

Regular Session, 2014

HOUSE BILL NO. 960

BY REPRESENTATIVE GAROFALO

MTR VEHICLE/VIOLATIONS: Provides for notifications to habitual offenders

## 1 AN ACT

2 To amend and reenact R.S. 32:1475, relative to habitual offenders; to provide for  
3 notification to habitual offenders; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 32:1475 is hereby amended and reenacted to read as follows:

6 §1475. Service of petition; order to show cause

7 The department shall issue a written notice along with a copy of the abstract  
8 to the person named in the abstract, advising him his driving privileges will be  
9 revoked as a habitual offender. directing him to show cause why he should not be  
10 declared a habitual offender. The notice shall ~~state the time, place, and cause of the~~  
11 ~~hearing which shall not be less than ten nor more than thirty calendar days from the~~  
12 ~~date of the notice.~~ advise the person that he has no more than thirty days from the  
13 date of notice to contest the habitual offender status by requesting an administrative  
14 hearing. All notices shall be ~~served on~~ sent by certified mail return receipt requested  
15 marked by the United States Post Office to the person named in the abstract ~~in~~  
16 ~~accordance with R.S. 32:6.~~ The department's abstract derived from the records  
17 regarding the person's driver history shall be prima facie proof of the convictions  
18 used as the basis for determining the person is a habitual offender.

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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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Garofalo

HB No. 960

**Abstract:** Provides for notifications for a habitual offender.

Present law provides that the department shall issue a written notice and a copy of the abstract to the person named in the abstract directing him to show cause why he should not be declared a habitual offender.

Proposed law provides that the department shall issue a written notice and a copy of the abstract to the person named in the abstract advising him his driving privileges will be revoked as a habitual offender.

Present law provides that the notice shall state the time, place, and cause of the hearing which shall be not less than ten nor more than 30 calendar days from the date of the notice.

Proposed law provides that the notice shall advise the person that he has no more than 30 days from the date of the notice to contest the habitual offender status by requesting an administrative hearing.

Present law provides that all notices shall be served on the person named in the abstract in accordance with R.S. 32:6.

Proposed law provides that all notices shall be sent by certified mail return receipt requested marked by the U.S. Post Office to the person named in the abstract. Also provides that the department's abstract derived from the records regarding the person's driver history shall be prima facie proof of the convictions used as the basis for determining the person is a habitual offender.

(Amends R.S. 32:1475)