



Revised Date: 03/10/2026

Purpose

This policy discusses requirements for [pretrial diversion or intervention](#), [Act 605](#), [Articles 691](#), [892.1](#), [893](#), and [894](#), [894 certification storage and retrieval "Boykins"](#), and [DWI expungement storage and retrieval](#).

Pretrial Diversion or Intervention (PTD/PTI)

Authority: Judicial; Parish/Municipal; [R.S. 15:242](#); [R.S. 32:414.2](#)

PTD/PTI programs allow an individual charged with a crime, such as Driving While Impaired (DWI), to avoid having a conviction on their driving record, once they have participated and completed the program.

Requirements:

- If the jurisdiction offers a PTD/PTI program, the individual must contact the appropriate authority for the arresting jurisdiction immediately following his arrest to obtain details about the availability of the jurisdiction's program
- The PTD/PTI must indicate the person has completed the program and, as a result, the charges shall be dismissed.

Notes:

- Participation in this program **will not** exempt a commercial driver and/or commercial license holder or commercial learner's permit holder from the disqualification of his commercial driving privileges.

Procedures

- **Class D or E License**
 - If acceptable PTD/PTI paperwork is received and the ignition interlock device (IID) is **not required as a condition of reinstatement:**
 - Code the submit/refusal "65" for Act 605
 - If acceptable PTD/PTI paperwork is received and the IID is **required as a condition of reinstatement:**
 - If IID documentation is submitted
 - Code the submit/refusal "65" for Act 605
 - If IID documentation is not submitted
 - Build a Text Type 38 (Act 605) under the submit/refusal stating that the PTD/PTI paperwork has been submitted
 - Advise applicant that the IID documentation is required

- **Class A, B, or C License**
 - Add violation code 555 to the record and a disqualification must be taken. An Official Notice of Withdrawal (6200) must be sent out.
 - If acceptable PTD/PTI paperwork is received and IID **is not required as a condition of reinstatement:**
 - Code the submit/refusal "65" for Act 605
 - Reinstatement the suspension **only** (the disqualification must be served)
 - If acceptable PTD/PTI paperwork is received and IID **is required as a condition of reinstatement:**
 - If IID documentation is submitted
 - Code the submit/refusal "65" for Act 605
 - If IID documentation is not submitted
 - Build a Text Type 38 (Act 605) under the submit/refusal stating that the PTD/PTI paperwork has been submitted
 - Advise applicant that the IID documentation is required
 - Reinstatement the suspension **only** (the disqualification must be served)
- If there is any question as to whether there is a permanent refusal to charge or if some element of the PTI/PTD program has not been completed:
 - Do not reinstate or change the status of the administrative revocation
 - Advise the applicant that the document submitted is not acceptable and explain to the applicant why the document is unacceptable. If he needs further assistance, refer him back to the District Attorney or prosecutor's office.

Act 605

Authority: [CCRP 892.1](#); [CCRP 894](#); [R.S. 32:414](#); [R.S. 32:414.2](#); [R.S. 32:430](#); [R.S. 32:667](#)

When a suspension occurs as the result of a criminal charge and evidence is received that the charge has been dismissed or reduced, or that there has been a permanent refusal to charge a crime, or that there has been an acquittal, then the suspension is immediately reinstated and no reinstatement fee is to be collected for the suspension.

In the case of a DWI or a UDUI, if there is a suspension for a Refusal or Submit resulting from the same occurrence, that suspension is immediately reinstated and no reinstatement fee is to be collected for the suspension if the violation date of the DWI is prior to August 1, 2014.

