

2018 Regular Session

SENATE BILL NO. 382

BY SENATOR HEWITT

MOTOR VEHICLES. Provides relative to safety belts. (8/1/18)

1 AN ACT

2 To amend and reenact R.S. 32:295.1(D)(6), (7), (8), and (9), relative to safety belts; to
3 remove certain penalties relative to special tags that exempt persons with a mental
4 or physical disability from using safety belts; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 32:295.1(D)(6), (7), (8), and (9) are hereby amended and reenacted
7 to read as follows:

8 §295.1. Safety belt use; tags indicating exemption

9 * * *

10 D. * * *

11 (6) Any individual who is not impaired as provided in this Section and who
12 willfully and falsely represents himself as having the conditions to obtain a special
13 tag authorized by this Section shall be fined not less than one hundred dollars nor
14 more than two hundred fifty dollars, ~~or shall be imprisoned for not more than thirty~~
15 ~~days, or both,~~ and on subsequent offenses, shall be fined not less than two hundred
16 fifty dollars nor more than five hundred dollars, ~~or shall be imprisoned for not more~~
17 ~~than ninety days, or both.~~

1 (7) Any individual who utilizes a tag authorized by this Section which was
2 not legally issued to him and who is not transporting the individual to whom the tag
3 was issued shall be fined not less than fifty dollars nor more than two hundred fifty
4 dollars ~~or shall be imprisoned for not more than thirty days, or both~~, and on second
5 and subsequent offenses, shall be fined not less than one hundred dollars nor more
6 than five hundred dollars, ~~or shall be imprisoned for not more than sixty days, or~~
7 **both**.

8 (8) Any individual to whom a tag is issued under the provisions of this
9 Section and who allows his tag to be used by an individual not entitled to the use of
10 such tag shall have his tag suspended for six months and shall be fined not less than
11 fifty dollars nor more than two hundred fifty dollars, ~~or shall be imprisoned for not~~
12 ~~more than thirty days for the first offense, or both~~. On the second and subsequent
13 offenses, said suspension shall be for one year, and the individual shall be fined not
14 less than two hundred fifty dollars nor more than five hundred dollars, in addition to
15 suspension of said privileges, ~~or shall be imprisoned not more than thirty days, or~~
16 **both**.

17 (9) Any physician who willfully and falsely certifies that an individual is
18 impaired in order to allow that person to obtain the special tag authorized in this
19 Section shall be fined one thousand dollars, ~~or shall be imprisoned for not more than~~
20 ~~ninety days, or both~~.

21 * * *

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Sharon F. Lyles.

SB 382 Original DIGEST 2018 Regular Session Hewitt

Present law exempts occupants of passenger cars or operators with a physically or mentally disabling condition that would prevent appropriate restraint in a safety belt, as certified by a physician, from wearing safety belts and provides for issuance of a special tag to indicate such exemption.

Present law provides penalties for improper use of a special tag or certification by a physician for issuance of a special tag as follows:

- (1) False representation by a person to obtain a special tag:

- (a) 1st offense - \$100 not to exceed \$250, or up to 30 days imprisonment, or both.
 - (b) 2nd and subsequent offenses - \$250 not to exceed \$500, or up to 90 days imprisonment, or both.
- (2) Use of the special tag by another person not transporting the owner of the tag:
- (a) 1st offense - \$50 not to exceed \$250, or up to 30 days imprisonment, or both.
 - (b) 2nd and subsequent offenses - \$100 not to exceed \$500, or up to 60 days imprisonment, or both.
- (3) Tag owner allowing use of the tag by another person not qualified for a tag:
- (a) 1st offense - \$50 not to exceed \$250, or up to 30 days imprisonment, or both, and 6 months suspension of the tag.
 - (b) 2nd and subsequent offenses - \$250 not to exceed \$500, or up to 30 days imprisonment, or both, and one year suspension of the tag.
- (4) False certification by a physician of a person's impairment to obtain a tag: \$1,000 or up to 90 days imprisonment.

Proposed law removes imprisonment penalties.

Effective August 1, 2018.

(Amends R.S. 32:295.1(D)(6), (7), (8), and (9))