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**HOUSE COMMITTEE AMENDMENTS**

2016 Regular Session

Amendments proposed by House Committee on Transportation, Highways, and Public Works to Original House Bill No. 245 by Representative Marcelle

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1 AMENDMENT NO. 1

2 On page 1, line 2, after "R.S. 32:8(A)(2) and (3)" delete "and (B)"

3 AMENDMENT NO. 2

4 On page 1, line 3, after "enact" change "R.S. 32:9" to "R.S. 32:429.4 and R.S. 47:1676(L)"

5 AMENDMENT NO. 36 On page 1, line 8, after "definitions" and the semi-colon ";" insert "to authorize third parties  
7 to administer such installment agreements; to authorize a third party to charge and collect  
8 certain fees for the administration of such installment agreements;"9 AMENDMENT NO. 4

10 On page 1, line 11, after "R.S. 32:8(A)(2) and (3)" delete "and (B)"

11 AMENDMENT NO. 5

12 On page 1, line 12, after "are" insert "hereby"

13 AMENDMENT NO. 6

14 On page 2, delete lines 9 through 22 in their entirety

15 AMENDMENT NO. 716 On page 3, line 1, change "R.S. 32:9(D)(6)" to "R.S. 32:429.4"17 AMENDMENT NO. 818 On page 4, at the end of line 10, change "R.S. 32:9(D)(6)" to "R.S. 32:429.4"19 AMENDMENT NO. 920 On page 5, line 9, change "R.S. 32:9(D)(6)" to "R.S. 32:429.4"21 AMENDMENT NO. 10

22 On page 5, line 12, change "R.S. 32:9" to "R.S. 32:429.4"

23 AMENDMENT NO. 1124 On page 5, line 13, change "§9" to "§429.4"25 AMENDMENT NO. 1226 On page 5, line 15, after "to the" delete the remainder of the line and at the beginning of line  
27 16, delete "vehicles" and insert "Department of Public Safety and Corrections, office of  
28 motor vehicles, hereinafter referred to as the "office of motor vehicles","

1 AMENDMENT NO. 13

2 On page 5, line 16, after "However" and the comma "," insert "beginning"

3 AMENDMENT NO. 14

4 On page 5, line 17, after "January 1, 2017" and before the comma "," insert "and thereafter"

5 AMENDMENT NO. 15

6 On page 5, line 21, change "tax" to "taxes"

7 AMENDMENT NO. 16

8 On page 5, between lines 27 and 28, add the following:

9 "(c) Upon termination of an installment agreement executed pursuant to this  
10 Section, all outstanding amounts due under the installment agreement shall be final  
11 debt as defined by R.S. 32:8 or R.S. 47:1676. Any installment agreement entered  
12 into pursuant to this Section shall constitute a waiver by the debtor of any right to  
13 administrative or judicial review regarding sums due under an installment agreement.  
14 Any notices provided to a debtor who enters into an installment agreement pursuant  
15 to this Section shall constitute satisfaction of the notice requirements of R.S. 32:8  
16 and R.S. 47:1676."

17 AMENDMENT NO. 17

18 On page 6, line 3, after "(3)" insert "Any installment agreement entered into by the office  
19 of motor vehicles and a debtor shall be in writing and signed by both parties."

20 AMENDMENT NO. 18

21 On page 6, line 6, after "office of motor vehicles" change "one hundred dollars" to "two  
22 hundred and fifty dollars"

23 AMENDMENT NO. 19

24 On page 6, delete lines 15 through 27 in their entirety and insert the following:

25 "C. Any installment agreement shall require a debtor to provide fixed and  
26 equal monthly payments as follows:  
27 (1) If the debtor owes two hundred and fifty dollars, the debtor shall pay six  
28 equal monthly installments.  
29 (2) If the debtor owes from two hundred and fifty one dollars to seven  
30 hundred and fifty dollars, the debtor shall pay twelve equal monthly installments.  
31 (3) If the debtor owes from seven hundred and fifty one dollars to one  
32 thousand five hundred dollars, the debtor shall pay twenty four equal monthly  
33 installments.  
34 (4) If the debtor owes from one thousand five hundred and one dollars to two  
35 thousand five hundred dollars, the debtor shall pay thirty six equal monthly  
36 installments.  
37 (5) If the debtor owes from two thousand five hundred and one dollars to  
38 four thousand nine hundred and ninety nine dollars, the debtor shall pay forty eight  
39 equal monthly installments.  
40 (6) If the debtor owes five thousand or more, the debtor shall pay up to sixty  
41 monthly installment payments. However, the commissioner of the office of motor  
42 vehicles may grant longer payment terms for amounts of five thousand dollars or  
43 more owed based on proof of income indicating a debtor's financial limitations to  
44 pay within sixty months.

