

Regular Session, 2014

HOUSE BILL NO. 1252

BY REPRESENTATIVE FOIL AND SENATOR THOMPSON

1 AN ACT

2 To amend and reenact R.S. 32:412(A)(1), (2), (3), (4)(a) and (b)(introductory paragraph),
3 (5), (6), (7)(a) and (b)(introductory paragraph), (B)(1), (2), (5), (7)(a)(i) and
4 (ii)(introductory paragraph), (b)(i) and (ii)(introductory paragraph), (c)(i) and
5 (ii)(introductory paragraph), (d)(i) and (ii)(introductory paragraph), (e)(i)(aa),
6 (bb)(introductory paragraph), (cc), (dd), and (ee), and (ii)(aa), (cc),(dd) and (ee) and
7 (C), 32:412.1 (A)(introductory paragraph), (B), (C), and (D), and 32:429(A), to enact
8 R.S. 32:412.1(E) and 412.3, and to repeal R.S. 32:412.1(A)(1), relative to the
9 duration of driver's licenses; to provide that driver's licenses be renewed every six
10 years; to provide for fees; to provide for the distribution of revenue; to create and
11 provide for special funds; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. 32:412(A)(1), (2), (3), (4)(a) and (b)(introductory paragraph), (5), (6),
14 (7)(a) and (b)(introductory paragraph), (B)(1), (2), (5), (7)(a)(i) and (ii)(introductory
15 paragraph), (b)(i) and (ii)(introductory paragraph), (c)(i) and (ii)(introductory paragraph),
16 (d)(i) and (ii)(introductory paragraph), (e)(i)(aa), (bb)(introductory paragraph), (cc), (dd),
17 (ee), and (ii)(aa), (cc), (dd), and (ee) and (C), 32:412.1(A)(introductory paragraph), (B), (C),
18 and (D), and 32:429(A) are hereby amended and reenacted and R.S. 32:412.1(E) and 412.3
19 are hereby enacted to read as follows:

20 §412. Amount of fees; credit or refund; duration of license; veteran designation;
21 "I'm a Cajun" designation; disbursement of funds; renewal by mail or
22 electronic commerce of Class "D" or "E" drivers' licenses; disposition of
23 certain fees; exception

24 A.(1) Every applicant for a Class "D" driver's license, or for a renewal of a
25 Class "D" driver's license, except those bona fide residents of the city of New

1 Orleans, shall pay for such basic license a fee of ~~twenty-eight dollars and fifty cents~~
 2 forty-two dollars and seventy-five cents. ~~Seven dollars and forty three cents~~ Eleven
 3 dollars and fifteen cents of the fee shall be paid to the ~~State Police Pension and~~
 4 ~~Retirement Fund~~ Louisiana State Police Retirement System Fund. One dollar and
 5 fifty cents of the fee shall be forwarded by the department to the litter abatement and
 6 education account which is created with the Conservation Fund through the
 7 provisions of R.S. 56:10(B)(15).

8 (2) The fee for Class "D" driver's licenses, or renewal of a Class "D" driver's
 9 license, issued to bona fide residents of the city of New Orleans shall be ~~thirty-six~~
 10 ~~dollars~~ fifty-four dollars, ~~ten dollars~~ fifteen dollars of which shall be payable by the
 11 department to the board of trustees of the police pension fund of the city of New
 12 Orleans. One dollar and ~~twenty three cents~~ eighty-four cents of the fee shall be paid
 13 to the ~~State Police Pension and Retirement Fund~~ Louisiana State Police Retirement
 14 System Fund. One dollar and fifty cents of fee shall be forwarded by the department
 15 to the litter abatement and education account which is created within the
 16 Conservation Fund through the provisions of R.S. 56:10(B)(15).

17 (3) There shall be a fee of ~~five dollars~~ seven dollars and fifty cents for an
 18 emergency vehicle endorsement for any vehicle group.

19 (4)(a) A Class "D" driver's license shall expire on the anniversary of the
 20 birthday of the applicant which is nearest to a period of ~~four~~ six years subsequent to
 21 the issuing of the license, unless suspended, revoked, or canceled prior to that time.

