



## Louisiana Department of Public Safety Office of Motor Vehicles 2-7.00 Hearing and Petitions

Revised: 09/17/2025

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### Purpose

This policy discusses [temporary restraining or stay orders](#), [eligibility of hearings and hardship by statutes and driver's license class](#), [petitions filed against the Department](#), and [administrative hearings](#).

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### Definitions

- **[Administrative Hearing](#)** - An unbiased proceeding conducted by an Administrative Law Judge under the Division of Administrative Law to review a proposed suspension and/or revocation by the Office of Motor Vehicles.
  - **[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 the Office of Motor Vehicles to recall a suspensive action.
  - **[Petition for Restricted Hardship License](#)** - A legal suit filed against the Department requesting the court to order the Office of Motor Vehicles to issue a restricted hardship license to a suspended driver who is administratively ineligible.
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### Temporary Restraining or Stay Order – Issuance of Temporary License

#### Authority:

[R.S. 49:964\(C\)](#)

To view Louisiana Statutes: <http://www.legis.state.la.us/>

#### General:

- 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 on 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.
- **Note: No suspension period will be considered served while the 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.**

## Eligibility of Hearings and Hardship by Statutes and Driver's License Class

### Authority:

Louisiana Revised Statutes as listed in chart below.

To view Louisiana Statutes: <http://www.legis.state.la.us/>

### Eligibility:

- Administrative hearing and/or hardship licenses are allowed by statute only on certain violations.

### Requirements:

- The following chart should be used to determine basic eligibility for administrative hearings, departmental hardships, court ordered hardships, and interlock device hardships.

Statute	Violation	Admin. Hearing	Dept. Hardship	Court Hardship	Interlock Hardship
32:414A(1)	DWI 1st Offense	No	No	Yes	Yes
32:414B(2)	DWI 2nd Offense	No	No	Yes	Yes
32:414D(1)	DWI 3rd or Subsequent Offense	No	No	Yes	Yes
32:414(A)(1)(C)	DWI 1st, Bac .20+	No	Yes, after 1st year of suspension.	Yes	Yes
32:415.1	Violation of Hardship License DWI/DUS	No	No	Yes	Yes
32:414(A)(1)(C)	DWI 2nd, Bac .20+	No	Yes, after 3 years of suspension.	Yes	Yes
32:414A(1)	Veh. Neg. Injury 1st Offense	No	Yes	Yes	Yes
32:414B(2)	Veh. Neg. Injury 2nd Offense	No	No	Yes	Yes
32:414D(1)	Veh. Neg. Injury 3rd + Offense	No	No	Yes	Yes
32:415	Violation of Revocation (DUS) suspended as a result of unpaid traffic violations	No	Yes	Yes	No

Statute	Violation	Admin. Hearing	Dept. Hardship	Court Hardship	Interlock Hardship
32:415	Violation of Revocation (DUS) Alcohol Related	No	No	Yes	Yes
32:414B(1)	Manslaughter	No	No	Yes	No
32:414B(3)	Felony	No	No	Yes	No
32:414B(1)	Negligent Homicide	No	No	Yes	No
32:414B(4)	Failure to Stop Render Aid	No	No	Yes	No
32:414A(2)	Failure Stop School Bus 1st	No	Yes	Yes	No
32:414A(2)	Failure Stop School Bus 2nd +	No	No	Yes	No
32:414C & 414.1	Unlawful Use Driver's License	No	Yes	Yes	No
32:414C & 414.1	Unlawful Use Driver's License 2nd +	No	No	Yes	No
32:414	By Order of Department	No	No	Yes	No
32:414B(5)	3 Charges of Reckless Driving	No	No	Yes	No
32:414E(2)	Negligent Injury	No	No	Yes	No
32:414B(1)	Vehicular Homicide	No	No	Yes	No
32:393 Chapter 1	Written Promise	No	No	No	No
32:1441 Chapter 1	OOS Affidavits	Yes	No	No	No
32:414E(8)	Medical Reason	No	No	Yes	No

