

HOUSE COMMITTEE AMENDMENTS

2016 Regular Session

Substitute for Original House Bill No. 1063 by Representative Robby Carter as proposed by the House Committee on Transportation, Highways, and Public Works

This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.

To amend and reenact R.S. 32:8(B), 57.1(C), 863(A)(3)(a), and 863.1(C)(1)(b), relative to debt owed to the office of motor vehicles; to require the office of motor vehicles to provide certain notices by certified or registered mail; to provide for when certain debt owed to the office of motor vehicles is final delinquent debt; to limit the amount of debt that may be owed to the office of motor vehicles in certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:89(B), 57.1(C), 863(A)(3)(a), and 863.1(C)(1)(b) are hereby amended and reenacted to read as follows::

§8. Final delinquent debt; office of motor vehicles

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B. The office of motor vehicles shall refer all final delinquent debts to the office of debt recovery as provided in R.S. 47:1676. Final delinquent debt referrals shall include data and information in the required format necessary to institute collection procedures. All delinquent debts shall be authenticated by the office of motor vehicles prior to being referred to the office of debt recovery. Once the delinquent debt becomes final, and prior to referral to the office of debt recovery, the office of motor vehicles shall notify the debtor in writing by certified or registered mail, return receipt requested, that failure to pay the debt in full within sixty days from receipt of such notice shall subject the debt to the maximum amount owed together with the additional fee collected by the office of debt recovery provided for in R.S. 47:1676. However, if a debtor has multiple violations of R.S. 32:57.1, 863, or 863.1, or any combination thereof, the total amount of final delinquent debt, as defined by R.S. 32:8, owed together with the additional fee

collected by the office of debt recovery as provided for in R.S. 47:1676 shall not exceed two thousand five hundred dollars.

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§57.1. Failure to honor written promise to appear; penalty; disposition of fines

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C. If after sixty calendar days from the date of receipt of the notification issued by the Department of Public Safety and Corrections as required ~~in Subsection A of this Section~~ by R.S. 32:8, the arrested person has failed to comply, the fees provided for in this Section shall be considered final delinquent debt.

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

A.

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(3)(a) Sanctions for a violation of Paragraph (1) of this Subsection shall be imposed until proof of required liability security is provided to the secretary and all reinstatement fees are paid. Sanctions for a violation of Paragraph (2) of this Subsection shall be imposed for a period of not less than twelve months nor more than eighteen months. However, in no event shall these sanctions be removed until such time as proof of the required security is provided to the secretary along with all appropriate fees required by law, including a reinstatement fee of one hundred dollars per violation of Paragraph (1) of this Subsection if the vehicle was not covered by the required security for a period of one to thirty days, two hundred fifty dollars if the vehicle was not covered by required security for a period of thirty-one to ninety days, and five hundred dollars if the vehicle was not covered by required security for a period in excess of ninety days. No reinstatement fee shall be imposed by the secretary if the vehicle was not covered by required security for a period of ten days or less and the insured surrenders the vehicle's license plate to the secretary within ten days. The reinstatement fees for violations of Paragraph (2) of this Subsection shall be as follows: two hundred fifty dollars for a first violation, five

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hundred dollars for a second violation, and one thousand dollars for a third or subsequent violation. The reinstatement fee shall not be owed for an alleged violation of Paragraph (2) of this Subsection when proof of the required security is provided to the secretary within sixty days of the date of the notice. If at the time of reinstatement, a person has multiple violations and is within sixty days of the notice, the total amount of fees to be paid shall not exceed eight hundred fifty dollars, for violations of Paragraph (1) of this Subsection, one thousand seventy-five dollars for violations of Paragraph (2) of this Subsection. At no time shall the total amount of fees, including administrative fees, exceed two hundred fifty dollars for persons sixty-five years or older. After sixty days of ~~the date~~ receipt of the notice required by R.S. 32:8, all fees owed pursuant to this Section shall be considered final delinquent debt and therefore owed, and the eight hundred fifty dollar limit for persons under sixty-five years shall no longer apply. However, if the debtor has multiple violations of R.S. 32:57.1, 863, or 863.1, or any combination thereof, the total amount of final delinquent debt, as defined by R.S. 32:8, owed together with the additional fee collected by the office of debt recovery as provided for in R.S. 47:1676 shall not exceed two thousand five hundred dollars.

