

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 129

2022 Regular Session

Nelson

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

Synopsis of Senate Amendments

1. Makes technical corrections.
2. Provides that the proposed law fee may be assessed only once per summons.
3. Relative to an arrested person's failure to appear as a result of incarceration, provides that such failure to appear shall be a valid defense if the person provides evidence of incarceration to the court.
4. Adds requirements for certain information to be included in the notices from the Dept. of Public Safety and Corrections.

Digest of Bill as Finally Passed by Senate

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 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 changes 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 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 the department, the operator's license of the arrested person shall be renewed or reissued.

Proposed law changes 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. Provides that the \$100 fee may only be assessed once per summons.

Proposed law provides that failure to appear due to incarceration shall be a valid defense for a violation of proposed law if the person arrested provides evidence of incarceration to the court. Requires the license to be renewed and reissued without payment, all failure to appear payments waived, and any other flags reported to the department be resolved pursuant to present law.

Proposed law provides that all notices from the department shall include the following information:

- (1) The summons information that the individual failed to appear on.
- (2) The date of the failure to appear.
- (3) The contact information and name of the court where the person needs to appear.
- (4) An explanation that the person's license shall not be suspended if the person is financially unable to pay any fines, fees, or costs related to the ticket and resolution of the pending suspension only requires the person's appearance with the court.

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