

2020 Regular Session

SENATE BILL NO. 214

BY SENATOR HEWITT

MOTOR VEHICLES. Provides relative to ignition interlock device requirement for DWI offenders to be issued a restricted driver's license. (8/1/20)

AN ACT

To amend and reenact the introductory paragraph of R.S. 14:98.1(A)(1) and (d) and (2), the introductory paragraph of 98.2(A)(1) and (d), (2), and (3), and (D)(3), R.S. 32:378.2(A) and (B)(1)(a)(ii)(aa) and (bb), 414(A)(1)(c) and (D)(1)(b), the introductory paragraph of 667(A), (B)(1)(b), and (c), and (3), and (H)(3) and (I)(1)(a), (b), (c), and (d), and the introductory paragraph of 668(B)(1)(a), and (i), and (c) and (2), to enact R.S. 32:667(K), and to repeal R.S. 14:98.1(A)(3) and 14:98.2(A)(4), relative to restricted driver's licenses; to reduce the blood alcohol concentration that requires operation of any vehicle with a functioning ignition interlock device; to change references to criminal offenses for driving while intoxicated; to provide for a change in time periods that a driver is required to have an ignition interlock device; to provide for an extension of time that a driver is required to have an ignition interlock device after notice of a violation reset; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The introductory paragraph of R.S. 14:98.1(A)(1) and (d) and (2), and the introductory paragraph of 98.2(A)(1) and (d), (2), and (3) and (D)(3) are hereby amended

and reenacted to read as follows:

§98.1. Operating while intoxicated; first offense; penalties

A.(1) Except as modified by the provisions of ~~Paragraphs (2) and (3)~~
Paragraph (2) of this Subsection, on a conviction of a first offense violation of R.S.
14:98, the offender shall be fined not less than three hundred dollars nor more than
one thousand dollars, and shall be imprisoned for not less than ten days nor more
than six months. Imposition or execution of sentence under this Paragraph shall not
be suspended unless the offender is placed on probation with the minimum
conditions that he complete all of the following:

* * *

(d) Except as provided by Subparagraph ~~(3)(c)~~ **(2)(c)** of this Subsection, the
court may order that the offender not operate a motor vehicle during the period of
probation, or such shorter time as set by the court, unless any vehicle, while being
operated by the offender, is equipped with a functioning ignition interlock device in
compliance with the requirements R.S. 14:98.5(C) and R.S. 32:378.2.

~~(2) If the offender had a blood alcohol concentration of 0.15 percent or more
but less than 0.20 percent by weight based on grams of alcohol per one hundred
cubic centimeters of blood, at least forty-eight hours of the sentence imposed
pursuant to Paragraph (1) of this Subsection shall be served without the benefit of
parole, probation, or suspension of sentence, and is to be served in addition to any
sentence of imprisonment imposed pursuant to Subparagraph (1)(a) of this
Subsection, provided that the total period of imprisonment upon conviction of the
offense, including imprisonment for default in payment of a fine or costs, shall not
exceed six months.~~

~~(3)(a)~~ If the offender had a blood alcohol concentration of ~~0.20~~ **0.15** percent
or more by weight based on grams of alcohol per one hundred cubic centimeters of
blood, the offender shall be fined not less than seven hundred fifty dollars nor more
than one thousand dollars and at least forty-eight hours of the sentence imposed
pursuant to Paragraph (1) of this Subsection shall be served without the benefit of

1 parole, probation, or suspension of sentence, and is to be served in addition to any
2 sentence of imprisonment imposed pursuant to Subparagraph (1)(a) of this
3 Subsection, provided that the total period of imprisonment upon conviction of the
4 offense, including imprisonment for default in payment of a fine or costs, shall not
5 exceed six months.

6 (b) In addition to any penalties imposed under this Section, upon conviction
7 of a first offense, if the offender had a blood alcohol concentration of ~~0.20~~ **0.15**
8 percent or more by weight based on grams of alcohol per one hundred cubic
9 centimeters of blood, the driver's license of the offender shall be suspended for two
10 years.

