

Regular Session, 2011

ACT No. 35

HOUSE BILL NO. 253

BY REPRESENTATIVE CHAMPAGNE

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

1 AN ACT

2 To amend and reenact R.S. 32:415.1(A)(1)(introductory paragraph), (c), and (f), relative to
3 driver's license suspensions and revocations; to provide for economic and medical
4 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) are hereby
7 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 415, ~~said the~~ the person, after initial notice
12 from the department, shall have the right to apply to the department for a restricted
13 license. In the event that the department fails or refuses to issue the restricted
14 license, the person shall have the right to file a petition for a restricted driver's
15 license in the district court of the parish in which the applicant is domiciled ~~alleging~~.
16 Such application or petition for a restricted license shall allege that revocation of his
17 driving privileges will deprive him or his family of the necessities of life, will
18 prevent him from earning a livelihood, or prevent him from obtaining proper medical
19 treatment if disabled. The district court is vested with jurisdiction to set the matter
20 for contradictory hearing in open court upon ten days written notice to the
21 department, and thereupon to determine whether the allegations of hardship have
22 merit. Upon determination by the department or the court that the lack of a license
23 would deprive the person or his family of the necessities of life or prevent the
24 licensee from obtaining proper medical treatment if disabled, the department may

grant or the court may order that the person be granted, by the department, a restricted license to enable the person to continue to support his family or to obtain such medical treatment as provided for in this Section. The restrictions of said license shall be determined by the department or the court and shall include the following:

* * *

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

* * *

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____