- Effective June 7, 2012 - ACT 663 (2012 Regular Legislative Session) revised R.S.32:667H (3) to state that when a person refuses the chemical test but has a prior arrest for Submit, Refusal, or DWI within the last 10 years of the current arrest, he will not receive the benefits of ACT 605. This provision applies to arrests made on or after June 7, 2012.
- The above **would apply** to disqualification with the following **two exceptions:**
 - The provisions of the Code of Criminal Procedures (Articles 892.1, 893 and 894) cannot be applied to any conviction that would result in a disqualification or result in a subsequent disqualification. This includes 'Serious Offenses,' 'Railroad Offenses,' 'Out-of-Service Offenses,' and 'Major Offenses' as specified in Section 2 Policy 2-5.00. These convictions are added to the driving record as guilty convictions and become a part of the driving record. Any required disqualification remains in effect for the duration of the disqualification period and the reinstatement fee is collected.
 - In the case of a DWI or a UDUI, if there is a disqualification for a Refusal or Submit resulting from the same occurrence, the disqualification for the Refusal/Submit remains

in effect for the duration of the disqualification period and the reinstatement fee is collected.

Procedures:

- Refusals with a prior alcohol related offense, that occurred between the dates of June 7, 2012 and June 18, 2013 in which the DWI conviction has been dismissed, reduced, or 894 applied, and the person was charged under a city ordinance rather than charged with R.S. 14:98 or R.S. 14:98.1. They should include proof that the customer was charged under a city ordinance, and that the charges were amended, dismissed, reduced or 894 applied. This is the Attorney General opinion that CCRP 892.1 applied to Baton Rouge ordinance.
- **License Class D or E**
 - If evidence is received indicating the DWI/UDUI is dismissed or amended to another charge, process as follows:
 - DWI/UDUI dismissed – **Do not** add and delete DWI/UDUI (If not already done, have the documents scanned to content navigator.)
 - DWI/UDUI amended - Add the violation as amended charge. (If article 894 is applied to amended charge, enter 19 in disposition field.)
 - Apply Act 605 to the matching refusal/submit. Arrest for refusal made on or after June 7, 2012 with a prior arrest for submit, refusal, or DWI will not be eligible to receive the benefits of ACT 605.
 - Inquire on the matching Refusal/Submit.
 - Change disposition from "01" to "65".
 - Update the suspend info to show reinstated.
 - Add text type 38 Act 605 under matching Refusal/Submit. Indicate in text "DWI conviction received indicating the charge was dismissed or there was a permanent refusal to charge the crime--Act 605 applied to the Refusal/Submit."
 - A **refund is due** if the customer has paid a reinstatement fee and/or duplicate license fee. The hardship license fee will not be refunded.
 - If evidence is received that the DWI/UDUI was dismissed under Article 894, or 893 and the violation date of the DWI/UDUI is prior to August 1, 2014, process as follows:
 - If the violation was dismissed under 894 - Add DWI/UDUI with violation code 56 (DWI 894 Acquittal), disposition code "01".
 - If the violation was dismissed under 893 - Add and delete DWI/UDUI. Add text type 38 to the record to indicate this.
 - Apply Act 605 to the matching Refusal/Submit. Arrest for refusal made on or after June 7, 2012 with a prior arrest for submit, refusal, or DWI will not be eligible to receive the benefits of ACT 605.
 - Inquire on the matching Refusal/Submit.
 - Change disposition from "01" to "65".
 - Update the suspend info to show reinstated.
 - **No refund** will be issued for the reinstatement fee, and/or duplicate license fee when Article 894 or 893 is applied to the DWI.
 - Free retake of license is not to be given on 894 or 893.
 - If evidence is received that there was a plea under the provision of 894 on the DWI (meaning a final disposition has not been reached or achieved) and the date of violation is on or after August 1, 2014, process as follows:
 - Change disposition from "01" to "19"

