



Louisiana Department of Public Safety  
Office of Motor Vehicles  
**Policy 60.00 Administrative Hearing**

**Section:** 2. Driver's License Laws

**Effective Date:** 02/04/2000

**Revised Date:** 10/01/2013

**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/>

**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.

**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.