commissioner of multimodal commerce, is being voluntarily deferred.

#### **IV. OTHER BUSINESS**

There was no other business.

#### **V. ANNOUNCEMENTS**

There were no announcements.

#### **VI. ADJOURNMENT**

The meeting was adjourned at 11:40 a.m.

Respectfully submitted,

Chairman Kenneth E. Havard  
House Committee on Transportation, Highways and Public Works

Date adopted: