2018 Regular Session

HOUSE BILL NO. 890 (Substitute for House Bill No. 637 by Representative Hunter) BY REPRESENTATIVE HUNTER

1	AN ACT
2	To amend and reenact R.S. 32:667(A)(introductory paragraph) and (2), relative to the
3	seizure of licenses for persons cited for driving while intoxicated; to provide for an
4	extension of the time for which to appeal to the district court; and to provide for
5	related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 32:667(A)(introductory paragraph) and (2) is hereby amended and
8	reenacted to read as follows:
9	§667. Seizure of license; circumstances; temporary license
10	A. When a law enforcement officer places a person under arrest for a
11	violation of R.S. 14:98, R.S. 14: or 98.1, or a violation of a parish or municipal
12	ordinance that prohibits operating a vehicle while intoxicated, and the person either
13	refuses to submit to an approved chemical test for intoxication, or submits to such
14	the test and such the test results show a blood alcohol level of 0.08 percent or above
15	by weight or, if the person is under the age of twenty-one years, a blood alcohol level
16	of 0.02 percent or above by weight, the following procedures shall apply:
17	* * *
18	(2)(a) The temporary receipt shall also provide and serve as notice to the
19	person that he has not more than thirty days from the date of arrest to make written
20	request to the Department of Public Safety and Corrections for an administrative
21	hearing in accordance with the provisions of R.S. 32:668.

Page 1 of 2

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

ENROLLED

1	(b) In the event the arrested person was unable to make a timely request for
2	an administrative hearing during the thirty day period provided for in Subparagraph
3	(a) of this Paragraph due to incarceration, hospitalization, or any other cause
4	acceptable to the department, the person may submit such documentation to the
5	department which shall establish the person's inability to timely request the
6	administrative hearing. Any request for an administrative hearing pursuant to this
7	Subparagraph shall be submitted no later than ninety days from the date of arrest.
8	The department shall promulgate such rules as are necessary to implement this
9	Subparagraph including a rule defining what is acceptable documentation to establish
10	the person's inability to make a timely request for an administrative hearing. The
11	denial of an administrative hearing request made pursuant to this Subparagraph may
12	be reviewed in the same manner and under the same conditions as is provided in R.S.
13	<u>32:668(C).</u>
14	* * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____