

**ACT No. 58**

Regular Session, 2014

HOUSE BILL NO. 364

BY REPRESENTATIVE MACK

1 AN ACT

2 To amend and reenact R.S. 32:414(B)(2)(a) and 667(B)(2)(c)(i) and (ii) and (I)(1)(b),  
3 relative to suspension and seizure of driver's licenses; to extend the time period that  
4 certain convictions or the refusal to submit to certain chemical tests can be  
5 considered for purposes of suspension of driving privileges; and to provide for  
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 32:414(B)(2)(a) and 667(B)(2)(c)(i) and (ii) and (I)(1)(b) are hereby  
9 amended and reenacted to read as follows:

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

11 \* \* \*

12 B. The department shall forthwith suspend the license of any person, for a  
13 period of twenty-four months, upon receiving satisfactory evidence of the conviction  
14 or of the entry of a plea of guilty and sentence thereupon or of the forfeiture of bail  
15 of any such person charged with any of the following crimes:

16 \* \* \*

17 (2)(a) Conviction or the entry of a plea of guilty and sentence thereupon, or  
18 of the forfeiture of bail of any such person on the second offense for vehicular  
19 negligent injuring or for operating or being in actual physical control of a motor  
20 vehicle while under the influence of intoxicating beverages, of central nervous  
21 system stimulants or depressants, or of narcotic drugs or any other drug or substance  
22 to a degree which renders him incapable of safely operating a motor vehicle, when  
23 any or all of the offenses were the result of violations of a state law, a municipal  
24 ordinance, a federal law, or any combination of them; however, any offense for

1 vehicular negligent injuring or for operating or being in actual physical control of a  
 2 motor vehicle while under the influence of alcoholic beverages which was  
 3 committed more than ~~five~~ ten years prior to the commission of a subsequent such  
 4 offense of operating or being in actual physical control of a motor vehicle while  
 5 under the influence of alcoholic beverages shall not be considered in determining the  
 6 number of such offenses of operating or controlling a motor vehicle while under the  
 7 influence of alcoholic beverages which the person has committed.

8 \* \* \*

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

10 \* \* \*

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

13 \* \* \*

14 (2) If the person refused to submit to the test, his driving privileges shall be  
 15 suspended as follows:

16 \* \* \*

17 (c)(i) Two years from the date of suspension on the second and subsequent  
 18 refusal occurring within ~~five~~ ten years of the date of a refusal to submit to the test.

19 (ii) Two years from the date of suspension on the second and subsequent  
 20 refusal occurring within ~~five~~ ten years of the date of a refusal to submit to the test,  
 21 without the benefit of eligibility for a hardship license in the event that a fatality  
 22 occurred or a person sustained serious bodily injury as a result of an accident and the  
 23 person's intoxication is determined by a trier of fact to be the contributing factor of  
 24 the fatality or serious bodily injury.

25 \* \* \*

26 I.(1) In addition to any other provision of law, an ignition interlock device  
 27 shall be installed in any motor vehicle operated by any of the following persons  
 28 whose driver's license has been suspended in connection with the following  
 29 circumstances as a condition of the reinstatement of such person's driver's license:

30 \* \* \*

1 (b) Any person who has submitted to an approved chemical test for  
2 intoxication where the results indicate a blood alcohol level of 0.08 percent or above  
3 and whose driver's license has been suspended in accordance with the law for an  
4 arrest occurring within ~~five~~ ten years of the first arrest.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_