

Getting Your Driver's License Back



Legal Aid Society of Mid-New York, Inc.
(2006)

This booklet provides general information only. It does not give advice about your particular situation. For legal advice on your situation, you should contact a lawyer.

Keep in mind that DMV rules and regulations are always changing. For the most updated information, check the DMV website at www.nydmv.state.ny.us.

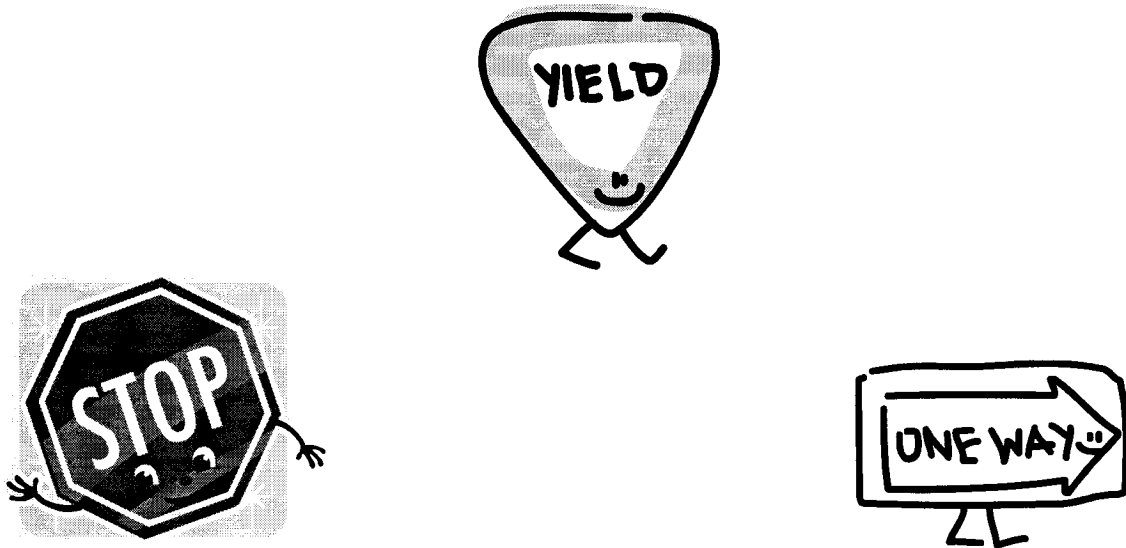
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STAYING OUT OF TROUBLE...

Driving is not a right. It is a privilege! Having a driver's license is the key to getting and keeping a good job, providing for your family, and maintaining your independence.

To keep your driver's license or learner's permit, it is always important to follow the rules of the road. With a good driving record, you will also keep your car insurance payments low.



Most important of all, DO NOT DRINK AND DRIVE. Even if you are lucky enough not to hurt yourself or someone else, you still risk heavy fines and/or jail time. Your driver's license or permit can also be suspended or revoked. Even after you get your license back, you may have to pay high fees each year just to keep it.

STOP
DWI New York
Drive the Change!

MY DRIVER'S LICENSE WAS SUSPENDED BECAUSE I DIDN'T PAY A TRAFFIC TICKET. WHAT CAN I DO?

If you don't show up for court on a traffic ticket (except for a parking ticket), your license or permit can be suspended. Your license or permit will also be suspended if you don't pay all the fines and fees the judge orders you to pay.



If you didn't show up to court, call the court about setting up a new court date. If a bench warrant was issued because you failed to appear, contact your local public defender's office or a private lawyer for help first.

When you appear in court, ask for an appearance ticket, which you can take to DMV. If you owe traffic fines or fees, you must pay them before you can get your license or permit back. Once they are paid in full, bring the receipts to DMV. At DMV, you will also need to pay a suspension termination fee to get your license or permit back.

If you have suspensions on 20 or more different dates for failing to respond to tickets, you are guilty of a misdemeanor. If convicted, you could be fined and/or go to jail for up to 180 days. If you are in this situation, contact your local public defender's office or a private lawyer for help right away.

If you owe a large amount of fines that will be impossible to pay, you may also want to consult a bankruptcy lawyer. In most cases, it is not possible to discharge fines in bankruptcy. However, a Chapter 13 bankruptcy may help you set up a plan to pay them off within 3 to 5 years.

I LOST MY LICENSE BECAUSE OF A DWI OR DWAI. CAN I GET A CONDITIONAL LICENSE?

If you are convicted of an alcohol or drug related traffic offense, your license or permit will be suspended or revoked for 90 days to 1 year or possibly longer, depending on your situation.