- You cannot apply Act 605 to the matching Refusal/Submit until we receive notification from the court that the 894 is final.
 - Upon receipt that the 894 is a final disposition, change disposition to “94”, then you may apply disposition “65” to the matching Refusal/Submit, if no other provisions in the law prohibit it.
- **License Class A, B, or C**
 - If evidence is received indicating the DWI/UDUI is dismissed or amended to another charge, process as follows:
 - DWI/UDUI dismissed - Do not add and delete DWI/UDUI (If not already done, have the documents scanned to content navigator.)
 - DWI/UDUI amended - Add the violation as amended charge. (If article 894 is applied to the amended charge, enter 19 in disposition field. Reminder: You cannot apply article 892.1, 894 or 893 to serious/major violations. See Section 2 Policy 2-5.00 for a list of these violations.)
 - Apply Act 605 to matching Refusal/Submit on suspension period only. Arrest for refusal made on or after June 7, 2012 with a prior arrest for submit, refusal, or DWI will not be eligible to receive the benefits of ACT 605.
 - Inquire on matching Refusal/Submit.
 - Update Disposition field to "65".
 - Update the suspend information only to show reinstated. DO NOT change disqualification dates.
 - Add text type 38 Act 605 under matching Refusal/Submit. Indicate in text "DWI conviction received indicating the charge was dismissed or there was a permanent refusal to charge the crime. Act 605 applied to the Refusal/Submit."
 - At the end of the disqualification period a \$50.00 reinstatement fee will be required for the submit/refusal.
 - If refusal no SR-22 will be required for reinstatement. Disposition "65" will remove this.
 - If evidence is received that the DWI was dismissed under Article 894, or 893 and the violation date of the DWI is prior to August 1, 2014, process as follows:
 - If 894, Add violation code 181 Disqualification DWI 894.
 - Apply Act 605 to the matching Refusal/Submit suspension only. Arrest for refusal made on or after June 7, 2012 with a prior arrest for submit, refusal, or DWI will not be eligible to receive the benefits of ACT 605.
 - Inquire on matching Refusal/Submit.
 - Change disposition from "01" to "65".
 - For 893, add text type 38 "Act 605" under the matching submit/refusal.
 - If refusal no SR-22 will be required for reinstatement. Disposition "65" will remove this.
 - Update the suspend info only to show reinstated. DO NOT change disqualification dates.
 - **A refund will not** be issued for the reinstatement fee and/or duplicate license fee when Article 894 or 893 is applied to the DWI.
 - Free retake of license is not to be given on 894 or 893.
 - If evidence is received that there was a plea under the provision of 894 on the DWI (meaning a final disposition has not been reached) and the violation date is on or after August 1, 2014, process as follows:
 - Change disposition from “01” to “19”

- Do not apply Act 605 to the matching Refusal/Submit until notification from the court that the 894 is final has been received.
 - Upon receipt that the 894 is a final disposition, change disposition to "94", then you may apply disposition "65" to the matching Refusal/Submit, if no other provisions in the law prohibit it.
 - Do not remove the disqualification with 605
- If evidence is received that the DWI was dismissed by completion of the Pretrial Intervention or Diversion (PTD/PTI), process as follows:
 - If PTD/PTI program is completed, add violation code 555 DISQUALIFICATION PRETRIAL DWI
 - Apply Act 605 to the matching Refusal/Submit suspension only. Arrest for refusal made on or after June 7, 2012 with a prior arrest for submit, refusal, or DWI is not eligible to receive the benefits of ACT 605.
 - Inquire on matching Refusal/Submit.
 - Change disposition from "01" to "65".
 - If refusal no SR-22 is required for reinstatement. Disposition "65" will remove this.
 - Update the suspend info only to show reinstated. DO NOT change disqualification dates.
 - Do not issue a refund for the reinstatement fee and/or duplicate license fee when pretrial/diversion program is applied to the DWI.

- **Notes:**

- **Do not apply** Act 605 to the Refusal/Submit when the ignition interlock device (IID) is needed as a condition of reinstatement applies, unless proper interlock papers are received.
 - Headquarters will add the reduced or amended DWI charge and send correspondence advising the customer of the update to the DWI/UDUI charge and of the IID requirement. Add text type 38 indicating that the interlock is needed as a condition of reinstatement and the record could not be updated.
 - Customer Service Centers will add the reduced or amended DWI charge and advise the customer that the IID is needed as a condition of reinstatement. Add text type 38 indicating that the interlock is needed as a condition of reinstatement and the record could not be updated.

