Louisiana Department of Public Safety

Office of Motor Vehicles

2-7.00 Hearing and Petitions

Revised: 09/18/2026

Purpose

This policy discusses administrative hearings, petitions filed against the Department, and temporary restraining or stay orders.

Definitions

- **Administrative Hearing** - An unbiased proceeding conducted by an Administrative Law Judge under the Division of Administrative Law (DAL) to review a proposed suspension and/or revocation by the Office of Motor Vehicles (OMV).
- **Petition for Judicial Review** - A legal suit filed against the Department requesting the court to reverse an affirmative decision made at an administrative hearing and to order OMV to recall a suspensive action.
- **Petition for Restricted Hardship License** - A legal suit filed against the Department requesting the court to order OMV to issue a restricted hardship license to a suspended driver who is administratively ineligible.

Administrative Hearing

Authority: R.S. 32:1441; R.S. 32:668; R.S. 32:863 D(1)

- An individual may request an administrative hearing on the following departmental suspensions and revocations within the timeframe set by statute:
  - **Refusal/Submit**
    - 30 days from date of arrest
  - **Out-of-State Affidavits, School Rule Infractions, Notices of Violations and Accidents**
    - 30 days from the date of the official notice
  - **Insurance Cancellations**
    - 10 days from the date of the official notice
- The scope of the hearing for
  - A **Refusal/Submit** is to determine if the law enforcement officer had reasonable grounds for the stop, if the driver was informed of his rights, if the driver voluntarily submitted to a chemical test resulting in a reading at or above the legal limit, or if the driver refused to submit to the chemical test, etc.
  - An **Out-of-State Affidavit** is to determine any defense a driver may have to oppose the imposition of the suspension.

- A **School Rule Infraction** is to determine if the provisions of the law have been met
- An **Insurance Cancellation** is to determine whether or not a vehicle was covered by the required liability security. The license plate and registration will remain valid until all rights for appeal have been exhausted.
- A **Notice of Violation** is limited to a review of whether the vehicle was covered by a valid liability insurance policy at the time of violation. The request for hearing will not stop the revocation of the registering privileges. The vehicle, if impounded, will remain impounded until a final decision is reached by the Administrative Law Judge.
- An **Accident** is to determine if there is a reasonable possibility of a judgment being rendered or to contest the amount of liability security required.

- A request for an administrative hearing must be mailed and/or received within the timeframe set by statute.
  - If the request is hand delivered, the date that the request was received by OMV will be used to determine the timeliness of the administrative hearing request.
  - If the request is mailed, the official US postmark is the date used to determine the timeliness of the administrative hearing request.
  - If the last day for requesting the hearing falls on a Saturday, Sunday, or a postal holiday, the next business day will be considered the last day to request an administrative hearing.
  - The timeframe for requesting an administrative hearing begins one day after the date of arrest or one day after the date of the official suspension/revocation notification date.

Notes:

- An extended temporary driving permit will be issued to a driver if the administrative hearing request is received timely and a valid driver's license was surrendered on the date of arrest. Failure to submit the completed hearing request form may delay the issuance of a temporary driving permit.
- As part of the hearing proceedings, copies of the documentation introduced into evidence at the hearing are provided free of charge to the plaintiff or his attorney when a request for discovery or a request for production of documents is received.
- Upon completion of the hearing, DAL will provide OMV with a copy of the hearing decision.
- If an individual would like to make a request for a rehearing, then the rehearing request must be sent to both DAL and OMV.
- An affirmed decision may be appealed within thirty days from the certificate of service date on the affirmed decision. The appeal must be filed in the district court in the parish where the plaintiff resides.

Petitions Filed Against the Department

Authority: R.S. 32:415.1

The petition against the Department must

- Be filed in the district court of the parish in which the applicant is domiciled and must set the matter for contradictory hearing in open court upon ten (10) days written notice to the Department

- Allege that revocation of his driving privileges will deprive him or his family of the necessities of life, will prevent him from earning a livelihood, or prevent him from obtaining proper medical treatment if disabled.
- Be served to the Department's Office of Legal Affairs

Temporary Restraining or Stay Order – Issuance of Temporary License

Authority: R.S. 49:964; R.S. 49:978.1

A temporary restraining order or stay order is an order signed by a District Court Judge staying the Department from suspending the driving privileges of a driver. This type of order is served to the Department's Office of Legal Affairs and is usually accompanied by a petition for a restricted hardship license or a petition for judicial review of an affirmative action rendered by an Administrative Law Judge at an administrative hearing.

Notes:

No suspension period will be considered served while a temporary driving permit is held by the individual and is still considered valid. This is also true for any extension of time granted to the permit by the Office of Legal Affairs.