

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

Minutes of Meeting  
2019 Regular Session  
April 29, 2019

### **I. CALL TO ORDER**

Representative Terry C. Landry, Sr., chairman of the House Committee on Transportation, Highways and Public Works, called the meeting to order at 9:37 a.m. in Room 3, in the state capitol in Baton Rouge, Louisiana.

### **II. ROLL CALL**

#### **MEMBERS PRESENT:**

Representative Terry C. Landry, Sr., chairman  
Representative Roy Daryl Adams  
Representative Kendrick "Ken" Brass  
Representative Terry R. Brown  
Representative Barbara W. Carpenter  
Representative Stephen F. Carter, vice chairman  
Representative A B Franklin  
Representative John E. Guinn  
Representative Dorothy Sue Hill  
Representative Frank A. Howard  
Representative Ed Larvadain III  
Representative H. Bernard LeBas  
Representative C. Denise Marcelle  
Representative Barbara M. Norton  
Representative Vincent J. Pierre  
Representative J. Rogers Pope  
Representative Malinda B. White

#### **MEMBERS ABSENT:**

Representative Jerry Gisclair  
Representative Mark Wright

#### **STAFF MEMBERS PRESENT:**

Ashleigh Clare-Kearney, attorney  
Glenn Fleming, attorney

Angelique R. Mozee, secretary

**ADDITIONAL ATTENDEES PRESENT:**

Vivien Hurst, sergeant at arms  
Nyla Rivarde, clerk

**III. DISCUSSION OF LEGISLATION**

**House Bill No. 570 by Representative Garofalo**

Representative Terry Landry offered a motion to voluntarily defer action on House Bill No. 570. Without objection, action on House Bill No. 570 was voluntarily deferred by a vote of 15 yeas and 0 nays. Representatives Terry Landry, Adams, Brass, Terry Brown, Franklin, Guinn, Hill, Howard, Larvadain, LeBas, Marcelle, Norton, Pierre, Pope, and White voted yea.

**House Bill No. 581 by Representative Garofalo**

Representative Terry Landry offered a motion to voluntarily defer action on House Bill No. 581. Without objection, action on House Bill No. 581 was voluntarily deferred by a vote of 15 yeas and 0 nays. Representatives Terry Landry, Adams, Brass, Terry Brown, Franklin, Guinn, Hill, Howard, Larvadain, LeBas, Marcelle, Norton, Pierre, Pope, and White voted yea.

**House Bill No. 229 by Representative Huval**

Representative Huval presented House Bill No. 229, which provides with respect to the use of a wireless telecommunications device while operating a motor vehicle.

Representative LeBas offered amendments to:

- (1) Make a technical change.
- (2) Expand "operating a wireless telecommunication device" to include accessing, viewing, posting, editing, or creating a video, photograph, or other image, and accessing, reading, viewing, composing, browsing, transmitting, saving, or retrieving electronic data from any application other than media.
- (3) Reduce the fine for a first violation from \$500 to \$200.
- (4) Add second and third violations and remove reference to each subsequent violation.

- (5) Reduce the fine for a second (subsequent) violation from \$1,000 to \$300 and specify that the third violation will incur a fine of up to \$300 and lower the driver's license suspension from 60 days to 30 days.

Representative LeBas offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 15 yeas and 0 nays. Representatives Terry Landry, Adams, Brass, Terry Brown, Franklin, Guinn, Hill, Howard, Larvadain, LeBas, Marcelle, Norton, Pierre, Pope, and White voted yea.

Representative Pierre offered an amendment to remove language referencing whether the violation is legal cause of a collision when considering whether a person involved in a collision at the time of the violation will be fined equal to double the amount of the standard fine imposed in present law.

Representative Pierre offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 15 yeas and 0 nays. Representatives Terry Landry, Adams, Brass, Terry Brown, Franklin, Guinn, Hill, Howard, Larvadain, LeBas, Marcelle, Norton, Pierre, Pope, and White voted yea.

Representative Pierre offered a motion to report House Bill No. 229 with amendments, to which Representative Norton objected. The secretary called the roll, and House Bill No. 229 was reported with amendments by a vote of 13 yeas and 2 nays. Representatives Terry Landry, Adams, Brass, Terry Brown, Carpenter, Steve Carter, Franklin, Guinn, Hill, Howard, LeBas, Pierre, and White voted yea. Representatives Larvadain and Norton voted nay.

Ms. Jennifer Smith, Stop Distractions.org, P.O. Box 6743, River Forest, no state or zip code provided, (708) 334-3058, spoke in support to House Bill No. 229.

Mr. Don Redman, AAA, 3445 North Causeway Boulevard, Metairie, LA 70002, (504) 838-2320, spoke in support to House Bill No. 229.

Mr. Robert Burns, Louisiana State Police, 7919 Independence Boulevard, Baton Rouge, LA 70806, (225) 925-4239, spoke for information only on House Bill No. 229.

