1 AN ACT 2 To amend and reenact R.S. 14:98.7(A) and R.S. 32:661(C)(1)(d) and (e), 666(A)(1)(a)(i) and (3), the introductory paragraph of 667(A), (C), (H)(3), and (I)(1)(a), (c), and (d), and 3 4 (2), the introductory paragraph of 667.1(A), and 669(A), to enact R.S. 32:661(D), and to repeal R.S. 32:661(C)(1)(f), relative to tests for suspected drunken drivers; to 5 6 provide relative to chemical tests for intoxication required to be given to persons 7 suspected of operating a motor vehicle while intoxicated; to provide relative to 8 suspension of a driver's license for failure to submit to a chemical test for 9 intoxication; to provide relative to required notice to certain drivers suspected of 10 operating a motor vehicle while intoxicated; and to provide for related matters. 11 Be it enacted by the Legislature of Louisiana: 12 Section 1. R.S. 14:98.7(A) is hereby amended and reenacted to read as follows: 13 §98.7. Unlawful refusal to submit to chemical tests; arrests for driving while 14 intoxicated 15 A. No person under arrest for a violation of R.S. 14:98, or 98.6 98.1, or any 16 other law or ordinance that prohibits operating a vehicle while intoxicated, may 17 refuse to submit to a chemical test when requested to do so by a law enforcement officer if he has refused to submit to such test on two previous and separate 18 19 occasions of any such violation. 20 21 Section 2. R.S. 32:661(C)(1)(d) and (e), 666(A)(1)(a)(i) and (3), the introductory 22 paragraph of 667(A), (C), (H)(3), and (I)(1)(a), (c), and (d) and (2), the introductory 23 paragraph of 667.1(A), and 669(A) are hereby amended and reenacted and R.S. 32:661(D) is hereby enacted to read as follows: 24 25 §661. Operating a vehicle under the influence of alcoholic beverages or illegal

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1	substance or controlled dangerous substances; implied consent to
2	chemical tests; administering of test and presumptions
3	* * *
4	C.(1) When a law enforcement officer requests that a person submit to a
5	chemical test as provided for above, he shall first read to the person a standardized
6	form approved by the Department of Public Safety and Corrections. The department
7	is authorized to use such language in the form as it, in its sole discretion, deems
8	proper, provided that the form does inform the person of the following:
9	* * *
10	(d) That his driving privileges can be suspended if he submits to the chemical
11	test and the test results show a positive reading indicating the presence of any
12	controlled dangerous substance listed in R.S. 40:964. The department may exclude
13	this warning from the form required by this Paragraph until such time as a
14	suspension for a test result shows a positive reading indicating the presence of
15	any controlled dangerous substance listed in R.S. 40:964 is enacted by the
16	legislature.
17	(e) The name and employing agency of all law enforcement officers involved
18	in the stop, detention, investigation, or arrest of the person.
19	(f) That refusal to submit to a chemical test after an arrest for an offense of
20	driving while intoxicated if he has refused to submit to such test on two previous and
21	separate occasions of any previous such violation is a crime under the provisions of
22	R.S. $14:98.2$ <u>14:98.7</u> and the penalties for such crime are the same as the penalties
23	for first conviction of driving while intoxicated.
	* * *
24	* * *
24 25	D. The notice issued to the person tested pursuant to R.S. 32:667 shall
25	D. The notice issued to the person tested pursuant to R.S. 32:667 shall
25 26	<u>D. The notice issued to the person tested pursuant to R.S. 32:667 shall</u> include the name and employing agency of all law enforcement officers actively
25 26 27	D. The notice issued to the person tested pursuant to R.S. 32:667 shall include the name and employing agency of all law enforcement officers actively participating in the stop, detention, investigation, or arrest of the person.

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1 $A_{i}(1)(a)(i)$ When a law enforcement officer has probable cause to believe 2 that a person has violated R.S. 14:98, 98.1 98.6, or any other law or ordinance that 3 prohibits operating a vehicle while intoxicated, that person may not refuse to submit 4 to a chemical test or tests if he has refused to submit to such test or tests on two 5 previous and separate occasions of any previous such violation or in any case wherein a fatality has occurred or a person has sustained serious bodily injury in a 6 7 crash involving a motor vehicle, aircraft, watercraft, vessel, or other means of conveyance. Serious bodily injury means bodily injury which involves 8 9 unconsciousness, protracted and obvious disfigurement, or protracted loss or 10 impairment of the function of a bodily member, organ, or mental faculty, or a substantial risk of death. The law enforcement officer shall direct that a chemical test 11 12 or tests be conducted of a person's blood, urine, or other bodily substance, or perform 13 a chemical test of such person's breath, for the purpose of determining the alcoholic 14 content of his blood and the presence of any abused substance or controlled substance as set forth in R.S. 40:964 in his blood in such circumstances. The officer 15 16 may direct a person to submit to a breath test, and if indicated, an additional blood 17 test for the purpose of testing for the presence of alcohol, abused substances, and 18 controlled dangerous substances. A refusal of any such test or tests shall result in the 19 suspension of driving privileges as provided by the provisions of this Part. A 20 physician, physician assistant, registered nurse, licensed practical nurse, emergency 21 medical technician, chemist, nurse practitioner, or other qualified technician shall 22 perform a chemical test in accordance with the provisions of R.S. 32:664 when 23 directed to do so by a law enforcement officer.

