

LOUISIANA DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS
OFFICE OF STATE POLICE
ARRESTEE'S RIGHTS FORM
RIGHTS RELATING TO THE CHEMICAL TEST FOR IMPAIRMENT

You are under arrest by a law enforcement officer who has reasonable grounds to believe that you were operating a vehicle or watercraft while impaired or you were involved in a violation wherein a fatality or a person has sustained serious bodily injury and the officer has probable cause to believe you were operating a vehicle while impaired. The law now requires you to submit to a chemical test or tests to determine the alcoholic content and/or presence of any drug, or combination of drugs, in your blood, breath, urine or other bodily substance.

- A. These are the CONSEQUENCES OF REFUSAL TO SUBMIT TO THE CHEMICAL TEST. YOU HAVE THE RIGHT TO REFUSE THE CHEMICAL TEST IF YOU WERE NOT INVOLVED IN A CRASH WHERE A FATALITY OR SERIOUS BODILY INJURY OCCURRED:
1. Your driving privileges shall be suspended for a period of one year if this is your first refusal, or a period of two years if this is your second or subsequent refusal within a ten year period.
 2. If you have refused to submit to the chemical test on two previous and separate occasions, a refusal to this test is a crime under the provisions of R.S. 14:98.7 and the penalties are the same as the penalties for first conviction of driving while impaired. For purposes of this provision, a chemical test shall not include a blood test.
 3. Evidence of your refusal to submit to the chemical test will be used against you in court.

[READ IF APPLICABLE] FATALITY/SERIOUS BODILY INJURY

If a traffic fatality has occurred or a person has been seriously injured you may not refuse the chemical test. Refusal to submit to the chemical test in any case wherein a traffic fatality has occurred or a person has sustained serious bodily injury as a result of a crash, your driving privileges shall be suspended for one year, without benefit of eligibility for a hardship, in the event that a fatality occurred or a person sustained serious bodily injury as a result of an accident and the person's impairment is determined by a trier of fact to be the contributing factor of the fatality or serious bodily injury. Anyone who refuses to submit to the test shall be fined not less than three hundred dollars and not more than one thousand dollars and imprisoned for not less than ten days and not more than six months. For purposes of this provision, a chemical test shall not include a blood test.

- B. These are the CONSEQUENCES IF THE TEST IS CONDUCTED and the results indicated a blood alcohol concentration of .08 percent or above by weight of alcohol in the blood.
1. The results of the test will be used against you at your trial and will be conclusive evidence that you are impaired.
 2. Your driving privileges shall be suspended for a period of 180 days if this is your first submission to a test, or one year if this is your second or subsequent submission to a test within the past five years.
 3. If you submit to the chemical test and the results indicate a blood alcohol concentration of .15 percent or above by weight of alcohol in the blood you will be required to serve at least 48 hours of the sentence imposed upon first conviction and 96 hours on the second conviction.
 4. If you submit to the chemical test and the results indicate a blood alcohol concentration of .15 percent or more your driver's license shall be suspended two years for the first offense or four years for the second.

[READ IF APPLICABLE] PERSONS UNDER THE AGE OF 21

These are the CONSEQUENCES IF THE TEST IS CONDUCTED and the results indicated a blood alcohol concentration of .02 percent or above but less than .20 percent by weight of alcohol in the blood.

1. The result will be used against you at your trial and will be used as evidence that you are impaired.
2. Your driving privileges shall be suspended for a period of 180 days if this is your first or subsequent submission to a test.

[READ IF APPLICABLE] IF YOU WERE OPERATING A COMMERCIAL MOTOR VEHICLE OR HAVE A CLASS A, B, OR C COMMERCIAL DRIVER'S LICENSE

In addition to the above applicable sections, these are the CONSEQUENCES IF YOU WERE OPERATING A COMMERCIAL OR NON-COMMERCIAL VEHICLE.

