
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 550 Original

2021 Regular Session

Muscarello

Abstract: Provides for the application and fees for a duplicate driver's license or special identification card, requires the department not be liable for property damage, injuries, or death due to the applicant's existing medical conditions, and provides immunity to the department for the issuance of an unlawfully obtained special identification card.

Present law provides for a duplicate driver's license to be obtained if the original license has been lost or destroyed. Requires application from the person issued the license for such duplicate within 10 days after the loss or destruction and the submission of satisfactory proof of the loss or destruction to the office of motor vehicle (OMV).

Proposed law authorizes the application for a duplicate driver's license or special identification card (ID card) be submitted to a motor vehicle office, an authorized agent of OMV, or the motor vehicle website online application. Requires the application include a statement executed by the applicant attesting to the facts regarding the lost or destroyed driver's license.

Present law requires a \$5 charge for a duplicate license and waives the \$5 charge and any handling charge if the license has been stolen as evidenced by a police report or for the issuance of a driver's license to any child who is in foster care.

Present law authorizes the person to whom a license was issued, or a person who has power of attorney for the person to whom the license was issued, to apply for a duplicate license and submit satisfactory proof to OMV of such loss or destruction if the license was issued to a Louisiana domiciliary or resident who is temporarily out of state, who is a domiciliary or resident who is an active member of the Armed Forces, or who is a domiciliary resident dependent of a member of the active Armed Forces.

Proposed law retains present law and identifies the type of license issued as a driver's license, and applies present law to the application for an ID card.

Proposed law authorizes a holder of a valid driver's license or ID card to apply for a duplicate driver's license by mail or electronic commerce. Prohibits a duplicate driver's license by mail or electronic commerce to a person who is 70 years of age or older.

Proposed law prohibits a duplicate driver's license or ID card by mail or electronic commerce to a person who is an alien student or nonresident alien or has previously been issued a duplicate license or ID card prior to the license or ID card expiration.

Proposed law authorizes the department to establish rules and regulations to grant or deny a duplicate driver's license or ID card by mail to a La. resident temporarily domiciled out of state or out of the country, or temporarily residing, employed, or attending school in another state or foreign country, even if the resident does not meet the qualification under proposed law.

Proposed law requires the application for a duplicate driver's license by mail or electronic commerce include the following:

- (1) An applicant statement that he has no current physical or mental condition which would impair his ability to operate a motor vehicle safely nor has he experienced any loss of consciousness other than normal sleep.
- (2) An applicant statement indicating that all motor vehicles owned by the applicant are covered by liability insurance or security, and the coverage will be maintained until the vehicle is no longer utilized on the highways of this state, or until a vehicle is transferred to another person or entity.
- (3) A sworn affidavit by a physician certifying an applicant who is 70 years of age or older possess all cognitive functions reasonably necessary to be a prudent driver.

Proposed law prohibits the state, the department, or any department employee from being liable, upon receipt of the required statements by the department and upon issuance of a duplicate driver's license or ID card, for any property damages, injuries, or deaths that arise from an applicant's involvement in an accident where the accident can be attributed to the applicant's medical condition that may have existed and rendered him incapable of operating a motor vehicle safely.

Proposed law requires the department issue a duplicate driver's license or ID card with the same expiration date as the previously issued driver's license or ID when renewed by mail or electronic commerce.

Proposed law requires the department promulgate rules and regulations necessary to implement the provisions of proposed law.

Proposed law specifies that a valid driver's license does not include the following:

- (1) A suspended, disqualified, expired or cancelled license, regardless of class.
- (2) A commercial driver's license for the holder that does not meet all requirements for licensure under federal, state law, or both.
- (3) A hardship driver's license.
- (4) Any driver's license blocked on any further issuance of any kind, whether or not the license is suspended or disqualified.

Proposed law requires any online transaction for a duplicate driver's license or ID be assessed the fee as authorized and approved in present law.

(Amends R.S. 32:413; Adds R.S. 40:1321.1)