

House Committee on Transportation, Highways and Public Works

Minutes of Meeting
2018 Regular Session
April 10, 2018

I. CALL TO ORDER

Representative Terry C. Landry, Sr., vice chairman of the House Committee on Transportation, Highways and Public Works, called the meeting to order at 9:02 a.m. in Room 3, in the state capitol in Baton Rouge, Louisiana.

II. ROLL CALL

MEMBERS PRESENT:

Representative Terry C. Landry, Sr., vice chairman
Representative Ken Brass
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 Frank A. Howard
Representative C. Denise Marcelle
Representative Barbara M. Norton
Representative Vincent J. Pierre
Representative J. Rogers Pope
Representative John M. Stefanski
Representative Malinda B. White
Representative Mark Wright

MEMBERS ABSENT:

Representative Dorothy Sue Hill
Representative H. Bernard LeBas

STAFF MEMBERS PRESENT:

Ashleigh Clare-Kearney, attorney
Glenn Fleming, attorney

Angelique R. Mozee, secretary

ADDITIONAL ATTENDEES PRESENT:

Vivien Hurst, sergeant at arms

III. DISCUSSION OF LEGISLATION

House Bill No. 749 by Representative Barras

Representative Barras presented House Bill No. 749, which provides relative to transportation network company requirements.

Representative Terry Landry offered amendments to:

- (1) Remove the Public Records law, references to the Public Records law and exceptions to the Public Records law from the bill;
- (2) Make technical changes;
- (3) Change "covered intrastate prearranged rides" to "intrastate prearranged rides" and modifies the definition to reflect "intrastate a prearranged ride";
- (4) Change the amount of drivers for which the company is required to maintain records for audit purposes from 50 to 100;
- (5) Authorize the governing body of a local governmental subdivision to request a report from the department on the results on an audit performed by the commission;
- (6) Specify that a local governmental subdivision's authority to enact local ordinances or fees for companies and provides for the time period within the ordinance or fee will become effective;
- (7) Specify that the audit provision in proposed law require the visual inspection of certain books and records kept by the companies;
- (8) Specify that certain records furnished or disclosed to the department may exclude information specific to the identification of drivers;
- (9) Designate certain records obtained by a local governmental subdivision, the department, or any other public body as confidential and exempt from disclosure to a third party without prior written consent of the company;

- (10) Authorize the request of an audit with respect to fees by the governing body of a local governmental subdivision. Specify that if an underpayment of \$50, instead of 1%, to any local governmental subdivision occurs the company must remit the underpaid fees to the local governmental subdivision within 30 days of the audit;
- (11) Specify that any record furnished or disclosed to the department may exclude appropriate information that would identify specific drivers or riders;
- (12) Clarify that records maintained by a company and obtained by the department are confidential and not subject to disclosure to a third party without the written consent of the company;
- (13) Grant airports the authority to charge pick-up fees and designate locations for staging, pick-up and other similar operations at the airport;
- (14) Clarify that proposed law cannot be construed as prohibiting the state from maintaining, enforcing, prescribing, or continuing in effect any law or regulation regarding the sale, distribution, repair or service of vehicles; and
- (15) Authorize the department to promulgate rules and regulations to implement the provisions of proposed law.

Representative Terry Landry offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 12 yeas and 0 nays. Representatives Terry Landry, Terry Brown, Carpenter, Steve Carter, Gisclair, Guinn, Hall, Howard, Marcelle, Norton, Pope, and White voted yea.

Representative Franklin in the chair.

Chairman Terry Landry in the chair.

Councilman Michael Sigur, City of Kenner, 1801 Williams Blvd., Kenner, LA 70012, (504) 468-7248, spoke in opposition to House Bill No. 749.

Mr. Glenn McGovern, P.O. Box 516, Metairie, LA 70004, (504) 908-1404, spoke in opposition to House Bill No. 749.

Mr. Warren Reuther, Hospitality Enterprises, 4220 Howard Ave., New Orleans, LA 70125, (504) 2889-1097, spoke in opposition to House Bill No. 749 and provided a handout, Exhibit A, which is included in the committee records.

Representative Gisclair offered an amendment to require fingerprinting for Uber drivers. No action was taken at this time.

