

SENATE BILL NO. 82

BY SENATORS FESI, CLOUD, HENRY, MILLIGAN, MORRIS, POPE, STINE,
TALBOT AND WHITE AND REPRESENTATIVES CORMIER,
EDMONSTON, FIRMENT, FREIBERG, GAROFALO, HORTON,
MOORE, SELDERS AND WRIGHT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact R.S. 32:378.2(H) and (M)(2), 414(A)(1)(c)(ii) and (D)(1)(b), and the introductory paragraph of 667(B) and (1)(b), and to enact R.S. 15:307.1 and R.S. 32:378.2(O), relative to ignition interlock devices; to provide standards for compliance with ignition interlock devices; to make technical changes; to provide relative to restricted driver's licenses; to extend the amount of time that a driver is required to have an ignition interlock device upon notice of noncompliance; to provide an ignition interlock affordability plan; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:307.1 is hereby enacted to read as follows:

§307.1. Ignition interlock affordability

A. The Department of Public Safety and Corrections, office of state police shall 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.

B. The requirement to demonstrate economic hardship shall be satisfied if an individual required to have the ignition interlock device is eligible for the Supplemental Nutrition Assistance Program (SNAP), Medicaid, Social Security Disability Insurance (SSDI), income from social security, or a judge's order for services of an indigent public defender (IPD) when the defendant demonstrated income below one hundred twenty-five percent of the federal poverty level.

C. Individuals that meet the economic hardship standard shall be required to pay no more than fifty percent of fees assessed by the ignition

1 interlock service center for installation, monthly calibration, lease, and removal
2 of the device.

3 D. Individuals that meet the economic hardship standard are responsible
4 for any optional services an individual elects, fees related to any noncompliance
5 as provided for in R.S. 32:378.2, state-mandated fees, and any costs related to
6 damaged, missing or unreturned equipment, and recovery of such equipment.

7 E. Individuals become eligible for the affordability plan on the date that
8 the individual provides the ignition interlock manufacturer, or ignition
9 interlock service center, acceptable documentation verifying that the individual
10 meets the standard for economic hardship. Continued eligibility may be verified
11 at the discretion of the ignition interlock manufacturer or ignition interlock
12 service center. Acceptable forms of documentation shall include an eligibility
13 card or qualifying letter for SNAP, Medicaid, SSDI, or SSI administered by the
14 Social Security Administration, or a judge's order for an indigent public
15 defender as described in this Section. If the documentation does not name the
16 individual required to install the ignition interlock device, the individual shall
17 be required to sign a notarized affidavit provided by the Department of Public
18 Safety and Corrections attesting to his eligibility for SNAP, Medicaid, SSDI, or
19 SSI on a state-approved form.

20 F. An ignition interlock manufacturer or ignition interlock service center
21 shall not refuse service to an individual that has demonstrated eligibility for the
22 affordability plan in accordance with this Section.

23 G. An individual who has been refused service, after providing the
24 documentation required in this Section to an ignition interlock manufacturer
25 or ignition interlock service center, may file a complaint with the Department
26 of Public Safety and Corrections, office of state police, applied technology unit.
27 Effective August 1, 2024, all complaints for refusal of service shall be
28 investigated by the office of state police, applied technology unit, within thirty
29 days of receipt of the complaint.

30 H. If the investigation substantiates the refusal of service, the

Department of Public Safety and Corrections, office of state police, applied technology unit, may issue a warning, suspension, or revocation of the certification for the ignition interlock manufacturer or the ignition interlock service center based on the facts of the investigation and the history of complaints related to the manufacturer or service center. An ignition interlock manufacturer or ignition interlock service center may appeal any suspension or revocation issued pursuant to this Subsection.

Section 2. R.S. 32:378.2(H) and (M)(2), 414(A)(1)(c)(ii) and (D)(1)(b), and the introductory paragraph of 667(B) and (1)(b) are hereby amended and reenacted, and R.S. 32:378.2(O) is hereby enacted to read as follows:

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

* * *

H. The person whose driving privilege is restricted pursuant to this Section shall have the system monitored by the manufacturer, at the manufacturer's expense, for proper use at least ~~bi-monthly~~ **every thirty days**, and more frequently as the court may order, on the operation of each ~~interlocking~~ ignition **interlock** device in the person's vehicles. A report of ~~such~~ monitoring shall be issued by the manufacturer to the court and the department within fourteen days after the system is monitored. However, the report issued to the department shall be in an electronic format specified by the department.

