

2024 Second Extraordinary Session

SENATE BILL NO. 7

BY SENATOR EDMONDS AND REPRESENTATIVES MIKE JOHNSON AND  
WRIGHT

DWI. Provides relative to penalties for the crime of operating a vehicle while intoxicated.  
(7/1/24) (Item #16)

1 AN ACT

2 To amend and reenact R.S. 14:98.1(A)(1)(d) and (3)(c) and 98.2(A)(3)(c) and R.S.

3 32:378.2(A), (B)(1)(a)(ii)(aa) and (bb), 414(A)(1)(c)(i) and (ii), and (D)(1)(b),

4 667(B)(1)(a) and (3)(b) and (c) and (I)(1)(a) and the introductory paragraph of

5 668(B)(1)(a) and to enact R.S. 32:378.2(P), relative to ignition interlock devices; to

6 make technical changes; to change criminal offenses for driving while intoxicated;

7 to provide for a change in time periods that a driver is required to have an ignition

8 interlock device; to provide relative to restricted driver's licenses; to extend the

9 amount of time that a driver is required to have an ignition interlock device upon

10 notice of noncompliance; to provide relative to first and second offense penalties for

11 operating a vehicle while intoxicated; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 14:98.1(A)(1)(d) and (3)(c) and 98.2(A)(3)(c) are hereby amended  
14 and reenacted to read as follows:

15 §98.1. Operating while intoxicated; first offense; penalties

16 A.(1) \* \* \*

17 (d) Except as provided by Subparagraph (3)(c) of this Subsection, the court

1 ~~may~~ **shall** order that the offender not operate a motor vehicle during the period of  
2 probation, ~~or such shorter time as set by the court~~ **for no less than six months,**  
3 unless any vehicle, while being operated by the offender, is equipped with a  
4 functioning ignition interlock device in compliance with the requirements of R.S.  
5 14:98.5(C) and R.S. 32:378.2.

6 \* \* \*

7 (3)

8 \* \* \*

9 (c) The court shall require that the offender not operate a motor vehicle  
10 during the period of probation unless any vehicle, while being operated by the  
11 offender, is equipped with a functioning ignition interlock device in compliance with  
12 the requirements of R.S. 14:98.5(C) and R.S. 32:378.2. The ignition interlock device  
13 shall remain installed and operative on his vehicle during the ~~first twelve-month~~  
14 period of suspension of his driver's license following the date of conviction.

15 \* \* \*

16 §98.2. Operating while intoxicated; second offense; penalties

17 A.

18 \* \* \*

19 (3)

20 \* \* \*

21 (c) The court shall require that the offender not operate a motor vehicle  
22 during the period of probation unless any vehicle, while being operated by the  
23 offender, is equipped with a functioning ignition interlock device in compliance with  
24 the requirements of R.S. 14:98.5(C), R.S. 15:306, and R.S. 32:378.2. The ignition  
25 interlock device shall remain installed and operative on his vehicle during the ~~first~~  
26 ~~three years of the~~ four-year period of the suspension of his driver's license.

27 \* \* \*

28 Section 2. R.S. 32:378.2(A), (B)(1)(a)(ii)(aa) and (bb), 414(A)(1)(c)(i) and (ii) and  
29 (D)(1)(b), 667(B)(1)(a) and (3)(b) and (c) and (I)(1)(a) and the introductory paragraph of 668

1 (B)(1)(a) are hereby amended and reenacted and R.S. 32:378.2(P) is hereby enacted to read  
2 as follows:

3 §378.2. Ignition interlock devices; condition of probation for certain DWI offenders;  
4 restricted license

5 A. In addition to any other provisions of law and except as otherwise  
6 provided in Subsection I of this Section, the court may require that any person who  
7 is placed on probation as provided in ~~R.S. 14:98(B)~~ **R.S. 14:98.1**, and the court shall  
8 require that any person who is placed on probation as provided by ~~R.S. 14:98(C)~~  
9 **R.S. 14:98.2** not operate a motor vehicle during the period of probation unless the  
10 vehicle is equipped with a functioning ignition interlock device as provided in this  
11 Section.

12 B.(1)

13 \* \* \*

14 (a)

15 \* \* \*

16 (ii)

17 \* \* \*

18 (aa) Upon first offense, if the offender had a blood alcohol concentration of  
19 0.15 percent or greater, he shall be issued a restricted driver's license during the  
20 entire period of the two-year driver's license suspension imposed under the  
21 provisions of R.S. 14:98.1(A)(3)(b) and (c) and shall be required to have a  
22 functioning ignition interlock device installed on his vehicle during the ~~first twelve-~~  
23 ~~month~~ period of the suspension.

