2020 Regular Session

1

HOUSE BILL NO. 780

## BY REPRESENTATIVE PIERRE

2	To amend and reenact R.S. 32:414.2(A)(2)(c) through (h) and to enact R.S.
3	32:414.2(A)(2)(i) and (F), relative to commercial motor vehicle driver's and learner's
4	permit holders; to provide for disqualification from operating a commercial motor
5	vehicle for committing certain felonies; to provide for disqualification under certain
6	circumstances; and to provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 32:414.2(A)(2)(c) through (h) are hereby amended and reenacted and
9	R.S. 32:414.2(A)(2)(i) and (F) are hereby enacted to read as follows:
10	§414.2. Commercial motor vehicle drivers and drivers with a commercial learner's
11	permit; disqualification; issuance of Class "D" or "E" license; alcohol content
12	in breath and blood; implied consent
13	A.
14	* * *
15	(2) Any person shall be disqualified for life from operating a commercial
16	motor vehicle for:
17	* * *
18	(c) Use of a commercial motor vehicle in the commission of a felony
19	involving sex trafficking as defined in 22 U.S.C. 7102.
20	(c)(d)(i) A second reported submission to a chemical test in connection with
21	an arrest for the offense of operating under the influence of alcohol, operating with
22	an alcohol concentration of 0.08 percent or more, or operating while under the

AN ACT

Page 1 of 4

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

HB NO. 780 ENROLLED

influence of a controlled substance while operating a commercial motor vehicle or noncommercial motor vehicle by a commercial driver's license holder. A disqualification pursuant to this Item for which a timely administrative hearing request has not been received or a disqualification pursuant to this Item which has been affirmed after an administrative hearing shall be considered a conviction for purposes of compliance with federal motor carrier rules.

- (ii) A second reported submission to a chemical test by a commercial driver's license holder in connection with a traffic stop where the driver was found to have been driving under the influence of alcohol with an alcohol concentration of at least 0.04 percent but under an alcohol concentration of 0.08 percent while operating a commercial motor vehicle. A disqualification pursuant to this Item for which a timely administrative hearing request has not been received or a disqualification pursuant to this Item which has been affirmed after an administrative hearing shall be considered a conviction for purposes of compliance with federal motor carrier rules.
- (iii) A second reported conviction of operating under the influence of alcohol, or operating while under the influence of a controlled substance while operating a commercial motor vehicle or noncommercial motor vehicle by a commercial driver's license holder.
- (d)(e) A second offense of leaving the scene of an accident in a commercial motor vehicle or noncommercial motor vehicle by a commercial driver's license holder.
- (e)(f) A second offense of refusal to submit to an alcohol concentration or drug test, while operating a commercial motor vehicle or noncommercial motor vehicle by a commercial driver's license holder.
- (f)(g) Two or more of any combination of the offenses listed in Paragraph (A)(4) (4) of this Subsection, which arise from different episodes.

HB NO. 780 ENROLLED

(g)(h) A second offense of operating a commercial motor vehicle when, as a result of prior violations committed while operating a commercial motor vehicle, the driver's commercial driver's license is suspended, revoked, canceled, or disqualified.

(h)(i) A second offense of causing a fatality through the negligent operation of a commercial motor vehicle, including but not limited to the offenses of manslaughter, negligent homicide, and vehicular homicide.

\* \* \*

F.(1)(a) If the office of motor vehicles receives credible information that a holder of a commercial license plate or commercial driver's license is suspected, but has not been convicted, of fraud related to the issuance of the commercial license plate or commercial driver's license, the office of motor vehicles shall require the driver to retake the skills or knowledge test, or a combination of both tests.

- (b) Within thirty days of receiving a retest notification from the office of motor vehicles, the holder suspected of fraudulently obtaining a commercial license plate or commercial driver's license shall make an appointment or otherwise schedule to take the next available test. The office of motor vehicles shall disqualify the commercial license plate or commercial driver's license holder's driving privileges indefinitely if the holder of a commercial license plate or commercial driver's license fails to schedule a retest appointment within thirty days.
- (c) The office of motor vehicles shall disqualify the commercial license plate or commercial driver's license holder's driving privileges indefinitely if the driver fails the knowledge or skills test or does not retake the test.
- (2) Once the holder of a commercial license plate or commercial driver's license has been disqualified, the driver shall apply for a commercial license plate or commercial driver's license as a new applicant in accordance with R.S. 32:408.

1	(3) The office of motor vehicles shall disqualify the commercial license plate
2	or commercial driver's license holder's driving privileges indefinitely if the driver
3	fails to surrender the credentials for replacement when required by the office of
4	motor vehicles.
	SPEAKER OF THE HOUSE OF REPRESENTATIVES
	PRESIDENT OF THE SENATE
	GOVERNOR OF THE STATE OF LOUISIANA

**ENROLLED** 

HB NO. 780

APPROVED: