

Regular Session, 2013  
HOUSE BILL NO. 380  
BY REPRESENTATIVE LAMBERT

# ACT No. 386

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

1 AN ACT

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. 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

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

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

12 (iii) A second reported conviction of operating under the influence of  
 13 alcohol, or operating while under the influence of a controlled substance while  
 14 operating a commercial motor vehicle or noncommercial motor vehicle by a  
 15 commercial driver's license holder.

16 \* \* \*

17 (4) Except as provided in Subparagraph ~~(A)~~(2)(a) of this Subsection for  
 18 lifetime disqualification, and in Paragraph ~~(A)~~(3) of this Subsection for three years  
 19 disqualification for offenses committed while transporting hazardous materials, any  
 20 person shall be disqualified from operating a commercial motor vehicle for a  
 21 minimum period of one year for:

22 (a)(i) ~~A first conviction~~ A first reported submission to a chemical test in connection  
 23 with an arrest of a commercial driver's license holder, while operating a commercial  
 24 motor vehicle or a noncommercial motor vehicle, of operating under the influence  
 25 of alcohol, operating with an alcohol concentration of 0.08 percent or more, or  
 26 operating under the influence of a controlled dangerous substance. A disqualification  
 27 pursuant to this Item for which a timely administrative hearing request has not been  
 28 received or a disqualification pursuant to this Item which has been affirmed after an  
 29 administrative hearing shall be considered a conviction for purposes of compliance  
 30 with federal motor carrier rules.

1 (ii) A first ~~conviction of~~ reported submission to a chemical test by a  
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.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

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