However, you may be able to get a conditional license if you sign up for the Drinking Driver Program (DDP). The order suspending or revoking your license should have information about where to sign up. If not, visit DMV for more information. If you are on probation, you will need written permission from the court or your probation officer to sign up. In some cases, you may be required to complete the DDP as part of your sentence.

To complete the DDP, you must pay all required fees and go to all your classes. In some cases, the DDP may refer you for a substance abuse evaluation. You may choose from a list of providers, and you have the right to a second evaluation if you disagree with the first one. You will be dropped from the DDP if you fail to complete the evaluations or any required treatment.

If you get a conditional license, you are allowed to drive, but only within certain limits. Usually, you can drive:

- to and from work, or as part of your job
- to and from school
- to and from child care and your children's school (if necessary for you to keep your job or stay in school)
- to and from DDP classes and required treatment
- to and from DMV
- to and from medical appointments for you or a household member (with a doctor's written statement)
- to and from court-ordered probation activities
- for an additional 3-hour period per week

Your conditional license will state when you are allowed to drive. Check it carefully! If you violate the conditions, or get a ticket for a moving violation, you will lose it.

If you are an out-of-state driver, you may be eligible for the DDP even if your convictions were also out-of-state. Visit DMV for more information.

NOTE: if you are dropped from the DDP, your conditional license will be revoked. You can't get back into the program again without written permission from the DDP director. You will also have to pay a re-entry fee.

CAN I GET MY LICENSE BACK SOONER IF I COMPLETE THE DRINKING DRIVER PROGRAM (DDP)?

If your license or permit is suspended, you can apply at DMV to get the suspension lifted once you complete the DDP. You must pay a suspension termination fee.

If your license or permit was revoked, you can apply at DMV to get it back as soon as you complete the DDP. However, you will not get it back automatically. Your application must be reviewed by the Driver Improvement Adjudication Unit (DIAU). If you are on probation, you must get written permission from the court or your probation officer. If you refused a chemical test, you must pay a mandatory fee of \$300 (\$750 if you have a prior refusal or alcohol-related offense within 5 years). If you have 2 or more alcohol or drug related convictions within 10 years, you must also provide proof that you completed treatment or do not need treatment. It may help to include letters from caseworkers, counselors, employers, and others showing that you have made a change in your life. Even if you are approved, you may have to re-take the road test, and you will be on probation for 6 months.

NOTE: you must wait until your revocation period ends to re-apply if your conditional license was revoked, if you were under 21 at the time of the offense, or if you refused a chemical test. You may submit your application to the DIAU up to 45 days before your revocation period is scheduled to end.

WHAT HAPPENS IF I DON'T COMPLETE THE DDP, OR IF I DON'T SIGN UP?

You are only eligible for the DDP once every 5 years. If you do not complete the DDP, or if you choose not to sign up, you won't be eligible for the DDP or a conditional license for the next 5 years.

This means that you must wait until your suspension or revocation period is over to get your license or permit back. If your license or permit is suspended, you can go to DMV when your suspension ends. You must pay a suspension termination fee.

If your license or permit was revoked, you must apply to DIAU. You may submit your application to the DIAU up to 45 days before your revocation period is scheduled to end. If you are on probation, you must get written permission from the court or your probation officer. If you refused a chemical test, you must pay a mandatory fee of \$300 (\$750 if you have a prior refusal or alcohol-related offense within 5 years). If you have 2 or more alcohol or drug related convictions within 10 years, you must also provide proof that you completed treatment or do not need treatment. It may help to include letters from caseworkers, counselors, employers, and others showing that you have made a change in your life. Even if you are approved, you may have to re-take the road test, and you will be on probation for 6 months.

MY LICENSE WAS SUSPENDED BECAUSE I DIDN'T PAY SUPPORT. HOW CAN I GET IT BACK?

In New York State, your driver's license or permit may be suspended if you get behind on your court-ordered child support payments (or combined child and spousal support payments). Your license can't be suspended if you get public assistance or SSI, or if your income isn't enough to support yourself. However, you can't reduce your income on purpose to avoid paying support.

If there is a support enforcement proceeding against you in court, the judge can order DMV to suspend your license if you are behind 4 months or more on your payments. If this happens, get help from a lawyer if you can. Make sure to let the court know, when you respond, if you are on public assistance or SSI, or if you are having trouble supporting yourself. You can also get the court to lift the suspension by making payment arrangements.

