

2023 Regular Session

SENATE BILL NO. 82

BY SENATOR FESI

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

MOTOR VEHICLES. Provides relative to ignition interlock devices. (8/1/23)

1 AN ACT  
2 To amend and reenact R.S. 14:98.1(A)(3)(c) and 98.2(A)(3)(c), R.S. 32:378.2(A),  
3 (B)(1)(a)(ii)(aa) and (bb), (H), and (M)(2) and 414(A)(1)(c)(i) and (ii) and (D)(1)(b),  
4 667(B)(1)(b) and (3)(b) and (c), and (I)(1)(a), and the introductory paragraph of  
5 668(B)(1)(a), and to enact R.S. 15:307.1 and R.S. 32:378.2(O), relative to ignition  
6 interlock devices; to provide standards for compliance with ignition interlock  
7 devices; to make technical changes; to change criminal offenses for driving while  
8 intoxicated; to provide for a change in time periods that a driver is required to have  
9 an ignition interlock device; to provide relative to restricted driver's licenses; to  
10 extend the amount of time that a driver is required to have an ignition interlock  
11 device upon notice of noncompliance; to provide an ignition interlock affordability  
12 plan; to provide relative to first and second offense penalties for operating a vehicle  
13 while intoxicated; and to provide for related matters.

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. R.S. 14:98.1(A)(3)(c) and 98.2(A)(3)(c) are hereby amended and  
16 reenacted to read as follows:

17 §98.1. Operating while intoxicated; first offense; penalties

1                   A.                   \*           \*           \*

2                   (3)                   \*           \*           \*

3                   (c) The court shall require that the offender not operate a motor vehicle  
4 during the period of probation unless any vehicle, while being operated by the  
5 offender, is equipped with a functioning ignition interlock device in compliance with  
6 the requirements of R.S. 14:98.5(C) and R.S. 32:378.2. The ignition interlock device  
7 shall remain installed and operative on his vehicle during the ~~first twelve-month~~  
8 period of suspension of his driver's license following the date of conviction.

9   \*           \*           \*

10 §98.2. Operating while intoxicated; second offense; penalties

11                   A.                   \*           \*           \*

12                   (3)                   \*           \*           \*

13                   (c) The court shall require that the offender not operate a motor vehicle  
14 during the period of probation unless any vehicle, while being operated by the  
15 offender, is equipped with a functioning ignition interlock device in compliance with  
16 the requirements of R.S. 14:98.5(C), R.S. 15:306, and R.S. 32:378.2. The ignition  
17 interlock device shall remain installed and operative on his vehicle during the ~~first~~  
18 ~~three years of the~~ four-year period of the suspension of his driver's license.

19   \*           \*           \*

20 Section 2. R.S. 15:307.1 is hereby enacted to read as follows:

21 **§307.1. Ignition interlock affordability**

22                   **A. The Department of Public Safety and Corrections, office of state**  
23 **police shall promulgate rules and regulations to establish and monitor**  
24 **compliance with an ignition interlock affordability plan for individuals that**  
25 **demonstrate economic hardship who are required to install an ignition interlock**  
26 **device.**

27                   **B. Economic hardship shall be satisfied if an individual required to have**  
28 **the ignition interlock device is eligible for the Supplemental Nutrition**  
29 **Assistance Program (SNAP), Medicaid, social security disability insurance**

1 (SSDI), social security income (SSI), or a judge's order for services of an  
2 indigent public defender (IPD) when the defendant demonstrated income below  
3 one hundred twenty-five percent of the federal poverty level.

4 C. Individuals that meet the economic hardship standard shall be  
5 required to pay no more than fifty percent of fees assessed by the ignition  
6 interlock service center for installation, monthly calibration, lease, and removal  
7 of the device.

8 D. Individuals that meet the economic hardship standard are responsible  
9 for any optional services an individual elects, fees related to any noncompliance  
10 as defined in R.S. 32:378.2, state-mandated fees, and any costs related to  
11 damaged, missing or unreturned equipment, and recovery of such equipment.

12 E. Individuals become eligible for the affordability plan on the date that  
13 the individual provides the ignition interlock manufacturer, or ignition  
14 interlock service center, acceptable documentation verifying that the individual  
15 meets the standard for economic hardship. Continued eligibility may be verified  
16 at the discretion of the ignition interlock manufacturer or ignition interlock  
17 service center. Acceptable forms of documentation shall include an eligibility  
18 card or qualifying letter for SNAP, Medicaid, SSDI, or SSI administered by the  
19 social security administration, or a judge's order for an indigent public  
20 defender as described in this Section. If the documentation does not name the  
21 individual required to install the ignition interlock device, the individual shall  
22 be required to sign a notarized affidavit provided by the Department of Public  
23 Safety and Corrections attesting to his eligibility for SNAP, Medicaid, SSDI, or  
24 SSI on a state-approved form.

25 F. An ignition interlock manufacturer or ignition interlock service center  
26 shall not refuse service to an individual that has demonstrated eligibility for the  
27 affordability plan in accordance with this Section.