11 (c) The court shall require that the offender not operate a motor vehicle
12 during the period of probation unless any vehicle, while being operated by the
13 offender, is equipped with a functioning ignition interlock device in compliance with
14 the requirements of R.S. 14:98.5(C) and R.S. 32:378.2. The ignition interlock device
15 shall remain installed and operative on his vehicle during the ~~first twelve-month~~
16 **entire** period of suspension of his driver's license following the date of conviction.

17 * * *

18 §98.2. Operating while intoxicated; second offense; penalties

19 A.(1) Except as modified by the provisions of Paragraphs (2); **and** (3); ~~and~~
20 ~~(4)~~ of this Subsection, or as provided by Subsection D of this Section, on a
21 conviction of a second offense violation of R.S. 14:98, regardless of whether the
22 second offense occurred before or after the first conviction, the offender shall be
23 fined not less than seven hundred fifty dollars nor more than one thousand dollars,
24 and shall be imprisoned for not less than thirty days nor more than six months. At
25 least forty-eight hours of the sentence imposed shall be served without benefit of
26 parole, probation, or suspension of sentence. Imposition or execution of the
27 remainder of sentence shall not be suspended unless the offender is placed on
28 probation with the minimum conditions that he complete all of the following:

29 * * *

1 (d) Except as the period of time may be increased in accordance with
2 Subparagraph ~~(3)(c)~~ **(2)(c)** of this Subsection, the court shall order that the offender
3 not operate a motor vehicle during the period of probation unless any vehicle, while
4 being operated by the offender, is equipped with a functioning ignition interlock
5 device in compliance with the requirements of R.S. 14:98.5(C), R.S. 15:306, and
6 R.S. 32:378.2, ~~which requirement shall remain in effect for a period of not less than~~
7 ~~six months from the date of conviction. In addition, the~~ **. The** device shall remain
8 installed and operative during any period that the offender's driver's license is
9 suspended under law and for any additional period as determined by the court.

10 (2) ~~If the offender had a blood alcohol concentration of 0.15 percent or more~~
11 ~~but less than 0.20 percent by weight based on grams of alcohol per one hundred~~
12 ~~cubic centimeters of blood, at least ninety-six hours of the sentence imposed~~
13 ~~pursuant to Paragraph (1) of this Subsection shall be served without the benefit of~~
14 ~~parole, probation, or suspension of sentence.~~

15 ~~(3)(a)~~ If the offender had a blood alcohol concentration of ~~0.20~~ **0.15** percent
16 or more by weight based on grams of alcohol per one hundred cubic centimeters of
17 blood, the offender shall be fined one thousand dollars and at least ninety-six hours
18 of the sentence imposed pursuant to Paragraph (1) of this Subsection shall be served
19 without the benefit of parole, probation, or suspension of sentence.

20 (b) In addition to any penalties imposed under this Section, upon conviction
21 of a second offense violation of R.S. 14:98, if the offender had a blood alcohol
22 concentration of ~~0.20~~ **0.15** percent or more by weight based on grams of alcohol per
23 one hundred cubic centimeters of blood, the driver's license of the offender shall be
24 suspended for four years.

25 (c) The court shall require that the offender not operate a motor vehicle
26 during the period of probation unless any vehicle, while being operated by the
27 offender, is equipped with a functioning ignition interlock device in compliance with
28 the requirements of R.S. 14:98.5(C), R.S. 15:306, and R.S. 32:378.2. The ignition
29 interlock device shall remain installed and operative on his vehicle during the ~~first~~

1 ~~three years of the~~ **entire** four-year period of the suspension of his driver's license.

2 ~~(4)(3)~~ If the arrest for the second offense occurs within one year of the
3 commission of the first offense, at least thirty days of the sentence imposed pursuant
4 to Paragraph (1) of this Subsection shall be served without benefit of parole,
5 probation, or suspension of sentence. In addition, if the offender had a blood alcohol
6 concentration of ~~0.20~~ **0.15** percent or more by weight based on grams of alcohol per
7 one hundred cubic centimeters of blood, he shall be fined one thousand dollars and
8 also be subject to the provisions of Subparagraphs ~~(3)~~ **(2)**(b) and (c) of this
9 Subsection.

