

HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 1020 by Representative Harrison

MTR VEHICLE/DRIVER LIC: Authorizes removal of license plates on motor vehicles driven by persons with suspended or revoked driver's licenses

Synopsis of Senate Amendments

1. Made technical changes.
2. Changed the time period for which the office of motor vehicles is required to store any license plate removed from seven business days to 10 business days.
3. Changed the time period in which an operator of a motor vehicle who has a revoked or suspended driver's license has to comply with all laws and regulations, including payments of fees and penalties due, to have his driving privileges reinstated from seven business days to 10 business days. If the operator does not or cannot comply with the 10 business days of the receipt of the notice of driver's license suspension or revocation, the office of motor vehicles shall destroy the seized license plate.
4. Changed the time period in which an operator has to prove his driver's license was not suspended or revoked at the time of the offense in order to not pay a reinstatement fee from seven business days to 10 business days.
5. Changed the time period for which a temporary sticker shall be valid from seven days to 10 business days. After the expiration of the 10-day period, the vehicle shall not be operated until the motor vehicle is registered.

Digest of Bill as Finally Passed by Senate

Proposed law provides that if the law enforcement officer determines that an operator's driving privileges are suspended or revoked, and the vehicle is registered in the state in the name of the operator, the officer must remove the license plate from the vehicle and the operator of the vehicle must be issued a notice of suspension or revocation of his driving privileges on a form to be provided by the department.

Proposed law requires that a copy of the notice of suspension or revocation of driving privileges be attached to the motor vehicle license plate and requires that both the notice and license plate be delivered to the local office of motor vehicles within three calendar days of notice. Thereafter requires the department to revoke the registration of such motor vehicle after verifying that the operator of the motor vehicle is the registered owner of the vehicle. Also requires the office of motor vehicles to store any license plate removed pursuant to proposed law at the office to which it was delivered for 10 calendar days after receipt.

Proposed law provides that the notice of suspension or revocation of driving privileges serves as notice of judicial review rights. Specifies that any action for judicial review of the suspension or revocation of driving privileges must be in the same manner and under the same conditions as present law.

Proposed law provides a 10-day period, from the notice, to comply with the law, including the payment of fees and penalties. Specifies that if the operator fails to comply within 10 business days of the receipt of the notice of driver's license suspension or revocation, the office of motor vehicles shall destroy the plate.

Proposed law requires the department to investigate an allegation made by the vehicle operator that the removal of the vehicle's license plate and the suspension or revocation of his driving privileges will deprive him or his family of the necessities of life or prevent them from earning a livelihood. Further provides that if the department finds that the allegation is valid, it may issue a hardship license plate to be placed on the motor vehicle. Proposed law gives the office of motor vehicles the authority to establish rules and regulations necessary to implement the provisions of this Section.

Proposed law provides that if the operator cannot prove that he was lawfully operating a motor vehicle within 10 days of the offense then he is required to pay a \$10 reinstatement fee to the Dept. of Public Safety and Corrections (DPS&C) to offset the costs of administering proposed law. Specifies the reinstatement fee shall be in addition to any other reinstatement requirements imposed for each pending suspension or revocation on the operator's driving record at the time of reinstatement.

Proposed law provides that if the operator and owner of the vehicle was properly licensed in this state at the time notice was issued, any valid license plate shall be returned within 48 hours and at no cost to the owner.

Proposed law requires the issuance of a temporary sticker, denoting its use in lieu of an official license plate, to be attached to the rear end of the motor vehicle. Requires that the sticker bear the date upon which it was issued in written or stamped numerals not less than three inches in height. Specifies that the temporary sticker is valid for a period of 10 days for an operator with a valid driver license to operate the vehicle on public streets and highways. After the expiration of the 10-day period, the vehicle shall not be operated on the public streets and highways until the vehicle is registered. Specifies that this does not prohibit the sale, transfer, or other reassignment of the vehicle, except that if the department determines the transfer was done to avoid compliance with the requirements of this Section.

Proposed law authorizes the DPS&C, public safety services, to promulgate rules and regulations for implementation of proposed law, to include rules on the destruction of license plates. Specifies that once the department has published the notice of intent to adopt permanent rules in the La. Register, and the period for public comment has expired, the department is authorized to adopt the proposed rule as an emergency rule to expedite enforcement.

Proposed law provides that nothing in proposed law shall be construed as authorizing any action under proposed law if the operator is not also the registered owner of the vehicle as is reflected in the vehicle registration records.

(Adds R.S. 32:415.2)