
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Sharon F. Lyles.

DIGEST

SB 299 Original

2016 Regular Session

Milkovich

Present law requires the Dept. of Public Safety and Corrections, office of motor vehicles (OMV), to collect certain fees related to suspension of an operator's license (R.S. 32:57.1) and automobile insurance requirement violations (R.S. 32:863 and 863.1). Further provides that such fees are due within 60 days of the date of the notice to pay these fees and that after 60 days these fees shall be considered final delinquent debt.

Present law requires the office of motor vehicles to refer all final delinquent debt to the office of debt recovery (ODR) for collection.

Proposed law amends present law definitions of "debt", "delinquent debt", and "final debt" to require the OMV to provide written notice for suspension or revocation of driving privileges or motor vehicle registration privileges as provided in R.S. 32:852(E), provides that debt must be 90 days or more past due, and that OMV must have proof of personal receipt of notice by the debtor by official delivery receipt or certificate from the U.S. Postal Service.

Proposed law makes referral of final debt by OMV to the ODR discretionary, requires notice by OMV to include payment arrangements and inform the debtor that he has no right of judicial review if he fails to act on the notice.

Proposed law removes requirement that funds collected must be deposited into the Debt Recovery Fund and utilized for the office of state police in the amount of \$25 million.

Present law authorizes OMV to impose a \$50 fee, regardless of the disposition of a charge of failure to honor a written promise to appear.

Proposed law removes authorization for OMV to impose the fee.

Present law requires the prosecuting authority of a charge of failure to honor a written promise to appear to notify OMV of payment and authorizes OMV to charge an additional \$50 fee to renew or reissue the arrested person's driver's license.

Proposed law reduces the fee to \$25.

Present law provides that after 60 calendar days of notification issued by OMV, fees due shall be considered final delinquent debt.

Proposed law increases the time period to 90 calendar days and gives OMV discretion to consider the debt as final.

Present law authorizes the OMV to collect certain fees associated with automobile insurance requirements (R.S. 32:863 and 863.1).

Proposed law reduces OMV reinstatement fees for no insurance or allowing insurance to lapse from \$100 to \$25 dollars for no insurance from one to 30 days, from \$250 to \$50 for no insurance from 31 to 90 days, and from \$500 to \$100 for no insurance in excess of 90 days.

Proposed law reduces OMV reinstatement fees for submitting false information that a motor vehicle is covered by insurance from \$250 to \$25 for a first violation, from \$500 to \$50 for a second violation, and from \$1,000 to \$100 for a third or subsequent violation.

Present law provides that the maximum reinstatement fee due from a person with multiple violations who pays within 60 days of notice shall not exceed \$850 for no insurance or lapsed insurance violations and \$1,075 for submission of false insurance information. Provides that total fees for persons 65 years or older shall not exceed \$250.

Proposed law reduces the maximum reinstatement fee from \$850 to \$500 and changes the time period from 60 to 90 days of date of notice before a fee is considered final debt. Proposed law removes the provision that removes the cap on fees for persons under 65 years of age and reduces the cap on total fees for persons 65 or older from \$250 to \$200.

Present law requires OMV to remit fees paid to the treasurer for credit to the Bond Security and Redemption Fund.

Proposed law requires the treasurer to credit fees to the state general fund.

Present law authorizes OMV to send notice of sanctions to the last address furnished to the OMV by first class mail.

Proposed law requires OMV to send notice of fines, fees, or other sanctions by certified or registered mail, return receipt requested.

Present law provides the owner of a vehicle three calendar days, excluding weekend days and legal holidays, to provide proof of insurance. Provides that if proof of compliance is made after 60 days, an owner still owes a fee even if the owner provides proof of insurance. Provides that a no insurance sticker is valid for only three days.

Proposed law increases the time period from three to 15 calendar days and deletes the provisions relative to proof of insurance after 60 days.

Present law provides that OMV records on a insurance violation are prima facie proof of violation.

Proposed law deletes present law and retains present law that owner has burden of proof of insurance at the time of violation.

Present law makes an owner liable for storage and wrecker fees when a vehicle is impounded for no proof of insurance in the vehicle even if the vehicle was actually insured at the time.

Proposed law makes OMV liable for storage and wrecker fees if the vehicle was actually insured.

Present law provides several acceptable means of proof of insurance including an insurance card or electronic image, and that a law enforcement making a stop has a reasonable belief that the motor vehicle is covered by a valid and current policy of liability insurance.

Proposed law retains present law and adds as an acceptable means of proof of insurance that the law enforcement officer electronically verifies that the motor vehicle is covered by a valid and current policy of liability insurance.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 32:8(A)(1), (2), and (3), and (B), 57.1, 863(A)(3)(a) and (4), and (D)(1), 863.1(C)(1), (2), (5), (6), and (7), and (I)(3); adds R.S. 32:863.1(G)(5); repeals R.S. 32:8(C) and 863(D)(5))