1. Your Commercial Driver's License shall be disqualified for 1 year if, for the first time reported on your driving record, you refuse the test, or submit to the test and the results indicate a blood alcohol concentration of .04 percent or above by weight of alcohol in the blood while operating a commercial motor vehicle or .08 percent or above while operating a non-commercial vehicle.
2. If the vehicle you were operating was transporting any hazardous materials as defined by law, your Commercial Driver's license shall be disqualified for 3 years if you refuse the test or submit to the test, and the results indicate a blood alcohol concentration of .04 percent or above by weight of alcohol in the blood.
3. Your Commercial Driver's License shall be disqualified for life if, for the second time reported on your driving record, if you were operating a commercial motor vehicle, you refuse the test, or submit to the test and the results indicate a blood alcohol concentration of .04 percent or above by weight of alcohol in the blood while operating a commercial motor vehicle or .08 percent or above while operating a non-commercial vehicle.
4. If you refuse to submit to an approved chemical test or tests for impairment while operating a commercial or non-commercial motor vehicle upon the public highways of this state while impaired by alcoholic beverages and/or drugs, or you are convicted or driving while impaired by alcoholic beverages and/or drugs, your "S" endorsement for the operations of a school bus shall be suspended for a period of 10 years.

- C. You have the OPTION OF AN ADDITIONAL TEST. You will be allowed to call a physician or other qualified person of your choice to give you an additional test at your own expense, if you so desire.
- D. These are your CONSTITUTIONAL RIGHTS:
1. You have the right to remain silent; anything you say may be used against you in a court of law.
 2. You have the right not to incriminate yourself; and you have the right to stop answering any questions at any time you desire.
 3. You have the right to the assistance of counsel and the right to consult an attorney before answering any questions.
 4. You have the right to have an attorney present during any questioning or the giving of any statement.
 5. If you cannot afford an attorney, the court will appoint an attorney to represent you.

NOTE: IF YOU REFUSE THE TEST UNTIL YOU CAN CONSULT AN ATTORNEY, YOUR DRIVER'S LICENSE WILL STILL BE SUSPENDED.

DATE _____ TIME _____ LOCATION _____

ARRESTEE'S SIGNATURE

I am under arrest and have been advised of all the above rights and consequences that affect my driving privileges.

ARRESTED PERSON _____

WITNESSES _____

ARRESTING OFFICER(S) _____

CERTIFICATION OF REFUSAL TO SIGN. I hereby certify that the arrested person _____ was advised of all of the above information, and did not sign for the following reason: REFUSED UNABLE

I certify that the arrested person was given a copy of the DWI Arrestee's Handout.

SIGNATURE OF ARRESTING OFFICER(S)

The law enforcement officer may ask you to submit to more than one chemical test. If you refuse to submit to any test, your driver's license will still be suspended.
Instructions to submit to chemical test: You are **NOW** instructed to submit to the chemical test or tests prescribed by law.

Louisiana Department of Public Safety and Corrections

CERTIFICATION OF ARREST

D R I V E R	Driver _____ Race _____ Sex _____ DOB _____ DL# _____ (Last) (First) (MI) (State)
	Address _____ City _____ State _____ Zip _____
	Arrested in _____ Parish on the _____ day of _____, _____ at _____ m

T E S T	<input type="checkbox"/> Refused Chemical Test <input type="checkbox"/> Submitted Chemical Test - Results _____ % Instrument # _____
	<input type="checkbox"/> Breath <input type="checkbox"/> Breath Operator's Name/Agency _____ Permit # _____
	<input type="checkbox"/> Blood <input type="checkbox"/> Blood
	<input type="checkbox"/> Urine <input type="checkbox"/> Urine Test Results Pending at _____ Drawn by _____
	<input type="checkbox"/> Operating Commercial Vehicle <input type="checkbox"/> Hauling Hazardous Material <input type="checkbox"/> Fatality <input type="checkbox"/> Serious Bodily Injury <input type="checkbox"/> Passenger 12 or under in vehicle

L I C E N S E	RECEIPT FOR LICENSE and/or TEMPORARY LICENSE					
	LICENSE SURRENDERED AND DESTROYED	YES	NO	CLASS _____	ENDORSEMENTS _____	
	LICENSE SURRENDERED AND ATTACHED	YES	NO	DATE OF ISSUANCE _____	AUDIT NUMBER _____	
	LICENSE NOT SURRENDERED	TEMPORARY D.L. ISSUED				
	TEMPORARY D.L NOT ISSUED REASON	UNDER SUSPENSION	NO D.L. IN POSSESSION	D.L. EXPIRED _____	OTHER _____	

