

2020 Regular Session

HOUSE BILL NO. 780

BY REPRESENTATIVE PIERRE

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) through (h) and to enact R.S.
3 32:414.2(A)(2)(i) and (F), relative to commercial motor vehicle driver's and learner's
4 permit holders; to provide for disqualification from operating a commercial motor
5 vehicle for committing certain felonies; to provide for disqualification under certain
6 circumstances; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 32:414.2(A)(2)(c) through (h) are hereby amended and reenacted and
9 R.S. 32:414.2(A)(2)(i) and (F) are hereby enacted to read as follows:

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

13 A.

14 * * *

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

17 * * *

18 (c) Use of a commercial motor vehicle in the commission of a felony
19 involving sex trafficking as defined in 22 U.S.C. 7102.

1 ~~(e)~~(d)(i) A second reported submission to a chemical test in connection with
2 an arrest for the offense of operating under the influence of alcohol, operating with
3 an alcohol concentration of 0.08 percent or more, or operating while under the
4 influence of a controlled substance while operating a commercial motor vehicle or
5 noncommercial motor vehicle by a commercial driver's license holder. A
6 disqualification pursuant to this Item for which a timely administrative hearing
7 request has not been received or a disqualification pursuant to this Item which has
8 been affirmed after an administrative hearing shall be considered a conviction for
9 purposes of compliance with federal motor carrier rules.

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

19 (iii) A second reported conviction of operating under the influence of
20 alcohol, or operating while under the influence of a controlled substance while
21 operating a commercial motor vehicle or noncommercial motor vehicle by a
22 commercial driver's license holder.

23 ~~(d)~~(e) A second offense of leaving the scene of an accident in a commercial
24 motor vehicle or noncommercial motor vehicle by a commercial driver's license
25 holder.

26 ~~(e)~~(f) A second offense of refusal to submit to an alcohol concentration or
27 drug test, while operating a commercial motor vehicle or noncommercial motor
28 vehicle by a commercial driver's license holder.

1 ~~(f)~~(g) Two or more of any combination of the offenses listed in Paragraph
2 (A)(4), which arise from different episodes.

3 ~~(g)~~(h) A second offense of operating a commercial motor vehicle when, as
4 a result of prior violations committed while operating a commercial motor vehicle,
5 the driver's commercial driver's license is suspended, revoked, canceled, or
6 disqualified.

7 ~~(h)~~(i) A second offense of causing a fatality through the negligent operation
8 of a commercial motor vehicle, including but not limited to the offenses of
9 manslaughter, negligent homicide, and vehicular homicide.

10 * * *

11 F.(1)(a) If the office of motor vehicles receives credible information that a
12 holder of a commercial license plate or commercial driver's license is suspected, but
13 has not been convicted, of fraud related to the issuance of the commercial license
14 plate or commercial driver's license, the office of motor vehicles shall require the
15 driver to retake the skills or knowledge test, or a combination of both tests.

16 (b) Within thirty days of receiving a retest notification from the office of
17 motor vehicles, the holder suspected of fraudulently obtaining a commercial license
18 plate or commercial driver's license shall make an appointment or otherwise schedule
19 to take the next available test. The office of motor vehicles shall disqualify the
20 commercial license plate or commercial driver's license holder's driving privileges
21 indefinitely if the holder of a commercial license plate or commercial driver's license
22 fails to schedule a retest appointment within thirty days.

23 (c) The office of motor vehicles shall disqualify the commercial license plate
24 or commercial driver's license holder's driving privileges indefinitely if the driver
25 fails the knowledge or skills test or does not retake the test.

26 (2) Once the holder of a commercial license plate or commercial driver's
27 license has been disqualified, the driver shall apply for a commercial license plate
28 or commercial driver's license as a new applicant in accordance with R.S. 32:408.

1 (3) The office of motor vehicles shall disqualify the commercial license plate
 2 or commercial driver's license holder's driving privileges indefinitely if the driver
 3 fails to surrender the credentials for replacement when required by the office of
 4 motor vehicles.

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 780 Engrossed

2020 Regular Session

Pierre

Abstract: Provides for the disqualification of commercial motor vehicles drivers for certain felonies and under certain circumstances.

Present law requires a person be disqualified from operating a commercial motor vehicle if the person used a commercial or noncommercial motor vehicle while in the commission of a felony, as defined by state or federal law, that is punishable by death or imprisonment of a term exceeding one year.

Proposed law modifies present law by adding a requirement that a person be disqualified from operating a commercial motor vehicle for use of a commercial motor vehicle while in the commission of a felony involving sex trafficking as defined in federal law.

Proposed law adds a requirement for the holder of a commercial license plate or commercial driver's license suspected of fraud, but not convicted, related to the issuance of the commercial license plate or commercial driver's license to retake the skills or knowledge tests or a combination of both tests. Proposed law requires the holder of a commercial license plate or commercial driver's license make an appointment or schedule to take the next available test within 30 days of receiving the retest notification or their driving privileges will be disqualified indefinitely.

Proposed law requires the office of motor vehicles (OMV) to disqualify a commercial license plate or commercial driver's license holder's driving privileges indefinitely if the driver fails either the knowledge or skills test, or does not retake the test. Proposed law requires a driver who has been disqualified to apply for a commercial license plate or commercial driver's license as a new applicant under the provisions of present law.

Proposed law requires OMV to disqualify a commercial license plate or commercial driver's license holder's driving privileges indefinitely when the driver fails to surrender the credentials for replacement.

(Amends R.S. 32:414.2(A)(2)(c) through (h); Adds R.S. 32:414.2(A)(2)(i) and (F))