

Regular Session, 2013

SENATE BILL NO. 103

BY SENATOR WHITE

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

MOTOR VEHICLES. Provides for issuance of an economic and medical hardship driver's license in certain situations. (8/1/13)

1 AN ACT  
2 To amend and reenact the introductory paragraph of R.S. 32:415.1(A)(1) and to enact R.S.  
3 32:415.1(A)(3), relative to drivers licenses; to provide for issuance of a restricted  
4 license for economic and medical hardship under certain conditions; and to provide  
5 for related matters.  
6 Be it enacted by the Legislature of Louisiana:  
7 Section 1. The introductory paragraph of R.S. 32:415.1(A)(1) is hereby amended and  
8 reenacted and R.S. 32:415.1(A)(3) is hereby enacted to read as follows:  
9 §415.1. Economic and medical hardship appeal of driver's license suspension  
10 A.(1) Except as provided in R.S. 32:378.2(A), 414, ~~and~~ 415(B)(2), and  
11 **Paragraph (3) of this Subsection**, upon suspension, revocation, or cancellation of  
12 a person's driver's license for the first time only as provided for under R.S. 32:414  
13 and 415, the person, after initial notice from the department, shall have the right to  
14 apply to the department for a restricted license. In the event that the department fails  
15 or refuses to issue the restricted license, the person shall have the right to file a  
16 petition for a restricted driver's license in the district court of the parish in which the  
17 applicant is domiciled. Such application or petition for a restricted license shall

1           allege that revocation of his driving privileges will deprive him or his family of the  
2           necessities of life, will prevent him from earning a livelihood, or prevent him from  
3           obtaining proper medical treatment if disabled. The district court is vested with  
4           jurisdiction to set the matter for contradictory hearing in open court upon ten days  
5           written notice to the department, and thereupon to determine whether the allegations  
6           of hardship have merit. Upon determination by the department or the court that the  
7           lack of a license would deprive the person or his family of the necessities of life or  
8           prevent the licensee from obtaining proper medical treatment if disabled, the  
9           department may grant or the court may order that the person be granted, by the  
10          department, a restricted license to enable the person to continue to support his family  
11          or to obtain such medical treatment as provided for in this Section. The restrictions  
12          of said license shall be determined by the department or the court and shall include  
13          the following:

\*       \*       \*

15                   **(3) Any person whose driver's license is suspended, revoked, or**  
16                   **cancelled for a first or subsequent violation of R.S. 32:415 may apply to the**  
17                   **department or petition the district court for a restricted license as provided for**  
18                   **in this Section if the original suspension, revocation, or cancellation of the**  
19                   **driver's license resulted from a violation of R.S. 32:57.1.**

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Sharon F. Lyles.

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DIGEST

White (SB 103)

Present law authorizes a person, whose driver's license is suspended, revoked, or cancelled for the first time only as provided in R.S. 414 and 415 to apply to the DPSC or to petition the district court in the parish of his domicile, for a restricted license except as provided in R.S. 32:378.2(A), 414, and 415(B)(2).

Proposed law retains present law and authorizes any person whose driver's license is suspended, revoked, or cancelled for a first or a subsequent violation of R.S. 32:415 [driving with a suspended license on any public highway] which suspension, revocation, or cancellation resulted from violation of R.S. 32:57.1 [failure to honor a written promise to appear] to apply to the department or petition the district court for a restricted license.

Effective August 1, 2013.

(Amends R.S. 32:415.1(A)(1)(intro para); adds R.S. 32:415.1(A)(3))

Summary of Amendments Adopted by Senate

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

1. Provides a person, whose driver's license is suspended for a first or subsequent violation of R.S. 32:415 [driving under suspension] which suspension resulted from violation of R.S. 32:57.1 [failure to honor a written promise to appear] may apply for a restricted license to the department or by petition to the district court.