
DIGEST

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HB 415 Engrossed

2022 Regular Session

Marino

Abstract: Removes the exclusion of a law enforcement officer's obligation to appear or testify at an administrative driving privileges hearing and removes the rebuttable presumption applicable to a suspension hearing on certain driving privileges. Provides a law enforcement officer may appear or testify through audio-visual electronic equipment.

Present law requires the Dept. of Public Safety and Corrections to immediately notify the person of certain driving privileges in writing and afford such person an opportunity for a hearing based on the department's records or other evidence admitted at the hearing and in the same manner and under the same conditions as provided in present law. Specifies that such hearings include the revocation, suspension, or denial of a license or permit. Further, present law provides that such person cannot compel a law enforcement officer to appear or testify at the hearing and provides a rebuttable presumption, strictly construed in favor of such person, of any inconsistencies in evidence submitted by the department and admitted at the hearing.

Proposed law removes the exclusion that no law enforcement officer can be compelled by such person to appear or testify at such hearing and removes the rebuttable presumption, strictly construed in favor of such person, of any inconsistencies in evidence submitted by the department and admitted at the hearing regarding the revocation, suspension, or denial of a license.

Proposed law modifies present law by specifying that the hearing be based on the department's records except that the person whose operating privileges were suspended may subpoena a law enforcement officer who initiated the stop or who performed or participated in a breathalyzer test to appear or testify at such hearing. Further specifies notwithstanding any provision of present law to the contrary, a law enforcement officer may appear or testify at such hearing by simultaneous transmission through audio-visual electronic equipment. Additionally, specifies that the scope of the hearing only includes certain enumerated issues.

(Amends R.S. 32:668(A)(intro. para.))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill:

1. Remove a provision that specified that a person's opportunity for a hearing was based

upon the department's records or other evidence admitted at the hearing.

2. Add a provision that requires the requested hearing be based on the department's records except that the person whose operating privileges were suspended may subpoena a law enforcement officer who initiated the stop or who performed or participated in a breathalyzer test to appear or testify at such hearing. Further authorizes a law enforcement officer to appear or testify at such hearing by simultaneous transmission through audio-visual electronic equipment.