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

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SB 214 Original	DIGEST 2020 Regular Session	Hewitt
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Present law provides that the court may require any person placed on probation as provided for in R.S. 14:98(B) and must require any person placed on probation as provided in R.S. 14:98(C) not operate a motor vehicle during the period of probation unless the vehicle is equipped with a functioning ignition interlock device.

Proposed law changes the references in present law from R.S. 14:98(B) to 98.1 and from R.S. 14:98(C) to 98.2.

Present law provides that if an offender has a blood alcohol concentration of 0.20 percent or more by body weight on a first offense DWI, the offender must be issued a restricted driver's license for a two-year period and is required to have a functioning ignition interlock device installed on his vehicle for the first 12 months of the two-year period.

Proposed law modifies present law to lower the blood alcohol concentration threshold to 0.15 percent or more by body weight and to require installation of the functioning ignition interlock device for the entire two-year period.

Present law further provides that if an offender has a blood alcohol concentration of 0.20 percent or more by body weight on a second offense DWI, the offender must be issued a restricted driver's license for a four-year period and is required to have an ignition interlock device installed on his vehicle during the first three years of the four-year period.

Proposed law modifies present law by lowering the blood alcohol concentration threshold to 0.15 percent or more by body weight and requires installation of the ignition interlock device for the entire four-year period.

Present law provides that upon a first conviction, or a plea of guilty or no contest when the offender has a blood alcohol concentration of 0.20 percent or more by body weight, the offender must have his driver's license suspended for two years and shall be issued a restricted driver's license for the entire period after proving that he has a functioning ignition interlock device installed on his vehicle, which device shall remain installed for the first 12 months of the two-year period.

Proposed law modifies present law by lowering the blood alcohol concentration threshold to 0.15 percent or more by body weight and requiring installation of the functioning interlock device for the entire two-year period.

Present law further provides that upon a second conviction or a plea of guilty or no contest and the offender has a blood alcohol concentration of 0.20 percent or more by body weight, the offender

shall have his driver's license suspended for four years and shall be eligible for a restricted driver's license after the first 45 days of the four-year suspension after proving that he has a functioning ignition interlock device installed on his vehicle, which device shall remain installed for the first three years of the four-year period.

Proposed law modifies present law by lowering the blood alcohol concentration threshold to 0.15 percent or more by body weight and requiring installation of the functioning ignition interlock device for the entire four-year period.

Present law provides eligibility for a restricted driver's license to any licensee who has had their license suspended for a DWI violation after a period of 12 months upon proof that his vehicle is equipped with a functioning ignition interlock device and requires that the device remain on the motor vehicle for not less than six months from the date the restricted license is issued.

Proposed law modifies present law to eliminate the 12 month waiting period for eligibility for the restricted driver's license and to require the device remain on the vehicle for twelve months after issuance of the restricted driver's license.

Present law provides that on or after September 30, 2003, if a person has submitted to a breath alcohol concentration test and the test results show a blood alcohol level of 0.08 percent or above by weight, his driving privileges will be suspended for 90 days from the date of suspension on first offense violation, without eligibility for a hardship license for the first 30 days, and for three hundred sixty-five days from the date of suspension, without eligibility for a hardship license, on second and subsequent violations occurring within five years of the first offense.

Proposed law modifies present law to remove the enacting date, to increase the suspension for a first offense from 90 to 180 days, to remove the provision disallowing a person eligibility for a hardship license, and to remove the five-year period.

Present law provides that if a person has submitted to a breath alcohol concentration test and the test results show a blood alcohol level of 0.20 percent or above by weight, his driving privileges will be suspended for two years on a first offense violation and for four years on a second offense violation.

Proposed law modifies present law by lowering the blood alcohol concentration threshold to 0.15 percent or more by body weight.

Present law provides that any licensee whose license has been suspended for a first or second DWI offense and either refused to submit to the test or submitted to the test and the test showed a blood alcohol level of less than 0.20 percent shall be immediately eligible for a restricted license, upon proof that his motor vehicle is equipped with a functioning ignition interlock device.

Proposed law modifies present law by lowering the blood alcohol concentration threshold to 0.15 percent or more by body weight.

