

Regular Session, 2012

HOUSE BILL NO. 587

BY REPRESENTATIVE ST. GERMAIN

MTR VEHICLE/COMMERCIAL: Provides relative to the disqualification of commercial motor vehicle drivers

1 AN ACT

2 To amend and reenact R.S. 32:414.2(B)(2)(a) and to enact R.S. 32:414.2(A)(1)(d)(x),
3 relative to commercial driver disqualification; to provide that texting while driving
4 a commercial motor vehicle is a serious traffic violation for commercial motor
5 vehicle drivers; to provide for increased disqualification periods for commercial
6 motor vehicle drivers found to have violated out-of-service orders; and to provide
7 for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 32:414.2(B)(2)(a) is hereby amended and reenacted and R.S.
10 32:414.2(A)(1)(d)(x) is hereby enacted to read as follows:

11 §414.2. Commercial motor vehicle drivers and drivers with a commercial learner's
12 permit; disqualification; issuance of Class "D" or "E" license; alcohol content
13 in breath and blood; implied consent

14 A.(1)

15 * * *

16 (d) For the purposes of this Section, when operating a commercial motor
17 vehicle, "serious traffic violation" means conviction of any of the following:

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19 (x) Texting while driving.

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B.

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(2) Any driver who is found in violation of an out-of-service order while driving a commercial motor vehicle shall be subject to the following penalties:

(a) Upon a first conviction, the driver shall be subject to disqualification for a period of not less than ~~ninety~~ one hundred eighty days nor more than one year. Any driver who is found in violation twice within a ten-year period shall be subject to disqualification for not less than ~~one year~~ two years nor more than five years. If a driver is found in violation three or more separate times within a ten-year period, the driver shall be subject to disqualification for not less than three years nor more than five years.

* * *

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)]

St. Germain

HB No. 587

Abstract: Provides that texting while driving a commercial motor vehicle is a serious traffic violation and for increased disqualification times for drivers who violate an out-of-service order while driving a commercial motor vehicle.

Proposed law adds that texting while driving a commercial motor vehicle is a "serious traffic violation" for which a commercial motor vehicle driver can be disqualified for after conviction.

Present law provides that any driver who is found in violation of an out-of-service order while driving a commercial motor vehicle shall be subject to the following penalties: (1) Upon a first conviction, the driver shall be subject to disqualification for a period of not less than 90 days nor more than one year. (2) Any driver who is found in violation twice within a 10-year period shall be subject to disqualification for not less than one year nor more than five years.

Proposed law provides that any driver who is found in violation of an out-of-service order while driving a commercial motor vehicle shall be subject to the following penalties: (1) Upon a first conviction, the driver shall be subject to disqualification for a period of not less than 180 days nor more than one year. (2) Any driver who is found in violation twice within a 10-year period shall be subject to disqualification for not less than two years nor more than five years.

(Amends R.S. 32:414.2(B)(2)(a); Adds R.S. 32:414.2(A)(1)(d)(x))

Summary of Amendments Adopted by House

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

1. Inserted "drivers with a commercial learner's permit" into Section heading for R.S. 32:414.2.