

2020 Regular Session

HOUSE BILL NO. 317

BY REPRESENTATIVES THOMPSON, ADAMS, AMEDEE, BACALA, BAGLEY, BEAULLIEU, BISHOP, BRASS, BROWN, BRYANT, CARPENTER, CARRIER, GARY CARTER, WILFORD CARTER, CORMIER, COX, DESHOTEL, DUBUISSON, DUPLESSIS, EDMONDS, EDMONSTON, EMERSON, FARNUM, FIRMENT, FONTENOT, FREEMAN, FREIBERG, FRIEMAN, GADBERRY, GOUDEAU, GREEN, HARRIS, HORTON, HUGHES, ILLG, IVEY, JEFFERSON, JENKINS, MIKE JOHNSON, TRAVIS JOHNSON, JONES, KERNER, LACOMBE, LARVADAIN, LYONS, MARCELLE, MCKNIGHT, DUSTIN MILLER, MINCEY, MOORE, NELSON, CHARLES OWEN, ROBERT OWEN, PHELPS, PIERRE, RISER, ROMERO, SCHEXNAYDER, SELDERS, STAGNI, STEFANSKI, THOMAS, WHEAT, WHITE, AND WILLARD

TRANSPORTATION: Establishes a driver's license designation for a person with autism spectrum disorder

1 AN ACT

2 To amend and reenact R.S. 32:412(Section heading) and (P) and to enact R.S. 32:412(Q),
3 relative to criteria for the establishment of a special license plate designation; to
4 provide for a special license plate designation indicating that a person has autism
5 spectrum disorder; to provide penalties for false statements concerning an autism
6 spectrum disorder designation; to require the implementation of a law enforcement
7 officer training course; to provide for the promulgation of rules and regulations; and
8 to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 32:412(Section heading) and (P) are hereby amended and reenacted
11 and R.S. 32:412(Q) is hereby enacted to read as follows:

12 §412. Amount of fees; credit or refund; duration of license; veteran designation;
13 disabled veteran designation; university logo; "I'm a Cajun" designation;
14 needs accommodation designation; autism spectrum disorder designation;
15 disbursement of funds; renewal by mail or electronic commerce of Class "D"
16 or "E" drivers' licenses; disposition of certain fees; exception

17 * * *

1 P.(1) Upon request of an applicant for a driver's license, a designation that
2 the applicant has autism spectrum disorder shall be exhibited on the driver's license
3 upon presentation of a statement from a qualified medical or mental health
4 professional licensed in Louisiana or any other state or territory of the United States
5 verifying the applicant's disability as established by administrative rule. The
6 qualified medical or mental health professional shall be authorized to diagnose
7 autism spectrum disorder. No additional fee shall be charged to include such
8 designation.

9 (2) Upon the renewal of a driver's license, a driver who has autism spectrum
10 disorder shall provide a statement from a qualified medical or mental health
11 professional licensed in Louisiana or any other state or territory of the United States
12 verifying his disability as established by administrative rule.

13 (3) Any person who has not been diagnosed with autism spectrum disorder
14 who willfully and falsely represents himself as having the qualifications to obtain the
15 special designation authorized by this Section shall be fined not less than one
16 hundred dollars nor more than two hundred fifty dollars, or shall be imprisoned for
17 not more than thirty days, or both. Any subsequent offense shall result in a fine of
18 not less than two hundred fifty dollars nor more than five hundred dollars, or
19 imprisonment for not more than ninety days, or both.

20 (4) In addition to the requirements of R.S. 40:2404.2(C), the Department of
21 Public Safety and Corrections, public safety services, shall establish and implement
22 a law enforcement training course relative to law enforcement officers' interaction
23 with persons who have autism spectrum disorder. The course shall instruct law
24 enforcement officers on sensitivity and awareness to ensure equitable treatment and
25 how to effectively communicate and interact with persons with autism spectrum
26 disorder. At a minimum, the course shall include the following:

27 (a) Identification of indicators that a person has autism spectrum disorder.

