

2023 Regular Session

HOUSE BILL NO. 555

BY REPRESENTATIVE PHELPS

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

MTR VEHICLE/OFFICE: Establishes an amnesty program for fines, fees, and assessments imposed by the office of motor vehicles

1 AN ACT

2 To enact the Louisiana Office of Motor Vehicles Amnesty Act of 2023; to provide for  
3 definitions; to require the Department of Public Safety, office of motor vehicles to  
4 establish an amnesty program as provided for in this Act; to provide for terms and  
5 conditions of the program; to provide for an effective date; and to provide for related  
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. This Act shall be known as and may be cited as the "Louisiana Office of  
9 Motor Vehicles Amnesty Act of 2023".

10 Section 2. Definitions. As used in this Act, the following terms have the meaning  
11 ascribed to them in this Section, except when the context clearly indicates otherwise:

12 (1) "Amnesty Amount" means the amount of the debt that is recalled from  
13 the office of debt recovery reduced by the amount of the collection fee assessed by  
14 the office of debt recovery as provided in R.S. 47:1676(E). The amnesty amount  
15 must be paid to the office of motor vehicles within the amnesty period to satisfy the  
16 outstanding debt.

17 (2) "Amnesty Installment Agreement" means an installment agreement  
18 allowing a debtor to pay their entire debt amount in multiple payments over the span  
19 of the ninety day amnesty period.

1           (3) "Amnesty Period" means the ninety day period when debts recalled from  
2 the office of debt recovery by the office of motor vehicles are not subject to  
3 collection fees assessed by the office of debt recovery as provided in R.S. 47:1676.

4           (4) "Commissioner" means the commissioner of the office of motor vehicles.

5           (5) "Debt" means an outstanding liability owed to the office of motor  
6 vehicles due to a violation of R.S. 32:863(A)(1) or (2).

7           (6) "Debtor" means the person or individual that is responsible for the  
8 outstanding debt owed to the Office of Motor Vehicles.

9           Section 3. (A) The office of motor vehicles shall develop and implement an  
10 amnesty program in accordance with the provisions of this Act. The commissioner  
11 shall provide by regulation as necessary for the administration and implementation  
12 of this amnesty program. The commissioner shall publicize the amnesty program in  
13 order to maximize the public awareness of and participation in the program.

14           (B) (1) The amnesty program shall take place over a time period not to  
15 exceed two years.

16           (2) The amnesty program shall be conducted on a geographic basis,  
17 throughout the state. The amnesty program shall first be available to debtors with  
18 a physical address located within the city of Shreveport. The initial amnesty  
19 program in Shreveport shall be effective for ninety day amnesty periods, beginning  
20 on August 1, 2023.

21           (3) Amnesty programs subsequent to the initial program in Shreveport shall  
22 be held in various regions throughout the state, for ninety day periods. The office  
23 of motor vehicles shall ensure that every citizen throughout the state has the  
24 opportunity to participate in the amnesty within the two year period provided in  
25 Subsection B.

26           (4) The office of motor vehicles amnesty shall apply to all debts incurred due  
27 to violations of R.S. 32:863(A)(1) or (2) that were referred to the office of debt  
28 recovery as provided by R.S. 32:8 and subsequently recalled.

29           (C)(1) Prior to the start of amnesty the office of motor vehicles shall recall  
30 all debts from the office of debt recovery.

1           (2) Upon recall of the debt, the collection fee assessed by the office of debt  
2 recovery as provided in 47:1676 shall not be assessed.

3           (3) The debtor shall satisfy and eliminate the debt by making full payment  
4 of the amnesty amount, by the end of the ninety day amnesty period.

5           (4) Installment agreements shall be permitted if the outstanding debt amount  
6 is paid, in full, by the end of the amnesty period. Installment agreements in place  
7 prior to the amnesty period shall be canceled upon request of the debtor, and  
8 replaced with an amnesty installment agreement.

9           (5) In the event debtors have multiple debts due to multiple violations of R.S.  
10 32:863(A)(1) or (2), the total amnesty amount to be paid shall not exceed eight  
11 hundred and fifty dollars. If the debtor has multiple debts due to violations of R.S.  
12 32:863(A)(2), the total amnesty amount to be paid shall not exceed one thousand and  
13 seventy-five dollars. At no time shall the amnesty amount of exceed two hundred  
14 and fifty dollars for person age sixty-five and older.

15           (D) The Department of Public Safety and Corrections may promulgate rules  
16 in accordance with the emergency rulemaking provisions contained in R.S. 49:962  
17 as are necessary to implement the provisions of this Section. For purposes of  
18 qualifying as an emergency under the provisions of R.S. 49:962, necessity of  
19 promulgating the rules shall be deemed to meet the definition of imminent peril to  
20 the public health, safety, or welfare.

