

HOUSE COMMITTEE AMENDMENTS

2017 Regular Session

Substitute for Original House Bill No. 558 by Representative Hodges as proposed by the House Committee on Transportation, Highways and Public Works

This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.

To amend and reenact R.S. 32:667(B)(1)(b) and 668(B)(1)(b) and (c), relative to restrictive driver's licenses; to provide relative to the procedures for obtaining a restrictive driver's license; to eliminate the waiting period for obtaining a restrictive license when refusing to submit to a chemical test for intoxication; to eliminate the waiting period for obtaining a restrictive license when test results show a blood alcohol content over the legal limit; to require ignition interlock devices as a condition of obtaining a restrictive driver's license; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:667(B)(1)(b) and 668(B)(1)(b) and (c) are hereby amended and reenacted to read as follows:

§667. Seizure of license; circumstances; temporary license

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B.

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(1)

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

percent or above by weight, his driving privileges shall be suspended for one hundred eighty days from the date of suspension.

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

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B.(1)

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~~(b) No person who has refused a chemical test for intoxication is eligible for a restricted license for the first ninety days of the suspension. When a person submits to a chemical test and the results show a blood alcohol level of 0.08 percent or above by weight, or of 0.02 percent or above if the person was under the age of twenty-one years on the date of the test, he is not eligible for a restricted license for the first thirty days of the suspension.~~

~~(c)~~ (b) However, any Any licensee who has had his license suspended for a first or second offense of operating a motor vehicle while under the influence of alcoholic beverages where the licensee submits to a chemical test and the results show a blood alcohol level of 0.08 percent or above by weight, or of 0.02 percent or above by weight if the licensee was under the age of twenty-one years on the date of the test, or where the licensee has refused a chemical test for intoxication under the provisions of this Subsection, shall, upon proof of need to the Department of Public Safety and Corrections, be immediately eligible for and shall be issued an ignition interlock restricted license sufficient to maintain livelihood or allow the licensee to maintain the necessities of life. In the event that the department fails or refuses to issue the ignition interlock restricted driver's license, the district court for the parish in which the licensee resides may issue an order directing the department to issue the ignition interlock restricted license either by ex parte order or after contradictory hearing.

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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)]

HB Draft

2017 Regular Session

Abstract: Requires an ignition interlock device as a condition of obtaining a restrictive driver's license.

Present law provides for eligibility for a restrictive driver's license after the first 90 days of a suspension for persons refusing a chemical test for intoxication.

Present law further provides for eligibility for a restrictive driver's license after the first 30 days of a suspension for persons submitting to a chemical test and results indicate a blood alcohol level above the legal limit.

Present law also provides for immediate eligibility, upon proof to the Dept. of Public Safety and Corrections, for an ignition interlock restrictive license for any licensee who has had their license suspended.

Proposed law eliminates the 30 and 90 day waiting periods for a restrictive license and provides that persons will be immediately be eligible for an ignition interlock restrictive license.

Proposed law requires any licensee who has failed a chemical test for intoxication with a blood alcohol level of 0.08% or above, or 0.02% if the licensee was under the age of 21, or any person who has refused a chemical test for intoxication to have an ignition interlock device as a condition of the restrictive license.

(Amends R.S. 32:667(B)(1)(b) and 668(B)(1)(b) and (c))