

Regular Session, 2012

HOUSE BILL NO. 682

BY REPRESENTATIVE PYLANT

DWI: Repeals provision of law relative to the reinstatement of driving privileges associated with a violation of criminal law

1 AN ACT

2 To repeal R.S. 32:66(H), relative to driver's licenses; to repeal provision of law relative to
3 the reinstatement of driving privileges associated with a violation of criminal law.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 32:667(H) is hereby repealed in its entirety.

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)]

Pylant

HB No. 682

Abstract: Repeals provision of law relative to the reinstatement of driving privileges associated with a violation of criminal law.

Present law provides that when any person's driver's license has been seized, suspended, or revoked, and the seizure, suspension, or revocation is connected to a charge or charges of violation of a criminal law, and the charge or charges do not result in a conviction, plea of guilty, or bond forfeiture, the person charged will have his license immediately reinstated and will not be required to pay a reinstatement fee if at the time for reinstatement of driver's license, it can be shown that the criminal charges have been dismissed or that there has been a permanent refusal to charge a crime by the appropriate prosecutor or there has been an acquittal.

Present law provides that, if, however, at the time for reinstatement, the licensee has pending criminal charges against him arising from the arrest which led to his suspension or revocation of driver's license, the reinstatement fee shall be collected.

Present law provides that upon subsequent proof of final dismissal or acquittal, other than under Arts. 893 or 894 of the Code of Criminal Procedure, the licensee shall be entitled to a reimbursement of the reinstatement fee previously paid. Present law provides that in no event shall exemption from this reinstatement fee or reimbursement of a reinstatement fee affect the validity of the underlying suspension or revocation.

Present law provides that if a licensee qualifies for the exemption from the reinstatement fee or for a reimbursement of the reinstatement fee as provided in present law, the licensee shall receive credit for the unexpired portion of the license which was seized, and shall be exempt from the payment of, or shall receive reimbursement for the payment of, the duplicate license fee and the handling fee with regard to the license which was seized.

Proposed law repeals present law.

(Repeals R.S. 32:667(H))