22 (b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,
 23 the department may issue the license for a period of less than ~~four~~ six years in
 24 circumstances of medical limitation, limitation on lawful presence, or other special
 25 restrictions. When the department issues a license to a properly documented alien
 26 student or nonresident alien, the license shall both:

27 * * *

28 (5) Every applicant for a Class "E" driver's license, or for a renewal of a
 29 Class "E" driver's license, except those bona fide residents of the city of New
 30 Orleans, shall pay for such basic license a fee of ~~thirteen dollars and fifty cents~~

1 restrictions. When the department issues a license to a properly documented alien
2 student or nonresident alien, the license shall both:

3 * * *

4 (b)(i) A Class "C" commercial driver's license carrying an endorsement
5 permitting the transportation of materials found to be hazardous for purposes of the
6 Federal Hazardous Material Act, ~~49 United States Code~~ Transportation Act, 49 USC
7 5101 et seq. or under state law or regulation shall expire on the anniversary of the
8 birthday of the applicant which is nearest to a date of ~~four~~ six years subsequent to the
9 issuing of the license, unless revoked, canceled, or suspended prior to that time.

10 (ii) Notwithstanding the provisions of Item (i) of this Subparagraph, the
11 department may issue the license for a period of less than ~~four~~ six years in
12 circumstances of medical limitation, limitation on lawful presence, or other special
13 restrictions. When the department issues a license to a properly documented alien
14 student or nonresident alien, the license shall both:

15 * * *

16 (c)(i) A Class "B" commercial driver's license shall expire on the anniversary
17 of the birthday of the applicant which is nearest to a date of ~~four~~ six years subsequent
18 to the issuing of the license, unless revoked, canceled, or suspended prior to that
19 time.

20 (ii) Notwithstanding the provisions of Item (i) of this Subparagraph, the
21 department may issue the license for a period of less than ~~four~~ six years in
22 circumstances of medical limitation, limitation on lawful presence, or other special
23 restrictions. When the department issues a license to a properly documented alien
24 student or nonresident alien, the license shall both:

25 * * *

26 (d)(i) A Class "A" commercial driver's license shall expire on the
27 anniversary of the birthday of the applicant which is nearest to a date of ~~four~~ six
28 years subsequent to the issuing of the license, unless revoked, canceled, or suspended
29 prior to that time.

1 (ii) Notwithstanding the provisions of Item (i) of this Subparagraph, the
2 department may issue the license for a period of less than ~~four~~ six years in
3 circumstances of medical limitation, limitation on lawful presence, or other special
4 restrictions. When the department issues a license to a properly documented alien
5 student or nonresident alien, the license shall both:

6 * * *

7 (e)(i)(aa) Every applicant seventy years of age or older for a Class "E"
8 driver's license, or for the renewal of a Class "E" driver's license, except those bona
9 fide residents of the city of New Orleans, shall pay for such basic license a fee of
10 ~~four dollars and fifty cents~~ six dollars and seventy-five cents, which shall be the cost
11 of the license. The license shall expire on the anniversary of the birthday of the
12 applicant which is nearest to a date of ~~four~~ six years subsequent to the issuing of the
13 license, unless revoked, canceled, or suspended.

14 (bb) Notwithstanding the provisions of ~~R.S. 32:412(B)(7)(e)(i)(aa)~~ Subitem
15 (aa) of this Item, the department may issue the license for a period of less than ~~four~~
16 six years in circumstances of medical limitation, limitation on lawful presence, or
17 other special restrictions. When the department issues a license to a properly
18 documented alien student or nonresident alien, the license shall both:

19 * * *

20 (cc) ~~Fifty cents~~ Seventy-five cents of the fee shall be paid to the office of
21 state police. ~~One dollar and fifty cents~~ Two dollars and seventy-five cents of the fee
22 shall be paid to the ~~State Police Pension and Retirement Fund~~ Louisiana State Police
23 Retirement System Fund. One dollar and fifty cents of the fee shall be forwarded by
24 the department to the litter abatement and education account which is created within
25 the Conservation Fund through the provisions of R.S. 56:10(B)(15).

