

RÉSUMÉ DIGEST

ACT 87 (HB 487)

2017 Regular Session

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Existing law provides for the unlawful production, manufacturing, distribution, or possession of fraudulent documents for identification purposes.

New law specifies that it is not a defense to prosecution for a violation of existing law that a fraudulent document for identification purposes contains words indicating that it is a novelty item or an indication that it is not a document for identification purposes.

Prior law provided that a valid credential includes but is not limited to any driver's license, driver permit, temporary license, restricted or hardship license, government-issued identification card, school-issued identification card, vehicle registration certificate, or vehicle license plate.

New law modifies prior law by removing the valid requirement from the credential and replacing "temporary license" with "temporary driver's license", and replacing "restricted or hardship license" with "restricted or hardship driver's license".

Prior law required the following language appear on every item that could be interpreted as a novelty credential in a size or font equal in size to the largest print appearing anywhere on the novelty item: "This document is a novelty item and cannot be used for any official purposes or as a lawful means of identification or for the operation of a motor vehicle on any public highway or street".

New law modifies prior law by removing the novelty item language and instead specifying that it is not a defense for a violation of existing law that a fictitious or facsimile credential contains words indicating that it is a novelty item or an indication that it is not a valid identification document, vehicle registration certificate, or vehicle license plate.

Existing law provides that the Dept. of Public Safety and Corrections, office of motor vehicles, may issue a cease and desist order to any person or business who manufactures, advertises for sale, sells, or possesses any credential, including a novelty or unofficial credential, which is not in compliance with existing law.

New law modifies existing law by requiring the Dept. of Public Safety and Corrections, office of motor vehicles, determine whether the person or business is in violation of existing law.

New law authorizes the department to seek a penalty of not more than \$500 for each day the person engaged in any activity prohibited by the cease and desist order and demand court costs in the suit for injunction.

New law specifies that the penalty amount and court costs may be rendered in the same judgment in which the injunction is made final.

Effective August 1, 2017.

(Amends R.S. 32:410.1(A), (B), (C), (D), and (E); Adds R.S. 14:70.7(D))