

RÉSUMÉ DIGEST

ACT 271 (SB 143)

2019 Regular Session

Gary Smith

Prior law required the DPS&C to suspend the driver license for 12 months upon receipt of satisfactory evidence of the conviction, or the entry of a plea of guilty or nolo contendere and sentence thereupon or of the forfeiture of bail for any person charged with first offense vehicular negligent injuring, R.S. 14:39.1, or for operating a motor vehicle while under the influence of high or low alcoholic content, or narcotic drugs, or of central nervous system stimulants, regardless of whether or not the person was sentenced pursuant to C.Cr.P. Art. 893 or 894 and provided for reinstatement and grant of restricted driving privileges.

New law retains prior law but replaces "regardless of whether or not the person was sentenced" with "including those cases where a person's sentence is suspended" pursuant to C.Cr.P. Art. 893 or 894.

Prior law provided that notwithstanding the provisions of R.S. 32:414(A)(a) and (b), upon first or second conviction, or a plea of guilty or nolo contendere and sentence thereupon or forfeiture of bail, any person charged with the offense of DWI with a 0.20 percent or more blood alcohol concentration by weight based on grams of alcohol per one hundred cubic centimeters of blood, the following restrictions on suspension and issuance of a restricted driver's license shall apply:

- (1) Upon first offense, an offender with a BAC of 0.20 percent or greater shall have his driver's license suspended for two years and shall be issued a restricted driver's license for the entire period of suspension with proof his motor vehicle is equipped with a functioning interlock device. The interlock device shall remain installed during the first twelve-month period of suspension of his driver's license.
- (2) Upon second offense, an offender with a BAC of 0.20 percent or greater shall have his driver's license suspended for four years and will be eligible for a restricted license upon notification his vehicle is equipped with a functioning interlock device after forty-five days of suspension for the remainder of the four-year suspension. The interlock device shall remain installed on his vehicle during the first three-year period of the four-year driver license suspension.

New law retains prior law but changes terminology from first offense and second offense to first conviction and second conviction in Subparagraph (c)(i) and (ii).

Effective August 1, 2019.

(Amends R.S. 32:414(A)(1)(a) and (c))