
DIGEST

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HB 555 Original

2023 Regular Session

Phelps

Abstract: Establishes the Louisiana Office of Motor Vehicles Amnesty Act of 2023.

Proposed law defines "amnesty amount" as the amount of the debt that is recalled from the office of debt recovery reduced by the amount of the collection fee assessed by the office of debt recovery. Specifies that the amnesty amount must be paid to the office of motor vehicles within the amnesty period to satisfy the outstanding debt.

Proposed law defines "amnesty installment agreement" as an installment agreement allowing a debtor to pay their entire debt amount in multiple payments over the span of the ninety day amnesty period.

Proposed law specifies the "amnesty period" is the ninety day period when debts recalled from the office of motor vehicles are not subject to collection fees assessed by the office of debt recovery.

Proposed law provides clarification for the term "commissioner" to mean the commissioner of the office of motor vehicles.

Proposed law defines "debt" as an outstanding liability owed to the office of motor vehicles due to a violation pursuant to proposed law (R.S. 32:863(A)(1)) that has been recalled from the office of debt recovery.

Proposed law defines "debtor" as the person or individual that is responsible for the outstanding debt owed to the office of motor vehicles.

Proposed law requires the office of motor vehicles to develop and implement an amnesty program. Specifies that the commissioner must provide by regulation as necessary for the administration and implementation of this amnesty program. Further instructs the commissioner to publicize the amnesty program in order to maximize the public awareness of and participation in the program.

Proposed law specifies that the amnesty period is to take place over a time period not to exceed two years.

Proposed law requires the amnesty program to be conducted on a geographic basis throughout the state. Specifies the amnesty program to first be available to debtors with a physical address located within the city of Shreveport. The initial amnesty program in Shreveport will be effective for a ninety day amnesty period, beginning on Aug. 1, 2023.

Proposed law specifies that amnesty programs subsequent to the program in Shreveport be held in various regions throughout the state, for ninety day period.

Proposed law requires the office of motor vehicles to ensure every citizen throughout the state has the opportunity to participate in the amnesty program within the two year period.

Proposed law specifies that prior to the start of the amnesty program the office of motor vehicles will recall all debts from the office of debt recovery and the debtor will satisfy and eliminate the debt by making full payments of the amnesty amount, by the end of the amnesty period.

Proposed law establishes that installment agreements be permitted if the outstanding debt amount is paid, in full, by the end of the amnesty period. Further provides that installment agreements in place prior to the amnesty period to be canceled upon request of the debtor, and replaced with an amnesty installment agreement.

Present law specifies that in the event debtors have multiple debts due to multiple violations of present law (R.S. 32:863(A)(1) or (2)), the total amnesty amount to be paid cannot exceed \$850. Further provides that if the debtor has multiple debts due to violations of (R.S. 32:863(A)(2)), the total amnesty amount to be paid must not exceed \$1,075. Specifies that at no time will the amnesty amount exceed \$250 for a person age 65 and older.

Present law authorizes the Dept. of Public Safety and Corrections to promulgate rules in accordance with the emergency rulemaking as are necessary to implement the provisions of this proposed law. Specifies that to support qualifying under present law as an emergency under necessity of promulgating the rules will be deemed to meet the definition of imminent peril to the public health, safety, or welfare.

Proposed law specifies that once a debtor is no longer eligible to participate in the amnesty program due to the expiration of the amnesty period, their debt will be referred to the office of debt recovery and all collection fees assessed by the office of debt recovery will apply.

Proposed law establishes that upon the termination of the two year amnesty period, the commissioner must transfer funds in an amount equal to the collection fees not assessed by the office of debt recovery on the debts actually satisfied during the amnesty periods. Further specifies the monies to be designated as self-generated revenues.

(Adds the Louisiana Office of Motor Vehicles Amnesty Act of 2023)