Mr. Brandon Frey, Louisiana Public Service Commission, Galvez Bldg., Baton Rouge, LA 70802, (225) 342-4427, spoke for information only on House Bill No. 749.

Mr. Colby Cook, Louisiana Public Service Commission, Galvez Bldg., Baton Rouge, LA 70802, (225) 342-4427, spoke for information only on House Bill No. 749.

Mr. Nick Galiano, Uber, (no card provided), spoke for information only on House Bill No. 749.

Mr. Jonathan Buckner, Lyft, Inc., 6507 S. Kimbark #3N, Chicago, IL 60637, (706) 566-0414, spoke in support of House Bill No. 749.

After further discussion, Representative Gisclair withdrew his amendment.

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 16 yeas and 0 nays. Representatives Terry Landry, Brass, Terry Brown, Carpenter, Steve Carter, Franklin, Gisclair, Hall, Howard, Marcelle, Norton, Pierre, Pope, Stefanski, White, and Wright voted yea.

Representative Norton offered a motion to report House Bill No. 749 with amendments. Without objection, House Bill No. 749 was reported with amendments by a vote of 16 yeas and 0 nays. Representatives Terry Landry, Brass, Terry Brown, Carpenter, Steve Carter, Franklin, Gisclair, Hall, Howard, Marcelle, Norton, Pierre, Pope, Stefanski, White, and Wright voted yea.

Witness cards submitted by individuals who did not speak are as follows: 11 in support, and 3 in opposition. Witness cards are included in the committee records.

House Bill No. 804 by Representative Thibaut

Representative Thibaut presented House Bill No. 804, which provides relative to leases and subleases of land and buildings owned by a port, harbor, or terminal district.

Mr. Stephen Glusman, Port of Greater Baton Rouge, 141 Highway East, E-3, Madisonville, LA 70447, (225) 392-8473, spoke for information only on House Bill No. 804.

Representative Franklin offered a motion to report House Bill No. 804 favorably. Without objection, House Bill No. 804 was reported favorably by a vote of 15 yeas and 0 nays. Representatives Terry Landry, Brass, Terry Brown, Carpenter, Steve Carter, Franklin, Gisclair, Guinn, Hall, Howard, Marcelle, Pierre, Pope, Stefanski, and Wright voted yea.

Witness cards submitted by individuals who did not speak are as follows: 2 for information only. Witness cards are included in the committee records.

House Bill No. 64 by Representative Thibaut

Representative Thibaut presented House Bill No. 64, which designates a portion of Louisiana Highway 415 in Port Allen as the "Corporal Donna LeBlanc Memorial Highway".

Representative Terry Landry offered a technical amendment to House Bill No. 64. Representative Terry Landry offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 13 yeas and 0 nays. Representatives Terry Landry, Brass, Terry Brown, Carpenter, Steve Carter, Franklin, Hall, Howard, Marcelle, Pierre, Pope, Stefanski, and Wright voted yea.

Sheriff Cazes, West Baton Rouge, P.O.Box 129, Port Allen, LA, (225) 921-2982, spoke in support of House Bill No. 64.

Mr. Mark Whitmore, Donna LeBlanc, 4250 Little Hope, Addis, LA 70710, (225) 335-9088, spoke in support of House Bill No. 64.

Representative Marcelle offered a motion to report House Bill No. 64 with amendments. Without objection, House Bill No. 64 was reported with amendments by a vote of 14 yeas and 0 nays. Representatives Terry Landry, Brass, Terry Brown, Carpenter, Steve Carter, Hall, Howard, Marcelle, Norton, Pierre, Pope, Stefanski, White, and Wright voted yea.

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

House Resolution No. 1 by Representative Bishop

On behalf of Representative Bishop, Mr. Johnny Bradberry, Governor's Office, Coastal Protection and Restoration Authority, State Capitol - 4th Floor, (no city or state provided), (225) 342-7669, presented House Resolution No. 1, which approves the annual integrated coastal protection plan for Fiscal Year 2019, as adopted by the Coastal Protection and Restoration Authority Board. Mr. Bradberry provided a handout entitled, "Integrated Ecosystem Restoration and Hurricane Protection in Coastal Louisiana: Fiscal Year 2019 Annual Plan", Exhibit B, which is included in the committee records.