W I T N E S S	Name and agency of law enforcement officers involved in the traffic stop, detention, investigation, and arrest:					
	Name _____	Badge # _____	Agency _____	Name _____	Badge # _____	Agency _____
	Name _____	Badge # _____	Agency _____	Name _____	Badge # _____	Agency _____
	Name _____	Badge # _____	Agency _____	Name _____	Badge # _____	Agency _____

I have been furnished with a copy of the official notice of withdrawal of driving privileges, and with the name and agency of all officers involved in the stop, detention, investigation and arrest. **SIGNATURE** _____

The above listed person either refused or was unable to sign form. **OFFICER SIGNATURE** _____

STATE OF LOUISIANA

Arresting officer(s) _____

certify that on the _____ day of _____, _____ at _____ hrs, the above listed arrested person was arrested in _____ Parish for a violation of R.S. 14:98, R.S. 14:98.6, or a violation of a parish or municipal ordinance prohibiting the operation of a vehicle or watercraft while impaired. The arrest was made upon reasonable grounds to believe the offense had been committed by the above listed driver based upon the following:

(Location/Reason for coming in contact with the driver). The arrested person was observed operating or in actual physical control of a motor vehicle upon _____ and _____

Upon coming into personal contact with the arrested person, the following symptoms were detected: _____

Prior to being instructed to take the test, the named person was read and advised of all the information on the Arrestee's Rights Form, including consequences of submission to the test or refusing it, additional tests available at the person's own expense, and he was under general observation for a minimum of 15 minutes during which the person did not ingest alcohol or alcoholic beverages, and did not regurgitate, vomit, or take anything by mouth.

The named person was served with an Official Notification of Withdrawal of Driving Privileges and a Receipt for License and/or Temporary License to provide the arrested person a means to request a hearing and to inform him that he has not more than thirty (30) days from the date of arrest to make a hearing request. The person was unable or unwilling to sign rights form unless his signature appears.

This is to certify by signature below that the above information is true and correct to the best of my (our) knowledge, information, and belief.

Arresting Officer (Print)	Signature	I.D. Number	Agency
_____	_____	_____	_____

PLEASE FORWARD THIS ORIGINAL PAGE ALONG WITH COPIES OF TEST RESULTS AND CHECK LIST TO:
OFFICE OF MOTOR VEHICLES
P.O. BOX 64886
BATON ROUGE, LOUISIANA 70896

LOUISIANA DEPARTMENT OF
PUBLIC SAFETY AND CORRECTIONS
OFFICE OF STATE POLICE
**DWI ARRESTEE'S
HANDOUT**

(Ref: LRS 32:661-670)

**DO NOT LOSE THIS
DOCUMENT**
**IT CONTAINS THE FOLLOWING
IMPORTANT INFORMATION:**

- **Explanation of how your arrest affects your driver's license**
- **Instructions for requesting an Administrative Hearing**
- **Request for an Administrative Hearing**
- **General information regarding penalties, safety responsibility, reinstatement, fees and Ignition Interlock**

NOTICE OF SUSPENSION

This is official notice that the suspension of your driver's license will begin the 30th day from the date of your arrest unless you are already under suspension. YOU HAVE ONLY **THIRTY DAYS** FROM THE DATE OF ARREST TO REQUEST A HEARING, IF YOU DESIRE ONE.

PERIOD OF SUSPENSION (ALL DRIVING PRIVILEGES) AND/OR DISQUALIFICATION (CMV PRIVILEGES)

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- If you have refused to submit to the chemical test on two previous and separate occasions, a refusal to this test is a crime under the provisions of R.S.14:98.7 and the penalties are the same as the penalties for first conviction of driving while intoxicated. For purposes of this provision, a chemical test shall not include a blood test.
- Evidence of your refusal to submit to the chemical test will be used against you in court.

These are the **CONSEQUENCES IF THE TEST IS CONDUCTED** and the results indicate a blood alcohol concentration of .08 percent or above by weight of alcohol in the blood.

