## **ACT No. 765**

AN ACT

SENATE BILL NO. 582

1

## BY SENATOR CLAITOR AND REPRESENTATIVE FOIL

2	To amend and reenact R.S. 32:409.1(A)(2)(ff), 412(A)(1), (2), (3), (4)(a) and introductory
3	paragraph of (b), (5), (6), (7)(a) and introductory paragraph of (b), (B)(1), (2), (5),
4	(7)(a)(i) and introductory paragraph of (ii), (b)(i) and introductory paragraph of (ii),
5	(c)(i) and introductory paragraph of (ii), (d)(i) and introductory paragraph of (ii),
6	(e)(i)(aa), introductory paragraph of (bb), (cc), (dd), and (ee), and (ii)(aa), (bb), (cc),
7	(dd), and (ee) and (C), 32:412.1(B), (C), (D), and 32:429(A), to enact R.S.
8	32:412.1(E) and 412.3, and to repeal R.S. 32:412.1(A)(1), relative to the duration of
9	driver's licenses; to provide that driver's licenses be renewed every six years; to
10	provide for fees; to provide for the distribution of revenue; to create and provide for
11	special funds; and to provide for related matters.
12	Be it enacted by the Legislature of Louisiana:
13	Section 1. R.S. 32:412(A)(1), (2), (3), (4)(a) and introductory paragraph of (b), (5),
14	(6), (7)(a) and introductory paragraph of (b), (B)(1), (2), (5), (7)(a)(i) and introductory
15	paragraph of (ii), (b)(i) and introductory paragraph of (ii), (c)(i) and introductory paragraph
16	of (ii), (d)(i) and introductory paragraph of (ii), (e)(i)(aa), introductory paragraph of (bb),
17	(cc), (dd), (ee), and (ii)(aa), (bb), (cc), (dd), and (ee) and (C), 32:412.1(B), (C), (D), and
18	32:429(A) are hereby amended and reenacted and R.S. 32:412.1(E) and 412.3 are hereby
19	enacted to read as follows:
20	§412. Amount of fees; credit or refund; duration of license; veteran designation;
21	"I'm a Cajun" designation; disbursement of funds; renewal by mail or
22	electronic commerce of Class "D" or "E" drivers' licenses; disposition
23	of certain fees; exception
24	A.(1) Every applicant for a Class "D" driver's license, or for a renewal of a
25	Class "D" driver's license, except those bona fide residents of the city of New

Orleans, shall pay for such basic license a fee of twenty-eight forty-two dollars and fifty seventy-five cents. Seven Eleven dollars and forty three fifteen cents of the fee shall be paid to the State Police Pension and Retirement Fund. One dollar and fifty cents of the fee shall be forwarded by the department to the litter abatement and education account which is created with the Conservation Fund through the provisions of R.S. 56:10(B)(15).

- (2) The fee for Class "D" driver's licenses, or renewal of a Class "D" driver's license, issued to bona fide residents of the city of New Orleans shall be thirty-six dollars, ten fifty-four dollars, fifteen dollars of which shall be payable by the department to the board of trustees of the police pension fund of the city of New Orleans. One dollar and twenty three eighty four cents of the fee shall be paid to the State Police Pension and Retirement Fund. One dollar and fifty cents of fee shall be forwarded by the department to the litter abatement and education account which is created within the Conservation Fund through the provisions of R.S. 56:10(B)(15).
- (3) There shall be a fee of five seven dollars and fifty cents for an emergency vehicle endorsement for any vehicle group.
- (4)(a) A Class "D" driver's license shall expire on the anniversary of the birthday of the applicant which is nearest to a period of four six years subsequent to the issuing of the license, unless suspended, revoked or canceled prior to that time.
- (b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph, the department may issue the license for a period of less than four six years in circumstances of medical limitation, limitation on lawful presence, or other special restrictions. When the department issues a license to a properly documented alien student or nonresident alien, the license shall both:
- (5) Every applicant for a Class "E" driver's license, or for a renewal of a Class "E" driver's license, except those bona fide residents of the city of New Orleans, shall pay for such basic license a fee of thirteen twenty dollars and fifty cents twenty-five cents, which shall be the cost of such basic license. Three dollars and seventy-five Five dollars and sixty-three cents of the fee shall be paid to the State Police Pension and Retirement Fund. One dollar and fifty cents of the fee shall be

forwarded by the department to the litter abatement and education account which is
created within the Conservation Fund through the provisions of R.S. 56:10(B)(15).