If you are making payments to the support collection unit, your license can be suspended if you are behind 4 months or more on your payments. Before this happens, you must get a notice from the support collection unit. You have 45 days from the date of the notice to challenge the decision in writing. Your notice will tell you how to do this. If you want to challenge the decision, provide the support collection unit with copies of all documents that support your case. If your challenge is denied, you have 35 days from the date your denial notice was mailed to file objections in Family Court, and serve a copy on the support collection unit. If you do this, your license can't be suspended until Family Court makes a decision. You can also avoid the suspension by paying the amount you owe in full, or by making payment arrangements with the support collection unit, within the 35 days. NOTE: if you never got notice of the suspension from the support collection unit, you still have the right to file a challenge, or lift the suspension by paying the amount you owe in full or making payment arrangements with the support collection unit.

At any time, if you feel the amount of court-ordered support is too high, you can file a petition in Family Court to have the amount decreased. If support was ordered by Supreme Court as part of a divorce, check your divorce judgment to see if you must file your petition in Supreme Court instead. You must show that there has been a substantial change in your situation, including financial hardship.

While your license is suspended, you can apply for a restricted use license at your local DMV office. There is a DMV fee for getting this type of license. Bring proof that you need to drive to get to work, school, or to medical appointments for yourself or a household member (you will need a doctor's written statement). DMV must approve your application, unless your license is not valid for some other reason. If you get approved, you can only drive:

- to and from work, and for your job
- to and from school
- to and from medical appointments for you or a household member (with a

- doctor's written statement)
- to and from your children's daycare or school (if necessary for you to keep your job or stay in school)

Your restricted use license will state when you are allowed to drive. Check it carefully! If you violate the conditions or get a ticket for a moving violation, your restricted use license can be revoked, and you cannot get another one for 5 years.



MY LICENSE WAS SUSPENDED FOR OTHER REASONS. HOW CAN I GET IT BACK?

Your driver's license or permit may be suspended for many other reasons. For example, your license or permit may be suspended if you get 11 or more points on your license in an 18-month period, or for certain traffic violations while you are a new or underage driver.

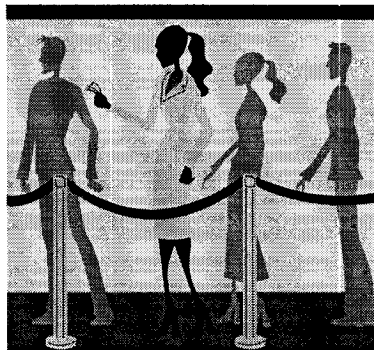
During your suspension period, you can apply for a restricted use license at your local DMV office. Bring proof that you need to drive to get to work, school, or to medical appointments for yourself or a household member (you will need a doctor's written statement). Whether or not you can get a restricted use license is up to DMV. DMV may require you to attend a driver rehabilitation program. If you get a restricted use license, you can only drive:

- to and from work, and for your job
- to and from school
- to and from medical appointments for you or a household member (with a doctor's written statement)
- to and from your children's daycare or school (if necessary for you to keep your job or stay in school)
- to and from the driver rehabilitation program

Your restricted use license will state when you are allowed to drive. Check it carefully! If you violate the conditions or get a ticket for a moving violation, it can be revoked, and you cannot get another one for 5 years.

When your suspension period ends, you can get your license or permit back by paying a suspension termination fee to DMV.

If you are an out-of-state driver, you must submit an application to the DIAU first. For more information about how to do this, visit DMV.



MY LICENSE WAS REVOKED FOR OTHER REASONS. HOW CAN I GET IT BACK?

Your driver's license or permit may be revoked for many reasons other than DWI or DWAI. Some examples include: making false statements to DMV, drag racing, leaving the scene of an accident, being involved in a fatal accident, 3 speeding violations within 18 months, getting 11 points on your license in 18 months, having no insurance, and other reasons.



During your revocation period, you can apply for a restricted use license at your local DMV office. Bring proof that you need to drive to get to work, school, or to medical appointments for yourself or a household member (you will need a doctor's written statement). Whether or not you can get a restricted use license is up to DMV. DMV may require you to attend a driver rehabilitation program. If you get a restricted use license, you can only drive:

- to and from work, and for your job
- to and from school
- to and from medical appointments for you or a household member (with a doctor's written statement)
- to and from your children's daycare or school (if necessary for you to keep your job or stay in school)
- to and from the driver rehabilitation program

Your restricted use license will state when you are allowed to drive. Check it carefully! If you violate the conditions or get a ticket for a moving violation, it can be revoked, and you cannot get another one for 5 years.

If your license or permit was revoked, you will not get it back automatically, even after the revocation period ends. You must file an application with the DIAU and pay a mandatory fee (DIAU will accept the application up to 45 days before the revocation period ends). For information about how to do this, visit DMV. If you are on probation for the offense, you must provide written permission from the court or your probation officer. It may also help to include letters from caseworkers, counselors, employers, and others showing that you have made a change in your life. Even if you are approved, you may have to re-take the road test, and you will be on probation for 6 months.

