

---

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Archana D. Cadge.

---

DIGEST

SB 82 Original

2023 Regular Session

Fesi

Present law provides the court require a first offense operating while intoxicated offender not operate a motor vehicle during the period of probation unless the vehicle is equipped with a functioning ignition interlock device that shall remain installed and operative during the first twelve-month period of suspension of his driver's license following the date of conviction.

Proposed law changes the first offense time frame the interlock device must remain on the offenders vehicle from the first twelve-month period to the entire period of suspension.

Present law provides the court require a second offense operating while intoxicated offender not operate a motor vehicle during the period of probation unless the vehicle is equipped with a functioning ignition interlock device that shall remain installed and operative during the first three years of the four-year period of the suspension of his driver's license.

Proposed law changes the second offense timeframe the interlock device must remain on the offenders vehicle from the first three years of the four-year period of the suspension to the entire four-year period of suspension.

Proposed law provides the Department of Public Safety and Corrections, office of state police promulgate rules and regulations to establish and monitor compliance with an ignition interlock affordability plan for individuals that demonstrate economic hardship who are required to install an ignition interlock device.

Proposed law establishes requirements and provides for payment for individuals who qualify for the "affordability plan" with economic hardship designation.

Proposed law provides an ignition interlock manufacturer or ignition interlock service center shall not refuse service to an individual that has demonstrated eligibility for the affordability plan. Proposed law further provides an individual who has been refused service, may file a complaint with the Department of Public Safety and Corrections, office of state police, applied technology unit and establishes the requirements for the investigation and appeal by an ignition interlock manufacturer or ignition interlock service center.

Proposed law makes technical changes.

Present law provides credit towards suspension time or any reinstatement requirement not be given if the manufacturer reports to the Department of Public Safety and Corrections that any combination or a repeat of two of eight listed violations have occurred in a one-month period.

Proposed law changes the requirements for credit toward suspension from a combination or a repeat of two of eight listed violations, to only one of the eight violations and the occurrence does not have to be a repeat violation.

Proposed law provides upon notice of a violation, the Department of Public Safety and Corrections is required to extend the period the ignition interlock device by an additional six months and further restrict the driver's license.

Present law provides after the first conviction, along with other requirements, a functioning ignition interlock device shall remain installed on the offender's vehicle during the first twelve-month period of the suspension of his driver's license. Proposed law changes the suspension period from the first twelve-month period to the entire period the driver's license is suspended.

Present law provides after the second conviction, along with other requirements, a functioning ignition interlock device shall remain installed on the offender's vehicle during the first three-year period of the four-year period of the suspension of his driver's license. Proposed law changes the suspension period from the first three-year period to the entire four year period the driver's license is suspended.

Present law provides any licensee who has had his license suspended for operating a motor vehicle, under the influence of alcoholic beverages is eligible to apply for a restricted driver's license after a period of twelve months and proof the motor vehicle has been equipped with an ignition interlock device. Proposed law changes the period of eligibility for restricted license from proof the vehicle has been equipped with an interlocking device and a period of twelve months to no waiting period.

Present law provides an offender shall be eligible for a restricted license after a period of forty-five days of suspension for the remainder of the four-year period of suspension. Proposed law provides a functioning ignition interlock device shall remain installed on his vehicle during the entire four-year period of the suspension.

Effective August 1, 2023.

(Amends R.S. 14:98.1(A)(3)(c) and 98.2(A)(3)(c), R.S. 32:378.2(A), (B)(1)(a)(ii)(aa) and (bb), (H), and (M)(2), and 414(A)(1)(c)(i) and (ii) and (D)(1)(b), 667(B)(1)(b) and (3)(b) and (c), and (I)(1)(a), and 668(B)(1)(a)(intro para); adds R.S. 15:307.1 and R.S. 32:378.2(O))