

Regular Session, 2013

HOUSE BILL NO. 380

BY REPRESENTATIVE LAMBERT

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

MTR VEHICLE/COMMERCIAL: Provides relative to the disqualification of commercial motor vehicle drivers

1 AN ACT

2 To amend and reenact R.S. 32:414.2 (A)(2)(c) and (4)(introductory paragraph) and (a),
3 relative to commercial motor vehicle driver's and learner's permit holders; to provide
4 for disqualification under certain circumstances for certain alcohol and drug driving
5 offenses; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 32:414.2(A)(2)(c) and (4) (introductory paragraph) and (a) are hereby
8 amended and reenacted to read as follows:

9 §414.2. Commercial motor vehicle drivers and drivers with a commercial learner's
10 permit; disqualification; issuance of Class "D" or "E" license; alcohol content
11 in breath and blood; implied consent

12 A.

13 * * *

14 (2) Any person shall be disqualified for life from operating a commercial
15 motor vehicle for:

16 * * *

17 (c)(i) ~~Conviction of a~~ A second reported submission to a chemical test in
18 connection with an arrest for the offense of operating under the influence of alcohol,
19 operating with an alcohol concentration of 0.08 percent or more, or operating while
20 under the influence of a controlled substance while operating a commercial motor
21 vehicle or noncommercial motor vehicle by a commercial driver's license holder. A

1 disqualification pursuant to this Item for which a timely administrative hearing
2 request has not been received or a disqualification pursuant to this Item which has
3 been affirmed after an administrative hearing shall be considered a conviction for
4 purposes of compliance with federal motor carrier rules.

5 (ii) ~~Conviction of a second offense~~ A second reported submission to a
6 chemical test by a commercial driver's license holder in connection with a traffic stop
7 where the driver was found to have been ~~of~~ driving under the influence of alcohol
8 with an alcohol concentration of at least 0.04 percent but under an alcohol
9 concentration of 0.08 percent while operating a commercial motor vehicle. A
10 disqualification pursuant to this Item for which a timely administrative hearing
11 request has not been received or a disqualification pursuant to this Item which has
12 been affirmed after an administrative hearing shall be considered a conviction for
13 purposes of compliance with federal motor carrier rules.

14 (iii) A second reported conviction of operating under the influence of
15 alcohol, or operating while under the influence of a controlled substance while
16 operating a commercial motor vehicle or noncommercial motor vehicle by a
17 commercial driver's license holder.

18 * * *

19 (4) Except as provided in Subparagraph ~~(A)~~(2)(a) of this Subsection for
20 lifetime disqualification, and in Paragraph ~~(A)~~(3) of this Subsection for three years
21 disqualification for offenses committed while transporting hazardous materials, any
22 person shall be disqualified from operating a commercial motor vehicle for a
23 minimum period of one year for:

24 (a)(i) ~~A first conviction~~ A first reported submission to a chemical test in connection
25 with an arrest of a commercial driver's license holder, while operating a commercial
26 motor vehicle or a noncommercial motor vehicle, of operating under the influence
27 of alcohol, operating with an alcohol concentration of 0.08 percent or more, or
28 operating under the influence of a controlled dangerous substance. A disqualification
29 pursuant to this Item for which a timely administrative hearing request has not been

1 received or a disqualification pursuant to this Item which has been affirmed after an
2 administrative hearing shall be considered a conviction for purposes of compliance
3 with federal motor carrier rules.

4 (ii) A first ~~conviction of~~ reported submission to a chemical test by a
5 commercial driver's license holder of in connection with an investigation of driving
6 under the influence of alcohol with an alcohol concentration of at least 0.04 percent
7 but under an alcohol concentration of 0.08 percent while operating a commercial
8 motor vehicle. A disqualification pursuant to this Item for which a timely
9 administrative hearing request has not been received or a disqualification pursuant
10 to this Item which has been affirmed after an administrative hearing shall be
11 considered a conviction for purposes of compliance with federal motor carrier rules.

12 (iii) A first reported conviction of a commercial driver's license holder, while
13 operating a commercial motor vehicle or a noncommercial motor vehicle, or
14 operating under the influence of a controlled dangerous substance.

