

2018 Regular Session

HOUSE BILL NO. 869

BY REPRESENTATIVE MAGEE

MOTOR VEHICLES: Requires ignition interlock devices as a condition of obtaining restricted driver's licenses

1 AN ACT

2 To amend and reenact R.S. 32:667(B)(1)(b) and 668(B)(1)(b) and (c), relative to restricted
3 driver's licenses; to provide relative to the procedures for obtaining a restricted
4 driver's license; to eliminate the waiting period for obtaining a restricted license
5 when refusing to submit to a chemical test for intoxication; to eliminate the waiting
6 period for obtaining a restricted license when test results show a blood alcohol
7 content over the legal limit; to require ignition interlock devices as a condition of
8 obtaining a restricted driver's license; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 32:667(B)(1)(b) and 668(B)(1)(b) and (c) are hereby amended and
11 reenacted to read as follows:

12 §667. Seizure of license; circumstances; temporary license

13 * * *

14 B.

15 * * *

16 (1)

17 * * *

18 (b) On or after September 30, 2003, if the person submitted to the test and
19 the test results show a blood alcohol level of 0.08 percent or above by weight, his
20 driving privileges shall be suspended for ninety days from the date of suspension on

1 first offense violation, ~~without eligibility for a hardship license for the first thirty~~
 2 ~~days~~, and for three hundred sixty-five days from the date of suspension, without
 3 eligibility for a hardship license, on second and subsequent violations occurring
 4 within five years of the first offense. If the person was under the age of twenty-one
 5 years on the date of the test and the test results show a blood alcohol level of 0.02
 6 percent or above by weight, his driving privileges shall be suspended for one
 7 hundred eighty days from the date of suspension.

8 * * *

9 §668. Procedure following revocation or denial of license; hearing; court review;
 10 review of final order; restricted licenses

11 * * *

12 B.(1)

13 * * *

14 (b) ~~No person who has refused a chemical test for intoxication is eligible for~~
 15 ~~a restricted license for the first ninety days of the suspension. When a person~~
 16 ~~submits to a chemical test and the results show a blood alcohol level of 0.08 percent~~
 17 ~~or above by weight, or of 0.02 percent or above if the person was under the age of~~
 18 ~~twenty-one years on the date of the test, he is not eligible for a restricted license for~~
 19 ~~the first thirty days of the suspension.~~

20 (c) ~~(b)~~ However, any Any licensee who has had his license suspended for a
 21 first or second offense of operating a motor vehicle while under the influence of
 22 alcoholic beverages where the licensee submits to a chemical test and the results
 23 show a blood alcohol level of 0.08 percent or above by weight, or of 0.02 percent or
 24 above by weight if the licensee was under the age of twenty-one on the date of the
 25 test, or where the licensee has refused a chemical test for intoxication under pursuant
 26 to the provisions of this Subsection, shall, upon proof of need to the Department of
 27 Public Safety and Corrections, be immediately eligible for and shall be issued an
 28 ignition interlock restricted license sufficient to maintain livelihood or allow the
 29 licensee to maintain the necessities of life. In the event that the department fails or

