

CONFERENCE COMMITTEE REPORT

HB 129

2022 Regular Session

Nelson

June 3, 2022

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 129 by Representative Nelson, recommend the following concerning the Reengrossed bill:

- 1. That Senate Committee Amendments Nos. 1 and 2 proposed by the Committee on Transportation, Highways and Public Works (#3534) be adopted.
- 2. That Senate Committee Amendment Nos. 3 and 4 proposed by the Committee on Transportation, Highways and Public Works (#3534) be rejected.
- 3. That the set of Legislative Bureau Amendments (#3698) be rejected.
- 4. That the following amendments to the Reengrossed bill be adopted:

AMENDMENT NO. 1

On page 2, line 22, after "Section." and before "Twelve" insert the following:

"This fee may only be assessed once per summons as described in Subsection A of this Section."

AMENDMENT NO. 2

On page 2, delete lines 27 through 29 and insert the following:

"D. The failure to appear due to incarceration shall be a valid defense for any violation of this Section, if the arrested person provides evidence of incarceration to the court pursuant to R.S. 15:714. The license shall be renewed and reissued without payment, all failure to appear payments waived, and any other flags reported to the Department of Public Safety and Corrections shall be resolved pursuant to statute.

E. All notices from the Department of Public Safety and Corrections described in Subsections A and B of this Section shall include the following information: the summons information that the person failed to appear on; the date of the failure to appear; and the contact information and name of the court where the person needs to appear."

Respectfully submitted,

Representative Richard James Nelson

Senator Patrick McMath

Representative Jason Hughes

Senator J. Rogers Pope

Representative Joseph A. Marino, III

Senator Mike Reese

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)]

CONFERENCE COMMITTEE REPORT DIGEST

HB 129

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Nelson

Keyword and oneliner of the instrument as it left the House

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

Report adopts Senate amendments to:

1. Provide that the proposed law fee may be assessed only once per summons.
2. Provide that a person's failure to appear as a result of incarceration shall be a valid defense if the person provides evidence of incarceration to the court.

Report rejects Senate amendments which would have:

1. Added a requirement for an explanation that a 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 required the person's appearance with the court.
2. Made technical corrections.

Report amends the bill to:

1. Make technical corrections.
2. Remove the requirement for an explanation that a 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.

Digest of the bill as proposed by the Conference Committee

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.

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