

SENATE BILL NO. 143

BY SENATOR GARY SMITH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact R.S. 32:414(A)(1)(a) and (c), relative to driver licenses; to provide for suspension of driver licenses; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:414(A)(1)(a) and (c) are hereby amended and reenacted to read as follows:

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

A.(1)(a) The department shall suspend the license of any person for a period of twelve months upon receiving, from any district, city, or municipal court, of this state or of any other state, having traffic jurisdiction, or from any federal court or magistrate having traffic jurisdiction, satisfactory evidence of the conviction or of the entry of a plea of guilty or nolo contendere and sentence thereupon or of the forfeiture of bail of any such person charged with the first offense for vehicular negligent injuring, R.S. 14:39.1, or for operating a motor vehicle while under the influence of beverages of high alcoholic content, of low alcoholic content, of narcotic drugs, or of central nervous system stimulants, ~~regardless of whether or not the person was sentenced~~ **including those cases where a person's sentence is suspended** pursuant to Code of Criminal Procedure Article 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

1 of life, or will prevent him from earning a livelihood. If the department so finds, it
2 may reinstate the license of such licensee; however, such suspension and
3 reinstatement shall be considered as a first suspension and grant of restricted driving
4 privileges for the purposes of R.S. 32:415.1, and the driving privileges of the
5 licensee shall be restricted as provided in R.S. 32:415.1 for a period of twelve
6 months from the date of conviction or the entry of a plea of guilty or nolo contendere
7 and sentence thereupon or of the forfeiture of bail. Notice of the restriction shall be
8 attached to the license.

9 * * *

10 (c) Notwithstanding the provisions of Subparagraphs (a) and (b) of this
11 Paragraph, upon first or second conviction, or a plea of guilty or nolo contendere and
12 sentence thereupon or forfeiture of bail of any person charged with the offense of
13 driving while intoxicated when the offender had a blood alcohol concentration of
14 0.20 percent or more by weight based on grams of alcohol per one hundred cubic
15 centimeters of blood, the following restrictions on suspension and issuance of a
16 restricted driver's license shall apply:

17 (i) Upon first ~~offense~~ **conviction**, if the offender had a blood alcohol
18 concentration of 0.20 percent or greater, his driver's license shall be suspended for
19 two years and he shall be issued a restricted driver's license for the entire period of
20 the suspension after he has provided proof to the department that his motor vehicle
21 is equipped with a functioning ignition interlock device. A functioning ignition
22 interlock device shall remain installed on his vehicle during the first twelve-month
23 period of the suspension of his driver's license.

24 (ii) Upon second ~~offense~~ **conviction**, if the offender has a blood alcohol
25 concentration of 0.20 percent or greater, his driver's license shall be suspended for
26 four years. The offender shall be eligible for a restricted license after a period of
27 forty-five days of suspension for the remainder of the four-year period of suspension
28 after he has provided proof to the department that his motor vehicle is equipped with
29 a functioning ignition interlock device. A functioning ignition interlock device shall
30 remain installed on his vehicle during the first three-year period of the four-year

1 period of the suspension of his driver's license.

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PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____