

2025 Regular Session

HOUSE BILL NO. 182

BY REPRESENTATIVE BAGLEY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

DWI: Provides relative to penalties for the crime of operating a vehicle while impaired

1 AN ACT

2 To amend and reenact R.S. 14:98.1(A)(1)(d), (3)(c), and (C), 98.2(A)(1)(d), (3)(c), (C), and
3 (D)(3), 98.3(A)(3)(d), 98.4(A)(2)(d), 98.5(C)(2), and 98.6(C)(4), R.S. 15:306(A)(1),
4 (B), and (C), 307(A), (B), (C)(introductory paragraph), (C)(7), and (E), 307.1(A),
5 (B), (C), and (E) through (H), R.S. 32:378.2(A), (B)(1)(introductory paragraph) and
6 (a)(ii), (2) and (4), (E), (G), (H), (J)(1), (2)(introductory paragraph) and (h), (K), (L),
7 (M)(1) and (3), (O)(1), and (P), 414(A)(1)(b) and (c)(i) and (ii), (B)(2)(b), and
8 (D)(1)(b) and (c), 415(B)(2)(introductory paragraph) and (3), 415.1(A)(1)(f),
9 667(B)(3), (I)(1)(introductory paragraph), (2), (3), and (4), and (J),
10 668(B)(1)(a)(introductory paragraph) and (c) and (D), and Code of Criminal
11 Procedure Article 320(C) and to enact R.S. 32:378.2(M)(2)(c)(iii), relative to the
12 penalties for the crime of operating a vehicle while impaired; to provide for a court's
13 authority to offer alternatives to a vehicle ignition interlock device; to provide
14 relative to employer-owned vehicles; and to provide for related matters.

15 Be it enacted by the Legislature of Louisiana:

16 Section 1. R.S. 14:98.1(A)(1)(d), (3)(c), and (C), 98.2(A)(1)(d), (3)(c), (C), and
17 (D)(3), 98.3(A)(3)(d), 98.4(A)(2)(d), 98.5(C)(2), and 98.6(C)(4) are hereby amended and
18 reenacted to read as follows:

19 §98.1. Operating while impaired; first offense; penalties

20 A.(1) Except as modified by the provisions of Paragraphs (2) and (3) of this
21 Subsection, on a conviction of a first offense violation of R.S. 14:98, the offender

1 shall be fined not less than three hundred dollars nor more than one thousand dollars,
2 and shall be imprisoned for not less than ten days nor more than six months.
3 Imposition or execution of sentence under this Paragraph shall not be suspended
4 unless the offender is placed on probation with the minimum conditions that he
5 complete all of the following:

6 * * *

7 (d) Except as provided by Subparagraph (3)(c) of this Subsection, the court
8 shall order that the offender not operate a motor vehicle during the period of
9 probation, for no less than six months, unless any vehicle, while being operated by
10 the offender, is equipped with a functioning ignition interlock device in compliance
11 with the requirements of R.S. 14:98.5(C) and R.S. 32:378.2 or the offender is
12 ordered to wear and is wearing a functioning electronic alcohol monitoring device
13 as defined in R.S. 15:307.

14 * * *

15 (3)

16 * * *

17 (c) The court shall require that the offender not operate a motor vehicle
18 during the period of probation unless any vehicle, while being operated by the
19 offender, is equipped with a functioning ignition interlock device in compliance with
20 the requirements of R.S. 14:98.5(C) and R.S. 32:378.2 or the offender is ordered to
21 wear and is wearing a functioning electronic alcohol monitoring device as defined
22 in R.S. 15:307. ~~The ignition interlock~~ Either device shall remain installed and
23 operative ~~on his vehicle~~ during the period of suspension of his driver's license
24 following the date of conviction.

25 * * *

26 C. An offender may apply for a restricted driver's license to be in effect
27 during the entire period of suspension upon proof to the Department of Public Safety
28 and Corrections that he is wearing a functioning electronic alcohol monitoring device
29 or his motor vehicle has been equipped with a functioning ignition interlock device

1 in compliance with the requirements of R.S. 32:378.2. An ignition interlock device
2 shall not be required on any vehicle driven by an offender who wears a functioning
3 electronic alcohol monitoring device and has obtained a restricted license.

4 §98.2. Operating while impaired; second offense; penalties

5 A.(1) Except as modified by the provisions of Paragraphs (2), (3), and (4)
6 of this Subsection, or as provided by Subsection D of this Section, on a conviction
7 of a second offense violation of R.S. 14:98, regardless of whether the second offense
8 occurred before or after the first conviction, the offender shall be fined not less than
9 seven hundred fifty dollars nor more than one thousand dollars, and shall be
10 imprisoned for not less than thirty days nor more than six months. At least forty-
11 eight hours of the sentence imposed shall be served without benefit of parole,
12 probation, or suspension of sentence. Imposition or execution of the remainder of
13 sentence shall not be suspended unless the offender is placed on probation with the
14 minimum conditions that he complete all of the following:

15 * * *

16 (d) Except as the period of time may be increased in accordance with
17 Subparagraph (3)(c) of this Subsection, the court shall order that the offender not
18 operate a motor vehicle during the period of probation unless the offender is wearing
19 a functioning electronic alcohol monitoring device as defined in R.S. 15:307 or any
20 vehicle, while being operated by the offender, is equipped with a functioning ignition
21 interlock device in compliance with the requirements of R.S. 14:98.5(C), R.S.
22 15:306, and R.S. 32:378.2, which requirement shall remain in effect for a period of
23 not less than six months from the date of conviction. In addition, the device shall
24 remain installed and operative during any period that the offender's driver's license
25 is suspended under law and for any additional period as determined by the court.

