HLS 17RS-1084 ORIGINAL

2017 Regular Session

HOUSE BILL NO. 558

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BY REPRESENTATIVE HODGES

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

MOTOR VEHICLES: Provide for judge's discretion to require ignition interlock device for DWI offenders

AN ACT

2	To amend and reenact R.S. 32:668(B)(1)(b) and (c), relative to restrictive driver's licenses;
3	to provide relative to procedures following revocation or denial of driver's licenses;
4	to eliminate the waiting period for obtaining a restrictive license for refusal to submit
5	to chemical tests for intoxication; to eliminate the waiting period for obtaining a
6	restrictive license for test results showing a blood alcohol content over the legal
7	limit; to provide for the court's discretion to determine the type of restricted license
8	obtained; and to provide for related matters.
9	Be it enacted by the Legislature of Louisiana:
10	Section 1. R.S. 32:668(B)(1)(b) and (c) are hereby amended and reenacted to read
11	as follows:
12	§668. Procedure following revocation or denial of license; hearing; court review;
13	review of final order; restricted licenses
14	* * *
15	B.(1)
16	* * *
17	(b) No person who has refused a chemical test for intoxication is eligible for
18	a restricted license for the first ninety days of the suspension. When a person
19	submits to a chemical test and the results show a blood alcohol level of 0.08 percent
20	or above by weight, or of 0.02 percent or above if the person was under the age of

Page 1 of 3

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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twenty-one years on the date of the test, he is not eligible for a restricted license for the first thirty days of the suspension.

(c) (b) However, any Any licensee who has had his license suspended for a first or second offense of operating a motor vehicle while under the influence of alcoholic beverages or for refusal to submit to a chemical test for intoxication under the provisions of this Subsection, shall, upon proof of need to the Department of Public Safety and Corrections, be immediately eligible for and shall be issued either a special restricted operator's license or an ignition interlock restricted license sufficient to maintain livelihood or allow the licensee to maintain the necessities of life. The court presiding over such proceeding shall determine the type of restricted license the suspended licensee shall be issued. At a minimum, the court shall consider the previous criminal record of the defendant, the number and age of the passengers in the vehicle at the time of the offense, the offender's blood alcohol concentration at the time of the offense, and the nature of the substance the offender was under the influence of at the time of the offense. The court may also consider any other factor which it deems necessary, appropriate, or relevant when determining the type of restricted license to issue. In the event that the department fails or refuses to issue the restricted driver's license, the district court for the parish in which the licensee resides may issue an order directing the department to issue the ignition interlock restricted license or special restricted operator's license either by ex parte order or after contradictory hearing.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 558 Original

2017 Regular Session

Hodges

Abstract: Authorizes judicial determination of the type of restrictive driver's license issued to a suspended licensee.

<u>Present law</u> provides for eligibility for a restrictive driver's license after the first 90 days of a suspension for persons refusing a chemical test for intoxication.

Page 2 of 3

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<u>Present law</u> further provides for eligibility for a restrictive driver's license after the first 30 days of a suspension for persons submitting to a chemical test and results show a blood alcohol content above the legal limit.

<u>Present law</u> also provides for immediate eligibility, upon proof to the Dept. of Public Safety and Corrections, for an ignition interlock restrictive license for any licensee who has had their license suspended.

<u>Proposed law</u> eliminates the 30 and 90 day waiting periods for a restrictive license and provides that persons will be immediately be eligible for a restrictive license.

<u>Proposed law</u> provides for the court's discretion to determine which type of restrictive license the licensee is issued. <u>Proposed law</u> further provides that the court may use several factors in <u>proposed law</u> or any other factor the court deems appropriate in determining the type of restrictive license to issue.

(Amends R.S. 32:668(B)(1)(b) and (c))