

Regular Session, 2014

HOUSE BILL NO. 1020

BY REPRESENTATIVE HARRISON

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

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

A.(1) When a law enforcement officer stops a motor vehicle at an administrative violations checkpoint, or in connection with an alleged violation of the law, or when a law enforcement officer investigates an accident, or for any other reason, the law enforcement officer shall determine if the driver's license of the operator of a motor vehicle registered in this state is suspended or revoked. The law enforcement officer shall further determine if the operator is the registered owner of the motor vehicle stopped, involved in the accident, or otherwise subject to any investigation for any other reason as contemplated by this Section.

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

1 motor vehicle registered in this state is registered in the name of the operator in the
2 department's vehicle registration records, the law enforcement officer shall remove
3 the license plate from the motor vehicle, and the operator of the motor vehicle shall
4 be issued a notice of suspension or revocation of his driving privileges on a form to
5 be promulgated by the department.

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

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

20 (d) An operator of a motor vehicle who has a revoked or suspended driver's
21 license shall have ten business days from the date that the notice of suspension or
22 revocation of driving privileges was issued, to comply with all laws and regulations,
23 including payments of fees and penalties due, to have his driving privileges
24 reinstated. If the operator of the motor vehicle does not or cannot comply with all
25 of the reinstatement requirements for all of the suspensions and revocations of his
26 driving privileges within ten business days of the receipt of the notice of driver's
27 license suspension or revocation, the office of motor vehicles shall destroy the seized
28 license plate.

1 (e) The department shall promptly investigate an allegation made by such
2 operator of a motor vehicle that the removal of the vehicle's license plate and the
3 suspension or revocation of his driving privileges will deprive him or his family of
4 the necessities of life, or will prevent him or his family from earning a livelihood.
5 If the department so finds, it may issue a hardship license plate to be placed on the
6 motor vehicle. The office of motor vehicles may establish rules and regulations
7 necessary to implement the provisions of this Subsection.

8 B. Prior to reinstatement of registration and license plate privileges, any
9 operator who cannot prove, within ten business days after the offense, that his
10 driver's license was not suspended or revoked at the time of the offense shall pay a
11 reinstatement fee of ten dollars to the Department of Public Safety and Corrections
12 to offset the costs of administering this Section. The reinstatement fee required in
13 this Subsection shall be in addition to any other reinstatement requirements imposed
14 for each pending suspension or revocation on the operator's driving record at the time
15 of reinstatement.

16 C.(1) If the operator and owner of the motor vehicle was properly licensed
17 in this state at the time notice was issued, any valid license plate shall be returned
18 within forty-eight hours of providing proof he was properly licensed, exclusive of
19 legal holidays, to the owner of the motor vehicle at no cost.

20 (2)(a) Any law enforcement officer who removes a license plate pursuant to
21 the provisions of this Section shall issue a temporary sticker, denoting its use in lieu
22 of an official license plate, to be attached to the rear end of the motor vehicle. The
23 sticker shall bear the date upon which it was issued in written or stamped numerals
24 or letters not less than three inches in height. The temporary sticker shall be valid
25 for a period of ten business days for an operator with a valid driver's license to
26 operate the motor vehicle on the public streets and highways. After the expiration of
27 the ten-day period, the vehicle shall not be operated on the public streets and
28 highways until the motor vehicle is registered in accordance with this Section.

1 Nothing in this Section shall prohibit the sale, transfer, or other reassignment of the
2 motor vehicle, except that if the department determines the sale, transfer, or other
3 reassignment was done to avoid compliance with this Section, the department may
4 refuse to re-register the vehicle until the operator complies with the requirements of
5 this Section.

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

10 (c) Upon expiration of the sticker, the motor vehicle shall not be driven until
11 the owner or lessee has complied with the requirements of this Section. In the event
12 the motor vehicle is being driven after the expiration of the temporary sticker
13 provided for in this Paragraph, the motor vehicle shall be impounded.

14 D.(1) The Department of Public Safety and Corrections, public safety
15 services, shall promulgate rules and regulations for implementation of the provisions
16 of this Section. Once the department has published the notice of intent to adopt the
17 permanent rules in the Louisiana Register, and the period for public comment has
18 expired, the department is authorized to adopt the proposed rule as an emergency
19 rule to expedite the enforcement of this Section subject to legislative oversight as
20 provided in R.S. 49:968 and 953.

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 valid driver's license.

1 E. Nothing in this Section shall be construed or interpreted as authorizing
2 any action under this Section if the operator is not also the registered owner of the
3 vehicle as is reflected in the vehicle registration records of the department.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____