28 G. An individual who has been refused service, after providing the  
29 documentation required in this Section to an ignition interlock manufacturer

1 or ignition interlock service center, may file a complaint with the Department  
 2 of Public Safety and Corrections, office of state police, applied technology unit.  
 3 Effective August 1, 2024, all complaints for refusal of service shall be  
 4 investigated by the office of state police, applied technology unit, within thirty  
 5 days of receipt of the complaint.

6 H. If the investigation substantiates the refusal of service, the  
 7 Department of Public Safety and Corrections, office of state police, applied  
 8 technology unit, may issue a warning, suspension, or revocation of the  
 9 certification for the ignition interlock manufacturer or the ignition interlock  
 10 service center based on the facts of the investigation and the history of  
 11 complaints related to the manufacturer or service center. An ignition interlock  
 12 manufacturer or ignition interlock service center may appeal any suspension or  
 13 revocation issued pursuant to this Subsection.

14 Section 3. R.S. 32:378.2(A), (B)(1)(a)(ii)(aa) and (bb), (H), and (M)(2),  
 15 414(A)(1)(c)(i) and (ii) and (D)(1)(b), 667(B)(1)(b) and (3)(b) and (c), and (I)(1)(a), and the  
 16 introductory paragraph of 668(B)(1)(a) are hereby amended and reenacted, and R.S.  
 17 32:378.2(O) is hereby enacted to read as follows:

18 §378.2. Ignition interlock devices; condition of probation for certain DWI offenders;  
 19 restricted license

20 A. In addition to any other provisions of law and except as otherwise  
 21 provided in Subsection I of this Section, the court may require that any person who  
 22 is placed on probation as provided in ~~R.S. 14:98(B)~~ **R.S. 14:98.1**, and the court shall  
 23 require that any person who is placed on probation as provided by ~~R.S. 14:98(C)~~  
 24 **R.S. 14:98.2** not operate a motor vehicle during the period of probation unless the  
 25 vehicle is equipped with a functioning ignition interlock device as provided in this  
 26 Section.

- 27 B.(1) \* \* \*
- 28 (a) \* \* \*
- 29 (ii) \* \* \*

1 (aa) Upon first offense, if the offender had a blood alcohol concentration of  
 2 0.20 percent or greater, he shall be issued a restricted driver's license during the  
 3 entire period of the two-year driver's license suspension imposed under the  
 4 provisions of ~~R.S. 14:98(K)(1)~~ **R.S. 14:98.1 (A)(3)(b) and (c)** and shall be required  
 5 to have a functioning ignition interlock device installed on his vehicle during the ~~first~~  
 6 ~~twelve-month~~ period of the suspension.

7 (bb) Upon second offense, if the offender has a blood alcohol concentration  
 8 of 0.20 percent or greater, he shall be eligible for a restricted driver's license for the  
 9 period of suspension as imposed under the provisions of ~~R.S. 14:98(K)(2)(b)~~ **R.S.**  
 10 **14:98.2 (A)(3)(b) and (c)**. The offender may be issued a restricted license during the  
 11 entire four years on his suspension and shall be required to have a functioning  
 12 ignition interlock device installed on his vehicle during the ~~first three years of the~~  
 13 four-year suspension.

14 \* \* \*

15 H. The person whose driving privilege is restricted pursuant to this Section  
 16 shall have the system monitored by the manufacturer, at the manufacturer's expense,  
 17 for proper use at least ~~bi-monthly~~ **every thirty days**, and more frequently as the  
 18 court may order, on the operation of each ~~interlocking~~ ignition **interlock** device in  
 19 the person's vehicles. A report of ~~such~~ monitoring shall be issued by the  
 20 manufacturer to the court and the department within fourteen days after the system  
 21 is monitored. However, the report issued to the department shall be in an electronic  
 22 format specified by the department.

23 M. \* \* \*

24 (2) No credit towards suspension time or any reinstatement requirement shall  
 25 be given **if any of the following occur:**

26 **(a) if the The** manufacturer reports to the Department of Public Safety and  
 27 Corrections that any ~~combination of two~~ of the following violations have occurred  
 28 in a one-month period, including any repeat violation of the same type **once during**  
 29 **the period of installation:**



1 (c) \* \* \*

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

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

17 \* \* \*

18 D.(1) \* \* \*

19 (b) Any licensee who has had his license suspended for operating a motor  
20 vehicle while under the influence of alcoholic beverages under the provisions of this  
21 Subsection shall be eligible to apply for a restricted driver's license ~~after a period of~~  
22 ~~twelve months~~ upon proof that his motor vehicle has been equipped with a  
23 functioning ignition interlock device. The ignition interlock device shall remain on  
24 the motor vehicle for not less than six months from the date the restricted driver's  
25 license is granted. In the event that the department fails or refuses to issue the  
26 restricted driver's license, the district court for the parish in which the licensee  
27 resides may issue an order directing the department to issue the restricted license  
28 either by ex parte order or after contradictory hearing.