- The results of the test will be used against you at your trial and will be conclusive evidence that you are impaired.
- Your driving privileges shall be suspended for a period of 180 days if this is your first submission to a test, or one year if this is your second or subsequent submission to a test within the past five years.
- If you submit to the chemical test and the results indicate a blood alcohol concentration of .15 percent or above by weight of alcohol in the blood you will be required to serve at least 48 hours of the sentence imposed upon first conviction and 96 hours on the second conviction.
- If you submit to the chemical test and the results indicate a blood alcohol concentration of .15 percent or more your driver's license shall be suspended two years for the first offense or four years for the second.

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- The result will be used against you at your trial and will be used as evidence that you are impaired.
- Your driving privileges shall be suspended for a period of 180 days if this is your first or subsequent submission to a test.

IF YOU WERE OPERATING A COMMERCIAL MOTOR VEHICLE OR HAVE A CLASS A, B OR C COMMERCIAL DRIVER'S LICENSE

In addition to the above applicable sections, these are the **CONSEQUENCES IF YOU WERE OPERATING A COMMERCIAL OR NON-COMMERCIAL VEHICLE**.

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- If the vehicle you were operating was transporting any hazardous materials as defined by law, your Commercial Driver's License shall be disqualified for three years if you refuse the test or submit to the test, and the result indicate a blood alcohol concentration of .04 percent or above by weight of alcohol in the blood.
- Your Commercial Driver's License shall be disqualified for life if, for the second time reported on your driving record, you refuse the test, or submit to the test and the results indicate a blood alcohol concentration of .04 percent or above by weight of alcohol in the blood while operating a commercial motor vehicle or .08 percent while operating a non-commercial vehicle.
- If you refuse to submit to an approved chemical test or tests for impairment while operating a commercial or non-commercial motor vehicle upon the public highways of this state while impaired on either alcoholic beverages and/or any drug, your "S" endorsement for the operation of a school bus shall be suspended for a period of ten years. A disqualification shall become part of your official driving record.

REQUESTING AN ADMINISTRATIVE HEARING

You are entitled to an administrative hearing where you may present facts or evidence on your behalf. **REQUEST FOR THE HEARING MUST BE MADE IN WRITING POSTMARKED OR RECEIVED AT THE OFFICE OF MOTOR VEHICLES WITHIN 30 CALENDAR DAYS FROM THE DATE OF YOUR ARREST.** If you fail to request such a hearing within the time specified above the suspension shall be enforced.

(A hearing is not for the purpose of obtaining a hardship license.) The scope of the hearing shall cover:

- (1) Whether a law enforcement officer had reasonable grounds to believe the person, regardless of age, had been driving or was in actual physical control of a motor vehicle upon the public highways of this state while impaired on alcoholic beverages and/or any drug or combination of drugs.
- (2) Whether the person was placed under arrest.
- (3) Whether he was warned by the officer(s) of the consequences of his submission to or refusal of the chemical test and whether he was advised of his constitutional rights.
- (4) Whether he voluntarily submitted to an approved chemical test and whether the test resulted in a blood alcohol reading of 0.08 percent or above by weight, or 0.02 percent or above if he was under the age of twenty-one years on the date of the test.
- (5) Whether he refused to submit to the test upon the request of the officer.
- (6) Such additional matters as may relate to the reasonableness of a suspension of the license.

If you want witnesses subpoenaed to appear at the hearing, payment for each witness must be sent with the request for hearing. Payment must be made by a certified check, money order, or a check on an attorney's account in the amount indicated below. You must send a separate check or money order made payable to the order of each witness you want subpoenaed. **NO PERSONAL CHECKS ACCEPTED.**

- (1) Subpoena fee for each (non law enforcement) witness is \$15.00

Note: R.S. 32:668 (A) states that no law enforcement officer shall be compelled by such person to appear or testify at such hearing. ALTHOUGH AN ATTORNEY IS NOT REQUIRED, YOU MAY BE REPRESENTED BY AN ATTORNEY AT THE HEARING AT YOUR OWN EXPENSE. (Complete the Request for Hearing if you wish to request a hearing).