26 * * *

27 (3)

28 * * *

1 (c) The court shall require that the offender not operate a motor vehicle
 2 during the period of probation unless any vehicle, while being operated by the
 3 offender, is equipped with a functioning ignition interlock device in compliance with
 4 the requirements of R.S. 14:98.5(C), R.S. 15:306, and R.S. 32:378.2 or the offender
 5 is ordered to wear and is wearing a functioning electronic alcohol monitoring device.
 6 ~~The ignition interlock~~ Either device shall remain installed and operative on his
 7 vehicle during the four-year period of the suspension of his driver's license.

8 * * *

9 C. An offender may apply for a restricted driver's license to be in effect
 10 during the entire period of suspension upon proof to the Department of Public Safety
 11 and Corrections that he is wearing a functioning electronic alcohol monitoring device
 12 or his motor vehicle has been equipped with a functioning ignition interlock device
 13 in compliance with the requirements of R.S. 32:378.2. An ignition interlock device
 14 shall not be required on any vehicle driven by an offender who wears a functioning
 15 electronic alcohol monitoring device and has obtained a restricted license.

16 * * *

17 D.

18 * * *

19 (3) Except as the period of time may be increased in accordance with
 20 Subparagraph (A)(3)(b) and (c) of this Section, in addition to any penalties imposed
 21 under this Section, the court shall order that the offender not operate a motor vehicle
 22 during the period of probation unless the offender is wearing a functioning electronic
 23 alcohol monitoring device as defined in R.S. 15:307 or any vehicle, while being
 24 operated by the offender, is equipped with a functioning ignition interlock device in
 25 compliance with the requirements of R.S. 14:98.5(C), R.S. 15:306, and R.S.
 26 32:378.2, which either requirement shall remain in effect for a period of not less than
 27 six months from the date of conviction. In addition, ~~the~~ either device shall remain
 28 installed and operative during any period that the offender's driver's license is
 29 suspended under law and for any additional period as determined by the court.

1 §98.3. Operating while impaired; third offense; penalties

2 A.

3 * * *

4 (3)

5 * * *

6 (d)(i) Notwithstanding any law to the contrary and the provisions of R.S.
7 32:414(D)(1)(b), upon conviction of a third offense violation of R.S. 14:98, any
8 motor vehicle, while being operated by the offender, shall be equipped with a
9 functioning ignition interlock device in accordance with the provisions of R.S.
10 15:306. Alternatively, the court may order the offender to wear a functioning
11 electronic alcohol monitoring device as defined in R.S. 15:307. ~~The ignition~~
12 ~~interlock~~ Either device shall remain installed and operative until the offender has
13 completed the requirements of substance abuse treatment and home incarceration,
14 or, if applicable, the requirements of the drug division probation program provided
15 in R.S. 13:5301 et seq.

16 (ii) Notwithstanding any provision of law to the contrary, any offender
17 convicted of a third offense violation of R.S. 14:98 shall, after one year of the
18 suspension required by R.S. 32:414(D)(1)(a), upon proof to the Department of Public
19 Safety and Corrections that he is wearing a functioning electronic alcohol monitoring
20 device or that the motor vehicles being operated by the offender are equipped with
21 functioning ignition interlock devices, be issued a restricted driver's license. The
22 restricted license shall be effective for the period of time that the offender's driver's
23 license is suspended. The restricted license shall entitle the offender to operate the
24 vehicles if he is equipped with a functioning electronic alcohol monitoring device
25 or if the vehicles are equipped with a functioning ignition interlock device in order
26 to earn a livelihood and to travel to and from the places designated in R.S.
27 14:98.5(B)(3)(e).

1 ignition interlock device in order to earn a livelihood and to travel to and from the
2 places designated in R.S. 14:98.5(B)(3)(e).

3 (iii) An ignition interlock device shall not be required on any vehicle driven
4 by an offender who wears a functioning electronic alcohol monitoring device and has
5 obtained a restricted license.

6 * * *

7 §98.5. Special provisions and definitions

8 * * *

9 C.

10 * * *

11 (2) If the court imposes the use of an ignition interlock device or electronic
12 alcohol monitoring device as a condition of probation, the offender shall provide
13 proof of compliance to the court or the probation officer within thirty days. If the
14 offender fails to provide proof of installation within that period, absent a finding by
15 the court of good cause for the failure that is entered into the court record, the court
16 shall revoke the offender's probation.

17 * * *

18 §98.6. Underage operating while impaired

19 * * *

20 C.

21 * * *

22 (4) The court may require that the offender not operate a motor vehicle
23 during the period of probation unless he is ordered to wear and is wearing a
24 functioning electronic alcohol monitoring device as defined in R.S. 15:307 or any
25 vehicle, while being operated by the offender, is equipped with a functioning ignition
26 interlock device in accordance with R.S. 14:98.5(C).

