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**HOUSE COMMITTEE AMENDMENTS**

2024 Regular Session

Amendments proposed by House Committee on Transportation, Highways and Public Works  
to Original House Bill No. 683 by Representative OwenAMENDMENT NO. 1

On page 1, line 2, after "reenact" and before relative" delete "R.S. 32:8(B) and to enact R.S. 32:414(X)," and insert "R.S. 32:8(A)(2) and (3) and (B) and 429.4(B) and (E) through (H) and to enact R.S. 32:8(D), 414(X), 429.4(A)(5) and (I), and 863.1.2,"

AMENDMENT NO. 2

On page 1, line 4, after "recovery;" and before "to" insert the following:

"to provide for definitions; to authorize the office of motor vehicles to settle debt to avoid litigation and collection expenses; to require debtors to provide an electronic mail address to the office of motor vehicles for receipt of notices and updates; to remove equal monthly installments amounts that are tied to specific amounts a debtor owes; to provide for the assessment of a late fee for the failure to make an installment payment and request reinstatement; to create a reinstatement relief program to be governed by the commissioner of the office of motor vehicles;"

AMENDMENT NO. 3

On page 1, line 8, after "Section 1." delete the remainder of the line and delete line 9 in its entirety and insert "R.S. 32:8(B) and to enact R.S. 32:414(X)," and insert "R.S. 32:8(A)(2) and (3) and (B) and 429.4(B) and (E) through (H) are hereby amended and reenacted and R.S. 32:8(D), 414(X), 429.4(A)(5) and (I), and 863.1.2 are hereby enacted to read as follows:"

AMENDMENT NO. 4

On page 1, between lines 10 and 11, insert the following:

"A. For purposes of this Section, the following words shall have the following meanings unless the context clearly indicates otherwise:

\* \* \*

(2) "Delinquent debt" means a debt that is ~~sixty~~ one hundred eighty days or more past due.

(3) "Final debt" means ~~the amount due is no longer negotiable and that the debtor has no further right of administrative and judicial review regarding the amount.~~

AMENDMENT NO. 5

On page 1, line 20, after "the" and before "amount" delete "maximum" and after "owed" and before "together" insert a comma "," and "as specified in R.S. 32:57.1(B), 863(A)(3)(a), and 863.1,"

AMENDMENT NO. 6

On page 2, between lines 5 and 6 insert the following:

"D. After the debt becomes final but before it is transferred to the office of debt recovery, the office of motor vehicles, through the commissioner, may

compromise and settle the debt to avoid litigation and further collection expenses of the state upon satisfactory showing of substantial compliance with the law and determination that no fee or lesser fee is due.

\* \* \*

AMENDMENT NO. 7

On page 2, after line 9, insert the following:

\* \* \*

§429.4. Installment agreement; outstanding penalties, fines, and fees owed to the office of motor vehicles

A.

\* \* \*

(5) A debtor shall provide a valid electronic mail address to the office of motor vehicles to receive all notices and updates. It shall be the debtor's obligation to maintain a valid electronic mail address during the entire term of any installment agreement conected pursuant to this Section. The debtor shall promptly update the installment agreement system with any new or changed electronic mail address.

B.(1) Installment agreement payment schedule. Any installment agreement shall require a debtor to provide fixed and equal monthly payments in the following amounts, with the first payment due upon the execution of the agreement:.

~~(1) If the debtor owes two hundred fifty dollars, the debtor shall pay six equal monthly installments.~~

~~(2) If the debtor owes from two hundred fifty-one dollars to seven hundred fifty dollars, the debtor shall pay twelve equal monthly installments.~~

~~(3) If the debtor owes from seven hundred fifty-one dollars to one thousand five hundred dollars, the debtor shall pay twenty-four equal monthly installments.~~

~~(4) If the debtor owes from one thousand five hundred one dollars to two thousand five hundred dollars, the debtor shall pay thirty-six equal monthly installments.~~

~~(5) If the debtor owes from two thousand five hundred one dollars to four thousand nine hundred ninety-nine dollars, the debtor shall pay forty-eight equal monthly installments.~~

~~(6) If the debtor owes five thousand or more, the debtor shall pay up to sixty monthly installment payments. However, the commissioner of the office of motor vehicles may grant longer payment terms for amounts of five thousand dollars or more owed based on proof of income indicating a debtor's financial limitations to pay within sixty months.~~

(2) The commissioner of the office of motor vehicles may take into account factors such as the debtor's income, financial obligations, as well as any other factors that affect the debtor's ability to pay the outstanding debt when the commissioner is determining the number of payments and the amount of each payment in the debtor's installment agreement.

