

SENATE COMMITTEE AMENDMENTS

2016 Regular Session

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Reengrossed House Bill No. 245 by Representative Marcelle

1 AMENDMENT NO. 1

2 On page 1, line 2, after "To amend and reenact" delete the remainder of line 2 and insert
3 "R.S. 32:8(A)(3) and (B)"

4 AMENDMENT NO. 2

5 On page 1, line 11, change "effective dates;" to "an effective date;"

6 AMENDMENT NO. 3

7 On page 1, delete lines 13 through 18 and insert the following:

8 "Section 1. R.S. 32:8(A)(3) and (B) are hereby amended and reenacted and
9 R.S. 32:429.4 is hereby enacted to read as follows:

10 §8. Final delinquent debt; office of motor vehicles

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

13 * * *

14 (3) "Final debt" means the amount due is no longer negotiable and that the
15 debtor has no further right of administrative and judicial review.

16 * * *

17 B. The office of motor vehicles shall refer ~~at~~ a final delinquent debts debt
18 for which a debtor has not entered into an installment agreement for payment to the
19 office of debt recovery as provided in R.S. 47:1676. Final delinquent debt referrals
20 shall include data and information in the required format necessary to institute
21 collection procedures. All delinquent debts shall be authenticated by the office of
22 motor vehicles prior to being referred to the office of debt recovery. Once the
23 delinquent debt becomes final, and prior to referral to the office of debt recovery,
24 the office of motor vehicles shall notify the debtor in writing that failure to pay the
25 debt in full within sixty days shall subject the debt to the maximum amount owed
26 together with the additional fee collected by the office of debt recovery provided for
27 in R.S. 47:1676. Such notice shall also inform the debtor that he may qualify to pay
28 sums due by installment agreement, if eligible, and shall include instructions on how
29 to inquire with the office of motor vehicles to determine eligibility and terms.

30 * * *

31 AMENDMENT NO. 4

32 Delete pages 2 through 4 and on page 5, delete line 1.

33 AMENDMENT NO. 5

34 On page 5, line 4, change "A.(1)(a)" to "A. **Installment agreements and eligibility.** (1)(a)"

35 AMENDMENT NO. 6

36 On page 5, line 7, delete "beginning on or before January 1, 2017, and thereafter,"

37 AMENDMENT NO. 7

38 On page 5, line 9, change "to pay" to "for payment of their"

1 AMENDMENT NO. 8

2 On page 5, at the end of line 10, insert "All notices of any outstanding fines, penalties, and
3 fees owed to the office of motor vehicles shall inform the debtor that he may qualify to pay
4 sums due by installment agreement, if eligible, and shall include instructions on how to
5 inquire with the office of motor vehicles to determine eligibility and terms."

6 AMENDMENT NO. 9

7 On page 5, between lines 18 and 19, insert the following:

8 "(2) A debtor who owes the office of motor vehicles two hundred fifty
9 dollars or more in outstanding fines, penalties, or fees, or any combination thereof,
10 is eligible to pay such amounts by means of an installment agreement with the office
11 of motor vehicles, should all of the following conditions be met:

12 (a) All conditions of reinstatement other than payment of outstanding fines,
13 penalties, and fees owed to the office of motor vehicles have been satisfied.

14 (b) A request for an installment agreement is made as required by and within
15 the time provided for in the notice from the office of motor vehicles informing the
16 debtor of any outstanding fines, penalties, and fees owed to the office of motor
17 vehicles."

18 AMENDMENT NO. 10

19 On page 5, at the beginning of line 19, change "(c)" to "(3)"

20 AMENDMENT NO. 11

21 On page 5, delete lines 27 and 28 and on page 6, delete lines 1 and 2

22 AMENDMENT NO. 12

23 On page 6, line 3, change "(3)" to "(4)"

24 AMENDMENT NO. 13

25 On page 6, delete lines 7 through 15

26 AMENDMENT NO. 14

27 On page 6, line 16, change "C." to "**B. Installment agreement payment schedule.**"

28 AMENDMENT NO. 15

29 On page 6, line 17, change "as follows:" to "in the following amounts, with the first
30 payment due upon the execution of the agreement:"

31 AMENDMENT NO. 16

32 On page 7, delete lines 6 through 9

33 AMENDMENT NO. 17

34 On page 7, line 10, change "F.(1)" to "**C. Payments. (1)**"

35 AMENDMENT NO. 18

36 On page 7, between lines 19 and 20, insert "(3) Prepayment of sums due on an installment
37 agreement may be made without the imposition of a penalty."

