

SENATE BILL NO. 7

BY SENATORS EDMONDS AND SEABAUGH AND REPRESENTATIVES ADAMS,
BACALA, BOYER, COX, HORTON, MIKE JOHNSON, KNOX,
LAFLEUR, MOORE, TAYLOR, WALTERS, WILEY AND WRIGHT

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AN ACT

To amend and reenact 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 the introductory paragraph of
668(B)(1)(a) and to enact R.S. 32:378.2(P) and 668(D), relative to ignition interlock
devices; to make technical changes; to change criminal offenses for driving while
intoxicated; to provide for a change in time periods that a driver is required to have
an ignition interlock device; to provide relative to restricted driver's licenses; to
extend the amount of time that a driver is required to have an ignition interlock
device upon notice of noncompliance; to provide relative to first and second offense
penalties for operating a vehicle while intoxicated; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:98.1(A)(1)(d) and (3)(c) and 98.2(A)(3)(c) are hereby amended
and reenacted to read as follows:

§98.1. Operating while intoxicated; first offense; penalties

A.(1) * * *

(d) Except as provided by Subparagraph (3)(c) of this Subsection, the court

~~may~~ **shall** order that the offender not operate a motor vehicle during the period of

1 probation, ~~or such shorter time as set by the court~~ **for no less than six months**,
 2 unless any vehicle, while being operated by the offender, is equipped with a
 3 functioning ignition interlock device in compliance with the requirements of R.S.
 4 14:98.5(C) and R.S. 32:378.2.

5 * * *

6 (3)

7 * * *

8 (c) The court shall require that the offender not operate a motor vehicle
 9 during the period of probation unless any vehicle, while being operated by the
 10 offender, is equipped with a functioning ignition interlock device in compliance with
 11 the requirements of R.S. 14:98.5(C) and R.S. 32:378.2. The ignition interlock device
 12 shall remain installed and operative on his vehicle during the ~~first twelve-month~~
 13 period of suspension of his driver's license following the date of conviction.

14 * * *

15 §98.2. Operating while intoxicated; second offense; penalties

16 A.

17 * * *

18 (3)

19 * * *

20 (c) The court shall require that the offender not operate a motor vehicle
 21 during the period of probation unless any vehicle, while being operated by the
 22 offender, is equipped with a functioning ignition interlock device in compliance with
 23 the requirements of R.S. 14:98.5(C), R.S. 15:306, and R.S. 32:378.2. The ignition
 24 interlock device shall remain installed and operative on his vehicle during the ~~first~~
 25 ~~three years of the~~ four-year period of the suspension of his driver's license.

26 * * *

27 Section 2. R.S. 32:378.2(A), (B)(1)(a)(ii)(aa) and (bb), 414(A)(1)(c)(i) and (ii) and
 28 (D)(1)(b), 667(B)(1)(a) and (3)(b) and (c) and (I)(1)(a) and the introductory paragraph of 668
 29 (B)(1)(a) are hereby amended and reenacted and R.S. 32:378.2(P) and 668(D) are hereby
 30 enacted to read as follows:

1 §378.2. Ignition interlock devices; condition of probation for certain DWI offenders;
2 restricted license

3 A. In addition to any other provisions of law and except as otherwise
4 provided in Subsection I of this Section, the court may require that any person who
5 is placed on probation as provided in ~~R.S. 14:98(B)~~ **R.S. 14:98.1**, and the court shall
6 require that any person who is placed on probation as provided by ~~R.S. 14:98(C)~~
7 **R.S. 14:98.2** not operate a motor vehicle during the period of probation unless the
8 vehicle is equipped with a functioning ignition interlock device as provided in this
9 Section.

10 B.(1)

11 * * *

12 (a)

13 * * *

14 (ii)

15 * * *

16 (aa) Upon first offense, if the offender had a blood alcohol concentration of
17 0.15 percent or greater, he shall be issued a restricted driver's license during the
18 entire period of the two-year driver's license suspension imposed under the
19 provisions of R.S. 14:98.1(A)(3)(b) and (c) and shall be required to have a
20 functioning ignition interlock device installed on his vehicle during the ~~first twelve-~~
21 ~~month~~ period of the suspension.

22 (bb) Upon second offense, if the offender has a blood alcohol concentration
23 of 0.15 percent or greater, he shall be eligible for a restricted driver's license for the
24 period of suspension as imposed under the provisions of R.S. 14:98.2(A)(3)(b) and
25 (c). The offender may be issued a restricted license during the entire four years on
26 his suspension and shall be required to have a functioning ignition interlock device
27 installed on his vehicle during the ~~first three years of the~~ four-year suspension.