32:424	Fail Standards/ Safe Driver	No	No	No	No
32:430	Denial Driving Privileges Youth	No	No	Yes	No
32:430	Denial Driving Privileges Over 18 Yrs	No	No	Yes	No
32:407	Cancel Request by Parents	No	No	No	No
32:668	Refusal 1st Offense	Yes	Yes	Yes	Yes
32:668	Refusal 2nd Offense	Yes	No	Yes	Yes
32:668	Refusal 3rd +	Yes	No	Yes	Yes
32:668	Refusal Fatal/ Serious Injury	Yes	No	No	No
32:668	Submit 1st	Yes	Yes	Yes	Yes
32:668	Submit 2nd +	Yes	No	Yes	Yes
32:668	Submit 3rd +	Yes	No	Yes	Yes
32:667(B)(1)(c)	Submit 1st, Bac .20+	Yes	No	No	Yes
32:668	Violation of Hardship License Sub/Ref	No	No	Yes	No
32:667(B)(1)(c)	Submit 2nd, Bac .20+	Yes	No	No	Yes
32:414M(1)	Improper CDL 1st	No	No	Yes	No
32:414M(1)	Improper CDL 2nd	No	No	Yes	No
32:414M(1)	Improper CDL 3rd	No	No	Yes	No
32:861	Cancellation of Insurance	Yes	No	No	No
32:863.1	Notice of Violation	Yes	No	No	No
32:414	Failure to Pay Income Tax Suspension	No	Yes	Yes	No
32:871	Accidents	Yes	No	No	No
32:415.3	Ex-Offender/ Provisional License	No	Yes	Yes	No

Commercial Vehicles					
Statute	Violation	Admin. Hearing	Dept. Hardship	Court Ordered Hardship	Interlock Hardship
32:414.2	Submit 04+	Yes	No	No	No
32:414.2	Refusal	Yes	No	No	No
32:414.2A (4)	DWI	No	No	No	No
32:414.2S (3)	DWI Hazardous Materials	No	No	No	No
32:414.2A (4)	Leaving the Scene	No	No	No	No
32:414.2(3)	Felony	No	No	No	No
32:414(3)	Leaving Scene/Haz. Material	No	No	No	No
32:414.2(3)	Felony/Haz. Material	No	No	No	No
32:414.2A (5)	Felony/Dist. of Control Subst.	No	No	No	No
32:414.2A (5)	Serious Viol. 2 W/I 3 Yrs.	No	No	No	No
32:414.2A (5)	Serious Viol. 3 W/I 3 Yrs.	No	No	No	No
32:414.2b (2a,b)	Out of Service Viol 1st	No	No	No	No
32:414.2b (2a, b)	Out of Service Viol 2nd	No	No	No	No
32:414.2b (2a, b)	Out of Service Viol 3rd +	No	No	No	No

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## Petitions Filed Against the Department

### Authority:

[R.S. 32:415.1](#)

To view Louisiana Statutes: <http://www.legis.state.la.us/>

### Requirements:

- The court filed petition must be served to the Department's Office of Legal Affairs.
- **Note: The petition must have been filed in the parish where the driver resides.**

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## Administrative Hearing

### Authority:

[R.S. 32:1441](#)

[R.S. 32:668](#)

[R.S. 32:863 D\(1\)](#)

To view Louisiana Statutes: <http://www.legis.state.la.us/>

### General:

- **Timely Hearing Request** - A request for an Administrative hearing must be mailed within the time frame set by statute.
  - The official US post mark is the date used to determine the timeliness of a request for a hearing.
  - If the request is hand delivered, the date that the request was received by the Department will be used.
  - 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 a hearing.
  - The time frame 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.
- **Note:** An extended temporary driving permit will be issued to a driver if the hearing request is received timely and a valid 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.
- **Departmental Suspensions and Revocations** - An individual may request a hearing on the following departmental suspensions and revocations only:
  - **Refusal/Submit**
    - Arrest date prior to 06/18/13 - 15 days from date of arrest.
    - Arrest date on or after 06/18/13 - 30 days from date of arrest.
  - **Out-of-State Affidavits, School Rule Infractions, Insurance Cancellations, Notices of Violations and Accidents**
    - 30 days from the date of Official Notice.
  - **Refusal/Submits**

- 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 the driver refused to submit to the chemical test, etc.
- **Out-of-State Affidavits**
  - The scope of the hearing for an Out-of-State Affidavit is to determine any defense a driver may have to oppose the imposition of the suspension.
- **School Rule Infractions (Driving Is a Privilege)**
  - The scope of the hearing is to determine if the provisions of the law have been met.
- **Insurance Cancellations**
  - The scope of the hearing for 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.
- **Notices 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. The scope of the hearing is limited to a review of the issue of whether the vehicle was covered by a valid liability insurance policy at the time of violation.
- **Accidents**
  - The scope of a hearing for 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.
- **Evidence Introduced at Hearing** - As part of the hearing proceedings copies of the documentation introduced into evidence at the hearing is provided free of charge to the plaintiff or his attorney when a request for discovery or a request for production of documents is received.
- **Hearing Decisions** - Upon completion of the hearing, the Division of Administrative Law will provide the Office of Motor Vehicles with a copy of the hearing decision.
- **Rehearing** - A request for a rehearing must be sent to both the Office of Motor Vehicles and the Division of Administrative Law.
- **Appeals** - 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.