Regular Session, 2013

## **ACT No. 386**

HOUSE BILL NO. 380

## BY REPRESENTATIVE LAMBERT

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

| 1  | AN ACT   |
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| 2  | To amend and reenact R.S. 32:414.2 (A)(2)(c) and (4)(introductory paragraph) and (a),                    |
| 3  | relative to commercial motor vehicle driver's and learner's permit holders; to provide                   |
| 4  | for disqualification under certain circumstances for certain alcohol and drug driving                    |
| 5  | offenses; and to provide for related matters.  |
| 6  | Be it enacted by the Legislature of Louisiana:   |
| 7  | Section 1. R.S. 32:414.2(A)(2)(c) and (4) (introductory paragraph) and (a) are hereby                    |
| 8  | amended and reenacted to read as follows:  |
| 9  | §414.2. Commercial motor vehicle drivers and drivers with a commercial learner's                         |
| 10 | permit; disqualification; issuance of Class "D" or "E" license; alcohol content                          |
| 11 | in breath and blood; implied consent   |
| 12 | A.   |
| 13 | * * *  |
| 14 | (2) Any person shall be disqualified for life from operating a commercial                                |
| 15 | motor vehicle for:   |
| 16 | * * *  |
| 17 | (c)(i) Conviction of a A second reported submission to a chemical test in                                |
| 18 | connection with an arrest for the offense of operating under the influence of alcohol,                   |
| 19 | operating with an alcohol concentration of 0.08 percent or more, or operating while                      |
| 20 | under the influence of a controlled substance while operating a commercial motor                         |
| 21 | vehicle or noncommercial motor vehicle by a commercial driver's license holder. $\underline{\mathbf{A}}$ |
| 22 | disqualification pursuant to this Item for which a timely administrative hearing                         |
| 23 | request has not been received or a disqualification pursuant to this Item which has                      |

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been affirmed after an administrative hearing shall be considered a conviction for purposes of compliance with federal motor carrier rules.

- (ii) Conviction of a second offense A second reported submission to a chemical test by a commercial driver's license holder in connection with a traffic stop where the driver was found to have been of driving under the influence of alcohol with an alcohol concentration of at least 0.04 percent but under an alcohol concentration of 0.08 percent while operating a commercial motor vehicle. A disqualification pursuant to this Item for which a timely administrative hearing request has not been received or a disqualification pursuant to this Item which has been affirmed after an administrative hearing shall be considered a conviction for purposes of compliance with federal motor carrier rules.
- (iii) A second reported conviction of operating under the influence of alcohol, or operating while under the influence of a controlled substance while operating a commercial motor vehicle or noncommercial motor vehicle by a commercial driver's license holder.

\* \* \*

- (4) Except as provided in Subparagraph (A)(2)(a) of this Subsection for lifetime disqualification, and in Paragraph (A)(3) of this Subsection for three years disqualification for offenses committed while transporting hazardous materials, any person shall be disqualified from operating a commercial motor vehicle for a minimum period of one year for:
- (a)(i) A first conviction reported submission to a chemical test in connection with an arrest of a commercial driver's license holder, while operating a commercial motor vehicle or a noncommercial motor vehicle, of operating under the influence of alcohol, operating with an alcohol concentration of 0.08 percent or more, or operating under the influence of a controlled dangerous substance. A disqualification pursuant to this Item for which a timely administrative hearing request has not been received or a disqualification pursuant to this Item which has been affirmed after an administrative hearing shall be considered a conviction for purposes of compliance with federal motor carrier rules.

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| 1  | (ii) A first conviction of reported submission to a chemical test by a                |
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| 2  | commercial driver's license holder of in connection with an investigation of driving  |
| 3  | under the influence of alcohol with an alcohol concentration of at least 0.04 percent |
| 4  | but under an alcohol concentration of 0.08 percent while operating a commercial       |
| 5  | motor vehicle. A disqualification pursuant to this Item for which a timely            |
| 6  | administrative hearing request has not been received or a disqualification pursuant   |
| 7  | to this Item which has been affirmed after an administrative hearing shall be         |
| 8  | considered a conviction for purposes of compliance with federal motor carrier rules.  |
| 9  | (iii) A first reported conviction of a commercial driver's license holder, while      |
| 10 | operating a commercial motor vehicle or a noncommercial motor vehicle, or             |
| 11 | operating under the influence of a controlled dangerous substance.                    |
| 12 | * * *   |
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|    | SPEAKER OF THE HOUSE OF REPRESENTATIVES   |
|    |   |
|    | PRESIDENT OF THE SENATE   |
|    |   |
|    | GOVERNOR OF THE STATE OF LOUISIANA  |

APPROVED: \_\_\_\_\_