
DIGEST

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Pylant

HB NO. 1204

Abstract: Provides for extension of time to request an administrative hearing following a DWI arrest and for the reinstatement of driving privileges in certain circumstances.

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 to request 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 60 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 60 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.

Proposed law provides that when any person's driver's license has been seized, suspended, or revoked for the first time only pursuant to R.S. 32:661 through 670 or R.S. 32:414, 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.

Proposed law retains present law.

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 retains present law.

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

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

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Provided that when any person's driver's license has been seized, suspended, or revoked, for the first time only pursuant to R.S. 32:661 through 670 or 414, 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.