10 * * *

11 D. * * *

12 (3) Except as the period of time may be increased in accordance with
13 Subparagraph (A)~~(3)~~**(2)**(b) and (c) of this Section, in addition to any penalties
14 imposed under this Section, the court shall order that the offender not operate a
15 motor vehicle during the period of probation unless any vehicle, while being
16 operated by the offender, is equipped with a functioning ignition interlock device in
17 compliance with the requirements of R.S. 14:98.5(C), R.S. 15:306, and R.S.
18 32:378.2, which requirement shall remain in effect for ~~a period of not less than six~~
19 ~~months~~ **the entire period** from the date of conviction. In addition, the device shall
20 remain installed and operative during any period that the offender's driver's license
21 is suspended under law and for any additional period as determined by the court.

22 Section 2. R.S. 32:378.2(A) and (B)(1)(a)(ii)(aa) and (bb), 414(A)(1)(c) and
23 (D)(1)(b), the introductory paragraph of 667(A), (B)(1)(b) and (c), and (3), and (H)(3) and
24 (I)(1)(a), (b), (c), and (d), and the introductory paragraph of 668(B)(1)(a), and (i), and (c)
25 and (2) are hereby amended and reenacted, and R.S. 32:667(K) is hereby enacted to read as
26 follows:

27 §378.2. Ignition interlock devices; condition of probation for certain DWI
28 offenders; restricted license

29 A. In addition to any other provisions of law and except as otherwise

provided in Subsection I of this Section, the court may require that any person who is placed on probation as provided in ~~R.S. 14:98(B)~~ **R.S. 14:98.1**, and the court shall require that any person who is placed on probation as provided by ~~R.S. 14:98(C)~~ **R.S. 14:98.2**, not operate a motor vehicle during the period of probation unless the vehicle is equipped with a functioning ignition interlock device as provided in this Section.

B.(1) Any person who has had his driver's license suspended, revoked, or canceled under any of the following conditions shall, upon proof to the Department of Public Safety and Corrections that his motor vehicle has been equipped with a functioning ignition interlock device as provided in this Section, be issued a restricted driver's license:

(a) * * *

(ii) However, if the offender had a blood alcohol concentration of ~~0.20~~ **0.15** percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood the following restrictions shall apply:

(aa) Upon first offense, if the offender had a blood alcohol concentration of ~~0.20~~ **0.15** percent or greater, he shall be issued a restricted driver's license during the entire period of the two-year driver's license suspension imposed under the provisions of ~~R.S. 14:98(K)(1)~~ **R.S. 14:98.1(A)(2)(b)** and shall be required to have a functioning ignition interlock device installed on his vehicle during the ~~first twelve-month~~ **entire** period of the suspension.

(bb) Upon second offense, if the offender has a blood alcohol concentration of ~~0.20~~ **0.15** percent or greater, he shall be eligible for a restricted driver's license for the period of suspension as imposed under the provisions of ~~R.S. 14:98(K)(2)(b)~~ **R.S. 14:98.2(A)(2)(b)**. The offender may be issued a restricted license during the entire four years on his suspension and shall be required to have a functioning ignition interlock device installed on his vehicle during the ~~first three years of the~~ **entire** four-year suspension.

* * *

§414. Suspension, revocation, renewal, and cancellation of licenses; judicial review

A.(1) * * *

(c) Notwithstanding the provisions of Subparagraphs (a) and (b) of this Paragraph, upon first or second conviction, or a plea of guilty or nolo contendere and sentence thereupon or forfeiture of bail of any person charged with the offense of driving while intoxicated when the offender had a blood alcohol concentration of ~~0.20~~ **0.15** percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood, the following restrictions on suspension and issuance of a restricted driver's license shall apply:

(i) Upon first conviction, if the offender had a blood alcohol concentration of ~~0.20~~ **0.15** percent or greater, his driver's license shall be suspended for two years and he shall be issued a restricted driver's license for the entire period of the suspension after he has provided proof to the department that his motor vehicle is equipped with a functioning ignition interlock device. A functioning ignition interlock device shall remain installed on his vehicle during the ~~first twelve-month~~ **entire** period of the suspension of his driver's license.