26 (dd)(I) Every applicant seventy years of age or older for a Class "D" driver's
27 license, or for the renewal of a Class "D" driver's license, except those bona fide
28 residents of the city of New Orleans, shall pay for such basic license a fee of ~~fourteen~~
29 ~~dollars and seventy-five cents~~ twenty-two dollars and thirteen cents, which shall be
30 the cost of the license. The license shall expire on the anniversary of the birthday of

1 the applicant which is nearest to the date of ~~four~~ six years subsequent to the issuing
 2 of the license, unless revoked, canceled, or suspended.

3 (II) Notwithstanding the provisions of ~~R.S. 32:412(B)(7)(e)(i)(dd)(I)~~
 4 Subsubitem (I) of this Subitem, the department may issue the license for a period of
 5 less than ~~four~~ six years in circumstances of medical limitation, limitation on lawful
 6 presence, or other special restriction. When the department issues a license to a
 7 properly documented alien student or nonresident alien, the license shall both expire
 8 on the date for which the alien's immigration documents expire, if sooner than the
 9 date specified in Subsubitem (I) of this Subitem, and contain a restriction code which
 10 declares that the license holder is an alien student or a nonresident alien.

11 (ee) ~~Three dollars and seventy-one cents~~ Five dollars and fifty-six cents of
 12 the fee shall be paid to the ~~State Police Pension and Retirement Fund~~ Louisiana State
 13 Police Retirement System Fund. One dollar and fifty cents of the fee shall be
 14 forwarded by the department to the litter abatement and education account which is
 15 created within the Conservation Fund through the provisions of R.S. 56:10(B)(15).

16 (ii)(aa) Every applicant seventy years of age or older for a Class "E" driver's
 17 license, or for the renewal of a Class "E" driver's license, issued to bona fide
 18 residents of the city of New Orleans, shall pay for such basic license a fee of ~~four~~
 19 ~~dollars and fifty cents~~ six dollars and seventy-five cents, which shall be the cost of
 20 the license. This license shall expire on the anniversary of the birthday of the
 21 applicant which is nearest to the date of ~~four~~ six years subsequent to the issuing of
 22 the license, unless revoked, canceled, or suspended.

23 * * *

24 (cc) One dollar and fifty cents of the fee shall be paid to the Board of
 25 Trustees of the Police Pension Fund of the city of New Orleans. One dollar and fifty
 26 cents of the fee shall be paid to the ~~State Police Pension and Retirement Fund~~
 27 Louisiana State Police Retirement System Fund. One dollar and fifty cents of the fee
 28 shall be forwarded by the department to the litter abatement and education account
 29 which is created within the Conservation Fund through the provisions of R.S.
 30 56:10(B)(15).

1 (dd)(I) Every applicant seventy years of age or older for a Class "D" driver's
 2 license, or for the renewal of a Class "D" driver's license, issued to bona fide
 3 residents of the city of New Orleans, shall pay for such basic license a fee of
 4 ~~eighteen dollars and fifty cents~~ twenty-seven dollars and seventy-five cents, which
 5 shall be the cost of the license. This license shall expire on the anniversary of the
 6 birthday of the applicant which is nearest to the date of ~~four~~ six years subsequent to
 7 the issuing of the license, unless revoked, canceled, or suspended.

8 (II) Notwithstanding the provisions of ~~R.S. 32:412(B)(7)(c)(ii)(dd)(I)~~
 9 Subsubitem (I) of this Subitem, the department may issue the license for a period of
 10 less than ~~four~~ six years in circumstances of medical limitation, limitation on lawful
 11 presence, or other special restriction. When the department issues a license to a
 12 properly documented alien student or nonresident alien, the license shall both expire
 13 on the date for which the alien's immigration documents expire, if sooner than the
 14 date specified in Subsubitem (I) of this Subitem, and contain a restriction code which
 15 declares that the license holder is an alien student or a nonresident alien.

