

ACT No. 239

2021 Regular Session

HOUSE BILL NO. 550

BY REPRESENTATIVE MUSCARELLO

1 AN ACT

2 To amend and reenact R.S. 32:413 and to enact R.S. 40:1321.1, relative to the issuance of
3 duplicate driver's licenses and special identification cards; to provide for the issuance
4 fee for duplicate driver's licenses and special identification cards; to provide for the
5 department's immunity from liability for receipt of an applicant's statement and
6 sworn affidavit from a physician connected to the issuance of a duplicate driver's
7 license and special identification card in certain actions resulting from driving
8 accidents; to provide for the department's immunity for the issuance of an unlawfully
9 obtained special identification card; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 32:413 is hereby amended and reenacted to read as follows:

12 §413. Loss or destruction of licenses

13 A. If any driver's license shall be lost or destroyed, the person to whom it
14 was issued ~~shall submit satisfactory proof to the office of motor vehicles of such loss~~
15 ~~or destruction and shall apply for, within ten days after such loss or destruction, a~~
16 ~~duplicate license.~~ may apply for a duplicate driver's license at a motor vehicle office,
17 an authorized agent of the office of motor vehicles, or through the motor vehicle
18 website online application. Any application submitted pursuant to this Section shall
19 include a statement executed by the applicant attesting to the facts regarding the lost
20 or destroyed driver's license.

21 B. For each duplicate driver's license so issued ~~there~~ a five dollar charge
22 shall be collected ~~the sum of five dollars~~, except no fee shall be charged to a child
23 who is in foster care, as defined in ~~Article 603 of the Louisiana~~ Children's Code
24 Article 603. However, if the original license was stolen as evidenced by a police

1 report, ~~there shall be no collection of this charge or~~ the charge provided for in this
2 Subsection and the handling charge as provided for in R.S. 32:412.1 shall not be
3 collected.

4 C. If any driver's license which was issued to a Louisiana domiciliary or
5 resident who is temporarily out of state, or who is a domiciliary or resident who is
6 an active member of the Armed Forces, or who is a domiciliary resident dependent
7 of a member of the active Armed Forces, in lieu thereof has been lost or destroyed,
8 the person ~~to whom~~ who was issued the driver's license was issued, or a the person
9 who has power of attorney for the person to whom the driver's license was issued,
10 may submit satisfactory proof to the office of motor vehicles of ~~such~~ the loss or
11 destruction and may apply for a duplicate driver's license.

12 D.(1) The holder of a valid driver's license, regardless of class, may apply
13 for a duplicate driver's license by mail or electronic commerce, except as follows:

14 (a) No duplicate driver's license by mail or electronic commerce shall be
15 granted if a previous duplicate license was issued prior to the license expiration.

16 (b) No duplicate driver's license by mail or electronic commerce shall be
17 granted to an alien student or nonresident alien.

18 (2) The department may establish rules and regulations to grant or deny a
19 duplicate driver's license by mail in cases where a Louisiana resident is temporarily
20 domiciled out of the state or out of the country, or temporarily residing, employed,
21 or attending school in a foreign state or country, even if the resident does not meet
22 the qualification criteria in this Section.

23 (3) The application for a duplicate driver's license by mail or electronic
24 commerce shall include the following:

25 (a) A statement from the applicant that he has not experienced any loss of
26 consciousness other than normal sleep and has no current physical or mental
27 condition which would impair his ability to operate a motor vehicle safely.

28 (b) A statement from the applicant indicating that all motor vehicles owned
29 by the applicant are covered by liability insurance or security and coverage will be

1 maintained until such time as a vehicle is no longer used on the highways of this
2 state, or until a vehicle is transferred to another person or entity.

3 (c) A sworn affidavit by a physician certifying that the person possesses all
4 cognitive functions reasonably necessary to be a prudent driver if the person seeking
5 the duplicate driver's license is seventy years of age or older.

