

Regular Session, 2014

HOUSE BILL NO. 851

BY REPRESENTATIVE TALBOT

MTR VEHICLE/COMPULS INS: Increases penalties for driving with a cancelled auto liability policy

1 AN ACT

2 To amend and reenact R.S. 32:862(G)(4), 863(A)(1), (3)(a), and (B)(2)(b), 863.1(I)(3), 864,
3 and 865(A) and (B)(1), relative to the penalties for operating a motor vehicle
4 without the required motor vehicle liability security; to increase penalties for failing
5 to provide required proof of compliance; to require suspension, revocation, and
6 cancellation of driver's license and registration for violations; to remove limits on the
7 maximum amount of penalties and reinstatement fees that are assessed; to increase
8 the administrative reinstatement fee; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 32:862(G)(4), 863(A)(1), (3)(a), and (B)(2)(b), 863.1(I)(3), 864, and
11 865(A) and (B)(1) are hereby amended and reenacted to read as follows:

12 §862. Proof of compliance

13 * * *

14 G. The prohibited actions and penalties for violations thereof are as follows:

15 * * *

16 (4) Whoever violates the provisions of this Subsection shall be fined not less
17 than five hundred dollars nor more than one thousand dollars and shall be required
18 to perform not less than forty hours nor more than two hundred hours of community
19 service.

20 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 §863. Sanctions for false declaration; reinstatement fees; revocation of registration;
2 review

3 A.(1) Except as provided herein below, when the secretary determines that
4 a vehicle is not covered by security as required by this Chapter or that the owner or
5 lessee has allowed the required security to lapse, he shall revoke the registration of
6 the vehicle, and impound or cancel the vehicle's license plate.

7 * * *

8 (3)(a) Sanctions for a violation of Paragraph (1) of this Subsection shall be
9 imposed until proof of required liability security is provided to the secretary and all
10 reinstatement fees are paid. Sanctions for a violation of Paragraph (2) of this
11 Subsection shall be imposed for a period of not less than ~~six~~ twelve months nor more
12 than eighteen months. However, in no event shall these sanctions be removed until
13 such time as proof of the required security is provided to the secretary along with all
14 appropriate fees required by law, including a reinstatement fee of ~~twenty-five~~ one
15 hundred dollars per violation of Paragraph (1) of this Subsection if the vehicle was
16 not covered by the required security for a period of one to thirty days, ~~one~~ two
17 hundred fifty dollars if the vehicle was not covered by required security for a period
18 of thirty-one to ninety days, and ~~two~~ five hundred dollars if the vehicle was not
19 covered by required security for a period in excess of ninety days. No reinstatement
20 fee shall be imposed by the secretary if the vehicle was not covered by required
21 security for a period of ten days or less and the insured surrenders the vehicle's
22 license plate to the secretary within ten days. The reinstatement fees for violations
23 of Paragraph (2) of this Subsection shall be as follows: ~~twenty-five~~ two hundred fifty
24 dollars for a first violation, ~~one~~ five hundred dollars for a second violation, and ~~two~~
25 hundred one thousand dollars for a third or subsequent violation, ~~provided the~~
26 ~~offenses occurred within a five-year period.~~ The reinstatement fee shall not be owed
27 for an alleged violation of Paragraph (2) of this Subsection when proof of the
28 required security is provided to the secretary. ~~If at the time of reinstatement a person~~
29 ~~has multiple violations, the total amount of fees to be paid shall not exceed five~~

1 ~~hundred dollars, including any administrative fees for persons under sixty-five years~~
2 ~~old. At no time shall the total amount of fees, including any administrative fees,~~
3 ~~exceed two hundred dollars for persons sixty-five years or older.~~

4 * * *

5 B. The sanctions of Paragraph (A)(1) of this Section shall not be imposed,
6 and any fine, fee, or other monetary sanction which has been remitted to the
7 secretary pursuant to the sanctions of this Section, specifically including any
8 reinstatement fee paid pursuant to Paragraph (A)(3) of this Section and any fee paid
9 pursuant to Paragraph (D)(5) of this Section, shall be promptly refunded by the
10 secretary to the person who paid it, if the owner or lessee furnishes any of the
11 following:

12 * * *

13 (2) If such evidence is not furnished by the owner or lessee, any other
14 evidence satisfactory to the secretary, that each of the following conditions are met:

15 * * *

16 (b) The vehicle is currently covered by security as required by R.S. 32:861
17 and that the required security has been continuous without lapse.

18 * * *

19 §863.1. Evidence of compulsory motor vehicle liability security contained in
20 vehicle; enforcement; penalty; fees

21 * * *

22 I.

23 * * *

24 (3) If the owner fails to provide the proof required in Paragraph (2) of this
25 Subsection, there shall be a fine of ~~fifty~~ one hundred dollars for a first offense, a fine
26 of ~~one~~ two hundred fifty dollars for a second offense, and a fine of five hundred
27 dollars for any subsequent offense.

28 * * *

1 §864. Criminal sanctions for false declaration

2 Any person, firm, or corporation which violates R.S. 32:863(A)(2) shall be
3 guilty of a misdemeanor and upon conviction shall be fined not ~~more~~ less than ~~one~~
4 five hundred twenty-five dollars nor more than one thousand dollars or imprisoned
5 for a period of not more than thirty days.