16 (ee) ~~Five dollars~~ Seven dollars and fifty cents of the fee shall be payable by
 17 the department to the board of trustees of the police pension fund of the city of New
 18 Orleans. ~~Sixty-one cents~~ Ninety-two cents of the fee shall be paid to the ~~State Police~~
 19 ~~Pension and Retirement Fund~~ Louisiana State Police Retirement System Fund. One
 20 dollar and fifty cents of the fee shall be forwarded by the department to the litter
 21 abatement and education account which is created within the Conservation Fund
 22 through the provisions of R.S. 56:10(B)(15).

23 * * *

24 C.(1) The addition of a motorcycle or motor scooter endorsement to a basic
 25 license will require, besides the specific examination for such vehicles, the payment
 26 of an additional fee of ~~eight~~ twelve dollars. If the motorcycle endorsement is to any
 27 license which is valid for less than ~~four~~ six years, the fee for the endorsement will
 28 be ~~four~~ six dollars.

29 (2) Notwithstanding any provisions of law to the contrary and subject to the
 30 exceptions contained in Article VII, Section 9(A) of the Constitution of Louisiana,

1 the amount of ~~five dollars~~ seven dollars and fifty cents from the fee for a motorcycle
 2 or motor scooter endorsement to a basic license, or the amount of ~~two~~ three dollars
 3 from the fee if the motorcycle endorsement for any person is to a license that is valid
 4 for only less than ~~four~~ six years shall be credited to the Bond Security and
 5 Redemption Fund. After a sufficient amount is allocated from that fund to pay all
 6 obligations secured by the full faith and credit of the state which become due and
 7 payable within any fiscal years, the treasurer shall pay an amount equal to the fees
 8 paid into the Bond Security and Redemption Fund pursuant to this Paragraph into a
 9 special fund which is hereby created in the state treasury and designated as the
 10 "Motorcycle Safety, Awareness, and Operator Training Program Fund", hereinafter
 11 referred to as the "fund". The monies credited to the fund shall be used solely for
 12 operator training, instructor training, and motorcycle safety and awareness programs.
 13 Any unexpended and unencumbered monies remaining to the credit of the fund on
 14 June thirtieth of each year, after all appropriations of the preceding fiscal year have
 15 been made, shall revert to the state general fund. The monies in the fund shall be
 16 expended solely from year to year as appropriated by the legislature for the purposes
 17 of motorcycle safety and awareness and operator training. Any amounts earned
 18 through investment of the monies in the fund shall revert to the state general fund.

19 * * *

20 §412.1. Handling charges

21 A. Except as provided for in Subsection ~~D~~ E of this Section, the office of
 22 motor vehicles shall collect, in addition to any fee authorized by law, a handling
 23 charge of eight dollars for each of the following transactions:

24 * * *

25 B. Except as provided in Subsection E of this Section, the office of motor
 26 vehicles shall collect, in addition to any fee authorized by law, a handling charge of
 27 twelve dollars for each of the following Class D and E driver's license transactions.

28 (1) New applications.

29 (2) Renewals.

30 (3) Duplicates.

1 (4) Valid without photo.

2 ~~B.C.~~ Additional handling charges of eight dollars may be established by the
3 office of motor vehicles upon transactions not specifically named in ~~Subsection~~
4 Subsections A and B of this Section in accordance with procedures in the
5 Administrative Procedure Act.

6 ~~C.D. Two~~ Three dollars and seventy-five cents on Class "D" and "E" driver's
7 license transactions, and two dollars and fifty cents of the fee charged for all other
8 ~~any~~ handling fees charged or collected shall be forwarded to the state treasurer for
9 deposit in to the Office of Motor Vehicles Customer Service and Technology Fund
10 created pursuant to the provisions of R.S. 32:429.2.

11 ~~D.E.~~ A child who is in foster care, as defined in Article 603 of the Louisiana
12 Children's Code, shall not be required to pay the handling fee or other charge in order
13 to obtain a driver's license or identification card.

14 * * *

15 §412.3. Office of Motor Vehicles Driver's License Escrow Fund; Office of Motor
16 Vehicles Handling Fee Escrow Fund

17 A. There is hereby created, as special funds in the state treasury, the Office
18 of Motor Vehicles Driver's License Escrow Fund, and the Office of Motor Vehicles
19 Handling Fee Escrow Fund.

