

1 (3)

2 * * *

3 (c) The court shall require that the offender not operate a motor vehicle
4 during the period of probation unless any vehicle, while being operated by the
5 offender, is equipped with a functioning ignition interlock device in compliance with
6 the requirements of R.S. 14:98.5(C) and R.S. 32:378.2. The ignition interlock device
7 shall remain installed and operative on his vehicle during the ~~first twelve-month~~
8 period of suspension of his driver's license following the date of conviction.

9 * * *

10 §98.2. Operating while intoxicated; second offense; penalties

11 A.

12 * * *

13 (3)

14 * * *

15 (c) The court shall require that the offender not operate a motor vehicle
16 during the period of probation unless any vehicle, while being operated by the
17 offender, is equipped with a functioning ignition interlock device in compliance with
18 the requirements of R.S. 14:98.5(C), R.S. 15:306, and R.S. 32:378.2. The ignition
19 interlock device shall remain installed and operative on his vehicle during the ~~first~~
20 ~~three years of the~~ four-year period of the suspension of his driver's license.

21 * * *

22 Section 2. R.S. 32:378.2(A), (B)(1)(a)(ii)(aa) and (bb), 414(A)(1)(c)(i) and (ii) and
23 (D)(1)(b), 667(B)(1)(a) and (3)(b) and (c) and (I)(1)(a) and the introductory paragraph of 668
24 (B)(1)(a) are hereby amended and reenacted to read as follows:

25 §378.2. Ignition interlock devices; condition of probation for certain DWI offenders;
26 restricted license

27 A. In addition to any other provisions of law and except as otherwise
28 provided in Subsection I of this Section, the court may require that any person who
29 is placed on probation as provided in ~~R.S. 14:98(B)~~ **R.S. 14:98.1**, and the court shall

1 require that any person who is placed on probation as provided by ~~R.S. 14:98(C)~~
2 **R.S. 14:98.2** not operate a motor vehicle during the period of probation unless the
3 vehicle is equipped with a functioning ignition interlock device as provided in this
4 Section.

5 B.(1)

6 * * *

7 (a)

8 * * *

9 (ii)

10 * * *

11 (aa) Upon first offense, if the offender had a blood alcohol concentration of
12 0.15 percent or greater, he shall be issued a restricted driver's license during the
13 entire period of the two-year driver's license suspension imposed under the
14 provisions of R.S. 14:98.1(A)(3)(b) and (c) and shall be required to have a
15 functioning ignition interlock device installed on his vehicle during the ~~first twelve-~~
16 ~~month~~ period of the suspension.

17 (bb) Upon second offense, if the offender has a blood alcohol concentration
18 of 0.15 percent or greater, he shall be eligible for a restricted driver's license for the
19 period of suspension as imposed under the provisions of R.S. 14:98.2(A)(3)(b) and
20 (c). The offender may be issued a restricted license during the entire four years on
21 his suspension and shall be required to have a functioning ignition interlock device
22 installed on his vehicle during the ~~first three years of the~~ four-year suspension.

23 * * *

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

25 A.(1)

26 * * *

27 (c)

28 * * *

29 (i) Upon first conviction, if the offender had a blood alcohol concentration

1 of 0.15 percent or greater, his driver's license shall be suspended for two years and
 2 he shall be issued a restricted driver's license for the entire period of the suspension
 3 after he has provided proof to the department that his motor vehicle is equipped with
 4 a functioning ignition interlock device. A functioning ignition interlock device shall
 5 remain installed on his vehicle during the ~~first twelve-month~~ period of the
 6 suspension of his driver's license.

7 (ii) Upon second conviction, if the offender has a blood alcohol concentration
 8 of 0.15 percent or greater, his driver's license shall be suspended for four years. The
 9 offender shall be eligible for a restricted license for the four-year period of
 10 suspension after he has provided proof to the department that his motor vehicle is
 11 equipped with a functioning ignition interlock device. A functioning ignition
 12 interlock device shall remain installed on his vehicle during the ~~first three-year~~
 13 ~~period of the~~ four-year period of the suspension of his driver's license.

