
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)]

HB 487 Engrossed

2017 Regular Session

Terry Landry

Abstract: Prohibits novelty, unofficial, or fraudulent credentials intended to simulate certain identification credentials issued by governmental entities.

Present law provides for the unlawful production, manufacturing, distribution, or possession of fraudulent documents for identification purposes.

Proposed law specifies that it is not a defense to a violation of present law that a fraudulent document for identification purposes contains words indicating that it is a novelty item or an indication that it is not a document for identification purposes.

Present law provides that a valid credential includes but is not limited to any driver's license, driver permit, temporary license, restricted or hardship license, government-issued identification card, school-issued identification card, vehicle registration certificate, or vehicle license plate.

Proposed law modifies present law by removing the valid requirement from the credential and replacing temporary license with temporary driver's license, and replacing restricted or hardship license with restricted or hardship driver's license.

Present law requires the following language appear on every item that can be interpreted as a novelty credential in a size or font equal in size to the largest print appearing anywhere on the novelty item: "This document is a novelty item and cannot be used for any official purposes or as a lawful means of identification or for the operation of a motor vehicle on any public highway or street".

Proposed law modifies present law by removing the novelty item language and instead specifying that it is not a defense for a violation of present law that a fictitious or facsimile credential contains words indicating that it is a novelty item or an indication that it is not a valid identification document, vehicle registration certificate, or vehicle license plate.

Present law provides that the Dept. of Public Safety and Corrections, office of motor vehicles, may issue a cease and desist order to any person or business who manufactures, advertises for sale, sells, or possesses any credential, including a novelty or unofficial credential, which is not in compliance with present law.

Proposed law modifies present law by requiring the Dept. of Public Safety and Corrections, office of motor vehicles, determine the person or business is in violation of present law.

Proposed law authorizes the department to seek a penalty of not more than \$500 for each day the person engaged in any activity prohibited by the cease and desist order and demand court costs in the suit for injunction.

Proposed law specifies that the penalty amount and court costs may be rendered in the same judgment in which the injunction is made final.

(Amends R.S. 32:410.1(A), (B), (C), (D), and (E); Adds R.S. 14:70.7(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. Authorize the department to demand a penalty of not more than \$500 for each day the defendant engaged in any activity prohibited by the cease and desist order and demand court costs in the suit for injunction.
2. Specify that the penalty amount and court costs may be rendered in the same judgment in which the injunction is made final.