

LOUISIANA COURT OF APPEAL, THIRD CIRCUIT

Joseph G. Richard v. State of Louisiana, Department of Public Safety
& Corrections, Office of Motor Vehicles

No. 25-689 (La. App. 3 Cir. June 3, 2026) · No. 25-689 · Decided June 3, 2026

SUMMARY

The Louisiana Court of Appeal, Third Circuit, affirmed a district court judgment reinstating Joseph G. Richard’s driver’s license and rescinding a proposed suspension based on his refusal to submit to chemical testing after a DWI arrest. The court held that Louisiana Revised Statutes § 32:667(H)(1)(a) required immediate reinstatement after the prosecutor permanently refused to charge Richard, and that no ignition-interlock requirement applied because the proposed suspension never became effective. Judge Pickett dissented, reasoning that the statute concerned reinstatement fees and did not invalidate the underlying administrative suspension.

CASE DETAILS

COURT	Louisiana Court of Appeal, Third Circuit
WRITING FOR THE COURT	Shannon J. Gremillion; Elizabeth A. Pickett; Sharon Darville Wilson
JURISDICTION	Louisiana Court of Appeal, Third Circuit
DECIDED	June 3, 2026
DOCKET	25-689
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Office of Motor Vehicles appealed the district court's judgment reversing an administrative hearing officer's suspension of Richard's Class E driver's license and ordering reinstatement without an ignition-interlock requirement.
STANDARD OF REVIEW	Findings of fact are reviewed for manifest error, while questions of law are reviewed de novo. Because the operative facts were undisputed and the appeal presented statutory-interpretation issues, the court reviewed the matter de novo.
PRECEDENTIAL VALUE	Unpublished; precedential status not stated in the source
PARTIES	State of Louisiana, Department of Public Safety & Corrections, Office of Motor Vehicles v. Joseph G. Richard

TOPICS

judicial review of agency action

administrative law

statutory interpretation

standard of review

appellate procedure

PRACTICE AREAS

administrative law

driver's license suspension

statutory interpretation

appellate procedure

QUESTIONS PRESENTED

1. Whether La. R.S. 32:667(H)(1)(a) required immediate reinstatement of Richard's driver's license after the district attorney permanently refused to prosecute the DWI charge.
2. Whether Richard was required to install an ignition interlock device under La. R.S. 32:667(I)(1)(a) when the proposed suspension was reversed before it took effect.

HOLDINGS

1. La. R.S. 32:667(H)(1)(a) requires immediate reinstatement of a driver's license when the criminal charge connected to the seizure or proposed suspension has been permanently refused by the prosecutor, even though the driver refused chemical testing.
2. La. R.S. 32:667(I)(1)(a) does not require installation of an ignition interlock device when the proposed license suspension is recalled before it becomes effective, because the statute applies to a person whose license has actually been suspended in accordance with law.

KEY QUOTATIONS

“Because the proposed suspension was recalled, Richard’s license was never suspended.” (10)

“Accordingly, because Richard’s license was not suspended, the installation of an ignition interlock device is not required.” (10)

“Given that Richard’s license was never suspended there can be no reinstatement or conditions for reinstatement.” (10)

FACTUAL BACKGROUND

Trooper Austen Wright stopped Joseph Richard after observing substantial speeding and several other traffic violations. Wright observed signs of intoxication, arrested Richard for operating a vehicle while intoxicated, and seized his driver's license after Richard refused an Intoxilyzer 9000 test. The district attorney later permanently refused to prosecute the DWI charge.

PROCEDURAL HISTORY

After Richard refused a chemical test following his DWI arrest, OMV seized his license and proposed a suspension. The administrative hearing officer upheld the suspension, but the district court conducted de novo judicial review, stayed the suspension, and reversed because the prosecutor had permanently refused the DWI

charge. The district court also ruled that Richard was not required to install an ignition interlock device. The court of appeal affirmed.

DISPOSITION

affirmed

CASES CITED

- Roland v. Louisiana Department of Public Safety & Corrections, 408 So. 3d 926 (La. 2025)
- Clark v. Louisiana Department of Public Safety, 139 So. 3d 635 (La. App. 3 Cir. 2014)
- Brooks v. Louisiana Department of Public Safety & Corrections, 66 So. 3d 1236 (La. App. 3 Cir. 2011), writ denied, 75 So. 3d 948 (La. 2011)
- In re Lafleur, 129 So. 3d 540 (La. App. 3 Cir. 2013)
- Nunnally v. State of Louisiana, Department of Public Safety and Corrections, 663 So. 2d 254 (La. App. 3 Cir. 1995)
- Perrodin v. Department of Public Safety & Corrections, 741 So. 2d 809 (La. App. 3 Cir. 1999)
- Murphy v. Department of Public Safety, 640 So. 2d 546 (La. App. 3 Cir. 1994)
- Sultana Corp. v. Jewelers Mutual Insurance Co., 860 So. 2d 1112 (La. 2003)

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