

Introduction to the 2025 Edition

Louisiana DWI is a comprehensive treatise on the Louisiana DWI laws. This book is intended to serve as a treatise, presenting a broad overview of the DWI laws in Louisiana. The main objective of this text is to serve as a guide to the prosecutors, defense attorneys, judges, and law students who must apply and interpret Louisiana DWI laws, with the purpose of providing practitioners with a clear understanding of the civil and criminal processes in DWI cases and their implications. More specifically, this book provides an analysis and discussion of the wide variety of Louisiana DWI statutes and regulations. It is not designed to favor the prosecution or the defense in DWI cases, but to provide a resource that both sides can reference for information in DWI cases.

This 2025 Edition of Louisiana DWI reflects the latest statutory and administrative revisions, regulations, and caselaw developments in Louisiana's DWI laws.

What's new in the 2025 Edition?

- Chapter 1 adds new changes to the basic DWI statute, La. R.S. 14:98, where the term "impaired" is substituted for the term "intoxicated" and "under the influence of." As a result, this statute is entitled "Operating a vehicle while impaired." Another amendment to La. R.S. 14:98 repealed Subsection (A)(1)(d)(1) which contained language relative to being "under the influence of a combination of alcohol and one or more drugs that are not controlled dangerous substances and that are legally obtainable with or without a prescription." This repealed provision is now covered by La. R.S. 14:98(A)(3) which defines drug as "any substance or combination of substances that, when taken into the human body, can impair the ability of the person to operate a vehicle safely."

Still another change to La. R.S. 14:98 repealed Subsection (A)(1)(d)(ii) which allowed an affirmative defense to any DWI charge that a combination of alcohol and one or more drugs that are not controlled dangerous substances and that are legally obtainable with or without a prescription. Subsection A(1)(e)(i) of La. R.S. 14:98 was also repealed. This subsection made it a DWI offense when the operator is under the influence of one or more drugs that are not controlled dangerous substances and that are legally obtainable with or without a prescription. This repealed provision is now addressed by La. R.S. 14:98(A)(3) mentioned above.

Subsection (A)(1)(e)(ii) was also appealed. This paragraph allowed an affirmative defense to any charge under Subparagraph (A)(1) of La. R.S. 14:98 when the operator did not knowingly consume quantities of the drug or drugs that substantially exceed the dosage prescribed by the physician or the dosage recommended by the manufacturer of the drug.

- A case in Chapter 2, which discusses Louisiana’s Implied Consent Laws, states that, in a prosecution for DWI, fourth offense, the fact that a defendant stipulated to three predicate DWI offenses at trial does not prevent the defendant from arguing on appeal that he was not adequately advised of his Boykin rights at the time of the predicate guilty pleas. The following language was added to several statutes in Chapter 2: “any drug, combination or drugs” to replace the language “abused substance or controlled dangerous substance as set forth in R.S. 40:964.” The term drug is now defined as any substance or combination of substances that, when taken into the human body, may impair the ability of the person to operate a vehicle safely. The amended statutes are La. R.S. 32:661, 32:661.1, 32:661.2, 32:664; 32:665, 32:667.1, and 32:668. Another case in Chapter 2 discusses the fact that a de minimis omission by the arresting officer by failing to read the entirety of rights form does not warrant suppression of the defendant’s breath test machine results. Chapter 2 also contains updated statistics from the Louisiana Division of Administrative Law (DAL) on the number of administrative hearings that were won and lost by motorists whose licenses were suspended by the Department of Public Safety and Corrections.
- In Chapter 3, La. R.S. 32:414(N)(1) was amended to allow the Department of Public Safety and corrections to suspend a motorist’s license if the motorist pays taxes or fees to a public license tag agent contracted with and acting on behalf of the office of motor vehicles and the fee, whether paid by check or by electronic means, was not honored by the financial institution and the motorist fails to repay the tax or fee within thirty days of the date that notice of suspension is mailed to the motorist by the Department. Another amendment to this Subsection eliminated the provision that prevented a hardship license from being issued when a motorist’s driving and motor vehicle registration privileges have been suspended on the provision of this Subsection.
- Chapter 4 contains amendments to the vehicular homicide statute, La. R.S. 14:32.1, similar to those in Chapter 1, pertaining to the basic DWI statute, La. R.S. 14:98 where the term “impaired” is substituted for the term “intoxicated” and “under the influence of.” Cases in Chapter 4 discuss how the intoxication of motorists were contributing factors

to the victims' deaths in two vehicular homicide prosecutions. Another case in this chapter discussed why a case had to be remanded for resentencing because of an indeterminate sentence. A different case discussed an illegally lenient sentence.

- Chapter 6 contains a case that discusses how the Fourth Amendment was not violated as a result of a blood draw at a hospital because the motorist was voluntarily transported to the hospital by ambulance after the vehicle crash and the blood draw was requested by the hospital personnel, not the investigating officer.

Thank you for subscribing to Louisiana DWI. I work diligently each year to make the publication the most important resource available on this topic, and I hope that you will find it a valuable tool in your practice or study of Louisiana DWI law.

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