24 (bb) Upon second offense, if the offender has a blood alcohol concentration  
25 of 0.15 percent or greater, he shall be eligible for a restricted driver's license for the  
26 period of suspension as imposed under the provisions of R.S. 14:98.2(A)(3)(b) and  
27 (c). The offender may be issued a restricted license during the entire four years on  
28 his suspension and shall be required to have a functioning ignition interlock device  
29 installed on his vehicle during the ~~first three years of the~~ four-year suspension.

\* \* \*

**P. No provision of this Section or any other law shall be construed to require the use of any particular vendor for ignition interlock devices.**

\* \* \*

§414. Suspension, revocation, renewal, and cancellation of licenses; judicial review

A.(1)

\* \* \*

(c)

\* \* \*

(i) Upon first conviction, if the offender had a blood alcohol concentration of 0.15 percent or greater, his driver's license shall be suspended for two years and he shall be issued a restricted driver's license for the entire period of the suspension after he has provided proof to the department that his motor vehicle is equipped with a functioning ignition interlock device. A functioning ignition interlock device shall remain installed on his vehicle during the ~~first twelve-month~~ period of the suspension of his driver's license.

(ii) Upon second conviction, if the offender has a blood alcohol concentration of 0.15 percent or greater, his driver's license shall be suspended for four years. The offender shall be eligible for a restricted license for the four-year period of suspension after he has provided proof to the department that his motor vehicle is equipped with a functioning ignition interlock device. A functioning ignition interlock device shall remain installed on his vehicle during the ~~first three-year period of the~~ four-year period of the suspension of his driver's license.

\* \* \*

D.(1)

\* \* \*

(b) Any licensee who has had his license suspended for operating a motor vehicle while under the influence of alcoholic beverages under the provisions of this Subsection shall be eligible to apply for a restricted driver's license upon proof that

1 his motor vehicle has been equipped with a functioning ignition interlock device.  
 2 The ignition interlock device shall remain on the motor vehicle for not less than ~~six~~  
 3 twelve months from the date the restricted driver's license is granted. In the event  
 4 that the department fails or refuses to issue the restricted driver's license, the district  
 5 court for the parish in which the licensee resides may issue an order directing the  
 6 department to issue the restricted license either by ex parte order or after  
 7 contradictory hearing.

8 \* \* \*

9 §667. Seizure of license; circumstances; temporary license

10 \* \* \*

11 B. If written request is not made by the end of the thirty-day period, the  
 12 person's license shall be suspended as follows:

13 (1)(a) If the person submitted to the test and the test results show a blood  
 14 alcohol level of 0.08 percent or above by weight, his driving privileges shall be  
 15 suspended for ~~ninety~~ one hundred eighty days from the date of suspension on first  
 16 offense violation and for three hundred sixty-five days from the date of suspension  
 17 on second and subsequent violations occurring within five years of the first offense.  
 18 If the person was under the age of twenty-one years on the date of the test and the  
 19 test results show a blood alcohol level of 0.02 percent or above by weight, his  
 20 driving privileges shall be suspended for one hundred eighty days from the date of  
 21 suspension.

22 \* \* \*

23 (3)

24 \* \* \*

25 (b) If the person submitted to the test as a result of a first violation and the  
 26 test results show a blood alcohol level of 0.15 percent or above by weight, he shall  
 27 be eligible for a hardship license during the entire period of the imposed two-year  
 28 suspension after he has provided proof that his motor vehicle has been equipped with  
 29 an ignition interlock device. A functioning ignition interlock device shall remain

1 installed on his motor vehicle during the ~~first twelve-month~~ period of his driver's  
2 license suspension.

3 (c) If the person submitted to the test as a result of a second violation and the  
4 test results show a blood alcohol level of 0.15 percent or above by weight, he shall  
5 be eligible for a hardship license during the entire four-year period of the suspension  
6 after he has provided proof that his motor vehicle has been equipped with an ignition  
7 interlock device. A functioning ignition interlock device shall remain installed on his  
8 motor vehicle during the ~~first three years of the~~ four-year period of his driver's  
9 license suspension.

10 \* \* \*

11 I.(1)

12 \* \* \*

13 (a) Any person who has refused to submit to an approved chemical test for  
14 intoxication, after being requested to do so, for a **first, second, or subsequent** arrest  
15 of R.S. 14:98 or 98.6 or a parish or municipal ordinance that prohibits operating a  
16 vehicle while intoxicated and whose driver's license has been suspended in  
17 accordance with law.