27 * * *

1 Section 2. R.S. 15:306(A)(1), (B), and (C), 307(A), (B), (C)(introductory paragraph),
2 (C)(7), and (E), and 307.1(A), (B), (C), and (E) through (H) are hereby amended and
3 reenacted to read as follows:

4 §306. Operating a vehicle while intoxicated; additional conditions of probation;
5 ignition interlock devices; electronic alcohol monitoring devices

6 A.(1) As an additional condition of probation, the court shall require that any
7 person convicted of a second or subsequent violation of R.S. 14:98 and placed on
8 probation in accordance with that Section shall not operate a motor vehicle during
9 the period of probation unless any vehicle, while being operated by that person, is
10 equipped with a functioning ignition interlock device or the person is equipped with
11 a functioning electronic alcohol monitoring device as provided in R.S. 15:307.

12 * * *

13 B.(1) When the court imposes the use of an ignition interlock device or
14 electronic alcohol monitoring device as a condition of probation upon a person, the
15 court shall require the person to provide proof of installation of such a device to the
16 court or a probation officer within thirty days. If the person fails to provide proof of
17 installation within that period, absent a finding by the court of good cause for that
18 failure which is entered into the court record, the court shall revoke the person's
19 probation.

20 (2) "Proof of installation" shall mean either a certificate of installation or a
21 copy of the lease agreement with one of the approved ignition interlock device or
22 electronic alcohol monitoring device companies.

23 C. The person whose driving privileges are restricted pursuant to this Section
24 shall have the system on his vehicle or person monitored by the manufacturer for
25 proper use at least semiannually or more frequently as the court may order. A report
26 of any monitoring shall be issued by the manufacturer to the court within fourteen
27 days after the monitoring.

28 * * *

1 §307. Ignition interlock devices; electronic alcohol monitoring devices; installation
2 and certification

3 A.(1) As used in R.S. 15:306, "ignition interlock device" means a constant
4 monitoring device that prevents a motor vehicle from being started at any time
5 without first determining the equivalent blood alcohol level of the operator through
6 the taking of a breath sample for testing. The system shall be calibrated so that the
7 motor vehicle may not be started if the blood alcohol level of the operator, as
8 measured by the test, reaches a level established by the court and consistent with the
9 rules promulgated by the secretary of the Department of Public Safety and
10 Corrections, hereafter referred to as the "secretary".

11 (2) "Electronic alcohol monitoring device" means a system that
12 electronically determines and reports the presence of alcohol in an individual's
13 perspiration by means of an ankle bracelet or similar device worn by the individual
14 but does not contain any technology that is implanted in or otherwise invades or
15 violates the corporeal body of the individual.

16 B.(1) The secretary shall certify or cause to be certified electronic alcohol
17 monitoring devices and ignition interlock devices required by R.S. 15:306 and shall
18 publish a list of approved devices. All reasonable costs of certification shall be
19 borne by the manufacturer. The manufacturer of the system shall be responsible for
20 the installation or the training of installers and shall educate users and service and
21 maintain the system.

22 (2) The electronic alcohol monitoring device or ignition interlock device
23 shall be installed, calibrated, and monitored directly by trained technicians who shall
24 train the offender for whom the device is being installed in the proper use of the
25 device.

26 C. The secretary shall formulate and promulgate a set of rules and
27 regulations for the proper approval, installation, and use of electronic alcohol
28 monitoring devices and ignition interlock devices in full compliance with this

1 Section and R.S. 15:306. The standards shall include but not be limited to
2 requirements that the devices or systems:

3 * * *

4 (7) ~~Require~~ For ignition interlock devices, require a proper, deep lung breath
5 sample or other accurate measure of blood alcohol content equivalence.

6 * * *

7 E. The secretary shall design and adopt by regulation a warning label which
8 shall be affixed to each ~~ignition interlock~~ device upon installation. The label shall
9 contain a warning that any person tampering with, defeating, or otherwise
10 circumventing the device is guilty of a criminal offense and subject to criminal
11 penalty and civil liability.

12 §307.1. Ignition interlock and electronic alcohol monitoring device affordability

13 A. The Department of Public Safety and Corrections, office of state police
14 shall promulgate rules and regulations to establish and monitor compliance with an
15 ignition interlock and electronic alcohol monitoring device affordability plan for
16 individuals that demonstrate economic hardship who are required to install an
17 ignition interlock device.

18 B. The requirement to demonstrate economic hardship shall be satisfied if an
19 individual required to have the ignition interlock or electronic alcohol monitoring
20 device is eligible for the Supplemental Nutrition Assistance Program (SNAP),
21 Medicaid, Social Security Disability Insurance (SSDI), income from social security,
22 or a judge's order for services of an indigent public defender (IPD) when the
23 defendant demonstrated income below one hundred twenty-five percent of the
24 federal poverty level.

25 C. Individuals that meet the economic hardship standard shall be required to
26 pay no more than fifty percent of fees assessed by the ignition interlock or electronic
27 alcohol monitoring device service center for installation, monthly calibration, lease,
28 and removal of the device.

