

2018 Regular Session

HOUSE BILL NO. 890 (Substitute for House Bill No. 637 by Representative Hunter)

BY REPRESENTATIVE HUNTER

MTR VEHICLE/DRIVER LIC: Provides for an extension of time for which to appeal the denial of a hardship license or a suspension, cancellation, or revocation of a driver's license

1 AN ACT

2 To amend and reenact R.S. 32:667(A)(2), relative to the seizure of licenses for persons cited  
3 for driving while intoxicated; to provide for an extension of the time for which to  
4 appeal to the district court; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 32:667(A)(2) is hereby amended and reenacted to read as follows:

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

8 A.

9 \* \* \*

10 (2)(a) The temporary receipt shall also provide and serve as notice to the  
11 person that he has not more than thirty days from the date of arrest to make written  
12 request to the Department of Public Safety and Corrections for an administrative  
13 hearing in accordance with the provisions of R.S. 32:668.

14 (b) In the event the arrested person was unable to make a timely request for  
15 an administrative hearing during the thirty day period provided for in Subparagraph  
16 (a) of this Paragraph due to incarceration, hospitalization, or any other cause  
17 acceptable to the department, the person may submit such documentation to the  
18 department which shall establish the person's inability to timely request the  
19 administrative hearing. Any request for an administrative hearing pursuant to this

1 Subparagraph shall be submitted no later than ninety days from the date of arrest.  
2 The department shall promulgate such rules as are necessary to implement this  
3 Subparagraph including a rule defining what is acceptable documentation to establish  
4 the person's inability to make a timely request for an administrative hearing. The  
5 denial of an administrative hearing request made pursuant to Subparagraph (b) of this  
6 Paragraph may be reviewed in the same manner and under the same conditions as is  
7 provided in R.S. 32:668(C).

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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 890 Original

2018 Regular Session

Hunter

**Abstract:** Authorizes an extension of the time period for which a person can apply for an administrative hearing.

Present law grants 30 days from the date of arrest for a violation of operating a vehicle while intoxicated for a person to make written request to the Dept. of Public Safety and Corrections for an administrative hearing in accordance with present law.

Proposed law provides an extension of this 30 day period for any person unable to make a timely request for an administrative hearing due to incarceration, hospitalization, or other acceptable cause to the department. Requires that the person requesting an administrative hearing submit documentation to the department that establishes the person's inability to timely request the administrative hearing provided in present law.

Proposed law requires any request for an administrative hearing pursuant to proposed law be submitted no later than 90 days from the date of arrest.

Proposed law requires the Dept. of Public Safety and Corrections to promulgate rules as are necessary for the implementation of proposed law.

(Amends R.S. 32:667(A)(2))