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

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C.(1)

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(b) The owner of the vehicle shall have three calendar days, excluding Saturdays, Sundays, and legal holidays, from the date that the notice of noncompliance was issued to present to the office of motor vehicles proof of insurance coverage or security in effect at the time of the issuance of the notice of noncompliance. If the vehicle was properly insured at the time the notice was issued, any valid license plate shall be returned within forty-eight hours, exclusive of legal holidays, to the owner of the vehicle at no cost to the owner. However, if, within

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sixty days from the date the notice of noncompliance is issued, the owner fails to provide proof of the fact that the vehicle was properly insured at the time the notice of noncompliance was issued, the chief administrative officer of the office of motor vehicles shall destroy, or shall cause to be destroyed, the license plate removed from that owner's vehicle and shall notify the secretary that the owner of the vehicle is not in compliance with the compulsory liability law. Upon receipt of such notification, the secretary shall revoke the registration of such vehicle. Sixty days after the date of ~~issuance~~ receipt of the notice of ~~noncompliance~~ required by R.S. 32:8, the fees imposed in this Section shall be owed even if the owner subsequently provides proof the motor vehicle was insured, and all such fees shall be considered final delinquent debt. In the event that the debtor has multiple violations of R.S. 32:57.1, 863, or 863.1, or any combination thereof, the total amount of final delinquent debt, as defined by R.S. 32:8, owed together with the additional fee collected by the office of debt recovery as provided for in R.S. 47:1676 shall not exceed two thousand five hundred dollars.

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Section 2. R.S. 47:1676(L) is hereby enacted to read as follows:

§1676. Debt recovery

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L. Notwithstanding any provision of the contrary, in the event that a debtor has multiple violations of R.S. 32:57.1, 863, or 863.1, or any combination thereof, the total amount of final delinquent debt, as defined by R.S. 32:8, owed to the office of motor vehicles to be collected by the office of debt recovery shall not exceed two thousand five hundred dollars, inclusive of the collection fee for the office of debt recovery provided for in this Section.

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 Draft

2016 Regular Session

Abstract: Requires the office of motor vehicles to send certain notices by certified or registered mail and places a maximum amount that the office of debt recovery can collect for certain office of motor vehicle debts.

Present law requires that the office of motor vehicles to assess certain fees upon the owner of an automobile for failure to maintain the minimum limits of liability insurance and for failure to provide proof of insurance. Further provides that the office of motor vehicles shall assess fees for failure to honor a written promise to appear before a magistrate or judge.

Present law requires a series of notices to be sent to a person assessed a fee for these violations.

Present law provides that failure to pay such debt within 30 days of the final notice causes certain fees to be declared final delinquent debt, turned over to the office of debt recovery, and increased to the maximum amount owed together with an additional 25% collection fee to be retained by the office of debt recovery.

Proposed law requires the final notice informing a person of certain debt owed to the office of motor vehicles to be sent by certified or registered mail, return receipt requested, and that 60 days following receipt of this final notice, the office of motor vehicles would be required to declare certain fees owed as final delinquent debt and forward those records to the office of debt recovery for collection.

Proposed law provides that in the event that a debtor has multiple violations pertaining to failure to maintain the minimum limits of liability insurance, failure to provide proof of insurance, and failure to honor a written promise to appear before a magistrate or judge, the total amount of final delinquent debt owed together with the additional fee collected by the office of debt recovery shall not exceed \$2500.

(Amends R.S. 32:89(B), 57.1(C), 863(A)(3)(a), and 863.1(C)(1)(b); Adds R.S. 47:1676(L))