

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 Individuals applying for a new license after their license has been revoked for more than one year must take the written test, obtain a learners permit, and pass the road test. If the license has been revoked for less than a year the written and road test are waived.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Q When may the individual whose license has been revoked apply for a new drivers license?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.

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.

