

Regular Session, 2014

HOUSE BILL NO. 1020

BY REPRESENTATIVE HARRISON

MTR VEHICLE/DRIVER LIC: Authorizes removal of license plates on motor vehicles driven by persons with suspended or revoked driver's licenses

1 AN ACT

2 To enact R.S. 32:415.2, relative to driver's licenses; to provide for removal of license plates
3 on motor vehicles driven by persons with suspended or revoked driving privileges;
4 to provide for a notice of suspension of driving privileges; to provide time periods
5 for proving compliance with requisite laws governing driving privileges; to provide
6 for impoundment of motor vehicles under certain circumstances; to provide for the
7 issuance of temporary stickers; to authorize the department to promulgate certain
8 rules and regulations; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 32:415.2 is hereby enacted to read as follows:

11 §415.2. Operating vehicle while under suspension or revocation; removal of license
12 plate

13 A.(1) When a law enforcement officer stops a motor vehicle at an
14 administrative violations checkpoint, or in connection with an alleged violation of
15 the law, or when a law enforcement officer investigates an accident, or for any other
16 reason, the law enforcement officer shall determine if the driver's license of the
17 operator of a motor vehicle registered in this state is suspended or revoked.

18 (2)(a) If the law enforcement officer determines the driver's license of the
19 operator of a motor vehicle registered in this state is suspended or revoked at the
20 time of the stop, pursuant to any provision of this Title or any court order, the law

1 enforcement officer shall remove the license plate from the motor vehicle and the
2 operator of the motor vehicle shall be issued a notice of suspension or revocation of
3 his driving privileges on a form to be promulgated by the department.

4 (b) A copy of the notice of suspension or revocation of driving privileges
5 shall be attached to the motor vehicle license plate and both shall be delivered to an
6 office of motor vehicles, in the parish or municipality where the violation occurred,
7 within three calendar days after the notice of suspension or revocation of driving
8 privileges was served on the person violating this Section. Upon receipt of such
9 notification, the secretary shall revoke the registration of such motor vehicle. The
10 office of motor vehicles shall store any license plate removed pursuant to this
11 Section at the office to which it was delivered for seven business days after receipt.

12 (c) The notice of the suspension or revocation of driving privileges shall
13 serve as notice of judicial review rights. Any action for judicial review of the
14 suspension or revocation of driving privileges shall be in the same manner and under
15 the same conditions as provided in R.S. 32:414.

16 (d) An operator of a motor vehicle who has a revoked or suspended driver's
17 license shall have ten business days from the date that the notice of suspension or
18 revocation of driving privileges was issued, to comply with all laws and regulations,
19 including payments of fees and penalties due, to have his driving privileges
20 reinstated. If the operator of the motor vehicle not comply within ten business days
21 of the receipt of the notice of driver's license suspension or revocation, the office of
22 motor vehicles, may, but is not required to destroy the plate.

23 B. Prior to reinstatement of registration and license plate privileges, any
24 operator who cannot prove, within ten business days after the offense, that his
25 driver's license was not suspended or revoked at the time of the offense shall pay a
26 reinstatement fee of ten dollars to the Department of Public Safety and Corrections
27 to offset the costs of administering this Section. This reinstatement fee shall be in
28 addition to any other fines, fees, or penalties owed prior to reinstatement of
29 privileges.

1 C.(1) If the operator of the motor vehicle is not the registered owner or
2 lessee of the motor vehicle, the office of motor vehicles shall have ten business days
3 to send a notice to the registered owner or lessee by first class mail indicating that
4 the license plate of the motor vehicle registered in his name was removed pursuant
5 to this Section. The owner or lessee shall have thirty business days from the date the
6 notice required by this Paragraph was mailed, to present an affidavit to the office of
7 motor vehicles which acknowledges that the owner or lessee is aware that a person
8 whose driver's license was suspended or revoked was operating a motor vehicle
9 registered to him and he attests that he will not permit the same driver to operate his
10 motor vehicle until such person is properly licensed. Upon submission of this
11 affidavit to the office of motor vehicles, any valid license plate shall be returned to
12 the registered owner of the motor vehicle, at no cost to the registered owner, within
13 two business days. The registered owner or lessee of the motor vehicle is authorized
14 to avail himself of the provisions of this Subparagraph the first time that the license
15 plate is removed from his registered motor vehicle due to being driven by the same
16 person with a suspended or revoked driver's license. Upon a second occurrence, the
17 commissioner of the office of motor vehicles, or his designee, shall destroy, or shall
18 cause to be destroyed, the license plate of the owner or lessee.

19 (2)(a) If the operator of the motor vehicle was properly licensed at the time
20 the notice was issued, any valid license plate shall be returned within forty-eight
21 hours, exclusive of legal holidays, to the owner of the motor vehicle at no cost to the
22 owner.

23 (b) If the operator fails to provide proof that he was properly licensed at the
24 time the notice was issued, or if the owner fails to execute an affidavit pursuant to
25 this Section, the commissioner of the office of motor vehicles, or his designee, shall
26 destroy, or shall cause to be destroyed, the license plate removed from that operator's
27 motor vehicle.

