License lift in DWI cases passes panel

By MARSHA SHULER
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A House panel Wednesday endorsed procedures that will lead to the prompt suspension or revocation of a driver's license when a drunken driving arrest is made.

In a related development, the committee also approved legislation attempting to solve the problem of the drunken driver by requiring drivers who are drinking to submit to chemical tests for intoxication.

That measure, HB724, by Rep. Robert Adley, D-Bossier City, is offered as an alternative to the open container legislation that died in the 1982 Legislature.

Both bills received unanimous committee support.

Rep. Richard Baker, D-Baton Rouge, said legislation providing for the prompt suspension or revocation of drivers licenses is needed because "there is no rapid way through the civil process for the taking away of a driver's license."

Nancy Carmel, director of the Baton Rouge Safety Council, said the proposed change is essential to a comprehensive program to get drunken drivers off the state's highways. She said studies have shown that the fear of losing a license is a great deterrent.

Testifying against the legislation, HB798, was Scott Semmons of the American Civil Liberties Union, who said he feared constitutional problems involving an individual's rights, including

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the protection against self-incrimination. He said the legislation also "leaves the door open for police harassment." "In attempting to establish an evident, clear trail, you are coming at a constitutional dead end," Semmons said.

But Semmons's comments did not sway members of the House Administration of Criminal Justice Committee.

Under the legislation, a person's license would be taken away and a temporary 30 day permit granted to allow time for an administrative hearing to be held in the Department of Public Safety to determine if the license should be suspended or revoked.

Upon arrest, a person would have ten days in which to inform officials he wants the administrative hearing during which he can state his case. The license revocation or suspension would take place prior to court hearings.

Baker said the procedure would be "independent of criminal sanctions."

Another change the legislation makes in existing law is requiring field sobriety or blood-alcohol or breath tests, even if it has to be done forcibly, in suspected DWI-related accidents in which a fatality or serious bodily injury occurs.

Several amendments to the bill were approved prior to committee passage, including one designed to encourage arrested persons to take a blood-alcohol test and another which increases the license reinstatement fee from $25 to $50.

Under one change, if a person takes a test and his blood-alcohol level turns out to be .10 percent or better, he must wait 30 days before applying for a hardship drivers license. If a person refuses to take the test, the individual would have to wait 180 days before applying.

The increase in the license reinstatement fee was approved in order to make the program pay for itself since additional administrative hearings are expected.

Baker said raising the fee would provide enough money to take care of program expenses and perhaps generate another $600,000 the state could use in efforts to balance the budget.

In addition, Baker said if the Legislature approves the administrative revocation procedures as well as a .10 blood-alcohol content as proof of drunkenness, the state could be in for an additional $500,000 in federal highway money.