

2019 Regular Session

SENATE BILL NO. 143

BY SENATOR GARY SMITH

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

DWI. Provides relative to driver licenses. (8/1/19)

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AN ACT

To amend and reenact R.S. 32:414(A)(1)(a) and (c), relative to driver licenses; to provide for suspension of driver licenses; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:414(A)(1)(a) and (c) are hereby amended and reenacted to read as follows:

§414. Suspension, revocation, renewal, and cancellation of licenses; judicial review

A.(1)(a) The department shall suspend the license of any person for a period of twelve months upon receiving, from any district, city, or municipal court, of this state or of any other state, having traffic jurisdiction, or from any federal court or magistrate having traffic jurisdiction, satisfactory evidence of the conviction or of the entry of a plea of guilty or nolo contendere and sentence thereupon or of the forfeiture of bail of any such person charged with the first offense for vehicular negligent injuring, R.S. 14:39.1, 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, ~~regardless of whether or not the person was sentenced~~ **including those cases where a person's sentence is**

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

12 * * *

13 (c) Notwithstanding the provisions of Subparagraphs (a) and (b) of this
14 Paragraph, upon first or second conviction, or a plea of guilty or nolo contendere and
15 sentence thereupon or forfeiture of bail of any person charged with the offense of
16 driving while intoxicated when the offender had a blood alcohol concentration of
17 0.20 percent or more by weight based on grams of alcohol per one hundred cubic
18 centimeters of blood, the following restrictions on suspension and issuance of a
19 restricted driver's license shall apply:

20 (i) Upon first ~~offense~~ **conviction**, if the offender had a blood alcohol
21 concentration of 0.20 percent or greater, his driver's license shall be suspended for
22 two years and he shall be issued a restricted driver's license for the entire period of
23 the suspension after he has provided proof to the department that his motor vehicle
24 is equipped with a functioning ignition interlock device. A functioning ignition
25 interlock device shall remain installed on his vehicle during the first twelve-month
26 period of the suspension of his driver's license.

27 (ii) Upon second ~~offense~~ **conviction**, if the offender has a blood alcohol
28 concentration of 0.20 percent or greater, his driver's license shall be suspended for
29 four years. The offender shall be eligible for a restricted license after a period of

1 forty-five days of suspension for the remainder of the four-year period of suspension
 2 after he has provided proof to the department that his motor vehicle is equipped with
 3 a functioning ignition interlock device. A functioning ignition interlock device shall
 4 remain installed on his vehicle during the first three-year period of the four-year
 5 period of the suspension of his driver's license.

6 * * *

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Sharon F. Lyles.

DIGEST

SB 143 Engrossed

2019 Regular Session

Gary Smith

Present law requires the DPS&C to suspend the driver license for 12 months upon receipt of satisfactory evidence of the conviction, or the entry of a plea of guilty or nolo contendere and sentence thereupon or of the forfeiture of bail for any person charged with first offense vehicular negligent injuring, R.S. 14:39.1, or for operating a motor vehicle while under the influence of high or low alcoholic content, or narcotic drugs, or of central nervous system stimulants, regardless of whether or not the person was sentenced pursuant to C.Cr.P. Art. 893 or 894 and provides for reinstatement and grant of restricted driving privileges.

Proposed law retains present law but replaces "regardless of whether or not the person was sentenced" with "including those cases where a person's sentence is suspended" pursuant to C.Cr.P. Art. 893 or 894.

Present law provides that notwithstanding the provisions of R.S. 32:414(A)(a) and (b), upon first or second conviction, or a plea of guilty or nolo contendere and sentence thereupon or forfeiture of bail, any person charged with the offense of DWI with a 0.20 percent or more blood alcohol concentration by weight based on grams of alcohol per one hundred cubic centimeters of blood, the following restrictions on suspension and issuance of a restricted driver's license shall apply:

- (1) Upon first offense, an offender with a BAC of 0.20 percent or greater shall have his driver's license suspended for two years and shall be issued a restricted driver's license for the entire period of suspension with proof his motor vehicle is equipped with a functioning interlock device. The interlock device shall remain installed during the first twelve-month period of suspension of his driver's license.
- (2) Upon second offense, an offender with a BAC of 0.20 percent or greater shall have his driver's license suspended for four years and will be eligible for a restricted license upon notification his vehicle is equipped with a functioning interlock device after forty-five days of suspension for the remainder of the four-year suspension. The interlock device shall remain installed on his vehicle during the first three-year period of the four-year driver license suspension.

Proposed law retains present law but changes terminology from first offense and second offense to first conviction and second conviction in Subparagraph (c)(i) and (ii).

Effective August 1, 2019.

(Amends R.S. 32:414(A)(1)(a) and (c))