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**SENATE COMMITTEE AMENDMENTS**

2016 Regular Session

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Original Senate Bill No. 387 by Senator Cortez

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1 AMENDMENT NO. 1

2 On page 1, line 2, change "R.S. 32:8(B)" to "R.S. 32:8" and after "R.S. 47:1676(D)(1),"  
3 insert "and to enact R.S. 32:9,"

4 AMENDMENT NO. 2

5 On page 1, line 8, change "R.S. 32:8(B)" to "R.S. 32:8"

6 AMENDMENT NO. 3

7 On page 1, delete line 10 and insert the following:

8 "A. For purposes of this Section, the following words shall have the  
9 following meanings unless the context clearly indicates otherwise:

10 1) "Debt" means any legally collectible liquidated sum due and ~~owed~~  
11 **owing** to the Department of Public Safety and Corrections, office of motor  
12 vehicles, pursuant to R.S. 32:57.1, 863, ~~or~~ 863.1, **or an installment**  
13 **agreement.**

14 (2) "Delinquent debt" means a debt that is **past due for** sixty days or  
15 more ~~past due~~.

16 (3) "Final **debt**" means **any debt in which** ~~the amount due is no~~  
17 ~~longer negotiable and that~~ the debtor has no further ~~right of administrative~~  
18 ~~and or~~ judicial review **rights to challenge the validity of the debt or the**  
19 **amount owed.**

20 (4) "Office of motor vehicles" means the Department of Public Safety  
21 and Corrections, office of motor vehicles."

22 AMENDMENT NO. 4

23 On page 1, line 11, change "all final delinquent debts" to "all final ~~delinquent debts~~ **debt**"

24 AMENDMENT NO. 5

25 On page 1, line 12, delete "delinquent"

26 AMENDMENT NO. 6

27 On page 1, line 14, change "All delinquent debts" to "All ~~delinquent debts~~ **Final debt**"

28 AMENDMENT NO. 7

29 On page 1, line 15, after "recovery." delete "Once the" and on line 16 delete "delinquent debt  
30 becomes final, and prior" and insert "**Prior**"

31 AMENDMENT NO. 8

32 On page 1, line 17, after "in writing" insert "**by certified or registered mail, return receipt**  
33 **requested,**"

34 AMENDMENT NO. 9

35 On page 2, delete line 1, and insert the following:

1 **"final debt, of all available payment options, including an installment**  
2 **agreement, that the debtor has sixty days from the date of receipt of the**  
3 **notice to contact the office of motor vehicles to make payment**  
4 **arrangements or to contest the debt and request an administrative**  
5 **hearing, and** that failure to **contest the debt and request an administrative**  
6 **hearing, make payment arrangements, or** to pay the debt in full"

7 AMENDMENT NO. 10

8 On page 2, line 2, delete "within sixty days" and delete "the maximum amount owed  
9 together with"

10 AMENDMENT NO. 11

11 On page 2, delete line 5 and insert the following:

12 "C. The office of motor vehicles may promulgate rules and  
13 regulations in accordance with the Administrative Procedure Act necessary  
14 to implement the provisions of this Section, including rules for referring final  
15 delinquent debt.

16 **D. Notwithstanding any provision of law to the contrary, no fee**  
17 **for a debt defined in R.S. 32:8(A)(1) incurred by a debtor for a violation**  
18 **on or before June 30, 2014, shall exceed the fee amounts in effect prior**  
19 **to the effective date of Act No. 641 of the 2014 Regular Session of the**  
20 **Legislature.**

21 **E. Prior to July 1, 2017, notwithstanding any provision of law to**  
22 **the contrary, the office of motor vehicles shall take no action to declare**  
23 **as final debt or refer any final debt to the office of debt recovery that**  
24 **arises from a debtor's failure to pay a fee pursuant to either R.S. 32:57.1**  
25 **or 32:863.1.**

26  
27 **§9. Collection and payment procedure; office of motor vehicles**

28 **A. On and after the effective date of the Act which originated as**  
29 **Senate Bill 387of the 2016 Regular Session of the Legislature, the office**  
30 **of motor vehicles shall implement the following collection and payment**  
31 **procedure to make any debt owed to the office of motor vehicles a final**  
32 **debt and collectible by the office of debt recovery.**

33 **B. Upon determination of a debt by the office of motor vehicles,**  
34 **it shall send the debtor a demand notice by certified or registered mail,**  
35 **return receipt requested, that requests payment, outlines any additional**  
36 **information necessary to identify the nature of the debt and the full**  
37 **amount of the debt due, and notifies the debtor that failure to pay the**  
38 **debt in full or make payment arrangements within sixty days of receipt**  
39 **of the notice, or to contest the debt and to request an administrative**  
40 **hearing, shall subject the debtor to collection of the debt by the office of**  
41 **debt recovery and to the additional collection fee charged by the office**  
42 **of debt recovery. Signature of the debtor on the return receipt green**  
43 **card shall be proof of notice of amicable demand on the debt.**

44 **C. If a return receipt green card signed by the debtor is not**  
45 **received by the office of motor vehicles, prior to renewal of a driver's**  
46 **license or motor vehicle registration, the office of motor vehicles shall**  
47 **require the debtor to sign a written acknowledgment of the debt that**  
48 **notifies the debtor that failure to pay the debt in full or make payment**  
49 **arrangements within sixty days of receipt of the notice, or to contest the**  
50 **debt and to request an administrative hearing, shall subject the debtor**  
51 **to collection of the debt by the office of debt recovery and to the**  
52 **additional collection fee charged by the office of debt recovery.**  
53 **Signature of the debtor on debt acknowledgment shall be proof of notice**  
54 **of amicable demand on the debt.**

1                    **D. Upon exhaustion of the procedures in this Section, the office**  
2                    **of motor vehicles shall transfer the debt for collection by the office of**  
3                    **debt recovery.**"

4    AMENDMENT NO. 12

5    On page 2, line 13, after "**agreements and**" delete "**offers in compromise,**" and insert  
6    "**settlement agreements,**"