BY SENATOR JOHNS

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2	To amend and reenact R.S. $32:414(A)(1)(a)$, the introductory paragraph of $853(A)(1)(c)$, and
3	853(A)(1)(c)(iii), relative to motor vehicles and traffic regulation; to provide relative
4	to reports of traffic violations made to the Department of Public Safety and
5	Corrections; to provide relative to suspension of driving privileges for an operating
6	a vehicle under the influence conviction; to provide that a suspended sentence and
7	probation for certain operating a vehicle under the influence offenses is a conviction
8	of DWI for purposes of suspending a driver's license under certain circumstances;
9	to provide relative to vehicle operating records; and to provide for related matters.
10	Be it enacted by the Legislature of Louisiana:
11	Section 1. R.S. $32:414(A)(1)(a)$, and the introductory paragraph of $853(A)(1)(c)$, and
12	853(A)(1)(c)(iii) are hereby amended and reenacted to read as follows:
13	§414. Suspension, revocation, renewal, and cancellation of licenses; judicial review
14	A.(1)(a) The department shall suspend the license of any person for a period
15	of twelve months upon receiving, from any district, city, or municipal court, of this
16	state or of any other state, having traffic jurisdiction, or from any federal court or
17	magistrate having traffic jurisdiction, satisfactory evidence of the conviction or of
18	the entry of a plea of guilty or nolo contendere and sentence thereupon or of the
19	forfeiture of bail of any such person charged with the first offense for vehicular
20	negligent injuring, R.S. 14:39.1, or for operating a motor vehicle while under the
21	influence of beverages of high alcoholic content, of low alcoholic content, of
22	narcotic drugs, or of central nervous system stimulants, regardless of whether or

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not the person was sentenced pursuant to Code of Criminal Procedure Article

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893 or 894. The department shall promptly investigate an allegation made by such licensee that the suspension of his driving privileges will deprive him or his family of the necessities of life, or will prevent him from earning a livelihood. If the department so finds, it may reinstate the license of such licensee; however, such suspension and reinstatement shall be considered as a first suspension and grant of restricted driving privileges for the purposes of R.S. 32:415.1, and the driving privileges of the licensee shall be restricted as provided in R.S. 32:415.1 for a period of twelve months from the date of conviction or the entry of a plea of guilty or nolo contendere and sentence thereupon or of the forfeiture of bail. Notice of the restriction shall be attached to the license.

* * *

§853. Commissioner to furnish operating records; other information; fees; withdrawal of forms or information

A.(1) * * *

(c) The operating record of a person shall not include those arrests for a first or second violation of any <u>state</u>, <u>local</u>, <u>parish</u>, <u>city</u>, <u>municipal</u>, <u>or other</u> <u>government</u> ordinance, <u>or</u> statute, <u>or legal provision</u> making criminal the <u>driving</u> <u>operating</u> of a motor vehicle while <u>intoxicated or</u> under the influence of alcoholic beverages, <u>including but not limited to R.S. 14:98</u>, nor shall it include any record of any civil sanction imposed, including the suspension of a license, as a result of such an arrest when any of the following occurs:

* * *

(iii) The person was convicted or entered a plea, and such conviction or plea was subject to the provisions of Code of Criminal Procedure Article 894. However, if the court, clerk, or district attorney subsequently reports that the person was denied a final dismissal, then the department shall add the conviction to the court, clerk, or district attorney subsequently reports that the person achieved a final dismissal under the provisions of Code of Criminal Procedure Article 894. Unless and until such notice is received, the department shall add a conviction entered under Article 894 to the person's operating record and suspend or revoke the

license in accordance with law after issuance of proper notice to the person.

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PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

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APPROVED: _____

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