

Regular Session, 2012

HOUSE BILL NO. 118

BY REPRESENTATIVE HENRY BURNS

INSURANCE: Allows immobilization of motor vehicles by vehicle boot for failure to comply with the compulsory motor vehicle liability security law

1 AN ACT

2 To amend and reenact R.S. 32:392.1(A) and 863.1(C)(1)(a), (2), (6), and (7), relative to
3 compulsory motor vehicle liability security; to provide for immobilization of a
4 vehicle upon failure to comply with the compulsory motor vehicle liability security
5 law; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 32:392.1(A) and 863.(1)(C)(1)(a), (2), (6), and (7) are hereby
8 amended and reenacted to read as follows:

9 §392.1. Impounding or immobilization of vehicles; exceptions

10 A. Notwithstanding the provisions of R.S. 32:863.1 and any other law to the
11 contrary, a motor vehicle stopped while being operated by a Louisiana resident shall
12 not be impounded or immobilized by vehicle boot when the operator or the vehicle,
13 or both, presents no imminent danger to the public. Instead, the law enforcement
14 officer shall issue the resident operator a notice of noncompliance if for a violation
15 of R.S. 32:863.1, or a citation or violation ticket and allow the operator to proceed.
16 In addition, the law enforcement officer may remove the license plate from the
17 vehicle.

18 * * *

1 §863.1. Evidence of compulsory motor vehicle liability security contained in
2 vehicle; enforcement; penalty; fees

3 * * *

4 C.(1)(a) If the operator of a motor vehicle is unable to show compliance with
5 the provisions of this Part by displaying the required document when requested to
6 do so, the motor vehicle shall be impounded or immobilized with a vehicle boot and
7 the operator shall be issued a notice of noncompliance with the provisions of this
8 Part on a form to be provided by the department. Notwithstanding the provisions of
9 R.S. 32:852(E), such notice may be sent by first class mail. A copy of the notice of
10 noncompliance shall be provided to the towing or storage company or
11 immobilization company, and a copy shall be forwarded to the office of motor
12 vehicles within three calendar days after the notice of noncompliance was served.
13 The notice of noncompliance shall serve as notice of administrative hearings rights.
14 In addition, the law enforcement officer shall remove the license plate from the
15 vehicle if the vehicle is registered in Louisiana. The law enforcement officer shall
16 deliver the vehicle license plate to the chief of the agency which employs the officer
17 or to a person in that agency designated to receive such license plates. In those cases
18 in which a motor vehicle is not impounded or immobilized by a vehicle boot, a copy
19 of the notice of noncompliance shall be attached to the vehicle license plate and both
20 shall be delivered to the nearest office of motor vehicles within three calendar days
21 after the notice of noncompliance was served.

22 * * *

23 (2) In those cases in which the motor vehicle is not impounded or
24 immobilized by a vehicle boot, any law enforcement officer who removes and takes
25 a license plate pursuant to the provisions of this Section shall issue for attachment
26 to the rear end of the vehicle, a temporary sticker denoting its use in lieu of an
27 official license plate. The sticker shall bear the date upon which it was issued in
28 written or stamped numerals or letters not less than three inches in height. This

1 temporary sticker shall only be effective for a period of three calendar days
2 beginning from the day on which the license plate is taken.

3 * * *

4 (6) The impounded or immobilized vehicle shall remain impounded or
5 immobilized, and the registration shall remain suspended until such time as proof of
6 valid insurance is given to the Department of Public Safety and Corrections.
7 Notwithstanding any other provision of law to the contrary, in no event shall a car
8 be released from impoundment until such time as proof, in writing, has been
9 presented from the Department of Public Safety and Corrections that all penalties,
10 fees, fines, and requirements of this Section have been met.

11 (7) In those instances when there is a passenger in the motor vehicle under
12 the age of twelve or when the driver or a passenger in the motor vehicle is
13 handicapped or when considering the location and the time of day of the stop, the
14 law enforcement officer perceives that there would be a threat to the public safety
15 or to the occupants in the motor vehicle, such law enforcement officer enforcing the
16 provision of this Section may in lieu of the impoundment or immobilization
17 provisions of this Section, seize the license plate and issue a temporary sticker valid
18 for three calendar days. Upon expiration of the sticker, the vehicle shall not be driven
19 until the owner has complied with the requirements of this Section. In the event the
20 vehicle is being driven after the expiration of the temporary sticker provided for
21 herein, the vehicle shall be immediately impounded or immobilized by vehicle boot
22 pursuant to the provisions of this Section.

23 * * *

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)]

Henry Burns

HB No. 118

Abstract: Provides that vehicles may be immobilized by vehicle boot for failure to comply with compulsory motor vehicle liability security upon request by law enforcement officer.

Present law provides that a motor vehicle may be impounded upon not showing compliance with the motor vehicle security liability law at the request of a law enforcement officer.

Proposed law provides that a motor vehicle may be impounded or immobilized upon not showing compliance with the motor vehicle security liability law at the request of a law enforcement officer.

(Amends R.S. 32:392.1(A) and 863.1(C)(1)(a), (2), (6), and (7))