

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~~

Proposed law modifies present law by specifying that the hearing be based on the department's records except that the person whose operating privileges were suspended may subpoena a law enforcement officer who initiated the stop or who performed or participated in a breathalyzer test to appear or testify at such hearing. Further specifies notwithstanding any provision of present law to the contrary, a law enforcement officer may appear or testify at such hearing by simultaneous transmission through audio-visual electronic equipment. Additionally, specifies that the scope of the hearing only includes certain enumerated issues.

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

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill:

1. Remove a provision that specified that a person's opportunity for a hearing was based upon the department's records or other evidence admitted at the hearing.
2. Add a provision that requires the requested hearing be based on the department's records except that the person whose operating privileges were suspended may subpoena a law enforcement officer who initiated the stop or who performed or participated in a breathalyzer test to appear or testify at such hearing. Further authorizes a law enforcement officer to appear or testify at such hearing by simultaneous transmission through audio-visual electronic equipment.