18 \* \* \*

19 §668. Procedure following revocation or denial of license; hearing; court review;  
20 review of final order; restricted licenses

21 \* \* \*

22 B.(1)(a) In a case of first **or second** refusal, or a first **or second** submission  
23 to a test for intoxication ~~and when there has been no prior suspension of the driver's~~  
24 ~~license~~, if suspension is otherwise proper, upon a showing of proof satisfactory to the  
25 department that **an approved and functioning ignition interlock device has been**  
26 **installed in the vehicle the person shall drive, and that** the suspension of driving  
27 privileges would prevent the person from earning a livelihood, the department may:

28 \* \* \*

29 Section 3. This Act shall become effective on July 1, 2024, and shall apply to

1 offenses committed on and after July 1, 2024; if vetoed by the governor and subsequently  
 2 approved by the legislature, this Act shall become effective on the day following such  
 3 approval by the legislature or July 1, 2024, whichever is later.

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The original instrument was prepared by Alan Miller. The following digest, which does not constitute a part of the legislative instrument, was prepared by Jonathon Wagner.

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## DIGEST

SB 7 Reengrossed

2024 Second Extraordinary Session

Edmonds

Present law provides relative to the offense of operating a vehicle while intoxicated (OWI).

Present law provides that on a first offense conviction of OWI, the court may order that an offender not operate a motor vehicle during the period of probation, or shorter time, unless the vehicle while operated by the offender is equipped with an ignition interlock device.

Proposed law provides that the court will order use of an ignition interlock for at least six months.

Proposed law otherwise retains present law.

Present law provides that, for a first offense, a court will require that the offender not operate a motor vehicle during the period of probation unless the vehicle being operated by the offender is equipped with a functioning ignition interlock device and the device remains installed and operative on his vehicle during the first 12-month period of the suspension of his driver's license following the date of conviction.

Proposed law requires that the vehicle be equipped with an ignition interlock device for the entire time that the driver's license is suspended following the date of conviction.

Present law provides that, for a second offense, a court will require that the offender not operate a motor vehicle during the period of probation unless the vehicle being operated is equipped with a functioning ignition interlock device and the device remains installed and operative on his vehicle during the first three years of the four-year period of the suspension of his driver's license.

Proposed law requires that the vehicle be equipped with an ignition interlock device for the entire four years that the driver's license is suspended.

Present law provides that in a case of first refusal or first submission to a test for intoxication and when there has been no prior suspension of the driver's license, if suspension is otherwise proper, upon a showing of proof satisfactory to the Dept. of Public Safety and Corrections that the suspension of driving privileges would prevent the person from earning a livelihood, the department may:

- (1) Require the licensee to surrender his regular license and issue instead a special restricted operator's license.
- (2) Designate limited routes and times that the restricted licensee is permitted to operate his vehicle to earn his livelihood.

Proposed law changes present law for persons eligible to be considered for a restricted license to:

- (1) Include a person in the case of a second refusal and a second submission to a test for intoxication.
- (2) Add a requirement that the person's vehicle be equipped with an approved and functioning ignition interlock device.
- (3) Remove the limitation for eligibility to only persons who do not have a prior suspension of their driver's license.

Present law requires that any licensee who has had his license suspended for operating a motor vehicle while under the influence of alcoholic beverages under the provisions of present law be eligible to apply for a restricted driver's license upon proof that his motor vehicle has been equipped with a functioning ignition interlock device. Present law further requires the ignition interlock device to remain on the motor vehicle for at least six months from the date the restricted driver's license is granted.

Proposed law retains present law, but changes the time period from six to 12 months.

Present law requires that when a person's results show a blood alcohol level of 0.08% or above, his driving privileges be suspended for 90 days from the date of suspension on a first offense violation.

Proposed law retains present law, but changes the time period from 90 days to 180 days.

Proposed law prohibits any provision of present law from designating a particular vendor for providing ignition interlock devices.

Effective July 1, 2024.

(Amends R.S. 14:98.1(A)(1)(d) and (3)(c) and 98.2(A)(3)(c) and R.S. 32:378.2(A), (B)(1)(a)(ii)(aa) and (bb), 414(A)(1)(c)(i) and (ii) and (D)(1)(b), 667(B)(1)(a) and (3)(b) and (c) and (I)(1)(a), and 668(B)(1)(a)(intro para); adds R.S. 32:378.2(P))

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Add requirement of ignition interlock for at least six months on a first conviction OWI.

##### Senate Floor Amendments to engrossed bill

1. Make technical corrections
2. Provide that no provision of law shall require using a certain vendor for interlock devices.