



Louisiana Department of Public Safety  
Office of Motor Vehicles  
**Policy 34.00 Habitual Offender R.S. 32:1472 A, B, C Act  
621**

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

**Effective Date:** 07/01/1986

**Revised Date:** 07/01/1988

**Definition:**

- A **Habitual Offender** is any person, resident or non-resident, whose record shows that such person has accumulated the conviction for separate and distinct offenses committed as indicated below, provided no more than one offense shall be committed within a 12-hour period.

**General:**

- The individual's driving privileges will be suspended for a period of 3 years, if adjudicated. The offenses are described as follows:
  - Three or more convictions singularly or in combination of any of the following separate and distinct offenses arising out of separate acts, committed during a 5-year period shall constitute grounds for certification to the Legal (Administrative Hearing) Section.
    - Manslaughter, Negligent Homicide, or Vehicular Homicide resulting from the operation of a motor vehicle.
    - Operating or attempting to operate a motor vehicle while under the influence of intoxicating liquor or drugs.
    - Driving a motor vehicle while the operator's license is under suspension.
    - False swearing in any manner or thing required under the Motor Vehicle Law.
    - Failure to stop and render aid at the time of an accident.
    - Felony involving the use of a motor vehicle.
    - Hit and Run. **\*\***(NOTE: Only if damage to an attended or unattended vehicle exceeds \$200.00)
  - Ten or more convictions of separate and distinct offenses, committed during a 3-year period, involving violations singularly, or in combination, in the operation of a motor vehicle which are required to be reported to the department, constitutes grounds for certification to the Legal Section. Passage of Senate Bill 668 in 1983 Legislative Session changed the time period for the 10 or more from 5 years to 3 years.
- **\*Time Limitation** (R.S. 32:1474) - Act 398 establishes a time limit of one year from the last conviction to serve personal notice and adjudicate an individual as a Habitual Offender.
- **\*Safety Enforcement** must serve a personal notice (Show Cause Notice) on the individual. If the individual could not be located, that is so noted on the Show Cause Notice. Since the Department could not locate or if we cannot re-locate the individual within one year from the last conviction, he/she CANNOT be declared a Habitual

Offender. However, if the notice is served and the individual fails to appear at the hearing, Legal (Administrative Hearing) Section may adjudicate the individual as a Habitual Offender.

- **Note:** Convictions in which the court invoked ARTICLE 894 cannot be considered and counted to qualify an individual as a Habitual Offender.
- The computer is programmed to evaluate each driving record at the time a conviction is added to determine whether the record should be certified as a possible Habitual Offender. Each conviction listed by violation is assessed as minor or major offense. Those in the major category are evaluated for five (5) years from the date of offense; those in the minor category are evaluated for three (3) years from the date of offense. Attached is a listing utilized by Data to "kick-out" the driving records of those individuals who qualify as Habitual Offender.
- If the record reflects either three (3) major/mandatory or ten (10) minor convictions or ten (10) combination major/minor convictions during the appropriate period, the Habitual Offender Certification letter, Show Cause letter, and all Judgment forms are forwarded to the Legal Assistance Unit from the Data Center.
- **Legal Assistance Unit**
  - Upon receipt of the proper documents from Data, all information is verified on the forms against the information on the driving record. \*All Habitual Offender records, whether it is three (3) mandatory offenses within five (5) years or ten (10) minor offenses within three (3) years, will be processed in compliance with the new time limitations. However, if a driving record indicates that date of the last conviction is three (3) months from being one-year-old, Legal Assistance will not process it. Until a possible Data program change is made, a TEXT will be built on the DMB to indicate the reason we did not process the file. This conviction will be counted if another conviction brings the driving record under R.S. 32:1472.
- **Records Unit**
  - Information is sent to Records for cases. If no active case, Record operator makes this notation on print-out of driving record. Only accident cases which are pending or suspended are to be pulled, unless otherwise indicated by the Legal Assistance Unit. If any material comes in on these cases which are still charged out, place material in out folder with charge card.
  - DO NOT WRITE on Habitual Offender forms or on the driving record when attached to the Habitual Offender forms.
- **Legal Assistance Unit**
  - Once all proper cases have been received, the cases are properly updated and forwarded to the Legal (Administrative Hearing) Section for possible adjudication as a Habitual Offender.
- **Returned Habitual Offender Judgments**
  - When cases are returned from the Legal (Administrative Hearing) Section they are evaluated to determine if the subject failed to appear, a suspension notice is sent advising of the pending suspension. If the subject did appear, the Administrative Law Judge presents the individual with the judgment, which serves as the official notice. The suspension period starts from the date of judgment, if the license is on file or from the date the license is surrendered. All suspension periods being served are included in the three (3) years unless another conviction is received that was not included in the certification.
- **Note:** Refusals or Submits are NOT CONVICTIONS and therefore are not considered when evaluating a record to determine habitual offender status. These suspension

periods are added on at the end of the three (3) years suspension for the Habitual Offender.

