

2019 Regular Session

HOUSE BILL NO. 278

BY REPRESENTATIVE MACK

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

MOTOR VEHICLES: Provides relative to restricted driver's licenses of certain individuals whose vehicles are equipped with ignition interlock devices

1 AN ACT

2 To amend and reenact R.S. 32:378.2(M) and to enact R.S. 32:378.2(N), relative to restricted
3 driver's licenses; to authorize a credit towards suspension time or any reinstatement
4 requirement for an individual whose driving privilege is restricted and whose vehicle
5 is equipped with an ignition interlock device under certain circumstances; to provide
6 for prohibitions; to provide for the promulgation of rules and regulations; and to
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 32:378.2(M) is hereby amended and reenacted and R.S. 32:378.2(N)
10 is hereby enacted to read as follows:

11 §378.2. Ignition interlock devices; condition of probation for certain DWI
12 offenders; restricted license

13 * * *

14 M.(1) Any individual who installs an ignition interlock device, approved by
15 the Department of Public Safety and Corrections, as a requirement of bail, a part of
16 a pre-trial diversion program, or a term of a suspended or deferred sentence as
17 provided in Article 894 of the Code of Criminal Procedure, for an offense involving
18 the operation of a motor vehicle while under the influence of alcohol, drugs, or a
19 combination of alcohol and drugs and is arrested or subsequently convicted for such

1 an offense, shall receive credit towards suspension time or any reinstatement
2 requirement that may be imposed if any of the following occurs:

3 (a) The installation and monitoring of the ignition interlock device is
4 reported to the Department of Public Safety and Corrections by the manufacturer in
5 accordance with Subsection H of this Section.

6 (b) The individual whose driving privilege is restricted appears at an office
7 of motor vehicle field office and is issued a renewed or duplicate driver's license that
8 contains a restriction code indicating that any vehicle operated by the individual shall
9 be equipped with an ignition interlock device.

10 (2) No credit towards suspension time or any reinstatement requirement shall
11 be given if the manufacturer reports to the Department of Public Safety and
12 Corrections that any combination of two of the following violations have occurred
13 in a one month period, including any repeat violation of the same type:

14 (a) Tampering with the device.

15 (b) Circumventing the device.

16 (c) Failure to bring the ignition interlock device in for required service.

17 (d) Failure to take or pass a re-test.

18 (e) Failure to pass a breath test.

19 (f) Use of the emergency override feature without justification.

20 (g) Unauthorized removal of the device.

21 (3) No credit towards suspension time or any reinstatement requirement shall
22 be given if the individual is charged or arrested for any offense involving the
23 operation of a motor vehicle while under the influence of alcohol, drugs, or a
24 combination of alcohol and drugs during the period in which the individual is
25 required to have an ignition interlock device as a requirement of bail, a part of a
26 pre-trial diversion program, or a term of a suspended or deferred sentence as
27 provided in Article 894 of the Code of Criminal Procedure.

28 (4) The Department of Public Safety and Corrections shall promulgate such
29 rules and regulations as are necessary to implement the provisions of this Paragraph.

- (5) Failure to pass a breath test.
- (6) Use of the emergency override feature without justification.
- (7) Unauthorized removal of the device.

Proposed law prohibits an individual from receiving credit towards suspension time or any reinstatement requirement if the individual is charged or arrested for any offense involving the operation of a motor vehicle while under the influence of alcohol, drugs, or both, during the period in which the individual is required to have an ignition interlock device as a requirement of bail, a part of a pre-trial diversion program, or a term of a suspended or deferred sentence as provided in present law.

Proposed law authorizes the Dept. of Public Safety and Corrections to promulgate such rules and regulations as are necessary to implement the provisions of proposed law.

(Amends R.S. 32:378.2(M); Adds R.S. 32:378.2(N))