(ii) Upon second conviction, if the offender has a blood alcohol concentration of ~~0.20~~ **0.15** percent or greater, his driver's license shall be suspended for four years. The offender shall be eligible for a restricted license ~~after a period of forty-five days of suspension for the remainder of~~ **for** the four-year period of suspension after he has provided proof to the department that his motor vehicle is equipped with a functioning ignition interlock device. A functioning ignition interlock device shall remain installed on his vehicle during the ~~first three-year period of the~~ **entire** four-year period of the suspension of his driver's license.

* * *

D.(1) * * *

(b) Any licensee who has had his license suspended for operating a motor vehicle while under the influence of alcoholic beverages under the provisions of this Subsection shall be eligible to apply for a restricted driver's license ~~after a period of~~

1 ~~twelve months~~ upon proof that his motor vehicle has been equipped with a
 2 functioning ignition interlock device. The ignition interlock device shall remain on
 3 the motor vehicle for ~~not less than six month~~ **the entire period of suspension** from
 4 the date the restricted driver's license is granted. In the event that the department fails
 5 or refuses to issue the restricted driver's license, the district court for the parish in
 6 which the licensee resides may issue an order directing the department to issue the
 7 restricted license either by ex parte order or after contradictory hearing.

8 * * *

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

10 A. When a law enforcement officer places a person under arrest for a
 11 violation of R.S. 14:98 or ~~98.1~~ **98.6**, or a violation of a parish or municipal ordinance
 12 that prohibits operating a vehicle while intoxicated, and the person either refuses to
 13 submit to an approved chemical test for intoxication, or submits to the test and the
 14 test results show a blood alcohol level of 0.08 percent or above by weight or, if the
 15 person is under the age of twenty-one, a blood alcohol level of 0.02 percent or above
 16 by weight, the following procedures shall apply:

17 * * *

18 B. * * *

19 (1) * * *

20 (b) ~~On or after September 30, 2003, if~~ **If** the person submitted to the test and
 21 the test results show a blood alcohol level of 0.08 percent or above by weight, his
 22 driving privileges shall be suspended for ~~ninety~~ **one hundred eighty** days from the
 23 date of suspension on first offense violation, ~~without eligibility for a hardship license~~
 24 ~~for the first thirty days~~, and for three hundred sixty-five days from the date of
 25 suspension, ~~without eligibility for a hardship license~~, on second and subsequent
 26 violations ~~occurring within five years of the first offense~~. If the person was under the
 27 age of twenty-one years on the date of the test and the test results show a blood
 28 alcohol level of 0.02 percent or above by weight, his driving privileges shall be
 29 suspended for one hundred eighty days from the date of suspension.

1 (c) If the person submitted to the test and the test results show a blood
2 alcohol level of ~~0.20~~ **0.15** percent or above by weight, his driving privileges shall be
3 suspended for two years from the date of suspension on first offense violation and
4 for four years from the date of suspension for second offense violation.

5 * * *

6 (3)(a) However, any licensee who has had his license suspended for a first
7 or second offense of operating a motor vehicle while under the influence of alcoholic
8 beverages under the provisions of this Subsection and who either refused to submit
9 to the test or who submitted to the test and the test showed a blood alcohol level of
10 less than ~~0.20~~ **0.15** percent shall, upon proof to the Department of Public Safety and
11 Corrections that his motor vehicle has been equipped with a functioning ignition
12 interlock device, be immediately eligible for and shall be granted a restricted license.
13 In the event that the department fails or refuses to issue the restricted driver's license,
14 the district court for the parish in which the licensee resides may issue an order
15 directing the department to issue the restricted license either by ex parte order or
16 after contradictory hearing.

17 (b) If the person submitted to the test as a result of a first violation and the
18 test results show a blood alcohol level of ~~0.20~~ **0.15** percent or above by weight, he
19 shall be eligible for a hardship license during the entire period of the imposed
20 two-year suspension after he has provided proof that his motor vehicle has been
21 equipped with an ignition interlock device. A functioning ignition interlock device
22 shall remain installed on his motor vehicle during the ~~first twelve-month~~ **entire**
23 period of his driver's license suspension.

