

2024 Regular Session

HOUSE BILL NO. 589

BY REPRESENTATIVE GALLE

MTR VEHICLE/DRIVER LIC: Prohibits a commercial learner's permit or driver's license if not cleared by the Federal Motor Carrier Safety Administration, Drug and Alcohol Clearinghouse

1 AN ACT

2 To amend and reenact R.S. 32:409.1(A)(6)(d), relative to a commercial learner's permit or  
3 driver's license; to provide for the denial of issuance, renewal, upgrade, or transfer  
4 of a permit or license if not cleared through a certain federal clearinghouse; to  
5 provide an effective date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 32:409.1(A)(6)(d) is hereby amended and reenacted to read as  
8 follows:

9 §409.1. Application or special certificate applications; penalties for false  
10 information

11 A.

12 \* \* \*

13 (6) The department shall initiate and complete a check of the applicant's  
14 driving record to ensure that the person is not subject to any disqualifications,  
15 suspensions, revocations, or cancellations and that the driver does not have a driver's  
16 license from more than one state. The record check for a commercial driver's license  
17 shall include:

18 \* \* \*

1 (d) Beginning on ~~or after January 6, 2023~~ November 18, 2024, a check with  
 2 the Federal Motor Carrier Safety Administration, Drug and Alcohol Clearinghouse,  
 3 on all ~~applicants~~ applications for the transfer, issuance, renewal, or upgrade of a  
 4 commercial driver's license or a commercial learner's permit. If the department  
 5 receives notification that the applicant is prohibited from operating a commercial  
 6 motor vehicle, the department shall not issue, renew, upgrade, or transfer a  
 7 commercial learner's permit. In the event the department receives such notification  
 8 from the Drug and Alcohol Clearinghouse separate from any applicant made  
 9 pursuant to this Paragraph, the department shall downgrade or disqualify the  
 10 commercial driver's license or learner's permit in accordance with the suspension,  
 11 revocation, or denial of a driver's license as provided in R.S. 32:414. An inadvertent  
 12 issuance of a commercial driver's license or learner's permit to such an applicant  
 13 shall not be considered a breach of duty on the part of the department to the public  
 14 or the individual.

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 DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 589 Reengrossed

2024 Regular Session

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**Abstract:** Prohibits the issuance of a commercial driver's license or learner's permit if the applicant is not cleared through the Federal Motor Carrier Safety Administration, Drug, and Alcohol Clearinghouse.

Present law requires the department to initiate and complete a check of the applicant's driving record to ensure that the person is not subject to any disqualifications, suspensions, revocations, or cancellations and that the driver does not have a driver's license from more than one state.

Present law requires, that beginning on or after Jan. 6, 2023, a check with the Federal Motor Carrier Safety Administration, Drug and Alcohol Clearinghouse, on all applicants for the transfer, issuance, renewal, or upgrade of a commercial driver's license.

Proposed law changes the date in present law from on or after Jan. 6, 2023 to Nov. 18, 2024. Additionally, specifies that a check required in present law is on all applications for the transfer, issuance, renewal, or upgrade of a commercial driver's license or a commercial learner's permit.

Proposed law specifies that if the department receives notification that the applicant is prohibited from operating a commercial motor, the department cannot issue, renew, upgrade, or transfer a commercial learner's permit. Further specifies in the event the department receives such notification from the Drug and Alcohol Clearinghouse separate from any applicant made pursuant to proposed law the department must downgrade or disqualify the commercial driver's license or learner's permit in the same manner as provided for the suspension, revocation, or denial of driver's license as provided in present law.

Proposed law specifies that the inadvertent issuance of a commercial driver's license or learner's permit to an applicant will not be considered a breach of duty on the part of the department to the public or the individual.

(Amends R.S. 32:409.1(A)(6)(d))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill:

1. Change the date in present law from "January 6, 2025" to "November 18, 2024".
2. Change the reference in present law from all "applicants" to "applications" for the transfer, issuance, renewal, or upgrade of a commercial's driver's license.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.