

Regular Session, 2014

HOUSE BILL NO. 1020

BY REPRESENTATIVE HARRISON

MTR VEHICLE/DRIVER LIC: Authorizes removal of license plates on motor vehicles driven by persons with suspended or revoked driver's licenses

1 AN ACT

2 To enact R.S. 32:415.2, relative to driver's licenses; to provide for removal of license plates
3 on motor vehicles driven by persons with suspended or revoked driving privileges;
4 to provide for a notice of suspension of driving privileges; to provide time periods
5 for proving compliance with requisite laws governing driving privileges; to provide
6 for impoundment of motor vehicles under certain circumstances; to provide for the
7 issuance of temporary stickers; to authorize the department to promulgate certain
8 rules and regulations; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 32:415.2 is hereby enacted to read as follows:

11 §415.2. Operating vehicle while under suspension or revocation; removal of license
12 plate

13 A.(1) When a law enforcement officer stops a motor vehicle at an
14 administrative violations checkpoint, or in connection with an alleged violation of
15 the law, or when a law enforcement officer investigates an accident, or for any other
16 reason, the law enforcement officer shall determine if the driver's license of the
17 operator of a motor vehicle registered in this state is suspended or revoked. The law
18 enforcement officer shall further determine if the operator is the registered owner of
19 the motor vehicle stopped, involved in the accident, or otherwise subject to any
20 investigation for any other reason as contemplated by this Section.

1 (2)(a) If the law enforcement officer determines the driver's license of the
2 operator of a motor vehicle registered in this state is suspended or revoked at the
3 time of the stop, pursuant to any provision of this Title or any court order, and such
4 motor vehicle registered in this state is registered in the name of the operator in the
5 department's vehicle registration records, the law enforcement officer shall remove
6 the license plate from the motor vehicle and the operator of the motor vehicle shall
7 be issued a notice of suspension or revocation of his driving privileges on a form to
8 be promulgated by the department.

9 (b) A copy of the notice of suspension or revocation of driving privileges
10 shall be attached to the motor vehicle license plate and both shall be delivered to an
11 office of motor vehicles, in the parish or municipality where the violation occurred,
12 within three calendar days after the notice of suspension or revocation of driving
13 privileges was served on the person violating this Section. Upon receipt of such
14 notification, the department shall revoke the registration of such motor vehicle after
15 verifying that the operator of the motor vehicle is also the registered owner of the
16 vehicle. The office of motor vehicles shall store any license plate removed pursuant
17 to this Section at the office to which it was delivered for seven business days after
18 receipt.

19 (c) The notice of the suspension or revocation of driving privileges shall
20 serve as notice of judicial review rights. Any action for judicial review of the
21 suspension or revocation of driving privileges shall be in the same manner and under
22 the same conditions as provided in R.S. 32:414.

23 (d) An operator of a motor vehicle who has a revoked or suspended driver's
24 license shall have seven business days from the date that the notice of suspension or
25 revocation of driving privileges was issued, to comply with all laws and regulations,
26 including payments of fees and penalties due, to have his driving privileges
27 reinstated. If the operator of the motor vehicle does not or cannot comply with all
28 of the reinstatement requirements for all of the suspensions and revocations of his
29 driving privileges within seven business days of the receipt of the notice of driver's

1 license suspension or revocation, the office of motor vehicles shall destroy the seized
2 license plate.

3 (e) The department shall promptly investigate an allegation made by such
4 operator of a motor vehicle that the removal of the vehicle's license plate and the
5 suspension or revocation of his driving privileges will deprive him or his family of
6 the necessities of life, or will prevent him or his family from earning a livelihood.
7 If the department so finds, it may issue a hardship license plate to be placed on the
8 motor vehicle. The office of motor vehicles may establish rules and regulations
9 necessary to implement the provisions of this Section.

10 B. Prior to reinstatement of registration and license plate privileges, any
11 operator who cannot prove, within seven business days after the offense, that his
12 driver's license was not suspended or revoked at the time of the offense shall pay a
13 reinstatement fee of ten dollars to the Department of Public Safety and Corrections
14 to offset the costs of administering this Section. The reinstatement fee required in
15 this Section shall be in addition to any other reinstatement requirements imposed for
16 each pending suspension or revocation on the operator's driving record at the time
17 of reinstatement.

18 C.(1) If the operator and owner of the motor vehicle was properly licensed
19 in this state at the time notice was issued, any valid license plate shall be returned
20 within forty-eight hours of providing proof he was properly licensed, exclusive of
21 legal holidays, to the owner of the motor vehicle at no cost.

22 (2)(a) Any law enforcement officer who removes a license plate pursuant to
23 the provisions of this Section shall issue a temporary sticker, denoting its use in lieu
24 of an official license plate, to be attached to the rear end of the motor vehicle. The
25 sticker shall bear the date upon which it was issued in written or stamped numerals
26 or letters not less than three inches in height. The temporary sticker shall be valid
27 for a period of seven days for an operator with a valid driver's license to operate the
28 motor vehicle on the public streets and highways. After the expiration of the seven-
29 day period, the vehicle shall not be operated on the public streets and highways until

1 the motor vehicle is registered in accordance with this Section. Nothing in this
2 Section shall prohibit the sale, transfer, or other reassignment of the motor vehicle,
3 except that if the department determines the sale, transfer, or other reassignment was
4 done to avoid compliance with this Section, the department may refuse to re-register
5 the vehicle until the operator complies with the requirements of this Section.

6 (b) The temporary stickers required by this Paragraph shall be designed and
7 produced by the Department of Public Safety and Corrections, public safety services,
8 and the department shall supply such stickers, at no cost, to law enforcement
9 agencies authorized by law to enforce traffic laws.

10 (c) Upon expiration of the sticker, the motor vehicle shall not be driven until
11 the owner or lessee has complied with the requirements of this Section. In the event
12 the motor vehicle is being driven after the expiration of the temporary sticker
13 provided for herein, the motor vehicle shall be impounded.

14 D.(1) The Department of Public Safety and Corrections, public safety
15 services, shall promulgate rules and regulations for implementation of the provisions
16 of this Section. Once the department has published the notice of intent to adopt the
17 permanent rules in the Louisiana Register, and the period for public comment has
18 expired, the department is authorized to adopt the proposed rule as an emergency
19 rule to expedite the enforcement of this Section subject to legislative oversight as
20 provided in R.S. 49:968 and 953.

21 (2) To this end, no license plate shall be taken or destroyed pursuant to the
22 authority granted by this Section until such rules are properly promulgated in
23 accordance with law.

24 (3) The limitation provided in Paragraph (2) of this Subsection shall not be
25 construed as to otherwise limit the enforcement of laws relative to operating a motor
26 vehicle without a valid driver's license.

27 E. Nothing in this Section shall be construed or interpreted as authorizing
28 any action under this Section if the operator is not also the registered owner of the
29 vehicle as is reflected in the vehicle registration records of the department.

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)]

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.