INFORMATION AND PENALTIES

SAFETY RESPONSIBILITY LAW

As required by R.S.32:896, anyone refusing to submit to a chemical test, or anyone convicted of driving while impaired must comply with the Safety Responsibility Law by filing proof of future financial responsibility for a period of 3 years.

The usual way of filing such proof is as follows:

An insurance company authorized to do business in Louisiana may furnish this agency with the Louisiana form SR-22, insurance certificate, by sending it to the address shown below. Only insurance companies have these forms. Liability insurance policies are not acceptable in lieu of the SR-22.

SEND CERTIFICATE TO:

**LOUISIANA DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS
OFFICE OF MOTOR VEHICLES
P.O. BOX 64886
BATON ROUGE, LA 70896-4886**

A person who does not own a vehicle may apply for a non-ownership policy which would cover him while operating any vehicle.

Alternate ways of furnishing proof of future financial responsibility are specified under Louisiana Revised Statutes 32:897.

REINSTATEMENT FEE

A reinstatement fee of \$50.00 will be required before your driving privileges may be reinstated. This fee will only be accepted after the suspension period has ended. This fee may be in the form of cash, cashier's check, certified check credit/debit card, or money order made payable to the Office of Motor Vehicles.

IGNITION INTERLOCK REQUIREMENTS

An ignition interlock device shall be installed in any motor vehicle operated by any of the following persons whose driver's license has been suspended in connection with the following circumstances as a condition of the reinstatement of a driver's license:

- (a) Refusal to submit to a chemical test for impairment for a first, second, or subsequent arrest for DWI or underage DWI and whose driver's license has been suspended.
- (b) Submission to a chemical test for impairment where the results indicate a blood alcohol level of 0.08 percent or above and whose driver's license has been suspended for an arrest occurring within ten years of the first arrest.
- (c) Submission or refusal of the chemical test involving a crash which involves moderate bodily injury or serious bodily injury.
- (d) Submission or refusal of the chemical test and a minor child twelve years of age or younger was a passenger in the motor vehicle at the time of the offense.

Upon reinstatement, the ignition interlock device shall remain on the motor vehicle for at least six months or the length of the suspension period, whichever is longer. Credit for time will be given when the interlock device was installed and functioning as part of a restricted driver's license.

**For more information regarding your driving privileges
you can call the Louisiana Office of Motor Vehicles.**

1-225-925-6146
www.expresslane.org

REQUEST FOR HEARING

Enclosed is a witness fee for each witness you are requesting to be subpoenaed. MAKE THE CHECK OR MONEY ORDER PAYABLE TO EACH WITNESS.

Print Name

Print Street Address

City, State & Zip

Print Name

Print Street Address

City, State & Zip

Print Name

Print Street Address

City, State & Zip

Print Name

Print Street Address

City, State & Zip

NOTE: DO NOT send your request for a hearing directly to the Division of Administrative Law. Your request may be delayed and untimely.

REQUEST FOR HEARING

This form is only to be completed to **REQUEST AN ADMINISTRATIVE HEARING**. For information regarding obtaining a hardship license or more information regarding a request for a hearing call the Office of Motor Vehicles:

1-225-925-6146

To request a hearing you must **detach, complete and mail this form within thirty (30) days** to:

**Louisiana Department of Public Safety and Corrections Office of Motor Vehicles
P.O. Box 64886
Baton Rouge, LA 70896-4886**

NOTE: If you wish to request a hearing to contest the suspension, this request must be postmarked or delivered to the Office of Motor Vehicles within **thirty (30)** calendar days from the date of arrest.

A hearing is not for the purpose of obtaining a hardship license.

REQUEST FOR HEARING

I, _____
(Please Print Legibly)

do hereby request an administrative hearing in connection with my arrest on day _____ month _____ year _____.

PERSONAL INFORMATION

Your Driver's License Number Date of Birth
(_____) _____
Area Code Telephone Number

Current Mailing Address:

Address

City State Zip

Signature of person requesting hearing:

Note: R.S. 32:668 (A) states that no law enforcement officer shall be compelled by such person to appear or testify at such hearing.