

# The Drinking Driver Program

Alcohol & Drug Rehabilitation Program

NYSDMV



If you are convicted of an alcohol or drug related driving violation, your license or privilege to drive in New York State will be revoked or suspended. However, you may be eligible for a conditional license or a conditional driving privilege if you participate in New York State's Drinking Driver Program (DDP).

If you qualify for a conditional license or conditional driving privilege, you will be allowed to legally drive within certain limitations. A conditional license is not valid for driving a vehicle that requires the operator to hold a commercial (CDL) driver license.

**To receive a conditional license or conditional driving privilege, you must participate in the DDP.**

Your "Order of Suspension or Revocation" (MV110.1L) from the Department of Motor Vehicles (DMV) will indicate a state or county motor vehicle office where you may enroll in the Drinking Driver Program.

To enroll, you must present your driver license or other proof of identity with signature. A list of the current acceptable proofs of identity (form "MV-44.1") is available from the DMV Internet Office, by request from a DMV Call Center, and at any motor vehicle office. You also must pay the program fees described in this publication. If you are placed on probation because of this conviction, you also must bring written permission from the sentencing court, or your probation officer, that allows you to apply for a conditional license.

If you are licensed in another state or province of Canada and you want to restore your New York State driving privilege, see section "Out-Of-State Issues – DDP Entry."

Before you decide to not participate in the Drinking Driver Program, please read **"If You Do Not Participate."**





## ABOUT THE PROGRAM

The Drinking Driver Program is part of New York State's effort to reduce personal and property losses caused by drivers under the influence of alcohol and/or drugs.

The DDP helps the participants examine the arrest experience and the reason for their arrest. It also helps them learn to make appropriate driving decisions for the future. During the DDP introductory session, participants are asked to consider the reasons and goals of the program, and its requirements for completion. Under the guidance of the director and staff, participants discuss the social, medical, legal, and driver safety problems caused by alcohol and other drug abuse. The program includes classroom education, screening, and if warranted evaluation and treatment.

## CLASSROOM PHASE

As a DDP participant, you must attend all seven weekly classroom sessions. Each session takes 2 to 3 hours, for 16 hours total. When you satisfactorily complete the classroom sessions, your involvement in the DDP will end, UNLESS the program refers you for formal evaluation, and any resulting treatment.

## SCREENING AND REFERRAL

Some DDP participants are referred from the classroom phase for formal substance abuse evaluation. Referral can result from:

- the results of a written self-inventory.
- two or more alcohol or drug-related driving convictions within 10 years.
- arrest for an alcohol or drug-related driving violation while enrolled in the DDP.
- attending class under the influence of alcohol or drugs.
- a request by the student for help with a substance abuse problem, or an admission that the student is currently in treatment.

If you are referred for evaluation, you may choose a provider from a list supplied by the DDP. If you are not satisfied with the results of the evaluation, you may contact the DDP director and request a second evaluation. However, you must accept the findings of the second evaluation.

After evaluation, you may be required to complete a formal substance abuse treatment program. If you fail to complete required evaluation or treatment, you will be dropped from the DDP and your conditional license will be revoked.

## COMPLETION

You will receive a "Notice of Completion" (MV-2026) when you have completed all the requirements of the Drinking Driver Program. A copy of your completion notice will be sent to the DMV. Depending on your license status and driving record, your license will be restored or you will be eligible to apply for a new license. You may not be allowed to apply right away if:

- your conditional license is under revocation.
- you were under 21 when the alcohol or drug-related driving violation occurred.
- you refused an alcohol or drug test on the date of the violation.
- you committed the alcohol or drug-related violation while operating a commercial motor vehicle.

## DROPS, RE-SENTENCING, RE-ENTRY

You will be dropped from the DDP and lose your conditional license if you:

- do not attend class, any required evaluation, or treatment; or,
- do not otherwise satisfactorily participate in the program; or,
- do not pay the program fees.



If you are dropped from the DDP, you may not re-enter without a written letter of consent from the DDP director. Bring the letter to any state or county motor vehicle office for additional information about re-entering. A re-entry fee of \$50 is required, payable to the DDP. There are restrictions on the number of times that a participant may re-enter the program and keep a conditional license.

At the time of sentencing, the court may issue you a conditional discharge (CD) that requires DDP completion. The DMV will notify the court if you do not enroll in the program, or are dropped from it. The court then may call you in for re-sentencing.

## PROGRAM FEES

When you enroll in the Drinking Driver Program, you must pay the Department of Motor Vehicles (DMV) a nonrefundable fee of \$75. Other fees also may be required in certain cases. Checks or money orders must be made payable to the "Commissioner of Motor Vehicles."

After enrollment, you also must pay a fee directly to the agency that will conduct your DDP classes. The maximum DDP enrollment fee is \$225, payable to the program you attend. Motor vehicle staff will tell you the exact fee and who to pay. Payment is expected when you attend the first class. There will be additional fees if you transfer to another DDP or apply to re-enter a program you have been dropped from.

