2020 Regular Session

HOUSE BILL NO. 780

BY REPRESENTATIVE PIERRE

1 AN ACT 2 To amend and reenact R.S. 32:414.2(A)(2)(c) through (h) and to enact R.S. 3 32:414.2(A)(2)(i) and (F), relative to commercial motor vehicle driver's and learner's 4 permit holders; to provide for disqualification from operating a commercial motor 5 vehicle for committing certain felonies; to provide for disqualification under certain 6 circumstances; and to provide for related matters. 7 Be it enacted by the Legislature of Louisiana: 8 Section 1. R.S. 32:414.2(A)(2)(c) through (h) are hereby amended and reenacted and 9 R.S. 32:414.2(A)(2)(i) and (F) are hereby enacted to read as follows: 10 §414.2. Commercial motor vehicle drivers and drivers with a commercial learner's 11 permit; disqualification; issuance of Class "D" or "E" license; alcohol content 12 in breath and blood; implied consent 13 A. 14 15 (2) Any person shall be disqualified for life from operating a commercial 16 motor vehicle for: 17 18 (c) Use of a commercial motor vehicle in the commission of a felony 19 involving sex trafficking as defined in 22 U.S.C. 7102. 20 (c)(d)(i) A second reported submission to a chemical test in connection with 21 an arrest for the offense of operating under the influence of alcohol, operating with 22 an alcohol concentration of 0.08 percent or more, or operating while under the

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influence of a controlled substance while operating a commercial motor vehicle or noncommercial motor vehicle by a commercial driver's license holder. A disqualification pursuant to this Item for which a timely administrative hearing request has not been received or a disqualification pursuant to this Item which has been affirmed after an administrative hearing shall be considered a conviction for purposes of compliance with federal motor carrier rules.

7 (ii) A second reported submission to a chemical test by a commercial driver's 8 license holder in connection with a traffic stop where the driver was found to have 9 been driving under the influence of alcohol with an alcohol concentration of at least 10 0.04 percent but under an alcohol concentration of 0.08 percent while operating a 11 commercial motor vehicle. A disqualification pursuant to this Item for which a 12 timely administrative hearing request has not been received or a disqualification 13 pursuant to this Item which has been affirmed after an administrative hearing shall 14 be considered a conviction for purposes of compliance with federal motor carrier 15 rules.

16 (iii) A second reported conviction of operating under the influence of
17 alcohol, or operating while under the influence of a controlled substance while
18 operating a commercial motor vehicle or noncommercial motor vehicle by a
19 commercial driver's license holder.

20 (d)(e) A second offense of leaving the scene of an accident in a commercial
 21 motor vehicle or noncommercial motor vehicle by a commercial driver's license
 22 holder.

(c)(f) A second offense of refusal to submit to an alcohol concentration or
 drug test, while operating a commercial motor vehicle or noncommercial motor
 vehicle by a commercial driver's license holder.

26 (f)(g) Two or more of any combination of the offenses listed in Paragraph
 27 (A)(4) (4) of this Subsection, which arise from different episodes.

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1	(g)(h) A second offense of operating a commercial motor vehicle when, as
2	a result of prior violations committed while operating a commercial motor vehicle,
3	the driver's commercial driver's license is suspended, revoked, canceled, or
4	disqualified.
5	$\frac{h}{(i)}$ A second offense of causing a fatality through the negligent operation
6	of a commercial motor vehicle, including but not limited to the offenses of
7	manslaughter, negligent homicide, and vehicular homicide.
8	* * *
9	F.(1)(a) If the office of motor vehicles receives credible information that a
10	holder of a commercial license plate or commercial driver's license is suspected, but
11	has not been convicted, of fraud related to the issuance of the commercial license
12	plate or commercial driver's license, the office of motor vehicles shall require the
13	driver to retake the skills or knowledge test, or a combination of both tests.
14	(b) Within thirty days of receiving a retest notification from the office of
15	motor vehicles, the holder suspected of fraudulently obtaining a commercial license
16	plate or commercial driver's license shall make an appointment or otherwise schedule
17	to take the next available test. The office of motor vehicles shall disqualify the
18	commercial license plate or commercial driver's license holder's driving privileges
19	indefinitely if the holder of a commercial license plate or commercial driver's license
20	fails to schedule a retest appointment within thirty days.
21	(c) The office of motor vehicles shall disqualify the commercial license plate
22	or commercial driver's license holder's driving privileges indefinitely if the driver
23	fails the knowledge or skills test or does not retake the test.
24	(2) Once the holder of a commercial license plate or commercial driver's
25	license has been disqualified, the driver shall apply for a commercial license plate
26	or commercial driver's license as a new applicant in accordance with R.S. 32:408.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____