

2026 Regular Session

HOUSE BILL NO. 1032

BY REPRESENTATIVE WILEY

MOTOR VEHICLES: Clarifies references to substances applicable to operating a motor vehicle under the influence

1 AN ACT

2 To amend and reenact R.S. 32:414(A)(1)(a), (B)(2)(a), (D)(1)(a), (I)(1), and (V), 661(A)(3),
3 896(A), and 1420, relative to substances involved in the violation of operating a
4 motor vehicle under the influence; to provide for uniform references to substances
5 involved in operating a motor vehicle under the influence; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 32:414(A)(1)(a), (B)(2)(a), (D)(1)(a), (I)(1), and (V), 661(A)(3),
9 896(A), and 1420 are hereby amended and reenacted to read as follows:

10 §414. Suspension, revocation, renewal, and cancellation of licenses; judicial review
11 A.(1)(a) The department shall suspend the license of any person for a period
12 of twelve months upon receiving, from any district, city, or municipal court, of this
13 state or of any other state, having traffic jurisdiction, or from any federal court or
14 magistrate having traffic jurisdiction, satisfactory evidence of the conviction or of
15 the entry of a plea of guilty or nolo contendere and sentence thereupon or of the
16 forfeiture of bail of any such person charged with the first offense for vehicular
17 negligent injuring, R.S. 14:39.1, or for operating a motor vehicle while under the
18 influence of beverages of high alcoholic content, of low alcoholic content, of
19 ~~narcotic drugs, or of central nervous system stimulants~~ any drug, combination of

1 drugs, or combination of alcohol and drugs, including those cases where a person's
 2 sentence is suspended pursuant to Code of Criminal Procedure Article 893 or 894.
 3 The department shall promptly investigate an allegation made by such licensee that
 4 the suspension of his driving privileges will deprive him or his family of the
 5 necessities of life, or will prevent him from earning a livelihood. If the department
 6 so finds, it may reinstate the license of such licensee; however, such suspension and
 7 reinstatement shall be considered as a first suspension and grant of restricted driving
 8 privileges for the purposes of R.S. 32:415.1, and the driving privileges of the
 9 licensee shall be restricted as provided in R.S. 32:415.1 for a period of twelve
 10 months from the date of conviction or the entry of a plea of guilty or nolo contendere
 11 and sentence thereupon or of the forfeiture of bail. Notice of the restriction shall be
 12 attached to the license.

* * *

14 B. The department shall forthwith suspend the license of any person, for a
 15 period of twenty-four months, upon receiving satisfactory evidence of the conviction
 16 or of the entry of a plea of guilty and sentence thereupon or of the forfeiture of bail
 17 of any such person charged with any of the following crimes:

* * *

19 (2)(a) Conviction or the entry of a plea of guilty and sentence thereupon, or
 20 of the forfeiture of bail of any such person on the second offense for vehicular
 21 negligent injuring or for operating or being in actual physical control of a motor
 22 vehicle while under the influence of intoxicating beverages, of ~~central nervous~~
 23 ~~system stimulants or depressants, or of narcotic drugs or any other drug or substance~~
 24 ~~to a degree which renders him incapable of safely operating a motor vehicle~~ any
 25 drug, combination of drugs, or combination of alcohol and drugs, when any or all of
 26 the offenses were the result of violations of a state law, a municipal ordinance, a
 27 federal law, or any combination of them; however, any offense for vehicular
 28 negligent injuring or for operating or being in actual physical control of a motor
 29 vehicle while under the influence of alcoholic beverages which was committed more

1 than ten years prior to the commission of a subsequent such offense of operating or
2 being in actual physical control of a motor vehicle while under the influence of
3 alcoholic beverages shall not be considered in determining the number of such
4 offenses of operating or controlling a motor vehicle while under the influence of
5 alcoholic beverages which the person has committed.

6 * * *

7 D.(1)(a) The department shall suspend the license of any person for a period
8 of thirty-six months upon receiving satisfactory evidence of conviction, plea of
9 guilty, or plea of nolo contendere, and sentence thereon, or of the forfeiture of bail
10 of any such person as determined by any court of jurisdiction as set forth in this
11 Section, with regard to a third or subsequent offense for vehicular negligent injuring
12 or for operating a motor vehicle while under the influence of beverages of alcoholic
13 content, of ~~narcotic drugs, or of central nervous system stimulants~~ any drug,
14 combination of drugs, or combination of alcohol and drugs. Third or subsequent
15 offenses for purposes of this Subsection does not refer to the criminal charge but
16 rather to the number of offenses resulting in conviction, guilty pleas, nolo contendere
17 pleas, or bond forfeitures within five years from date of first offense to the date of
18 third offense.

19 * * *

20 I.(1) The reinstatement fee for a license of a person who has been convicted
21 of or forfeited bond on or entered a plea of guilty or nolo contendere to a charge of
22 operating a motor vehicle while under the influence of beverages of high alcoholic
23 content, of low alcoholic content, of ~~narcotic drugs, or of central nervous system~~
24 ~~stimulants~~ any drugs, combination of drugs, or combination of alcohol and drugs
25 shall be one hundred dollars if one conviction appears listed on his record prior to
26 application for reinstatement; two hundred dollars if two such convictions appear on
27 his record prior to application for reinstatement; and three hundred dollars for each
28 conviction on his record after the second conviction prior to application for

1 reinstatement, and the requirements of R.S. 32:896 relative to proof of financial
2 responsibility have been satisfied.

