
DIGEST

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Pylant

HB No. 1204

Abstract: Provides for extension of time to request an administrative hearing following a DWI arrest.

Present law provides for 15 days to request an administrative hearing following the issuance of a temporary receipt for a driver's license for a person arrested for driving while intoxicated.

Proposed law extends the time in which an administrative hearing to 30 days.

Present law provides that DPS&C shall forward the record of the case to the division of administrative law for a hearing within sixty days of the date of arrest.

Proposed law provides that DPS&C shall forward the record of the case to the division of administrative law for a hearing within sixty days of the date of receipt of the written request for an administrative hearing.

Present law provides that when any person's driver's license has been seized, suspended, or revoked, and the seizure, suspension, or revocation is connected to a charge or charges of violation of a criminal law, and the charge or charges do not result in a conviction, plea of guilty, or bond forfeiture, the person charged will have his license immediately reinstated and will not be required to pay a reinstatement fee if at the time for reinstatement of driver's license, it can be shown that the criminal charges have been dismissed or that there has been a permanent refusal to charge a crime by the appropriate prosecutor or there has been an acquittal.

Present law provides that, if, however, at the time for reinstatement, the licensee has pending criminal charges against him arising from the arrest which led to his suspension or revocation of driver's license, the reinstatement fee shall be collected.

Present law provides that upon subsequent proof of final dismissal or acquittal, other than under Arts. 893 or 894 of the Code of Criminal Procedure, the licensee shall be entitled to a reimbursement of the reinstatement fee previously paid. Present law provides that in no event shall exemption from this reinstatement fee or reimbursement of a reinstatement fee affect the validity of the underlying suspension or revocation.

Present law provides that if a licensee qualifies for the exemption from the reinstatement fee or for a reimbursement of the reinstatement fee as provided in present law, the licensee shall receive credit for the unexpired portion of the license which was seized, and shall be exempt from the payment of, or shall receive reimbursement for the payment of, the duplicate license fee and the

handling fee with regard to the license which was seized.

Proposed law removes present law and provides that the final disposition of a criminal law charge or charges shall not result in the reinstatement of driving privileges suspended or revoked for a violation of R.S. 32:661 through 670, pertaining to the administration of chemical tests.

Proposed law would require reinstatement fees to be paid when the final disposition of a criminal law charge or charges shall not result in the reinstatement of driving privileges suspended or revoked for a violation of R.S. 32:661 through 670, pertaining to the administration of chemical tests.

Proposed law clarifies that a reinstatement fee is not be charged to an individual when his suspension or revocation of driving privileges are recalled pursuant to a ruling of an administrative law judge or the subsequent appeal of an administrative law judge's ruling.

Effective upon signature of governor or lapse of time for gubernatorial action.

(R.S. 32:667(A)(2), (3), (B)(intro. para.), (D)(1) and (H))