I HAVE AN OUT-OF-STATE LICENSE, BUT IT IS SUSPENDED OR REVOKED. CAN I APPLY FOR A NEW YORK STATE LICENSE?

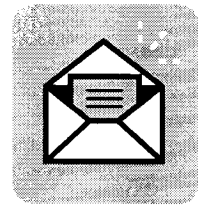
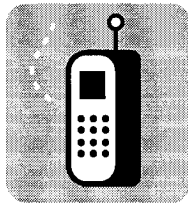
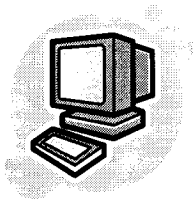
No. If you have a suspended or revoked out-of-state license or permit, you can't apply for a New York State driver's license. You must clear up the suspension or revocation first. Contact the DMV in your state for help.



HOW CAN I GET A COPY OF MY DRIVING RECORD?

You can order a copy of your driving record by calling 1-800-225-5368, by visiting a DMV office, or online at www.nydmv.state.ny.us. Also, when you renew your driver's license, there is a box you can check to order a copy of your driving record.

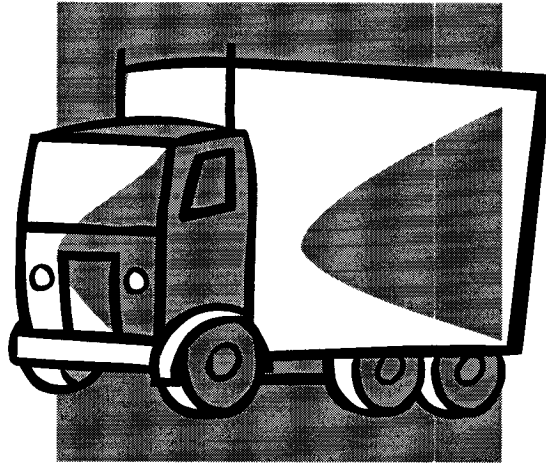
In 2006, the fee for ordering a copy of your driving record is \$10 (\$15 if you order by phone).



HOW CAN I MAKE MY DRIVING RECORD BETTER?

You can take up to 4 points off your license, and save up to 10% on your car insurance, by taking a DMV-approved driver safety class. Visit DMV for more information.





I LOST MY COMMERCIAL DRIVER'S LICENSE. CAN I GET IT BACK?

To get your commercial driver's license (CDL) back after a suspension or revocation, you must wait until the suspension or revocation period is over. There is no such thing as a "conditional" or "restricted use" CDL. However, you should be able to get a regular (non-CDL) driver's license while you are waiting, as long as it would not be a safety hazard.

When your suspension or revocation period ends, you should go to DMV to get your CDL reinstated (DMV may accept your application up to 45 days before the revocation period ends). You must pay a suspension or revocation termination fee. If you are on probation for the offense, you must provide written permission from the court or your probation officer. It may also help to include letters from caseworkers, counselors, employers, and others showing that you have made a change in your life. Even if you are approved, you may have to re-take the road test, and you may be on probation for awhile.

NOTE: You risk permanent loss of your CDL if you are convicted of: 1) use of a motor vehicle to commit a felony; 2) operating a commercial vehicle with a suspended or revoked license; or 3) causing a fatal accident through negligent operation of a commercial motor vehicle. For a first offense, your CDL will be revoked for at least 1 year (or at least 3 years, if you were carrying hazardous materials). Your CDL will be permanently revoked (with possible reinstatement after 10 years) if it is a second offense, or if you have a prior conviction for refusing a chemical test, DWI/DWAI, or leaving the scene of an accident. For a third offense, your CDL will be permanently revoked, with no possibility of reinstatement.

IMPORTANT TELEPHONE NUMBERS

New York State Department of Motor Vehicles (DMV)

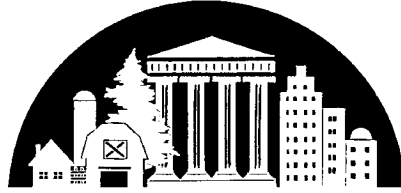
1-800-CALL-DMV (800-225-5368)

Lawyer Referral Hotline

1-800-342-3661

Public Defender Offices

Broome County: (607) 778-2403
Cayuga County: (315) 253-1402
Chenango County: (607) 337-1870
Cortland County: (607) 753-5046
Delaware County: (607) 652-9790
Herkimer County: (315) 866-0006
Jefferson County: (315) 785-3152
Lewis County: (315) 376-6565
Madison County: (315) 366-2203
Oneida County: (315) 798-5870
Onondaga County: (315) 476-2921
Oswego County: (315) 349-8296
Otsego County: (607) 432-7410



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