

2018 Regular Session

HOUSE BILL NO. 890 (Substitute for House Bill No. 637 by Representative Hunter)

BY REPRESENTATIVE HUNTER

MTR VEHICLE/DRIVER LIC: Provides for an extension of time for which to appeal the denial of a hardship license or a suspension, cancellation, or revocation of a driver's license

1 AN ACT

2 To amend and reenact R.S. 32:667(A)(introductory paragraph) and (2), relative to the  
3 seizure of licenses for persons cited for driving while intoxicated; to provide for an  
4 extension of the time for which to appeal to the district court; and to provide for  
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 32:667(A)(introductory paragraph) and (2) is hereby amended and  
8 reenacted to read as follows:

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

10 A. When a law enforcement officer places a person under arrest for a  
11 violation of R.S. 14:98, ~~R.S. 14:~~ or 98.1, or a violation of a parish or municipal  
12 ordinance that prohibits operating a vehicle while intoxicated, and the person either  
13 refuses to submit to an approved chemical test for intoxication, or submits to ~~such~~  
14 the test and ~~such~~ the test results show a blood alcohol level of 0.08 percent or above  
15 by weight or, if the person is under the age of twenty-one ~~years~~, a blood alcohol level  
16 of 0.02 percent or above by weight, the following procedures shall apply:

17 \* \* \*

18 (2)(a) The temporary receipt shall also provide and serve as notice to the  
19 person that he has not more than thirty days from the date of arrest to make written

1 request to the Department of Public Safety and Corrections for an administrative  
2 hearing in accordance with the provisions of R.S. 32:668.

3 (b) In the event the arrested person was unable to make a timely request for  
4 an administrative hearing during the thirty day period provided for in Subparagraph  
5 (a) of this Paragraph due to incarceration, hospitalization, or any other cause  
6 acceptable to the department, the person may submit such documentation to the  
7 department which shall establish the person's inability to timely request the  
8 administrative hearing. Any request for an administrative hearing pursuant to this  
9 Subparagraph shall be submitted no later than ninety days from the date of arrest.  
10 The department shall promulgate such rules as are necessary to implement this  
11 Subparagraph including a rule defining what is acceptable documentation to establish  
12 the person's inability to make a timely request for an administrative hearing. The  
13 denial of an administrative hearing request made pursuant to this Subparagraph may  
14 be reviewed in the same manner and under the same conditions as is provided in R.S.  
15 32:668(C).

16 \* \* \*

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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)]

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HB 890 Reengrossed                      2018 Regular Session                      Hunter

**Abstract:** Authorizes an extension of the time period for which a person can apply for an administrative hearing.

Present law grants 30 days from the date of arrest for a violation of operating a vehicle while intoxicated for a person to make written request to the Dept. of Public Safety and Corrections for an administrative hearing in accordance with present law.

Proposed law provides an extension of this 30-day period for any person unable to make a timely request for an administrative hearing due to incarceration, hospitalization, or other acceptable cause to the department. Requires that the person requesting an administrative hearing submit documentation to the department that establishes the person's inability to timely request the administrative hearing provided in present law.

Proposed law requires any request for an administrative hearing pursuant to proposed law be submitted no later than 90 days from the date of arrest.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

Proposed law requires the Dept. of Public Safety and Corrections to promulgate rules as are necessary for the implementation of proposed law.

(Amends R.S. 32:667(A)(intro. para.) and (2))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Make technical changes.