

RS 45:162

§162. Definitions

The following words and phrases when used in this Chapter shall have the meanings ascribed to them in this Section except where a different meaning is expressly stated or clearly indicated by the context.

(1) "Car pool" means a mode of transportation provided in any motor vehicle that is a private passenger automobile or station wagon, which has a seating capacity of not more than nine persons, including the driver, and in which the transportation is incidental to the purpose of the driver.

(2) "Certificate" means the permission issued, pursuant to the terms of R.S. 45:161 through 172 and 180.1, to common carriers by motor vehicles.

(3) "Commission" means the Louisiana Public Service Commission.

(4) "Commissioner" means one of the members of the Louisiana Public Service Commission.

(5)(a) "Common carrier by motor vehicle" means any person, other than a contract carrier by bus, the essential nature of whose business comprises engaging in, soliciting, or accepting household goods, passengers, or waste, for intrastate transportation for hire, charge, or compensation as an employment or holding himself out as so available to the public generally and indiscriminately for such business, whether or not the business is conducted over a regular route, between fixed termini, within a defined area, or upon a regular or irregular schedule.

(b) There shall be two main classes of common carriers: "common carriers of commodities over regular routes"; and "common carriers of special commodities over irregular routes".

(c) "Common carriers of special commodities over irregular routes" means any person, as a common carrier, transporting commodities intrastate which require special equipment, service, or handling over irregular routes and not between fixed termini.

(d) All common carrier certificates and contract carrier permits now issued and validly outstanding for common carriers defined in this Paragraph shall continue in full force and effect until the further orders of the commission. Those portions of certificates of public convenience and necessity issued and validly outstanding prior to January 1, 1995, which are subject to the preemption as provided by Section 601 of the Federal Aviation Administration Act of 1994 are null and void and shall have no continuing value.

(e) Any person, other than a contract carrier by bus, who, with or without specific contracts, furnishes such transportation to more than five separate shippers of property or more than five passengers shall be prima facie held to be a common carrier and the burden shall rest upon him to show by a clear preponderance and to the satisfaction of the commission that the character of his operations is not that of a common carrier.

(f) This Paragraph shall not apply to the business of any person conducted mainly within the corporate limits of one incorporated municipality but within a radius of seven miles of the limits of the incorporated municipality but this exemption shall not apply to motor carriers of passengers operating beyond the limits of the parish of their domicile unless the major portion of such carrier's operations are conducted within the corporate limits of one municipality.

(g) This definition shall not include a bus or passenger coach or passenger carrying trailer or semitrailer operated wholly within the corporate limits of an incorporated municipality or parish and also operated within seven miles of the corporate limits thereof, pursuant to a franchise granted by the municipality or parish.

(6) "Contract" as used in this Section means any arrangement, agreement, or understanding covering or contemplating the intrastate transportation of household goods, passengers, or waste for hire, charge, compensation, or for any benefit amounting to a consideration, and such arrangement, agreement, or understanding shall be considered a contract within the meaning of this Paragraph if it contemplates a reasonably large and regular or periodic movement for a particular party or parties, for a period of time exhibiting some permanence to the arrangement, agreement, or understanding.

(7) "Contract carrier by bus" means any person transporting persons intrastate for hire, charge, or compensation over any highway of this state using a bus as defined in R.S. 32:1(5), wherein such bus is designed to carry sixteen or more persons.

(8) "Contract carrier by motor vehicle" means any person not included under Paragraph (5) of this Section, who under special and individual contracts or agreements, and whether directly or by other arrangement, transports household goods, passengers, or waste by vehicle intrastate for compensation or hire, where in the course of the transportation a highway between two or more incorporated municipalities is traversed.

(9) "Department" means the Department of Transportation and Development.

(10) "Highway" includes every way or place of whatever kind open to the use of the public for the purpose of vehicular traffic.

(11) "Household goods" means:

(a) Personal effects and property used or to be used in a dwelling when the personal effects and property are a part of the equipment or supply of such dwelling.

(b) Furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments when a part of the stock, equipment, or supply of such establishments.

(c) Articles, including objects of art, displays, and exhibits, which, because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods.

(12) "Motor carriers" include both a common carrier by motor vehicle and contract carrier by motor vehicle, which transport household goods, passengers, waste intrastate, or any other classification of carriers created by law which transports household goods, passengers, or waste intrastate for compensation or hire. "Motor carriers" shall include tow trucks. "Motor carriers" shall not include contract carriers by bus; however, for purposes of R.S. 45:173 and 1177 only, a contract carrier by bus shall be considered a "motor carrier" subject to the control and jurisdiction of the Louisiana Public Service Commission.

(13) "Passenger carrying vehicle" or "passenger service" means a nonscheduled charter passenger service using vehicles which meet manufacturer's specifications for no more than fifteen passengers.

(14) "Permit" means the permission issued under the terms of R.S. 45:161 through 172 and 180.1, to contract carriers by motor vehicle.

(15) "Person" includes a body of persons, whether incorporated or not.

(16) "Private carrier" when used in this Chapter means any person not included in the term "common carrier by motor vehicle" or "contract carrier by motor vehicle" transporting in intrastate commerce by motor vehicle property of which such person is the owner, lessee, or bailee when such transportation is for the purpose of sale, lease, rent, or bailment, or in furtherance of any commercial enterprise.

(17) "Suburban territory" means territory wholly within the state which extends not more than seven miles beyond the corporate limits of any municipality in this state.

(18) "Van pool" means a mode of transportation provided in any motor vehicle that is a passenger van, that has a seating capacity of not less than seven nor more than fifteen persons, including the driver, and in which the transportation is incidental to the purpose of the driver.

(19) "Vehicle" means every device by which any person or property is transported upon the highways of this state, except devices moved by animal power or exclusively upon stationary rails or tracks.

(20) "Waste" means:

(a) "Non-hazardous oilfield wastes" means waste defined as non-hazardous oilfield wastes by R.S. 30:1 et seq. and regulations adopted pursuant thereto disposed of at facilities not owned or operated by said transporters.

(b) "Non-hazardous industrial solid waste" means waste defined as non-hazardous industrial solid waste by the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and solid waste regulations adopted pursuant thereto (Louisiana Administrative Code 33.VII.101 et seq.), disposed of at facilities not owned or operated by said transporters.

(c) "Hazardous waste" means waste defined as hazardous by the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and the hazardous waste regulations adopted pursuant thereto (Environmental Regulator Code 33.V.101 et seq.), disposed of at facilities not owned or operated by said transporters.

Acts 1983, No. 118, §1. Acts 1984, No. 819, §1; Acts 1995, No. 301, §2, eff. June 15, 1995; Acts 1995, No. 736, §1; Acts 1997, No. 385, §1, eff. July 1, 1997; Acts 1999, No. 631, §2; Acts 1999, No. 1107, §1; Acts 2003, No. 1219, §2, eff. July 1, 2003; Acts 2007, No. 108, §1; Acts 2008, No. 724, §2, eff. July 6, 2008; Acts 2012, No. 804, §1; Acts 2017, No. 278, §2, eff. June 15, 2017.