29 * * *

1 E. Individuals become eligible for the affordability plan on the date that the
2 individual provides the ignition interlock or electronic alcohol monitoring device
3 manufacturer, or ~~ignition interlock~~ service center, acceptable documentation
4 verifying that the individual meets the standard for economic hardship. Continued
5 eligibility may be verified at the discretion of the ~~ignition interlock~~ manufacturer or
6 ~~ignition interlock~~ service center. Acceptable forms of documentation shall include
7 an eligibility card or qualifying letter for SNAP, Medicaid, SSDI, or SSI
8 administered by the Social Security Administration, or a judge's order for an indigent
9 public defender as described in this Section. If the documentation does not name the
10 individual required to install the ignition interlock or electronic alcohol
11 monitoring device, the individual shall be required to sign a notarized affidavit
12 provided by the Department of Public Safety and Corrections attesting to his
13 eligibility for SNAP, Medicaid, SSDI, or SSI on a state-approved form.

14 F. An ignition interlock or electronic alcohol monitoring device manufacturer
15 or ~~ignition interlock~~ service center shall not refuse service to an individual that has
16 demonstrated eligibility for the affordability plan in accordance with this Section.

17 G. An individual who has been refused service, after providing the
18 documentation required in this Section to an ignition interlock or electronic alcohol
19 monitoring device manufacturer or ~~ignition interlock~~ service center, may file a
20 complaint with the Department of Public Safety and Corrections, office of state
21 police, applied technology unit. Effective August 1, 2024, all complaints for refusal
22 of service shall be investigated by the office of state police, applied technology unit,
23 within thirty days of receipt of the complaint.

24 H. If the investigation substantiates the refusal of service, the Department of
25 Public Safety and Corrections, office of state police, applied technology unit, may
26 issue a warning, suspension, or revocation of the certification for the ignition
27 interlock or electronic alcohol monitoring device manufacturer or ~~the ignition~~
28 ~~interlock~~ service center based on the facts of the investigation and the history of
29 complaints related to the manufacturer or service center. An ignition interlock or

1 electronic alcohol monitoring device manufacturer or ~~ignition interlock~~ service
2 center may appeal any suspension or revocation issued pursuant to this Subsection.

3 Section 3. R.S. 32:378.2(A), (B)(1)(introductory paragraph) and (a)(ii), (2) and (4),
4 (E), (G), (H), (J)(1), (2)(introductory paragraph) and (h), (K), (L), (M)(1) and (3), (O)(1),
5 and (P), 414(A)(1)(b) and (c)(i) and (ii), (B)(2)(b), and (D)(1)(b) and (c),
6 415(B)(2)(introductory paragraph) and (3), 415.1(A)(1)(f), 667(B)(3), (I)(1)(introductory
7 paragraph, (2), (3), and (4), and (J), 668(B)(1)(a)(introductory paragraph) and (c) and (D),
8 are hereby amended and reenacted and R.S. 32:378.2(M)(2)(c)(iii) is hereby enacted to read
9 as follows:

10 §378.2. Ignition interlock devices; electronic alcohol monitoring devices; condition
11 of probation for certain DWI offenders; restricted license

12 A. In addition to any other provisions of law and except as otherwise
13 provided in Subsection I of this Section, the court may require that any person who
14 is placed on probation as provided in R.S. 14:98.1, and the court shall require that
15 any person who is placed on probation as provided by R.S. 14:98.2, not operate a
16 motor vehicle during the period of probation unless the offender is ordered to wear
17 a functioning electronic alcohol monitoring device as defined in R.S. 15:307 or the
18 vehicle is equipped with a functioning ignition interlock device as provided in this
19 Section.

20 B.(1) Any person who has had his driver's license suspended, revoked, or
21 canceled under any of the following conditions shall, upon proof to the Department
22 of Public Safety and Corrections that he is wearing a functioning electronic alcohol
23 monitoring device or his motor vehicle has been equipped with a functioning ignition
24 interlock device as provided in this Section, be issued a restricted driver's license:

25 * * *

26 (a)

27 * * *

1 (ii) However, if the offender had a blood alcohol concentration of 0.15
2 percent or more by weight based on grams of alcohol per one hundred cubic
3 centimeters of blood, the following restrictions shall apply:

4 (aa) Upon first offense, if the offender had a blood alcohol concentration of
5 0.15 percent or greater, the offender shall be issued a restricted driver's license
6 during the entire period of the two-year driver's license suspension imposed under
7 the provisions of R.S. 14:98.1(A)(3)(b) and (c) and shall be required to wear a
8 functioning electronic alcohol monitoring device or have a functioning ignition
9 interlock device installed on his vehicle during the period of the suspension.

10 (bb) Upon second offense, if the offender has a blood alcohol concentration
11 of 0.15 percent or greater, the offender shall be eligible for a restricted driver's
12 license for the period of suspension as imposed under the provisions of R.S.
13 14:98.2(A)(3)(b) and (c). The offender may be issued a restricted license during the
14 entire four years on his suspension and shall be required to wear a functioning
15 electronic alcohol monitoring device or have a functioning ignition interlock device
16 installed on his vehicle during the four-year suspension.

17 * * *

18 (2) The restricted license shall be designated as such by a large red "R" and
19 shall be effective for the remaining period of suspension or as long as the functioning
20 electronic alcohol monitoring device or ignition interlock device is in place,
21 whichever period is longer.