24 (c) If the person submitted to the test as a result of a second violation and the
25 test results show a blood alcohol level of ~~0.20~~ **0.15** percent or above by weight, he
26 shall be eligible for a hardship license during the entire four-year period of the
27 suspension after he has provided proof that his motor vehicle has been equipped with
28 an ignition interlock device. A functioning ignition interlock device shall remain
29 installed on his motor vehicle during the ~~first three-years of the four-year~~ **entire**

period of his driver's license suspension.

* * *

H. * * *

(3) Paragraph (1) of this Subsection shall not apply to a person who refuses to submit to an approved chemical test upon a second or subsequent arrest for R.S. 14:98 or ~~98.1~~ **98.6**, or a parish or municipal ordinance that prohibits driving a motor vehicle while intoxicated. However, this Paragraph shall not apply if the second or subsequent arrest occurs more than ten years after the prior arrest.

I.(1) * * *

(a) Any person who has refused to submit to an approved chemical test for intoxication, after being requested to do so, for a **first, second, third, or subsequent** arrest of R.S. 14:98 or ~~98.1~~ **98.6** or a parish or municipal ordinance that prohibits operating a vehicle while intoxicated and whose driver's license has been suspended in accordance with law.

(b) Any person who has submitted to an approved chemical test for intoxication where the results indicate a blood alcohol level of 0.08 percent or above and whose driver's license has been suspended in accordance with the law for an arrest **for a violation of R.S. 14:98, 98.6, or a parish or municipal ordinance that prohibits operating a vehicle while intoxicated** occurring within ten years of the first arrest.

(c) Any person who is arrested for a violation of R.S. 14:98, ~~R.S. 14:98.1~~ **98.6**, or a parish or municipal ordinance that prohibits operating a vehicle while intoxicated and is involved, as a driver, in a traffic crash which involves moderate bodily injury or serious bodily injury as defined in R.S. 32:666(A).

(d) Any person who is arrested for a violation of R.S. 14:98, **98.6**, or a parish or municipal ordinance that prohibits operating a vehicle while intoxicated and a minor child twelve years of age or younger was a passenger in the motor vehicle at the time of the commission of the offense.

* * *

K. Upon notice to the department that a driver has caused the ignition interlock device to enter a violation reset or a permanent lockout, the department shall extend the period the ignition interlock device is required by an additional six months and further restrict the driver's license. The department shall notify the driver that his driver's license will be restricted for an additional six months.

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

* * *

B.(1)(a) In a case of a first or second refusal or a first or second submission to a test for intoxication, ~~and when there has been no prior suspension of the driver's license,~~ if suspension is otherwise proper, upon a showing of proof satisfactory to the department that an approved and functioning ignition interlock device has been installed in the vehicle the person shall drive, and that the suspension of driving privileges would prevent the person from earning a livelihood, the department may:

(i) Require the licensee to surrender his regular license, unless the license was previously surrendered, and issue in its stead, at a cost to the person of fifty dollars plus the cost of the license, a special restricted operator's license, designated as such by a large red R printed on the face of the license, to be effective for the remaining period of suspension.

* * *

~~(c) However, any licensee who has had his license suspended for a first or second offense of operating a motor vehicle while under the influence of alcoholic beverages under the provisions of this Subsection, shall, upon proof of need to the Department of Public Safety and Corrections, be immediately eligible for and shall be issued an ignition interlock restricted license sufficient to maintain livelihood or allow the licensee to maintain the necessities of life. In the event that the department fails or refuses to issue the restricted driver's license, the district court for the parish in which the licensee resides may issue an order directing the department to issue the~~

1 ignition interlock restricted license either by ex parte order or after contradictory
2 hearing.

3 (2) However, the department shall immediately cancel and seize the
4 restricted license upon receiving satisfactory evidence **of the removal of the**
5 **ignition interlock device prior to the expiration of the license issued pursuant**
6 **to this Subsection,** of violation of the restrictions, and no person shall have driving
7 privileges of any kind for a period of six months from the receipt by the department
8 of the cancelled restricted license. **No violation of Paragraph (B)(2) of this Section**
9 **shall occur if the license is reinstated pursuant to R.S. 32:667(H)(1) and (2)**
10 **prior to the removal of the ignition interlock device.**

11 * * *

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

DIGEST

SB 214 Original

2020 Regular Session

Hewitt

Present law provides that the court may require any person placed on probation as provided for in R.S. 14:98(B) and must require any person placed on probation as provided in R.S. 14:98(C) not operate a motor vehicle during the period of probation unless the vehicle is equipped with a functioning ignition interlock device.

