

2022 Regular Session

HOUSE BILL NO. 415

BY REPRESENTATIVE MARINO

DWI: Provides relative to the administrative hearing applicable to the suspension of certain driving privileges

1 AN ACT

2 To amend and reenact R.S. 32:668(A)(introductory paragraph), relative to the administrative  
3 driving privileges hearing; to remove the exclusion of a law enforcement officer  
4 from appearing at an administrative hearing procedure regarding the revocation,  
5 suspension, or denial of a license or permit; to remove the rebuttable presumption  
6 applicable to a suspension hearing on certain driving privileges; and to provide for  
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 32:668(A)(introductory paragraph) is hereby amended and reenacted  
10 to read as follows:

11 §668. Procedure following revocation or denial of license; hearing; court review;  
12 review of final order; restricted licenses

13 A. Upon suspending the license or permit to drive or nonresident operating  
14 privilege of any person or upon determining that the issuance of a license or permit  
15 shall be denied to the person, the Department of Public Safety and Corrections shall  
16 immediately notify the person in writing and upon his request shall afford him an  
17 opportunity for a hearing based upon the department's records or other evidence  
18 admitted at the hearing, and in the same manner and under the same conditions as is  
19 provided in R.S. 32:414 for notification and hearings in the case of suspension of  
20 licenses, ~~except that no law enforcement officer shall be compelled by such person~~

1        ~~to appear or testify at such hearing and there shall be a rebuttable presumption that~~  
2        ~~any inconsistencies in evidence submitted by the department and admitted at the~~  
3        ~~hearing shall be strictly construed in favor of the person regarding the revocation,~~  
4        ~~suspension, or denial of license.~~ The scope of such a hearing for the purposes of this  
5        Part shall be limited to the following issues:

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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 415 Original

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Marino

**Abstract:** Removes the exclusion of a law enforcement officer's obligation to appear or testify at an administrative driving privileges hearing and removes the rebuttable presumption applicable to a suspension hearing on certain driving privileges.

Present law requires the Dept. of Public Safety and Corrections to immediately notify the person of certain driving privileges in writing and afford such person an opportunity for a hearing upon request in the same manner and under the same conditions as provided in present law. Specifies that such hearings include the revocation, suspension, or denial of a license or permit. Further, present law provides that such person cannot compel a law enforcement officer to appear or testify at the hearing and provides a rebuttable presumption, strictly construed in favor of such person, of any inconsistencies in evidence submitted by the department and admitted at the hearing.

Proposed law removes the exclusion that no law enforcement officer can be compelled by such person to appear or testify at such hearing and removes the rebuttable presumption, strictly construed in favor of such person, of any inconsistencies in evidence submitted by the department and admitted at the hearing regarding the revocation, suspension, or denial of a license.

(Amends R.S. 32:668(A)(intro. para.))