

2021 Regular Session

HOUSE BILL NO. 550

BY REPRESENTATIVE MUSCARELLO

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MOTOR VEHICLES: Provides relative to duplicate driver's licenses and identification cards

1 AN ACT

2 To amend and reenact R.S. 32:413 and to enact R.S. 40:1321.1, relative to the issuance of
3 duplicate driver's licenses and special identification cards; to provide for the issuance
4 fee for duplicate driver's licenses and special identification cards; to provide for the
5 department's immunity from liability for certain driving accidents; to provide for the
6 department's immunity for the issuance of an unlawfully obtained special
7 identification card; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 32:413 is hereby amended and reenacted to read as follows:

10 §413. Loss or destruction of licenses

11 A. If any driver's license shall be lost or destroyed, the person to whom it
12 was issued ~~shall submit satisfactory proof to the office of motor vehicles of such loss~~
13 ~~or destruction and shall apply for, within ten days after such loss or destruction, a~~
14 ~~duplicate license.~~ may apply for a duplicate driver's license at a motor vehicle office,
15 an authorized agent of the office of motor vehicles, or through the motor vehicle
16 website online application. Any application submitted pursuant to this Section shall
17 include a statement executed by the applicant attesting to the facts regarding the lost
18 or destroyed driver's license.

19 B. For each duplicate driver's license so issued ~~there~~ a five dollar charge
20 shall be collected ~~the sum of five dollars~~, except no fee shall be charged to a child

1 who is in foster care, as defined in ~~Article 603 of the Louisiana~~ Children's Code
2 Article 603. However, if the original license was stolen as evidenced by a police
3 report, ~~there shall be no collection of this charge or~~ the charge provided for in this
4 Subsection and the handling charge as provided for in R.S. 32:412.1 shall not be
5 collected.

6 C. If any driver's license which was issued to a Louisiana domiciliary or
7 resident who is temporarily out of state, or who is a domiciliary or resident who is
8 an active member of the Armed Forces, or who is a domiciliary resident dependent
9 of a member of the active Armed Forces, in lieu thereof has been lost or destroyed,
10 the person ~~to whom~~ who was issued the driver's license ~~was issued~~, or a the person
11 who has power of attorney for the person to whom the driver's license was issued,
12 may submit satisfactory proof to the office of motor vehicles of ~~such~~ the loss or
13 destruction and may apply for a duplicate driver's license.

14 D.(1) The holder of a valid driver's license, regardless of class, may apply
15 for a duplicate driver's license by mail or electronic commerce, except as follows:

16 (a) No duplicate driver's license by mail or electronic commerce shall be
17 granted to any person who is seventy years of age or older.

18 (b) No duplicate driver's license by mail or electronic commerce shall be
19 granted if a previous duplicate license was issued prior to the last occurrence of the
20 license expiration.

21 (c) No renewal by mail or electronic commerce shall be granted to alien
22 students or nonresident aliens.

23 (2) The department may establish rules and regulations to grant or deny a
24 duplicate driver's license by mail in cases where a Louisiana resident is temporarily
25 domiciled out of the state or out of the country, or temporarily residing, employed,
26 or attending school in a foreign state or country, even if the resident does not meet
27 the qualification criteria in this Section.

1 (3) The application for a duplicate driver's license by mail or electronic
2 commerce shall include the following:

3 (a) A statement from the applicant that he has not experienced any loss of
4 consciousness other than normal sleep and has no current physical or mental
5 condition which would impair his ability to operate a motor vehicle safely.

6 (b) A statement from the applicant indicating that all motor vehicles owned
7 by the applicant are covered by liability insurance or security and coverage will be
8 maintained until such time as a vehicle is no longer used on the highways of this
9 state, or until a vehicle is transferred to another person or entity.

10 (c) A sworn affidavit by a physician certifying that the person possesses all
11 cognitive functions reasonably necessary to be a prudent driver if the person seeking
12 the duplicate driver's license is seventy years of age or older.

