Regular Session, 2013

SENATE BILL NO. 103

BY SENATOR WHITE

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

MOTOR VEHICLES. Provides for issuance of an economic and medical hardship driver's license in certain situations. (8/1/13)

1   AN ACT

2   To amend and reenact the introductory paragraph of R.S. 32:415.1(A)(1) and to enact R.S.

3   32:415.1(A)(3), relative to drivers licenses; to provide for issuance of a restricted

4   license for economic and medical hardship under certain conditions; and to provide

5   for related matters.

6   Be it enacted by the Legislature of Louisiana:

7   Section 1. The introductory paragraph of R.S. 32:415.1(A)(1) is hereby amended and

8   reenacted and R.S. 32:415.1(A)(3) is hereby enacted to read as follows:

9   §415.1. Economic and medical hardship appeal of driver's license suspension

10   A.(1) Except as provided in R.S. 32:378.2(A), 414, ~~and~~ 415(B)(2), **and**

11   **Paragraph (3) of this Subsection,** upon suspension, revocation, or cancellation of

12   a person's driver's license for the first time only as provided for under R.S. 32:414

13   and 415, the person, after initial notice from the department, shall have the right to

14   apply to the department for a restricted license. In the event that the department fails

15   or refuses to issue the restricted license, the person shall have the right to file a

16   petition for a restricted driver's license in the district court of the parish in which the

17   applicant is domiciled. Such application or petition for a restricted license shall

1   allege that revocation of his driving privileges will deprive him or his family of the

2   necessities of life, will prevent him from earning a livelihood, or prevent him from

3   obtaining proper medical treatment if disabled. The district court is vested with

4   jurisdiction to set the matter for contradictory hearing in open court upon ten days

5   written notice to the department, and thereupon to determine whether the allegations

6   of hardship have merit. Upon determination by the department or the court that the

7   lack of a license would deprive the person or his family of the necessities of life or

8   prevent the licensee from obtaining proper medical treatment if disabled, the

9   department may grant or the court may order that the person be granted, by the

10   department, a restricted license to enable the person to continue to support his family

11   or to obtain such medical treatment as provided for in this Section. The restrictions

12   of said license shall be determined by the department or the court and shall include

13   the following:

14   *   *   *

15   **(3) Any person, whose driver's license is suspended, revoked, or**

16   **cancelled for the first or a subsequent time as provided for under R.S. 32:57.1**

17   **or 415, may apply to the department or petition the district court for a**

18   **restricted license.**

19   *   *   *

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Sharon F. Lyles.

DIGEST

Present law authorizes a person, whose driver's license is suspended, revoked, or cancelled
for the first time only as provided in R.S. 414 and 415 to apply to the DPSC or to petition
the district court in the parish of his domicile, for a restricted license except as provided in
R.S. 32:378.2(A), 414, and 415(B)(2).

Proposed law retains present law and authorizes any person whose driver's license is
suspended, revoked, or cancelled for the first or a subsequent time as provided for under R.S.
32:57.1, failure to honor a written promise to appear, or 415, operating a motor vehicle upon
any public highway of this state during the period of suspension, revocation or cancellation
of his license, to apply to the department or petition the district court for a restricted license.

Effective August 1, 2013.

(Amends R.S. 32:415.1(A)(1)(intro para); adds R.S. 32:415.1(A)(3))

Coding: Words which are ~~struck through~~ are deletions from existing law;
words in **boldface type and underscored** are additions.