24

* *

(3) In all cases where a person is under arrest for a violation of R.S. 14:98,
98.1 98.6, or other law or ordinance that prohibits operating a vehicle while
intoxicated who refuses to submit to a chemical test or tests if he has refused to
submit to a chemical test on two previous and separate occasions of any previous
such violation shall be advised that the consequences of such refusal shall be subject
to criminal penalties under the provisions of R.S. 14:98.2 14:98.7.

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1	* * *
2	§667. Seizure of license; circumstances; temporary license
3	A. When a law enforcement officer places a person under arrest for a
4	violation of R.S. 14:98 or 98.1 98.6, or a violation of a parish or municipal ordinance
5	that prohibits operating a vehicle while intoxicated, and the person either refuses to
6	submit to an approved chemical test for intoxication, or submits to the test and the
7	test results show a blood alcohol level of 0.08 percent or above by weight or, if the
8	person is under the age of twenty-one, a blood alcohol level of 0.02 percent or above
9	by weight, the following procedures shall apply:
10	* * *
11	C. The department shall develop a uniform statewide form for temporary
12	receipt of licenses which shall be used by all state and local law enforcement
13	officials. The This form, or a separate form, shall be issued in duplicate to the
14	person arrested to provide a means for him to request an administrative hearing.
15	* * *
16	H.(1) * * * *
17	(3) Paragraph (1) of this Subsection shall not apply to a person who refuses
18	to submit to an approved chemical test upon a second or subsequent arrest for R.S.
19	14:98 or 98.1 98.6, or a parish or municipal ordinance that prohibits driving a motor
20	vehicle while intoxicated. However, this Paragraph shall not apply if the second or
21	subsequent arrest occurs more than ten years after the prior arrest. The department's
22	records of arrests made for operating a vehicle while intoxicated, as certified by the
23	arresting officer pursuant to R.S. 32:666(B), shall be used to determine the
24	application of the provisions of this Paragraph. In the event the suspension arising
25	out of such arrest has been reversed or recalled including any reversal or recall as a
26	result of an administrative hearing or judicial review, then that arrest related to that
27	suspension shall not be used to determine if this Paragraph applies to a driver's
28	license reinstatement.
29	I.(1) In addition to any other provision of law, an ignition interlock device
30	shall be installed in any motor vehicle operated by any of the following persons

* * *

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1	whose driver's license has been suspended in connection with the following
2	circumstances as a condition of the reinstatement of such person's driver's license:
3	(a) Any person who has refused to submit to an approved chemical test for
4	intoxication, after being requested to do so, for a second arrest of R.S. 14:98 or 98.1
5	<u>98.6</u> or a parish or municipal ordinance that prohibits operating a vehicle while
6	intoxicated and whose driver's license has been suspended in accordance with law.
7	* * *
8	(c) Any person who is arrested for a violation of R.S. 14:98, R.S. 14:98.1
9	<u>98.6</u> , or a parish or municipal ordinance that prohibits operating a vehicle while
10	intoxicated and is involved, as a driver, in a traffic crash which involves moderate
11	bodily injury or serious bodily injury as defined in R.S. 32:666(A).
12	(d) Any person who is arrested for a violation of R.S. 14:98, R.S. 14:98.1
13	<u>98.6</u> , or a parish or municipal ordinance that prohibits operating a vehicle while
14	intoxicated and a minor child twelve years of age or younger was a passenger in the
15	motor vehicle at the time of the commission of the offense.
16	(2) As to any person enumerated in Paragraph (1) of this Subsection, the
17	ignition interlock device shall remain on the motor vehicle for a period of not less
18	than six months. The ignition interlock device may be installed either prior to the
19	reinstatement of the driver's license, if the person has lawfully obtained a restricted
20	driver's license, or as a condition of the reinstatement of the driver's license. When
21	the driver's license is suspended as described in this Subsection, the ignition interlock
22	device shall remain on the motor vehicle for the same period as the suspension, with
23	credit for time when the interlock device was installed and functioning as part of a
24	restricted driver's license, or with credit for time when the ignition interlock
25	device is monitored in accordance with R.S. 32:378.2(M).
26	* * *
27	§667.1. Seizure of license upon arrest for vehicular homicide; issuance of
28	temporary license; suspension
29	A. When a law enforcement officer places a person under arrest for a
30	violation of R.S. 14:32.1 (vehicular homicide), and a certificate of arrest has not

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1	already been submitted to the office of motor vehicles pursuant to R.S.
2	32:666(B) for a submission or refusal to submit to the chemical test, the
3	following procedure shall apply:
4	* * *
5	§669. Suspension of nonresident's operating privilege; notification to state of
6	residence
7	A. When a nonresident driver <u>submits to the chemical test, or</u> refuses to
8	take an approved chemical test as provided for in R.S. 32:666 32:661 et seq., the
9	arresting officer or agency shall notify the department, which shall give information,
10	in writing, to the motor vehicle administrator of the state of the person's residence
11	and of any state in which he has a license.
12	* * *
13	Section 3. R.S. $32:661(C)(1)(f)$ is hereby repealed in its entirety.
14	Section 4. This Act shall become effective upon signature by the governor or, if not
15	signed by the governor, upon expiration of the time for bills to become law without signature
16	by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
17	vetoed by the governor and subsequently approved by the legislature, this Act shall become
18	effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____