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**HOUSE COMMITTEE AMENDMENTS**

2022 Regular Session

Substitute for Original House Bill No. 972 by Representative Phelps as proposed by the House Committee on Ways and Means

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**This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.**

To enact R.S. 47:1676.1, relative to debt recovery; to provide for an amnesty program for certain debts owed to the state; to provide for the requirements of the program; to provide for administration of the program; to provide relative to the office of debt recovery; to provide relative to the powers, duties, functions, and responsibilities of the office of debt recovery; to authorize use of the emergency procurement process; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:1676.1 is hereby enacted to read as follows:

§1676.1. Office of debt recovery amnesty program; office of motor vehicles violations

A.(1) The Department of Revenue, office of debt recovery, shall develop and implement an amnesty program in accordance with the provisions of this Section for eligible debt submitted to the office for collection by the office of motor vehicles. The office shall notify each person eligible for participation in the amnesty program of the amount of eligible debt owed by the person as well as the amnesty amount for that debt.

(2) Upon remittance by a person participating in the amnesty program of the amnesty amount to the office during the amnesty period, the office shall waive the amount of eligible debt that exceeds the amnesty amount for the person. The office shall issue notice to each person receiving amnesty pursuant to the provisions of this Section that the amnesty amount has been received by the office.

(3)(a) Notwithstanding any provision of law to the contrary, including R.S. 47:299.11, amnesty amounts collected by the office pursuant to the amnesty program established in this Section shall be forwarded to the office of motor vehicles and the

person's driving record shall be cleared of any infraction that was satisfied pursuant to the amnesty program.

(b) The office shall not issue refunds for payments or collection fees imposed pursuant to the provisions of R.S. 47:1676 for debt that was collected or paid before or after the amnesty period.

B. For purposes of this Section, the following words have the following meanings unless the context indicates otherwise:

(1) "Amnesty Amount" means delinquent debt that has become final and has been submitted by the office of motor vehicles to the office for collection. Amnesty amount includes only the amount due for the original infraction imposed pursuant to R.S. 32:863(A)(3)(a) and does not include additional fees or accelerated amounts assessed in accordance with R.S. 32:863(A)(3)(a) or the collection fee imposed by the office in accordance with the provisions of R.S. 47:1676.

(2) "Person" means an individual or business indebted to the office of motor vehicles who applies for relief through the amnesty program established pursuant to the provisions of this Section.

(3) "Amnesty period" means November 1, 2022, through January 31, 2023.

(4) "Eligible debt" means delinquent debt that has become final and has been submitted by the office of motor vehicles to the office for collection pursuant to R.S. 32:863(A)(3)(a), which shall include but not be limited to all debts with any and all additional fees or accelerated amounts assessed pursuant to the provisions of R.S. 32:863(A)(3)(a).

(6) "Office" means the office of debt recovery within the Department of Revenue.

(7) "Secretary" means the secretary of the Department of Revenue.

C. The secretary shall promulgate rules in accordance with Administrative Procedure Act as are necessary to implement the provisions of this Section.

Section 2.(A) The secretary of the Department of Revenue is authorized to retain the following amounts from current tax collections:

(1) An amount equal to all fees waived by the office of debt recovery as a result of the amnesty program pursuant to R.S. 47:1676.1.

(2) An amount equal to all administrative costs associated with the administration of the amnesty program pursuant to R.S. 47:1676.1.

(B) Notwithstanding any provision of law to the contrary, amnesty program administration services and information technology services, including but not limited to marketing, advertising, and public information services necessary to implement the amnesty program authorized pursuant to the provisions of this Act may be acquired using the emergency procurement process.

Section 3. This Act shall become effective on July 1, 2022; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2022, or on the day following such approval by the legislature, whichever is later.

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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 Draft

2022 Regular Session

**Abstract:** Requires the office of debt recovery within the Dept. of Revenue (DOR) to establish an amnesty program for eligible debt submitted to the office by the office of motor vehicles (OMV) beginning Nov. 1, 2022, through Jan. 31, 2023.

Proposed law requires the office of debt recovery, hereinafter "office", to develop and implement an amnesty program beginning Nov. 1, 2022, through Jan. 31, 2023, for eligible debt submitted to the office for collection by OMV. "Eligible debt" is defined as delinquent debt that has become final that has been submitted by OMV to the office for collection, including all debts and all additional fees or accelerated amounts assessed in accordance with present law for violations of mandatory liability security requirements for motor vehicles.

Proposed law requires the office to notify each individual or business eligible for participation in the amnesty program of the amount of eligible debt that qualifies for participation in the program as well as the amnesty amount for that debt. Further requires the office to waive the amount of eligible debt that exceeds the amnesty amount for each person participating in the amnesty program when the office receives the amnesty amount from a person during the amnesty period.

Proposed law defines "amnesty amount" as delinquent debt that has become final and has been submitted by OMV to the office for collection and includes only the amount due for the original infraction imposed in accordance with present law for violations of mandatory liability security requirements for motor vehicles. "Amnesty amount" does not include additional fees or accelerated amounts assessed in accordance with present law for violations of mandatory liability security requirements for motor vehicles or the collection fee imposed by the office in accordance with present law.

Proposed law limits the amount an individual or business is required to pay during the amnesty period to the amount of the original infraction imposed pursuant to present law by OMV. Proposed law requires the office to issue notice to any individual or business receiving amnesty that the amnesty amount has been received by the office.

Proposed law requires amnesty amounts collected by the office to be forwarded to OMV and the individual's driving record to be cleared of any infraction satisfied pursuant to the amnesty program.

Proposed law prohibits the office from issuing refunds for payments or collection fees imposed pursuant to present law for debt that was collected or paid before or after the amnesty period.

Proposed law authorizes DOR to promulgate rules in accordance with Administrative Procedure Act as are necessary to implement the provisions of proposed law.

Proposed law authorizes DOR to retain from tax collections an amount equal to all fees waived by the office as a result of the amnesty program and an amount equal to all administrative costs associated with the administration of the amnesty program.

Proposed law authorizes amnesty program administration services and information technology services necessary to implement the amnesty program to be acquired using the emergency procurement process.

Effective July 1, 2022.

(Adds R.S. 47:1676.1)