

Regular Session, 2010

HOUSE BILL NO. 275

BY REPRESENTATIVE CHANDLER

MTR VEHICLE/DRIVER LIC: Deletes provision which authorizes the office of motor vehicles to impose a record check fee for license holders of Class "D" chauffeurs' licenses and Class "E" personal vehicle driver's licenses

1 AN ACT

2 To amend and reenact R.S. 32:409.1(A)(6)(c)(iii), relative to driver's licenses; to delete
3 provision which authorizes the office of motor vehicles to impose a record check fee
4 for all applicants of a Class "D" chauffeur's license or a Class "E" personal vehicle
5 driver's license; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 32:409.1(A)(6)(c)(iii) is hereby amended and reenacted to read as
8 follows:

9 §409.1. Application or special certificate applications; penalties for false
10 information

11 A.

12 * * *

13 (6) The department shall initiate and complete a check of the applicant's
14 driving record to ensure that the person is not subject to any disqualifications,
15 suspensions, revocations, or cancellations and that the driver does not have a driver's
16 license from more than one state. The record check for a commercial driver's license
17 shall include:

18 * * *

1 (c) A check with the National Driver Register (NDR), if it is determined to
2 be operational by the Federal Highway Administrator, to determine if the applicant:

3 * * *

4 (iii) Has been convicted of any of the offenses contained in Section
5 205(A)(3) of the National Drivers Register Act of 1982. The department may
6 perform a similar record check for all applicants of a Class "D" chauffeur's license
7 or a Class "E" personal vehicle driver's license ~~and may charge such applicant a~~
8 ~~record check fee equal to the application for a commercial driver's license.~~ The
9 department shall give full weight and consideration to such information in deciding
10 whether to issue a driver's license to such applicant. The department shall not issue
11 a driver's license to an applicant who is disqualified from operating a motor vehicle,
12 whose driver's license has been suspended, revoked, or canceled, or who has
13 otherwise lost the privilege to drive in another state or jurisdiction, except for the
14 limited exception provided in R.S. 32:404. However, inadvertent issuance of a
15 driver's license to such an applicant shall not be considered a breach of duty on the
16 part of the department to the public or the individual.

17 * * *

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)]

Chandler

HB No. 275

Abstract: Deletes provision which authorizes the office of motor vehicles to impose a record check fee for license holders of Class "D" chauffeurs' licenses and Class "E" personal vehicle driver's licenses.

Present law requires the office of motor vehicles to initiate and complete a check of the following:

- (1) Applicant's driving record to ensure that the applicant has not been disqualified, suspended, revoked, or canceled, and the applicant does not possess a driver's license from more than one state.
- (2) Applicant driving record verified by his current state of licenser and a check of any state in which the applicant was licensed to operate any motor vehicle during the last 10 years.

- (3) Check with the Commercial Driver's License Information System to determine if the applicant has a commercial driver's license and if he has been disqualified, suspended, revoked, or canceled, or if the applicant has been disqualified from driving a commercial motor vehicle.
- (4) Check with the National Driver Register, if it is determined to be operational by the Federal Highway Administration to determine if the applicant:
 - (a) Has been disqualified from operating a motor vehicle other than a commercial motor vehicle.
 - (b) Has had a license other than a commercial driver's license suspended, revoked, or cancelled for cause in the three-year period ending on the date of application.

Present law further checks to see if the driver has been convicted of any offenses contained in the National Drivers Register Act of 1982.

Present law authorizes the department to perform a similar record search for all applicants of a Class "D" chauffeur's license or a Class "E" personal vehicle driver's license. Further authorizes the department to charge an applicant a record check fee equal to the application for a commercial driver's license.

Proposed law removes discretionary authorization of the department to charge applicants for a Class "D" chauffeur's license or a Class "E" personal vehicle driver's license a record check fee equal to the application for a commercial driver's license.

(Amends R.S. 32:409.1(A)(6)(c)(iii))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill.

1. Clarified that bill only removes discretionary authorization of the department to charge applicants for a Class "D" chauffeur's license or a Class "E" personal vehicle driver's license a record check fee equal to the application for a commercial driver's license.