Proposed law changes the references in present law from R.S. 14:98(B) to 98.1 and from R.S. 14:98(C) to 98.2.

Present law provides that if an offender has a blood alcohol concentration of 0.20 percent or more by body weight on a first offense DWI, the offender must be issued a restricted driver's license for a two-year period and is required to have a functioning ignition interlock device installed on his vehicle for the first 12 months of the two-year period.

Proposed law modifies present law to lower the blood alcohol concentration threshold to 0.15 percent or more by body weight and to require installation of the functioning ignition interlock device for the entire two-year period.

Present law further provides that if an offender has a blood alcohol concentration of 0.20 percent or more by body weight on a second offense DWI, the offender must be issued a restricted driver's license for a four-year period and is required to have an ignition interlock device installed on his vehicle during the first three years of the four-year period.

Proposed law modifies present law by lowering the blood alcohol concentration threshold to 0.15 percent or more by body weight and requires installation of the ignition interlock device for the entire four-year period.

Present law provides that upon a first conviction, or a plea of guilty or no contest when the offender has a blood alcohol concentration of 0.20 percent or more by body weight, the offender must have his driver's license suspended for two years and shall be issued a

restricted driver's license for the entire period after proving that he has a functioning ignition interlock device installed on his vehicle, which device shall remain installed for the first 12 months of the two-year period.

Proposed law modifies present law by lowering the blood alcohol concentration threshold to 0.15 percent or more by body weight and requiring installation of the functioning interlock device for the entire two-year period.

Present law further provides that upon a second conviction or a plea of guilty or no contest and the offender has a blood alcohol concentration of 0.20 percent or more by body weight, the offender shall have his driver's license suspended for four years and shall be eligible for a restricted driver's license after the first 45 days of the four-year suspension after proving that he has a functioning ignition interlock device installed on his vehicle, which device shall remain installed for the first three years of the four-year period.

Proposed law modifies present law by lowering the blood alcohol concentration threshold to 0.15 percent or more by body weight and requiring installation of the functioning ignition interlock device for the entire four-year period.

Present law provides eligibility for a restricted driver's license to any licensee who has had their license suspended for a DWI violation after a period of 12 months upon proof that his vehicle is equipped with a functioning ignition interlock device and requires that the device remain on the motor vehicle for not less than six months from the date the restricted license is issued.

Proposed law modifies present law to eliminate the 12 month waiting period for eligibility for the restricted driver's license and to require the device remain on the vehicle for twelve months after issuance of the restricted driver's license.

Present law provides that on or after September 30, 2003, if a person has submitted to a breath alcohol concentration test and the test results show a blood alcohol level of 0.08 percent or above by weight, his driving privileges will be suspended for 90 days from the date of suspension on first offense violation, without eligibility for a hardship license for the first 30 days, and for three hundred sixty-five days from the date of suspension, without eligibility for a hardship license, on second and subsequent violations occurring within five years of the first offense.

Proposed law modifies present law to remove the enacting date, to increase the suspension for a first offense from 90 to 180 days, to remove the provision disallowing a person eligibility for a hardship license, and to remove the five-year period.

Present law provides that if a person has submitted to a breath alcohol concentration test and the test results show a blood alcohol level of 0.20 percent or above by weight, his driving privileges will be suspended for two years on a first offense violation and for four years on a second offense violation.

Proposed law modifies present law by lowering the blood alcohol concentration threshold to 0.15 percent or more by body weight.

Present law provides that any licensee whose license has been suspended for a first or second DWI offense and either refused to submit to the test or submitted to the test and the test showed a blood alcohol level of less than 0.20 percent shall be immediately eligible for a restricted license, upon proof that his motor vehicle is equipped with a functioning ignition interlock device.

Proposed law modifies present law by lowering the blood alcohol concentration threshold to 0.15 percent or more by body weight.

