

2018 Regular Session

HOUSE BILL NO. 669

BY REPRESENTATIVE MARCELLE

MTR VEHICLE/DRIVER LIC: Provides for a hold on the renewal of a operator's license under certain circumstances

1 AN ACT

2 To amend and reenact R.S. 32:57.1(A) and (B) and to enact R.S. 32:57.1(D), relative to the  
3 status of an operator's license after failing to appear in court; to authorize a  
4 magistrate or judge to issue a hold on the renewal of an operator's license rather than  
5 a suspension; to prohibit the imposition of any fee for a hold on renewal; to provide  
6 for rule promulgation; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 32:57.1(A) and (B) are hereby amended and reenacted and R.S.  
9 32:57.1(D) is hereby enacted to read as follows:

10 §57.1. Failure to honor written promise to appear; penalty; disposition of fines  
11 A. Whenever an arrested person who was released on his written promise to  
12 appear before a magistrate at the place and time specified in a summons described  
13 in R.S. 32:391(B) fails to honor his written promise to appear, the magistrate or  
14 judge of the court exercising jurisdiction shall have discretion to determine whether  
15 to suspend or place a hold on the renewal of the operator's license of the arrested  
16 person. The magistrate or judge shall immediately forward to the Department of  
17 Public Safety and Corrections notice of the failure to appear, which shall include  
18 with information necessary for identification of the arrested person and an indication  
19 of whether the department is required to suspend or place a hold on the renewal of  
20 the operator's license. Thereupon, unless the original charges have been disposed of,

1 the Department of Public Safety and Corrections shall immediately notify the  
 2 arrested person of the suspension or hold on renewal of his operator's license and the  
 3 imposition of a fifty-dollar fee, regardless of the disposition of the original charge.  
 4 The fifty-dollar fee shall not apply when a hold on renewal has been placed on the  
 5 operator's license. The Department of Public Safety and Corrections likewise shall  
 6 inform the arrested person that his operator's license cannot be renewed or reissued  
 7 until the forwarding court exercising jurisdiction certifies that he had honored the  
 8 appearance promise or paid an appropriate fine for the offense as determined by the  
 9 forwarding court exercising jurisdiction.

10 B. Whenever the arrested person makes an appearance as required by  
 11 Subsection A hereof or pays an appropriate fine for the offense committed, as  
 12 determined by the court, the prosecuting authority shall immediately notify the  
 13 Department of Public Safety and Corrections thereof. Upon such notification and  
 14 payment of an additional fifty dollars to the department, the operator's license of the  
 15 arrested person shall be renewed or reissued for the purpose of this Section. Twelve  
 16 dollars and fifty cents of the additional fine imposed by this Section shall be paid to  
 17 the court exercising jurisdiction, to be deposited in that court's criminal court fund  
 18 and to be used in the same manner as the other sums deposited in said fund. The  
 19 additional fifty dollar fee required by this Subsection shall not apply when a hold on  
 20 renewal has been placed on the operator's license.

21 \* \* \*

22 D. The Department of Public Safety and Corrections, public safety services,  
 23 shall promulgate rules and regulations as are necessary to implement the provisions  
 24 of this Section.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 669 Original

2018 Regular Session

Marcelle

**Abstract:** Authorizes a magistrate or judge to issue a hold on renewal of an operator's license in lieu of a suspension and prohibits the imposition of any fees for renewal or reissuance of an operator's license that was held for renewal.

Present law requires that the magistrate or judge of the court exercising jurisdiction immediately forward to the Dept. of Public Safety and Corrections notice of failure to appear with information necessary for identification of the arrested person, which automatically results in the suspension of an operator's license.

Proposed law authorizes the magistrate or judge, at his discretion, to determine whether to suspend or place a hold on the renewal of the operator's license of the arrested person and requires notice include an indication of whether a suspension or hold on renewal should be placed on the operator's license but otherwise retains present law.

Present law requires that the department immediately notify the arrested person of the suspension of his operator's license and the imposition of a \$50 fee, regardless of the disposition of the original charge.

Proposed law retains present law and requires the department to immediately notify the arrested person of the suspension or hold on renewal of his operator's license. Also specifies that the \$50 fee does not apply when a magistrate or judge authorizes that a hold on renewal be placed on the operator's license.

Present law requires that the prosecuting authority immediately notify the department when the arrested person makes an appearance as required by present law or pays an appropriate fee and requires the arrested person pay an additional \$50 to the department for the renewal or reissuance of his operator's license.

Proposed law retains present law and specifies that the additional \$50 fee for the renewal or reissuance of an operator's license does not apply when a hold on the renewal was placed on the operator's license.

Proposed law requires the Dept. of Public Safety and Corrections, public safety services, to promulgate rules and regulations as are necessary to implement the provisions of present law and proposed law.

(Amends R.S. 32:57.1(A) and (B); Adds R.S. 32:57.1(D))