

SENATE BILL NO. 407

BY SENATORS MCPHERSON, ADLEY, BROOME, HEITMEIER, LAFLEUR, NEVERS AND SHAW AND REPRESENTATIVES NORTON, AUSTIN BADON, BOBBY BADON, BARRAS, BARROW, HENRY BURNS, TIM BURNS, CHANEY, CORTEZ, DIXON, GISCLAIR, GREENE, HARDY, HAZEL, HENRY, HINES, GIROD JACKSON, MICHAEL JACKSON, SAM JONES, KATZ, LAFONTA, LANDRY, LIGI, LOPINTO, LORUSSO, MILLS, PEARSON, RICHARD, RICHMOND, ROBIDEAUX, SCHRODER, JANE SMITH, ST. GERMAIN, TALBOT, THIBAUT, THIERRY, TUCKER, WADDELL, WILLIAMS AND WILLMOTT

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 * * *

18 (c) A check with the National Driver Register (NDR), if it is determined to
19 be operational by the Federal Highway Administrator, to determine if the applicant:

20 * * *

21 (iii) Has been convicted of any of the offenses contained in ~~Section 205(A)(3)~~
22 ~~of the National Drivers Register Act of 1982~~ **49 U.S.C.A. 30304(a)(3)**. The

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

* * *

13 Section 2. The provisions of this Act shall be retroactive and shall apply to any
 14 applicant for a Class "D" chauffeur's license or a Class "E" personal vehicle driver's license
 15 who paid a record check fee to the department on and after March 8, 2010. The department
 16 shall refund any such record check fee charged and collected to such applicants not later than
 17 September 1, 2010. The department shall not close regional, parish, or local offices of motor
 18 vehicles to supplant the loss in revenue as a result of this refund.

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____