- (6) The fee for a Class "E" driver's license, or renewal of a Class "E" driver's license, issued to bona fide residents of the city of New Orleans shall be thirteen dollars and fifty cents, two dollars and fifty twenty dollars and twenty-five cents, three dollars and seventy-five cents of which fee shall be paid by the department to the board of trustees of the police pension funds of the city of New Orleans. Two dollars and fifty Three dollars and seventy-five cents of the fee shall be paid to the State Police Pension and Retirement Fund. One dollar and fifty cents of the fee shall be forwarded by the department to the litter abatement and education account which is created within the Conservation Fund through the provisions of R.S. 56:10(B)(15).
- (7)(a) A Class "E" driver's license shall expire on the anniversary of the birthday of the applicant which is nearest to a period of four six years subsequent to the issuing of the license, unless suspended, revoked or canceled.
- (b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph, the department may issue the license for a period of less than four <u>six</u> years in circumstances of medical limitation, limitation on lawful presence, or other special restrictions. When the department issues a license to a properly documented alien student or nonresident alien, the license shall both:

\* \* \*

- B.(1) Every applicant for a Class "A", "B", or "C" commercial driver's license, or for a renewal of a basic Class "A", "B", or "C" commercial driver's license, except for those bona fide residents of the city of New Orleans, shall pay for such basic license a fee of forty-one dollars. Ten dollars and eighty sixty-one dollars and fifty cents. Sixteen dollars and twenty cents of the fee shall be paid to the State Police Pension and Retirement Fund. One dollar and fifty cents of the fee shall be forwarded by the department to the litter abatement and education account which is created within the Conservation Fund through the provisions of R.S. 56:10(B)(15).
  - (2) The fee for a basic Class "A", "B", or "C" commercial driver's license, or

for the renewal of a basic Class "A", "B", or "C" commercial driver's license, issued
to bona fide residents of the city of New Orleans shall be fifty one dollars, ten
seventy-six dollars and fifty cents, fifteen dollars of which fee shall be paid by the
department to the board of trustees of the police pension fund of the city of New
Orleans. Ten <u>Fifteen</u> dollars of the fee shall be paid to the State Police Pension and
Retirement Fund. One dollar and fifty cents of the fee shall be forwarded by the
department to the litter abatement and education account which is created with the
Conservation Fund through the provisions of R.S. 56:10(B)(15).

\* \* \*

(5) There shall be a fee of five dollars seven dollars and fifty cents for each endorsement to the basic licenses listed in R.S. 32:408(B).

(7)(a)(i) A Class "C" commercial driver's license not carrying an endorsement permitting the transportation of material found to be hazardous for purposes of the Federal Hazardous Material Act, 49 United States Code U.S.C. 5101 et seq. or under state law or regulation shall expire on the anniversary of the birthday of the applicant which is nearest to a date of four six years subsequent to the issuing of the license, unless revoked, canceled, or suspended prior to that time.

(ii) Notwithstanding the provisions of Item (i) of this Subparagraph, the department may issue the license for a period of less than four <u>six</u> years in circumstances of medical limitations, limitation on lawful presence, or other special restrictions. When the department issues a license to a properly documented alien student or nonresident alien, the license shall both:

\* \* \*

(b)(i) A Class "C" commercial driver's license carrying an endorsement permitting the transportation of materials found to be hazardous for purposes of the Federal Hazardous Material Act, 49 United States Code U.S.C. 5101 et seq. or under state law or regulation shall expire on the anniversary of the birthday of the applicant which is nearest to a date of four six years subsequent to the issuing of the license, unless revoked, canceled, or suspended prior to that time.

(ii) Notwithstanding the provisions of Item (i) of this Subparagraph, the

department may issue the license for a period of less than four six years in
circumstances of medical limitation, limitation on lawful presence, or other special
restrictions. When the department issues a license to a properly documented alien
student or nonresident alien, the license shall both:

\* \* \*

- (c)(i) A Class "B" commercial driver's license shall expire on the anniversary of the birthday of the applicant which is nearest to a date of four six years subsequent to the issuing of the license, unless revoked, canceled, or suspended prior to that time.
- (ii) Notwithstanding the provisions of Item (i) of this Subparagraph, the department may issue the license for a period of less than four six years in circumstances of medical limitation, limitation on lawful presence, or other special restrictions. When the department issues a license to a properly documented alien student or nonresident alien, the license shall both:

\* \* \*

- (d)(i) A Class "A" commercial driver's license shall expire on the anniversary of the birthday of the applicant which is nearest to a date of four six years subsequent to the issuing of the license, unless revoked, canceled or suspended prior to that time.
- (ii) Notwithstanding the provisions of Item (i) of this Subparagraph, the department may issue the license for a period of less than four <u>six</u> years in circumstances of medical limitation, limitation on lawful presence, or other special restrictions. When the department issues a license to a properly documented alien student or nonresident alien, the license shall both:

