

LOUISIANA DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS
OFFICE OF STATE POLICE
ARRESTEE'S RIGHTS FORM
RIGHTS RELATING TO THE CHEMICAL TEST FOR INTOXICATION

You are under arrest by a law enforcement officer who has reasonable grounds to believe that you were operating a vehicle or watercraft while intoxicated or you were involved in a violation wherein a fatality or a person has sustained serious bodily injury and the officer has probable cause to believe you were operating a vehicle while intoxicated. The law now requires you to submit to a chemical test or tests to determine the alcoholic content and/or presence of any abused or illegal controlled dangerous substance in your blood, breath, urine or other bodily substance.

These are the law enforcement officers involved in the traffic stop, detention, investigation, and arrest:

Name _____	Badge # _____	Agency _____	Name _____	Badge # _____	Agency _____
Name _____	Badge # _____	Agency _____	Name _____	Badge # _____	Agency _____

- A. These are the CONSEQUENCES OF REFUSAL TO SUBMIT TO THE CHEMICAL TEST. YOU HAVE THE RIGHT TO REFUSE THE CHEMICAL TEST IF YOU WERE NOT INVOLVED IN A CRASH WHERE A FATALITY OR SERIOUS BODILY INJURY OCCURRED:
- Your driving privileges shall be suspended for a period of one year if this is your first refusal, or a period of two years if this is your second or subsequent refusal within a ten year period.
 - If you have refused to submit to the chemical test on two previous and separate occasions, a refusal to this test is a crime under the provisions of R.S.14:98.7 and the penalties are the same as the penalties for first conviction of driving while intoxicated. For purposes of this provision, a chemical test shall not include a blood test.
 - Evidence of your refusal to submit to the chemical test will be used against you in court.

[READ IF APPLICABLE] FATALITY/SERIOUS BODILY INJURY

If a traffic fatality has occurred or a person has been seriously injured you may not refuse the chemical test. Refusal to submit to the chemical test in any case wherein a traffic fatality has occurred or a person has sustained serious bodily injury as a result of a crash, your driving privileges shall be suspended for one year without benefit of eligibility for a hardship, in the event that a fatality occurred or a person has sustained serious bodily injury as a result of an accident and the person's intoxication is determined by a trier of fact to be the contributing factor of the fatality or serious bodily injury. Anyone who refuses to submit to the test shall be fined not less than three hundred dollars and not more than one thousand dollars and imprisoned for not less than ten days and not more than six months. For purposes of this provision, a chemical test shall not include a blood test.

- B. These are the CONSEQUENCES IF THE TEST IS CONDUCTED and the results indicated a blood alcohol concentration of .08 percent or above by weight of alcohol in the blood.
- The results of the test will be used against you at your trial and will be conclusive evidence that you are intoxicated.
 - Your driving privileges shall be suspended for a period of 90 days if this is your first submission to a test, or one year if this is your second or subsequent submission to a test within the past five years.
 - If you submit to the chemical test and the results indicate a blood alcohol concentration of .15 percent or above by weight of alcohol in the blood you will be required to serve at least 48 hours of the sentence imposed upon first conviction and 96 hours on the second conviction.
 - If you submit to the chemical test and the results indicate a blood alcohol concentration of .20 percent or more your driver's license shall be suspended two years for the first offense or four years for the second.

[READ IF APPLICABLE] PERSONS UNDER THE AGE OF 21

These are the CONSEQUENCES IF THE TEST IS CONDUCTED and the results indicated a blood alcohol concentration of .02 percent or above but less than .20 percent by weight of alcohol in the blood.

- The result will be used against you at your trial and will be used as evidence that you are intoxicated.
- Your driving privileges shall be suspended for a period of 180 days if this is your first or subsequent submission to a test.

[READ IF APPLICABLE] IF YOU WERE OPERATING A COMMERCIAL MOTOR VEHICLE OR HAVE A CLASS A, B, OR C COMMERCIAL DRIVER'S LICENSE

In addition to the above applicable sections, these are the CONSEQUENCES IF YOU WERE OPERATING A COMMERCIAL OR NON-COMMERCIAL VEHICLE.

- Your Commercial Driver's License shall be disqualified for 1 year if, for the first time reported on your driving record, you refuse the test, or submit to the test and the results indicate a blood alcohol concentration of .04 percent or above by weight of alcohol in the blood while operating a commercial motor vehicle or .08 percent or above while operating a non-commercial vehicle.
- If the vehicle you were operating was transporting any hazardous materials as defined by law, your Commercial Driver's license shall be disqualified for 3 years if you refuse the test or submit to the test, and the results indicate a blood alcohol concentration of .04 percent or above by weight of alcohol in the blood.
- Your Commercial Drivers License shall be disqualified for life if for the second time reported on your driving record if you were operating a commercial motor vehicle, you refuse the test, or submit to the test and the results indicate a blood alcohol concentration of .04 percent or above by weight of alcohol in the blood while operating a commercial motor vehicle or .08 percent or above while operating a non-commercial vehicle.
- If you refuse to submit to an approved chemical test or tests for intoxication while operating a commercial or non-commercial motor vehicle upon the public highways of this state while under the influence of either alcoholic beverages or any abused substance or controlled dangerous substance as set forth in R.S. 40:964, or you are convicted of driving under the influence of either alcoholic beverages or any abused substance or controlled dangerous substance as set forth in R.S. 40:964, your "S" endorsement for the operation of a school bus shall be suspended for a period of 10 years.

C. You have the OPTION OF AN ADDITIONAL TEST. You will be allowed to call a physician or other qualified person of your choice to give you an additional test at your own expense, if you so desire.

D. These are your CONSTITUTIONAL RIGHTS:

- You have the right to remain silent: anything you say may be used against you in a court of law.
- You have the right not to incriminate yourself; and you have the right to stop answering any questions at any time you desire.
- You have the right to the assistance of counsel and the right to consult an attorney before answering any questions.
- You have the right to have an attorney present during any questioning or the giving of any statement.
- If you cannot afford an attorney, the court will appoint an attorney to represent you.

NOTE: IF YOU REFUSE THE TEST UNTIL YOU CAN CONSULT AN ATTORNEY, YOUR DRIVER'S LICENSE WILL STILL BE SUSPENDED.

DATE _____ TIME _____ LOCATION _____

ARRESTEE'S SIGNATURE _____

I am under arrest and have been advised of all the above rights and consequences that affect my driving privileges.

ARRESTED PERSON _____

WITNESSES _____

ARRESTING OFFICER(S) _____

CERTIFICATION OF REFUSAL TO SIGN. I hereby certify that the arrested person _____ was advised of all of the above information, and did not sign for the following reason: REFUSED UNABLE

SIGNATURE OF ARRESTING OFFICER(S)

The law enforcement officer may ask you to submit to more than one chemical test. If you refuse to submit to any test, your driver's license will still be suspended.

Instructions to submit to chemical test: You are NOW instructed to submit to the chemical test or tests prescribed by law.