\* \* \*

E. The failure to make a scheduled payment in accordance with the terms of the installment agreement shall result in the assessment of a late fee in the amount of twenty-five dollars which shall be added to the total amount due. Upon the failure to receive a payment, the office of motor vehicle shall send an electronic mail notification to the debtor to address the matter by updating the debtor's payment information and paying the missed payment. If, after receiving the electronic mail notice, the debtor updates the payment information, pays the late fee, and submits the missed payment, the installment agreement shall remain in place and no further action will be taken. In such case, the missed payment and late fee shall be received by the office of motor vehicles prior to the next scheduled payment date.

F. E. Termination of installment agreement upon failure to make payment.

1 (1) If any installment payment is not paid on or before the date fixed for its  
 2 payment, and the debtor fails to make up the missed payment as provided in  
 3 Subsection E of this Section, the entire amount unpaid pursuant to the installment  
 4 agreement shall be paid by the debtor within a sixty-day period from the date of  
 5 notice and demand from the commissioner of the office of motor vehicles. The  
 6 notice shall further advise the debtor that his driver's license shall be suspended upon  
 7 the expiration of the sixty-day period if the payments due pursuant to the installment  
 8 agreement are not made current within that sixty-day period or the agreement is not  
 9 reinstated by the commissioner of the office of motor vehicles within that sixty-day  
 10 period. This notice shall be known as "Notice of Installment Agreement Termination  
 11 and Demand".

12 (2) The Notice of Installment Agreement Termination and Demand shall  
 13 satisfy all notice requirements contained in R.S. 32:8 and R.S. 47:1676. In the event  
 14 an installment agreement includes payment of delinquent or final debt as defined by  
 15 R.S. 32:8, such notice shall include all information required by R.S. 32:8. In the  
 16 event that an installment agreement includes payment of delinquent or final debt as  
 17 defined by R.S. 47:1676, such notice shall include all information required by R.S.  
 18 47:1676. The notice required by this Paragraph shall satisfy the notice requirements  
 19 of R.S. 32:8 and R.S. 47:1676.

20 (3) Upon request of the debtor within the sixty-day period from the date of  
 21 the notice and demand required in Paragraph (1) of this Subsection and approval of  
 22 the commissioner of the office of motor vehicles, the office of motor vehicles may  
 23 reinstate the installment agreement after payment of all the missed installments and  
 24 associated late fees installment.

25 (4) If a request for reinstatement of an installment agreement is not made  
 26 within sixty days of the notice and demand required by Paragraph (1) of this  
 27 Subsection, or if the commissioner of the office of motor vehicles rejects a request  
 28 to reinstate an installment agreement, the installment agreement shall be terminated  
 29 and any remaining sums due under the installment agreement shall be delinquent and  
 30 final debt as defined by R.S. 32:8 or R.S. 47:1676 for which the following shall  
 31 apply:

32 (a) For sums due which are not considered debt as defined by R.S. 32:8, the  
 33 office of motor vehicles may refer any unpaid balance due under the installment  
 34 agreement for collection by the appropriate office pursuant to R.S. 47:1676 and this  
 35 Section.

36 (b) For sums due which are debt as defined by R.S. 32:8, the office of motor  
 37 vehicles may shall refer any unpaid balance due under the installment agreement to  
 38 the Department of Revenue, office of debt recovery, for collection as provided in  
 39 R.S. 32:8 and R.S. 47:1676.