14 * * *

15 D.(1)

16 * * *

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

27 * * *

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

29 * * *

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

3 (1)(a) If the person submitted to the test and the test results show a blood
4 alcohol level of 0.08 percent or above by weight, his driving privileges shall be
5 suspended for ~~ninety~~ **one hundred eighty** days from the date of suspension on first
6 offense violation and for three hundred sixty-five days from the date of suspension
7 on second and subsequent violations occurring within five years of the first offense.
8 If the person was under the age of twenty-one years on the date of the test and the
9 test results show a blood alcohol level of 0.02 percent or above by weight, his
10 driving privileges shall be suspended for one hundred eighty days from the date of
11 suspension.

12 * * *

13 (3)

14 * * *

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

22 (c) If the person submitted to the test as a result of a second violation and the
23 test results show a blood alcohol level of 0.15 percent or above by weight, he shall
24 be eligible for a hardship license during the entire four-year period of the suspension
25 after he has provided proof that his motor vehicle has been equipped with an ignition
26 interlock device. A functioning ignition interlock device shall remain installed on his
27 motor vehicle during the ~~first three years of the~~ four-year period of his driver's
28 license suspension.

29 * * *

1 I.(1)

2 * * *

3 (a) Any person who has refused to submit to an approved chemical test for
4 intoxication, after being requested to do so, for a **first, second, or subsequent** arrest
5 of R.S. 14:98 or 98.6 or a parish or municipal ordinance that prohibits operating a
6 vehicle while intoxicated and whose driver's license has been suspended in
7 accordance with law.

8 * * *

9 §668. Procedure following revocation or denial of license; hearing; court review;
10 review of final order; restricted licenses

11 * * *

12 B.(1)(a) In a case of first **or second** refusal, or a first **or second** submission
13 to a test for intoxication ~~and when there has been no prior suspension of the driver's~~
14 ~~license~~, if suspension is otherwise proper, upon a showing of proof satisfactory to the
15 department that **an approved and functioning ignition interlock device has been**
16 **installed in the vehicle the person shall drive, and that** the suspension of driving
17 privileges would prevent the person from earning a livelihood, the department may:

18 * * *

19 Section 3. This Act shall become effective on July 1, 2024, and shall apply to
20 offenses committed on and after July 1, 2024; if vetoed by the governor and subsequently
21 approved by the legislature, this Act shall become effective on the day following such
22 approval by the legislature or July 1, 2024, whichever is later.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Alan Miller.

DIGEST

SB 7 Original 2024 Second Extraordinary Session Edmonds

Present law provides relative to the offense of operating a vehicle while intoxicated.

Present law provides that, for a first offense, a court shall require that the offender not operate a motor vehicle during the period of probation unless the vehicle being operated by the offender is equipped with a functioning ignition interlock device and the device remains installed and operative on his vehicle during the first 12-month period of the suspension of his driver's license following the date of conviction.

Proposed law changes the time period of the requirement of the ignition interlock device to the entire time that the driver's license is suspended following the date of conviction.

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

Proposed law changes the time period of the requirement of the ignition interlock device to the four years that the driver's license is suspended.

Present law provides that in a case of first refusal or first submission to a test for intoxication and when there has been no prior suspension of the driver's license, if suspension is otherwise proper, upon a showing of proof satisfactory to the Department of Public Safety and Corrections that the suspension of driving privileges would prevent the person from earning a livelihood, the department may:

- (1) Require the licensee to surrender his regular license and issue instead a special restricted operator's license.
- (2) Designate limited routes and times that the restricted licensee shall be permitted to operate his vehicle to earn his livelihood.

Proposed law changes present law for persons eligible to be considered for a restricted license to:

- (1) Include a person in the case of a second refusal and a second submission to a test for intoxication.
- (2) Add a requirement that the person's vehicle be equipped with an approved and functioning ignition interlock device.
- (3) Remove the limitation for eligibility to only persons who do not have a prior suspension of their driver's license.

Present law requires that any licensee who has had his license suspended for operating a motor vehicle while under the influence of alcoholic beverages under the provisions of present law be eligible to apply for a restricted driver's license upon proof that his motor vehicle has been equipped with a functioning ignition interlock device. Present law further requires the ignition interlock device to remain on the motor vehicle for not less than six months from the date the restricted driver's license is granted.

Proposed law retains present law, but changes the time period from six to 12 months.

Present law requires a person that submitted to the test and the results showed a blood alcohol level of 0.08% or above that his driving privileges be suspended for 90 days from the date of suspension on first offense violation.

Proposed law retains present law, but changes the time period from 90 days to 180 days.

Effective on July 1, 2024, and applies to offenses committed on and after July 1, 2024.

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