Mr. Michael Ellis, Coastal Protection and Restoration Authority, 150 Terrace Ave., Baton Rouge, LA 70802, (225) 342-4004, spoke for information only on House Resolution No. 1 and narrated a PowerPoint presentation of the FY 2019 Annual Plan, Exhibit C, which is included in the committee records.

Representative Terry Brown offered a motion to report House Resolution No. 1 favorably. Without objection, House Resolution No. 1 was reported favorably by a vote of 14 yeas and 0 nays. Representatives Terry Landry, Brass, Terry Brown, Carpenter, Steve Carter, Franklin, Gisclair, Guinn, Hall, Howard, Pierre, Pope, Stefanski, and Wright voted yea.

Witness cards submitted by individuals who did not speak are as follows: 3 in support. Witness cards are included in the committee.

House Bill No. 854 by Representative Horton

On behalf of Representative Horton, Representative Terry Landry presented House Bill No. 854, which provides relative to free parking for disabled veterans at airports.

Mr. Joey Strickland, secretary, Louisiana Department of Veterans Affairs, 602 North 5th St., Baton Rouge, LA 70802, (225) 219-5001, spoke for information only on House Bill No. 854 and provided a handout, Exhibit "D" which is included in the committee records.

Ms. Julie Baxter Payer, executive counselor, Louisiana Department of Veterans Affairs, 602 North 5th St., Baton Rouge, LA 70802, (225) 219-5001, spoke for information only on House Bill No. 854.

Representative Guinn offered a motion to report House Bill No. 854 favorably. Without objection, House Bill No. 854 was reported favorably by a vote of 16 yeas and 0 nays. Representatives Terry Landry, Brass, Terry Brown, Carpenter, Steve Carter, Franklin, Gisclair, Guinn, Hall, Howard, Norton, Pierre, Pope, Stefanski, White, and Wright voted yea.

House Bill No. 815 by Representative Stokes

Representative Terry Landry announced that action on House Bill No. 815, which decreases the minimum number of applicants required for the issuance of the United States Merchant Marine Academy special prestige license plate, was voluntarily deferred.

House Bill No. 619 by Representative Huval

Representative Huval presented House Bill No. 619, which provides with respect to the use of a wireless telecommunications device while operating a motor vehicle and provided a handout, Exhibit "E" which is included in the committee records.

Representative Terry Landry offered amendments to:

- (1) Make technical changes;
- (2) Change the amount of the fine for the first violation from \$500 to \$125;

- (3) Change the amount of the fine for the second violation from \$1000 to \$250 and removes the 60-day suspension of the violator's driver's license; and
- (4) Add a fine for any subsequent violation after the second fo \$250 and adds a 15-day suspension of the violation's driver's license.

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, Brass, Terry Brown, Carpenter, Steve Carter, Franklin, Gisclair, Guinn, Hall, Howard, Norton, Pierre, Pope, Stefanski, White, and Wright voted yea.

Representative Terry Landry offered amendments to:

- (1) Make technical change; and
- (2) Clarify that if the operator of a motor vehicle is involved in a crash at the time of the violation, the fine shall be equal to double the amount of the standard fine imposed in present law.

Representative Terry Landry 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, Brass, Carpenter, Steve Carter, Franklin, Gisclair, Guinn, Hall, Howard, Norton, Pierre, Pope, Stefanski, White, and Wright voted yea.

Representative Terry Landry offered amendments to:

- (1) Provide relative to using a wireless telecommunications device to access, communicate, post, or transmit electronic data, including text, video, or photographs from or to any web-based service;
- (2) Add using any other application or feature of a wireless telecommunications device by making a command and holding a wireless telecommunications device in either or both hands to the list of what operating a wireless telecommunication device includes; and
- (3) Add operating a wireless telecommunications device while the vehicle is stationary to the list of exceptions for using a wireless telecommunications device.

Representative Terry Landry 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, Brass, Terry Brown, Carpenter, Steve Carter, Franklin, Gisclair, Hall, Howard, Norton, Pierre, Pope, Stefanski, White, and Wright voted yea.

