

RÉSUMÉ DIGEST

ACT 701 (SB 389)

2022 Regular Session

Reese

Existing law provides for fines and imprisonment if a person operates a vehicle with a suspended license. New 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.

Prior law provided 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.

New law modifies prior law to require 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.

Existing law provides that 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.

New 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.

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

New 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.

Existing 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 existing law.

New 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.

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))