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## DIGEST

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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.