Present law provides that if a person submits to the test as a result of a first violation and the test

results show a blood alcohol level of 0.20 percent or above by weight, he is eligible for a hardship license during the entire period of the imposed two-year suspension after he provides proof that his motor vehicle is equipped with a functioning ignition interlock device, which device shall remain installed on his motor vehicle during the first twelve-month period of his driver's license suspension.

Proposed law modifies present law to lower the blood alcohol concentration threshold to 0.15 percent or more by body weight and to require installation of the device for the entire period of suspension.

Present law provides that if a person submits to the test as a result of a second violation and the test results show a blood alcohol level of 0.20 percent or above by weight, he is eligible for a hardship license during the entire four-year period of the suspension after he provides proof that his motor vehicle is equipped with a functioning ignition interlock device, which device shall remain installed on his motor vehicle during the first three-years of the four-year suspension.

Proposed law modifies present law to lower the blood alcohol concentration threshold to 0.15 percent or more by body weight and to require installation of the device for the entire four-year period of suspension.

Present law provides that any person who has refused to submit to an approved chemical test for intoxication, after being requested to do so, for a second DWI arrest and whose driver's license has been suspended in accordance with law shall have a functioning ignition interlock device installed in their motor vehicle.

Proposed law modifies present law to extend this requirement to first, third, or subsequent arrests for DWI violations.

Present law provides that any person who has submitted to an approved chemical test for intoxication where the results indicate a blood alcohol level of 0.08 percent or above and whose driver's license has been suspended in accordance with law for an arrest occurring within ten years of the first arrest shall have a functioning ignition interlock device installed in their motor vehicle.

Proposed law modifies present law by requiring the arrest be made for a violation of present law whether state or local.

Proposed law changes references in present law from R.S. 14:98.1 to 98.6.

Proposed law provides that upon notice to the dept. that a driver has caused the ignition interlock device to enter a violation reset or a permanent lockout, the dept. shall extend the period the ignition interlock device is required by an additional six months and further restrict the driver's license. Proposed law further requires the dept. to notify the driver that his driver's license will be restricted for an additional six months.

Present law provides that in a case of first refusal or first submission to a test for intoxication and when there has been no prior suspension of the driver's license, if suspension is otherwise proper,

upon proving to the dept. that the suspension of driving privileges would prevent the person from earning a livelihood, the dept. may require the licensee to surrender his regular license and issue, at a cost of fifty dollars plus the cost of the license, a special restricted operator's license to be effective for the remaining period of suspension.

Proposed law modifies present law to require the provision apply to a second offense, to remove the requirement of no prior suspension, to add that installation of a functioning ignition interlock device is required in the vehicle the person will drive, and to require the licensee surrender his regular license unless it has been previously surrendered.

Present law provides that in the event that the dept. 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 dept. to issue the ignition interlock restricted license either by ex parte order or after contradictory hearing.

Proposed law retains present law.

Present law provides that the dept. must immediately cancel and seize the restricted license upon receiving satisfactory evidence of violation of the restrictions, and no person will have driving privileges of any kind for a period of six months from the receipt by the dept. of the cancelled restricted license.

Proposed law modifies present law by adding the removal of the ignition interlock device prior to the expiration of the restricted license as a reason for the dept. to cancel and seize a restricted driver's license. Proposed law further provides that no violation of present and proposed law will occur if the license is reinstated pursuant to present law prior to the removal of the ignition interlock device.

Effective August 1, 2020.

(Amends R.S. 14:98.1(A)(1)(intro para) and (d) and (2), 98.2(A)(1)(intro para) and (d), (2), and (3), and (D)(3), R.S. 32:378.2(A) and (B)(1)(a)(ii)(aa) and (bb), 414(A)(1)(c) and (D)(1)(b), 667(A)(intro para), (B)(1)(b), and (c), and (3), and (H)(3) and (I)(1)(a),(b), (c), and (d), and 668(B)(1)(a)(intro para), and (i), and (c), and (2); adds R.S. 32:667(K); repeals R.S. 14:98.1(A)(3) and 14:98.2(A)(4))