

GREEN SHEET REDIGEST

HB 129

2022 Regular Session

Nelson

**MTR VEHICLE/DRIVER LIC: Provides relative to an arrested person's failure to honor a written promise to appear**

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DIGEST

Present law provides that when an arrested person who was released on a written promise to appear before a magistrate at the place and time specified in a summons fails to honor such written promise to appear, the magistrate or judge may immediately forward to the Dept. of Public Safety and Corrections (department) notice of the failure to appear, with information necessary for identification of the arrested person.

Proposed law retains present law.

Present law provides that unless the original charges have been disposed of, the department is required to notify the arrested person of suspension of his operator's license and the imposition of a \$50 fee. The department is further required to inform the arrested person that his operator's license cannot be renewed or reissued until the court certifies that he honored the promise to appear or paid an appropriate fine.

Proposed law changes present law to provide that the department shall immediately notify the arrested person by regular mail and any available electronic communication that his operator's license may be suspended if he fails to honor the written promise to appear or pay an appropriate fine for the offense within 180 days after the date the notice was received.

Proposed law requires the department to send a second notice to the arrested person by regular mail and any available electronic communication no later than 120 days after receiving notice from the court exercising jurisdiction of the pending suspension of the operator's license of the arrested person.

Present law provides that whenever the arrested person makes an appearance or pays an appropriate fine for the offense committed, the prosecuting authority is required to immediately notify the department. Further provides that upon such notification and payment of an additional \$50 to the department, the operator's license of the arrested person shall be renewed or reissued.

Proposed law changes present law to provide that upon notification to the department, and payment of \$100 to the department, if the operator's license of the arrested person was suspended, the operator's license shall be released from the pending suspension, renewed, or reissued. Provides that the \$100 fee may only be assessed once per summons.

Proposed law provides that failure to appear due to incarceration is a valid defense for a violation of proposed law if the person arrested provides evidence of incarceration to the court. Requires the license to be renewed and reissued without payment, all failure to appear payments waived, and any other flags reported to the department be resolved pursuant to present law.

Proposed law provides that all notices from the department shall include the following information:

- (1) The summons information that the individual failed to appear on.
- (2) The date of the failure to appear.
- (3) The contact information and name of the court where the person needs to appear.

- (4) An explanation that the person's license shall not be suspended if the person is financially unable to pay any fines, fees, or costs related to the ticket and resolution of the pending suspension only requires the person's appearance with the court.

(Amends R.S. 32:57.1(A) and (B); adds R.S. 32:57.1(D) and (E))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Restore present law (R.S. 32:57.1) and provide that:
  - (a) The Dept. of Public Safety and Corrections shall notify the arrested person by certified mail return receipt requested that his operator's license may be suspended for failure to honor a written promise or payment of a fine within 180 days after the date notice was received.
  - (b) Remove present law which provides that the operator's license of the arrested person cannot be renewed or reissued.
  - (c) Provide that upon payment of \$100 to the Dept. of Public Safety and Corrections, the license of the arrested person shall be released from pending suspension, renewed, or reissued.
  - (d) Provide that if failure to appear is the result of incarceration, the operator's license of an arrested person shall be renewed and reissued without payment for any suspension.
2. Remove proposed law (R.S. 32:391) relative to persons who willfully violate a written promise to appear.

The House Floor Amendments to the engrossed bill:

1. Make technical corrections.
2. Require the Dept. of Public Safety and Corrections to notify the arrested person by regular mail and any available electronic communication rather than certified mail that his operator's license may be suspended.
3. Require the Dept. of Public Safety and Corrections to send a second notice to the arrested person by regular mail and any available electronic communication no later than 120 days after receiving notice from the court.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Transportation, Highways, and Public Works to the reengrossed bill

1. Adds that proposed law fee may be assessed only once per summons.
2. Clarifies failure to appear due to incarceration as a valid defense.
3. Adds requirements that certain information be included in the notices from the Dept. of Public Safety and Corrections.