15 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Lambert

HB No. 380

Abstract: Provides relative to the disqualification of commercial motor vehicle drivers for certain alcohol- or drug-related driving offenses.

Present law provides any person shall be disqualified for life from operating a commercial motor vehicle upon conviction of a second offense of operating under the influence of alcohol, operating with an alcohol concentration of 0.08% or more, or operating while under the influence of a controlled substance while operating a commercial motor vehicle or noncommercial motor vehicle by a commercial driver's license holder.

Proposed law modifies present law by changing the disqualification for life upon the second reported submission to a chemical test in connection with a traffic stop where the driver was found to have been operating a vehicle under the influence of alcohol.

Proposed law provides for disqualification of a person for life from operating a commercial motor vehicle for a second reported conviction of operating under the influence of alcohol, or operating while under the influence of a controlled substance while operating a commercial motor vehicle or noncommercial motor vehicle by a commercial driver's license holder.

Proposed law provides that a disqualification for which a timely administrative hearing request has not been received or a disqualification which has been affirmed after an administrative hearing shall be considered a conviction for purposes of compliance with federal motor carrier rules.

Present law provides that a person shall be disqualified for life from operating a commercial motor vehicle upon conviction of a second offense of driving under the influence of alcohol with an alcohol concentration of at least 0.04% but under an alcohol concentration of 0.08% while operating a commercial vehicle.

Proposed law modifies present law by changing the disqualification for life upon conviction of a second offense, instead to a second reported submission to a chemical test by a commercial driver's license holder in connection with an investigation. Proposed law provides that such a disqualification for which a timely administrative hearing request has not been received or a disqualification which has been affirmed after an administrative hearing shall be considered a conviction for purposes of compliance with federal motor carrier rules.

Present law provides that a person shall be disqualified from operating a commercial motor vehicle for a minimum period of one year upon the first conviction of a commercial driver's license holder, while operating a commercial or noncommercial motor vehicle, of operating under the influence of alcohol, operating with an alcohol concentration of 0.08% or more, or operating under the influence of a controlled dangerous substance.

Proposed law modifies present law by changing the disqualification from operating a commercial motor vehicle for a minimum period of one year upon first conviction, instead to a first reported submission to a chemical test in connection with an arrest and provides that such disqualification for which a timely administrative hearing request has not been received, or a disqualification which has been affirmed after an administrative hearing, shall be considered a conviction for purposes of compliance with federal motor carrier rules.

Present law provides that a person shall be disqualified from operating a commercial motor vehicle for a minimum period of one year upon the first conviction of a commercial driver's license holder while operating a commercial motor vehicle under the influence of alcohol with an alcohol concentration of at least 0.04% but under an alcohol concentration of 0.08%.

Proposed law modifies present law by changing the disqualification from operating a commercial motor vehicle for a minimum period of one year upon first conviction, instead upon first reported submission to a chemical test in connection with an investigation and provides that such disqualification for which a timely administrative hearing request has not been received, or a disqualification which has been affirmed after an administrative hearing, shall be considered a conviction for purposes of compliance with federal motor carrier rules.

Proposed law provides for disqualification of a person from operating a commercial motor vehicle for a minimum period of one year for a first reported conviction of a commercial driver's license holder, while operating a commercial motor vehicle or a noncommercial motor vehicle, of operating under the influence of a controlled dangerous substance.

(Amends R.S. 32:414.2(A)(2)(c) and (4)(intro.para.) and (a))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill.

1. Added a provision which disqualifies a person for life from operating a commercial motor vehicle for a second reported conviction of operating under the influence of alcohol, or operating while under the influence of a controlled

substance while operating a commercial motor vehicle or noncommercial motor vehicle by a commercial driver's license holder.

2. Added a provision which disqualifies a person from operating a commercial motor vehicle for a minimum period of one year for a first reported conviction of a commercial driver's license holder, while operating a commercial motor vehicle or a noncommercial motor vehicle, of operating under the influence of a controlled dangerous substance.

House Floor Amendments to the engrossed bill

1. Made technical changes.
2. Modified a provision that provided for the disqualification for life of commercial driving privileges upon certain investigations and instead specifies that such disqualification is applicable to certain traffic stops where the driver was found to have been driving under the influence of alcohol.