28 * * *

29 **P. No provision of this Section shall be construed to require the use of**
30 **any particular vendor who meets the requirements set forth in R.S. 15:307 for**

1 **ignition interlock devices.**

2 * * *

3 §414. Suspension, revocation, renewal, and cancellation of licenses; judicial review

4 A.(1)

5 * * *

6 (c)

7 * * *

8 (i) Upon first conviction, if the offender had a blood alcohol concentration
9 of 0.15 percent or greater, his driver's license shall be suspended for two years and
10 he shall be issued a restricted driver's license for the entire period of the suspension
11 after he has provided proof to the department that his motor vehicle is equipped with
12 a functioning ignition interlock device. A functioning ignition interlock device shall
13 remain installed on his vehicle during the ~~first twelve-month~~ period of the
14 suspension of his driver's license.

15 (ii) Upon second conviction, if the offender has a blood alcohol concentration
16 of 0.15 percent or greater, his driver's license shall be suspended for four years. The
17 offender shall be eligible for a restricted license for the four-year period of
18 suspension after he has provided proof to the department that his motor vehicle is
19 equipped with a functioning ignition interlock device. A functioning ignition
20 interlock device shall remain installed on his vehicle during the ~~first three-year~~
21 ~~period of the~~ four-year period of the suspension of his driver's license.

22 * * *

23 D.(1)

24 * * *

25 (b) Any licensee who has had his license suspended for operating a motor
26 vehicle while under the influence of alcoholic beverages under the provisions of this
27 Subsection shall be eligible to apply for a restricted driver's license upon proof that
28 his motor vehicle has been equipped with a functioning ignition interlock device.
29 The ignition interlock device shall remain on the motor vehicle for not less than ~~six~~
30 **twelve** months from the date the restricted driver's license is granted. In the event

1 that the department fails or refuses to issue the restricted driver's license, the district
2 court for the parish in which the licensee resides may issue an order directing the
3 department to issue the restricted license either by ex parte order or after
4 contradictory hearing.

5 * * *

6 §667. Seizure of license; circumstances; temporary license

7 * * *

8 B. If written request is not made by the end of the thirty-day period, the
9 person's license shall be suspended as follows:

10 (1)(a) If the person submitted to the test and the test results show a blood
11 alcohol level of 0.08 percent or above by weight, his driving privileges shall be
12 suspended for ~~ninety~~ **one hundred eighty** days from the date of suspension on first
13 offense violation and for three hundred sixty-five days from the date of suspension
14 on second and subsequent violations occurring within five years of the first offense.
15 If the person was under the age of twenty-one years on the date of the test and the
16 test results show a blood alcohol level of 0.02 percent or above by weight, his
17 driving privileges shall be suspended for one hundred eighty days from the date of
18 suspension.

19 * * *

20 (3)

21 * * *

22 (b) If the person submitted to the test as a result of a first violation and the
23 test results show a blood alcohol level of 0.15 percent or above by weight, he shall
24 be eligible for a hardship license during the entire period of the imposed two-year
25 suspension after he has provided proof that his motor vehicle has been equipped with
26 an ignition interlock device. A functioning ignition interlock device shall remain
27 installed on his motor vehicle during the ~~first twelve-month~~ period of his driver's
28 license suspension.

29 (c) If the person submitted to the test as a result of a second violation and the
30 test results show a blood alcohol level of 0.15 percent or above by weight, he shall

1 be eligible for a hardship license during the entire four-year period of the suspension
2 after he has provided proof that his motor vehicle has been equipped with an ignition
3 interlock device. A functioning ignition interlock device shall remain installed on his
4 motor vehicle during the ~~first three years of the~~ four-year period of his driver's
5 license suspension.

6 * * *

7 I.(1)

8 * * *

9 (a) Any person who has refused to submit to an approved chemical test for
10 intoxication, after being requested to do so, for a **first, second, or subsequent** arrest
11 of R.S. 14:98 or 98.6 or a parish or municipal ordinance that prohibits operating a
12 vehicle while intoxicated and whose driver's license has been suspended in
13 accordance with law.

14 * * *

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

17 * * *

18 B.(1)(a) In a case of first **or second** refusal, or **a first or second** submission
19 to a test for intoxication ~~and when there has been no prior suspension of the driver's~~
20 ~~license~~, if suspension is otherwise proper, upon a showing of proof satisfactory to the
21 department that **an approved and functioning ignition interlock device has been**
22 **installed in the vehicle the person shall drive, and that** the suspension of driving
23 privileges would prevent the person from earning a livelihood, the department may:

24 * * *

25 **D. Any person who has his license suspended, revoked, or is subject to**
26 **installation of an ignition interlock device pursuant to R.S. 32:667(I) or R.S.**
27 **14:98, 98.1, 98.2, 98.3, or 98.4 shall receive credit for the time period of which**
28 **the ignition interlock device was installed.**

29 Section 3. This Act shall become effective on July 1, 2024, and shall apply to
30 offenses committed on and after July 1, 2024; if vetoed by the governor and subsequently

1 approved by the legislature, this Act shall become effective on the day following such
2 approval by the legislature or July 1, 2024, whichever is later.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____