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## DIGEST

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Baldone

HB No. 445

**Abstract:** Revises driver's license suspension periods when a driver refuses to submit to a chemical test when stopped for suspicion of driving while intoxicated.

Present law provides that a person's driver's license will be suspended for 180 days from the date of suspension upon first refusal to submit to a chemical test and 545 days, without benefit of hardship license, on subsequent refusals occurring within five years of the first refusal; however, if the person was under 21 at the time of first refusal, his driver's license will be suspended 180 days from the date of suspension.

Proposed law deletes present law.

Present law provides that until Sept. 30, 2003, if the person submitted to the test and the test results show a blood alcohol level of 0.10% or above, his driver's license will be suspended for 90 days from the date of suspension on first offense, without a hardship license for the first 30 days, and for 365 days from the date of suspension, without a hardship license, on subsequent violations occurring within five years of the first offense. If the person was under 21 on the date of the test and the test results show a blood alcohol level of 0.02% or above, his driver's license will be suspended for 180 days from the date of suspension.

Proposed law repeals present law.

Present law provides that if the person refuses to submit to the test in any case where a fatality occurred or a person sustained serious bodily injury as a result of an accident, his license will be suspended 545 days from the date of suspension without a hardship license.

Proposed law repeals present law.

Proposed law provides for the following driver's license suspension periods if a person refuses to submit to a chemical test when stopped for suspicion of driving while intoxicated:

- (a) Two years from the date of suspension on first refusal.
- (b) Two years, without benefit of eligibility for a hardship license, in the event that a fatality occurred or a person sustained serious bodily injury as a result of an accident.
- (c) Four years from the date of suspension, without the benefit of eligibility for a hardship license, on the second and subsequent refusals occurring within five years of the first refusal.

Effective Sept. 1, 2009.

(Amends 32:667(B)(2); Repeals R.S. 32:667(B)(1)(a) and (4))