\* \* \*

(e)(i)(aa) Every applicant seventy years of age or older for a Class "E" driver's license, or for the renewal of a Class "E" driver's license, except those bona fide residents of the city of New Orleans, shall pay for such basic license a fee of four six dollars and fifty seventy-five cents, which shall be the cost of the license. The license shall expire on the anniversary of the birthday of the applicant which is nearest to a date of four six years subsequent to the issuing of the license, unless

revoked,	canceled,	or	suspended
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(bb) Notwithstanding the provisions of R.S. 32:412(B)(7)(e)(i)(aa), the department may issue the license for a period of less than four six years in circumstances of medical limitation, limitation on lawful presence, or other special restrictions. When the department issues a license to a properly documented alien student or nonresident alien, the license shall both:

\* \* \*

(cc) Fifty Seventy-five cents of the fee shall be paid to the office of state police. One dollar and fifty Two dollars and seventy-five cents of the fee shall be paid to the State Police Pension and Retirement Fund. One dollar and fifty cents of the fee shall be forwarded by the department to the litter abatement and education account which is created within the Conservation Fund through the provisions of R.S. 56:10(B)(15).

(dd)(I) Every applicant seventy years of age or older for a Class "D" driver's license, or for the renewal of a Class "D" driver's license, except those bona fide residents of the city of New Orleans, shall pay for such basic license a fee of fourteen twenty-two dollars and seventy-five thirteen cents, which shall be the cost of the license. The license shall expire on the anniversary of the birthday of the applicant which is nearest to the date of four six years subsequent to the issuing of the license, unless revoked, canceled, or suspended.

- (II) Notwithstanding the provisions of R.S. 32:412(B)(7)(e)(i)(dd)(I), the department may issue the license for a period of less than four six years in circumstances of medical limitation, limitation on lawful presence, or other special restriction. When the department issues a license to a properly documented alien student or nonresident alien, the license shall both expire on the date for which the alien's immigration documents expire, if sooner than the date specified in Subsubitem (I) of this Subitem, and contain a restriction code which declares that the license holder is an alien student or a nonresident alien.
- (ee) Three dollars and seventy-one Five dollars and fifty-six cents of the fee shall be paid to the State Police Pension and Retirement Fund. One dollar and fifty

<u>cents</u> of the fee shall be forwarded by the department to the litter abatement and education account which is created within the Conservation Fund through the provisions of R.S. 56:10(B)(15).

(ii)(aa) Every applicant seventy years of age or older for a Class "E" driver's license, or for the renewal of a Class "E" driver's license, issued to bona fide residents of the city of New Orleans, shall pay for such basic license a fee of four six dollars and fifty seventy-five cents, which shall be the cost of the license. This license shall expire on the anniversary of the birthday of the applicant which is nearest to a date of four six years subsequent to the issuing of the license, unless revoked, canceled, or suspended.

(bb) Notwithstanding the provisions of R.S. 32:412(B)(7)(e)(ii)(aa), the department may issue the license for a period of less than four six years in circumstances of medical limitation, limitation on lawful presence, or other special restriction. When the department issues a license to a properly documented alien student or nonresident alien, that license shall both expire on the date for which the alien's immigration documents expire, if sooner than the date specified in Subitem (aa) of this Item, and contain a restriction code which declares that the license holder is an alien student or a nonresident alien.

(cc) One dollar <u>and fifty cents</u> of the fee shall be paid to the Board of Trustees of the Police Pension Fund of the city of New Orleans. One dollar <u>and fifty</u> <u>cents</u> of the fee shall be paid to the State Police Pension and Retirement Fund. One dollar <u>and fifty cents</u> of the fee shall be forwarded by the department to the litter abatement and education account which is created within the Conservation Fund through the provisions of R.S. 56:10(B)(15).

(dd)(I) Every applicant seventy years of age or older for a Class "D" driver's license, or for the renewal of a Class "D" driver's license, issued to bona fide residents of the city of New Orleans, shall pay for such basic license a fee of eighteen twenty-seven dollars and fifty seventy-five cents, which shall be the cost of the license. This license shall expire on the anniversary of the birthday of the applicant which is nearest to the date of four six years subsequent to the issuing of

the license, unless revoked, canceled, or suspended.

