

2015 Regular Session

HOUSE BILL NO. 499

BY REPRESENTATIVE HILL

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

TRANSPORTATION: Provides relative to state identification for certain offenders upon release from a correctional facility

1 AN ACT

2 To enact R.S. 32:415.3, relative to driver's licenses issued to certain persons upon release  
3 from incarceration; to require the issuance of a provisional Class "E" driver's license  
4 to certain persons upon their release from incarceration; to provide for exceptions;  
5 to provide that payment of certain fees, fines, and penalties be deferred; to provide  
6 for revocation of a provisional Class "E" driver's license under certain circumstances;  
7 and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 32:415.3 is hereby enacted to read as follows:

10 §415.3. Ex-offender provisional driver's license

11 A.(1) Notwithstanding any provision of law to the contrary, the department  
12 shall issue a provisional Class "E" driver's license to a person who is released from  
13 incarceration after serving a minimum of one year and whose Class "E" driver's  
14 license will be or is suspended, revoked, or cancelled for any reason upon his release.  
15 The license issued pursuant to this Section shall be valid for one year from the date  
16 of issuance.

17 (2) The provisions of this Section shall only apply to Class "E" driver's  
18 licenses and shall not apply to any other class of driver's licenses.

1           (3) The provisions of this Section shall not apply in the following  
2           circumstances:

3           (a) When a person's Class "E" driver's license has been suspended, revoked,  
4           or cancelled pursuant to the receipt of conduct reported pursuant to Article III of the  
5           Driver License Compact.

6           (b) When a person was imprisoned for vehicular homicide, a third or  
7           subsequent violation of R.S. 14:98, 98.3, 98.4, or a third or subsequent violation of  
8           any other law or ordinance that prohibits operating a vehicle while intoxicated.

9           (4) A person may only be issued one provisional Class "E" driver's license  
10           in his lifetime pursuant to this Section.

11           B. A provisional Class "E" driver's license shall be issued pursuant to this  
12           Section upon the submission of proof of release from incarceration for a violation not  
13           included in Paragraph (A)(3) of this Section and the collection of the standard fees  
14           and handling charges for the issuance of driver's licenses as required by R.S. 32:412  
15           and 412.1. The department shall defer payment of all other fees, penalties, and  
16           charges authorized by this Title that are incurred prior to or during the term of  
17           incarceration and owed by the applicant to the department.

18           C.(1) The holder of a provisional license issued pursuant to this Section shall  
19           have one year from the date of issuance to clear his driving record of any  
20           suspensions, revocations, or cancellations so that he may be eligible for a regular  
21           Class "E" driver's license.

22           (2) The holder of a provisional license issued pursuant to this Section and all  
23           state entities or political subdivisions that such holder may owe an obligation or debt  
24           to shall notify the department upon satisfaction of such obligation or debt.

25           (3) If the holder of a provisional license issued pursuant to this Section  
26           qualifies for full and unrestricted Class "E" driving privileges at the end of the term  
27           of the provisional license, the department shall issue the holder a Class "E" driver's  
28           license upon the collection of the standard fees and handling charges for the issuance  
29           of the driver's license as required by R.S. 32:412 and 412.1. The department shall

1 collect all other fees, penalties, and charges authorized by this Title that are incurred  
2 prior to or during the applicant's incarceration and owed by the applicant to the  
3 department prior to the issuance of a Class "E" driver's license pursuant to this  
4 Paragraph.

5 D.(1) The department may revoke the provisional license issued pursuant to  
6 this Section if the holder commits any of the following:

7 (a) A new offense.

8 (b) An act or omission that causes the community supervision, mandatory  
9 supervision, or parole of the holder of a provisional license to be revoked.

10 (2) A probation or parole department or division shall notify the department  
11 if the community supervision of the holder of a provisional license is revoked.

12 (3) A court shall notify the department if the holder of the provisional license  
13 is charged with a new offense.

14 (4) If the department revokes a provisional license pursuant to this Section,  
15 the holder shall not be entitled to receive another provisional license.

16 E. The department may promulgate rules and regulations in accordance with  
17 the Administrative Procedure Act as necessary to implement this Section, including  
18 but not limited to eligibility criteria for a provisional license, proof of insurance, and  
19 proof of employment, if applicable.

