

Regular Session, 2012

ACT No. 592

HOUSE BILL NO. 781

BY REPRESENTATIVE PYLANT

1 AN ACT

2 To amend and reenact R.S. 32:666(A)(1)(a)(i), (2)(introductory paragraph), and (3), relative
3 to chemical tests for suspected drunken drivers; to provide for the administration of
4 multiple chemical tests; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 32:666(A)(1)(a)(i), (2)(introductory paragraph), and (3) are hereby
7 amended and reenacted to read as follows:

8 §666. Refusal to submit to chemical test; submission to chemical tests; exception;
9 effects of

10 A.(1)(a)(i) When a law enforcement officer has probable cause to believe
11 that a person has violated R.S. 14:98, ~~R.S. 14:98.1~~, or any other law or ordinance that
12 prohibits operating a vehicle while intoxicated, that person may not refuse to submit
13 to a chemical test or tests if he has refused to submit to such test or tests on two
14 previous and separate occasions of any previous such violation or in any case
15 wherein a fatality has occurred or a person has sustained serious bodily injury in a
16 crash involving a motor vehicle, aircraft, watercraft, vessel, or other means of
17 conveyance. Serious bodily injury means bodily injury which involves
18 unconsciousness, protracted and obvious disfigurement, or protracted loss or
19 impairment of the function of a bodily member, organ, or mental faculty, or a
20 substantial risk of death. The law enforcement officer shall direct that a chemical
21 test or tests be conducted of a person's blood, urine, or other bodily substance, or
22 perform a chemical test of such person's breath, for the purpose of determining the
23 alcoholic content of his blood and the presence of any abused substance or controlled
24 substance as set forth in R.S. 40:964 in his blood in such circumstances. The officer
25 may direct a person to submit to a breath test, and if indicated, an additional blood
26 test for the purpose of testing for the presence of alcohol, abused substances, and

controlled dangerous substances. A refusal of any such test or tests shall result in the suspension of driving privileges as provided by the provisions of this Part. A physician, physician assistant, registered nurse, emergency medical technician, chemist, nurse practitioner, or other qualified technician shall perform a chemical test in accordance with the provisions of R.S. 32:664 when directed to do so by a law enforcement officer.

* * *

(2) In all cases other than those in Paragraph (1) of this Subsection, a person under arrest for a violation of R.S. 14:98, ~~R.S. 14:98.1~~, or other law or ordinance that prohibits operating a vehicle while intoxicated may refuse to submit to such chemical test or tests, after being advised of the consequences of such refusal as provided for in R.S. 32:661(C), subject to the following:

* * *

(3) In all cases where a person is under arrest for a violation of R.S. 14:98, ~~R.S. 14:98.1~~, or other law or ordinance that prohibits operating a vehicle while intoxicated who refuses to submit to a chemical test or tests if he has refused to submit to a chemical test on two previous and separate occasions of any previous such violation shall be advised that the consequences of such refusal shall be subject to criminal penalties under the provisions of R.S. 14:98.2.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____