DWI case license revocation nearer

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A bill aimed at speeding up the drivers license revocation process in drunken driving cases was approved 24-11 Wednesday by the Senate.

The measure, HB796 by Rep. Richard Baker, D-Baton Rouge, now goes back to the House for concurrence on technical Senate amendments.

Sen. John Saunders, D-Ville Platte, said the bill was a case of overkill. He asked his colleagues to table the bill, but his motion was rejected 19-13.

Under the bill, a law enforcement officer would be required to seize the drivers' license of any person arrested for driving while intoxicated when the accused refuses to submit to a sobriety test, or if the test is administered and it shows a blood-alcohol level of .10 percent or more.

The suspect would be given 10 days to apply for an administrative hearing. He would be given a temporary license for 30 days to allow time for a Department of Public Safety hearing to determine whether the license should be suspended or revoked.

The suspect would not have to be convicted in court before the license is suspended or revoked.

If no hearing is requested, the suspect's license could be automatically suspended for 90 days on a first offense in cases in which the sobriety test has not been refused by the suspect. However, a hardship license could be sought. On subsequent violations occurring within five years of the first violation, driving privileges could be revoked for a year.

A suspect refusing to take the sobriety test can have his license suspended for 180 days on the first refusal and for 545 days for second and subsequent refusals occurring within five years of the initial refusal.

In cases of suspected DWI-related accidents in which death or injury is involved, law enforcement officials forcibly make an individual submit to blood-alcohol level testing.

Saunders argued that the administrative hearing amounted to double jeopardy, since the defendant would then have to go to court to fight the drunk driving charge.