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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)]

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HB 499 Engrossed

2015 Regular Session

Hill

**Abstract:** Provides for the issuance of a provisional one year Class "E" driver's license to a person released from incarceration with suspended, revoked, or cancelled driving privileges. Provides for exceptions.

Present law provides for the suspension, revocation, or cancellation of a Class "E" driver's license for specific reasons.

Present law provides that a person whose Class "E" driver's license is suspended, revoked, or cancelled can apply for hardship or restricted Class "E" driver's license in certain circumstances if the applicant meets certain requirements.

Proposed law retains present law.

Proposed law requires the driver's license division of the Dept. of Public Safety and Corrections (department) to issue a provisional Class "E" driver's license to a person who is released from incarceration after serving a minimum of one year and whose Class "E" driver's license will be or is suspended, revoked, or cancelled for any reason upon his release.

Proposed law provides that the license issued pursuant to proposed law shall be valid for one year from the date of issuance.

Proposed law prohibits any person whose Class "E" driver's license has been suspended, revoked, or cancelled pursuant to the receipt of conduct reported pursuant to Article III of the Driver License Compact or to a person who was imprisoned for vehicular homicide, a third or subsequent violation of criminal provisions governing operating a vehicle while intoxicated, operating a vehicle while under suspension for certain prior offenses, or operating while intoxicated; fourth offense, or a third or subsequent violation of any other law or ordinance that prohibits operating a vehicle while intoxicated from receiving a provisional license pursuant to proposed law.

Proposed law specifies that a provisional Class "E" driver's license shall be issued pursuant to proposed law upon the submission of proof of release from incarceration and the standard fees and handling charges for the issuance of driver's licenses.

Proposed law specifies that all other fees, penalties, and charges authorized by present law that are incurred prior to or during the term of incarceration and owed by the applicant to the department shall be deferred at the time of the issuance of a provisional Class "E" driver's license issued pursuant to proposed law.

Proposed law provides that the holder of a provisional license issued pursuant to proposed law shall have one year from the date of issuance of the provisional license to clear his driving record of any suspensions, revocations, or cancellations so that he may be eligible for a regular Class "E" driver's license.

Proposed law provides that the holder of a provisional license issued pursuant to proposed law and all state entities or political subdivisions that such holder may owe an obligation or debt to shall notify the department upon satisfaction of such obligations or debt.

Proposed law provides that if the holder of a provisional license issued pursuant to proposed law qualifies for full and unrestricted Class "E" driving privileges at the end of the term of the provisional license issued pursuant to proposed law, the department shall issue the holder a Class "E" driver's license upon the collection of the standard fees and handling charges for the issuance of the driver's license.

Proposed law provides all other fees, penalties, and charges authorized by present law that are incurred prior to or during the term of incarceration of the applicant and owed by the applicant to the department shall be collected prior to the issuance of a Class "E" driver's license pursuant to proposed law.

Proposed law authorizes the department to revoke the provisional license issued pursuant to proposed law if the holder commits certain new offenses or acts or omissions that cause the holder to have his community supervision, mandatory supervision, or parole to be revoked.

Proposed law provides that if the department revokes a provisional Class "E" driver's license pursuant to proposed law such person shall not be entitled to receive another provisional license in his lifetime.

Proposed law authorizes the department to promulgate rules and regulations in accordance with the Administrative Procedure Act as necessary to implement proposed law, including but not limited to eligibility criteria for a provisional license, proof of insurance, and proof of employment, if applicable.

(Adds R.S. 32:415.3)

Summary of Amendments Adopted by House

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

1. Modify a provision to specify that all other fees, penalties, and charges authorized by present law that are incurred prior to or during the term of incarceration of the applicant and owed by the applicant to the department shall be deferred, rather than waived, at the time of the issuance of a provisional Class "E" driver's license pursuant to proposed law.
2. Add a provision that clarifies that all other fees, penalties, and charges authorized by present law that are incurred prior to or during the term of incarceration of the applicant and owed by the applicant to the department shall be collected, rather than waived, prior to the issuance of a Class "E" driver's license pursuant to proposed law.