6 (4) Upon receipt of the required statements by the department and upon the
7 issuance of a duplicate driver's license, the state, the department, or any department
8 employee shall not be liable for any property damages, injuries, or deaths that may
9 arise from an applicant's involvement in an accident when the accident may be
10 attributed to the applicant's medical condition that may have existed which rendered
11 him incapable of operating a motor vehicle safely.

12 (5) When a duplicate driver's license is issued by mail or electronic
13 commerce, the department shall issue a duplicate driver's license with the same
14 expiration date as the previously issued driver's license.

15 (6) The department shall promulgate rules and regulations as are necessary
16 to implement the provisions of this Section.

17 (7) For purposes of this Section a valid driver's license does not include:

18 (a) A suspended, disqualified, expired, or canceled license, regardless of
19 class.

20 (b) A commercial driver's license for a holder that does not meet all
21 requirements for licensure under federal law, state law, or both.

22 (c) A hardship driver's license.

23 (d) Any driver's license for which there is a block on any further issuance of
24 any kind, whether or not the license is suspended or disqualified.

25 (8) Any online transaction shall be assessed the fee authorized and approved
26 in R.S. 49:316.1.

27 Section 2. R.S. 40:1321.1 is hereby enacted to read as follows:

28 §1321.1. Duplicate special identification cards; lost or destroyed

29 A. When a special identification card is lost or destroyed, the person who
30 was issued the card may apply for a duplicate special identification card at a motor

1 vehicle office, an authorized agent of the office of motor vehicles, or through the
2 motor vehicle website online application. Any application submitted pursuant to this
3 Section shall include a statement executed by the applicant attesting to the facts
4 regarding the lost or destroyed special identification card.

5 B. For each duplicate special identification card so issued a five dollar
6 charge shall be collected, except no fee shall be charged to a child who is in foster
7 care, as defined in Children's Code Article 603. However, if the original special
8 identification card was stolen as evidenced by a police report, the charge provided
9 for in this Subsection and the handling charge provided for in R.S. 32:412.1 shall not
10 be collected.

11 C. If any special identification card which was issued to a Louisiana
12 domiciliary or resident who is temporarily out of state or an active member of the
13 Armed Forces, or who is a domiciliary resident dependent of a member of the active
14 Armed Forces, in lieu thereof has been lost or destroyed, the person who was issued
15 the special identification card, or a person who has power of attorney for the person
16 to whom a special identification card was issued, may submit satisfactory proof to
17 the office of motor vehicles of the loss or destruction and may apply for a duplicate
18 special identification card.

19 D.(1) The holder of a valid special identification card may apply for a
20 duplicate special identification card by mail or electronic commerce, except as
21 follows:

22 (a) No duplicate special identification card by mail or electronic commerce
23 shall be granted if a previous duplicate special identification card was issued prior
24 to the card's expiration.

25 (b) No duplicate special identification card by mail or electronic commerce
26 shall be granted to an alien student or nonresident alien.

27 (2) The department may establish rules and regulations to grant or deny a
28 duplicate special identification card by mail in cases where a Louisiana resident is
29 temporarily domiciled out of state or out of the country, or temporarily residing,

1 employed, or attending school in another state or foreign country, even if the resident
2 does not meet the qualification criteria in this Section.

3 (3) Upon receipt of all required statements by the department and upon the
4 issuance of a duplicate special identification card, the state, the department, or any
5 department employee shall not be liable for any property damages, injuries, or deaths
6 that may arise from an applicant's use of the special identification card if the special
7 identification card was unlawfully obtained.

8 (4) When a duplicate special identification card is issued by mail or
9 electronic commerce, the department shall issue a duplicate special identification
10 card with the same expiration date as the previously issued special identification
11 card.

12 (5) The department shall promulgate rules and regulations necessary to
13 implement the provisions of this Section.

14 (6) Any online transaction shall be assessed the fee authorized and approved
15 in R.S. 49:316.1.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____