

2016 Regular Session

HOUSE BILL NO. 936 (Substitute for House Bill No. 329 by Representative Marcelle)

BY REPRESENTATIVE MARCELLE

MOTOR VEHICLES: Provides relative to entities authorized to provide services related to motor vehicles

1 AN ACT

2 To amend and reenact R.S. 47:532.1(A)(5) and to enact R.S. 47:532.1(A)(7)(e), (f), and (g)

3 and (E), relative to public license tag agents; to provide relative to the fee assessed

4 for public license tag agents to require license plates be made available to public

5 license tag agents; to require for payment of production of such license plates and

6 reimbursement of such payment; to require public license tag agents undertake

7 certain actions; to provide relative to contracts between the Department of Public

8 Safety and Corrections, office of motor vehicles and public license tag agents; to

9 amend administrative rules of the Department of Public Safety and Corrections,

10 office of motor vehicles, relating to contracts between the Department of Public

11 Safety and Corrections, office of motor vehicles and public license tag agents; to

12 amend LAC 55:III.1569(C); and to provide for related matters.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 47:532.1(A)(5) is hereby amended and reenacted and R.S. 47:532.1

15 (7)(e), (f), and (g) and (E) are hereby enacted to read as follows:

16 §532.1. Public license tag agents; auto title companies; rules and regulations; surety

17 bonds; fees

18 A.

19 * * *

20 (5) ~~An annual~~ A biannual fee may be assessed by the commissioner collected

21 from a person seeking to contract with the Department of Public Safety and

22 Correction, office of motor vehicles, prior to a person commencing to act as a public

1 tag agent, provided that such fee does not exceed ~~one hundred dollars~~ two hundred
2 dollars and is adopted in accordance with the ~~Administrative Procedure Act~~.

3 * * *

4 (7)

5 * * *

6 (e) License plates shall be made available to each public license tag agent in
7 increments of no less than ten. Public license tag agents shall advance the costs of
8 production for the license plates prior to the receipt of the license plates. The
9 Department of Public Safety and Corrections, office of motor vehicles, shall fully
10 reimburse the public license tag agent for the cost of the production of the plate when
11 the plate is issued pursuant to any registration transaction performed by the public
12 license tag agent. The Department of Public Safety and Corrections, office of motor
13 vehicles, shall determine the method by which the public license tag agent receives
14 the reimbursement.

15 (f) Public license tag agents shall submit images of documents required to
16 be retained by the Department of Public Safety and Corrections, office of motor
17 vehicles, in connection with transactions or activities listed in this Paragraph or
18 authorized by the commissioner pursuant to Subparagraph (d) of this Paragraph in
19 the official document image repository of the Department of Public Safety and
20 Corrections, office of motor vehicles. The Department of Public Safety and
21 Corrections, office of motor vehicles, shall determine the manner in which public
22 license tag agents shall be required to submit these images.

23 (g) Notwithstanding any requirements of R.S. 47:505(B) to the contrary, all
24 public license tag agents shall submit electronic notification to the Department of
25 Public Safety and Corrections, office of motor vehicles, of the removal and
26 destruction of license plates when such submission is undertaken on behalf of a
27 dealer licensed pursuant to Chapter 4-C or Chapter 6 of Title 32 of the Louisiana
28 Revised Statutes of 1950. The Department of Public Safety and Corrections, office

1 of motor vehicles, shall determine the manner in which the public license tag agent
2 shall be required to electronically submit this information.

3 * * *

4 E. The contract between the Department of Public Safety and Corrections,
5 office of motor vehicles and a person who contracts to perform services pursuant to
6 this Section shall be two years and may be automatically renewed by the Department
7 of Public Safety and Corrections, office of motor vehicles.

8 Section 2. LAC 55:III.1569(C) is hereby amended to read as follows:

9 §1569. Contracts

10 * * *

11 C. The contract between the department and the public tag agent shall have
12 a term of ~~one year~~ two years. The department may provide for automatic renewals.

13 Section 3. A contract entered into between the Department of Public Safety and
14 Corrections, office of motor vehicles, and a public license tag agent in 2016 but prior to the
15 effective date of this Act shall be extended for one year without need for amendment of the
16 contract upon payment by the public license tag agent of a one hundred dollar fee.

17 Section 4. This Act shall become effective upon signature by the governor or, if not
18 signed by the governor, upon expiration of the time for bills to become law without signature
19 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
20 vetoed by the governor and subsequently approved by the legislature, this Act shall become
21 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 936 Reengrossed

2016 Regular Session

Marcelle

Abstract: Requires public license tag agents to undertake certain duties and extends the length of contracts for public license tag agents to two years.

Present law authorizes the commissioner to establish a system of public license tag agents to collect the registration license taxes and undertake other duties relating to motor vehicles. Specifies that the system is to consist of municipal and parish governing authorities or new motor vehicle dealers or their agents as well as authorized auto title companies.

Proposed law requires that license plates be made available to each public license tag agent in increments of no less than ten. Further requires public license tag agents advance the costs of production for the license plates prior to the receipt of the license plates. Also requires the Dept. of Public Safety and Corrections, office of motor vehicles, (department) to fully reimburse the public license tag agent for the cost of the production of the plate when the plate is issued pursuant to any registration transaction performed by the public license tag agent. Specifies that the department must determine the method by which the public license tag agent receives the reimbursement.

Proposed law requires public license tag agents to submit images of documents required to be retained by the department in connection with transactions or activities in connection with present law in the official document image repository of the department. Specifies that the department must determine the manner in which public license tag agents will be required to submit these images.

Present law requires any dealer of motor vehicles who receives a previously owned vehicle with the intention of reselling such vehicle to remove the license plate from that vehicle and execute an affidavit attesting to that fact and attach said affidavit to the title and registration.

Proposed law retains present law and requires all public license tag agents to submit electronic notification to the department of the removal and destruction of license plates when such submission is undertaken on behalf of a dealer licensed pursuant to present law (Chapter 4-C or Chapter 6 of Title 32 of the Louisiana Revised Statutes of 1950). Specifies that the department must determine the manner in which the public license tag agent shall be required to electronically submit this information.

Proposed law provides that the contract between the department and a person who contracts to perform services of a public license tag agent shall be two years and may be automatically renewed by the department.

Present law authorizes an annual fee to be assessed on public tag agents provided that such fee does not exceed \$100 and is adopted in accordance with the Administrative Procedure Act.

Proposed law authorizes a biannual fee to be assessed on public tag agents provided that such fee does not exceed \$200.

Present LAC (55:III.1569(C)) provides that a contract between the department and the public license tag agent shall have a term of one year. The department may provide for automatic renewals.

Proposed LAC (55:III.1569(C)) changes the term of the contract from one to two years.

Proposed law provides that a contract entered into between the department and a public license tag agent in 2016 but prior to the effective date of proposed law shall be extended for one year without need for amendment of the contract.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 47:532.1(A)(5) and LAC 55:III.1569(C); Adds R.S. 47:532.1(A)(7)(e), (f), and (g) and (E))

Summary of Amendments Adopted by House

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

1. Authorize a biannual fee of \$200, rather than an annual fee of \$100, to be assessed on public tag agents.