
DIGEST

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HB 484 Reengrossed

2023 Regular Session

Edmonds

Abstract: Provides relative to suspension of a driver's license and eligibility for a hardship license for the offense of operating a vehicle while intoxicated.

Present law (R.S. 14:98.1) relative to a first offense of operating a vehicle while intoxicated, provides that if the offender had a blood alcohol concentration of 0.15 percent or more but less than 0.20 percent by weight based on grams of alcohol per one hundred cubic centimeters of blood, at least 48 hours of the sentence imposed shall be served without the benefit of parole, probation, or suspension of sentence, and the sentence is to be served in addition to any sentence of imprisonment imposed pursuant to present law, provided that the total period of imprisonment upon conviction of the offense, including default in payment of a fine or costs, shall not exceed six months.

Proposed law retains present law and provides that in addition to any other penalty imposed under present law, upon conviction of a first offense, if the offender had a blood alcohol concentration of 0.15 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood, the driver's license of the offender shall be suspended for two years.

Present law provides that upon conviction of a first offense and if the offender had a blood alcohol concentration of 0.20 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood, the driver's license of the offender shall be suspended for two years.

Proposed law changes the blood alcohol concentration from 0.20 percent to 0.15 percent.

Present law (R.S. 14:98.2) relative to a second offense of operating a vehicle while intoxicated, provides that if the offender had a blood alcohol concentration of 0.15 percent or more but less than 0.20 percent by weight based on grams of alcohol per one hundred cubic centimeters of blood, at least 96 hours of the sentence imposed pursuant to present law shall be served without the benefit of parole, probation, or suspension of sentence.

Proposed law provides that in addition to any penalties imposed pursuant to present law, if the offender had a blood alcohol concentration of 0.15 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood, the driver's license of the offender shall be suspended for four years.

Present law provides that upon conviction of a second offense and if the offender had a blood alcohol concentration of 0.20 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood, the drivers license of the offender shall be suspended for four years.

Proposed law changes the blood alcohol concentration from 0.20 percent to 0.15 percent.

Present law (R.S. 32:378.2) grants eligibility for a restricted driver's license to certain persons who had their license suspended for a DWI violation upon proof that their vehicle is equipped with a functioning ignition interlock device.

Present law further provides that if the offender had a blood alcohol concentration of 0.20 percent or greater, he shall be issued a restricted driver's license under certain conditions.

Proposed law changes the blood alcohol concentration from 0.20 percent to 0.15 percent.

Present law (R.S. 32:414) provides relative to restrictions on the suspension or issuance of a restricted license for first or second convictions of a DWI when the offender had a blood alcohol concentration of 0.20 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood.

Proposed law changes the blood alcohol concentration from 0.20 percent to 0.15 percent.

Proposed law further provides that upon a second conviction, the offender shall be eligible for a restricted license for the four-year period of suspension after he has provided proof to the department that his motor vehicle is equipped with a functioning ignition interlock device.

Proposed law provides that when any person's driver's license is suspended in connection to a first offense violation of present law (R.S. 14:98), the office of motor vehicle's is required to suspend the person's driver's license consistent with the blood alcohol concentration reflected in the final case disposition and sentencing minutes. The administrative suspension for any chemical test suspension shall be updated to be consistent with the blood alcohol concentration reflected in the final case disposition and sentencing minutes.

Present law (R.S. 32:667) provides that on or after Sept. 30, 2003, if the person submitted to a breath alcohol concentration test and the test results show a blood alcohol level of 0.08 percent or above by weight, his driving privileges shall be suspended for 90 days from the date of suspension on a first offense violation, without eligibility for a hardship license for the first 30 days, and for 365 days from the date of suspension, without eligibility for a hardship license, on second and subsequent violations occurring within five years of the first offense.

Proposed law removes the enacting date from present law and removes the restriction for eligibility of a hardship license.

Proposed law further changes the blood alcohol concentration from 0.20 percent to 0.15 percent relative to hardship license requirements.

Proposed law provides that when any person's driver's license is suspended in connection to a first offense violation of present law (R.S. 14:98), the office of motor vehicle's is required to suspend the person's driver's license consistent with the blood alcohol concentration reflected in the final case

disposition and sentencing minutes. The administrative suspension for any chemical test suspension shall be updated to be consistent with the blood alcohol concentration reflected in the final case disposition and sentencing minutes.

(Amends R.S. 14:98.1(A)(2) and (3)(b) and 98.2(A)(2) and (3)(b) and R.S. 32:378.2(B)(1)(a)(ii), 414(A)(1)(c), and 667(B)(1)(b) and (c) and (3) and (H)(1); Adds R.S. 32:414(A)(1)(d))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Relative to a first offense of operating a vehicle while intoxicated, require the office of motor vehicles to suspend the person's driver's license consistent with the blood alcohol concentration reflected in the final case disposition and sentencing minutes.