

2023 Regular Session

HOUSE BILL NO. 484

BY REPRESENTATIVES EDMONDS, BRYANT, KNOX, AND LAFLEUR AND
SENATOR KLEINPETER

1 AN ACT

2 To amend and reenact R.S. 14:98.1(A)(2) and (3)(b) and 98.2(A)(2) and (3)(b) and R.S.
3 32:378.2(B)(1)(a)(ii), 414(A)(1)(c), and 667(B)(1)(b) and (c) and (3) and (H)(1) and
4 to enact R.S. 32:414(A)(1)(d), relative to operating a vehicle while intoxicated; to
5 provide relative to suspension of a driver's license for a first and second offense of
6 operating a vehicle while intoxicated; to provide relative to eligibility for a hardship
7 license; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 14:98.1(A)(2) and (3)(b) and 98.2(A)(2) and (3)(b) are hereby
10 amended and reenacted to read as follows:

11 §98.1. Operating while intoxicated; first offense; penalties

12 A.

13 * * *

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

1 (b) In addition to any penalties imposed under this Section and except as
2 provided in R.S. 32:414(A)(1)(d) or 667(H)(1)(b), upon conviction of a first offense,
3 if the offender had a blood alcohol concentration of 0.15 percent or more by weight
4 based on grams of alcohol per one hundred cubic centimeters of blood, the driver's
5 license of the offender shall be suspended for two years.

6 (3)

7 * * *

8 (b) In addition to any penalties imposed under this Section and except as
9 provided in R.S. 32:414(A)(1)(d) or 667(H)(1)(b), upon conviction of a first offense,
10 if the offender had a blood alcohol concentration of ~~0.20~~ 0.15 percent or more by
11 weight based on grams of alcohol per one hundred cubic centimeters of blood, the
12 driver's license of the offender shall be suspended for two years.

13 * * *

14 §98.2. Operating while intoxicated; second offense; penalties

15 A.

16 * * *

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

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

27 (3)

28 * * *

29 (b) In addition to any penalties imposed under this Section, upon conviction
30 of a second offense violation of R.S. 14:98, if the offender had a blood alcohol

1 concentration of ~~0.20~~ 0.15 percent or more by weight based on grams of alcohol per
2 one hundred cubic centimeters of blood, the driver's license of the offender shall be
3 suspended for four years.

4 * * *

5 Section 2. R.S. 32:378.2(B)(1)(a)(ii), 414(A)(1)(c), and 667(B)(1)(b) and (c) and (3)
6 and (H)(1) are hereby amended and reenacted and R.S. 32:414(A)(1)(d) is hereby enacted
7 to read as follows:

8 §378.2. Ignition interlock devices; condition of probation for certain DWI
9 offenders; restricted license

10 * * *

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

16 (a)

17 * * *

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

21 (aa) Upon first offense, if the offender had a blood alcohol concentration of
22 ~~0.20~~ 0.15 percent or greater, he shall be issued a restricted driver's license during the
23 entire period of the two-year driver's license suspension imposed under the
24 provisions of ~~R.S. 14:98(K)(1)~~ R.S. 14:98.1(A)(3)(b) and (c) and shall be required
25 to have a functioning ignition interlock device installed on his vehicle during the first
26 twelve-month period of the suspension.

27 (bb) Upon second offense, if the offender has a blood alcohol concentration
28 of ~~0.20~~ 0.15 percent or greater, he shall be eligible for a restricted driver's license for
29 the period of suspension as imposed under the provisions of ~~R.S. 14:98(K)(2)(b)~~ R.S.
30 14:98.2(A)(3)(b) and (c). The offender may be issued a restricted license during the

1 entire four years on his suspension and shall be required to have a functioning
2 ignition interlock device installed on his vehicle during the first three years of the
3 four-year suspension.

4 * * *

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

6 A.(1)

7 * * *

8 (c) Notwithstanding the provisions of Subparagraphs (a) and (b) of this
9 Paragraph, upon first or second conviction, or a plea of guilty or nolo contendere and
10 sentence thereupon or forfeiture of bail of any person charged with the offense of
11 driving while intoxicated when the offender had a blood alcohol concentration of
12 ~~0.20~~ 0.15 percent or more by weight based on grams of alcohol per one hundred
13 cubic centimeters of blood, the following restrictions on suspension and issuance of
14 a restricted driver's license shall apply:

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

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

1 (d) When any person's driver's license has been suspended in connection to
 2 a first offense violation of R.S. 14:98, the office of motor vehicles shall suspend the
 3 person's driver's license consistent with the blood alcohol concentration reflected in
 4 the final case disposition and sentencing minutes. The administrative suspension for
 5 any chemical test submission shall be updated to be consistent with the blood alcohol
 6 concentration reflected in the final case disposition and sentencing minutes.

7 * * *

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

9 * * *

10 B. If such written request is not made by the end of the thirty-day period, the
 11 person's license shall be suspended as follows:

12 (1)

13 * * *

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

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

28 * * *

29 (3)(a) However, any licensee who has had his license suspended for a first
 30 or second offense of operating a motor vehicle while under the influence of alcoholic

1 beverages under the provisions of this Subsection and who either refused to submit
 2 to the test or who submitted to the test and the test showed a blood alcohol level of
 3 less than ~~0.20~~ 0.15 percent shall, upon proof to the Department of Public Safety and
 4 Corrections that his motor vehicle has been equipped with a functioning ignition
 5 interlock device, be immediately eligible for and shall be granted a restricted license.
 6 In the event that the department fails or refuses to issue the restricted driver's license,
 7 the district court for the parish in which the licensee resides may issue an order
 8 directing the department to issue the restricted license either by ex parte order or
 9 after contradictory hearing.

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

17 (c) If the person submitted to the test as a result of a second 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 four-year period of the
 20 suspension after he has provided proof that his motor vehicle has been equipped with
 21 an ignition interlock device. A functioning ignition interlock device shall remain
 22 installed on his motor vehicle during the first three-years of the four-year period of
 23 his driver's license suspension.

24 * * *

25 H.(1)(a) When any person's driver's license has been seized, suspended, or
 26 revoked, and the seizure, suspension, or revocation is connected to a charge or
 27 charges of violation of a criminal law, and the charge or charges do not result in a
 28 conviction, plea of guilty, or bond forfeiture, the person charged shall have his
 29 license immediately reinstated and shall not be required to pay any reinstatement fee
 30 if at the time for reinstatement of driver's license, it can be shown that the criminal

1 charges have been dismissed or that there has been a permanent refusal to charge a
 2 crime by the appropriate prosecutor or there has been an acquittal. If, however, at
 3 the time for reinstatement, the licensee has pending against him criminal charges
 4 arising from the arrest which led to his suspension or revocation of driver's license,
 5 the reinstatement fee shall be collected. Upon subsequent proof of final dismissal
 6 or acquittal, other than under Article 893 or 894 of the Code of Criminal Procedure,
 7 the licensee shall be entitled to a reimbursement of the reinstatement fee previously
 8 paid. In no event shall exemption from this reinstatement fee or reimbursement of
 9 a reinstatement fee affect the validity of the underlying suspension or revocation.

10 (b) When any person's driver's license has been suspended in connection to
 11 a first offense violation of R.S. 14:98, the office of motor vehicles shall suspend the
 12 person's driver's license consistent with the blood alcohol concentration reflected in
 13 the final case disposition and sentencing minutes. The administrative suspension for
 14 any chemical test submission shall be updated to be consistent with the blood alcohol
 15 concentration reflected in the final case disposition and sentencing minutes.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____