- **Expiration of a Hardship License** - Upon expiration of the hardship license, the individual must re-apply for the renewal of operator's license at the nearest Motor Vehicle office. The regular license was void upon the issuance of the hardship license. All hardship restriction flags are removed from the computer.

**Eligibility:**

- **Eligibility for Hardship**
  - The passage of Senate Bill 668 in the 1983 Legislative Session allows an individual adjudicated as a Habitual Offender for ten (10) or more minor convictions and/or any combination of ten (10) minor and major convictions within a 3-year period to file a petition in the district court of the parish in which applicant is domiciled for a hardship license.
  - The court may order that the applicant be granted a restricted license to enable the applicant to continue to support his/her family.
  - Once the judgment is received, the individual is advised to apply at the nearest Motor Vehicle office for the restricted hardship license.
  - If employment requires out-of-state driving, the restricted license will be valid during those times when out-of-state driving is necessary. (Legal opinion rendered 9/9/98).

**Methods of Compliance:**

- Surrender operator's license to serve a three (3) year mandatory suspension period with the department.
- Upon expiration of suspension period, if no restricted license was issued, \*\*\$60.00 reinstatement fee is required. However, when a Habitual Offender is eligible for reinstatement, administratively, we will not return the valid license. Subject will be required to pay the reinstatement fee and on the clearance letter will be advised to contact the nearest Motor Vehicle Office to take and pass a complete written and driving examination.

## Habitual Offender Record Qualifiers

CODE	VIOLATION	MAJOR/MINOR OFFENSE
01	DWI - 1ST OFFENSE	MAJOR
02	VIOLATION OF REVOCATION	MAJOR
03	FRAUD	MAJOR*
04	PERJURY	MAJOR*
05	FAILURE TO RENDER AID	MINOR
06	NEGLIGENT HOMICIDE	MAJOR
07	HIT AND RUN	MAJOR*
08	RECKLESS DRIVING	MINOR
09	SPEEDING	MINOR
10	FELONY	MAJOR
11	IMPROPER PASSING	MINOR
12	IMPROPER TURNING	MINOR
13	IMPROPER LANE USAGE	MINOR
14	FAILURE TO YIELD	MINOR
15	SIGN OR SIGNALS	MINOR
17	OTHER MOVING VIOLATIONS	MINOR
18	OPERATOR SIGNALS	MINOR
21	RESTRICTION VIOLATION	MINOR
23	CARELESS DRIVING	MINOR
24	NEGLIGENT INJURY	MINOR
26	DWI - 2ND OFFENSE	MAJOR
27	REFUSAL	NON-APPLICABLE
29	DWI - ACT 211 INVOKED	MAJOR
35	ALTERATION OF DRIVER'S LICENSE	MINOR
39	DWI - 3RD OFFENSE	MAJOR
40	MANSLAUGHTER	MAJOR
41	PERMITTING FRAUDULENT USE OF D/L	MINOR
42	FRAUDULENT USE OF A D/L	MINOR
49	DWI - 4TH OFFENSE, ETC.	MAJOR
50	SUBMIT	NON-APPLICABLE
51	VIOL. HABITUAL OFFENDER JUDGMENT	MAJOR
52	VEHICULAR NEGLIGENT INJURY	MINOR
53	VEHICULAR HOMICIDE	MAJOR
54	SCHOOL BUS VIOLATION	MINOR
55	PENDING BLOOD	NON-APPLICABLE
56	DWI - 894	NON-APPLICABLE

- Those in the major category are the three (3) or more major/mandatory offenses received with a five (5) year period and those in the minor category are the ten (10) or more offenses of any combination major/minor offenses committed within a three (3) year period. The suspension period is for three (3) years.
- \* Administratively, due to investigations having to be conducted, we count these offenses as minors.
- \*\* Will be forthcoming.
- \*Amended 06/15/87
- \*\* Effective 07/01/88