



Louisiana Department of Public Safety
Office of Motor Vehicles

Policy 11.09 Ignition Interlock as a Condition of Reinstatement

Section: 2. Driver's License Laws

Effective Date: 08/15/2003

Revised Date: 06/22/2021

Authority:

[R.S. 32:378.2](#)

[R.S. 32:667\(l\)](#)

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

Background:

- Effective August 15, 2003, a driver who is arrested for DWI and refuses or submits to the chemical test for intoxication, in certain instances, may be required to have an ignition interlock device installed in the vehicle that will be driven as a condition of reinstating the driving privileges or upon issuance of a restricted hardship license.
- Effective August 1, 2019, a **temporary instructional permit (TIP)** may be issued without an interlock for the purpose of driver education. The interlock must be installed prior to upgrading the license.

Definitions:

- **Alcohol Violations** - An alcohol-related offense, including Refusal, Submit, DWI (driving while intoxicated), UDUI (underage driving under the influence), Submit Underage, and/or Vehicular Negligent Injury.
- **Ignition Interlock** - An in-car alcohol breath screening device that is connected to the engine's ignition system used to prevent a vehicle from starting if it detects a blood alcohol level above a preset limit.

Requirements:

- **Refusal to Take the Chemical Test** - Certification of arrest paperwork is received from an arresting agency stating that a driver has refused to take the chemical test for intoxication.
 - If a check of the Certification of Arrest paperwork and the driving history indicates one of the following:
 - At the time of arrest there was a crash with moderate or serious bodily injury
 - At the time of arrest, there was a child in the vehicle 12 years of age or younger
 - There is a prior alcohol violation on the record with the current violation

- Then, a **Refusal** violation will be added to the record, a suspension, and/or disqualification of the driving privileges imposed, and the record will be updated to reflect that an ignition interlock device will be required upon one of the following:
 - Expiration of the suspension and reinstatement of the driving privileges
 - Issuance of a restricted hardship license
- **Refusal Arrest Prior to June 18, 2013:** Due to a Supreme Court ruling dated October 16, 2012, any Refusal Arrest date prior to June 18, 2013, with a prior alcohol violation on the record as defined above, **will not** require an interlock as a condition of reinstatement if the Refusal did not result in a DWI conviction.
- **Refusal Arrest Dated June 18, 2013 or After:** R.S. 32:667 was amended, effective June 18, 2013, that states that any Refusal arrest dated June 18, 2013 and after, with a prior alcohol violation on the record as defined above, **will** require an interlock as a condition of reinstatement regardless of the disposition of the DWI.
- **Exception:** The Supreme Court ruling at no time affects the requirement of interlock as a condition of reinstatement if there is a crash with moderate or serious bodily injury or there is a child in the vehicle age 12 or younger.
- **Submittal to the Chemical Test for Intoxication .08 or Above** - Certification of arrest paperwork is received from an arresting agency stating that a driver has submitted to the chemical test/blood with an alcohol content of .08 or above.
 - If a check of the Certification of Arrest paperwork and the driving history indicates one of the following:
 - At the time of arrest there was a crash with moderate or serious bodily injury
 - At the time of arrest there was a child in the vehicle 12 years of age or younger
 - There is a prior alcohol violation on the record within five years (ten years effective 08/01/14) of the current violation
 - Then a **Submit** violation will be added to the record, a suspension and/or disqualification of the driving privileges imposed, and the record will be updated to reflect that an ignition interlock device will be required upon:
 - Expiration of the suspension and reinstatement of the driving privileges
 - Issuance of a restricted hardship license
 - **Submit Arrest Prior to June 18, 2013:** Due to a Supreme Court ruling dated October 16, 2012, any Submit Arrest date prior to June 18, 2013, with a prior alcohol violation on the record as defined above, within five years, **will not** require an interlock as a condition of reinstatement if the Submit did not result in a DWI conviction.
 - **Submit Arrest Dated June 18, 2013 or After** - R.S. 32:667 was amended effective June 18, 2013 to state that any Submit arrest dated June 18, 2013 and after, with a prior alcohol violation on the record as defined above, within five years (ten years effective 08/01/14), **will** require an interlock as a condition of reinstatement regardless of the disposition of the DWI.
 - **Exception** - The Supreme Court ruling at no time affects the requirement of interlock as a condition of reinstatement if there is a crash with moderate or serious bodily injury or there is a child in the vehicle age 12 or younger.
- **Length of Time Required for an Interlock Device**
 - The **length of time** an interlock is required is mandated by law and cannot be reduced by delaying the installation.
 - The ignition interlock device must remain installed in the driver's vehicle(s) for the same length of time as the mandatory suspension period of the Refusal/ Submit that is being reinstated, or at least 180 days, whichever is greater.

- **Interlock Installation**
 - Only [approved interlock manufacturers](#) may install and/or uninstall interlock devices.
 - The ignition interlock device must be installed in all vehicles the driver will be operating, prior to reinstatement of the driving privileges.
- **Interlock Lease Agreement** - The lease agreement and the installation invoice must be submitted as proof that the interlock device has been installed in the driver's vehicle(s).
- **Condition of Reinstatement**
 - Effective June 18, 2013, the court disposition of the DWI for the Refusal or Submit does not affect the requirement for interlock as a condition of reinstatement.
 - Interlock as a condition of reinstatement is not required when the Refusal or Submit was issued to a driver who, on the date of arrest, has an out of state driver's license.
 - If the driving privileges have been reinstated or a restricted hardship license issued with interlock as a condition of reinstatement, removing the interlock prior to the expiration date of this requirement does carry a penalty. Penalties for early removal are outlined in Section 2, [Policy 11.10 Violation Of Interlock Requirements - Condition Of Reinstatement](#).

Exemptions:

- There are no provisions in the statute to exempt or waive the interlock requirement for any reason. This includes medical conditions.

Related Policies:

Section 2, [Policy 11.00 Submit - Refusal](#)

Section 2, [Policy 11.10 Violation Of Interlock Requirements - Condition Of Reinstatement](#)

Section 2, [Policy 30.00 Hardship License Requirements](#)