The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Sharon F. Lyles.

DIGEST

SB 143 Original | 2019 Regular Session | Gary Smith

Present law requires the DPS&C to suspend the driver license for 12 months upon receipt of satisfactory evidence of the conviction, or the entry of a plea of guilty or nolo contendere and sentence thereupon or of the forfeiture of bail for any person charged with first offense vehicular negligent injuring, R.S. 14:39.1, or for operating a motor vehicle while under the influence of high or low alcoholic content, or narcotic drugs, or of central nervous system stimulants, regardless of whether or not the person was sentenced pursuant to C.Cr.P. Art. 893 or 894 and provides for reinstatement and grant of restricted driving privileges.

Proposed law retains present law but replaces "regardless of whether or not the person was sentenced" with "including those cases where a person's sentence is suspended" pursuant to C.Cr.P. Art. 893 or 894.

Present law provides that notwithstanding the provisions of R.S. 32:414(A)(a) and (b), upon first or second conviction, or a plea of guilty or nolo contendere and sentence thereupon or forfeiture of bail, any person charged with the offense of DWI with a 0.20 percent or more blood alcohol concentration by weight based on grams of alcohol per one hundred cubic centimeters of blood, the following restrictions on suspension and issuance of a restricted driver's license shall apply:

(1) Upon first offense, an offender with a BAC of 0.20 percent or greater shall have his driver's license suspended for two years and shall be issued a restricted driver's license for the entire period of suspension with proof his motor vehicle is equipped with a functioning interlock device. The interlock device shall remain installed during the first twelve-month period of suspension of his driver's license.

(2) Upon second offense, an offender with a BAC of 0.20 percent or greater shall have his driver's license suspended for four years and will be eligible for a restricted license upon notification his vehicle is equipped with a functioning interlock device after forty-five days of suspension for the remainder of the four-year suspension. The interlock device shall remain installed on his vehicle during the first three-year period of the four-year driver license suspension.

Proposed law retains present law but changes terminology from first offense and second offense to first conviction and second conviction in Subparagraph (c)(i) and (ii).

Effective August 1, 2019.

(Amends R.S. 32:414(A)(1)(a) and (c))