

Regular Session, 2010

HOUSE BILL NO. 152

BY REPRESENTATIVE HARDY

MTR VEHICLE/DRIVER LIC: Provides for a five-year suspension of a driver's license if driving while license is suspended

1 AN ACT

2 To amend and reenact R.S. 32:415(B)(1) and 415.1(A)(1) and (C), relative to driver's license  
3 suspensions and revocations; to provide for extension of a driver's license suspension  
4 period after certain convictions; to provide for economic and medical hardship  
5 license application procedures; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 32:415(B)(1) and 415.1(A)(1) and (C) are hereby amended and  
8 reenacted to read as follows:

9 §415. Operating vehicle while license is suspended; offenses in other states; record  
10 of offenses given other states

11 \* \* \*

12 B.(1)(a) Any period of suspension or revocation shall automatically be  
13 extended for a period of one year from the date the licensee would otherwise have  
14 been entitled to apply for a new license upon his conviction for any offense involving  
15 the operation of a motor vehicle committed during such period.

16 (b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,  
17 any period of suspension or revocation shall automatically be extended for a period  
18 of two years from the date the licensee would otherwise have been entitled to apply  
19 for a new license upon his conviction under this Section, and an additional two years  
20 for each subsequent conviction under this Section.



1 license shall be determined by the department or the court and shall include the  
2 following:

3 (a) Licensee shall be permitted to operate a motor vehicle only on such  
4 streets or watercraft on the waterways of the state as would enable him to earn his  
5 livelihood or for treatment of his debilitating condition as provided for in  
6 Subparagraph (e) of this Paragraph.

7 (b) Such operation is restricted to such times during which he is involved in  
8 earning a livelihood or for treatment of his debilitating condition as provided for in  
9 Subparagraph (e) of this Paragraph.

10 (c) During the period of suspension, licensee shall be responsible for  
11 applying to the court in the event that either earning his livelihood or treatment of his  
12 debilitating condition as provided for in Subparagraph (e) of this Paragraph  
13 necessitates a change in the original restrictions proposed by the department or the  
14 court.

15 (d) Any other restrictions that the court determines to be necessary and  
16 proper.

17 (e) If the licensee is disabled and such disability is a physical impairment  
18 that substantially limits one or more of the major life activities of the licensee, such  
19 licensee shall be permitted to operate a motor vehicle only on such streets and at  
20 such times as would enable him to obtain medical treatment for his debilitating  
21 condition.

22 (f) In addition to any other restrictions determined necessary and proper by  
23 the department or the court, a license ordered issued and restricted under this Section  
24 must include the requirement of installation and maintenance of an ignition interlock  
25 device upon a motor vehicle to be used by the licensee during the course of the term  
26 of the restricted license, when the suspension of driving privileges arises from  
27 operating a vehicle under the influence of alcoholic beverages.

28 \* \* \*

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.



Present law provides that the court shall make the determination on the restrictions of the hardship license.

Proposed law retains present law except that it also allows the department to make the determination on the restrictions of the hardship license.

(Amends R.S. 32:415(B)(1) and 415.1(A)(1) and (C))

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 suspension period from five years to two years from the date of conviction and adds an additional two years for each subsequent conviction.
2. Added a provision to allow a person to apply to DOTD for a restricted license upon the first suspension, revocation, or cancellation of driving privileges.
3. Added a provision to require a person to file a petition in the district court of the parish where the applicant is domiciled upon the second conviction.
4. Prohibited a person from applying for a restricted license for a third or subsequent suspension, revocation, or cancellation of driving privileges.
5. Allowed the department to determine the restriction of the license.