3 * * *

4 V.(1) The department shall suspend the license of a person for the same
5 period of time as provided in Subparagraphs (A)(1)(a), (B)(2)(a), and (D)(1)(a) of
6 this Section for the conviction or the entry of a plea of guilty and sentence thereupon,
7 or the forfeiture of bail of any such person charged with vehicular negligent injuring
8 committed while operating a watercraft or for operating a watercraft while under the
9 influence of beverages of high alcoholic content, of low alcoholic content, of
10 ~~narcotic drugs, or of central nervous system stimulants~~ any drugs, combination of
11 drugs, or combination of alcohol and drugs.

12 (2) Any suspension or revocation of license due to the conviction or the entry
13 of a plea of guilty or nolo contendere and sentence thereupon or the forfeiture of bail
14 on the charge of vehicular negligent injuring or for operating a motor vehicle while
15 under the influence of beverages of high alcoholic content, of low alcoholic content,
16 ~~of narcotic drugs, or of central nervous system stimulants~~ any drugs, combination of
17 drugs, or combination of alcohol and drugs as provided for in this Section shall also
18 prohibit the operation or physical control of a watercraft upon the waterways of this
19 state during the time period of such suspension or revocation.

20 * * *

21 §661. Operating a vehicle under the influence of alcoholic beverages or illegal
22 substance or controlled dangerous substances; implied consent to chemical
23 tests; administering of test and presumptions

24 A.

25 * * *

26 (3) If the person is under twenty-one years of age, the test or tests shall be
27 administered at the direction of a law enforcement officer having reasonable grounds
28 to believe the person to have been driving or in actual physical control of a motor
29 vehicle upon the public highways of this state after having consumed alcoholic

Present law (R.S. 32:414(I)(1)) requires the reinstatement fee for a license of a person who has been convicted of or forfeited bond on or entered a plea of guilty or nolo contendere to a charge of operating a motor vehicle while under the influence of beverages of high alcoholic content, of low alcoholic content, of narcotic drugs, or of central nervous system stimulants be \$100 if one conviction appears listed on his record prior to application for reinstatement; \$200 if two such convictions appear on his record prior to application for reinstatement; and \$300 for each conviction on his record after the second conviction prior to application for reinstatement.

Proposed law modifies present law by changing the referenced substances from narcotic drugs, or of central nervous system stimulants to any drug, combination of drugs, or combination of alcohol and drugs.

Present law (R.S. 32:414(V)(1)) requires the DPS&C suspend the license of a person for the same period of time as provided in present law for the conviction or the entry of a plea of guilty and sentence, or the forfeiture of bail of any such person charged with vehicular negligent injuring committed while operating a watercraft or for operating a watercraft while under the influence of beverages of high alcoholic content, of low alcoholic content, of narcotic drugs, or of central nervous system stimulants.

Proposed law modifies present law by changing the referenced substances from narcotic drugs, or of central nervous system stimulants to any drug, combination of drugs, or combination of alcohol and drugs.

Present law (R.S. 32:414(V)(2)) requires any suspension or revocation of license due to the conviction or the entry of a plea of guilty or nolo contendere and sentence or the forfeiture of bail on the charge of vehicular negligent injuring or for operating a motor vehicle while under the influence of beverages of high alcoholic content, of low alcoholic content, of narcotic drugs, or of central nervous system stimulants as provided for in present law also prohibit the operation or physical control of a watercraft upon the waterways of this state during the time period of such suspension or revocation.

Proposed law modifies present law by changing the referenced substances from narcotic drugs, or of central nervous system stimulants to any drug, combination of drugs, or combination of alcohol and drugs.

Present law (R.S. 32:661(A)(3)) requires any person deemed to give consent to a chemical test or tests to determine alcohol content in his blood and the presence of any drug in his blood if arrested for acts alleged to be operating a motor vehicle under the influence of alcoholic beverages, any drug, combination of drugs, or combinations of alcohol and drugs. Further specifies that if the person is under 21 years of age, the test or tests be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a vehicle upon the public hwy. of this state after having consumed alcoholic beverages.

Proposed law retains present law but adds any drug, combination of drugs, or combination of drugs and alcohol.

Present law (R.S. 32:896(A)) specifies that when a license is suspended based upon receipt of evidence of conviction, entry of guilty plea, or forfeiture of bond of any person charged with operating a motor vehicle while under the influence of intoxicating beverages or narcotic drugs or stimulants of the central nervous system, or for refusal to submit to chemical tests of blood, breath, urine, or other bodily substance for determining the alcoholic content of his blood, no license can be reinstated or reissued to the person unless such person previously has given or immediately gives and maintains proof of financial responsibility with respect to all vehicles registered by him and show financial responsibility individually as a non-owner for a period of three years.

Proposed law modifies present law by changing the referenced substances from narcotic drugs or stimulants of the central nervous system to any drug, combination of drugs, or combination of drugs and alcohol.

Present law (R.S. 32:1420) creates the Driver License Compact. Further requires that the licensing authority in the home state, for the purposes of suspension, revocation or limitation of the license to operate a vehicle, be given the same effect to the conduct reported, pursuant to present law of this compact, as it would if such conduct had occurred in the home state, in the case of convictions for driving a vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle.

Proposed law modifies present law by changing the referenced substances from a narcotic drug to any drug, combination of drugs, or combination of alcohol and drugs.

(Amends R.S. 32:414(A)(1)(a), (B)(2)(a), (D)(1)(a), (I)(1), and (V), 661(A)(3), 896(A), and 1420)