#### 2023 Regular Session

#### HOUSE BILL NO. 516

## BY REPRESENTATIVES KERNER, BEAULLIEU, WILFORD CARTER, CORMIER, DESHOTEL, EDMONSTON, FREIBERG, GADBERRY, GLOVER, HORTON, MIKE JOHNSON, LACOMBE, LARVADAIN, LYONS, MOORE, NEWELL, PIERRE, SELDERS, STEFANSKI, THOMAS, WHITE, AND WRIGHT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MOTOR VEHICLES: Provides for placement of a special identification sticker or decal on a motor vehicle operated by a person with autism spectrum disorder or their guardian

1	AN ACT
2	To amend and reenact R.S. 32:403.3 and R.S. 44:4.1(B)(19), relative to special identification
3	decals; to provide for persons with autism spectrum disorder or their guardian; to
4	provide for the creation of an autism spectrum disorder designation sticker or decal
5	for placement on the rear window of a vehicle; to provide awareness to officers that
6	there is a person with autism spectrum disorder in the vehicle; to provide for proof
7	of disability for the deaf and hard of hearing and persons with autism spectrum
8	disorder; to provide for an exception to the public records law; and to provide for
9	related matters.
10	Be it enacted by the Legislature of Louisiana:
11	Section 1. R.S. 32:403.3 is hereby amended and reenacted to read as follows:
12	§403.3. Identification stickers and decals; for the deaf and hard of hearing; license
13	label autism spectrum disorder
14	A. $(1)(a)$ The office of motor vehicles of the Department of Public Safety and
15	Corrections is hereby authorized to issue an identification sticker or decal, which
16	shall be the international symbol of deafness, at no cost for use by deaf and hard of
17	hearing persons who are granted a driver's license. Every $\underline{A}$ deaf or hard of hearing
18	person applying for a driver's license with or registration who wants an identification

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1	decal or sticker shall attach to the application a statement indicating a hearing loss
2	attested by one of the following: a medical physician, audiologist, or speech
3	pathologist proof as provided in Subsection C of this Section.

(b) The sticker or decal is to shall be offered at the time the driver's license
or a registration in compliance with R.S. 47:505 is issued and shall be prepared so
that it may at the option of the user be applied to the windshield and viewed from the
outside of the vehicle or on the license plate, or both in a space that does not interfere
with the visibility of the operator of the motor vehicle. The same sticker or decal
identifying the licensee as deaf or hard of hearing shall be offered and imprinted on
the back of the driver's license under the lamination.

11  $B_{-}(2)$  In addition to the identification sticker or decal provided for in 12 Subsection A of this Section this Subsection, the office of motor vehicles of the Department of Public Safety and Corrections shall create a flag code to be placed on 13 14 the registration of a motor vehicle which shall indicate that the driver of the vehicle 15 is deaf or hard of hearing. Upon the initial application for or renewal of the 16 registration of a motor vehicle, the flag will shall be placed on the registration at the 17 driver's request at no additional cost, provided he produces a statement indicating a 18 hearing loss attested by one of the following: a medical physician, audiologist, or 19 speech pathologist proof as provided in Subsection C of this Section.

20 B.(1)(a) The office of motor vehicles of the Department of Public Safety and 21 Corrections is hereby authorized to issue an identification sticker or decal which 22 shall be the awareness symbol for autism spectrum disorder at no cost for use by 23 persons with autism spectrum disorder who have obtained the autism spectrum 24 disorder designation in accordance with R.S. 32:412(P) or a parent, legal guardian, 25 or other caregiver of such a person. A person with autism spectrum disorder 26 applying for a driver's license or registration who wants an autism spectrum disorder 27 sticker or decal shall attach to the application proof as provided in Subsection C of 28 this Section.

1	(b) A parent, legal guardian, or other caregiver of a person with autism
2	spectrum disorder applying for a driver's license or registration who wants an autism
3	spectrum disorder sticker or decal shall attach to the application proof of the
4	diagnosis of the person in his care as provided in Subsection C of this Section and
5	sufficient documentation of the relationship to the person.
6	(c) The sticker or decal shall be offered at the time the driver's license or a
7	registration in compliance with R.S. 47:505 is issued and shall be prepared so that
8	it may at the option of the user be applied to the windshield and viewed from the
9	outside of the vehicle or on the license plate, or both in a space that does not interfere
10	with the visibility of the operator of the motor vehicle.
11	(2) In addition to the identification sticker or decal provided for in this
12	Subsection, the office of motor vehicles of the Department of Public Safety and
13	Corrections shall create a flag code to be placed on the registration of a motor
14	vehicle which shall indicate that the driver of the vehicle has an autism spectrum
15	disorder or is the parent, legal guardian, or caregiver of a person with an autism
16	spectrum disorder. Upon the initial application for or renewal of the registration of
17	a motor vehicle, the flag shall be placed on the registration at the driver's request at
18	no additional cost, provided he produces proof as required by this Subsection.
19	$\underline{C.(1)}$ In order to receive the appropriate sticker or decal or to have a flag or
20	code placed on the registration record, the applicant shall attach to his application a
21	statement which contains proof indicating the applicant's disability attested by one
22	of the following: a physician, audiologist, speech pathologist, mental health
23	professional, or occupational therapist.
24	(2) The office of motor vehicles shall deny the application if the person fails
25	to provide the requisite documentation at the time of application.
26	D. All documentation submitted pursuant to this Section by an applicant
27	shall be confidential and not subject to disclosure pursuant to the Public Records
28	Law, R.S. 44:1 et seq. Any person seeking the documentation submitted pursuant

