



# **Your Essential Guide to Protecting Your Driver's License After a **DWI Arrest** in Louisiana**

# Why the 30-Day Rule Matters

**The very first thing to know is this:** you only have 30 days from the date of your arrest to take action. If you don't act within that window, your driver's license may be automatically suspended, even if your criminal case hasn't yet gone to court.

This 30-day countdown begins the moment you're arrested. Within that time, you have the opportunity to request an administrative hearing through the Louisiana Office of Motor Vehicles (OMV) to challenge your license suspension.

Taking action quickly not only protects your right to drive, but also helps you avoid a snowball effect of missed work, increased insurance rates, and mounting legal stress.



**Pro Tip:** Apply for a duplicate license as soon as possible after your arrest. If your original license ends up suspended, having a duplicate can help you avoid long delays and complications.

# How to Request an OMV Hearing Within 30 Days

Challenging your license suspension begins with requesting an administrative hearing. This process is not automatic, so it's important to act intentionally and promptly.

To start, you must send a written request to the OMV, include proof of payment for the hearing fee, and deliver the request by certified mail, fax, or in person. Without this step, your license will likely be suspended by default.

The hearing itself is your first opportunity to contest the suspension. It gives you a chance to raise legal arguments and point out possible errors, such as a faulty breathalyzer reading or improper conduct during your arrest. This is where attention to detail matters.

A carefully prepared hearing request lays the foundation for defending your license. A qualified attorney can help ensure the process is handled correctly and thoroughly.



# What to Expect at the Administrative Hearing

At the hearing, the OMV must prove **several key facts** about your arrest:

- ☒ That the arresting officer had reasonable cause to believe you were driving while impaired
- ☒ That you were properly informed of your rights
- ☒ That you either refused chemical testing or failed a breath or blood test

If the state is unable to prove any of these elements, your license may not be suspended.

This is where strong legal representation can make a meaningful difference. A knowledgeable defense team can subpoena witnesses, question law enforcement, and identify any procedural mistakes that may lead to your driving privileges being restored.

**At Crescent City Law, we've successfully handled hundreds of administrative hearings and know how to spot the flaws that can shift a case in your favor.**



# How to Appeal a Denied Hearing Decision

Even if your hearing outcome isn't favorable, you still have options. You have the right to appeal the decision to a Louisiana district court, **but you must file the appeal within 30 days of the OMV's ruling.**

In many cases, **you may be allowed to continue driving while your appeal is pending.** This can make all the difference when it comes to keeping your job, attending school, or maintaining family responsibilities.

**Having legal guidance during this stage is essential for:**

1. Meeting deadlines
2. Preparing arguments, and
3. Navigating the court process

# What Commercial Drivers (CDL Holders) Should Know

For commercial drivers, the consequences of a DUI arrest can be even more severe. Federal regulations impose additional restrictions that make it harder to defend your license.

For example, anti-masking laws prohibit CDL holders from using plea bargains or diversion programs to reduce or hide a conviction. Additionally, a DUI arrest can result in immediate disqualification from holding a CDL, even if your case hasn't yet gone to court.

Losing your CDL can mean losing your entire livelihood. If you drive for a living, taking immediate action is not just important, it's essential.

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**At Crescent City Law, we recognize the added pressure you face and take steps to help you protect your career from the start.**

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# Aggressive Representation, Real Results

It's not uncommon to base arrests on incorrect procedures, malfunctioning equipment, or gaps in the evidence. We've handled cases where license suspensions were overturned because of missed deadlines, poor documentation, or unlawful stops.

The key is catching these issues early and presenting them clearly. Our firm has seen firsthand how timely intervention can change the course of a case, and restore our clients' ability to move forward without long-term damage.

## We can help you:

- Protect your driver's license
- Appear in court on your behalf
- Avoid high insurance costs and hidden fees
- Reduce the long-term impact of a criminal charge

You don't have to go through this alone.  
Let Crescent City Law help you move forward  
with clarity, confidence, and support.