
DIGEST

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Mack

HB No. 364

Abstract: Extends the time period in which a person's previous convictions of operating a motor vehicle under the influence of alcohol and/or drugs or refusal to submit to a chemical test for intoxication can be considered in determining the number of offenses in regards to suspension of driving privileges.

Present law (R.S. 32:414) requires that the department suspend the license of any person, for a period of 24 months, upon receiving satisfactory evidence of the conviction or the entry of a plea of guilty and sentence thereupon or of the forfeiture of bail of any such person on the second offense for vehicular negligent injuring or operating or being in actual physical control of a motor vehicle while under the influence of intoxicating beverages, of central nervous system stimulants or depressants, or of narcotic drugs or any other drug or substance to a degree which renders him incapable of safely operating a motor vehicle, when any or all of the offenses were the result of violations of a state law, a municipal ordinance, a federal law, or any combination of them; however, any offense for vehicular negligent injuring or for operating or being in actual physical control of a motor vehicle while under the influence of alcoholic beverages which was committed more than five years prior to the commission of a subsequent such offense of operating or being in actual physical control of a motor vehicle while under the influence of alcoholic beverages shall not be considered in determining the number of such offenses of operating or controlling a motor vehicle while under the influence of alcoholic beverages which the person has committed.

Proposed law changes the five-year period in present law to a ten-year period.

Present law (R.S. 32:667) provides that if a person refuses to submit to a chemical test for intoxication after being arrested for operating a vehicle while intoxicated, his driving privileges shall be suspended for two years from the date of suspension on the second and subsequent refusal occurring within five years of the date of refusal to submit to the test. In the event that a fatality occurred or a person sustained serious bodily injury as a result of the accident and the person's intoxication is determined by a trier of fact to be the contributing factor of the fatality or serious bodily injury, his driving privileges shall be suspended for two years from the date of suspension on the second and subsequent refusal occurring within five years of the date of a refusal to submit to the test, without the benefit of eligibility for a hardship license.

Proposed law changes the five-year periods in present law to ten-year periods.

Present law requires that an ignition interlock device be installed in any motor vehicle operated

by any person who has submitted to an approved chemical test for intoxication where the results indicate a blood alcohol level of 0.08% or above and whose driver's license has been suspended in accordance with the law for an arrest occurring within five years of the first arrest.

Proposed law changes the five-year period in present law to a ten-year period.

(Amends R.S. 32:414(B)(2)(a), 667(B)(2)(c)(i) and (ii), and (I)(1)(b))