

2022 Regular Session

HOUSE BILL NO. 129

BY REPRESENTATIVES NELSON AND HUGHES

MTR VEHICLE/DRIVER LIC: Provides relative to an arrested person's failure to honor a written promise to appear

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
3 failure to honor a written promise to appear; to provide relative to notification to the
4 arrested person by the Department of Public Safety and Corrections; to provide
5 relative to the suspension of an operator's license of an arrested person; to provide
6 relative to the payment of fines; to provide relative to payment for suspension when
7 incarcerated; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 32:57.1(A) and (B) are hereby amended and reenacted and R.S.
10 32:57.1(D) is hereby enacted to read as follows:

11 §57.1. Failure to honor written promise to appear; penalty; disposition of fines

12 A. Whenever an arrested person who was released on his written promise to
13 appear before a magistrate at the place and time specified in a summons described
14 in R.S. 32:391(B) fails to honor his written promise to appear, the magistrate or
15 judge of the court exercising jurisdiction may immediately forward to the
16 Department of Public Safety and Corrections notice of the failure to appear, with
17 information necessary for identification of the arrested person. Thereupon, unless
18 the original charges have been disposed of, the Department of Public Safety and
19 Corrections shall immediately notify the arrested person ~~of suspension of his~~
20 ~~operator's license and the imposition of a fifty-dollar fee, regardless of the~~

1 ~~disposition of the original charge. The Department of Public Safety and Corrections~~
 2 ~~likewise shall inform the arrested person by regular mail and any available electronic~~
 3 ~~communication~~ that his operator's license ~~cannot be renewed or reissued until the~~
 4 ~~forwarding court exercising jurisdiction certifies that he had honored the appearance~~
 5 ~~promise or paid an appropriate fine for the offense as determined by the forwarding~~
 6 ~~court exercising jurisdiction~~ may be suspended if he fails to honor the written
 7 promise to appear or pay an appropriate fine for the offense within one hundred
 8 eighty days after the date the notice was received. The Department of Public Safety
 9 and Corrections shall send a second notice to the arrested person by regular mail and
 10 any available electronic communication no later than one hundred twenty days after
 11 the department receives notice from the court exercising jurisdiction of the pending
 12 suspension of the operator's license of the arrested person.

13 B. Whenever the arrested person makes an appearance as required by
 14 Subsection A ~~hereof~~ of this Section or pays an appropriate fine for the offense
 15 committed, as determined by the court, the prosecuting authority shall immediately
 16 notify the Department of Public Safety and Corrections thereof through the same
 17 means as the original notification of the arrested person's failure to appear. Upon
 18 such notification, and payment of ~~an additional fifty~~ one hundred dollars to the
 19 department, if the operator's license of the arrested person was suspended pursuant
 20 to Subsection A of this Section, the operator's license of the arrested person shall be
 21 released from the pending suspension, renewed, or reissued for the purpose of this
 22 Section. Twelve dollars and fifty cents of ~~the additional~~ any fine imposed by this
 23 Section shall be paid to the court exercising jurisdiction, to be deposited in that
 24 court's criminal court fund and to be used in the same manner as the other sums
 25 deposited in said fund.

* * *

27 D. If the arrested person's failure to appear is the result of incarceration, his
 28 operator's license shall be renewed and reissued without payment for any suspension
 29 under this Section upon evidence of incarceration pursuant to R.S. 15:714.

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 129 Reengrossed

2022 Regular Session

Nelson

Abstract: Relative to failure to honor a written promise to appear, provides relative to notification to the arrested person, suspension of an operator's license, and payment of a fine.

Present law provides that when an arrested person who was released on a written promise to appear before a magistrate at the place and time specified in a summons fails to honor such written promise to appear, the magistrate or judge may immediately forward to the Dept. of Public Safety and Corrections (department) notice of the failure to appear, with information necessary for identification of the arrested person.

Proposed law retains present law.

Present law further provides that unless the original charges have been disposed of, the department is required to notify the arrested person of suspension of his operator's license and the imposition of a \$50 fee. The department is further required to inform the arrested person that his operator's license cannot be renewed or reissued until the court certifies that he honored the promise to appear or paid an appropriate fine.

Proposed law amends present law to provide that the department shall immediately notify the arrested person by regular mail and any available electronic communication that his operator's license may be suspended if he fails to honor the written promise to appear or pay an appropriate fine for the offense within 180 days after the date the notice was received.

Proposed law further requires the department to send a second notice to the arrested person by regular mail and any available electronic communication no later than 120 days after receiving notice from the court exercising jurisdiction of the pending suspension of the operator's license of the arrested person.

Present law provides that whenever the arrested person makes an appearance or pays an appropriate fine for the offense committed, the prosecuting authority is required to immediately notify the department. Further provides that upon such notification and payment of an additional \$50 to department, the operator's license of the arrested person shall renewed or reissued.

Proposed law amends present law to provide that upon notification to the department, and payment of \$100 to the department, if the operator's license of the arrested person was suspended, the operator's license shall be released from the pending suspension, renewed, or reissued.

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

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Restore present law (R.S. 32:57.1) and provide that:

- (a) The Dept. of Public Safety and Corrections shall notify the arrested person by certified mail return receipt requested that his operator's license may be suspended for failure to honor a written promise or payment of a fine within 180 days after the date notice was received.
 - (b) Remove present law which provides that the operator's license of the arrested person cannot be renewed or reissued.
 - (c) Provide that upon payment of \$100 to the Dept. of Public Safety and Corrections, the license of the arrested person shall be released from pending suspension, renewed, or reissued.
 - (d) Provide that if failure to appear is the result of incarceration, the operator's license of an arrested person shall be renewed and reissued without payment for any suspension.
2. Remove proposed law (R.S. 32:391) relative to persons who willfully violate a written promise to appear.

The House Floor Amendments to the engrossed bill:

1. Make technical corrections.
2. Require the Dept. of Public Safety and Corrections to notify the arrested person by regular mail and any available electronic communication rather than certified mail that his operator's license may be suspended.
3. Require the Dept. of Public Safety and Corrections to send a second notice to the arrested person by regular mail and any available electronic communication no later than 120 days after receiving notice from the court.