

ACT No. 639

Regular Session, 2014

HOUSE BILL NO. 851

BY REPRESENTATIVE TALBOT

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AN ACT

To amend and reenact R.S. 32:862(G)(4), 863(A)(1), (3)(a), and (B)(2)(b), 863.1(I)(3), 864, and 865(A) and (B)(1), relative to the penalties for operating a motor vehicle without the required motor vehicle liability security; to increase penalties for failing to provide required proof of compliance; to require suspension, revocation, and cancellation of driver's license and registration for violations; to remove limits on the maximum amount of penalties and reinstatement fees that are assessed; to increase the administrative reinstatement fee; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:862(G)(4), 863(A)(1), (3)(a), and (B)(2)(b), 863.1(I)(3), 864, and 865(A) and (B)(1) are hereby amended and reenacted to read as follows:

§862. Proof of compliance

* * *

G. The prohibited actions and penalties for violations thereof are as follows:

* * *

(4) Whoever violates the provisions of this Subsection shall be fined not less than five hundred dollars nor more than one thousand dollars and shall be required to perform not less than forty hours nor more than two hundred hours of community service, provided that in lieu of imposing a monetary fine, the court may order the violator to purchase motor vehicle liability insurance and to submit proof of such insurance to the court.

* * *

1 §863. Sanctions for false declaration; reinstatement fees; revocation of registration;
2 review

3 A.(1) Except as provided ~~herein below~~ in this Section, when the secretary
4 determines that a vehicle is not covered by security as required by this Chapter or
5 that the owner or lessee has allowed the required security to lapse, he shall revoke
6 the registration of the vehicle, and impound or cancel the vehicle's license plate.

7 * * *

8 (3)(a) Sanctions for a violation of Paragraph (1) of this Subsection shall be
9 imposed until proof of required liability security is provided to the secretary and all
10 reinstatement fees are paid. Sanctions for a violation of Paragraph (2) of this
11 Subsection shall be imposed for a period of not less than ~~six~~ twelve months nor more
12 than eighteen months. However, in no event shall these sanctions be removed until
13 such time as proof of the required security is provided to the secretary along with all
14 appropriate fees required by law, including a reinstatement fee of ~~twenty-five~~ fifty
15 dollars per violation of Paragraph (1) of this Subsection if the vehicle was not
16 covered by the required security for a period of one to thirty days, one hundred fifty
17 dollars if the vehicle was not covered by required security for a period of thirty-one
18 to ninety days, and ~~two~~ three hundred dollars if the vehicle was not covered by
19 required security for a period in excess of ninety days. No reinstatement fee shall
20 be imposed by the secretary if the vehicle was not covered by required security for
21 a period of ten days or less and the insured surrenders the vehicle's license plate to
22 the secretary within ten days. The reinstatement fees for violations of Paragraph (2)
23 of this Subsection shall be as follows: ~~twenty-five~~ one hundred twenty-five dollars
24 for a first violation, ~~one~~ two hundred dollars for a second violation, and ~~two hundred~~
25 four hundred dollars for a third or subsequent violation, ~~provided the offenses~~
26 ~~occurred within a five-year period.~~ The reinstatement fee shall not be owed for an
27 alleged violation of Paragraph (2) of this Subsection when proof of the required
28 security is provided to the secretary. ~~If at the time of reinstatement a person has~~
29 ~~multiple violations, the total amount of fees to be paid shall not exceed five hundred~~
30 ~~dollars, including any administrative fees for persons under sixty-five years old. At~~

1 ~~no time shall the total amount of fees, including any administrative fees, exceed two~~
2 ~~hundred dollars for persons sixty-five years or older.~~

3 * * *

4 B. The sanctions of Paragraph (A)(1) of this Section shall not be imposed,
5 and any fine, fee, or other monetary sanction which has been remitted to the
6 secretary pursuant to the sanctions of this Section, specifically including any
7 reinstatement fee paid pursuant to Paragraph (A)(3) of this Section and any fee paid
8 pursuant to Paragraph (D)(5) of this Section, shall be promptly refunded by the
9 secretary to the person who paid it, if the owner or lessee furnishes any of the
10 following:

11 * * *

12 (2) If such evidence is not furnished by the owner or lessee, any other
13 evidence satisfactory to the secretary, that each of the following conditions are met:

14 * * *

15 (b) The vehicle is currently covered by security as required by R.S. 32:861
16 and that the required security has been continuous without lapse.

17 * * *

18 §863.1. Evidence of compulsory motor vehicle liability security contained in
19 vehicle; enforcement; penalty; fees

20 * * *

21 I.

22 * * *

23 (3) If the owner fails to provide the proof required in Paragraph (2) of this
24 Subsection, there shall be a fine of ~~fifty~~ one hundred dollars for a first offense, a fine
25 of ~~one~~ two hundred fifty dollars for a second offense, and a fine of five hundred
26 dollars for any subsequent offense.

27 * * *

28 §864. Criminal sanctions for false declaration
29 Any person, firm, or corporation which violates R.S. 32:863(A)(2) shall be
30 guilty of a misdemeanor and upon conviction shall be fined not ~~more~~ less than ~~one~~

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 two hundred twenty-five fifty dollars nor more than five hundred dollars or
2 imprisoned for a period of not more than thirty days.

3 §865. Criminal sanctions for operating motor vehicle not covered by security

4 A. Any person knowingly operating a motor vehicle and any owner allowing
5 a motor vehicle to be operated, when such motor vehicle is not covered by the
6 security required under R.S. 32:861 shall, upon conviction, be fined not ~~more~~ less
7 than five hundred dollars nor more than one thousand dollars.

8 B.(1) If the vehicle is in any manner involved in an accident within this state,
9 when such motor vehicle is not covered by the security required under R.S. 32:861,
10 the owner thereof shall, upon conviction, be fined not ~~more~~ less than five hundred
11 dollars nor more than one thousand dollars, shall have the registration of the vehicle
12 revoked for a period of ~~sixty~~ one hundred eighty days, and shall have his driving
13 privileges suspended for a period of ~~sixty~~ one hundred eighty days.

14 * * *

15 Section 2. This Act shall become effective on February 1, 2015.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____