22 * * *

23 (4) Any person granted a restricted driver's license under the provisions of
24 this Subsection who tampers with, circumvents the operation of, or removes the
25 electronic alcohol monitoring device or ignition interlock device during the period
26 for which the restricted license is granted shall have his driving privileges suspended
27 for a period of time not to exceed one year and may be punished by imprisonment
28 of twenty days, such punishment to be in addition to other penalties provided by law
29 for related offenses.

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E. No person shall tamper with or circumvent the operation of an electronic alcohol monitoring device or an ignition interlock device.

* * *

G. If the court imposes the use of an electronic alcohol monitoring device or ignition interlock device as a term of probation on a person whose driving privilege is not suspended or revoked, the court shall require the person to provide proof of compliance to the court or the probation officer within thirty days. If the person fails to provide proof of installation within that period, absent a finding by the court of good cause for that failure which is entered into the court record, the court shall revoke the person's probation.

H. The person whose driving privilege is restricted pursuant to this Section shall have the system monitored by the manufacturer, at the manufacturer's expense, for proper use at least every thirty days, and more frequently as the court may order, on the operation of each ignition interlock device in the person's vehicles or electronic alcohol monitoring device on his person. A report of monitoring shall be issued by the manufacturer to the court and the department within fourteen days after the system is monitored. However, the report issued to the department shall be in an electronic format specified by the department.

* * *

J.(1) The secretary of the Department of Public Safety and Corrections shall certify, or cause to be certified, electronic alcohol monitoring devices and ignition interlock devices required by this Section, and publish a list of approved devices. All reasonable costs of certification shall be borne by the manufacturer. The manufacturer of the system shall be responsible for the installation or the training of installers, and shall educate users and service and maintain the system.

(2) The secretary shall formulate and promulgate a set of standards for the proper use of electronic alcohol monitoring devices and ignition interlock devices

1 in full compliance with this Section. The standards shall include, but not be limited
2 to, requirements that the devices or systems:

3 * * *

4 (h) ~~Require~~ For ignition interlock devices, require a proper, deep lung breath
5 sample or other accurate measure of blood alcohol content equivalence.

6 * * *

7 K. The Department of Public Safety and Corrections may, in its discretion,
8 and consistent with this Section, adopt in whole or relevant part, the guidelines,
9 rules, regulations, studies, or independent laboratory tests performed on and relied
10 upon in the certification or approval of electronic alcohol monitoring devices and
11 ignition interlock devices by other states, their agencies or commissions.

12 L. The secretary shall design and adopt by regulation a warning label which
13 shall be affixed to each electronic alcohol monitoring device and ignition interlock
14 device upon installation. The label shall contain a warning that any person
15 tampering, circumventing, or otherwise misusing the device is guilty of a
16 misdemeanor and may be subject to civil liability.

17 M.(1) Any individual who installs an electronic alcohol monitoring device
18 or ignition interlock device, approved by the Department of Public Safety and
19 Corrections, as a requirement of bail, a part of a pre-trial diversion program, or a
20 term of a suspended or deferred sentence as provided in Code of Criminal Procedure
21 Article 894, for an offense involving the operation of a motor vehicle while under
22 the influence of alcohol, drugs, or a combination of alcohol and drugs and is arrested
23 or subsequently convicted for such an offense, shall receive credit towards
24 suspension time or any reinstatement requirement that may be imposed if any of the
25 following occurs:

26 (a) The installation and monitoring of the electronic alcohol monitoring
27 device or ignition interlock device is reported to the Department of Public Safety and
28 Corrections by the manufacturer in accordance with Subsection H of this Section.

1 (b) The individual whose driving privilege is restricted appears at an office
2 of motor vehicles field office and is issued a renewed or duplicate driver's license
3 that contains a restriction code indicating that he shall be equipped with an electronic
4 alcohol monitoring device or any vehicle operated by the individual shall be
5 equipped with an ignition interlock device.

6 (2) No credit towards suspension time or any reinstatement requirement shall
7 be given if any of the following occur:

8 * * *

9 (c) The device has recorded any of the following, or any combination of the
10 following, three or more times in a thirty-day period:

11 * * *

12 (iii) Failure to take or pass an electronic alcohol monitoring device test
13 where pass is defined as an absence of alcohol detected in the person's perspiration.

14 * * *

15 (3) No credit towards suspension time or any reinstatement requirement shall
16 be given if the individual is charged or arrested for any offense involving the
17 operation of a motor vehicle while under the influence of alcohol, drugs, or a
18 combination of alcohol and drugs during the period in which the individual is
19 required to have an electronic alcohol monitoring device or ignition interlock device
20 as a requirement of bail, a part of a pre-trial diversion program, or a term of a
21 suspended or deferred sentence as provided in Code of Criminal Procedure Article
22 894.

23 * * *

24 O.(1) Any driver statutorily required to utilize and maintain an electronic
25 alcohol monitoring device or ignition interlock device shall be in and remain in
26 compliance with the standards set forth in Paragraph (M)(2) of this Section. Upon
27 notice to the Department of Public Safety and Corrections of any violations of
28 Paragraph (M)(2) of this Section, the department shall further restrict the driver's

1 license and extend the period the electronic alcohol monitoring device or ignition
2 interlock device is required as follows:

3 (a) One month if the ~~ignition interlock~~ device was installed pursuant to a first
4 offense of any violation provided for in Paragraph (B)(1) of this Section.

