

Regular Session, 2013

HOUSE BILL NO. 465

BY REPRESENTATIVE SHADOIN

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

MTR VEHICLE/VIOLATIONS: Provides relative to the disqualification of commercial driver's licenses

1 AN ACT

2 To amend and reenact R.S. 32:393(B)(2) and (C)(1)(b) and 414.2(A)(1)(c) and to enact R.S.  
3 32:414.2(A)(1)(d)(xi), relative to commercial driver's licenses; to provide for reports  
4 to be sent to the Department of Public Safety and Corrections regarding violations  
5 by holders of commercial driver's licenses; to provide relative to the disqualification  
6 of commercial driver's licenses; to provide for definitions; and to provide for related  
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 32:393(B)(2) and (C)(1)(b) and 414.2(A)(1)(c) are hereby amended  
10 and reenacted and R.S. 32:414.2(A)(1)(d)(xi) is hereby enacted to read as follows:

11 §393. Persons charged with traffic violations; time for disposition, licenses, reports,  
12 and records to be sent to Department of Public Safety and Corrections, fee  
13 charged; record of unpaid traffic fines and parking fines

14 \* \* \*

15 B.

16 \* \* \*

17 (2) Whenever the driver's license of any person is mandatorily suspended  
18 under the provisions of R.S. 32:414, the court in which the conviction is had or in  
19 which bail is forfeited shall attach the license to a record of the conviction or bail

1 forfeiture and shall forward both to the Department of Public Safety and Corrections,  
2 public safety services.

3 \* \* \*

4 C.(1)

5 \* \* \*

6 (b) If such person is convicted and sentenced thereupon, or his bail is  
7 forfeited as a result of a final judgment of forfeiture, or other final disposition be  
8 made, an abstract of the report, all parking convictions only excepted, shall be sent  
9 by the court or the district attorney, as the case may be, to the commissioner as  
10 follows:

11 (i) ~~not~~ Not later than thirty days after the date of such person's conviction and  
12 sentencing thereupon, forfeiture of his bail and final judgment of forfeiture, or the  
13 final disposition of his case, if such person holds a Class "D" or "E" driver's license,  
14 or both.

15 (ii) In an electronic format not later than ten days after the date of such  
16 person's conviction and sentencing thereupon, forfeiture of his bail and final  
17 judgment of forfeiture, or the final disposition of his case, if such person holds a  
18 commercial driver's license or commercial driver's license permit, or both.

19 (iii) This report shall not be a court record.

20 (iv) A conviction shall be reported to the department regardless of whether  
21 the provisions of either Article 893 or 894 of the Code of Criminal Procedure are  
22 invoked.

23 \* \* \*

24 §414.2. Commercial motor vehicle drivers and drivers with a commercial learner's  
25 permit; disqualification; issuance of Class "D" or "E" license; alcohol content  
26 in breath and blood; implied consent

27 A.(1)

28 \* \* \*

29 (c) As used in this Section,;

1 (i) "~~alcohol~~ Alcohol concentration" shall mean the concentration of alcohol  
2 in a person's blood, breath, or urine, or other bodily substance. When expressed as  
3 a percentage, alcohol concentration means the numbers of grams of alcohol per one  
4 hundred milliliters of blood, the number of grams of alcohol per two hundred ten  
5 liters of breath, the number of grams of alcohol per sixty-seven milliliters of urine,  
6 or their equivalents.

7 (ii) "Commercial driver's license" shall mean a commercial driver's license,  
8 a commercial learner's permit, or both, held by a person even if the holder of a  
9 commercial learner's permit holds a commercial driver's license for a class lower  
10 than the class for which he holds a commercial learner's permit.

11 (d) For the purposes of this Section, when operating a commercial motor  
12 vehicle, "serious traffic violation" means conviction of any of the following:

13 \* \* \*

14 (xi) Use of a handheld mobile telephone while driving a commercial motor  
15 vehicle. For purposes of this Item, "driving" shall include all times that a  
16 commercial motor vehicle is being operated on the highway, including while the  
17 vehicle is stationary on the highway due to traffic, a traffic control device, or other  
18 momentary delays, but shall not include times when the vehicle is pulled to the side  
19 of, or off of, a highway, and is halted in a location where the vehicle can remain  
20 safely stationary.

21 \* \* \*

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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)]

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Shadoin

HB No. 465

**Abstract:** Requires court or district attorneys to send specific records pertaining to commercial driver's license holders to the Dept. of Public Safety and Corrections, public safety services, within a certain amount of time. Provides for additional disqualification offenses for commercial driver's licenses and definitions.

Present law provides that whenever the driver's license of any person is mandatorily suspended under the provisions of present law, the court in which the conviction is had or

in which bail is forfeited shall attach the license to a record of the conviction or bail forfeiture and shall forward both to the Dept. of Public Safety.

Proposed law retains present law and makes technical correction to reflect that the record shall be sent to the Dept. of Public Safety and Corrections (DPS&C), public safety services, instead of the Dept. of Public Safety.

Present law requires a court or district attorney to send an abstract of a report to the DPS&C, public safety services, for every driver who is convicted and sentenced, forfeits bail as a result of a final judgment of forfeiture, or other final disposition made, except for convictions relating to parking violations, not later than 30 days after the conviction and sentencing thereupon, forfeiture of bail and final judgment of forfeiture, or the final disposition of his case.

Proposed law retains present law for persons who hold Class "D", "E", or both, licenses, but requires the court or district attorney to send the same information to DPS&C, public safety services, within ten days and in an electronic format for persons who hold commercial driver's licenses or permits, or both.

Proposed law defines "commercial driver's license" for purposes of present law.

Present law provides for a series of offenses constituting "serious traffic violations" for which the conviction of can disqualify the holder of a commercial driver's license from driving commercial motor vehicles.

Proposed law adds use of a handheld mobile telephone while driving a commercial motor vehicle to the list of serious traffic violations in present law and defines "driving" for purposes of proposed law.

(Amends R.S. 32:393(B)(2) and (C)(1)(b) and 414.2(A)(1)(c); Adds R.S. 32:414.2(A)(1)(d)(xi))

#### Summary of Amendments Adopted by House

##### House Floor Amendments to the engrossed bill.

1. Made technical correction.