21           (E) Once a debtor is no longer eligible to participate in the amnesty program  
22 due to the expiration of the amnesty period, their debt shall be referred to the office  
23 of debt recovery and all collection fees assessed by the office of debt recovery shall  
24 apply.

25           Section 4. Upon the termination of the two years referenced in Section 3, Subsection  
26 B of this Act, The Commissioner of the Office of Motor Vehicles shall transfer funds in an  
27 amount equal to the collection fees not assessed by the office of debt recovery, on the debts  
28 actually satisfied during the amnesty periods. Such monies shall be designated as  
29 self-generated revenues

30           Section 5. This Act shall become effective on August 1, 2023.

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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 555 Original

2023 Regular Session

Phelps

**Abstract:** Establishes the Louisiana Office of Motor Vehicles Amnesty Act of 2023.

Proposed law defines "amnesty amount" as the amount of the debt that is recalled from the office of debt recovery reduced by the amount of the collection fee assessed by the office of debt recovery. Specifies that the amnesty amount must be paid to the office of motor vehicles within the amnesty period to satisfy the outstanding debt.

Proposed law defines "amnesty installment agreement" as an installment agreement allowing a debtor to pay their entire debt amount in multiple payments over the span of the ninety day amnesty period.

Proposed law specifies the "amnesty period" is the ninety day period when debts recalled from the office of motor vehicles are not subject to collection fees assessed by the office of debt recovery.

Proposed law provides clarification for the term "commissioner" to mean the commissioner of the office of motor vehicles.

Proposed law defines "debt" as an outstanding liability owed to the office of motor vehicles due to a violation pursuant to proposed law (R.S. 32:863(A)(1)) that has been recalled from the office of debt recovery.

Proposed law defines "debtor" as the person or individual that is responsible for the outstanding debt owed to the office of motor vehicles.

Proposed law requires the office of motor vehicles to develop and implement an amnesty program. Specifies that the commissioner must provide by regulation as necessary for the administration and implementation of this amnesty program. Further instructs the commissioner to publicize the amnesty program in order to maximize the public awareness of and participation in the program.

Proposed law specifies that the amnesty period is to take place over a time period not to exceed two years.

Proposed law requires the amnesty program to be conducted on a geographic basis throughout the state. Specifies the amnesty program to first be available to debtors with a physical address located within the city of Shreveport. The initial amnesty program in Shreveport will be effective for a ninety day amnesty period, beginning on Aug. 1, 2023.

Proposed law specifies that amnesty programs subsequent to the program in Shreveport be held in various regions throughout the state, for ninety day period.

Proposed law requires the office of motor vehicles to ensure every citizen throughout the state has the opportunity to participate in the amnesty program within the two year period.

Proposed law specifies that prior to the start of the amnesty program the office of motor vehicles will recall all debts from the office of debt recovery and the debtor will satisfy and eliminate the debt by making full payments of the amnesty amount, by the end of the amnesty period.

Proposed law establishes that installment agreements be permitted if the outstanding debt amount is paid, in full, by the end of the amnesty period. Further provides that installment

agreements in place prior to the amnesty period to be canceled upon request of the debtor, and replaced with an amnesty installment agreement.

Present law specifies that in the event debtors have multiple debts due to multiple violations of present law (R.S. 32:863(A)(1) or (2)), the total amnesty amount to be paid cannot exceed \$850. Further provides that if the debtor has multiple debts due to violations of (R.S. 32:863(A)(2)), the total amnesty amount to be paid must not exceed \$1,075. Specifies that at no time will the amnesty amount exceed \$250 for a person age 65 and older.

Present law authorizes the Dept. of Public Safety and Corrections to promulgate rules in accordance with the emergency rulemaking as are necessary to implement the provisions of this proposed law. Specifies that to support qualifying under present law as an emergency under necessity of promulgating the rules will be deemed to meet the definition of imminent peril to the public health, safety, or welfare.

Proposed law specifies that once a debtor is no longer eligible to participate in the amnesty program due to the expiration of the amnesty period, their debt will be referred to the office of debt recovery and all collection fees assessed by the office of debt recovery will apply.

Proposed law establishes that upon the termination of the two year amnesty period, the commissioner must transfer funds in an amount equal to the collection fees not assessed by the office of debt recovery on the debts actually satisfied during the amnesty periods. Further specifies the monies to be designated as self-generated revenues.

(Adds the Louisiana Office of Motor Vehicles Amnesty Act of 2023)