5 (b) Six months if the ~~ignition interlock~~ device was installed pursuant to a
6 second or subsequent offense of any violation provided for in Paragraph (B)(1) of
7 this Section.

8 * * *

9 P. No provision of this Section shall be construed to require the use of any
10 particular vendor who meets the requirements set forth in R.S. 15:307 for ignition
11 interlock devices and electronic alcohol monitoring devices.

12 * * *

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

14 A.(1)

15 * * *

16 (b) Any licensee who has had his driver's license suspended for operating a
17 motor vehicle while under the influence of alcoholic beverages under the provisions
18 of this Subsection shall, upon proof to the Department of Public Safety and
19 Corrections that he is wearing a functioning electronic alcohol monitoring device or
20 his motor vehicle has been equipped with a functioning ignition interlock device, be
21 issued a restricted driver's license. In the event that the department fails or refuses
22 to issue the restricted driver's license, the district court for the parish in which the
23 licensee resides may issue an order directing the department to issue the restricted
24 license either by ex parte order or after contradictory hearing.

25 (c) Notwithstanding the provisions of Subparagraphs (a) and (b) of this
26 Paragraph, upon first or second conviction, or a plea of guilty or nolo contendere and
27 sentence thereupon or forfeiture of bail of any person charged with the offense of
28 driving while intoxicated when the offender had a blood alcohol concentration of
29 0.15 percent or more by weight based on grams of alcohol per one hundred cubic

1 centimeters of blood, the following restrictions on suspension and issuance of a
2 restricted driver's license shall apply:

3 (i) Upon first conviction, if the offender had a blood alcohol concentration
4 of 0.15 percent or greater, his driver's license shall be suspended for two years, and
5 the offender shall be issued a restricted driver's license for the entire period of the
6 suspension after the offender has provided proof to the department that he is wearing
7 a functioning electronic alcohol monitoring device or his motor vehicle is equipped
8 with a functioning ignition interlock device. ~~A functioning ignition interlock~~ Any
9 such functioning device shall remain installed ~~on his vehicle~~ during the period of the
10 suspension of his driver's license.

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

19 * * *

20 B.

21 * * *

22 (2)

23 * * *

24 (b) Any licensee who has had his license suspended for operating a motor
25 vehicle while under the influence of alcoholic beverages under the provisions of this
26 Subsection shall be eligible to apply for a restricted driver's license after a period of
27 forty-five days, upon proof that he is wearing a functioning electronic alcohol
28 monitoring device or his motor vehicle has been equipped with a functioning ignition
29 interlock device. In the event that the department fails or refuses to issue the

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

4 * * *

5 D.

6 * * *

7 (1)

8 * * *

9 (b) Any licensee who has had his license suspended for operating a motor
10 vehicle while under the influence of alcoholic beverages under the provisions of this
11 Subsection shall be eligible to apply for a restricted driver's license upon proof that
12 he is wearing a functioning electronic alcohol monitoring device or his motor vehicle
13 has been equipped with a functioning ignition interlock device. The ignition interlock
14 Any such functioning device shall remain ~~on the motor vehicle~~ installed for not less
15 than twelve months from the date the restricted driver's license is granted. In the
16 event that the department fails or refuses to issue the restricted driver's license, the
17 district court for the parish in which the licensee resides may issue an order directing
18 the department to issue the restricted license either by ex parte order or after
19 contradictory hearing.

20 (c) Any licensee who is enrolled in a driving while intoxicated court or
21 probation program or sobriety court probation program certified by the Louisiana
22 Supreme Court Drug Court Office or the Louisiana Highway Safety Commission as
23 part of a drug division probation program as provided in R.S. 13:5304 and who is in
24 good standing with the presiding judge may, not less than forty-five days following
25 suspension of his license and upon order of the presiding judge to the department,
26 be issued ~~an ignition interlock~~ a restricted license sufficient to maintain livelihood
27 or allow the licensee to maintain the necessities of life or to attend chemical
28 dependency treatment sessions or meetings. The presiding judge may revoke the

1 restricted license, by order to the department, upon receiving satisfactory evidence
2 of violation of any restriction placed upon the licensee.

3 * * *

4 §415. Operating vehicle while license is suspended; offenses in other states; record
5 of offenses given other states

6 * * *

7 B.

8 * * *

9 (2) The court may order a licensee who violates the provisions of Subsection
10 A of this Section to wear an electronic alcohol monitoring device or have an ignition
11 interlock device installed on any vehicle in which the licensee operates when the
12 license was suspended, revoked, or canceled pursuant to the implied consent law in
13 accordance with the provisions of R.S. 32:661 et seq. or for a violation of any of the
14 following:

15 * * *

16 (3) If the provisions of Paragraph (1) of this Subsection are ordered by a
17 court, the court shall order that the ~~ignition interlock~~ device remain installed for a
18 period of time not less than the remaining period of suspension, revocation, or
19 cancellation.