1           D. The first payment of an installment agreement shall be due upon  
 2 execution of the installment agreement.

3           E. Prepayment of sums due pursuant to an installment agreement shall be  
 4 permitted without imposition of penalty.

5           F.(1) All installment agreement payments shall be made through an  
 6 electronic automated transaction initiated by the office of motor vehicles or a third  
 7 party on behalf of the office of motor vehicles. Such installment agreement payments  
 8 may be made by bank draft, electronic funds transfer, or credit or debit card,  
 9 including but not limited to reloadable prepaid credit or debit cards. All debtors shall  
 10 provide necessary information for installment payments to be paid by bank draft,  
 11 electronic funds transfer, or credit or debit cards.

12           (2) Each time an installment agreement payment is made the debtor shall be  
 13 issued a statement or receipt indicating the amount paid and the amount outstanding  
 14 under the installment agreement.

15           G. The commissioner of the office of motor vehicles may suspend an  
 16 installment agreement executed pursuant to this Section for up to sixty days  
 17 following a request based upon good cause. Good cause shall be determined by the  
 18 commissioner. During the term of the suspension of the installment agreement, no  
 19 payments shall be made under the installment agreement. Payments shall resume  
 20 upon the day following the last day of the suspension period. Any suspension of an  
 21 installment agreement pursuant to this Subsection shall extend the term of the  
 22 installment agreement by the length of any suspension. A debtor's driving privileges  
 23 shall remain active during the suspension period unless otherwise blocked, revoked,  
 24 or suspended."

25 AMENDMENT NO. 20

26 On page 6, at the beginning of line 28, change "F." to "H."

27 AMENDMENT NO. 21

28 On page 7, line 1, change "thirty days" to "a sixty-day period"

29 AMENDMENT NO. 22

30 On page 7, at the beginning of line 2, change "secretary" to "commissioner of the office of  
 31 motor vehicles"

32 AMENDMENT NO. 23

33 On page 7, line 3, change "thirty days" to "sixty-day period"

34 AMENDMENT NO. 24

35 On page 7, line 4, change "thirty-day period" to "sixty-day period"

36 AMENDMENT NO. 25

37 On page 7, line 5, change "secretary" to "commissioner of the office of motor vehicles"

38 AMENDMENT NO. 26

39 On page 7, at the end of line 5, change "thirty-day period." to "sixty-day period."

40 AMENDMENT NO. 27

41 On page 7, at the end of line 5, add the following:

1 "In the event that an installment agreement includes payment of delinquent or final  
2 debt as defined by R.S. 32:8, such notice shall include all information required by  
3 R.S. 32:8. In the event that an installment agreement includes payment of delinquent  
4 or final debt as defined by R.S. 47:1676, the notice shall include all information  
5 required by R.S. 47:1676. The notice required by this Paragraph shall satisfy the  
6 notice requirements of R.S. 32:8 and R.S. 47:1676."

7 AMENDMENT NO. 28

8 On page 7, line 6, change "thirty days" to "sixty-day period"

9 AMENDMENT NO. 29

10 On page 7, at the beginning of line 8, change "secretary, the secretary" to "commissioner of  
11 the office of motor vehicles, the office of motor vehicles"

12 AMENDMENT NO. 30

13 On page 7, delete lines 10 through 18 in their entirety and insert the following:

14 "(3) If no request for reinstatement of an installment agreement is made  
15 within sixty days of the notice and demand required by Paragraph (1) of this  
16 Subsection, or the commissioner of the office of motor vehicles rejects a request to  
17 reinstate an installment agreement, the installment agreement shall be terminated and  
18 any remaining sums due under the installment agreement shall be delinquent and  
19 final debt as defined by R.S. 32:8 or R.S. 47:1676 for which the following shall  
20 apply:

21 (a) For sums due which are not debt as defined by R.S. 32:8, the office of  
22 motor vehicles may refer any amounts outstanding under the installment agreement  
23 for collection by the appropriate office pursuant to R.S. 47:1676 and this Section.

