

Regular Session, 2014

HOUSE BILL NO. 364

BY REPRESENTATIVE MACK

MTR VEHICLE/DRIVER LIC: Provides for suspension and seizure of a person's driver's license

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

1 system stimulants or depressants, or of narcotic drugs or any other drug or substance  
 2 to a degree which renders him incapable of safely operating a motor vehicle, when  
 3 any or all of the offenses were the result of violations of a state law, a municipal  
 4 ordinance, or being in actual physical control of a motor vehicle while under the  
 5 influence of alcoholic beverages which was committed more than ~~five~~ ten years prior  
 6 to the commission of a subsequent such offense of operating or being in actual  
 7 physical control of a motor vehicle while under the influence of alcoholic beverages  
 8 shall not be considered in determining the number of such offenses of operating or  
 9 controlling a motor vehicle while under the influence of alcoholic beverages which  
 10 the person has committed.

11 \* \* \*

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

13 \* \* \*

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

16 \* \* \*

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

19 \* \* \*

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

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

28 \* \* \*

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

5 \* \* \*

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

10 \* \* \*

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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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 of 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))