28 (3)(a) Any law enforcement officer who removes a license plate pursuant to
29 the provisions of this Section shall issue a temporary sticker, denoting its use in lieu

1 of an official license plate, to be attached to the rear end of the motor vehicle. The
2 sticker shall bear the date upon which it was issued in written or stamped numerals
3 or letters not less than three inches in height. This temporary sticker shall only be
4 effective for a period of ten calendar days for an operator, with suspended or revoked
5 driving privileges, beginning from the day on which the license plate is removed or
6 for a period of thirty calendar days for an owner or lessee, whose motor vehicle was
7 operated by a person with suspended or revoked driving privileges, beginning from
8 beginning from the date the notice was mailed as required by Subsection C of this
9 Section.

10 (b) The temporary stickers required by this Paragraph shall be designed and
11 produced by the Department of Public Safety and Corrections, public safety services,
12 and the department shall supply such stickers, at no cost, to law enforcement
13 agencies authorized by law to enforce traffic laws.

14 (c) Upon expiration of the sticker, the motor vehicle shall not be driven until
15 the owner or lessee has complied with the requirements of this Section. In the event
16 the motor vehicle is being driven after the expiration of the temporary sticker
17 provided for herein, the motor vehicle shall be impounded.

18 D.(1) The Department of Public Safety and Corrections, public safety
19 services, shall promulgate rules and regulations for implementation of the provisions
20 of this Section.

21 (2) To this end, no license plate shall be taken or destroyed pursuant to the
22 authority granted by this Section until such rules are properly promulgated in
23 accordance with law.

24 (3) The limitation provided in Paragraph (2) of this Subsection shall not be
25 construed as to otherwise limit the enforcement of laws relative to operating a motor
26 vehicle without a proper driver's license.

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)]

Harrison

HB No. 1020

Abstract: Authorizes removal of license plates on motor vehicles operated by persons with suspended or revoked driving privileges.

Proposed law requires that a law enforcement officer determine if the driver's license of a person he stops, who is licensed in the state, is suspended or revoked.

Proposed law provides that if the law enforcement officer determines that operator's driving privileges are suspended or revoked he must remove the license plate from the motor vehicle and the operator of the motor vehicle must be issued a notice of suspension or revocation of his driving privileges on a form to be provided by the department.

Proposed law requires that a copy of the notice of suspension or revocation of driving privileges be attached to the motor vehicle license plate and requires that both the notice and license plate be delivered to the local office of motor vehicles within three calendar days of notice. Thereafter requires the secretary to revoke the registration of such motor vehicle. Also requires the office of motor vehicles to store any license plate removed pursuant to proposed law at the office to which it was delivered for seven calendar days after receipt.

Proposed law provides that the notice of the suspension or revocation of driving privileges serves as notice of judicial review rights. Specifies that any action for judicial review of the suspension or revocation of driving privileges must be in the same manner and under the same conditions as provided in present law.

Proposed law provides a ten day period, from the notice, to comply with the law, including the payment of fees and penalties. Specifies that if the operator fails to comply within ten calendar days of the receipt of the notice of driver's license suspension or revocation, the office of motor vehicles may destroy the plate.

Proposed law provides that if the operator cannot prove that he was lawfully operating a motor vehicle within ten days of the offense then he is required to pay a ten dollar reinstatement to the Dept. of Public Safety and Corrections to offset the costs of administering proposed law. Specifies that this fee shall be in addition to any other fines, fees, or penalties owed prior to reinstatement of privileges.

Proposed law provides that if the operator of the motor vehicle is not the registered owner or lessee of the motor vehicle, the office of motor vehicles has ten calendar days to send a notice to the registered owner or lessee by first class mail indicating that the license plate of the motor vehicle registered in his name was removed pursuant to proposed law. Further grants the owner or lessee thirty calendar days to present an affidavit to the office of motor vehicles acknowledging that the owner or lessee is aware that a person whose driver's license was suspended or revoked was operating a motor vehicle registered to him and agrees that he will not permit the same driver to operate his motor vehicle until such person is properly licensed. Specifies that after submission of this affidavit the office of motor vehicles must return the license plate to the registered owner of the motor vehicle, at no cost, within 48 hours.

Proposed law specifies that if the operator of the motor vehicle was properly licensed at the time the notice was issued, a valid license plate will be returned to him within 48 hours, at no cost to the owner. Specifies that if the operator fails to provide proof that he was properly

licensed at the time the notice was issued, or if the owner fails to execute an affidavit pursuant to proposed law, the commissioner of the office of motor vehicles must destroy, the license plate removed from that operator's motor vehicle.

Proposed law requires the issuance of a temporary sticker, denoting its use in lieu of an official license plate, to be attached to the rear end of the motor vehicle. Requires that the sticker bear the date upon which it was issued in written or stamped numerals or letters not less than three inches in height. Specifies that the temporary sticker is valid for a period of ten calendar days for an operator, with suspended or revoked driving privileges, beginning from the day on which the license plate is removed or for a period of 30 calendar days for an owner or lessee, whose motor vehicle was operated by a person with suspended or revoked driving privileges, beginning from the date the notice was mailed as required by Subsection C of this Section. Requires the department design and produce the temporary stickers at no cost to law enforcement agencies. Prohibits the motor vehicle from being driven when the sticker expires. Provides for impoundment if a motor vehicle with an expired sticker is driven.

Proposed law authorizes the Dept. of Public Safety and Corrections, public safety services, to promulgate rules and regulations for implementation of proposed law, to include rules on destruction of license plates.

(Adds R.S. 32:415.2)