24 (b) For sums due which are debt as defined by R.S. 32:8, the office of motor  
25 vehicles shall refer any amounts outstanding under the installment agreement to the  
26 Department of Revenue, office of debt recovery, for collection as provided in R.S.  
27 32:8 and R.S. 47:1676. The Department of Revenue, office of debt recovery, shall  
28 provide a credit for amounts paid under an installment agreement executed pursuant  
29 to this Section."

30 AMENDMENT NO. 31

31 On page 7, at the beginning of line 19, change "G." to "I."

32 AMENDMENT NO. 32

33 On page 7, line 26, change "secretary" to "commissioner of the office of motor vehicles"

34 AMENDMENT NO. 33

35 On page 7, at the beginning of line 27, change "secretary" to "commissioner of the office of  
36 motor vehicles"

37 AMENDMENT NO. 34

38 On page 8, delete lines 3 through 8 in their entirety and insert the following:

39 "J. For purposes of this Section, the office of motor vehicles shall not be  
40 considered a collection agency as defined in R.S. 9:3534.1.

41 K.(1) The Department of Revenue, office of debt recovery, may provide  
42 services for the administration and collection of payments due pursuant to

1 installment agreements entered into by a debtor and the office of motor vehicles  
2 pursuant to this Section.

3 (2)(a) The Department of Revenue, office of debt recovery, may collect a  
4 transaction fee not to exceed three dollars for each payment made pursuant to an  
5 installment agreement authorized in this Section.

6 (b) For purposes of this Section, the Department of Revenue, office of debt  
7 recovery, shall be an authorized agent of the Department of Public Safety and  
8 Corrections, public safety services, and may charge fees authorized by R.S. 40:1322  
9 for transactions to be completed pursuant to this Section.

10 (c) The Department of Revenue, office of debt recovery, may charge fees  
11 authorized pursuant to R.S. 49:316.1 for transactions to be completed pursuant to this  
12 Section.

13 (d) The provisions of R.S. 47:1576.2 shall not apply to services provided by  
14 the Department of Revenue, office of debt recovery, pursuant to this Section."

15 AMENDMENT NO. 35

16 On page 8, at the beginning of line 9, change "I." to "L."

17 AMENDMENT NO. 36

18 On page 8, line 9, after "office of motor vehicles" insert "and the Department of Revenue,  
19 office of debt recovery,"

20 AMENDMENT NO. 37

21 On page 8, between lines 11 and 12, add the following:

22 "Section 3. R.S. 47:1676(L) is hereby enacted to read as follows:

23 §1676. Debt recovery

24 \* \* \*

25 L. (1) The terms "delinquent" and "final" as defined in this Section shall not  
26 apply to "debt" defined by R.S. 32:8(A)(1). For purposes of this Section, the terms  
27 "final" and "delinquent" as defined in R.S. 32:8 shall apply to "debt" defined by R.S.  
28 32:8(A)(1).

29 (2) Any debt, defined by R.S. 32:8(A)(1) or this Section, owed to the  
30 Department of Public Safety and Corrections, office of motor vehicles, shall not be  
31 "final" during the term of an installment agreement between a debtor and the  
32 Department of Public Safety and Corrections, office of motor vehicles, entered into  
33 pursuant to R.S. 32:429.4. Additionally, delinquent or final debt for which a debtor  
34 and the Department of Public Safety and Corrections, office of motor vehicles, have  
35 entered into an installment agreement for the payment of shall not be referred to the  
36 office of debt recovery or the office of the attorney general during the term of any  
37 such installment agreement."

38 AMENDMENT NO. 38

39 On page 8, delete line 12 in its entirety and insert in lieu thereof "Section 4. This Section  
40 and Sections 2, 3, and 5 of this Act shall become effective upon signature by"

41 AMENDMENT NO. 39

42 On page 8, delete line 17 in its entirety and insert in lieu thereof "Section 5. In the event that  
43 this Section and Section 2, 3, and 4 of this Act become effective, Section"