

2019 Regular Session

SENATE BILL NO. 206

BY SENATOR GATTI

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

FEES/LICENSES/PERMITS. Provides relative to seizure of driver's license under certain circumstances. (8/1/19)

AN ACT

To amend and reenact the introductory paragraph of R.S. 32:667(A), 667(A)(3), the introductory paragraph of 667(B), and 667(B)(1)(b), and to enact R.S. 32:667(B)(3)(d), relative to drivers' licenses; to provide for the seizure of the driver's license of a person under the influence of controlled dangerous substances, or a combination of alcohol and one or more uncontrolled substance drugs that may be legally obtained with or without a prescription when a certified drug recognition expert determines the person is impaired; to increase the time period for a person to request an administrative hearing after submission to an approved test when the chemical test results are not immediately available; to provide for suspension of the driver's license of a person who submits to an approved chemical test when a certified drug recognition expert determines the person is impaired; to provide relative to a person's eligibility for a restricted license; to authorize the district court for the parish where a licensee resides to order the department to issue a restricted license by ex parte order or after contradictory hearing to a person who submits to an approved chemical test as result of a first or second violation; and to provide for related matters.

1 Be it enacted by the Legislature of Louisiana:

2 Section 1. The introductory paragraph of R.S. 32:667(A), 667(A)(3), the
3 introductory paragraph of 667(B), and 667(B)(1)(b) are hereby amended and reenacted, and
4 R.S. 32:667(B)(3)(d) is hereby enacted to read as follows:

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

6 A. When a law enforcement officer places a person under arrest for a
7 violation of R.S. 14:98 or 98.1, or a violation of a parish or municipal ordinance that
8 prohibits operating a vehicle while intoxicated, and the person either refuses to
9 submit to an approved chemical test for intoxication, or submits to the test and the
10 test results show a blood alcohol level of 0.08 percent or above by weight or, if the
11 person is under the age of twenty-one, a blood alcohol level of 0.02 percent or above
12 by weight, **or the person is under the influence of any controlled dangerous**
13 **substance listed in Schedules I, II, III, IV, or V as set forth in R.S. 40:964, or the**
14 **person is under the influence of a combination of alcohol and one or more drugs**
15 **that are not controlled dangerous substances and are legally obtainable with or**
16 **without a prescription, and a certified drug recognition expert determines the**
17 **person is impaired,** the following procedures shall apply:

18 * * *

19 (3) In a case where a person submits to an approved chemical test for
20 intoxication, but the results of the test are not immediately available, the law
21 enforcement officer shall comply with Paragraphs (1) and (2) of this Subsection, and
22 the person shall have ~~thirty~~ **ninety** days from the date of arrest to make written
23 request for an administrative hearing. If after ~~thirty~~ **ninety** days from the date of
24 arrest, the test results have not been received, or if the person was twenty-one years
25 of age or older on the date of arrest, and the test results show a blood alcohol level
26 of less than 0.08 percent by weight, then no hearing shall be held, and the license
27 shall be returned without the payment of a reinstatement fee. If the person was under
28 the age of twenty-one years on the date of arrest, and the test results show a blood
29 alcohol level of less than 0.02 percent by weight, then no hearing shall be held, and

1 the license shall be returned without the payment of a reinstatement fee.

2 * * *

3 B. If **Except as otherwise provided in Paragraph (A)(3) of this Section,**
4 **if** such written request **for an administrative hearing** is not made by the end of the
5 thirty-day period, the person's license shall be suspended as follows:

6 (1)(a) * * *

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

18 * * *

19 (3)(a) * * *

20 **(d) In a case where the person submits to an approved chemical test for**
21 **intoxication as a result of a first or second violation, and a certified drug**
22 **recognition expert determines the person was under the influence of any**
23 **controlled dangerous substance listed in Schedules I, II, III, IV, or V as set forth**
24 **in R.S. 40:964, or the person was under the influence of a combination of**
25 **alcohol and one or more drugs that are not controlled dangerous substances and**
26 **are legally obtainable with or without a prescription, he shall immediately be**
27 **eligible for and shall be granted a restricted license by the Department of Public**
28 **Safety and Corrections. If the department fails or refuses to issue the restricted**
29 **driver's license, the district court for the parish in which the licensee resides**

Proposed law adds suspension of the driver's license based upon a determination of intoxication by a certified drug recognition expert.

Proposed law provides immediate eligibility and grant of a restricted license to a person who submits to an approved chemical test, when a certified drug recognition expert determines the person was under the influence of any controlled dangerous substance listed in Schedules I, II, III, IV, or V as set forth in R.S. 40:964, or the person is under the influence of a combination of alcohol and one or more drugs that are not controlled dangerous substances and are legally obtainable with or without a prescription.

Effective August 1, 2019.

(Amends R.S. 32:667(A)(intro para), 667(A)(3), 667(B)(intro para), and 667(B)(1)(b); adds R.S. 32:667(B)(3)(d))