

RÉSUMÉ DIGEST

ACT 9 (SB 7)

2024 Second Extraordinary Session

Edmonds

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

Prior law provided that on a first offense conviction of OWI, the court may order that an offender not operate a motor vehicle during the period of probation, or shorter time, unless the vehicle while operated by the offender is equipped with an ignition interlock device.

New law requires that the court order use of an ignition interlock for at least six months and otherwise retains present law.

Prior law provided 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.

New law requires that the vehicle be equipped with an ignition interlock device for the entire time that the driver's license is suspended following the date of conviction.

Prior law provided 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 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.

New law requires that the vehicle be equipped with an ignition interlock device for the entire four years that the driver's license is suspended.

New law provides that no provision of law shall require using a certain vendor for interlock devices who meets the requirements of present law.

Prior law provided 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 Dept. 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 is permitted to operate his vehicle to earn his livelihood.

New law persons to be 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 at least six months from the date the restricted driver's license is granted.

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

Present law requires that when a person's results show a blood alcohol level of 0.08% or above, his driving privileges be suspended for 90 days from the date of suspension on a first offense violation.

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

New law prohibits any provision in present law from designating a particular vendor for providing ignition interlock devices.

New law that a person whose license is suspended, revoked or subject to installation of an ignition interlock device is to receive credit for the time period of which an ignition interlock device was installed for offenses involving driving while intoxicated.

Effective July 1, 2024.

(Amends R.S. 14:98.1(A)(1)(d) and (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)(1)(a), and 668(B)(1)(a)(intro para); adds R.S. 32:378.2(P) and 668(D))