29 \* \* \*

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

2 \* \* \*

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

5 (1) \* \* \*

6 (b) ~~On or after September 30, 2003, if~~ **If** the person submitted to the test and  
7 the test results show a blood alcohol level of 0.08 percent or above by weight, his  
8 driving privileges shall be suspended for ninety days from the date of suspension on  
9 first offense violation, ~~without eligibility for a hardship license for the first thirty~~  
10 ~~days,~~ and for three hundred sixty-five days from the date of suspension, ~~without~~  
11 ~~eligibility for a hardship license,~~ on second and subsequent violations occurring  
12 within five years of the first offense. If the person was under the age of twenty-one  
13 years on the date of the test and the test results show a blood alcohol level of 0.02  
14 percent or above by weight, his driving privileges shall be suspended for one  
15 hundred eighty days from the date of suspension.

16 \* \* \*

17 (3) \* \* \*

18 (b) If the person submitted to the test as a result of a first violation and the  
19 test results show a blood alcohol level of 0.20 percent or above by weight, he shall  
20 be eligible for a hardship license during the entire period of the imposed two-year  
21 suspension after he has provided proof that his motor vehicle has been equipped with  
22 an ignition interlock device. A functioning ignition interlock device shall remain  
23 installed on his motor vehicle during the ~~first twelve-month~~ period of his driver's  
24 license suspension.

25 (c) If the person submitted to the test as a result of a second violation and the  
26 test results show a blood alcohol level of 0.20 percent or above by weight, he shall  
27 be eligible for a hardship license during the entire four-year period of the suspension  
28 after he has provided proof that his motor vehicle has been equipped with an ignition  
29 interlock device. A functioning ignition interlock device shall remain installed on his

1 motor vehicle during the ~~first three years of the~~ four-year period of his driver's  
2 license suspension.

3 \* \* \*

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

9 (a) Any person who has refused to submit to an approved chemical test for  
10 intoxication, after being requested to do so, for a second **or subsequent** arrest of R.S.  
11 14:98 or 98.6 or a parish or municipal ordinance that prohibits operating a vehicle  
12 while intoxicated and whose driver's license has been suspended in accordance with  
13 law.

14 \* \* \*

15 §668. Procedure following revocation or denial of license; hearing; court review;  
16 review of final order; restricted licenses

17 \* \* \*

18 B.(1)(a) In a case of first **or second** refusal, ~~or a first~~ **or second** submission  
19 to a test for intoxication, ~~and when there has been no prior suspension of the driver's~~  
20 ~~license~~, if suspension is otherwise proper, upon a showing of proof satisfactory to the  
21 department that **an approved and functioning ignition interlock device has been**  
22 **installed in the vehicle the person shall drive, and that** the suspension of driving  
23 privileges would prevent the person from earning a livelihood, the department may:

24 Section 4. This Act shall be known and may be cited as "Bowling, Coss, and Dufrene  
25 Drunk Driving Prevention Act."

26 \* \* \*



twelve-month period of the suspension of his driver's license. Proposed law changes the suspension period from the first twelve-month period to the entire period the driver's license is suspended.

Present law provides after the second conviction, along with other requirements, a functioning ignition interlock device shall remain installed on the offender's vehicle during the first three-year period of the four-year period of the suspension of his driver's license. Proposed law changes the suspension period from the first three-year period to the entire four year period the driver's license is suspended.

Present law provides any licensee who has had his license suspended for operating a motor vehicle, under the influence of alcoholic beverages is eligible to apply for a restricted driver's license after a period of twelve months and proof the motor vehicle has been equipped with an ignition interlock device. Proposed law changes the period of eligibility for restricted license from proof the vehicle has been equipped with an interlocking device and a period of twelve months to no waiting period.

Present law provides an offender shall be eligible for a restricted license after a period of forty-five days of suspension for the remainder of the four-year period of suspension. Proposed law provides a functioning ignition interlock device shall remain installed on his vehicle during the entire four-year period of the suspension.

Proposed law provides that proposed law shall be known and cited as the "Bowling, Coss, and Dufrene Drunk Driving Prevention Act"

Effective August 1, 2023.

(Amends R.S. 14:98.1(A)(3)(c) and 98.2(A)(3)(c), R.S. 32:378.2(A), (B)(1)(a)(ii)(aa) and (bb), (H), and (M)(2), and 414(A)(1)(c)(i) and (ii) and (D)(1)(b), 667(B)(1)(b) and (3)(b) and (c), and (I)(1)(a), and 668(B)(1)(a)(intro para); adds R.S. 15:307.1 and R.S. 32:378.2(O))

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Transportation, Highways, and Public Works to the original bill

1. Provides for an effective date for implementation by state police regarding complaints for refusal of service.
2. Provides for the Act to be known and cited as the "Bowling, Coss, and Dufrene Drunk Driving Prevention Act".