

2019 Regular Session

HOUSE BILL NO. 278

BY REPRESENTATIVE MACK

1 AN ACT

2 To amend and reenact R.S. 32:378.2(M) and to enact R.S. 32:378.2(N), relative to restricted  
3 driver's licenses; to authorize a credit towards suspension time or any reinstatement  
4 requirement for an individual whose driving privilege is restricted and whose vehicle  
5 is equipped with an ignition interlock device under certain circumstances; to provide  
6 for prohibitions; to provide for the promulgation of rules and regulations; and to  
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 32:378.2(M) is hereby amended and reenacted and R.S. 32:378.2(N)  
10 is hereby enacted to read as follows:

11 §378.2. Ignition interlock devices; condition of probation for certain DWI  
12 offenders; restricted license

13 \* \* \*

14 M.(1) Any individual who installs an ignition interlock device, approved by  
15 the Department of Public Safety and Corrections, as a requirement of bail, a part of  
16 a pre-trial diversion program, or a term of a suspended or deferred sentence as  
17 provided in Article 894 of the Code of Criminal Procedure, for an offense involving  
18 the operation of a motor vehicle while under the influence of alcohol, drugs, or a  
19 combination of alcohol and drugs and is arrested or subsequently convicted for such  
20 an offense, shall receive credit towards suspension time or any reinstatement  
21 requirement that may be imposed if any of the following occurs:

1           (a) The installation and monitoring of the ignition interlock device is  
 2           reported to the Department of Public Safety and Corrections by the manufacturer in  
 3           accordance with Subsection H of this Section.

4           (b) The individual whose driving privilege is restricted appears at an office  
 5           of motor vehicles field office and is issued a renewed or duplicate driver's license  
 6           that contains a restriction code indicating that any vehicle operated by the individual  
 7           shall be equipped with an ignition interlock device.

8           (2) No credit towards suspension time or any reinstatement requirement shall  
 9           be given if the manufacturer reports to the Department of Public Safety and  
 10          Corrections that any combination of two of the following violations have occurred  
 11          in a one-month period, including any repeat violation of the same type:

- 12           (a) Tampering with the device.
- 13           (b) Circumventing the device.
- 14           (c) Failure to bring the ignition interlock device in for required service.
- 15           (d) Failure to take or pass a re-test.
- 16           (e) Failure to pass a breath test.
- 17           (f) Use of the emergency override feature without justification.
- 18           (g) Unauthorized removal of the device.

19          (3) No credit towards suspension time or any reinstatement requirement shall  
 20          be given if the individual is charged or arrested for any offense involving the  
 21          operation of a motor vehicle while under the influence of alcohol, drugs, or a  
 22          combination of alcohol and drugs during the period in which the individual is  
 23          required to have an ignition interlock device as a requirement of bail, a part of a  
 24          pre-trial diversion program, or a term of a suspended or deferred sentence as  
 25          provided in Article 894 of the Code of Criminal Procedure.

26          (4) The Department of Public Safety and Corrections shall promulgate such  
 27          rules and regulations as are necessary to implement the provisions of this Paragraph.

28          ~~MN.~~ As used in this Section, "ignition interlock device" means a constant  
 29          monitoring device that prevents a motor vehicle from being started at any time  
 30          without first determining the equivalent blood alcohol level of the operator through

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1           the taking of a breath sample for testing. The system shall be calibrated so that the  
2           motor vehicle may not be started if the blood alcohol level of the operator, as  
3           measured by the test, reaches a level established by the court, consistent with the  
4           rules promulgated by the Department of Public Safety and Corrections.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_