6 §865. Criminal sanctions for operating motor vehicle not covered by security

7 A. Any person knowingly operating a motor vehicle and any owner allowing
8 a motor vehicle to be operated, when such motor vehicle is not covered by the
9 security required under R.S. 32:861 shall, upon conviction, be fined not ~~more~~ less
10 than five hundred dollars nor more than one thousand dollars.

11 B.(1) If the vehicle is in any manner involved in an accident within this state,
12 when such motor vehicle is not covered by the security required under R.S. 32:861,
13 the owner thereof shall, upon conviction, be fined not ~~more~~ less than five hundred
14 dollars nor more than one thousand dollars, shall have the registration of the vehicle
15 revoked for a period of ~~sixty~~ one hundred eighty days, and shall have his driving
16 privileges suspended for a period of ~~sixty~~ one hundred eighty days.

17 * * *

18 Section 2. This Act shall become effective on February 1, 2015.

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)]

Talbot HB No. 851

Abstract: Increases penalties for operating a vehicle without the required liability insurance.

Present law requires a fine not to exceed \$1,000 for violation of the Motor Vehicle Safety Responsibility law.

Proposed law retains present law and additionally requires a minimum fine of \$500.

Present law provides that the Dept. of Public Safety and Corrections (DPS&C) may suspend, revoke, or cancel the driver's license of a driver who violates the Motor Vehicle Safety Responsibility law.

Present law requires that DPS&C revoke the registration, impound, or cancel the vehicle license plate of a vehicle not covered by security as required by the Motor Vehicle Safety Responsibility law.

Proposed law requires that DPS&C revoke the registration, and impound the vehicle, or cancel the vehicle license plate of a vehicle not covered by security as required by the Motor Vehicle Safety Responsibility law.

Present law requires that DPS&C revoke the registration, impound the vehicle, and cancel the vehicle license plate of a vehicle for period of not less than 6 months nor longer than 18 months when the owner submitted false information that the vehicle was covered by the required security in his application for registration or in his application for inspection.

Proposed law retains present law but requires that DPS&C revoke the registration, impound the vehicle, and cancel the vehicle license plate of a vehicle for a period of not less than 12 months.

Present law requires that DPS&C impose a reinstatement fee of \$25 if a vehicle was not covered by the required security for a period of 1 to 31 days, a fee of \$100 for a period of 31 to 90 days, and a fee of \$200 for a period in excess of 90 days.

Proposed law increases the required reinstatement fee to \$100 if a vehicle was not covered by the required security for a period of 1 to 31 days, to \$250 for a period of 31 to 90 days, and to \$500 for a period in excess of 90 days.

Present law requires that DPS&C impose a reinstatement fee of \$25 if a vehicle was not covered by the required security for a period of 1 to 31 days, a fee of \$100 for a period of 31 to 90 days, and a fee of \$200 for a period in excess of 90 days when the registration has been revoked because the owner submitted false information that the vehicle was covered by the required security in his application for registration or in his application for inspection.

Proposed law increases the required reinstatement fee to \$250 if a vehicle was not covered by the required security for a period of 1 to 31 days, to \$500 for a period of 31 to 90 days, and to \$1,000 for a period in excess of 90 days.

Present law provides that if a person has multiple violations at the time of reinstatement, the total amount of fees shall not exceed \$500 for a person under 65 years old, and \$200 for a person 65 years or older.

Proposed law removes the maximum amount of fees that can be owed by any person at the time of reinstatement.

Present law provides that DPS&C shall waive the sanctions and reinstatement fees for failure to maintain the required security when the owner furnishes evidence to DPS&C that the vehicle is currently covered by the required security.

Proposed law retains present law but requires that the required security have been continuous without lapse.

Present law requires a fine of \$50 for a first offense and a fine of \$150 for a second offense when the operator of a vehicle registered in another state is involved in an accident in La. and is unable to provide documentation that the vehicle is in compliance with the Motor Vehicle Safety Responsibility law.

Proposed law increases the fine to \$100 for a first offense and to \$250 for a second offense.

Present law requires a fine of not more than \$125 for the submission of false information that a vehicle was covered by the required security in an application for registration or an application for inspection.

Proposed law retains present law but requires a minimum fine of \$500 and a maximum fine of \$1,000.

Present law requires a fine of not more than \$500 for knowingly operating a vehicle or allowing to be operated without the required security.

Proposed law retains present law but requires a minimum fine of \$500 and a maximum fine of \$1,000.

Present law requires a fine of not more than \$500, revocation of vehicle registration for 60 days, and suspension of driving privileges for 60 days imposed upon the owner of a vehicle involved in an accident in La. when not covered by the required security.

Proposed law retains present law but requires a minimum fine of \$500 and a maximum fine of \$1,000, increases the revocation of the vehicle registration to 180 days, and suspension of driving privileges to 180 days.

Effective February 1, 2015.

(Amends R.S. 32:862(G)(4), 863(A)(1), (3)(a), and (B)(2)(b), 863.1(I)(3), 864, and 865(A) and (B)(1))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill.

1. Made technical changes.
2. Removed increases in the reinstatement fee.
3. Removed changes to the notification of cancellation or issuance of security and penalties.
4. Added the effective date of Feb. 1, 2015.