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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Sharon F. Lyles.

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DIGEST

SB 206 Original

2019 Regular Session

Gatti

Present law requires a law enforcement officer who arrests a person for violation of impairment related offenses, when the person either refuses to submit to an approved chemical test for intoxication, or submits to the test and the test results show a blood alcohol level of 0.08 percent or above by weight, or if the person is under the age of 21, a blood alcohol level of 0.02 percent or above by weight, to do the following:

- (1) Seize the arrested person's driver's license and issue a temporary receipt of license on an approved DPS&C form that authorizes the person to operate a vehicle on the public highways of this state for a period not to exceed 30 days from the date of arrest; and
- (2) The temporary receipt also provides and serves notice that the person has not more than 30 days from the date of arrest to request an administrative hearing pursuant to R.S. 32:668.

Proposed law adds to the list of impairment related offenses that the person is under the influence of any controlled dangerous substance listed in Schedules I, II, III, IV, or V as set forth in R.S. 40:964, or the person is under the influence of a combination of alcohol and one or more drugs that are not controlled dangerous substances and are legally obtainable with or without a prescription, and a certified drug recognition expert determines the person is impaired.

Present law requires a person who submits to an approved chemical test, but the results of the test are not immediately available, to make a written request to the DPS&C for an administrative hearing 30 days from the date of arrest.

Present law provides that no hearing shall be held and the driver's license shall be returned without the payment of a reinstatement fee if test results are not received within 30 days of arrest, or if test results show a person's blood alcohol level was less than 0.08 percent by weight for persons 21 years of age or older or was less than 0.02 percent for persons under 21 years of age.

Proposed law increases the time periods to request an administrative hearing and to return a driver's license when test results are not immediately available or do not show illegal blood alcohol levels from 30 to 90 days for persons who submit to an approved chemical test.

Present law requires suspension of the driver's license of a person arrested for an impairment violation who fails to submit a written request for an administrative hearing by the end of the 30 day period, as follows:

- (1) First offense, 90 days suspension, without eligibility for a hardship license for the first 30 days;

- (2) Second and subsequent offenses within five years of the first offense, 365 days suspension, without eligibility for a hardship license.

Proposed law adds suspension of the driver's license based upon a determination of intoxication by a certified drug recognition expert.

Proposed law provides immediate eligibility and grant of a restricted license to a person who submits to an approved chemical test, when a certified drug recognition expert determines the person was under the influence of any controlled dangerous substance listed in Schedules I, II, III, IV, or V as set forth in R.S. 40:964, or the person is under the influence of a combination of alcohol and one or more drugs that are not controlled dangerous substances and are legally obtainable with or without a prescription.

Effective August 1, 2019.

(Amends R.S. 32:667(A)(intro para), 667(A)(3), 667(B)(intro para), and 667(B)(1)(b); adds R.S. 32:667(B)(3)(d))