1	to this Section shall obtain a court order after a contradictory hearing against the
2	applicant.
3	$\underline{E}$ . The secretary shall adopt rules and regulations in accordance with the
4	Administrative Procedure Act as are necessary to implement the provisions of this
5	Subsection Section.
6	Section 2. R.S. 44:4.1(B)(19) is hereby amended and reenacted to read as follows:
7	§4.1. Exceptions
8	* * *
9	B. The legislature further recognizes that there exist exceptions, exemptions,
10	and limitations to the laws pertaining to public records throughout the revised
11	statutes and codes of this state. Therefore, the following exceptions, exemptions, and
12	limitations are hereby continued in effect by incorporation into this Chapter by
13	citation:
14	* * *
15	(19) R.S. 32:398, <u>403.3</u> , 707.2, 1254
16	* * *

## 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)]

## HB 516 Reengrossed2023 Regular SessionKerner

**Abstract:** Authorizes the use of special identification stickers, decals, and a flag on the vehicle registration of persons with autism spectrum disorder and their caregivers to inform law enforcement that there may be a person with the disorder in the vehicle.

<u>Present law</u> (R.S. 32:403.3) authorizes the office of motor vehicles within the Dept. of Public Safety and Corrections (the office) to issue identification stickers or decals to the deaf and hard of hearing and to place a flag code on the person's vehicle registration upon presentation of a statement indicating a hearing loss attested by a physician, audiologist, or speech pathologist. Further provides that the sticker or decal shall be offered and imprinted on the back of the driver's license under lamination.

<u>Proposed law</u> retains <u>present law</u>, except to remove the requirement that the sticker or decal shall be offered and imprinted on the back of the driver's license under lamination.

<u>Proposed law</u> further requires that if the user applies the sticker or decal to the windshield or license plate, it shall be placed in a space that does not interfere with the visibility of the vehicle operator.

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<u>Present law</u> (R.S. 32:412(P)) provides that upon request of an applicant for a driver's license, a designation that the applicant has autism spectrum disorder shall be exhibited on the driver's license upon presentation of a statement from a qualified medical or mental health professional.

<u>Proposed law</u> retains <u>present law</u> and further authorizes the office to issue identification stickers or decals for a person who has obtained the autism spectrum disorder designation in accordance with <u>present law</u> or his parent, legal guardian, or other caregiver and to place a flag code on such person's vehicle registration upon presentation of a statement indicating the disability of the person with autism spectrum disorder attested by a physician, mental health professional, or occupational therapist.

<u>Proposed law</u> provides that the documentation submitted as proof that an individual is deaf, hard of hearing, or diagnosed with autism spectrum disorder is not subject to disclosure pursuant to the Public Records Law and any person seeking such documentation shall obtain a court order after a contradictory hearing against the applicant.

(Amends R.S. 32:403.3 and R.S. 44:4.1(B)(19))

# Summary of Amendments Adopted by House

- The Committee Amendments Proposed by <u>House Committee on Transportation</u>, <u>Highways and Public Works</u> to the <u>original</u> bill:
- 1. Make technical changes.
- 2. Change "a person with autism spectrum disorder" to "persons with autism spectrum disorder who have obtained the autism spectrum disorder designation" in accordance with present law.
- 3. Add a provision requiring proof, at the time of application, of the disorder for which the sticker or decal is requested.
- 4. Add an exception for documentation provided to the office of motor vehicles from public records law.
- 5. Add a provision that provides medical requirements for obtaining a driver's license identification decal or sticker.
- The Committee Amendments Proposed by <u>House Committee on House and</u> <u>Governmental Affairs</u> to the <u>engrossed</u> bill:
- 1. Change "court-appointed guardian" to "parent, legal guardian, or other caregiver".
- 2. Make technical changes.