

2018 Regular Session

HOUSE BILL NO. 457

BY REPRESENTATIVE HOFFMANN

MOTOR VEHICLES: Provides relative to a needs accommodation designation on a license plate

1 AN ACT

2 To enact R.S. 32:412(P), relative to the establishment of a special license plate designation;
3 to provide for a special license plate designation indicating that a person has a
4 mental, physical, or developmental disability; to provide penalties for false
5 statements concerning a needs accommodation designation; to require the
6 implementation of a law enforcement officer training course; to provide for the
7 promulgation of rules and regulations; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 32:412(P) is hereby enacted to read as follows:

10 §412. Amount of fees; credit or refund; duration of license; veteran designation;
11 disabled veteran designation; university logo; "I'm a Cajun" designation;
12 needs accommodation designation; disbursement of funds; renewal by mail
13 or electronic commerce of Class "D" or "E" drivers' licenses; disposition of
14 certain fees; exception

15 * * *

16 P.(1) Upon the request of an applicant for a driver's license who needs
17 accommodation, a designation that the applicant needs accommodation shall be
18 exhibited on the license plate when a statement from a qualified medical professional
19 licensed in Louisiana or any other state or territory of the United States verifying the
20 medical reason, including any mental, physical, or developmental disability, the

1 applicant needs accommodation is presented as established by administrative rule.

2 No additional fee shall be charged to include such designation.

3 (2)(a) When any law enforcement officer stops a vehicle at an administrative
4 violations checkpoint, in connection with an alleged violation of the law, to
5 investigate an accident, or for any other reason, the license plate designation shall
6 alert the law enforcement officer that the driver of the motor vehicle may need
7 accommodation. Prior to approaching the motor vehicle, the law enforcement officer
8 shall use electronic means immediately available to verify that a registered operator
9 of the motor vehicle may need accommodation.

10 (b) The electronic means immediately available to the law enforcement
11 officer shall allow him to utilize the motor vehicle's license plate number to access
12 and verify the driver's license information of any registered driver of the motor
13 vehicle, including his name, date of birth, driver's license number, and whether any
14 driver needs accommodation.

15 (3) Upon the renewal of the registration of a motor vehicle, a driver who
16 needs accommodation shall provide a statement from a qualified medical
17 professional licensed in Louisiana or any other state or territory of the United States
18 verifying the medical reason, including any mental, physical, or developmental
19 disability, that he needs accommodation as established by administrative rule.

20 (4) Any person who has not been diagnosed as having a mental, physical, or
21 developmental disability that qualifies for needs accommodation and who wilfully
22 and falsely represents himself as having the qualifications to obtain such special
23 designation authorized by this Section shall be fined not less than one hundred
24 dollars nor more than two hundred fifty dollars, or shall be imprisoned for not more
25 than thirty days, or both. Any subsequent offense shall result in a fine of not less
26 than two hundred fifty dollars nor more than five hundred dollars, or imprisonment
27 for not more than ninety days, or both.

28 (5) In addition to the requirements of R.S. 40:2404.2(C), the Department of
29 Public Safety and Corrections, public safety services, shall establish and implement

1 a law enforcement training course relative to law enforcement officers' interaction
2 with persons who need accommodation. The course shall instruct law enforcement
3 officers on sensitivity and awareness to ensure equitable treatment and how to
4 effectively communicate and interact with persons who need accommodation,
5 including but not limited to persons with any mental, physical, or developmental
6 disability. At a minimum, the course shall include the following:

7 (a) Identification of indicators that an individual may need accommodation.

8 (b) Identification of procedures that an officer should employ when
9 encountering a person who needs accommodation.

10 (c) Demonstrations of communication and interactive techniques required
11 to effectively interact with a person who needs accommodation.

12 (d) Explanations that provide law enforcement officers with an
13 understanding of various mental, physical, and developmental disabilities and
14 examples of unexpected actions potentially taken by persons diagnosed with such
15 disabilities.

16 (e) Explanations of the resources available to assist an officer encountering
17 a person who needs accommodation.

18 (f) Descriptions of the procedures an officer should use to ensure compliance
19 with the Americans with Disabilities Act when encountering a person who needs
20 accommodation.

21 (6) The Department of Public Safety and Corrections, public safety services,
22 shall promulgate rules and regulations as necessary to implement the provisions of
23 this Subsection, including a waiver of liability for the release of any medical
24 information. Notwithstanding the provisions of R.S. 49:968(B)(12), the House and
25 Senate committees on transportation, highways and public works shall have
26 oversight of the adoption of rules and regulations required by this Subsection.

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)]

HB 457 Original

2018 Regular Session

Hoffmann

Abstract: Establishes a needs accommodation designation for a person's motor vehicle license plate.

Proposed law authorizes an applicant for a driver's license who needs accommodation to request a designation and requires the designation be placed on the license plate of a vehicle he operates indicating that a driver of the motor vehicle may need accommodation.

Proposed law requires the applicant provide a sworn statement from a qualified medical professional licensed in the state or any U.S. state or territory verifying the reason the applicant needs accommodation and prohibits any additional fee for such designation.

Proposed law requires that a law enforcement officer use electronic means immediately available to verify that the driver of a motor vehicle with a license plate designation may need accommodation prior to approaching the motor vehicle.

Proposed law requires that the electronic means available to the law enforcement officer allow him to utilize the vehicle's license plate number to access and verify the driver's license information of any registered driver of the motor vehicle, including his name, date of birth, driver's license number, and whether any driver needs accommodation.

Proposed law requires a driver who needs accommodation to provide a statement from a qualified medical professional licensed in La. or any other U.S. state or territory verifying the medical reason, including any mental, physical, or developmental disability, that he needs accommodation upon the renewal of the registration of the motor vehicle.

Proposed law specifies that any person who wilfully and falsely represents himself as having the qualifications to obtain such special designation authorized by proposed law be fined not less than \$100 nor more than \$250, or be imprisoned for not more than 30 days, or both and specifies that a subsequent offense result in a fine of not less than \$250 nor more than \$500, or imprisonment for not more than 90 days, or both.

Proposed law requires the Dept. of Public Safety and Corrections, public safety services, to establish and implement a law enforcement training course relative to law enforcement officers' interaction with persons who need accommodation, in addition to the requirements of present law.

Proposed law requires the course instruct law enforcement officers on sensitivity and awareness to ensure equitable treatment and how to effectively communicate and interact with persons who need accommodation, including but not limited to persons with any mental, physical, or developmental disability.

Proposed law requires the course include identification of indicators that an individual may need accommodation; identification of procedures that an officer should employ when encountering a person who needs accommodation; demonstrations of communication and interactive techniques required to effectively interact with a person who needs accommodation; explanations that provide law enforcement officers with an understanding of various mental, physical, and developmental disabilities and examples of unexpected actions potentially taken by persons diagnosed with such disabilities; explanations of the resources available to assist an officer encountering a person who needs accommodation;

and descriptions of the procedures an officer should use to ensure compliance with the Americans with Disabilities Act when encountering a person who needs accommodation.

Proposed law authorizes the Dept. of Public Safety and Corrections to promulgate rules and regulations to implement the provisions of proposed law. Provides rule oversight authority to the House and Senate committees on transportation, highways and public works.

(Adds R.S. 32:412(P))