(II) Notwithstanding the provisions of R.S.32:412(B)(7)(e)(ii)(dd)(I), the department may issue the license for a period of less than four <u>six</u> years in circumstances of medical limitation, limitation on lawful presence, or other special restriction. When the department issues a license to a properly documented alien student or nonresident alien, the license shall both expire on the date for which the alien's immigration documents expire, if sooner than the date specified in Subsubitem (I) of this Subitem, and contain a restriction code which declares that the license holder is an alien student or a nonresident alien.

(ee) Five dollars Seven dollars and fifty cents of the fee shall be payable by the department to the board of trustees of the police pension fund of the city of New Orleans. Sixty-one Ninety-two cents of the fee shall be paid to the State Police Pension and Retirement Fund. One dollar and fifty cents of the fee shall be forwarded by the department to the litter abatement and education account which is created within the Conservation Fund through the provisions of R.S. 56:10(B)(15).

\* \* \*

C.(1) The addition of a motorcycle or motor scooter endorsement to a basic license will require, besides the specific examination for such vehicles, the payment of an additional fee of eight twelve dollars. If the motorcycle endorsement is to any license which is valid for less than four six years, the fee for the endorsement will be four dollars.

(2) Notwithstanding any provisions of law to the contrary and subject to the exceptions contained in Article VII, Section 9(A) of the Constitution of Louisiana, the amount of five seven dollars and fifty cents from the fee for a motorcycle or motor scooter endorsement to a basic license, or the amount of two three dollars from the fee if the motorcycle endorsement for any person is to a license that is valid for only less than four six years shall be credited to the Bond Security and Redemption Fund. After a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state which become due and payable within any fiscal years, the treasurer shall pay an amount equal to the fees

	paid into the Bond Security and Redemption Fund pursuant to this Paragraph into a	
	special fund which is hereby created in the state treasury and designated as the	
	"Motorcycle Safety, Awareness, and Operator Training Program Fund", hereinafter	
	referred to as the "fund". The monies credited to the fund shall be used solely for	
	operator training, instructor training, and motorcycle safety and awareness programs.	
	Any unexpended and unencumbered monies remaining to the credit of the fund on	
	June thirtieth of each year, after all appropriations of the preceding fiscal year have	
	been made, shall revert to the state general fund. The monies in the fund shall be	
	expended solely from year to year as appropriated by the legislature for the purposes	
	of motorcycle safety and awareness and operator training. Any amounts earned	
	through investment of the monies in the fund shall revert to the state general fund.	
	* * *	
\$412.1. Handling charges		
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B. Except as provided in Subsection D, the office of motor vehicles shall collect, in addition to any fee authorized by law, a handling charge of twelve dollars for each of the following transactions:

- (1) Class D and Class E drivers' licenses:
- 19 (a) New applications.
- 20 (b) Renewals.
- 21 (c) Duplicates.
- 22 (d) Valid without photo.
  - C. Additional handling charges of eight dollars may be established by the office of motor vehicles upon transactions not specifically named in Subsection Subsections A and B of this Section in accordance with procedures in the Administrative Procedure Act.
    - C.D. Two Three dollars and seventy-five cents on Class "D" and "E" driver's license transactions, and two dollars and fifty cents of the fee charged for any all other handling fees charged or collected shall be forwarded to the state treasurer for deposit in to the Office of Motor Vehicles Customer Service and

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1	Technology Fund created pursuant to the provisions of R.S. 32:429.2.
2	D. E. A child who is in foster care, as defined in Article 603 of the Louisiana
3	Children's Code, shall not be required to pay the handling fee or other charge in order
4	to obtain a driver's license or identification card.
5	* * *
6	§412.3. Office of Motor Vehicles Driver's License Escrow Fund; Office of
7	Motor Vehicles Handling Fee Escrow Fund
8	A. There is hereby created, as special funds in the state treasury, the
9	Office of Motor Vehicles Driver's License Escrow Fund, and the Office of Motor
10	Vehicles Handling Fee Escrow Fund.
11	<b>B.(1)</b> After compliance with the requirements of Article VII, Section
12	9(B) of the Constitution of Louisiana relative to the Bond Security and
13	Redemption Fund, and after a sufficient amount is allocated from that fund to
14	pay all of the obligations secured by the full faith and credit of the state which
15	become due and payable within any fiscal year, the treasurer shall pay an
16	amount equal to one third of the monies received by the state treasury pursuant
17	to the provisions of R.S. 32:412 into the Office of Motor Vehicles Driver's
18	License Escrow Fund. The monies in this fund shall be used solely as provided
19	in Subsection D of this Section. All unexpended and unencumbered monies in
20	this fund at the end of the fiscal year shall remain in the fund to cover under
21	collections in any subsequent fiscal year. The monies in the fund shall be
22	invested by the state treasurer in the same manner as monies in the state
23	general fund and shall be deposited into the state general fund.
24	(2) The calculation required under the provisions of Subsection D of this
25	Section shall be made prior to the distribution to the board of trustees of the
26	police pension funds of the city of New Orleans, the State Police Pension and
27	Retirement Fund, and the Conservation Fund under the provisions of R.S.
28	<u>56:10(B)(15).</u>
29	C. After compliance with the requirements of Article VII, Section 9(B)
30	of the Constitution of Louisiana relative to the Bond Security and Redemption

