

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.

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

22 * * *

23 C.(1)

24 * * *

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

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

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

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

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

18 * * *

19 §414.2. Commercial motor vehicle drivers and drivers with a commercial learner's
20 permit; disqualification; issuance of Class "D" or "E" license; alcohol content
21 in breath and blood; implied consent

22 A.(1)

23 * * *

24 (c) As used in this Section;:

25 (i) ~~"alcohol~~ Alcohol concentration" shall mean the concentration of alcohol
26 in a person's blood, breath, or urine, or other bodily substance. When expressed as
27 a percentage, alcohol concentration means the numbers of grams of alcohol per one
28 hundred milliliters of blood, the number of grams of alcohol per two hundred ten
29 liters of breath, the number of grams of alcohol per sixty-seven milliliters of urine,
30 or their equivalents.

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

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

7 * * *

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

15 * * *

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 PRESIDENT OF THE SENATE

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____