

2019 Regular Session

HOUSE BILL NO. 415

BY REPRESENTATIVE TERRY BROWN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MTR VEHICLE/DRIVER LIC: Provides relative to driver's license reinstatement

1 AN ACT

2 To amend and reenact R.S. 32:667(H)(3) and to enact R.S. 32:667(I)(5), relative to driver's
3 license reinstatement; to provide for the usage of the department's record of arrests
4 made for driving while intoxicated in determining whether a person should have their
5 driver's license reinstated; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 32:667(H)(3) is hereby amended and reenacted and R.S. 32:667(I)(5)
8 is hereby enacted to read as follows:

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

10 * * *

11 H.

12 * * *

13 (3) Paragraph (1) of this Subsection shall not apply to a person who refuses
14 to submit to an approved chemical test upon a second or subsequent arrest for R.S.
15 14:98 or 98.1, or a parish or municipal ordinance that prohibits driving a motor
16 vehicle while intoxicated. However, this Paragraph shall not apply if the second or
17 subsequent arrest occurs more than ten years after the prior arrest. The department's
18 records of arrests made for operating a vehicle while intoxicated, as certified by the
19 arresting officer pursuant to R.S. 32:666(B), shall be used to determine the
20 application of the provisions of this Subparagraph. In the event the suspension

1 arising out of such arrest has been reversed or recalled, then that arrest related to that
2 suspension shall not be used to determine if this Subparagraph applies to a driver's
3 license reinstatement.

4 I.

5 * * *

6 (5) The department's records of arrests made for operating a vehicle while
7 intoxicated, as certified by the arresting officer pursuant to R.S. 32:666(B), shall be
8 used to determine the application of the provisions of this Paragraph. In the event
9 the suspension arising out of such arrest has been reversed or recalled, then that
10 arrest related to that suspension shall not be used to determine if this Paragraph
11 applies to a driver's license reinstatement.

12 * * *

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)]

HB 415 Original

2019 Regular Session

Terry Brown

Abstract: Provides guidance for driver's license reinstatement relative to arrests for driving while intoxicated.

Present law provides that present law, relative to reinstatement of privileges, does not apply to a person who refuses to submit to an approved chemical test upon a second or subsequent arrest for driving while intoxicated. Present law further provides that present law does not apply if the second or subsequent arrest occurs more than 10 years after the prior arrest.

Present law requires an ignition interlock device be installed in any motor vehicle operated by any person under certain circumstances related to a driving while intoxicated arrest as a condition of the reinstatement of that person's driver's license.

Proposed law requires the department's records of arrests made for driving while intoxicated, as certified by the arresting officer, be used to determine the application of the provisions of present law.

Proposed law further provides that if the suspension arising out of the arrest has been reversed or recalled, the arrest related to that suspension cannot be used to determine if present law applies to a driver's license reinstatement.

(Amends R.S. 32:667(H)(3); Adds R.S. 32:667(I)(5))