Present law provides that if a person submits to the test as a result of a first violation and the test results show a blood alcohol level of 0.20 percent or above by weight, he is eligible for a hardship license during the entire period of the imposed two-year suspension after he provides proof that his motor vehicle is equipped with a functioning ignition interlock device, which device shall remain installed on his motor vehicle during the first twelve-month period of his driver's license suspension.

Proposed law modifies present law to lower the blood alcohol concentration threshold to 0.15 percent or more by body weight and to require installation of the device for the entire period of suspension.

Present law provides that if a person submits to the test as a result of a second violation and the test results show a blood alcohol level of 0.20 percent or above by weight, he is eligible for a hardship license during the entire four-year period of the suspension after he provides proof that his motor vehicle is equipped with a functioning ignition interlock device, which device shall remain installed on his motor vehicle during the first three-years of the four-year suspension.

Proposed law modifies present law to lower the blood alcohol concentration threshold to 0.15 percent or more by body weight and to require installation of the device for the entire four-year period of suspension.

Present law provides that any person who has refused to submit to an approved chemical test for intoxication, after being requested to do so, for a second DWI arrest and whose driver's license has been suspended in accordance with law shall have a functioning ignition interlock device installed in their motor vehicle.

Proposed law modifies present law to extend this requirement to first, third, or subsequent arrests for DWI violations.

Present law provides that any person who has submitted to an approved chemical test for intoxication where the results indicate a blood alcohol level of 0.08 percent or above and whose driver's license has been suspended in accordance with law for an arrest occurring within ten years of the first arrest shall have a functioning ignition interlock device installed in their motor vehicle.

Proposed law modifies present law by requiring the arrest be made for a violation of present law whether state or local.

Proposed law changes references in present law from R.S. 14:98.1 to 98.6.

Proposed law provides that upon notice to the dept. that a driver has caused the ignition interlock device to enter a violation reset or a permanent lockout, the dept. shall extend the period the ignition interlock device is required by an additional six months and further restrict the driver's license. Proposed law further requires the dept. to notify the driver that his driver's license will be restricted for an additional six months.

Present law provides that in a case of first refusal or first submission to a test for intoxication and when there has been no prior suspension of the driver's license, if suspension is otherwise proper, upon proving to the dept. that the suspension of driving privileges would prevent the person from earning a livelihood, the dept. may require the licensee to surrender his regular license and issue, at a cost of fifty dollars plus the cost of the license, a special restricted operator's license to be effective for the remaining period of suspension.

Proposed law modifies present law to require the provision apply to a second offense, to remove the requirement of no prior suspension, to add that installation of a functioning ignition interlock device is required in the vehicle the person will drive, and to require the licensee surrender his regular license unless it has been previously surrendered.

Present law provides that in the event that the dept. fails or refuses to issue the restricted driver's license, the district court for the parish in which the licensee resides may issue an order directing the dept. to issue the ignition interlock restricted license either by ex parte order or after contradictory hearing.

Proposed law retains present law.

Present law provides that the dept. must immediately cancel and seize the restricted license upon receiving satisfactory evidence of violation of the restrictions, and no person will have driving privileges of any kind for a period of six months from the receipt by the dept. of the cancelled restricted license.

Proposed law modifies present law by adding the removal of the ignition interlock device prior to the expiration of the restricted license as a reason for the dept. to cancel and seize a restricted driver's license. Proposed law further provides that no violation of present and proposed law will occur if the license is reinstated pursuant to present law prior to the removal of the ignition interlock device.

Effective August 1, 2020.

(Amends R.S. 14:98.1(A)(1)(intro para) and (d) and (2), 98.2(A)(1)(intro para) and (d), (2), and (3), and (D)(3), R.S. 32:378.2(A) and (B)(1)(a)(ii)(aa) and (bb), 414(A)(1)(c) and (D)(1)(b), 667(A)(intro para), (B)(1)(b), and (c), and (3), and (H)(3) and (I)(1)(a),(b), (c), and (d), and 668(B)(1)(a)(intro para), and (i), and (c), and (2); adds R.S. 32:667(K); repeals R.S. 14:98.1(A)(3) and 14:98.2(A)(4))