40 G.F. Driving privileges and vehicle registration. ~~(H)~~ A debtor's Class "E"  
 41 driving privileges and motor vehicle or truck registration privileges shall be  
 42 reinstated when an installment agreement is executed by the debtor and the office of  
 43 motor vehicles. All blocks on the debtor's license record shall be removed at that  
 44 time. The office of motor vehicles may include the applicable fee for reinstatement  
 45 of driving privileges in the total to be owed pursuant to an installment agreement  
 46 entered into pursuant to this Section.

47 ~~(2) If a debtor fails to timely make an installment payment and no request~~  
 48 ~~for reinstatement of the installment agreement is made following the commissioner's~~  
 49 ~~sending the Notice of Installment Agreement Termination and Demand, or the~~  
 50 ~~commissioner of the office of motor vehicles rejects a request to reinstate an~~  
 51 ~~installment agreement, the debtor's driving privileges and motor vehicle or truck~~

1 registration privileges shall be suspended. The provisions of R.S. 32:414 shall apply  
2 with regard to judicial review of the suspension and reinstatement of the suspension.

3 H. G. Administration of installment agreements. (1) The Department of  
4 Public Safety and Corrections, public safety services, may authorize a third party,  
5 including but not limited to the Department of Revenue, office of debt recovery, to  
6 administer installment agreements executed pursuant to this Section. Such  
7 authorized third party may collect payments due pursuant to installment agreements  
8 executed pursuant to this Section. Any such authorized third party shall be an  
9 authorized agent of the Department of Public Safety and Corrections, public safety  
10 services, and may collect the following fees for each transaction completed pursuant  
11 to this Section:

12 (a) A fee not to exceed three dollars for each payment made pursuant to an  
13 installment agreement.

14 (b) Fees authorized by R.S. 40:1322.

15 (c) Fees authorized pursuant to R.S. 49:316.1.

16 (2) The provisions of R.S. 47:1576.2 shall not apply to services provided by  
17 the Department of Revenue, office of debt recovery, pursuant to this Subsection.

18 (3) For purposes of this Section, the office of motor vehicles and the office  
19 of debt recovery shall not be considered a collection agency as defined in R.S.  
20 9:3534.1.

21 I. H. Rules. The office of motor vehicles and the Department of Revenue,  
22 office of debt recovery, may adopt rules and regulations in accordance with the  
23 Administrative Procedure Act to implement the provisions of this Section.

24 \* \* \*

25 §863.1.2. Reinstatement Relief Program

26 A. The commissioner of the office of motor vehicles is authorized to  
27 implement a Reinstatement Relief Program for persons who owe reinstatement fees  
28 imposed pursuant to R.S. 32:863 for having a lapse in insurance coverage.

29 B. The commissioner shall determine the amount of reinstatement fees the  
30 person owes. The person shall promptly pay the amount determined to be owed no  
31 later than ten calendar days from the date the commissioner sets the amount that is  
32 owed. If the person needs to make payment arrangements, the person shall execute  
33 an installment agreement with the office of motor vehicles. Such an installment  
34 agreement shall only be for the amount determined to be owed by the commissioner  
35 together with all fees associated with the installment agreement as provided in R.S.  
36 32:429.4. If a person executes an installment contract; that person shall maintain  
37 eligibility to remain in the Reinstatement Relief Program only if they make all  
38 payments required in the installment agreement. If a person fails to make a timely  
39 payment; and fails to pay the missed payment with the associated late fee before the  
40 next scheduled payment, the person shall be removed from the Reinstatement Relief  
41 Program and shall not be eligible to reenter the Reinstatement Relief Program.

42 C. The commissioner may request such documentation and information from  
43 the person as is necessary to determine the amount of any payment and the number  
44 of any payment including but not limited to income tax returns and prior bankruptcy  
45 filings.

46 D. If the person successfully completes the Reinstatement Relief Program,  
47 the office of motor vehicle shall issue documentation to the person indicating the  
48 amount of debt was paid and the amount of debt was forgiven.

49 Section 2. The provisions of this Act shall retroactively apply to all persons  
50 whose have outstanding debt on the effective date of this Act, even if the debt has  
51 already been referred to the office of debt recovery."