20 B.(1) After compliance with the requirements of Article VII, Section 9(B)
21 of the Constitution of Louisiana relative to the Bond Security and Redemption Fund,
22 and after a sufficient amount is allocated from that fund to pay all of the obligations
23 secured by the full faith and credit of the state which become due and payable within
24 any fiscal year, the treasurer shall pay an amount equal to one third of the monies
25 received by the state treasury pursuant to the provisions of R.S. 32:412 into the
26 Office of Motor Vehicles Driver's License Escrow Fund. The monies in this fund
27 shall be used solely as provided in Subsection D of this Section. All unexpended and
28 unencumbered monies in this fund at the end of the fiscal year shall remain in the
29 fund to cover under collections in any subsequent fiscal year. The monies in the

1 fund shall be invested by the state treasurer in the same manner as monies in the state
2 general fund and shall be deposited into the state general fund.

3 (2) The calculation required under the provisions of Subsection D of this
4 Section shall be made prior to the distribution to the board of trustees of the police
5 pension funds of the city of New Orleans, the Louisiana State Police Retirement
6 System Fund, and the Conservation Fund under the provisions of R.S. 56:10(B)(15).

7 C. After compliance with the requirements of Article VII, Section 9(B) of
8 the Constitution of Louisiana relative to the Bond Security and Redemption Fund,
9 and after a sufficient amount is allocated from that fund to pay all of the obligations
10 secured by the full faith and credit of the state which become due and payable within
11 any fiscal year, the treasurer shall pay an amount equal to one third of the monies
12 received by the state treasury pursuant to the provisions of R.S. 32:412.1 into the
13 Office of Motor Vehicles Handling Fee Escrow Fund. The monies in this fund shall
14 be used solely as provided in Subsection E of this Section. All unexpended and
15 unencumbered monies in this fund at the end of the fiscal year shall remain in the
16 fund to cover under collections in any subsequent fiscal year. The monies in the
17 fund shall be invested by the state treasurer in the same manner as monies in the state
18 general fund and shall be deposited into the state general fund.

19 D. Of the monies escrowed in the Office of Motor Vehicles Driver's License
20 Escrow Fund, one-half shall be appropriated in Fiscal Years 2020, 2026, and 2032
21 and one-half shall be appropriated in Fiscal Years 2021, 2027, and 2033.

22 E.(1) Of the monies escrowed in the Office of Motor Vehicles Handling Fee
23 Escrow Fund, one-half shall be appropriated in Fiscal Years 2020, 2026, and 2032
24 and one-half shall be appropriated in Fiscal Years 2021, 2027, and 2033.

25 (2) Of the monies appropriated under the provisions of this Subsection,
26 sixty-eight and seventy-five one-hundredths per cent of the funds shall be allocated
27 to self-generated revenue and thirty-one and twenty-five one-hundredths per cent of
28 the funds shall be allocated to the Office of Motor Vehicles Customer Service and
29 Technology Fund.

30 * * *

1 §429. Office of motor vehicles field offices; authorization of fees

2 A.(1) The governing authority of any local governmental subdivision is
3 hereby authorized to levy, by resolution, a fee for each service or transaction carried
4 out as an operation of an office of motor vehicles field office that is not fully funded
5 by the state. Except as provided in Paragraph (2) of this Subsection, the fee shall not
6 exceed ~~three dollars~~ four dollars and fifty cents per service or transaction and shall
7 be used solely to defray the cost of operations of that local field office, including but
8 not limited to facility rental, utilities, and maintenance. The fee shall not be charged
9 for the procurement or renewal of a motor vehicle registration license.

10 (2) The fee provided for in Paragraph (1) of this Subsection may be levied
11 in an amount not to exceed ~~four~~ six dollars by the local governing authority of the
12 parishes of Orleans and Jefferson Parish.

13 Section 2. R.S. 32:412.1(A)(1) is hereby repealed in its entirety.

14 Section 3. This Act shall become effective July 1, 2015.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____