

Regular Session, 2010

HOUSE BILL NO. 139

BY REPRESENTATIVE HARDY

CONTROLLED SUBSTANCES: Requires a designated driver's license or identification card for individuals convicted of certain controlled dangerous substances violations

1 AN ACT

2 To enact R.S. 32:412(K), relative to drivers' licenses; to provide for a restriction code which  
3 declares that a driver's license holder has been convicted of certain violations of the  
4 Uniform Controlled Dangerous Substances Law; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 32:412(K) is hereby enacted to read as follows:

7 §412. Amount of fees; credit or refund; duration of license; disbursement of funds;  
8 renewal by mail or electronic commerce of Class "D" or "E" drivers' licenses;  
9 disposition of certain fees

10 \* \* \*

11 K.(1) A Louisiana driver's license or identification card, regardless of its  
12 class, issued to any person who has been convicted on or after August 15, 2010, of  
13 a second or subsequent felony violation of the Uniform Controlled Dangerous  
14 Substances Law shall contain a restriction code which declares that the license or  
15 identification card holder has been convicted of a felony violation of the Uniform  
16 Controlled Dangerous Substances Law. Upon the second or subsequent conviction,  
17 the court shall notify the Department of Public Safety and Corrections. The secretary  
18 of the Department of Public Safety and Corrections shall comply with the provisions  
19 of this Subsection, and the driver's license or identification card shall include the  
20 words "drug offender", which shall be orange in color.

1           (2) Any person to whom this Subsection applies shall obtain a driver's  
2           license or identification card as provided for in this Subsection immediately  
3           following the period of incarceration, if he is incarcerated. Once the driver's license  
4           or identification card as authorized by the provisions of this Subsection has been  
5           issued, the person shall carry it upon his person at all times.

6           (3) The department shall issue a license required pursuant to this Subsection  
7           for a period of four years. When the department issues a license or identification  
8           card pursuant to this Subsection, the license or identification card shall be valid for  
9           a period of four years from the date of issuance.

10           (4) The driver's license or identification card containing the restriction code  
11           provided for in this Subsection shall be carried for a total of eight years.

12           (5)(a) The provisions of this Subsection shall only apply to a person who has  
13           been convicted of a second or subsequent felony violation for producing,  
14           manufacturing, distributing, or dispensing or possession with intent to produce,  
15           manufacture, distribute, or dispense a controlled dangerous substance or possession  
16           of a controlled dangerous substance.

17           (b) In addition to any other fine or penalty imposed by the court on an  
18           offender as described in Subparagraph (a) of this Subsection, the court shall impose  
19           a fine of twenty-five dollars. After collection by the clerk of court of the additional  
20           fine, the clerk shall remit such monies, on a monthly basis, to the Department of  
21           Public Safety and Corrections, office of motor vehicles, to be used to implement the  
22           provisions of this Subsection.

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#### 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)]

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Hardy

HB No. 139

**Abstract:** Requires special driver's license or identification card and restriction code for second or subsequent felony conviction of the Uniform Controlled Dangerous Substances Law. Further provides for fines.

Proposed law requires that any driver's license or identification card issued to a person convicted on or after Aug. 15, 2010, for a second or subsequent felony violation of the Controlled Dangerous Substance (CDS) law contain a restriction code, declaring the license or ID holder has been convicted of a felony violation of the CDS law.

Proposed law requires that the driver's license and the identification card include the words "drug offender" printed in orange.

Proposed law requires that the driver's licence or ID card be valid for four years from the date of issuance.

Proposed law provides that the driver's license or ID card containing the restriction code shall be carried for a total of eight years.

Proposed law provides that the court notify DPS&C upon the second or subsequent felony CDS violation conviction.

Proposed law requires that the court impose a fine of \$25. Further provides that after collection by the clerk of court of the additional fine, the clerk shall remit such monies, on a monthly basis, to DPS&C, office of motor vehicles, to be used to implement the provisions of proposed law.

(Adds R.S. 32:412(K))

#### Summary of Amendments Adopted by House

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

1. Changed the court imposed fine or penalty from \$10 to \$25.
2. Added the felony violation of possession of a controlled dangerous substance to the applicable provisions of proposed law.