

ACT No. 396

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.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____