13 (4) Upon receipt of the required statements by the department and upon the
14 issuance of a duplicate driver's license, the state, the department, or any department
15 employee shall not be liable for any property damages, injuries, or deaths that may
16 arise from an applicant's involvement in an accident where the accident can be
17 attributed to the applicant's medical condition that may have existed which rendered
18 him incapable of operating a motor vehicle safely.

19 (5) When a duplicate driver's license is renewed by mail or electronic
20 commerce, the department shall issue a duplicate driver's license with the same
21 expiration date as the previously issued driver's license.

22 (6) The department shall promulgate rules and regulations as are necessary
23 to implement the provisions of this Section.

24 (7) For purposes of this Section a valid driver's license does not include:

25 (a) A suspended, disqualified, expired, or canceled license, regardless of
26 class.

27 (b) A commercial driver's license for a holder that does not meet all
28 requirements for licensure under federal law, state law, or both.

29 (c) A hardship driver's license.

1 (d) Any driver's license for which there is a block on any further issuance of
2 any kind, whether or not the license is suspended or disqualified.

3 (8) Any online transaction shall be assessed the fee authorized and approved
4 in R.S. 49:316.1.

5 Section 2. R.S. 40:1321.1 is hereby enacted to read as follows:

6 §1321.1. Duplicate special identification cards; lost or destroyed

7 A. When a special identification card is lost or destroyed, the person who
8 was issued the card may apply for a duplicate special identification card at a motor
9 vehicle office, an authorized agent of the office of motor vehicles, or through the
10 motor vehicle website online application. Any application submitted pursuant to this
11 Section shall include a statement executed by the applicant attesting to the facts
12 regarding the lost or destroyed special identification card.

13 B. For each duplicate special identification card so issued a five dollar
14 charge shall be collected, except no fee shall be charged to a child who is in foster
15 care, as defined in Children's Code Article 603. However, if the original special
16 identification card was stolen as evidenced by a police report, the charge provided
17 for in this Subsection and the handling charge provided for in R.S. 32:412.1 shall not
18 be collected.

19 C. If any special identification card which was issued to a Louisiana
20 domiciliary or resident who is temporarily out of state or an active member of the
21 Armed Forces, or who is a domiciliary resident dependent of a member of the active
22 Armed Forces, in lieu thereof has been lost or destroyed, the person who was issued
23 the special identification card, or a person who has power of attorney for the person
24 to whom a special identification card was issued, may submit satisfactory proof to
25 the office of motor vehicles of the loss or destruction and may apply for a duplicate
26 special identification card.

27 D.(1) The holder of a valid special identification card may apply for a
28 duplicate special identification card by mail or electronic commerce, except as
29 follows:

1 (a) No duplicate special identification card by mail or electronic commerce
2 shall be granted if a previous duplicate special identification card was issued prior
3 to the last occurrence of the card expiration.

4 (b) No renewal by mail or electronic commerce shall be granted to alien
5 students or nonresident aliens.

6 (2) The department may establish rules and regulations to grant or deny a
7 duplicate special identification card by mail in cases where a Louisiana resident is
8 temporarily domiciled out of state or out of the country, or temporarily residing,
9 employed, or attending school in another state or foreign country, even if the resident
10 does not meet the qualification criteria in this Section.

11 (3) Upon receipt of all required statements by the department and upon the
12 issuance of a duplicate special identification card, the state, the department, or any
13 department employee shall not be liable for any property damages, injuries, or deaths
14 that may arise from an applicant's use of the special identification card if the special
15 identification card was unlawfully obtained.

16 (4) When a duplicate special identification card is renewed by mail or
17 electronic commerce, the department shall issue a duplicate special identification
18 card with the same expiration date as the previously issued special identification
19 card.

20 (5) The department shall promulgate rules and regulations necessary to
21 implement the provisions of this Section.

22 (6) Any online transaction shall be assessed the fee authorized and approved
23 in R.S. 49:316.1.

