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 Department of Motor Vehicles (DMV) once the revocation period is over. Part 136 of the Motor Vehicle Commissioner's Regulations provides that a very 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 Individuals applying for a new license after their license has been revoked for more than one year must take the written test, obtain a learners permit, and pass the road test. If the license has been revoked for less than a year the written and road test are waived.

Q When does the revocation period start?

A Revocation periods start at the date of sentence, or date of sentence plus 20 days if the court grants the 20-day stay. The Department of Motor Vehicle's Order of Suspension or Revocation is signed and sent to Motor Vehicles.

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 is for 12 months 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 Motor Vehicles 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/drug related convictions occurring within a 10 year period.

Q When may the individual whose license has been revoked apply for a new drivers license?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 Does DMV permanently revoke drivers licenses?

A Clients whose records include two DWIs with physical injury involvement are permanently ineligible to have their driving privileges restored. The law states "In no event shall a new license be issued where a person has been twice convicted of a violation of subdivision three or four of sections eleven hundred ninety-two of this article or of driving while intoxicated or of driving while ability is impaired by the use of a drug where physical injury, as defined in section 10.00 of the penal law, has resulted from such offense in each instance." (Section 1193.2(c)(3) of the Vehicle and Traffic Law).

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

A There is an application fee for those who have had their license revoked. If your license is revoked, you may not apply for a new license until you pay a $50 non-refundable re-application fee.

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

- No-Insurance or Uninsured Accident Revocation - $500 civil penalty.
- Chemical Test Refusal Revocation - $300 civil penalty.
- Chemical Test Refusal With Prior Refusal or Alcohol-Related Violation in Previous 5 Years - $750 civil penalty.
- When a license is issued the standard license fees are collected.
- If you have a mandatory license suspension, you must pay a $25 fee to have a suspension terminated.

Continued...

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

A In all instances, DMV issues drivers 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 relicensing using law and Commissioner's Regulations.

Q What is the Driver Responsibility Assessment?

A A person convicted of Driving While Intoxicated (DWI), Driving While Ability Impaired (DWAI) or Driving While Ability Impaired by Drugs, or is found to have refused to submit to a chemical test, must pay a driver responsibility assessment of $250 each year for a three year period.

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 relicensing 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 Does DMV have access to NYSPIN?

A The Department of Motor Vehicles does not have access to NYSPIN.

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

A DMV provides all DWI offenders in need of evaluation reports with a list of treatment providers in their geographical region. This list is not limited to agencies certified by OASAS. DMV will receive evidence of evaluation from agencies/individuals approved for this list by the State Education Department and by OASAS.

Continued...

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

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

A Whatever agency/individual conducts the evaluation of a DWI offender, they must complete and send the DMV form (*DS-449 "Alcohol & Drug Rehabilitative Program Summary"*) to DMV and it must include the same number of alcohol incidents as are reported on the client's (DMV) record. If there is a discrepancy, the Department of Motor Vehicles (DMV) returns the form to the agency for correction.

The information in this pamplet was prepared by the New York State Division of Probation and Correctional Alternatives with the assistance of the New York State Department of Motor Vehicles Driver Improvement Bureau.

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Questions and Answers

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