
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. 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. Also requires a law enforcement officer to further determine if the operator is the registered owner of the vehicle.

Proposed law provides that if the law enforcement officer determines that an operator's driving privileges are suspended or revoked, and the vehicle is registered in the state in the name of the operator, the officer must remove the license plate from the vehicle and the operator of the 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 department to revoke the registration of such motor vehicle after verifying that the operator of the motor vehicle is the registered owner of the 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 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 present law.

Proposed law provides a seven 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 seven business days of the receipt of the notice of driver's license suspension or revocation, the office of motor vehicles shall destroy the plate.

Proposed law requires the department to investigate an allegation made by the vehicle operator that the removal of the vehicle's license plate and the suspension or revocation of his driving privileges will deprive him or his family of the necessities of life or prevent them from earning a livelihood. Further provides that if the department finds that the allegation is valid, it may issue a hardship license plate to be placed on the motor vehicle. Proposed law gives the office of motor vehicles the authority to establish rules and regulations necessary to implement the

provisions of this Section.

Proposed law provides that if the operator cannot prove that he was lawfully operating a motor vehicle within seven days of the offense then he is required to pay a \$10 reinstatement fee to the Dept. of Public Safety and Corrections (DPS&C) to offset the costs of administering proposed law. Specifies the reinstatement fee shall be in addition to any other reinstatement requirements imposed for each pending suspension or revocation on the operator's driving record at the time of reinstatement.

Proposed law provides that if the operator and owner of the vehicle was properly licensed in this state at the time notice was issued, any valid license plate shall be returned within 48 hours and at no cost to the owner.

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 not less than three inches in height. Specifies that the temporary sticker is valid for a period of seven days for an operator with a valid driver license to operate the vehicle on public streets and highways. After the expiration of the seven day period, the vehicle shall not be operated on the public streets and highways until the vehicle is registered. Specifies that this does not prohibit the sale, transfer, or other reassignment of the vehicle, except that if the department determines the transfer was done to avoid compliance with the requirements of this Section.

Proposed law authorizes the DPS&C, public safety services, to promulgate rules and regulations for implementation of proposed law, to include rules on the destruction of license plates. Specifies that once the department has published the notice of intent to adopt permanent rules in the State Register, and the period for public comment has expired, the department is authorized to adopt the proposed rule as an emergency rule to expedite enforcement.

Proposed law provides that nothing in proposed law shall be construed as authorizing any action under proposed law if the operator is not also the registered owner of the vehicle as is reflected in the vehicle registration records.

(Adds R.S. 32:415.2)

Summary of Amendments Adopted by House

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

1. Required that the law enforcement officer determine if the operator of the vehicle is the registered owner of the vehicle.
2. Specified that a law enforcement officer, after determining that an operator's driver's license is revoked and after verifying that the operator of the vehicle is also the

- registered owner, shall remove the license plate.
3. Changed the 10 day period for compliance with the laws and regulations, including payments of fees and penalties to a seven day period.
 4. Changed "may" to "shall" requiring the office of motor vehicles to destroy the license plate of a vehicle if the operator has not complied with the laws and regulations within the seven day period.
 5. Changed the 10 day period to a seven day period for the period of time within which an operator must pay a \$10 reinstatement fee if he cannot prove his driver's license was not suspended or revoked, his license plate shall be destroyed.
 6. Specified that the reinstatement fee shall be in addition to any other reinstatement requirements imposed for each pending suspension or revocation on the operator's driving record.
 7. Specified that if the operator and owner of the vehicle was properly licensed in this state at the time notice was issued, any valid license plate shall be returned within 48 hours at no cost to the owner.
 8. Specified that the temporary sticker shall be valid for a seven day period for an operator with a valid driver's license to operate on public streets and highways. After the seven day period, the vehicle shall not be operated on public streets and highways until the vehicle is registered.
 9. Specified that after the department publishes the notice of intent to adopt the permanent rules in the State Register, and the period for public comment has expired, the department is authorized to adopt the proposed rule as an emergency rule to expedite the enforcement.
 10. Specified that nothing in proposed law shall be construed to authorize any action under proposed law if the operator is not also the registered owner of the vehicle as is reflected in the vehicle registration records of the department.
 11. Made technical changes.

House Floor Amendments to the engrossed bill.

1. Made technical changes.
2. Added a provision that requires the department to promptly investigate an allegation by the motor vehicle operator that the removal of the vehicle's license plate and the suspension or revocation of his driving privileges will deprive him or his family of the necessities of life or will prevent them from earning a livelihood. Authorizes the

issuance of a hardship license plate to be placed on the vehicle if the department finds the removal of a vehicle's license plate or suspension or revocation of a person's driving privileges will deprive that person or his family of the necessities of life. Also authorizes the office of motor vehicles to establish rules and regulations necessary to implement proposed law.