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)]

HB 550 Original

2021 Regular Session

Muscarello

Abstract: Provides for the application and fees for a duplicate driver's license or special identification card, requires the department not be liable for property damage, injuries, or death due to the applicant's existing medical conditions, and provides immunity to the department for the issuance of an unlawfully obtained special identification card.

Present law provides for a duplicate driver's license to be obtained if the original license has been lost or destroyed. Requires application from the person issued the license for such duplicate within 10 days after the loss or destruction and the submission of satisfactory proof of the loss or destruction to the office of motor vehicle (OMV).

Proposed law authorizes the application for a duplicate driver's license or special identification card (ID card) be submitted to a motor vehicle office, an authorized agent of OMV, or the motor vehicle website online application. Requires the application include a statement executed by the applicant attesting to the facts regarding the lost or destroyed driver's license.

Present law requires a \$5 charge for a duplicate license and waives the \$5 charge and any handling charge if the license has been stolen as evidenced by a police report or for the issuance of a driver's license to any child who is in foster care.

Present law authorizes the person to whom a license was issued, or a person who has power of attorney for the person to whom the license was issued, to apply for a duplicate license and submit satisfactory proof to OMV of such loss or destruction if the license was issued to a Louisiana domiciliary or resident who is temporarily out of state, who is a domiciliary or resident who is an active member of the Armed Forces, or who is a domiciliary resident dependent of a member of the active Armed Forces.

Proposed law retains present law and identifies the type of license issued as a driver's license, and applies present law to the application for an ID card.

Proposed law authorizes a holder of a valid driver's license or ID card to apply for a duplicate driver's license by mail or electronic commerce. Prohibits a duplicate driver's license by mail or electronic commerce to a person who is 70 years of age or older.

Proposed law prohibits a duplicate driver's license or ID card by mail or electronic commerce to a person who is an alien student or nonresident alien or has previously been issued a duplicate license or ID card prior to the license or ID card expiration.

Proposed law authorizes the department to establish rules and regulations to grant or deny a duplicate driver's license or ID card by mail to a La. resident temporarily domiciled out of state or out of the country, or temporarily residing, employed, or attending school in another state or foreign country, even if the resident does not meet the qualification under proposed law.

Proposed law requires the application for a duplicate driver's license by mail or electronic commerce include the following:

- (1) An applicant statement that he has no current physical or mental condition which would impair his ability to operate a motor vehicle safely nor has he experienced any loss of consciousness other than normal sleep.
- (2) An applicant statement indicating that all motor vehicles owned by the applicant are covered by liability insurance or security, and the coverage will be maintained until the vehicle is no longer utilized on the highways of this state, or until a vehicle is transferred to another person or entity.
- (3) A sworn affidavit by a physician certifying an applicant who is 70 years of age or older possess all cognitive functions reasonably necessary to be a prudent driver.

Proposed law prohibits the state, the department, or any department employee from being liable, upon receipt of the required statements by the department and upon issuance of a duplicate driver's license or ID card, for any property damages, injuries, or deaths that arise from an applicant's involvement in an accident where the accident can be attributed to the applicant's medical condition that may have existed and rendered him incapable of operating a motor vehicle safely.

Proposed law requires the department issue a duplicate driver's license or ID card with the same expiration date as the previously issued driver's license or ID when renewed by mail or electronic commerce.

Proposed law requires the department promulgate rules and regulations necessary to implement the provisions of proposed law.

Proposed law specifies that a valid driver's license does not include the following:

- (1) A suspended, disqualified, expired or cancelled license, regardless of class.
- (2) A commercial driver's license for the holder that does not meet all requirements for licensure under federal, state law, or both.
- (3) A hardship driver's license.
- (4) Any driver's license blocked on any further issuance of any kind, whether or not the license is suspended or disqualified.

Proposed law requires any online transaction for a duplicate driver's license or ID be assessed the fee as authorized and approved in present law.

(Amends R.S. 32:413; Adds R.S. 40:1321.1)