* * *

M. * * *

(2) No credit towards suspension time or any reinstatement requirement shall be given **if any of the following occur:**

(a) if the The manufacturer reports to the Department of Public Safety and Corrections that any ~~combination of two~~ of the following violations have occurred in a ~~one-month period, including any repeat violation of the same type~~ **once during the period of installation:**

~~(a)(i)~~ **(i)** Tampering with the device.

1 ~~(b)(ii)~~ Circumventing the device.

2 ~~(c)~~ Failure to bring the ignition interlock device in for required service.

3 ~~(d)~~ Failure to take or pass a re-test.

4 ~~(e)~~ Failure to pass a breath test.

5 ~~(f)~~ Use of the emergency override feature without justification.

6 **(b) The restricted operator fails to have the ignition interlock device**
7 **serviced by an approved ignition interlock provider every thirty days, more**
8 **than two times during the period of installation.**

9 **(c) The device has recorded any of the following, or any combination of**
10 **the following, three or more times in a thirty-day period:**

11 **(i) Failure to take or pass an initial breath test where pass is defined as**
12 **a breath alcohol concentration less than 0.02g of alcohol per 210L of breath.**

13 **(ii) Failure to take or pass a retest where pass is defined as a breath**
14 **alcohol concentration less than 0.02g of alcohol per 210L of breath.**

15 ~~(g)~~**(d)** Unauthorized removal of the device.

16 * * *

17 **O.(1) Any driver statutorily required to utilize and maintain an ignition**
18 **interlock device shall be in and remain in compliance with the standards set**
19 **forth in Paragraph (M)(2) of this Section. Upon notice to the Department of**
20 **Public Safety and Corrections of any violations of Paragraph (M)(2) of this**
21 **Section, the department shall further restrict the driver's license and extend the**
22 **period the ignition interlock device is required as follows:**

23 **(a) One month if the ignition interlock device was installed pursuant to**
24 **a first offense of any violation provided for in Subsection (B)(1) of this Section.**

25 **(b) Six months if the ignition interlock device was installed pursuant to**
26 **a second or subsequent offense of any violation provided for in Subsection**
27 **(B)(1) of this Section.**

28 **(2) The department shall notify the driver that his driver's license will**
29 **be restricted for the length of time provided in Paragraph (1) of this Subsection.**

30 **(3) A report of such noncompliance shall be issued by the manufacturer**

1 to the department in accordance with Subsection H of this Section.

2 * * *

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

4 A.(1) * * *

5 (c) * * *

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

14 * * *

15 D.(1) * * *

16 (b) Any licensee who has had his license suspended for operating a motor
17 vehicle while under the influence of alcoholic beverages under the provisions of this
18 Subsection shall be eligible to apply for a restricted driver's license ~~after a period of~~
19 ~~twelve months~~ upon proof that his motor vehicle has been equipped with a
20 functioning ignition interlock device. The ignition interlock device shall remain on
21 the motor vehicle for not less than six months from the date the restricted driver's
22 license is granted. In the event that the department fails or refuses to issue the
23 restricted driver's license, the district court for the parish in which the licensee
24 resides may issue an order directing the department to issue the restricted license
25 either by ex parte order or after contradictory hearing.

26 * * *

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

28 * * *

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

1 (1) * * *

2 (b) ~~On or after September 30, 2003, if~~ **If** the person submitted to the test and
3 the test results show a blood alcohol level of 0.08 percent or above by weight, his
4 driving privileges shall be suspended for ninety days from the date of suspension on
5 first offense violation, ~~without eligibility for a hardship license for the first thirty~~
6 ~~days,~~ and for three hundred sixty-five days from the date of suspension, ~~without~~
7 ~~eligibility for a hardship license,~~ on second and subsequent violations occurring
8 within five years of the first offense. If the person was under the age of twenty-one
9 years on the date of the test and the test results show a blood alcohol level of 0.02
10 percent or above by weight, his driving privileges shall be suspended for one
11 hundred eighty days from the date of suspension.

12 * * *

13 Section 3. This Act shall be known and may be cited as "Bowling, Coss, and Dufrene
14 Drunk Driving Prevention Act".

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____