

2015 Regular Session

HOUSE BILL NO. 499

BY REPRESENTATIVES HILL, ARMES, BADON, BILLIOT, WESLEY BISHOP, BOUIE, HENRY BURNS, BURRELL, CARTER, CONNICK, FOIL, GAINES, GUINN, HENSGENS, HOWARD, HUNTER, JAMES, JEFFERSON, MIKE JOHNSON, MORENO, PRICE, RICHARD, SMITH, ST. GERMAIN, AND WOODRUFF

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

TRANSPORTATION: Provides relative to state identification for certain offenders upon release from a correctional facility

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AN ACT

To enact R.S. 32:415.3, relative to driver's licenses issued to certain persons upon release from incarceration; to require the issuance of a provisional Class "E" driver's license to certain persons upon their release from incarceration; to provide for exceptions; to provide that payment of certain fees, fines, and penalties be deferred; to provide for revocation of a provisional Class "E" driver's license under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:415.3 is hereby enacted to read as follows:

§415.3. Ex-offender provisional driver's license

A.(1) Notwithstanding any provision of law to the contrary, the department shall issue a provisional Class "E" driver's license to a person who is released from incarceration after serving a minimum of one year and whose Class "E" driver's license will be or is suspended, revoked, or cancelled for any reason upon his release. The license issued pursuant to this Section shall be valid for one year from the date of issuance.

1 (2) The provisions of this Section shall apply only to Class "E" driver's
2 licenses and shall not apply to any other class of driver's licenses.

3 (3) The provisions of this Section shall not apply in the following
4 circumstances:

5 (a) When a person's Class "E" driver's license has been suspended, revoked,
6 or cancelled pursuant to a report of conviction received pursuant to Article III of the
7 Driver License Compact.

8 (b) When a person was imprisoned for vehicular homicide, a third or
9 subsequent violation of R.S. 14:98, 98.3, 98.4, or a third or subsequent violation of
10 any other law or ordinance that prohibits operating a vehicle while intoxicated.

11 (4) A person may be issued only one provisional Class "E" driver's license
12 in his lifetime pursuant to this Section.

13 B. A provisional Class "E" driver's license shall be issued pursuant to this
14 Section upon the submission of proof of release from incarceration for a violation not
15 included in Paragraph (A)(3) of this Section and the collection of the standard fees
16 and handling charges for the issuance of driver's licenses as required by R.S. 32:412
17 and 412.1. The department shall defer payment of all other fees, penalties, and
18 charges authorized by this Title that are incurred prior to or during the term of
19 incarceration and owed by the applicant to the department.

20 C.(1) The holder of a provisional license issued pursuant to this Section shall
21 have one year from the date of issuance to clear his driving record of any
22 suspensions, revocations, or cancellations so that he may be eligible for a regular
23 Class "E" driver's license.

24 (2) The holder of a provisional license issued pursuant to this Section and all
25 state entities or political subdivisions to whom such holder may owe an obligation
26 or debt shall notify the department upon satisfaction of such obligation or debt.

27 (3) If the holder of a provisional license issued pursuant to this Section
28 qualifies for full and unrestricted Class "E" driving privileges at the end of the term
29 of the provisional license, the department shall issue the holder a Class "E" driver's

1 license upon the collection of the standard fees and handling charges for the issuance
2 of the driver's license as required by R.S. 32:412 and 412.1. The department shall
3 collect all other fees, penalties, and charges authorized by this Title that are incurred
4 prior to or during the applicant's incarceration and owed by the applicant to the
5 department prior to the issuance of a Class "E" driver's license pursuant to this
6 Paragraph.

7 (4) The department shall reimpose all suspensions, revocations, or
8 cancellations of driving privileges for the balance of any suspension, revocation, or
9 cancellation period after the expiration of the one-year provisional driver's license
10 if the holder has not come into compliance with requirements of this Title within one
11 year following the issuance of such provisional license. Additionally, at that time,
12 any block on the issuance of a driver's license shall be reset if the holder of a
13 provisional driver's license issued pursuant to this Section has not come into full
14 compliance with the requirements of this Title.

15 D.(1) The department may revoke the provisional license issued pursuant to
16 this Section if the holder commits any of the following:

17 (a) A new offense.

18 (b) An act or omission that causes the community supervision, mandatory
19 supervision, or parole of the holder of a provisional license to be revoked.

20 (2) A probation or parole department or division shall notify the department
21 if the community supervision of the holder of a provisional license is revoked.

22 (3) A court shall notify the department if the holder of the provisional license
23 is charged with a new offense.

24 (4) If the department revokes a provisional license pursuant to this Section,
25 the holder shall not be entitled to receive another provisional license.

26 E. The department may promulgate rules and regulations in accordance with
27 the Administrative Procedure Act as necessary to implement this Section, including
28 but not limited to eligibility criteria for a provisional license, proof of insurance, and
29 proof of employment, if applicable.

