

Regular Session, 2009

HOUSE BILL NO. 444

BY REPRESENTATIVES PERRY, BALDONE, HENRY BURNS, TIM BURNS, CHAMPAGNE, DOWNS, FOIL, GISCLAIR, MICKEY GUILLORY, LITTLE, MILLS, PEARSON, PUGH, RICHARD, ROBIDEAUX, SCHRODER, SIMON, SMILEY, AND JANE SMITH AND SENATORS AMEDEE, CHAISSON, CHEEK, CROWE, DUPLESSIS, DUPRE, KOSTELKA, LONG, MICHOT, QUINN, SHAW, SMITH, AND WALSWORTH

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

DWI: Provides with respect to administrative law hearings in DWI matters

1 AN ACT

2 To amend and reenact R.S. 32:668(A)(introductory paragraph), to enact R.S. 32:668.1, and  
3 to repeal 32:668(A)(6) relative to drivers licenses; to provide for scope of  
4 administrative hearings related to driver's license suspension; and to provide for  
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 32:668(A)(introductory paragraph) is hereby amended and reenacted  
8 and R.S. 32:668.1 is hereby enacted to read as follows:

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

11 A. Upon suspending the license or permit to drive or nonresident operating  
12 privilege of any person or upon determining that the issuance of a license or permit  
13 shall be denied to the person, the Department of Public Safety and Corrections shall  
14 immediately notify the person in writing and upon his request shall afford him an  
15 opportunity for a hearing based upon the department's records or other evidence  
16 admitted at the hearing, and in the same manner and under the same conditions as is  
17 provided in R.S. 32:414 for notification and hearings in the case of suspension of

1 licenses, except that the scope of such a hearing for the purposes of this Part shall  
2 ~~cover~~ be limited to the following issues:

3 \* \* \*

4 §668.1. Procedure following revocation or denial of license; discovery

5 Notwithstanding any provision to the contrary, prehearing discovery, in  
6 conjunction with the administrative hearing provided for in R.S. 32:668, shall be  
7 limited to requests for production of documents and depositions of non-law  
8 enforcement witnesses within the confines of R.S. 32:668(A).

9 Section 2. R.S. 32:668(A)(6) is hereby repealed in its entirety.

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)]

Perry

HB No. 444

**Abstract:** Limits scope of driver's license suspension administrative hearing and prehearing discovery.

Present law provides that an administrative hearing conducted after a person's driver's license has been suspended shall cover certain issues including matters relating to the legal rights of the person.

Proposed law provides that an administrative hearing conducted after a person's driver's license has been suspended shall be limited to certain issues not including matters relating to the legal rights of the person.

Proposed law provides for administrative hearing discovery in driver's license suspension cases be limited to requests for the production of documents and depositions of non-law enforcement witnesses.

(Amends R.S. 32:668(A)(intro. para); Adds R.S. 32:668.1; Repeals R.S. 32:668(A)(6))