The record will be updated when the customer is reinstated.

- If a hearing has been requested and we do not have the results or the subject has not waived their rights to the hearing, the hearing flag is to remain on the conviction until we receive one of those items. Act 605 should still be applied.
- Louisiana [R.S. 32:407](#), amended in 2008, requires proof of completion of a 30-hour driver education course or a 6-hour pre-licensing course at the time of reinstatement for this violation for any driver who has an Intermediate License, 16 years of age with a 61 restriction. The course completion date must be after the date of violation. The 8-hour behind the wheel training is not required. Once the driver turns 17 the course is no longer required for reinstatement. Act 605 does not waive this requirement.

Articles

Articles	Notes
691	<p>Authority: CCRP 691; R.S. 32:414</p> <p>The district attorney has the power to dismiss an indictment or a count in an indictment without the consent of the court.</p> <p>Requirements: A written statement or court minutes from the district attorney or the court invoking Article 691 of the Louisiana Code of Criminal Procedure (CCRP).</p> <p>Fees:</p> <ul style="list-style-type: none"> • No reinstatement fee will be required if at the time for reinstatement of the driver's license, it can be shown that the criminal charges have been dismissed or that there has been a permanent refusal to charge a crime by the appropriate prosecutor or there has been an acquittal. • If at the time for reinstatement, the licensee has pending criminal charges against him from the arrest which led to his suspension or revocation of driver's license, the reinstatement fee shall be collected. • Fees may be owed for other statutory requirements. <p>Notes:</p> <ul style="list-style-type: none"> • Reinstatement under this provision does not apply to the commercial driver's license (CDL) disqualification of the license.
892.1	<p>Authority: CCRP 892.1; R.S. 32:414.2</p> <p>The court has the discretion to set aside a conviction for a misdemeanor traffic violation under Title 32 of the Louisiana Revised Statutes upon completion of a court approved driver education, training, or improvement course.</p> <p>Requirements:</p> <ul style="list-style-type: none"> • Upon completion of the course, the court shall report that the course was taken under the provision of this Article, and the person has successfully completed the course and the date of completion for inclusion in his driving record. • This Article can be granted once within a two-year period. • It cannot be applied to any conviction that would result in a disqualification or result in a subsequent disqualification. This includes 'Serious Offenses,' 'Railroad Offenses,' 'Out-of-Service Offenses,' and 'Major Offenses' as specified in Section 2 Policy 2-5.00. • It cannot be applied to a conviction for speeding twenty-five miles per hour or more over the posted speed limit. • It cannot be applied to convictions under Title 14 of the Louisiana Revised Statutes. This includes convictions of DWI, UDUI, Crime of Refusal, Reckless Operation, and Hit and Run. <p>Fees: Fees may be owed for other statutory requirements.</p>

Articles	Notes
893	<p>Authority: CCRP 893; R.S. 32:414</p> <p>The court has the discretion to suspend the sentence imposed on any felony case and to place the defendant on probation. Once the conditions of the probation have been completed, the court may set aside the conviction and dismiss the prosecution.</p> <p>Requirements: Proof of completion and invoking Article 893.</p> <p>Fees:</p> <ul style="list-style-type: none"> • No reinstatement fee will be required if at the time for reinstatement of the driver's license, it can be shown that the criminal charges have been dismissed or that there has been a permanent refusal to charge a crime by the appropriate prosecutor or there has been an acquittal. • If at the time for reinstatement, the licensee has pending criminal charges against him from the arrest which led to his suspension or revocation of driver's license, the reinstatement fee shall be collected. • Fees may be owed for other statutory requirements. <p>Notes: The dismissal of prosecution will have the same effect as an acquittal.</p>
894	<p>Authority: CCRP 894; R.S. 32:393; R.S. 32:414; R.S. 32:414.2</p> <p>The court has the discretion to suspend the sentence imposed on any misdemeanor case and to place the defendant on probation. Once the conditions of the probation have been completed, the court may set aside the conviction and dismiss the prosecution.</p> <p>Requirements: Proof of completion and final disposition granting Article 894.</p> <p>Fees:</p> <ul style="list-style-type: none"> • The reinstatement fee must be paid prior to the licensee receiving the benefits of this Article. • Fees may be owed for other statutory requirements. <p>Notes: The dismissal of prosecution will have the same effect as an acquittal.</p>

