

CHAPTER 21

RAILROADS AND COMMON CARRIERS

Sub-Chapter A

In General

SECTION 21:1. PUBLIC CARRIER VEHICLES; FINDINGS AND DECLARATION OF POLICY

The Legislature of Louisiana, in the exercise of its police power, hereby finds and declares that the operation of public carrier vehicles (as herein defined) within this state is a business affected with the public interest; that there has been within this state a marked increase in the number of such vehicles, and use thereof, with a consequent increase in hazards to the general public; that such vehicles regularly operate across municipal and parish boundaries; that the public in general, and the uses of such vehicles in particular, are not adequately protected against risks resulting from the operation of such vehicles; that uniform remedial legislation is required to correct and eliminate the conditions adversely affecting the public interest, to insure as far as practicable that the public will receive the benefits of more responsible operation of such vehicles; that the health, safety, morals and welfare of the public make it imperative that effective, uniform, reasonable and just supervision, regulation and control be exercised over the operation of such vehicles to ensure their responsibility in order that the paramount interest of the public be protected and conserved, that irresponsible operation of such vehicles detrimental to the public interest be prevented, and that this remedial legislation should be construed liberally and enforced strictly in favor of the public; and that penalties for violations should be prescribed. (LRS 45:200.1)

Comment -- As indicated by the source note, the provisions contained in the above section, and the sections that follow in this Sub-Chapter were derived from the Louisiana Revised Statutes and not from a local ordinance. Because the provisions are self-operative and add to the matter of law herein presented, they were included in this Code for the convenience of the user.

SECTION 21:2. DEFINITIONS

The following words, when used in Section 21.1 through 21:15 have the meanings ascribed to them in this Section except when a different meaning is expressly stated or clearly indicated by the context.

"Certificate" means a formal printed or written certificate of public necessity and convenience issued to an owner of a public carrier vehicle by municipal or parochial authority, evidencing consent of such authority to operate said vehicle.

"Driver's Permit" means the permission granted by the Lafourche Parish Council to a person to operate a public carrier vehicle upon the streets of the Parish of Lafourche.

"Public Carrier Vehicle" means and includes any motor vehicle, having a normal seating capacity of less than ten (10) passengers, used for the transportation of passengers for hire over any streets by a route or to a destination controlled by the passenger. The definition shall also include

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limousines and other vehicles for hire to carry passengers. Nothing herein contained shall be construed to include carriers by motor vehicle subject to the jurisdiction of the Louisiana Public Service Commission under LRS 45:161 et seq., or engaged solely in interstate commerce.

"Person" means and includes any individual, corporation, association, and their lessees, assigns, trustees or receivers.

"Street" means and includes any street, avenue, road, park, parkway, highway or other public place in the State of Louisiana, including all municipalities and parishes thereof. (LRS 45:200.2)

SECTION 21:3. NECESSITY OF DRIVER'S PERMIT MUNICIPAL OR PAROCHIAL CONSENT FOR OPERATION OF PUBLIC CARRIER VEHICLES

A. No public carrier vehicle shall be operated upon the streets of the Parish of Lafourche until the owner thereof shall have applied for, and shall have received from the Parish of Lafourche Council, a driver's permit and, a certificate issued by the Lafourche Parish Council.

B. An application for a certificate shall be filed with the Parish of Lafourche's Occupational License Clerk upon forms provided by the Lafourche Parish Council; and said application shall be verified under oath and shall furnish the following information:

- (1) The name and physical address of the applicant.
- (2) The experience of the applicant in the transportation of passengers.
- (3) Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of a certificate.
- (4) The number of vehicles to be operated or controlled by the applicant and all documents showing the ownership of said vehicle or vehicles or evidencing the right to use said vehicles.
- (5) Such further information as the Occupational License Clerk of the Lafourche Parish Council may require.

C. Each application for a certificate shall be accompanied by a fee payable to the Lafourche Parish Council in the sum of One Hundred (\$100.00) Dollars.

SECTION 21:4. INDEMNITY BOND OR INSURANCE REQUIRED OF PUBLIC CARRIER VEHICLES

No certificate of public convenience and necessity shall be issued or continued in operations unless there is in full force and effect an indemnity bond for each vehicle authorized in the amount of Twenty Five Thousand (\$25,000.00) Dollars for bodily injury to any one person; in the amount of Fifty Thousand (\$50,000.00) Dollars for injuries to more than one person which are sustained in the same accident, and Ten Thousand (\$10,000.00) Dollars for property damage resulting from any one accident. Said bond or bonds shall insure to the benefit of any person who shall be injured or who shall sustain damage to property caused by the negligence of the holder of the certificate, his servant, agent, or employees. Said bond or bonds shall be filed in the office of the Parish Occupational License Clerk and shall have as surety thereon a surety company authorized to do business in the State of Louisiana. (Ord. No. 2957, 4/10/01; 3247, 12/17/03)

