
HOUSE COMMITTEE AMENDMENTS

2015 Regular Session

Amendments proposed by House Committee on Transportation, Highways, and Public Works to Original House Bill No. 445 by Representative Mack

AMENDMENT NO. 1

On page 1, line 2, after "reenact" delete the remainder of the line and insert "R.S. 47:532.1(A)(1), (3)(a), and (6) and to enact R.S. 47:532.2 and 532.3, relative to public tag agents;"

AMENDMENT NO. 2

On page 1, line 5, after "applicants;" delete the remainder of the line, delete lines 6 and 7 in their entirety and insert "to provide relative to the suspension, revocation, or cancellation of contracts of public tag agents; to authorize the office of motor vehicles to issue cease and desist order to public tag agents for certain activity; and to provide for related matters."

AMENDMENT NO. 3

On page 1, delete lines 9 and 10 in their entirety, and insert the following:

"Section 1. R.S. 47:532.1(A)(1), (3)(a), and (6) are hereby amended and reenacted and R.S. 47:532.2 and 532.3 are hereby enacted to read as follows:"

AMENDMENT NO. 4

On page 1, line 18, after "except" insert "financial institutions, licensed new or used car dealers, state departments, offices, or entities and"

AMENDMENT NO. 5

On page 2, line 7, after "~~dollars~~" delete "fifty" and insert "one hundred"

AMENDMENT NO. 6

On page 2, line 8, after "sum of" delete "seventy-five" and insert "one hundred twenty-five"

AMENDMENT NO. 7

On page 2, delete lines 22 through 29 and on page 3, delete lines 1 through 13 in their entirety and insert the following:

"(b) The office of motor vehicles may deny a contract to any person, natural or juridical, seeking to be a public tag agent if that person has been found to be in violation of any rule or regulation promulgated by the office of motor vehicles pertaining to the issuance of a motor vehicle title, registration, or driver's license within the two-year period prior to the date of application.

* * *

§532.2. Public tag agents; causes for suspension, revocation, cancellation, or restrictions; reinstatement

A. The office of motor vehicles may suspend, revoke, cancel, or impose other restrictions on any contract confected pursuant to R.S. 47:532.1 for the following causes:

(1) Failure to remit taxes and fees collected from applicants for title transfers.

1 (2) Operating as a public tag agent without a contract for each location, with
 2 an expired contract, or without a valid surety bond on file with the office of motor
 3 vehicles.

4 (3) Issuance of more than one temporary registration, T-Marker, to a title
 5 applicant, or issuing a T-Marker without first collecting all taxes and fees.

6 (4) Operating from an unapproved location.

7 (5) Changing the ownership of the public tag agent and not reporting in
 8 writing to the office of motor vehicles within thirty days from the date of such
 9 change.

10 (6) Changing the officers or directors of the public tag agent and not
 11 reporting in writing to the office of motor vehicles within thirty days from the date
 12 of such change.

13 (7) Being a principal or accessory to the alteration of documents relevant to
 14 a registration or titling transaction that results in a material injury to the public
 15 records or a shortfall in the collection of taxes owed.

16 (8) The forwarding to the office of motor vehicles by a public tag agent of
 17 a document relevant to a registration or titling transaction that results in a material
 18 injury to the public records, or a shortfall in the collection of taxes owed when the
 19 public tag agent had knowledge of facts causing such injury or shortfall, and failed
 20 to disclose same to the office of motor vehicles.

21 (9) Conviction of, or entry of a plea of guilty or nolo contendere to, any
 22 felony or conviction of, or entry of a plea of guilty or nolo contendere to, any
 23 criminal charge an element of which is fraud.

24 (10) Fraud, deceit, or perjury in obtaining any contract perfected pursuant
 25 to R.S. 47:532.1.

26 (11) Failure to maintain at all times during the term of the contract all
 27 qualifications required by R.S. 47:532.1 or by rule adopted by the office of motor
 28 vehicles.

29 (12) Any other cause the office of motor vehicles may establish through the
 30 adoption of a rule.

31 B. Any person whose contract has been suspended, canceled, or revoked
 32 during the effective term of the contract may request an administrative hearing to
 33 review the office of motor vehicles' action. A request for administrative review shall
 34 stay the action of the office of motor vehicles.

35 §532.3. Public tag agents; cease and desist order; injunctive relief

36 A. In addition to or in lieu of the administrative sanctions provided in R.S.
 37 47:532.1, 532.2, or any rules or regulations adopted pursuant to either, and any
 38 criminal sanctions otherwise provided by law, the office of motor vehicles is
 39 empowered to issue an order to any person engaged in any activity, conduct, or
 40 practice constituting a violation of R.S. 47:532.1, 532.2, or any rules or regulations
 41 adopted pursuant to either, directing such person to cease and desist from such
 42 activity, conduct, or practice. Such order shall be issued in the name of the state of
 43 Louisiana under the official seal of the Department of Public Safety and Corrections,
 44 office of motor vehicles.

45 B. If the person to whom the office of motor vehicles directs a cease and
 46 desist order does not cease and desist the proscribed activity, conduct, or practice
 47 within ten days from service of such cease and desist order by certified mail, the
 48 office of motor vehicles may cause to issue a writ of injunction enjoining such
 49 person from engaging in any activity, conduct, or practice proscribed by R.S.
 50 47:532.1, 532.2, or any rules or regulations adopted pursuant to either. Such
 51 proceeding shall be brought in the district court having civil jurisdiction in any parish
 52 in which such person resides, or is domiciled or has his principal place of business.
 53 If the person whose contract is to be suspended, revoked, canceled, or otherwise
 54 restricted is a nonresident and is not domiciled within the state, such proceeding may
 55 be brought in the Nineteenth Judicial District Court for the parish of East Baton
 56 Rouge.

57 C. Upon a proper showing by the office of motor vehicles that such person
 58 has engaged or is engaged in any activity, conduct, or practice proscribed by R.S.
 59 47:532.1, 532.2, or any rules or regulations adopted pursuant to either, the court shall

1 issue a temporary restraining order restraining the person from engaging in unlawful
2 activity, conduct, or practices pending the hearing on a preliminary injunction, and
3 in due course a permanent injunction shall issue after a hearing, commanding the
4 cessation of the unlawful activity, conduct, or practice complained of, all without the
5 necessity of the office of motor vehicles having to give bond as usually required in
6 such cases.

7 D. The trial of the proceeding by injunction shall be a summary proceeding,
8 and shall be by the judge alone without a jury."