Mr. Bobby Breland, Louisiana Highway Safety Commission, P.O. Box 66336, Baton Rouge, LA 70896, (225) 772-1311, spoke for information only on House Bill No. 229.

Mr. Richard Brown, 824 Sessions, Kenner, LA 70065, (504) 467-7890, spoke in opposition to House Bill No. 229.

Mr. Kip Judice, Duson Police Department, 498 Toby Mouton Road, Duson, LA 70529, (337) 277-2108, spoke in support of House Bill No. 229.

Mr. Fabian Blache, Louisiana Association of Chiefs of Police, 700 North 10th Street, Suite 250, Baton Rouge, LA 70802, (225) 387-3261, spoke in support of House Bill No. 229.

Witness cards submitted by individuals who did not speak are as follows: 8 in support, and 1 in opposition. Witness cards are included in the committee records.

**House Bill No. 290 by Representative Pugh**

Representative Pugh presented House Bill No. 290, which provides relative to shippers of hazardous material.

Representative Terry Landry offered an amendment to make technical changes. Representative Terry Landry offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 15 yeas and 0 nays. Representatives Terry Landry, Adams, Brass, Terry Brown, Carpenter, Steve Carter, Franklin, Guinn, Hill, Howard, Larvadain, LeBas, Marcelle, Norton, and Pierre voted yea.

Representative Terry Landry offered amendments to:

- (1) Make technical changes.
- (2) Relieve the shipper of any hazardous material, substance, or waste from fault for any discharge or disposal during transport if the discharge or disposal resulted solely from circumstances or conditions beyond his control.

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 Terry Landry, Adams, Brass, Terry Brown, Carpenter, Steve Carter, Franklin, Guinn, Hill, Howard, Larvadain, LeBas, Marcelle, Norton, Pierre, and White voted yea.

Representative Steve Carter offered a motion to voluntarily defer action on House Bill No. 290. Without objection, action on House Bill No. 290 was voluntarily deferred by a vote of 12 yeas and 0 nays. Representatives Terry Landry, Adams, Brass, Carpenter, Steve Carter, Guinn, Hill, Larvadain, Marcelle, Norton, Pierre, and White voted yea.

Mr. John Porter, Louisiana State Police, 7919 Independence Boulevard, Baton Rouge, LA 70806, (337) 515-9053, spoke in support of House Bill No. 290.

Witness cards submitted by individuals who did not speak are as follows: 1 in support, 3 for information only, and 9 in opposition. Witness cards are included in the committee records.

**House Bill No. 181 by Representative Brass**

Representative Brass presented House Bill No. 181, which provides relative to safety belt use in certain vehicles.

Representative Marcelle offered a motion to report House Bill No. 181 favorably. Without objection, House Bill No. 181 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Terry Landry, Adams, Brass, Terry Brown, Carpenter, Guinn, Hill, Larvadain, Marcelle, Norton, Pierre, and White voted yea.

Lieutenant Robert Burns, II, Louisiana State Police, 7919 Independence Boulevard, Baton Rouge, LA 70806, (225) 925-4239, spoke for information only on House Bill No. 181.

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

**House Bill No. 223 by Representative Brass**

Representative Brass presented House Bill No. 223, which provides with respect to towing and storage licenses and fines.

Representative Brass offered an amendment to:

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

Mr. Mark Morrison, Louisiana State Police, 7919 Independence Boulevard, Baton Rouge, LA 70806, (225) 933-3520, spoke for information only on House Bill No. 223.

Mr. Larry Bankston, Louisiana Strategies, 8708 Jefferson, Baton Rouge, LA 70809, (225) 766-3800, spoke in opposition to House Bill No. 223.

Representative Brass offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 11 yeas and 0 nays. Representatives Terry Landry, Adams, Brass, Terry Brown, Carpenter, Guinn, Hill, Larvadain, Norton, Pierre, and White voted yea.

Representative Terry Landry offered a motion to report House Bill No. 223 with amendments. Without objection, House Bill No. 223 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Terry Landry, Adams, Brass, Terry Brown, Carpenter, Guinn, Hill, Larvadain, Norton, Pierre, and White voted yea.

Witness cards submitted by individuals who did not speak are as follows: 3 for information only. Witness cards are included in the committee records.

**IV. OTHER BUSINESS**

There was no other business.

**V. ANNOUNCEMENTS**

There were no announcements.

**VI. ADJOURNMENT**

Representative Pierre offered a motion to adjourn. Without objection, the motion passed by a vote of 11 yeas and 0 nays. Representatives Terry Landry, Adams, Brass, Terry Brown, Carpenter, Guinn, Hill, Larvadain, Norton, Pierre, and White voted yea.

The meeting was adjourned at 11:47 a.m.

Respectfully submitted,

Chairman Terry C. Landry, Sr.  
House Committee on Transportation, Highways and Public Works

Date adopted: