

Regular Session, 2011

HOUSE BILL NO. 253

BY REPRESENTATIVE CHAMPAGNE

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

MTR VEHICLE/DRIVER LIC: Authorizes a driving under suspension hardship license for non-alcohol related offenses

1 AN ACT

2 To amend and reenact R.S. 32:415.1(A)(1)(introductory paragraph), (c), and (f), relative to  
3 driver's license suspensions and revocations; to provide for economic and medical  
4 hardship license application procedures; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 32:415.1(A)(1)(introductory paragraph), (c), and (f) are hereby  
7 amended and reenacted to read as follows:

8 §415.1. Economic and medical hardship appeal of driver's license suspension

9 A.(1) Except as provided in R.S. 32:378.2(A), ~~414~~, and 415(B)(2), upon  
10 suspension, revocation, or cancellation of a person's driver's license for the first time  
11 only as provided for under R.S. 32:414 and 415, ~~said the~~ person, after initial notice  
12 from the department, shall have the right to apply to the department for a restricted  
13 license. In the event that the department fails or refuses to issue the restricted  
14 license, the person shall have the right to file a petition for a restricted driver's  
15 license in the district court of the parish in which the applicant is domiciled ~~alleging.~~  
16 Such application or petition for a restricted license shall allege that revocation of his  
17 driving privileges will deprive him or his family of the necessities of life, will  
18 prevent him from earning a livelihood, or prevent him from obtaining proper medical  
19 treatment if disabled. The district court is vested with jurisdiction to set the matter  
20 for contradictory hearing in open court upon ten days written notice to the  
21 department, and thereupon to determine whether the allegations of hardship have

1 merit. Upon determination by the department or the court that the lack of a license  
2 would deprive the person or his family of the necessities of life or prevent the  
3 licensee from obtaining proper medical treatment if disabled, the department may  
4 grant or the court may order that the person be granted, by the department, a  
5 restricted license to enable the person to continue to support his family or to obtain  
6 such medical treatment as provided for in this Section. The restrictions of said  
7 license shall be determined by the department or the court and shall include the  
8 following:

9 \* \* \*

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 \* \* \*

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

22 \* \* \*

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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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Champagne

HB No. 253

**Abstract:** Provides for procedures for obtaining a restricted driver's license.

Present law provides that upon suspension, revocation, or cancellation of a person's driver's license for the first time only under the provisions of present law, a person shall have the right to file a petition in the district court of the parish in which the applicant is domiciled.

Proposed law changes present law to provide that upon suspension, revocation, or cancellation of a driver's license for the first time only, a person shall apply to the department for a restricted driver's license.

Proposed law requires that upon the second suspension, revocation, or cancellation of a person's driver's license the person shall file a petition in the district court of the parish in which the applicant is domiciled.

Proposed law prohibits issuance of a restricted driver's license for a third or subsequent suspension, revocation, or cancellation of driving privileges.

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. 32:415.1(A)(1)(intro. para.), (c), and (f))

#### Summary of Amendments Adopted by House

##### House Floor Amendments to the engrossed bill.

1. Made technical changes.
2. Made changes to clarify that proposed law provides that upon suspension, revocation, or cancellation of a driver's license for the first time only, a person can apply to the department for a restricted driver's license.