

**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 users 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)

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**Comment** -- As indicated by the source note, the provisions contained in the above Section, and the several 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 matters of law herein presented, they were included in this Code for the convenience of the user.

**SECTION 21:2. DEFINITIONS**

A. 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 operation of such vehicle.

*"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. Nothing herein contained shall be construed to include carriers by motor vehicle subject to the jurisdiction of the Louisiana Public Commission under LRS 45:161 et seq., or engaged solely in interstate commerce.

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*"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 MUNICIPAL OR PAROCHIAL CONSENT FOR OPERATION OF PUBLIC CARRIER VEHICLES**

No public carrier vehicle shall be operated upon any street in any municipality or parish until the owner thereof shall have applied for, and shall have received from the municipality or parish, a certificate issued by the duly designated authority thereof. (LRS 45:200.3)

**SECTION 21:4. INSURANCE REQUIRED OF PUBLIC CARRIER VEHICLES**

No such certificate shall be issued until the owner of the public carrier vehicle shall first have filed with the duly designated authority of the municipality or parish in which such operation is permitted, a policy of liability insurance issued by an insurance company authorized to do business in this state. Said insurance policy shall provide for payment of a sum not less than twenty-five thousand dollars (\$25,000.00) to satisfy all claims for damages by reason of bodily injury to, or death of, any one person resulting from any one accident, and subject to said limit for one person, for payment of a sum not less than fifty thousand dollars (\$50,000.00) to satisfy all claims for damages by reason of bodily injury to, or death of, two or more persons, resulting from any one accident, and for payment of a sum not less than five thousand dollars (\$5,000.00) to satisfy all claims for damage to property resulting from any one accident, by reason of the ownership, operation, maintenance or use of such vehicle upon any street. (LRS 45:200.4)

**SECTION 21:5. BLANKET INSURANCE POLICIES AUTHORIZED**

If such owner operates more than one public carrier vehicle, he may file with the duly designated authority of the municipality or parish, in lieu of the policy required by Section 21:4, a policy or policies of liability insurance issued by a company or companies authorized to do business in this state, insuring payment of claims for each public carrier vehicle operated by such owner in the amounts provided in Section 21:4. (LRS 45:200.5)

**SECTION 21:6. SELF-INSURANCE AUTHORIZED**

In lieu of the insurance coverage required under Section 21:4, or permitted under Section 21:5, the owner of one of more public carrier vehicles may act as self insurer, provided that he shall have filed, and shall refile annually with the duly designated authority of the municipality or parish, a financial statement certified by a certified public accountant showing an unencumbered net worth of such owner in excess of one hundred thousand dollars (\$100,000.00) in current assets within the State of Louisiana; and shall also have filed with such authority a policy or policies of liability insurance issued by one or more underwriters or insurance companies amenable to suit in Louisiana, insuring payment of claims for each public carrier vehicle operated by 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 accident. The certificate or certificates of such owner shall be effective, and operation thereunder shall be permitted, only so long as the insurance shall remain in force as herein provided. (LRS 45:200.6)

**SECTION 21:7. EFFECTIVENESS OF CERTIFICATE OF PUBLIC CARRIER VEHICLE**

The certificate for any public carrier vehicle or vehicles of an owner thereof shall be effective, and operation shall be permitted thereunder, only so long as the insurance required under Section 21:4, or permitted under Section 21:5, as to such vehicle or vehicles shall remain in force as therein provided, or the statement of financial responsibility required under Section 21:6 shall be filed currently each year and the insurance required under said Section shall remain in force with regard thereto. (LRS 45:200.7)

**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 the 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 pleadings are served upon the secretary of state, it shall be by duplicate copies, one of which shall be filed in the office of the secretary of 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.

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 year 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. CERTIFICATE OF COMPLIANCE; CONTENTS; FILING AND POSTING**

Upon filing by the owner of a public carrier vehicle or vehicles, of the required financial statement or insurance policy, the duly designated authority of the municipality or parish shall issue a certificate for each such vehicle. This certificate shall show that the owner of such vehicle has complied with the requirements of this section, and shall recite the full name of the owner of the vehicle and of the insurer together with the number and date of expiration of the policy, a description of the vehicle insured thereunder, and the number thereof. The original certificate shall be posted conspicuously within the vehicle. The issuing officer shall retain and preserve a duplicate of the certificate. (LRS 45:200.9)

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**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 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 the 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**

Nothing in Sections 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)

**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 taxi-cab, 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 high. (LRS 45:200.12)

**SECTION 21:13. EFFECT ON 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 Sections 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. VIOLATIONS, PENALTIES**

A. Any person who shall operate a public carrier vehicle upon any street without complying with, or in violation of, any provision of Sections 21:1 - 21:15 shall be guilty of a misdemeanor, and shall be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00), or imprisoned for not less than sixty (60) days nor more than one (1) year, or both.

B. Conviction hereunder shall, if so ordered, carry with it cancellation of the certificate or certificates involved, permanently or for a fixed period, as the court shall direct. No such certificate shall be re-issued in favor of the person in whose name it stood when canceled permanently, as herein provided, except by authority of a judge of the court which ordered its cancellation.

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C. Violation by a partnership, corporation or association shall be presumptive evidence of such violation by all partners, officers and directors thereof, and any such partner, officer or director who knowingly, or without exercise of due and reasonable care and inquiry, consented to, permitted or approved, directly or indirectly, such violation, in whole or in part, shall be subject to the penalties hereinabove provided. (LRS 45:200.15)

**SECTION 21:16. CONSTRUCTION**

The Legislature hereby declares that Sections 21:1 through 21:15 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)

**[RESERVED]**

[The next page is CHAPTER 22, "RETIREMENT AND PENSION PLANS", page 22-1.]