

ACT No. 11

2016 First Extraordinary Session

HOUSE BILL NO. 111

BY REPRESENTATIVES MARCELLE AND BISHOP

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AN ACT

To amend and reenact R.S. 32:8(B) and R.S. 47:1676(E)(1) and to repeal R.S. 47:1676(E)(2) and (3), relative to the elimination of the Debt Recovery Fund; to provide for the elimination of the Debt Recovery Fund; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:8(B) is hereby amended and reenacted to read as follows:

§8. Final delinquent debt; office of motor vehicles

* * *

B. The office of motor vehicles shall refer all final delinquent debts to the office of debt recovery as provided in R.S. 47:1676. Final delinquent debt referrals shall include data and information in the required format necessary to institute collection procedures. All delinquent debts shall be authenticated by the office of motor vehicles prior to being referred to the office of debt recovery. Once the delinquent debt becomes final, and prior to referral to the office of debt recovery,

1 the office of motor vehicles shall notify the debtor in writing that failure to pay the
 2 debt in full within sixty days shall subject the debt to the maximum amount owed
 3 together with the additional fee collected by the office of debt recovery provided for
 4 in R.S. 47:1676. ~~All funds collected pursuant to the provisions of this Act shall be~~
 5 ~~deposited into the Debt Recovery Fund and utilized for the office of state police in~~
 6 ~~the amount of twenty-five million dollars.~~

7 * * *

8 Section 2. R.S. 47:1676(E)(1) is hereby amended and reenacted to read as follows:

9 §1676. Debt recovery

10 * * *

11 E.(1) The office shall charge the debtor a fee not to exceed twenty-five
 12 percent of the total liability of debt which has become final after the initial effective
 13 date of this Section. The amount of the fee shall be established by rule promulgated
 14 by the department and shall be uniformly applied to all debts. Fees collected under
 15 this Subsection shall be retained by the office after the debt is collected and shall be
 16 divided in accordance with an agreement between the office and the office of the
 17 attorney general after payment of costs set forth in the agreement. Monies collected
 18 by the office pursuant to the provisions of this Section shall be transferred to the
 19 ~~Debt Recovery Fund~~ referring agency within thirty days after the end of the month
 20 in which the monies were collected and shall be used, subject to an annual
 21 appropriation, by the referring agency as they would have been had they been timely
 22 collected. However, any monies collected for delinquent debt as a result of
 23 nonpayment of tax liabilities pursuant to Title 47 of the Louisiana Revised Statutes
 24 of 1950, as amended, after deposit into the state general fund, the first five million
 25 dollars shall be appropriated by the legislature beginning in Fiscal Year 2013-2014,
 26 and for four consecutive fiscal years thereafter, to the office of state police for a
 27 training academy class.

28 * * *

29 Section 3. R.S. 47:1676(E)(2) and (3) are hereby repealed in their entirety.

1 Section 4. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____