

Regular Session, 2010

SENATE BILL NO. 407

BY SENATORS MCPHERSON, ADLEY, BROOME, HEITMEIER, LAFLEUR, NEVERS
AND SHAW AND REPRESENTATIVE NORTON

MOTOR VEHICLES. Removes authority for record check fee for Class D and E drivers licenses and requires a refund. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 32:409.1(A)(6)(c)(iii), relative to drivers' licenses and
3 application or special certificate applications; to delete authority to impose a record
4 check fee on an applicant for a Class "D" chauffeur's license or a Class "E" personal
5 vehicle 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 (6) The department shall initiate and complete a check of the applicant's
13 driving record to ensure that the person is not subject to any disqualifications,
14 suspensions, revocations, or cancellations and that the driver does not have a driver's
15 license from more than one state. The record check for a commercial driver's license
16 shall include:

17 * * *

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

17 * * *

18 Section 2. The provisions of this Act shall be retroactive and shall apply to any
19 applicant for a Class "D" chauffeur's license or a Class "E" personal vehicle driver's license
20 who paid a record check fee to the department on and after March 8, 2010. The department
21 shall refund any such record check fee charged and collected to such applicants not later than
22 September 1, 2010.

23 Section 3. This Act shall become effective upon signature by the governor or, if not
24 signed by the governor, upon expiration of the time for bills to become law without signature
25 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
26 vetoed by the governor and subsequently approved by the legislature, this Act shall become
27 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Sharon F. Lyles.

DIGEST

McPherson (SB 407)

Present law provides that the department shall check the driving record of applicants for commercial driving licenses and further provides that the department may perform a similar record check for all applicants of a Class "D" chauffeur's license or a Class "E" personal vehicle driver's license and may charge such 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.

Proposed law is retroactive to on and after March 8, 2010. Record check fees paid by applicants for Class "D" chauffeur's license or a Class "E" personal vehicle driver's license to the department on and after March 8, 2010, shall be refunded to such applicants not later than September 1, 2010.

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

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