

GREEN SHEET REDIGEST

HB 687

2017 Regular Session

Havard

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

MOTOR VEHICLES: Clarifies contract requirements relative to public license tag agents.

DIGEST

Present law requires the contract between the Dept. of Public Safety and Corrections, office of motor vehicles (OMV) and a person who contracts to perform services pursuant to present law be for a term of two years and specifies that it may be automatically renewed by the Dept. of Public Safety and Corrections, OMV.

Proposed law maintains present law and requires OMV to make contract renewal package available its website. Proposed law requires public license tag agents (PTA), to provide a complete application and related documents to renew license within 90 days in advance of expiration of contract. Requires the OMV to return the new contract to the public license tag agent prior to the expiration of the contract.

Proposed law requires the OMV send notice to the public license tag agent of intent to not renew a contract and cite causes as provided in present law within 30 days of receiving the application from the PTA. Requires that a PTA who receive a nonrenewal notice may request an administrative hearing within five days of receipt.

Proposed law provides for the automatic renewal of a contract for a two-year period, subject to payment of the renewal fee and the surety bond for the renewal period if the OMV fails to comply with proposed law and specifies that if the public tag agent fails to comply with the provisions of proposed law then the contract will expire on the expiration date of the existing contract.

Present law authorizes the OMV to suspend, revoke, cancel, or impose other restrictions on any contract confected pursuant to present law for certain causes committed by the public tag agent or its employee.

Proposed law maintains present law.

Present law authorizes the OMV to suspend, revoke, cancel, or impose other restrictions on any contract with a public license tag agent: (1) if the public tag agent operates as a public license tag agent without a contract for each location, with an expired contract, or without a valid surety bond on file with the OMV and (2) the public tag agent forwards to the OMV a document relevant to a registration or titling transaction that results in material injury to the public records or a shortfall in the collection of taxes owed.

Proposed law provides that the OMV may suspend revoke, cancel, or impose other restrictions on the PTA for forwarding documents that results in a material injury to public records, or a shortfall in the collection of taxes or fees owed when the public tag agent has knowledge of facts causing such injury or shortfall, and failed to disclose the same to OMV.

Proposed law adds to the causes for suspension, revocation, cancellation, or imposition of other restrictions, the issuance of the initial driver's license or any duplicate driver's license or renewal of a driver's license in violation of law or an administrative rule.

Present law permits any person whose contract has been suspended, cancelled, or revoked during the effective term of the contract to request an administrative hearing to review the actions of the OMV and provides that the request for administrative review will stay the action of the OMV.

Proposed law prohibits the request for administrative review from staying the action of the OMV and prohibits the stay of action of the OMV from being granted during the course of the administrative review.

Proposed law requires the department, to promulgate rules and regulations in accordance with the APA.

(Amends R.S. 47:532.1(E) and 532.2(A)(2) and (8) through (12) and (B); Adds R.S. 47:532.2(A)(13) and (14))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Specify that if the public license tag agent fails to comply with the provisions of proposed law then the contract will expire on the expiration date of the existing contract.
3. Delete a provision that authorized the office of motor vehicles to suspend, revoke, or cancel a contract for errors in document submissions committed knowingly and willfully by the public license tag agent or by his employee with his knowledge.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the reengrossed bill

1. Changes "automatically renewed" to "renewed or extended."
2. Requires the office of motor vehicle to make renewal contract package available on its website.
3. Revises procedure for contract renewal or nonrenewal.
4. Adds that the Act shall have prospective application only and shall apply only to public license tag agent contracts executed on and after the effective date of this Act.