

HOUSE COMMITTEE AMENDMENTS

2016 Regular Session

Substitute for Original House Bill No. 838 by Representative Havard as proposed by the House Committee on Transportation, Highways, and Public Works

This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.

To amend and reenact R.S. 15:587(A)(1)(e)(iv) and (v), relative to background checks required for persons who perform certain services relating to motor vehicles; to provide for limitations on background checks required of certain persons who have or are seeking a contract or license with the Department of Public Safety and Corrections, public safety services, to perform certain services relative to motor vehicles; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:587(A)(1)(e)(iv) and (v) are hereby amended and reenacted to read as follows:

§587. Duty to provide information; processing fees; Louisiana Bureau of Criminal Identification and Information

A.(1)

* * *

(e)

* * *

(iv) The office of motor vehicles shall submit fingerprint cards or other identifying information to the bureau of any person who applies to be an auto title company or a public license tag agent pursuant to R.S. 32:735 et seq. and R.S. 47:532.1 and of any person who works for any such business who will process transactions for ~~such office~~ the office of motor vehicles. Upon request and after receipt of fingerprint cards or other identifying information from the office of motor vehicles, the bureau shall provide any arrest and conviction information contained in the bureau's criminal history record and identification files for the principal of such applicants. Additionally, the bureau shall forward the fingerprints of such

applicants' principal to the Federal Bureau of Investigation for a national criminal history record check. Fingerprint cards shall be submitted to the bureau pursuant to this Item only upon initial application and shall not be required to be submitted annually. After initial fingerprints are submitted pursuant to this Item, the arrest and conviction record for any public license tag agent, auto title company, or person who works for any such business who will process transactions for the office of motor vehicles shall be monitored in the same manner the arrest and conviction record is monitored for employees of the office of motor vehicles.

(v) The office of motor vehicles shall submit fingerprint cards or other identifying information to the bureau of any person who applies to or contracts with ~~such office~~ the office of motor vehicles to handle or process any transaction or inquiry. Upon request and after receipt of fingerprint cards or other identifying information from the office of motor vehicles, the bureau shall provide to such office any arrest and conviction information contained in the bureau's criminal history record and identification files for the principal of such applicants or contractors. Additionally, the bureau shall forward the fingerprints of such applicant or contractor's principal to the Federal Bureau of Investigation for a national criminal history record check. Fingerprint cards shall be submitted to the bureau pursuant to this Item only upon initial application and shall not be required to be submitted annually. After initial fingerprints are submitted pursuant to this Item, the arrest and conviction record for any person who contracts with the office of motor vehicles to handle or process any transaction or inquiry shall be monitored in the same manner the arrest and conviction record is monitored for employees of the office of motor vehicles.

* * *

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

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 838 Original

2016 Regular Session

Abstract: Public license tag agents and auto title companies and certain employees thereof will only be required to be fingerprinted upon initial application and after such their criminal and arrest record will be monitored in the same manner as employees of the office of motor vehicles. Provides the same for any person who applies to or contracts with the office of motor vehicles to handle or process any transaction or inquiry.

Present law provides that the office of motor vehicles shall submit fingerprint cards or other identifying information to the Louisiana Bureau of Criminal Identification and Information (bureau) of any person who applies to be an auto title company or a public tag agent pursuant to present law (R.S. 32:735 et seq. and R.S. 47:532.1), or any person who works for such business who will process transactions for the office.

Proposed law makes a technical correction in that it inserts the word "license" between the words "public" and "tag" and otherwise retains present law.

Present law provides that upon request and after receipt of fingerprint cards or other identifying information from the office of motor vehicles, the bureau is required to provide any arrest and conviction information contained in the bureau's criminal history record and identification files for the principal of such applicants. Additionally, the bureau forwards the fingerprints of such applicants' principal to the Federal Bureau of Investigation for a national criminal history record check.

Proposed law retains present law.

Proposed law adds that fingerprint cards shall be submitted to the bureau pursuant to present law only upon initial application and that fingerprint cards are not required to be submitted annually.

Proposed law adds that after initial fingerprints are submitted pursuant to present law, the arrest and conviction record for any public license tag agent, auto title company, or person who works for any such business who will process transactions for the office of motor vehicles shall be monitored in the same manner the arrest and conviction record is monitored for employees of the office of motor vehicles.

Present law requires that the office of motor vehicles submit fingerprint cards or other identifying information to the bureau of any person who applies to or contracts with such office to handle or process any transaction or inquiry.

Present law requires that upon request and after receipt of fingerprint cards or other identifying information from the office of motor vehicles, the bureau is required to provide to such office any arrest and conviction information contained in the bureau's criminal history record and identification files for the principal of such applicants or contractors. Additionally, the bureau is required to forward the fingerprints of such applicant or contractor's principal to the Federal Bureau of Investigation for a national criminal history record check.

Proposed law adds that fingerprint cards shall be submitted to the bureau pursuant to present law only upon initial application and shall not be required to be submitted annually.

Proposed law adds that after initial fingerprints are submitted pursuant to present law, the arrest and conviction record for any person who contracts with the office of motor vehicles to handle or process any transaction or inquiry will be monitored in the same manner the arrest and conviction record is monitored for employees of the office of motor vehicles.

(Amends R.S. 15:587(A)(1)(e)(iv) and (v))