

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 389

2022 Regular Session

Reese

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

TAX/INCOME/PERSONAL. Provides relative to the suspension of driver's licenses for failure to pay taxes. (1/1/23)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Adds provision that a person shall not be arrested or imprisoned for operating a vehicle with a suspended license if the license was solely suspended due to a Dept. of Revenue final assessment or judgement.
2. Clarifies that the suspension provided for in present law is a suspension of driving privileges.
3. Reduces the minimum amount of a final assessment or judgement that is a condition for suspension of driving privileges or driver's license renewal from two thousand dollars to one thousand dollars.
4. Changes the repayment agreement between the individual and the Dept. of Revenue from a payment plan to an installment agreement.
5. Requires the Dept. of Revenue to promptly notify the office of motor vehicles upon payment or arrangement to pay and requires the individual's driving privileges be reinstated without additional action required of the individual.
6. Prohibits the office of motor vehicles from imposing a fee when reinstating an individual's driving privileges.
7. Authorizes the Dept. of Revenue to enter into an interagency agreement with the office of motor vehicles to reimburse the office of motor vehicles for the actual expenses associated with license suspensions and reinstatements.
8. Authorize the secretary of the Dept. of Revenue to, by rule, provide for suspension of driver's license privileges at higher thresholds of individual income tax due based on an individual's historical compliance with La. tax laws, the facts and circumstances relating to the unpaid tax liability, and authorize the acceptance of surety or other collateral in lieu of suspension of a driver's license.
9. Removes provision making proposed law effective upon signature of the governor and makes proposed law effective January 1, 2023.
10. Makes technical changes.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

SB 389 Engrossed

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Present law provides for the suspension and denial of renewing a driver's license if the Dept. of Revenue has a final and nonappealable assessment or judgment against an individual for the nonpayment of in excess of \$1,000 of individual income taxes, exclusive of penalty, interest, costs, and other charges.

Proposed law modifies present law by requiring the suspension of driving privileges be imposed and renewal of a driver's license be denied if all of the following conditions are met:

1. The Dept. of Revenue has a final and nonappealable assessment or judgment against an individual.
2. The amount of the final assessment or judgment is in excess of \$1,000 of individual income tax, exclusive of penalty, interest, costs, and other charges.
3. The individual has not paid the assessment or judgment.
4. The individual has not entered into an installment agreement with the Dept. of Revenue within 90 days of the date the assessment or judgment became final and nonappealable.

Present law requires the suspension and denial be effective until the individual has paid or made arrangements to pay the delinquent tax, interest, penalty, and all costs and the Dept. of Revenue notifies the Dept. of Public Safety and Corrections, office of motor vehicles, of the payment or arrangement to pay.

Proposed law requires the Dept. of Revenue promptly notify the office of motor vehicles upon payment or arrangement to pay and requires the individual's driving privileges be reinstated without additional action required of the individual.

Proposed law prohibits the office of motor vehicles from imposing a fee when reinstating an individual's driving privileges.

Proposed law authorizes the Dept. of Revenue to enter into an interagency agreement with the office of motor vehicles to reimburse the office of motor vehicles for the actual expenses associated with license suspensions and reinstatements.

Present law requires the secretary of the Dept. of Revenue, in cooperation with the secretary of the Dept. of Public Safety and Corrections, adopt and promulgate rules and regulations in accordance with the provisions of the Admin. Procedure Act to effectuate the orderly and expeditious suspension and denial of renewal and reissuance of drivers' licenses in accordance with the provisions of this present law.

Proposed law authorizes the secretary of the Dept. of Revenue to, by rule, provide for suspension of driver's license privileges at higher thresholds of individual income tax due based on an individual's historical compliance with La. tax laws, the facts and circumstances relating to the unpaid tax liability, and authorizes the acceptance of surety or other collateral in lieu of suspension of a driver's license.

Present law provides for fines and imprisonment if a person operates a vehicle with a suspended license. Proposed law provides that a person shall not be arrested or imprisoned for operating a vehicle with a suspended license if the license was solely suspended due to a Dept. of Revenue final assessment or judgement.

Effective January 1, 2023.

(Amends R.S. 32:414(R)(1) and 415(C)(1) and R.S. 47:296.2(A), (B), and (D))

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