20 * * *

21 §415.1. Economic and medical hardship appeal of driver's license suspension

22 A.(1) Except as provided in R.S. 32:378.2(A), 414, 415(B)(2), and Paragraph
23 (3) of this Subsection, upon suspension, revocation, or cancellation of a person's
24 driver's license for the first time only as provided for under R.S. 32:414 and 415, the
25 person, after initial notice from the department, shall have the right to apply to the
26 department for a restricted license. In the event that the department fails or refuses
27 to issue the restricted license, the person shall have the right to file a petition for a
28 restricted driver's license in the district court of the parish in which the applicant is
29 domiciled. Such application or petition for a restricted license shall allege that

1 revocation of his driving privileges will deprive him or his family of the necessities
 2 of life, will prevent him from earning a livelihood, or prevent him from obtaining
 3 proper medical treatment if disabled. The district court is vested with jurisdiction
 4 to set the matter for contradictory hearing in open court upon ten days written notice
 5 to the department, and thereupon to determine whether the allegations of hardship
 6 have merit. Upon determination by the department or the court that the lack of a
 7 license would deprive the person or his family of the necessities of life or prevent the
 8 licensee from obtaining proper medical treatment if disabled, the department may
 9 grant or the court may order that the person be granted, by the department, a
 10 restricted license to enable the person to continue to support his family or to obtain
 11 such medical treatment as provided for in this Section. The restrictions of said
 12 license shall be determined by the department or the court and shall include the
 13 following:

14 * * *

15 (f) In addition to any other restrictions determined necessary and proper by
 16 the department or the court, a license ordered issued and restricted under this Section
 17 must include the requirement of wearing an electronic alcohol monitoring device or
 18 the installation and maintenance of an ignition interlock device upon a motor vehicle
 19 to be used by the licensee during the course of the term of the restricted license,
 20 when the suspension of driving privileges arises from operating a vehicle under the
 21 influence of alcoholic beverages.

22 * * *

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

24 * * *

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

27 * * *

28 (3)(a) However, any licensee who has had his license suspended for a first
 29 or second offense of operating a motor vehicle while under the influence of alcoholic

1 beverages under the provisions of this Subsection and who either refused to submit
 2 to the test or who submitted to the test and the test showed a blood alcohol level of
 3 less than 0.15 percent shall, upon proof to the Department of Public Safety and
 4 Corrections that he is wearing a functioning electronic alcohol monitoring device or
 5 that his motor vehicle has been equipped with a functioning ignition interlock device,
 6 be immediately eligible for and shall be granted a restricted license. In the event that
 7 the department fails or refuses to issue the restricted driver's license, the district court
 8 for the parish in which the licensee resides may issue an order directing the
 9 department to issue the restricted license either by ex parte order or after
 10 contradictory hearing.

11 (b) If the person submitted to the test as a result of a first violation and the
 12 test results show a blood alcohol level of 0.15 percent or above by weight, the person
 13 shall be eligible for a hardship license during the entire period of the imposed two-
 14 year suspension after the person has provided proof that he is wearing a functioning
 15 electronic alcohol monitoring device or that his motor vehicle has been equipped
 16 with an ignition interlock device. ~~A functioning ignition interlock~~ Either such
 17 functioning device shall remain installed on his motor vehicle during the period of
 18 his driver's license suspension.

19 (c) If the person submitted to the test as a result of a second violation and the
 20 test results show a blood alcohol level of 0.15 percent or above by weight, the person
 21 shall be eligible for a hardship license during the entire four-year period of the
 22 suspension after the person has provided proof that he is wearing a functioning
 23 electronic alcohol monitoring device or that his motor vehicle has been equipped
 24 with an ignition interlock device. ~~A functioning ignition interlock~~ Either such
 25 functioning device shall remain installed on his motor vehicle during the four-year
 26 period of his driver's license suspension.

27 * * *

28 I.(1) In addition to any other provision of law, an electronic alcohol
 29 monitoring device shall be worn by, or an ignition interlock device shall be installed

1 in any motor vehicle operated by, any of the following persons whose driver's license
2 has been suspended in connection with the following circumstances as a condition
3 of the reinstatement of such person's driver's license:

4 * * *

5 (2) As to any person enumerated in Paragraph (1) of this Subsection, the
6 electronic alcohol monitoring device shall remain on his person or the ignition
7 interlock device shall remain on the motor vehicle for a period of not less than six
8 months. The ~~ignition interlock~~ device may be installed either prior to the
9 reinstatement of the driver's license, if the person has lawfully obtained a restricted
10 driver's license, or as a condition of the reinstatement of the driver's license. When
11 the driver's license is suspended as described in this Subsection, the electronic
12 alcohol monitoring device shall remain on the person, or the ignition interlock device
13 shall remain on the motor vehicle, for the same period as the suspension, with credit
14 for time when the interlock device was installed and functioning as part of a
15 restricted driver's license, or with credit for time when the ignition interlock device
16 is monitored in accordance with R.S. 32:378.2(M).

17 (3) The provisions of this Subsection shall not abrogate any other provision
18 of law regarding the installation and maintenance of electronic alcohol monitoring
19 devices or ignition interlock devices.

20 (4) When an electronic alcohol monitoring device or ignition interlock
21 device is required as a condition of reinstatement, the office of motor vehicles shall
22 designate a restriction code and place such code on the license of a driver who is
23 required to have an ~~ignition interlock~~ either installed and maintained as a condition
24 of reinstatement.