Mr. Lou Fey, PIA of La., 2135 N. Woodchase Ct., Baton Rouge, LA 70808, (225) 362-0018, spoke in support of House Bill No. 619.

Ms. Jennifer Smith, StopDistractions.org., P.O. Box 6743, River Forest, IL 60305, River Forest, IL 60305, (708) 334-3058, spoke in support of House Bill No. 619.

Representative Franklin in the chair.

Chairman Terry Landry in the chair.

Lieutenant Robert Burns, Louisiana State Police, 7919 Independence Blvd., Baton Rouge, LA 70806, (225) 925-4239, spoke for information only on House Bill No. 619.

Representative Pierre offered a motion to report House Bill No. 619 with amendments. Without objection, House Bill No. 619 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Terry Landry, Brass, Carpenter, Steve Carter, Franklin, Hall, Howard, Pierre, Pope, White, and Wright voted yea.

Witness cards submitted by individuals who did not speak are as follows: 16 in support. Witness cards are included in the committee records.

House Bill No. 876 by Representative Hill

On behalf of Representative Hill, Representative Terry Brown presented House Bill No. 876, which designates a portion of Louisiana Highway 377 as the "SSGT S.E. Howell, Jr. Memorial Highway".

Representative Howard offered a motion to report House Bill No. 876 favorably. Without objection, House Bill No. 876 was reported favorably by a vote of 13 yeas and 0 nays. Representatives Terry Landry, Brass, Terry Brown, Carpenter, Steve Carter, Franklin, Gisclair, Hall, Howard, Pierre, Pope, White, and Wright voted yea.

House Bill No. 832 by Representative Gisclair

Representative Gisclair presented House Bill No. 832, which provides relative to requirements for escort vehicles.

Representative Terry Landry offered amendments to:

- (1) Make technical changes;
- (2) Clarify that each company that operates an escort service in the state must register annually with the secretary;

- (3) Clarify that each application for registration must be accompanied by proof of commercial liability insurance and commercial motor vehicle insurance, each providing for a minimum of \$500,000 in liability coverage; and
- (4) Remove the federal hours of service requirement for each company that operates an escort service in this state.

Representative Terry Landry offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 14 yeas and 0 nays. Representatives Terry Landry, Brass, Terry Brown, Carpenter, Steve Carter, Franklin, Gisclair, Guinn, Hall, Howard, Pierre, Pope, White, and Wright voted yea.

Mr. Chance McNeely, Louisiana Motor Transit Association, 4838 Bennington Ave., Baton Rouge, LA 70808, (318) 518-5367, spoke in support of House Bill No. 832.

Representative Pope offered a motion to report House Bill No. 832 with amendments. Without objection, House Bill No. 832 was reported with amendments by a vote of 13 yeas and 0 nays. Representatives Terry Landry, Brass, Terry Brown, Carpenter, Steve Carter, Franklin, Gisclair, Guinn, Hall, Howard, Pope, White, and Wright 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.

House Bill No. 868 by Representative Gaines

Representative Terry Landry announced that action on House Bill No. 868, provides relative to per diems for the Port of South Louisiana Commission, was voluntarily deferred.

House Bill No. 794 by Representative Hall

Representative Hall presented House Bill No. 794, which provides relative to excess immovable property not purchased at public or private sale.

Mr. Joshua Hollins, Department of Transportation and Development, 1201 Capitol Access Rd., Baton Rouge, LA 70802, (225) 379-1200, spoke for information only on House Bill No. 794.

Representative White offered a motion to report House Bill No. 794 favorably. Without objection, House Bill No. 794 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Terry Landry, Brass, Terry Brown, Carpenter, Franklin, Hall, Howard, Pope, White, and Wright voted yea.

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

Representative Hall offered a motion to adjourn. Without objection, the motion passed by a vote of 10 yeas and 0 nays. Representatives Terry Landry, Brass, Terry Brown, Carpenter, Franklin, Hall, Howard, Pope, White, and Wright voted yea.

The meeting was adjourned at 12:26 p.m.

Respectfully submitted,

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

Date adopted: _____