1	Fund, and after a sufficient amount is allocated from that fund to pay all of the
2	obligations secured by the full faith and credit of the state which become due
3	and payable within any fiscal year, the treasurer shall pay an amount equal to
4	one third of the monies received by the state treasury pursuant to the provisions
5	of R.S. 32:412.1 into the Office of Motor Vehicles Handling Fee Escrow Fund.
6	The monies in this fund shall be used solely as provided in Subsection E of this
7	Section. All unexpended and unencumbered monies in this fund at the end of
8	the fiscal year shall remain in the fund to cover under collections in any
9	subsequent fiscal year. The monies in the fund shall be invested by the state
10	treasurer in the same manner as monies in the state general fund and shall be
11	deposited into the state general fund.
12	D. Of the monies escrowed in the Office of Motor Vehicles Driver's
13	License Escrow Fund, one-half shall be appropriated in Fiscal Years 2020, 2026.
14	and 2032 and one-half shall be appropriated in Fiscal Years 2021, 2027, and
15	<u>2033.</u>
16	E.(1) Of the monies escrowed in the Office of Motor Vehicles Handling
17	Fee Escrow Fund. In appropriating money from this fund in the fifth and sixth
18	year of the driver's license cycle, one-half shall be appropriated in Fiscal Years
19	2020, 2026, and 2032 and one-half shall be appropriated in Fiscal Years 2021.
20	2027, and 2033.
21	(2) Of the monies appropriated under the provisions of this Subsection.
22	sixty-eight and seventy-five one-hundredths percent of the funds shall be
23	allocated to self-generated revenue and thirty-one and twenty-five one-
24	hundredths percent of the funds shall be allocated to the Office of Motor
25	Vehicles Customer Service and Technology Fund.
26	* * *
27	§429. Office of motor vehicles field offices; authorization of fees
28	A.(1) The governing authority of any local governmental subdivision is
29	hereby authorized to levy, by resolution, a fee for each service or transaction carried

out as an operation of an office of motor vehicles field office that is not fully funded

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1	by the state. Except as provided in Paragraph (2) of this Subsection, the fee shall not
2	exceed three four dollars and fifty cents per service or transaction and shall be used
3	solely to defray the cost of operations of that local field office, including but not
4	limited to facility rental, utilities, and maintenance. The fee shall not be charged for
5	the procurement or renewal of a motor vehicle registration license.
6	(2) The fee provided for in Paragraph (1) of this Subsection may be levied in
7	an amount not to exceed four six dollars by the local governing authority of Orleans
8	Parish.
9	Section 2. R.S. 32:409.1(A)(2)(ff) is hereby amended and reenacted to read as
10	follows:
11	§409.1. Application or special certificate applications; penalties for false
12	information
13	A.
14	* * *
15	(2) An applicant for a driver's license shall provide the following information:
16	* * *
17	(ff) Passport. Foreign passports must be appropriately stamped and
18	accompanied by proper immigration documents that permit the applicant to maintain
19	a legal presence in the United States for at least one hundred eighty calendar days;
20	except, however, such passports and immigration documents of applications who are
21	employed in the agricultural industry must permit the applicant to maintain a legal
22	presence in the United States for at least sixty calendar days, and such passports
23	and immigration documents of applicants who are attempting to renew a
24	driver's license must permit the applicant to maintain a legal presence in the
25	United States for at least thirty calendar days.
26	* * *
27	Section 3. R.S. 32:412.1(A)(1) is hereby repealed in its entirety.
28	Section 4. Sections 1 and 3 of this Act shall become effective July 1, 2015.
29	Section 5. This Section and Sections 2 and 4 shall become effective upon signature
30	by the governor or, if not signed by the governor, upon expiration of the time for bills to

become law without signature by the governor, as provided by Article III, Section 18 of the
Constitution of Louisiana. If vetoed by the governor and subsequently approved by the
legislature, this Act shall become effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

**ENROLLED** 

**SB NO. 582** 

APPROVED: \_\_\_\_\_