

Regular Session, 2014

HOUSE BILL NO. 872

BY REPRESENTATIVE IVEY

1 AN ACT

2 To amend and reenact R.S. 32:862(G)(4), 863(A)(1) and (3)(a) and (b)(I), and (B)(2)(b),
3 863.1(C)(1)(c) and (I)(3), 864, and 865(A) and (B)(1), to enact R.S. 32:868, and to
4 repeal the Act that originated as House Bill No. 851 of the 2014 Regular Session of
5 the Louisiana Legislature, relative to increasing the penalties for operating a motor
6 vehicle without the required motor vehicle liability security; to require increased
7 penalties for failing to provide required proof of compliance; to require suspension,
8 revocation, or cancellation of driver's license and registration for violations; to
9 remove limits on the maximum amount of penalties and reinstatement fees that are
10 assessed; to create the Insurance Verification System Fund and to dedicate revenue
11 from the increased penalties to the fund; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 32:862(G)(4), 863(A)(1) and (3)(a) and (b)(I), and (B)(2)(b),
14 863.1(C)(1)(c) and (I)(3), 864, and 865(A) and (B)(1) are hereby amended and reenacted and
15 R.S. 32:868 is hereby enacted to read as follows:

16 §862. Proof of compliance

17 * * *

18 G. The prohibited actions and penalties for violations thereof are as follows:

19 * * *

20 (4) Whoever violates the provisions of this Subsection shall be fined not less
21 than seventy-five dollars, nor more than one thousand dollars, and shall be required

1 to perform not less than forty hours nor more than two hundred hours of community
2 service.

3 * * *

4 §863. Sanctions for false declaration; reinstatement fees; revocation of registration;
5 review

6 A.(1) Except as provided ~~herein below~~, in this Section, when the secretary
7 determines that a vehicle is not covered by security as required by this Chapter or
8 that the owner or lessee has allowed the required security to lapse, he shall revoke
9 the registration of the vehicle, impound the vehicle, ~~or and~~ cancel the vehicle's
10 license plate.

11 * * *

12 (3)(a) Sanctions for a violation of Paragraph (1) of this Subsection shall be
13 imposed until proof of required liability security is provided to the secretary and all
14 reinstatement fees are paid. Sanctions for a violation of Paragraph (2) of this
15 Subsection shall be imposed for a period of not less than ~~six~~ twelve months nor more
16 than eighteen months. However, in no event shall these sanctions be removed until
17 such time as proof of the required security is provided to the secretary along with all
18 appropriate fees required by law, including a reinstatement fee of ~~twenty-five~~ one
19 hundred dollars per violation of Paragraph (1) of this Subsection if the vehicle was
20 not covered by the required security for a period of one to thirty days, ~~one~~ two
21 hundred fifty dollars if the vehicle was not covered by required security for a period
22 of thirty-one to ninety days, and ~~two~~ five hundred dollars if the vehicle was not
23 covered by required security for a period in excess of ninety days. No reinstatement
24 fee shall be imposed by the secretary if the vehicle was not covered by required
25 security for a period of ten days or less and the insured surrenders the vehicle's
26 license plate to the secretary within ten days. The reinstatement fees for violations
27 of Paragraph (2) of this Subsection shall be as follows: ~~twenty-five~~ two hundred fifty
28 dollars for a first violation, ~~one~~ five hundred dollars for a second violation, and ~~two~~
29 hundred one thousand dollars for a third or subsequent violation, ~~provided the~~
30 ~~offenses occurred within a five-year period~~. The reinstatement fee shall not be owed

1 for an alleged violation of Paragraph (2) of this Subsection when proof of the
 2 required security is provided to the secretary. If at the time of reinstatement a person
 3 has multiple violations, the total amount of fees to be paid shall not exceed ~~five~~
 4 eight hundred fifty dollars, ~~including any administrative fees for persons under sixty-~~
 5 ~~five years old~~ for violations of Paragraph(1) of this Subsection, one thousand
 6 seventy-five dollars for violations of Paragraph(2) of this Subsection. At no time
 7 shall the total amount of fees, including administrative fees, exceed two hundred
 8 fifty dollars for persons sixty-five years or older.

9 (b)

10 * * *

11 (I) Notwithstanding any other provision of this Chapter to the contrary,
 12 except for R.S. 32:868, and after satisfying the requirements of the Bond Security
 13 and Redemption Fund, thirty-six percent of the revenues from the reinstatement fees
 14 shall be used as provided by law for the construction, maintenance, and operating
 15 expenses of new capital immovables and related movables.