28 (b) Identification of procedures that an officer should employ when
29 encountering a person with autism spectrum disorder.

1 (c) Demonstrations of communication and interactive techniques required
2 to effectively interact with a person with autism spectrum disorder.

3 (d) Explanations that provide law enforcement officers with an
4 understanding of the developmental disability and examples of unexpected actions
5 potentially taken by persons diagnosed with autism spectrum disorder.

6 (e) Explanations of the resources available to assist an officer encountering
7 a person who has autism spectrum disorder.

8 (f) Descriptions of the procedures an officer should use to ensure compliance
9 with the Americans with Disabilities Act when encountering a person with autism
10 spectrum disorder.

11 (5) The deputy secretary of the Department of Public Safety and Corrections,
12 public safety services, shall promulgate rules and regulations as necessary to
13 implement the provisions of this Subsection, including a waiver of liability for the
14 release of any medical information. Notwithstanding the provisions of R.S.
15 49:968(B)(12), the House and Senate committees on transportation, highways and
16 public works shall have oversight of the adoption of rules and regulations required
17 by this Subsection.

18 P. Q. An applicant for any class of license may choose to donate one dollar
19 in addition to any license fee required by this Section to the Louisiana Military
20 Family Assistance Fund.

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 317 Reengrossed

2020 Regular Session

Thompson

Abstract: Establishes an autism spectrum disorder designation for a person's driver's license.

Proposed law authorizes an applicant for a driver's license who has autism spectrum disorder to request a designation and requires the designation to be placed on his driver's license.

Proposed law requires the applicant to provide a sworn statement from a qualified medical or mental health professional licensed in La. or any U.S. state or territory verifying his disability and prohibits any additional fee for the designation.

Proposed law requires a driver who has autism spectrum disorder to provide a statement from a qualified medical or mental health professional licensed in La. or any other U.S. state or territory verifying the disability upon the renewal of his driver's license.

Proposed law specifies that the qualified medical or mental health professional must be authorized to diagnose autism spectrum disorder.

Proposed law specifies that any person who willfully and falsely represents himself as having the qualifications to obtain the special designation authorized by proposed law be fined not less than \$100 nor more than \$250, or be imprisoned for not more than 30 days, or both. Specifies that a subsequent offense will result in a fine of not less than \$250 nor more than \$500, or imprisonment for not more than 90 days, or both.

Proposed law requires the Dept. of Public Safety and Corrections, public safety services, to establish and implement a law enforcement training course relative to law enforcement officers' interactions with persons who have autism spectrum disorder, in addition to the requirements of present law.

Proposed law requires the course to instruct law enforcement officers on sensitivity and awareness to ensure equitable treatment and how to effectively communicate and interact with persons who have autism spectrum disorder.

Proposed law requires the course to include identification of indicators that a person has autism spectrum disorder; identification of procedures that an officer should employ when encountering a person who has autism spectrum disorder; demonstrations of communication and interactive techniques required to effectively interact with a person who has autism spectrum disorder; explanations that provide law enforcement officers with an understanding of developmental disabilities and examples of unexpected actions potentially taken by persons diagnosed with autism spectrum disorder; explanations of the resources available to assist an officer encountering a person who has autism spectrum disorder; and descriptions of the procedures an officer should use to ensure compliance with the Americans with Disabilities Act when encountering a person who has autism spectrum disorder.

Proposed law authorizes the deputy secretary of the Dept. of Public Safety and Corrections to promulgate rules and regulations to implement the provisions of proposed law. Provides rule oversight authority to the House and Senate committees on transportation, highways and public works.

(Amends R.S. 32:412(Section heading) and (P); Adds R.S. 32:412(Q))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill:

1. Make technical changes.

The House Floor Amendments to the engrossed bill:

1. Change "autism" to "autism spectrum disorder" throughout the bill.
2. Clarify that the verifying statement provided by an applicant to receive the special designation may come from a medical or mental health professional and require the medical or mental health professional be qualified to diagnose autism spectrum disorder.