

SENATE BILL NO. 103

BY SENATOR WHITE

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

1 AN ACT

2 To amend and reenact the introductory paragraph of R.S. 32:415.1(A)(1) and to enact R.S.
3 32:415.1(A)(3), relative to drivers licenses; to provide for issuance of a restricted
4 license for economic and medical hardship under certain conditions; and to provide
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. The introductory paragraph of R.S. 32:415.1(A)(1) is hereby amended and
8 reenacted and R.S. 32:415.1(A)(3) is hereby enacted to read as follows:

9 §415.1. Economic and medical hardship appeal of driver's license suspension

10 A.(1) Except as provided in R.S. 32:378.2(A), 414, ~~and~~ 415(B)(2), **and**
11 **Paragraph (3) of this Subsection**, upon suspension, revocation, or cancellation of
12 a person's driver's license for the first time only as provided for under R.S. 32:414
13 and 415, the person, after initial notice from the department, shall have the right to
14 apply to the department for a restricted license. In the event that the department fails
15 or refuses to issue the restricted license, the person shall have the right to file a
16 petition for a restricted driver's license in the district court of the parish in which the
17 applicant is domiciled. Such application or petition for a restricted license shall
18 allege that revocation of his driving privileges will deprive him or his family of the
19 necessities of life, will prevent him from earning a livelihood, or prevent him from
20 obtaining proper medical treatment if disabled. The district court is vested with
21 jurisdiction to set the matter for contradictory hearing in open court upon ten days
22 written notice to the department, and thereupon to determine whether the allegations
23 of hardship have merit. Upon determination by the department or the court that the

1 lack of a license would deprive the person or his family of the necessities of life or
 2 prevent the licensee from obtaining proper medical treatment if disabled, the
 3 department may grant or the court may order that the person be granted, by the
 4 department, a restricted license to enable the person to continue to support his family
 5 or to obtain such medical treatment as provided for in this Section. The restrictions
 6 of said license shall be determined by the department or the court and shall include
 7 the following:

* * *

9 **(3) Any person whose driver's license is suspended, revoked, or**
 10 **cancelled for a first or subsequent violation of R.S. 32:415 may apply to the**
 11 **department or petition the district court for a restricted license as provided for**
 12 **in this Section if the original suspension, revocation, or cancellation of the**
 13 **driver's license resulted from a violation of R.S. 32:57.1.**

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PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____