16 * * *

17 B. The sanctions of Paragraph (A)(1) of this Section shall not be imposed,
 18 and any fine, fee, or other monetary sanction which has been remitted to the
 19 secretary pursuant to the sanctions of this Section, specifically including any
 20 reinstatement fee paid pursuant to Paragraph (A)(3) of this Section and any fee paid
 21 pursuant to Paragraph (D)(5) of this Section, shall be promptly refunded by the
 22 secretary to the person who paid it, if the owner or lessee furnishes any of the
 23 following:

24 * * *

25 (2) If such evidence is not furnished by the owner or lessee, any other
 26 evidence satisfactory to the secretary, that each of the following conditions are met:

27 * * *

28 (b) The vehicle is currently covered by security as required by R.S. 32:861
 29 and that the required security has been continuous without lapse.

30 * * *

1 §863.1. Evidence of compulsory motor vehicle liability security contained in
2 vehicle; enforcement; penalty; fees

3 * * *

4 C.(1)

5 * * *

6 (c) For a first offense there shall be a reinstatement fee of ~~fifty~~ one hundred
7 dollars, for a second offense there shall be a reinstatement fee of ~~one~~ two hundred
8 fifty dollars, and for any subsequent offense there shall be a reinstatement fee of five
9 hundred dollars. The reinstatement fee contained herein shall be in addition to other
10 appropriate registration fees allowed by law and reinstatement shall depend upon
11 proof of compliance with the compulsory liability law.

12 * * *

13 I.

14 * * *

15 (3) If the owner fails to provide the proof required in Paragraph (2); of this
16 Subsection, there shall be a fine of ~~fifty~~ one hundred dollars for a first offense, a fine
17 of ~~one~~ two hundred fifty dollars for a second offense, and a fine of five hundred
18 dollars for any subsequent offense.

19 * * *

20 §864. Criminal sanctions for false declaration

21 Any person, firm or corporation which violates R.S. 32:863(A)(2) shall be
22 guilty of a misdemeanor and upon conviction shall be fined not ~~more~~ less than ~~one~~
23 five hundred twenty five dollars, nor more than one thousand dollars, or imprisoned
24 for a period of not more than thirty days.

25 §865. Criminal sanctions for operating motor vehicle not covered by security

26 A. Any person knowingly operating a motor vehicle and any owner allowing
27 a motor vehicle to be operated, when such motor vehicle is not covered by the
28 security required under R.S. 32:861 shall, upon conviction, be fined not ~~more~~ less
29 than five hundred dollars, nor more than one thousand dollars.

1 **(b) The next forty-two million dollars shall be dedicated to the Department**
2 **of Public Safety and Corrections, office of state police.**

3 **(c) The remainder of deposits shall be used for public safety and law**
4 **enforcement purposes.**

5 **(2) For Fiscal Year 2015-2016 and each fiscal year thereafter, monies in the**
6 **fund shall be used as follows:**

7 **(a) First, to fully fund the annual maintenance of the real-time system to**
8 **verify motor vehicle insurance authorized by R.S. 32:863.2(F).**

9 **(b) The next forty-two million dollars per year shall be dedicated to the**
10 **Department of Public Safety and Corrections, office of state police.**

11 **(c) In the event House Bill No. 562 of the 2014 Regular Session of the**
12 **Legislature is enacted into law, the next seven million dollars per year shall be used**
13 **to fund the housing of parolees who are detained in sheriffs' jails pending their**
14 **revocation hearing as provided in R.S. 15:824(B)(1)(e)(ii).**

15 **(d) The next one million dollars per year shall be used to provide additional**
16 **funding to district attorneys and assistant district attorneys, specifically to fund**
17 **additional assistant district attorneys beginning in 2015.**

18 **(e) The remainder of monies in the fund shall be used for public safety and**
19 **law enforcement purposes.**

20 **(3) Funds from the Insurance Verification System Fund shall not be used to**
21 **pay any costs associated with the implementation of a system for the issuance of**
22 **REAL ID compliant drivers' licenses and special identification cards.**

23 Section 2. The Act that originated as House Bill No. 851 of the 2014 Regular
24 Session of the Louisiana Legislature is hereby repealed in its entirety.

1 Section 3. This Act shall become effective July 1, 2014.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____