

ACT No. 93

2020 Regular Session

HOUSE BILL NO. 780

BY REPRESENTATIVE PIERRE

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
12 in 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.

20 ~~(c)~~(d)(i) A second reported submission to a chemical test in connection with
21 an arrest for the offense of operating under the influence of alcohol, operating with
22 an alcohol concentration of 0.08 percent or more, or operating while under the

1 influence of a controlled substance while operating a commercial motor vehicle or
2 noncommercial motor vehicle by a commercial driver's license holder. A
3 disqualification pursuant to this Item for which a timely administrative hearing
4 request has not been received or a disqualification pursuant to this Item which has
5 been affirmed after an administrative hearing shall be considered a conviction for
6 purposes of compliance with federal motor carrier rules.

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

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

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

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

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

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.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____