



State:

Louisiana

Statute/Law:

Section 14:98: *Operating a vehicle while intoxicated.*

Per Se Law?:

No

Statute/Law Language:

A.(1) The crime of operating a vehicle while intoxicated is the operating of any motor vehicle, aircraft, watercraft, vessel, or other means of conveyance when:

- (a) The operator is under the influence of alcoholic beverages; or
- (b) The operator's blood alcohol concentration is 0.08 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood; or
- (c) The operator is under the influence of any controlled dangerous substance listed in Schedule I, II, III, IV, or V as set forth in R.S. 40:964; or
- (d)(i) The operator is under the influence of a combination of alcohol and one or more drugs which are not controlled dangerous substances and which are legally obtainable with or without a prescription.

Penalties Following Conviction:

On a first conviction, the offender shall be fined \$300-\$1000, and shall be imprisoned for 10 days-six months.

On a second conviction, the offender shall be fined \$700-\$1000, and shall be imprisoned for 30 days-6 months.

On a third conviction, the offender shall be imprisoned with or without hard labor for 1-5years and shall be fined \$200.

Discretionary Court-Ordered Penalties:

The court may order a combination of probation, community service and participation in a substance abuse and driver improvement programs in lieu of the mandatory sentences. Home incarceration, electric monitoring, or curfews may also be ordered.





For more information:

<http://www.legis.state.la.us/lss/lss.asp?doc=78751>

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