

**STOP
DWI** New
York

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Re-licensing DWI Offenders

Questions and Answers

Q: Define License Revocation:

A: REVOCATION means your license or privilege to drive is cancelled. To drive again you must get a new license. You must re-apply to the DMV once the revocation period is over. Part 136 of the Motor Vehicle Commissioner's Regulations provides that a bad driving record or refusal to meet DMV requirements may cause your application to be denied. Individuals applying for a new license after their license has been revoked for more than two years must take the written test, obtain a learner's permit, and pass the road test. If the license has been revoked for less than two years, the written and road tests may be waived.

Q: When does the revocation period start?

A: Revocation periods start the date of sentence or date of sentence plus 20 days if the court grants the 20-day stay. The DMV Order of Suspension or Revocation is signed and sent to DMV.

Q: What is the period of license revocation?

A: Minimum mandatory license revocation periods for DWI are 6 months for misdemeanor convictions and 12 months for felony convictions. In the case of individuals under the age of 21, the revocation for 1st offense is one year, for second offense is one year or until age 21, whichever is longer. Revocation periods listed in the DMV literature are mandatory minimum periods.

Q: Does DMV extend the revocation period for repeat DWI offenders?

A: The current policy of DMV is to require a client to serve a period equaling six months for each alcohol conviction (conviction for DWAI or DWI) if the driving record contains three or more alcohol or drug related convictions occurring within a 10 year period.

Q: Does DMV permanently revoke driver licenses?

A: Clients whose records include two DWI's that involve physical injury are permanently ineligible to have their driving privileges restored. No license will be issued where a person has been twice convicted of a violation of Driving While Intoxicated (VTL 1192.3) or of Driving While Ability is Impaired by the Use of a Drug (VTL 1192.4) where physical injury, as defined in section 10.00 of the penal law, has resulted from either offense. Permanent revocation can also occur with three alcohol incidents within four years or four incidents within eight years.

Q: When may the individual whose license has been revoked apply for a new license?

A: DWI offenders not on probation are eligible to apply for a new license after the mandatory waiting period is served. However, if the DWI client is sentenced to probation and is ordered by the court not to apply for a new license, they may not apply until (1) the condition of probation has been removed; or (2) a 'letter of no objection' from the appropriate authority has been obtained, or (3) the expiration of the probation period.

Q: What are the DMV fees required to get a license restored?

A: After some revocations, you must pay a state mandated civil penalty and various fees before your application for a new license can be accepted:

Re-application fee for a license revoked is \$100.

Re-application fee for a license suspension is \$50.

Re-application fee for no insurance or uninsured accident revocation is \$750.

Continued



Chemical Test Refusal with prior refusal or alcohol-related violation within 5 years - \$750 civil penalty.

The above license fees are collected by DMV at the time of the license re-application.

Q: Who makes the final decision in regards to the re-issue of a license?

A: In all instances, DMV issues driver licenses following the law and the DMV Commissioner's Regulations for doing so.

Q: What happens when the offender is no longer on probation?

A: It is normal practice for a probation department to issue a notice to the offender when the probation sentence has been terminated. There are usually three ways this can occur. The sentence to probation may be terminated as an early discharge with probationer behavior being satisfactory or early as the result of a revocation of the sentence for a violation of probation, or at the end of the full sentence (maximum expiration date). This written statement may be used by the offender to verify to DMV that the condition of probation "not to apply" for a license is no longer in effect.

If mandatory revocation periods have been completed, DMV will examine an application for re-licensing using law and Commissioner's Regulations.

Q: What is the Driver Responsibility Assessment?

A: A person convicted of DWI, DWAI or DWAI Drugs, or is found to have refused to submit to a chemical test, must pay a driver responsibility assessment of \$250 each year for three years to the NYS DMV.

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Q: There are occasions when the court will revoke the probation sentence of a repeat DWI offender after a violation of probation. This may result in a period of incarceration. Will DMV still deny the offender's license re-application?

A: If the probation sentence has been revoked, the individual is no longer on probation and no longer subject to conditions of probation. If mandatory revocation periods have been completed, DMV will examine an application for re-licensing using law and Commissioner's Regulations.

Probation agencies may offer information to DMV regarding the offender's behavior while on probation but DMV is under no obligation to follow recommendations made by probation in the case of an individual no longer on probation supervision.

Q: Will DMV approve evaluations from a provider not certified by NYS Office of Alcohol and Substance Abuse Services?

A: No. The evaluation must be conducted by a NYS OASAS certified program.

Probation agencies are instructed to direct repeat DWI offenders to OASAS certified treatment agencies for evaluation and treatment while on probation.

If you have information about a teen alcohol party, any adult who serves alcohol to minors or information about stores or bars that regularly sell to minors, please call:
The Sheriff's Office, Local Police Department or New York State Police

Q: Can a former probationer (whether revoked after a violation of probation or discharged) be prevented from misrepresenting his/her complete drinking history to a new evaluator or treatment agency in order to obtain a new license?

A: Beginning in 2013, all treatment providers will report treatment information electronically to DMV. Only out-of-state treatment providers will be permitted to use paper forms MV-449.

The information in this pamphlet was provided by the New York State Division of Probation and Correctional Alternative and the New York State Department of Motor Vehicles Driver Improvement Bureau.

*For the most current information please visit:
www.stopdwi.org*

Local Resources

Repeat Offenders:

For information regarding the re-licensing of offenders with multiple alcohol/drugged-driving convictions please visit:
<http://dmv.ny.gov/problem.htm>



www.stopdwi.org



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