

SENATE COMMITTEE AMENDMENTS

2015 Regular Session

Amendments proposed by Senate Committee on Finance to Reengrossed House Bill No. 638 by Representative Ivey

1 AMENDMENT NO. 1

2 On page 1, line 2, after "reenact" delete the remainder of the line and insert "R.S.  
3 32:863(A)(3)(a) and (B)(Introductory Paragraph), 863.1(C)(1)(b), R.S. 40:1322(B), and  
4 R.S. 49:316.1 and to enact R.S. 32:8 and 57.1(C), relative to state agencies; to"

5 AMENDMENT NO. 2

6 On page 1, line 5, between "payments;" and "and to" insert "to provide for debt owed to  
7 certain state agencies;"

8 AMENDMENT NO. 3

9 On page 1, between lines 6 and 7, insert the following:

10 "Section 1. R.S. 32:863(A)(3)(a) and (B)(Introductory Paragraph), and  
11 863.1(C)(1)(b) are hereby amended and reenacted and R.S. 32:8 and 57.1(C) are hereby  
12 enacted to read as follows:

13 §32.8. Final delinquent debt; office of motor vehicles

14 A. For purposes of this Section, the following words shall have the following  
15 meanings unless the context clearly indicates otherwise:

16 (1) "Debt" means any legally collectible liquidated sum due and owed to the  
17 Department of Public Safety and Corrections, office of motor vehicles pursuant to  
18 R.S. 32:57.1, R.S. 32:863 and R.S. 32:863.1.

19 (2) "Delinquent debt" means a debt that is sixty days or more past due.

20 (3) "Final" means the amount due is no longer negotiable and that the debtor  
21 has no further right of administrative and judicial review.

22 (4) "Office of motor vehicles" means the Department of Public Safety and  
23 Corrections, office of motor vehicles.

24 B. The office of motor vehicles shall refer all final delinquent debts to the  
25 office of debt recovery as provided in R.S. 47:1676. Final delinquent debt referrals  
26 shall include data and information in the required format necessary to institute  
27 collection procedures. All delinquent debts shall be authenticated by the office of  
28 motor vehicles prior to being referred to the office of debt recovery. Once the  
29 delinquent debt becomes final, and prior to referral to the office of debt recovery,  
30 the office of motor vehicles shall notify the debtor in writing that failure to pay the  
31 debt in full within sixty days shall subject the debt to the maximum amount owed  
32 together with the additional fee collected by the office of debt recovery provided for  
33 in R.S. 47:1676. Provided that all funds collected pursuant to the provisions of this  
34 Act shall be deposited into the Debt Recovery Fund and utilized for the office of  
35 state police in the amount of twenty-five million dollars.

36 C. The office of motor vehicles may promulgate rules and regulations in  
37 accordance with the Administrative Procedure Act necessary to implement the  
38 provisions of this Section, including rules for referring final delinquent debt.

39 \* \* \*

40 §57.1. Failure to honor written promise to appear; penalty; disposition of fines

41 \* \* \*

42 C. If after sixty calendar days from the date of the notification issued by the  
43 Department of Public Safety and Corrections as required in Subsection A of this  
44 Section the arrested person has failed to comply, the fees provided for in this Section  
45 shall be considered final delinquent debt.

46 \* \* \*

47 §863. Sanctions for false declaration; reinstatement fees; revocation of registration;  
48 review  
49 A.

\* \* \*

(3)(a) Sanctions for a violation of Paragraph (1) of this Subsection shall be imposed until proof of required liability security is provided to the secretary and all reinstatement fees are paid. Sanctions for a violation of Paragraph (2) of this Subsection shall be imposed for a period of not less than twelve months nor more than eighteen months. However, in no event shall these sanctions be removed until such time as proof of the required security is provided to the secretary along with all appropriate fees required by law, including a reinstatement fee of one hundred dollars per violation of Paragraph (1) of this Subsection if the vehicle was not covered by the required security for a period of one to thirty days, two hundred fifty dollars if the vehicle was not covered by required security for a period of thirty-one to ninety days, and five hundred dollars if the vehicle was not covered by required security for a period in excess of ninety days. No reinstatement fee shall be imposed by the secretary if the vehicle was not covered by required security for a period of ten days or less and the insured surrenders the vehicle's license plate to the secretary within ten days. The reinstatement fees for violations of Paragraph (2) of this Subsection shall be as follows: two hundred fifty dollars for a first violation, five hundred dollars for a second violation, and one thousand dollars for a third or subsequent violation. The reinstatement fee shall not be owed for an alleged violation of Paragraph (2) of this Subsection when proof of the required security is provided to the secretary within sixty days of the date of the notice. If at the time of reinstatement, a person has multiple violations and is within sixty days of the notice, the total amount of fees to be paid shall not exceed eight hundred fifty dollars, for violations of Paragraph (1) of this Subsection, one thousand seventy-five dollars for violations of Paragraph (2) of this Subsection. At no time shall the total amount of fees, including administrative fees, exceed two hundred fifty dollars for persons sixty-five years or older. After sixty days of the date of the notice, all fees shall be considered final delinquent debt and therefore owed, and the eight hundred fifty dollar limit for persons under sixty-five years shall no longer apply.

\* \* \*

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

\* \* \*

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

\* \* \*

C.(1)

\* \* \*

(b) The owner of the vehicle shall have three calendar days, excluding Saturdays, Sundays, and legal holidays, from the date that the notice of noncompliance was issued to present to the office of motor vehicles proof of insurance coverage or security in effect at the time of the issuance of the notice of noncompliance. If the vehicle was properly insured at the time the notice was issued, any valid license plate shall be returned within forty-eight hours, exclusive of legal holidays, to the owner of the vehicle at no cost to the owner. However, if, within sixty days from the date the notice of noncompliance is issued, the owner fails to provide proof of the fact that the vehicle was properly insured at the time the notice of noncompliance was issued, the chief administrative officer of the office of motor vehicles shall destroy, or shall cause to be destroyed, the license plate removed from that owner's vehicle and shall notify the secretary that the owner of the vehicle is not in compliance with the compulsory liability law. Upon receipt of such notification, the secretary shall revoke the registration of such vehicle. Sixty days after the date of issuance of the notice of noncompliance, the fees imposed in this Section shall be owed even if the owner subsequently provides proof the motor vehicle was insured and all such fees shall be considered final delinquent debt.

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