25 * * *

26 J. Upon notice to the department that a driver has prematurely removed or
27 disabled, or caused to be prematurely removed or disabled, an electronic alcohol
28 monitoring device or an ignition interlock device required as condition of
29 reinstatement pursuant to Subsection I of this Section, the department shall mail

1 notice to the driver that his license is suspended until such time as the department
2 receives sufficient proof that the driver has had the electronic alcohol monitoring
3 device or ignition interlock device properly reinstalled and paid all applicable
4 reinstatement fees. Upon reinstatement, the driver shall receive credit only for the
5 time period when the electronic alcohol monitoring device or ignition interlock
6 device was installed and functioning.

7 * * *

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

10 * * *

11 B.(1)(a) In a case of first or second refusal, or a first or second submission
12 to a test for intoxication, if suspension is otherwise proper, upon a showing of proof
13 satisfactory to the department that he is wearing an approved and functioning
14 electronic alcohol monitoring device or that an approved and functioning ignition
15 interlock device has been installed in the vehicle the person shall drive, and that the
16 suspension of driving privileges would prevent the person from earning a livelihood,
17 the department may:

18 * * *

19 (c) However, any licensee who has had his license suspended for a first or
20 second offense of operating a motor vehicle while under the influence of alcoholic
21 beverages under the provisions of this Subsection, shall, upon proof of need to the
22 Department of Public Safety and Corrections, be immediately eligible for and shall
23 be issued ~~an ignition interlock~~ a restricted license sufficient to maintain livelihood
24 or allow the licensee to maintain the necessities of life. In the event that the
25 department fails or refuses to issue the restricted driver's license, the district court for
26 the parish in which the licensee resides may issue an order directing the department
27 to issue the ~~ignition interlock~~ restricted license either by ex parte order or after
28 contradictory hearing.

29 * * *

1 D. Any person who has his license suspended, revoked, or is subject to
2 installation of an electronic alcohol monitoring device or an ignition interlock device
3 pursuant to R.S. 32:667(I) or R.S. 14:98, 98.1, 98.2, 98.3, or 98.4 shall receive credit
4 for the time period of which the ~~ignition interlock~~ device was installed.

5 Section 4. Code of Criminal Procedure Article 320(C) is hereby amended and
6 reenacted to read as follows:

7 Art. 320. Conditions of bail undertaking

8 * * *

9 C. Operating a vehicle while intoxicated. The court shall require as a
10 condition of release on bail that any person who is charged with a second or
11 subsequent violation of R.S. 14:32.1, 39.1, 39.2, 98, 98.6, or a parish or municipal
12 ordinance that prohibits the operation of a motor vehicle while under the influence
13 of alcohol or drugs to wear an electronic alcohol monitoring device or install an
14 ignition interlock device on any vehicle which he operates. The defendant shall have
15 fifteen days from the date that he is released on bail to comply with this requirement,
16 and the electronic alcohol monitoring device shall remain on the person or the
17 ignition interlock device shall remain on the vehicle or vehicles during the pendency
18 of the criminal proceedings. Under exceptional circumstances, the court may waive
19 the provisions of this Article but shall indicate the reasons therefor to the law
20 enforcement agency who has custody of the alleged offender documentation.

21 * * *

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)]

HB 182 Original

2025 Regular Session

Bagley

Abstract: Provides an alternative method to monitoring offender's sobriety following a DWI conviction. Allows electronic alcohol monitoring devices in lieu of ignition interlock devices.

Present law provides that courts shall order the installment of ignition interlock devices on vehicles owned by offenders convicted of driving while impaired. Present law provides a probationary period during which the ignition interlock shall remain on the vehicle.

Proposed law authorizes courts to order the offender to wear an electronic alcohol monitoring device as an alternative to installing an ignition interlock device. Proposed law retains the same probationary periods as present law.

Proposed law provides that a court may authorize an offender who is wearing an electronic alcohol monitoring device to drive an employer-owned vehicle that does not have an ignition interlock device, if required in the course and scope of his employment.

Proposed law defines "electronic alcohol monitoring device".

(Amends R.S. 14:98.1(A)(1)(d), (3)(c), (C), 98.2(A)(1)(d), (3)(c), (C), (D)(3), 98.3(A)(3)(d), 98.4(A)(2)(d), 98.5(C)(2), R.S. 15:306(A)(1), (B), and (C), 307(A), (B), (C), (C)(7), and (E), 307.1(A), (B), (C), and (E)-(H), R.S. 32:378.2(A), (B)(1)(intro. para.), (B)(1)(a)(ii), (2) and (4), (E), (G), (H), (J)(1), (2)(intro. para.), and (2)(h), (K), (L), (M)(1) and (3), (O)(1), and (P), 414(A)(1)(b) and (c)(i) and (ii), (B)(2)(b), and (D)(1)(b) and (c), 415(B)(2)(intro. para.) and (3), 415.1(A)(1)(f), 667(B)(3), (I)(1)(intro. para.), (2), (3), and (4), and (J), 668(B)(1)(a)(intro. para.) and (c) and (D), and C.Cr.P. Art. 320(C); Adds R.S. 32:378.2(M)(2)(c)(iii))