
DIGEST

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Harrison

HB No. 1020

Abstract: Authorizes removal of license plates on motor vehicles operated by persons with suspended or revoked driving privileges.

Proposed law requires that a law enforcement officer determine if the driver's license of a person he stops, who is licensed in the state, is suspended or revoked.

Proposed law provides that if the law enforcement officer determines that operator's driving privileges are suspended or revoked he must remove the license plate from the motor vehicle and the operator of the motor vehicle must be issued a notice of suspension or revocation of his driving privileges on a form to be provided by the department.

Proposed law requires that a copy of the notice of suspension or revocation of driving privileges be attached to the motor vehicle license plate and requires that both the notice and license plate be delivered to the local office of motor vehicles within three calendar days of notice. Thereafter requires the secretary to revoke the registration of such motor vehicle. Also requires the office of motor vehicles to store any license plate removed pursuant to proposed law at the office to which it was delivered for seven calendar days after receipt.

Proposed law provides that the notice of the suspension or revocation of driving privileges serves as notice of judicial review rights. Specifies that any action for judicial review of the suspension or revocation of driving privileges must be in the same manner and under the same conditions as provided in present law.

Proposed law provides a ten day period, from the notice, to comply with the law, including the payment of fees and penalties. Specifies that if the operator fails to comply within ten calendar days of the receipt of the notice of driver's license suspension or revocation, the office of motor vehicles may destroy the plate.

Proposed law provides that if the operator cannot prove that he was lawfully operating a motor vehicle within ten days of the offense then he is required to pay a ten dollar reinstatement to the Dept. of Public Safety and Corrections to offset the costs of administering proposed law. Specifies that this fee shall be in addition to any other fines, fees, or penalties owed prior to reinstatement of privileges.

Proposed law provides that if the operator of the motor vehicle is not the registered owner or lessee of the motor vehicle, the office of motor vehicles has ten calendar days to send a notice to

the registered owner or lessee by first class mail indicating that the license plate of the motor vehicle registered in his name was removed pursuant to proposed law. Further grants the owner or lessee thirty calendar days to present an affidavit to the office of motor vehicles acknowledging that the owner or lessee is aware that a person whose driver's license was suspended or revoked was operating a motor vehicle registered to him and agrees that he will not permit the same driver to operate his motor vehicle until such person is properly licensed. Specifies that after submission of this affidavit the office of motor vehicles must return the license plate to the registered owner of the motor vehicle, at no cost, within 48 hours.

Proposed law specifies that if the operator of the motor vehicle was properly licensed at the time the notice was issued, a valid license plate will be returned to him within 48 hours, at no cost to the owner. Specifies that if the operator fails to provide proof that he was properly licensed at the time the notice was issued, or if the owner fails to execute an affidavit pursuant to proposed law, the commissioner of the office of motor vehicles must destroy the license plate removed from that operator's motor vehicle.

Proposed law requires the issuance of a temporary sticker, denoting its use in lieu of an official license plate, to be attached to the rear end of the motor vehicle. Requires that the sticker bear the date upon which it was issued in written or stamped numerals or letters not less than three inches in height. Specifies that the temporary sticker is valid for a period of ten calendar days for an operator, with suspended or revoked driving privileges, beginning from the day on which the license plate is removed or for a period of 30 calendar days for an owner or lessee, whose motor vehicle was operated by a person with suspended or revoked driving privileges, beginning from the date the notice was mailed as required by Subsection C of this Section. Requires the department design and produce the temporary stickers at no cost to law enforcement agencies. Prohibits the motor vehicle from being driven when the sticker expires. Provides for impoundment if a motor vehicle with an expired sticker is driven.

Proposed law authorizes the Dept. of Public Safety and Corrections, public safety services, to promulgate rules and regulations for implementation of proposed law, to include rules on destruction of license plates.

(Adds R.S. 32:415.2)