During the DDP course, you may be referred to an OASAS approved health care provider for formal evaluation and, if necessary, any resulting treatment. If formal evaluation or treatment is needed, you will have to pay additional fees to the agency that provides those services.

## THE CONDITIONAL LICENSE



**NOTE:** The limitations for using a conditional license, and the reasons for its revocation, also apply to conditional driving privileges issued to participants licensed in other states.

## WHERE AND WHEN YOU MAY DRIVE

A conditional license is not valid for driving a taxicab or any motor vehicle that requires the driver to have a Commercial Driver License (CDL).

If you receive a conditional license, it is valid to drive only:

- to and from work, and during work if driving is part of your job
- to and from a class at an accredited school or college.
- to transport your child to and from a child care facility or school when necessary to maintain your employment.
- to and from DDP classes and any required evaluation or treatment.
- to and from a state or county motor vehicle office for business related to your conditional license.
- to and from court-ordered probation activities.
- to and from medical examinations or treatment for you or a member of your family, as certified in writing by a physician.



If your job or school changes location, you must immediately notify the DMV. To do this, a “Conditional License-Privilege Attachment” (MV-2020, available at most motor vehicle offices), and submit it to a state or county motor vehicle office.

## CONDITIONAL LICENSE REVOCATION

Your conditional license will be revoked if you are convicted of violating any condition listed in “Where And When You May Drive” or of any moving violation, including those concerning cell phones, seat belts, or child safety seats or systems.

**After the conditional license is revoked, you may continue to attend the Drinking Driver Program, but you must not drive under any circumstances.**

If you are **over** 21 years old and complete the program without additional convictions, your full license will be restored at the end of the program. If you are **under** 21 and your conditional license is revoked, you must serve a one-year revocation even if you complete the DDP.

Your conditional license also will be revoked if you are convicted or found guilty of any additional alcohol or drug-related violation, or any other violation or incident that usually results in license revocation. If your conditional license is revoked you may continue to participate in the DDP without driving, **but you will not be re-licensed immediately after you complete the program.** The DMV will consider your re-licensing only after you have completed the DDP and have served any required revocation period. You must turn in the revoked conditional license to a state or county motor vehicle office to receive credit toward the revocation period.

**If you are dropped from the Drinking Driver Program, your conditional license will be revoked, and your original license suspension or revocation will be reinstated for its full length.**

You must turn in your conditional license immediately upon receiving a revocation order. If you wait, your return to full license status may be delayed.

## RE-LICENSING AFTER DDP

You may be eligible for full non-CDL (non-commercial driver license) driving privileges after you complete the DDP, all recommended formal evaluations, and any resulting treatments. Your CDL (Commercial Driver License) or commercial driving privileges will remain suspended or revoked until the end of the original suspension or revocation. After the end of the CDL suspension or revocation, you must go to a motor vehicle office to apply for restoration of your CDL or commercial driving privileges.

If your original license had been suspended, you must take these steps:

- complete the DDP;
- go to any state or county motor vehicle office to have your license restored;
- pay a \$25 suspension termination fee; or, if your license had been suspended following a violation of the “Zero Tolerance Law,” you must pay a \$100 suspension termination fee and a \$125 civil penalty;
- and, pay any required license fees, such as for license renewal.

If your original license had been revoked, you must take these steps:

- complete the DDP;
- bring your DDP “Notice of Completion” (MV-2026) and conditional license to the state or county motor vehicle office that issued the license;
- meet all DMV requirements and criteria for re-licensing;
- and, pay any required license fees such as for license renewal, or for any required skills tests for Commercial Driver Licenses.

**Note: Re-licensing after revocation is not automatic. DMV must review your application.**

## OUT-OF-STATE DDP PARTICIPATION

STATE OF LICENSE	STATE OF CONVICTION	DESIRED DDP LOCATION	WHAT TO DO
NY	NY	Out of State	Contact the Driver Improvement Adjudication Unit (DIAU) for information about equivalent out-of-state programs. The out-of-state program need not be a identical in length or number of sessions as the DDP. After you enroll in an approved program, bring or mail proof to a NY state or county motor vehicle office. If you are eligible, that office will issue you a conditional license. If you qualify, your license must remain in conditional status for at least 60 days.
NY	Out of State	NY	If you have not received an order of suspension or revocation, it is possible that the DMV has not received proof of your out-of-state conviction. Contact the DIAU for information about entering your out-of-state conviction onto the DMV's record. When it has been entered, you will be mailed a suspension or revocation order, and information about the DDP and conditional license options.
Out of State	NY	NY	After your alcohol/drug conviction is on the DMV record and eligibility has been determined, go to a NY state or county motor vehicle office and enroll in the DDP. At enrollment, you must present a driving record (abstract) from your home state before the DMV can issue a conditional driving privilege.
Out of State	Out of State	NY	This is called a "courtesy" enrollment in the DDP, which may satisfy another state's requirements. Check with the other state to verify whether they will accept the New York State DDP. Bring proof of your out-of-state conviction to a NY state or county motor vehicle office. No driving abstract is needed, as a New York license privilege will not be issued.