1 AMENDMENT NO. 19

2 On page 7, line 20, change "G." to "D. Suspension of installment agreement."

3 AMENDMENT NO. 20

4 On page 7, line 22, after "request" insert "by the debtor"

5 AMENDMENT NO. 21

6 On page 7, line 24, change "made under" to "accepted on"

7

8 AMENDMENT NO. 22

9 On page 8, line 1, change "H.(1)" to "E. Termination of installment agreement upon
10 failure to make payment. (1)"

11 AMENDMENT NO. 23

12 On page 8, line 8, after "period." delete "In the" and insert "This notice shall be known as
13 Notice of Installment Agreement Termination and Demand."

14 AMENDMENT NO. 24

15 On page 8, line 9, delete "event that" and insert the following:

16 "(2) The Notice of Installment Agreement
17 Termination and Demand shall satisfy all notice requirements
18 of R.S. 32:8 and R.S. 47:1676. In the event"

19 AMENDMENT NO. 25

20 On page 8, line 12, change "the notice" to "such notice"

21 AMENDMENT NO. 26

22 On page 8, line 15, change "(2)" to "(3)"

23 AMENDMENT NO. 27

24 On page 8, line 19, change "(3)" to "(4)"

25 AMENDMENT NO. 28

26 On page 8, line 21, after "or" insert "if"

27 AMENDMENT NO. 29

28 On page 8, line 27, change "amounts outstanding" to "unpaid balance due"

29 AMENDMENT NO. 30

30 On page 9, line 2, change "amounts outstanding" to "unpaid balance due"

31 AMENDMENT NO. 31

32 On page 9, line 4, after "R.S. 47:1676" delete the remainder of line 4 and delete lines 5 and
33 6.

1 AMENDMENT NO. 32

2 On page 9, line 7, change "I.(1)" to "F. **Driving privileges and vehicle registration. (1)**"

3 AMENDMENT NO. 33

4 On page 9, line 13, change "If an installment payment is missed" to "If a debtor fails to
5 timely make an installment payment"

6 AMENDMENT NO. 34

7 On page 9, delete lines 14 and 15, and insert the following:
8 "the installment agreement is made following the commissioner's sending the
9 Notice of Installment Agreement Termination and Demand, or the
10 commissioner of the office of motor vehicles rejects "

11 AMENDMENT NO. 35

12 On page 9, delete lines 20 through 28 and insert the following:

13 "G. Administration of installment agreements.
14 (1) The Department of Public Safety and Corrections, public safety
15 services, may authorize a third party, including but not limited to the
16 Department of Revenue, office of debt recovery, to administer installment
17 agreements executed pursuant to this Section. Such authorized third party
18 may collect payments due pursuant to installment agreements executed
19 pursuant to this Section. Any such authorized third party shall be an
20 authorized agent of the Department of Public Safety and Corrections, public
21 safety services, and may collect the following fees for each transaction
22 completed pursuant to this Section:
23 (a) A fee not to exceed three dollars for each payment made pursuant
24 to an installment agreement.
25 (b) Fees authorized by R.S. 40:1322.
26 (c) Fees authorized pursuant to R.S. 49:316.1.
27 (2) The provisions of R.S. 47:1576.2 shall not apply to services
28 provided by the Department of Revenue, office of debt recovery, pursuant to
29 this Subsection.
30 (3) For purposes of this Section, the office of motor vehicles and the
31 office of debt recovery shall not be considered a collection agency as defined
32 in R.S. 9:3534.1."

33 AMENDMENT NO. 36

34 On page 10, delete lines 1 through 9

35
36 AMENDMENT NO. 37

37 On page 10, line 10, change "L." to "H."

38 AMENDMENT NO. 38

39 On page 10, line 13, change "Section 3." to "Section 2."

40 AMENDMENT NO. 39

41 On page 10, line 16, change "delinquent" to "delinquent debt" and change "final" to
42 "final debt"

1 AMENDMENT NO. 40

2 On page 10, line 18, change ""final" and "delinquent"" to ""delinquent debt" and "final
3 debt""

4 AMENDMENT NO. 41

5 On page 10, delete lines 20 through 28 in their entirety and insert the following:

6 "(2) Debt, whether defined by R.S. 32:8(A)(1) or this Section, owed
7 to the Department of Public Safety and Corrections, office of motor vehicles,
8 which becomes delinquent debt, final debt, or final delinquent debt after the
9 effective date of the Act which originated as House Bill No. 245 of the 2016
10 Regular Session of the Legislature and for which a debtor enters into an
11 installment agreement with the office of motor vehicles to pay shall not be
12 referred to the office of debt recovery or the office of the attorney general
13 during the term of any such installment agreement."

14 AMENDMENT NO. 42

15 On page 11, delete lines 1 through 9 and insert the following:

16 "Section 3. This Act shall become effective upon signature by the
17 governor or, if not signed by the governor, upon expiration of the time for
18 bills to become law without signature by the governor, as provided by Article
19 III, Section 18 of the Constitution of Louisiana. If vetoed by the governor
20 and subsequently approved by the legislature, this Act shall become effective
21 on the day following such approval."