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 DIGEST

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SB 82 Reengrossed

2023 Regular Session

Fesi

Proposed law provides the Department of Public Safety and Corrections, office of state police promulgate rules and regulations to establish and monitor compliance with an ignition interlock affordability plan for individuals that demonstrate economic hardship who are required to install an ignition interlock device.

Proposed law establishes requirements and provides for payment for individuals who qualify for the "affordability plan" with economic hardship designation.

Proposed law provides an ignition interlock manufacturer or ignition interlock service center shall not refuse service to an individual that has demonstrated eligibility for the affordability plan. Proposed law further provides an individual who has been refused service, may file a complaint with the Department of Public Safety and Corrections, office of state police, applied technology unit and establishes the requirements for the investigation and appeal by an ignition interlock manufacturer or ignition interlock service center. Proposed law regarding complaints for refusal of service are effective August 1, 2024.

Proposed law provides economic hardship will also be satisfied if the individual is an active member of a branch of the United States Armed Forces, a United States veteran, a member of law enforcement, or a full-time student currently enrolled in an academic institution of higher learning.

Present law provides credit toward suspension time or any reinstatement requirement not be given if the manufacturer reports to the Department of Public Safety and Corrections that any combination or a repeat of two of eight listed violations have occurred in a one-month period.

Proposed law changes the requirements for credit toward suspension from a combination or a repeat of two of eight listed violations, to only one of the eight violations and the occurrence does not have to be a repeat violation.

Proposed law provides upon notice of a violation, the Department of Public Safety and Corrections is required to extend the period the ignition interlock device by an additional six months and further restrict the driver's license.

Present law provides any licensee who has had his license suspended for operating a motor vehicle, under the influence of alcoholic beverages is eligible to apply for a restricted driver's license after a period of twelve months and proof the motor vehicle has been equipped with an ignition interlock device. Proposed law changes the period of eligibility for restricted license from proof the vehicle has been equipped with an interlocking device and a period of twelve months to no waiting period.

Proposed law provides that proposed law shall be known and cited as the "Bowling, Coss, and Dufrene Drunk Driving Prevention Act".

Effective August 1, 2023.

(Amends R.S. 32:378.2(H) and (M)(2), and 414(A)(1)(c)(ii) and (D)(1)(b), 667(B)(1)(b); adds R.S. 15:307.1 and R.S. 32:378.2(O))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Transportation, Highways, and Public Works to the original bill

1. Provides for an effective date for implementation by state police regarding complaints for refusal of service.
2. Provides for the Act to be known and cited as the "Bowling, Coss, and Dufrene Drunk Driving Prevention Act".

Senate Floor Amendments to engrossed bill

1. Removes criminal penalty of ignition interlock for driving while intoxicated.
2. Removes changes to times periods driver is required to have an ignition interlock device.
3. Clarifies the violations in which the department shall extend the period the ignition interlock device is required by an additional six months.
4. Removes penalties for first and second offenses for restrictions on driver's license.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the reengrossed bill:

1. Add a provision for economic hardship be satisfied if the individual is an active member of a branch of the United States Armed Forces, a United States veteran, a member of law enforcement, or a full-time student currently enrolled in an academic institution of higher learning.