

ACT No. 407

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

1 AN ACT

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

8 Be it enacted by the Legislature of Louisiana:

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

10 §415.3. Ex-offender provisional driver's license

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

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

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

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

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

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

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

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

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

20 (3) If the holder of a provisional license issued pursuant to this Section
21 qualifies for full and unrestricted Class "E" driving privileges at the end of the term
22 of the provisional license, the department shall issue the holder a Class "E" driver's
23 license upon the collection of the standard fees and handling charges for the issuance
24 of the driver's license as required by R.S. 32:412 and 412.1. The department shall
25 collect all other fees, penalties, and charges authorized by this Title that are incurred
26 prior to or during the applicant's incarceration and owed by the applicant to the
27 department prior to the issuance of a Class "E" driver's license pursuant to this
28 Paragraph.

29 (4) The department shall reimpose all suspensions, revocations, or
30 cancellations of driving privileges for the balance of any suspension, revocation, or

1 cancellation period after the expiration of the one-year provisional driver's license
 2 if the holder has not come into compliance with requirements of this Title within one
 3 year following the issuance of such provisional license. Additionally, at that time,
 4 any block on the issuance of a driver's license shall be reset if the holder of a
 5 provisional driver's license issued pursuant to this Section has not come into full
 6 compliance with the requirements of this Title.

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

9 (a) A new offense.

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

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

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

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____