

Regular Session, 2011

HOUSE BILL NO. 253

BY REPRESENTATIVE CHAMPAGNE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MTR VEHICLE/DRIVER LIC: Authorizes a driving under suspension hardship license for non-alcohol related offenses

1 AN ACT

2 To amend and reenact R.S. 32:415.1(A)(1)(introductory paragraph), (c), and (f) and (C),
3 relative to driver's license suspensions and revocations; to provide for economic and
4 medical hardship license application procedures; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 32:415.1(A)(1)(introductory paragraph), (c), and (f) and (C) are
7 hereby amended and reenacted to read as follows:

8 §415.1. Economic and medical hardship appeal of driver's license suspension

9 A.(1) Except as provided in R.S. 32:378.2(A), 414, and 415(B)(2), upon
10 suspension, revocation, or cancellation of a person's driver's license ~~for the first time~~
11 ~~only as provided for under R.S. 32:414 and 32:415~~, said person, after initial notice
12 from the department, shall have the right for the first time only to apply to the
13 department for a restricted license. Upon the second suspension, revocation, or
14 cancellation of a person's driving privileges under R.S. 32:415, the person shall after
15 initial notice from the department, have the right to file a petition in the district court
16 of the parish in which the applicant is domiciled ~~alleging~~, for a restricted driver's
17 license. There shall be no restricted driver's license issued upon a third or
18 subsequent suspension, revocation, or cancellation of driving privileges under R.S.
19 32:415. Such application or petition for a restricted license shall allege that
20 revocation of his driving privileges will deprive him or his family of the necessities

1 of life, will prevent him from earning a livelihood, or prevent him from obtaining
2 proper medical treatment if disabled. The district court is vested with jurisdiction
3 to set the matter for contradictory hearing in open court upon ten days written notice
4 to the department, and thereupon to determine whether the allegations of hardship
5 have merit. Upon determination by the department or the court that the lack of a
6 license would deprive the person or his family of the necessities of life or prevent the
7 licensee from obtaining proper medical treatment if disabled, the department may
8 grant or the court may order that the person be granted, by the department, a
9 restricted license to enable the person to continue to support his family or to obtain
10 such medical treatment as provided for in this Section. The restrictions of said
11 license shall be determined by the department or the court and shall include the
12 following:

13 * * *

14 (c) During the period of suspension, licensee shall be responsible for
15 applying to the court in the event that either earning his livelihood or treatment of his
16 debilitating condition as provided for in Subparagraph (e) of this Paragraph
17 necessitates a change in the original restrictions proposed by the department or the
18 court.

19 * * *

20 (f) In addition to any other restrictions determined necessary and proper by
21 the department or the court, a license ordered issued and restricted under this Section
22 must include the requirement of installation and maintenance of an ignition interlock
23 device upon a motor vehicle to be used by the licensee during the course of the term
24 of the restricted license, when the suspension of driving privileges arises from
25 operating a vehicle under the influence of alcoholic beverages.

26 * * *

27 C. A violation of the restrictions or a subsequent conviction of any offense
28 involving the operation of a motor vehicle or watercraft during the term of the
29 restricted license shall result in the extension of the period of suspension, revocation,

1 or cancellation for one year from the date upon which the licensee would otherwise
2 have been able to apply for new license and shall also constitute contempt of court.
3 Suspension, revocation, or cancellation that results from such a violation shall not
4 be subject to appeal as set forth in this Section. Except as provided in R.S.
5 32:378.2(B), restricted driving privileges for this Section may be allowed to a person
6 only ~~once~~ twice.

* * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Champagne

HB No. 253

Abstract: Provides for procedures for obtaining a restricted driver's license.

Present law provides that upon suspension, revocation, or cancellation of a person's driver's license for the first time only under the provisions of present law, a person shall have the right to file a petition in the district court of the parish in which the applicant is domiciled.

Proposed law changes present law to provide that upon suspension, revocation, or cancellation of a driver's license for the first time only, a person shall apply to the department for a restricted driver's license.

Proposed law requires that upon the second suspension, revocation, or cancellation of a person's driver's license the person shall file a petition in the district court of the parish in which the applicant is domiciled.

Proposed law prohibits issuance of a restricted driver's license for a third or subsequent suspension, revocation, or cancellation of driving privileges.

Present law provides that the court shall make the determination on the restrictions of the hardship license.

Proposed law retains present law except that it also allows the department to make the determination on the restrictions of the hardship license.

(Amends R.S. 32:415.1(A)(1)(intro. para.), (c), and (f) and (C))