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 DIGEST
 

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SB 7 Reengrossed

2024 Second Extraordinary Session

Edmonds

Present law provides relative to the offense of operating a vehicle while intoxicated (OWI).

Present law provides that on a first offense conviction of OWI, the court may order that an offender not operate a motor vehicle during the period of probation, or shorter time, unless the vehicle while operated by the offender is equipped with an ignition interlock device.

Proposed law provides that the court shall order use of an ignition interlock for at least six months.

Proposed law otherwise retains present law.

Present law provides that, for a first offense, a court shall require that the offender not operate a motor vehicle during the period of probation unless the vehicle being operated by the offender is equipped with a functioning ignition interlock device and the device remains installed and operative on his vehicle during the first 12-month period of the suspension of his driver's license following the date of conviction.

Proposed law requires that the vehicle be equipped with an ignition interlock device for the entire time that the driver's license is suspended following the date of conviction.

Present law provides that, for a second offense, a court shall require that the offender not operate a motor vehicle during the period of probation unless the vehicle being operated is equipped with a functioning ignition interlock device and the device remains installed and operative on his vehicle during the first three years of the four-year period of the suspension of his driver's license.

Proposed law requires that the vehicle be equipped with an ignition interlock device for the entire four years that the driver's license is suspended.

Proposed law provides that no provision of law shall require using a certain vendor for interlock devices who meets the requirements of present law.

Present law provides that in a case of first refusal or first submission to a test for intoxication and when there has been no prior suspension of the driver's license, if suspension is otherwise proper, upon a showing of proof satisfactory to the Dept. of Public Safety and Corrections that the suspension of driving privileges would prevent the person from earning a livelihood, the department may:

- (1) Require the licensee to surrender his regular license and issue instead a special restricted operator's license.
- (2) Designate limited routes and times that the restricted licensee is permitted to operate his vehicle to earn his livelihood.

Proposed law changes present law for persons eligible to be considered for a restricted license to:

- (1) Include a person in the case of a second refusal and a second submission to a test for intoxication.
- (2) Add a requirement that the person's vehicle be equipped with an approved and functioning ignition interlock device.

- (3) Remove the limitation for eligibility to only persons who do not have a prior suspension of their driver's license.

Present law requires that any licensee who has had his license suspended for operating a motor vehicle while under the influence of alcoholic beverages under the provisions of present law be eligible to apply for a restricted driver's license upon proof that his motor vehicle has been equipped with a functioning ignition interlock device. Present law further requires the ignition interlock device to remain on the motor vehicle for at least six months from the date the restricted driver's license is granted.

Proposed law retains present law, but changes the time period from six to 12 months.

Present law requires that when a person's results show a blood alcohol level of 0.08% or above, his driving privileges be suspended for 90 days from the date of suspension on a first offense violation.

Proposed law retains present law, but changes the time period from 90 days to 180 days.

Proposed law prohibits any provision of present law from designating a particular vendor for providing ignition interlock devices.

Effective July 1, 2024.

(Amends R.S. 14:98.1(A)(1)(d) and (3)(c) and 98.2(A)(3)(c) and R.S. 32:378.2(A), (B)(1)(a)(ii)(aa) and (bb), 414(A)(1)(c)(i) and (ii) and (D)(1)(b), 667(B)(1)(a) and (3)(b) and (c) and (I)(1)(a), and 668(B)(1)(a)(intro para); adds R.S. 32:378.2(P))

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Add requirement of ignition interlock for at least six months on a first conviction OWI.

##### Senate Floor Amendments to engrossed bill

1. Make technical corrections
2. Provide that no provision of law shall require using a certain vendor for interlock devices.

#### Summary of Amendments Adopted by House

##### The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the reengrossed bill:

1. Clarify that no provision of law shall require using a certain vendor for interlock devices who meets the requirements of present law.