894 Certification Storage and Retrieval Boykins

Authority: [CCRP 894](#); [CCRP 556.1](#)

Relative to operating a motor vehicle while intoxicated; to provide for storage of records; to provide for a storage and retrieval fee of records; to require proof of retention of records before setting aside a conviction; to require the Office of Motor Vehicles to be the repository of the records and to maintain the records for ten years and to provide for related matters.

Requirements:

- The following documents and an Article 894 Transmittal Form ([DPSMV3012](#)) must be submitted for an Article 894 DWI to be stored and available for retrieval upon request from any court, prosecuting agency or defendant:
 - Certified copies of the record of plea
 - Certified copy of the defendant's fingerprints and Boykin rights, which shall include the defendant's date of birth, social security number, and driver's license number

Fees: \$50.00 money order or certified funds made payable to the Office of Motor Vehicles

Procedures:

- Upon receipt, Document Management will scan the documents into Content Navigator for future retrieval and remit the \$50.00 fee to Finance.
 - The documents will be forwarded to the Impaired Driver Unit to determine if the documents are acceptable.
 - If acceptable, the Impaired Driver Unit will generate a verification letter to the Court indicating that the task has been completed.
 - The information in the 'Boykin package' shall not be used for any purpose other than storage and retrieval of the documents.
 - The 894 'Boykin package' will not be used to update the driving record (LS00). It will be scanned into Content Navigator and shall be available for retrieval upon request.
 - Upon receipt of a request from any court, prosecuting agency or defendant, the Impaired Driver Unit will provide certified copies or verification that the documents are on file.
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DWI Expungement Storage and Retrieval

Authority: [CCRP 556.1](#); [CCRP 894](#); [R.S. 44:4.1](#)

The Office of Motor Vehicles shall store all motions to expunge relative to operating a motor vehicle while intoxicated and maintain the records for ten years. The documents shall be available for retrieval upon request from any court, prosecuting agency or defendant.

Requirements:

- The following documents must be submitted to store an expungement.
 - Certified copies of the court minutes
 - Original or certified copy of the fingerprints
 - Proof of the requirements as set forth in the Code of Criminal Procedure Article 556.1
 - Completed Article 984 Transmittal Form ([DPSMV3013](#))
- or**
- A copy of the certified letter received from the Office of Motor Vehicles indicating that all the required documents were previously filed in conjunction with the requirements of the Code of Criminal Procedure Article 894 and are on file.
- Completed Article 984 Transmittal Form ([DPSMV3013](#))

Fees: \$50 money order or certified funds made payable to the Office of Motor Vehicles

Procedures:

- Upon receipt, Document Management will scan the documents into Content Navigator for future retrieval and remit the \$50.00 fee to Finance.
- The documents will be forwarded to the Impaired Driver Unit to determine if the documents are acceptable.
- The Impaired Driver Unit will generate a letter of verification acknowledging receipt of the documents to the court.

- Upon receipt, Document Management will scan the documents into Content Manager for future retrieval and remit the \$50 fee to Finance.
- The information in the expungement package shall not be used for any purpose other than storage and retrieval of the documents.
- The expungement will **not** be used to update the driving record (LS00).