SECTION 21:5. SELF-INSURANCE AUTHORIZED

In lieu of the bond or the insurance coverage required under Section 21:5, the applicant may act as self-insurer, provided that he shall have filed, and shall refile annually with the Occupational License Clerk, a financial statement certified by a certified public accountant showing an unencumbered net worth of such owner in excess of Three Hundred Thousand (\$300,000.00) Dollars in current assets within the State of Louisiana; and shall also have filed with the Occupational License Clerk a policy or policies of liability insurance issued by one or more underwriters of insurance companies amenable to suit in Louisiana, insuring payment of claims for each public carrier vehicle operated in such owner, in the amounts fixed in Section 21:4, in excess of a maximum of fifteen thousand dollars (\$15,000.00) for personal injury to, or death of, any one person, a maximum of thirty thousand dollars (\$30,000.00) for personal injury to, or death of, two or more persons, resulting from any one (1) accident. The certificate or certificates of such person shall be effective and operation thereunder shall be permitted, only so long as the insurance shall remain in force as herein provided.

SECTION 21:6. RECIPROCAL AGREEMENT FOR INTERPARISH TRANSPORT WITH NEIGHBORING PARISHES

A. There is hereby created a reciprocal agreement for interparish transportation of passengers with the neighboring Parishes as it relates to this Chapter.

B. Said agreement would waver any and all requirement for Common Carriers of neighboring Parishes as required under this Chapter if a reciprocal agreement is met by the governing authority of the neighboring Parishes of Lafourche.

C. In the event that a reciprocal agreement is not entered upon by neighboring Parishes, those Common Carriers operating from the non-reciprocal Parish must conform with all requirements of this Chapter and subject to penalties and enforcement by the Lafourche Parish Sheriff's Department.

(Ord. No. 2982, 8-14-01; 3272, 12/17/03)

SECTION 21:7. RESERVED

SECTION 21:8. APPOINTMENT OF SECRETARY OF STATE AS AGENT TO RECEIVE SERVICE OF PROCESS

A. The acceptance by an owner of a public carrier vehicle or vehicles, of a certificate issued by the duly designated authority of a municipality or parish, shall be deemed appointment, by such owner, of the Secretary of State of Louisiana, to be his true and lawful attorney for service of process, upon whom may be served all lawful process, whether issued out of a court or by other lawful authority, in any action or proceeding involving such owner by reason of ownership, operation, maintenance or use of such vehicle or vehicles upon any street; and acceptance of such certificate shall constitute agreement by such owner that any such process against him so served shall be of the same legal force and validity as if served on him personally.

B. When any process or pleading are served upon the Secretary of State, it shall be by duplicate copies, one (1) of which shall be filed in the office of the Secretary of State and the other immediately forwarded by the Secretary of State by registered mail to the address shown on such certificate of such owner against whom the process and pleadings are directed. The Secretary of State shall note on the copy retained the date, the manner and other particulars of service, and disposition of the forwarded copy.

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C. To facilitate service of process on such owners, the duly designated authority of each municipality and parish shall make and deliver in January of each to the Secretary of State, printed or typed certified lists giving in alphabetical order, the full names and addresses of all owners of public carrier vehicles holding valid certificates issued by said authority. (LRS 45:200.8)

SECTION 21:9. DRIVERS PERMIT

A. No persons shall operate a public carrier vehicle upon the streets of the Parish of Lafourche, and no person who owns or controls a vehicle for hire shall permit it to be so driven, and no public carrier vehicle licensed by the Lafourche Parish Council shall be so driven at any time for hire unless the driver of said vehicle shall have first obtained and shall have then in force a driver's permit issued under the provisions of this ordinance.

B. An application for a public carrier permit shall be filed with the Occupational License Clerk for the Lafourche Parish Council on forms provided by said office; and such application shall be verified under oath and shall contain the following information:

1. The experience of the applicant in the transportation of passengers.
2. A concise history of his employment.
3. Each application shall be accompanied by a certificate certifying that he has passed a medically accepted drug screening process. At the time the application is filed, the applicant shall pay to the Lafourche Parish Council the sum of fifteen and no/100 (\$15.00) dollars.

C. Before any application is finally passed upon by the Occupational License Clerk, the applicant must show that he has a current motor vehicle operator's permit applicable to the vehicle being operated issued by the State of Louisiana.

D. The Sheriff's office or any other persons or entity designated to perform such function by the Lafourche Parish Council shall conduct an investigation of each applicant for a public carrier vehicle driver's permit and a report of such investigation and a copy of the traffic and police record of the applicant, if any, shall be attached to the application for the consideration of the Parish Occupational License Clerk.