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 499 Reengrossed

2015 Regular Session

Hill

Abstract: Provides for the issuance of a provisional one year Class "E" driver's license to a person released from incarceration with suspended, revoked, or cancelled driving privileges. Provides for exceptions.

Present law provides for the suspension, revocation, or cancellation of a Class "E" driver's license for specific reasons.

Present law provides that a person whose Class "E" driver's license is suspended, revoked, or cancelled can apply for hardship or restricted Class "E" driver's license in certain circumstances if the applicant meets certain requirements.

Proposed law retains present law.

Proposed law requires the driver's license division of the Dept. of Public Safety and Corrections (department) to issue a provisional Class "E" driver's license to a person who is released from incarceration after serving a minimum of one year and whose Class "E" driver's license will be or is suspended, revoked, or cancelled for any reason upon his release.

Proposed law provides that the license issued pursuant to proposed law shall be valid for one year from the date of issuance.

Proposed law prohibits any person whose Class "E" driver's license has been suspended, revoked, or cancelled pursuant to a report of a conviction received pursuant to Article III of the Driver License Compact or to a person who was imprisoned for vehicular homicide, a third or subsequent violation of criminal provisions governing operating a vehicle while intoxicated, operating a vehicle while under suspension for certain prior offenses, or operating while intoxicated; fourth offense, or a third or subsequent violation of any other law or ordinance that prohibits operating a vehicle while intoxicated from receiving a provisional license pursuant to proposed law.

Proposed law specifies that a provisional Class "E" driver's license shall be issued pursuant to proposed law upon the submission of proof of release from incarceration and the standard fees and handling charges for the issuance of driver's licenses.

Proposed law specifies that all other fees, penalties, and charges authorized by present law that are incurred prior to or during the term of incarceration and owed by the applicant to the department shall be deferred at the time of the issuance of a provisional Class "E" driver's license issued pursuant to proposed law.

Proposed law provides that the holder of a provisional license issued pursuant to proposed law shall have one year from the date of issuance of the provisional license to clear his driving record of any suspensions, revocations, or cancellations so that he may be eligible for a regular Class "E" driver's license.

Proposed law provides that the holder of a provisional license issued pursuant to proposed law and all state entities or political subdivisions to whom such holder may owe an obligation or debt shall notify the department upon satisfaction of such obligations or debt.

Proposed law provides that if the holder of a provisional license issued pursuant to proposed law qualifies for full and unrestricted Class "E" driving privileges at the end of the term of the provisional license issued pursuant to proposed law, the department shall issue the holder a Class "E" driver's license upon the collection of the standard fees and handling charges for the issuance of the driver's license.

Proposed law provides all other fees, penalties, and charges authorized by present law that are incurred prior to or during the term of incarceration of the applicant and owed by the applicant to the department shall be collected prior to the issuance of a Class "E" driver's license pursuant to proposed law.

Proposed law authorizes the department to revoke the provisional license issued pursuant to proposed law if the holder commits certain new offenses or acts or omissions that cause the holder to have his community supervision, mandatory supervision, or parole to be revoked.

Proposed law provides that if the department revokes a provisional Class "E" driver's license pursuant to proposed law such person shall not be entitled to receive another provisional license in his lifetime.

Proposed law authorizes the department to promulgate rules and regulations in accordance with the Administrative Procedure Act as necessary to implement proposed law, including but not limited to eligibility criteria for a provisional license, proof of insurance, and proof of employment, if applicable.

Proposed law requires the department to reimpose all suspensions, revocations, or cancellations of driving privileges for the balance of any suspension, revocation, or cancellation period after the expiration of the one-year provisional driver's license provided for in proposed law if the holder has not come into compliance with requirements of present law within one year following the issuance of such provisional license. Also provides, that at that time, the department shall reset any block on the issuance a driver's license if the holder of a provisional driver's license issued pursuant to proposed law has not come into full compliance with the requirements of present law.

(Adds R.S. 32:415.3)

Summary of Amendments Adopted by House

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

1. Modify a provision to specify that all other fees, penalties, and charges authorized by present law that are incurred prior to or during the term of incarceration of the applicant and owed by the applicant to the department shall be deferred, rather than waived, at the time of the issuance of a provisional Class "E" driver's license pursuant to proposed law.
2. Add a provision that clarifies that all other fees, penalties, and charges authorized by present law that are incurred prior to or during the term of incarceration of the applicant and owed by the applicant to the department shall be collected, rather than waived, prior to the issuance of a Class "E" driver's license pursuant to proposed law.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.

2. Require the department to reimpose all suspensions, revocations, or cancellations of driving privileges for the balance of any suspension, revocation, or cancellation period after the expiration of the one-year provisional driver's license provided for in proposed law if the holder has not come into compliance with requirements of present law within one year following the issuance of such provisional license. Also provide that at that time, the department shall reset any block on the issuance of a driver's license if the holder of a provisional driver's license issued pursuant to proposed law has not come into full compliance with the requirements of present law.