

Regular Session, 2014

SENATE BILL NO. 419

BY SENATOR GARY SMITH

MOTOR VEHICLES. Provides relative to novelty or unofficial credentials and international driver's licenses. (8/1/14)

1 AN ACT

2 To enact R.S. 32:410.1 and 410.2, relative to driver's license law; to provide relative to
3 novelty or unofficial credentials; to provide for international driver's license; to
4 provide for the issuance of a cease and desist order by the Department of Public
5 Safety and Corrections; to provide for the promulgation of rules by the department;
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 32:410.1 and 410.2 are hereby enacted to read as follows:

9 **§ 32:410.1. Novelty or unofficial credentials**

10 **A. It shall be unlawful for any person to manufacture, advertise for sale,**
11 **sell, or possess any fictitious, facsimile, or simulated version of any of the**
12 **following, such that it could be mistaken for a valid credential:**

13 **(1) A credential issued by:**

14 **(a) Any state, territory, or possession of the United States.**

15 **(b) The District of Columbia.**

16 **(c) The Commonwealth of Puerto Rico.**

17 **(d) Any foreign country or government.**

1 **(2) A United States government-issued credential.**

2 **(3) A United States passport.**

3 **(4) A foreign government visa.**

4 **B. For purposes of this Section, a valid credential shall include but not**
5 **be limited to any driver's license, driver permit, temporary license, restricted**
6 **or hardship license, government-issued identification card, school-issued**
7 **identification card, vehicle registration certificate, or vehicle license plate.**

8 **C. All novelty credentials shall contain type of a size or font equal in size**
9 **to the largest print appearing anywhere on the novelty credential the following**
10 **language: "This document is a novelty item and cannot be used for any official**
11 **purposes or as a lawful means of identification or for the operation of a motor**
12 **vehicle on any public highway or street."**

13 **D. The Department of Public Safety and Corrections, office of motor**
14 **vehicles may issue a cease and desist order to any person or business who**
15 **manufactures, advertises for sale, sells, or possesses any credential, including**
16 **any novelty or unofficial credential, which is not in compliance with this**
17 **Section. Any such cease and desist order may be served by regular mail with**
18 **a proof of mailing issued by the United States Post Office, or hand delivered by**
19 **a representative of the department. If the cease and desist order is served by**
20 **mail with proof of mailing, it shall be deemed delivered on the seventh calendar**
21 **day after the date affixed by the post office on the certificate or proof of mailing.**
22 **The presumption of delivery in this Subsection shall not apply if the post office**
23 **returns the cease and desist order as undeliverable.**

24 **E. If the person or business subject to the cease and desist order in this**
25 **Section cannot be served, or does not comply with the cease and desist order,**
26 **the department may file a petition for injunctive relief in the appropriate**
27 **district court. There shall be no suspensive appeal or stay of an order or**
28 **judgment of the district court granting the department a preliminary or**
29 **permanent injunction.**

1 **F. The department may promulgate rules as it determines are necessary**
2 **to aid in the implementation and enforcement of this Section.**

3 **§ 32:410.2. International driver's licenses**

4 **A.(1) In accordance with a treaty, an international driver's license shall**
5 **be a valid non-commercial driver's license in this state only if both of the**
6 **following are satisfied:**

7 **(a) The license is issued in the individual's country of origin.**

8 **(b) The license is issued in accordance with the requirements of the**
9 **treaty.**

10 **(2) It shall be unlawful for any person to issue an international driver's**
11 **license in this state for use in this state or any other state or United States**
12 **territory.**

13 **B. An international driver's license shall not be used to operate a**
14 **commercial motor vehicle.**

15 **C. The Department of Public Safety and Corrections may issue cease and**
16 **desist orders and seek injunctive relief for violations of this Section in the same**
17 **manner as provided in R.S. 32:410.1.**

18 **D. The department may promulgate rules as it determines are necessary**
19 **to aid in the implementation and enforcement of this Section.**

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Margaret M. Corley.

DIGEST

Gary Smith (SB 419)

Proposed law prohibits the manufacture, advertisement for sale, sale, or possession of any fictitious, facsimile, or simulated credential issues by any state, territory, or possession of the U.S., the District of Columbia, the Commonwealth of Puerto Rico or any foreign country.

Proposed law requires any novelty credential to contain the language:

"This document is a novelty item and cannot be used for any official purposes or as a lawful means of identification or for the operation of a motor vehicle on any public highway or street."

Proposed law allows the Department of Public Safety and Corrections, office of motor vehicles to issue a cease and desist order to and any person who is in violation of the law and

provides for procedure regarding such order.

Proposed law provides that international driver's licenses may be issued only in accordance with a treaty.

Proposed law prohibits use of an international driver's license to operate a commercial motor vehicle.

Proposed law allows the department to promulgate rules as necessary to aid in the implementation and enforcement.

Effective August 1, 2014.

(Adds R.S. 32:410.1 and 410.2)