E. The Parish Occupational License Clerk shall, upon consideration of the application and the reports and certificates required to be attached thereto shall approve or reject the application. If the application is rejected, the applicant may request a personal appearance before the Lafourche Parish Council to offer evidence why his application should be reconsidered.

F. Upon approval of an application for a driver's permit, the Lafourche Parish Council shall issue a permit to the applicant which shall bear the name, address, sex, date of birth, signature, photograph of the applicant and along with the name of the Taxicab Company. Such permit shall be in effect for the remainder of the calendar year in which it is issued and the next calendar year. After the expiration of the original permit and for each subsequent two-year period, every applicant must renew the permit unless the permit for the preceding two years has been revoked. There shall be a fee of \$20.00 upon the issuance of the renewal permit.

G. Every driver licensed under this ordinance shall post his driver's permit in such a place as to be in full view of all passengers while such driver is operating a public carrier vehicle.

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H. The Parish Occupational License Clerk is hereby given the authority to suspend any driver's permit issued under this ordinance for a driver's failing or refusing to comply with the provisions of this ordinance. The Parish Occupational License Clerk is also given the authority to revoke any driver's permit for failure to comply with the provisions of this ordinance. Such driver's permit may also be revoked or suspended because of three (3) convictions for violating city, parish or state traffic regulations.

I. A driver's permit issued under the provisions of this chapter shall be purely personal privilege and shall not be transferable. When transferring from one Taxicab Company to another. A new permit shall be issued for remaining time of last background check and drug screen presented. A fee of \$10.00 will be collected at that time. Such driver's permit shall not be issued to any of the following:

1. Any person operating a vehicle where the owner or operator has failed to comply with the terms of this chapter.
2. A person who has been convicted of a felony under the laws of the State of Louisiana and whose citizenship has not been restored.
3. A person who has been convicted of being a keeper of a house of ill fame; or who is directly or indirectly connected therewith or interested therein; or who has been convicted of pandering or any other crime opposed to decency and morality.
4. A person who has been convicted of drunk driving or who has been convicted more than once of reckless driving or of speeding within last five (5) years or if still in probation period.
5. Any person who is under eighteen (18) years of age.

(Ord. No. 2957, 4/10/01; 3249, 12/17/03)

SECTION 21:10. OPERATION IN MORE THAN ONE MUNICIPALITY OR PARISH; FILING OF INSURANCE POLICY; STATEMENT AND COPIES OF CERTIFICATE

When a public carrier vehicle operates in more than one (1) municipality or parish, the insurance policy required by Section 21:4, or permitted under Section 21:5 and Section 21:6, together with the statement of financial responsibility required under Section 21:6, shall be filed with duly designated authority of the municipality or parish in which the owner has his principal place of business, who shall issue copies of the certificate, which shall be filed by the owner with the duly designated authority of every other municipality or parish in which said vehicle is operated. (LRS 45:200.10)

SECTION 21:11. OTHER AUTOMOBILE LAWS APPLICABLE

Nothings in Section 21:1 - 21:15 shall exempt any person owning or operating any public carrier vehicle from complying with all applicable laws and municipal and parochial ordinances relating to the ownership, registration and operation of automobiles in this state. (LRS 45:200.11)

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SECTION 21:12. NAME OF OWNER AND NUMBER OF CERTIFICATE TO BE PAINTED ON VEHICLE

The full name of the owner of each public carrier vehicle operated as a taxicab, and the number of the vehicle's certificate, shall be painted conspicuously on each side of the vehicle in letters and figures at least two inches (2") high. (LRS 45:200.12)

SECTION 21:13. EFFECT OF CERTIFICATES PREVIOUSLY ISSUED; NEW CERTIFICATES REQUIRED

Certificates of public necessity and convenience heretofore issued by municipalities or parishes and now validly outstanding are hereby recognized as valid hereunder for a period not to exceed sixty (60) days from the effective date of Sections 21:1 -21:15; and, each such certificate shall become null and void and deemed revoked at the end of said period. (LRS 45:200.13)

SECTION 21:14. ENFORCEMENT BY CIVIL REMEDY

The provisions of Section 21:1 - 21:15 may be enforced by appropriate civil remedy in any court of competent jurisdiction by governmental authority or by any person having an interest affected, directly or indirectly, by any violation thereof. (LRS 45:200.14)

SECTION 21:15. CONSTRUCTION

The Parish hereby declares that Section 21:1 through 21:14 are remedial in nature and shall be construed liberally in favor of the public in general, and the users of public carrier vehicles in particular, and to exact strict compliance by the owners and operators of public carrier vehicles with the requirements of Sections 21:1 - 21:14. (LRS 45:200.16)

(Ord. No. 2566, 11/11/97)