The DMV cannot consider your application for re-licensing until the end of the revocation period if you originally had refused a request for an alcohol or drug test, had committed the alcohol or drug-related violation while driving a commercial motor vehicle, or were under 21 at the time of your arrest. However, if you complete the DDP and have a conditional license, you may continue driving in conditional status during the remainder of the revocation period.

## OUT-OF-STATE ISSUES - DDP ENTRY

Most DDP participants are New York State licensed drivers convicted of alcohol or drug-related driving offenses that occurred in New York State. To participate in the DDP, those drivers should follow the instructions previously described in this publication. The situation of other drivers may fit the “out-of-state” circumstances described in “Out-of-State – DDP Participation.” Proof of alcohol or drug-related conviction is required. For more information, contact the DMV Driver Improvement Adjudication Unit (DIAU).

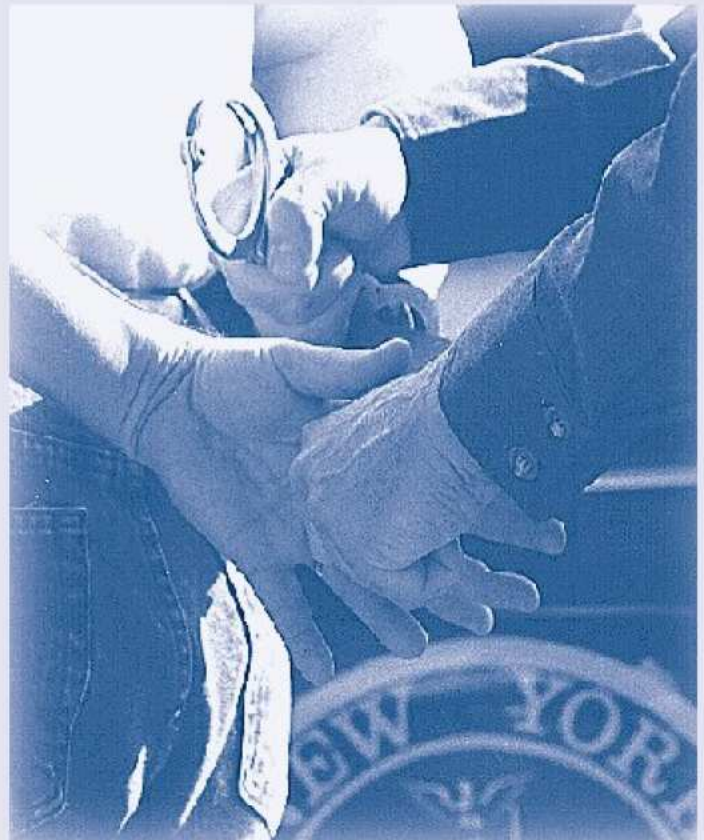
## IF YOU DO NOT PARTICIPATE

If you are eligible to participate in the Drinking Driver Program, even if you choose not to participate, you will not be eligible again for the program or a conditional license for the next five years. Under some plea-bargain agreements, the court may order you to participate even if you already had attended the DDP within the previous five years. However, you will not be eligible for a conditional license.

Note the effective date on your “Order of Suspension or Revocation” (MV-110.1L). Unless you already have turned in your license to the court, you must turn it in to a DMV office or a county motor vehicle bureau by this date.

If you do not participate in the DDP, your license suspension or revocation officially begins at your hearing or sentencing in court, unless the court gives you a “Continuation of Driving Privileges” (MV-1192). Your credit for serving the suspension or revocation begins on the effective date of the order. If you receive a “Continuation,”

your suspension or revocation will begin 20 days after sentencing. You must then turn in your license at a motor vehicle office, unless it has already been taken by the court. If your license is missing, contact a state or county motor vehicle office for guidance about what to do



It is a criminal offense to drive a motor vehicle while your license is suspended or revoked. If you are convicted of driving under suspension or revocation, you will be fined at least \$500, and you will be sentenced to jail or probation. In addition, the police may impound the vehicle you were driving when arrested.



## RE-LICENSING FOR NON-PARTICIPANTS

**New York State Licensed Drivers:** If your driver license is suspended, it will be restored after the end of the suspension period and payment of the suspension termination fee. You may pay the fee at, or mail it to, any state or county motor vehicle office. You may also mail it to the DMV Driver Improvement Adjudication Unit (DIAU).

If your driver license is revoked, you must apply directly to the DIAU for a new license, and pay a non-refundable re-application fee of \$50, (\$100 for revocations after 7/06/2009), and any other license fees. Your application cannot be approved before the minimum revocation period is served, but the DMV will accept it for review up to 45 days before the revocation ends. If you are on probation, you must present written permission (also called, "probation clearance") from the sentencing court or your probation officer.

If your CDL and non-CDL driving privileges are both revoked, you may apply to the DIAU at the end of the non-CDL sanction for restoration of your full non-CDL privileges. Then, at the end of the CDL revocation, you may apply at any motor vehicle office for the restoration of your CDL privileges.

If your driving record contains two or more alcohol or drug-related incidents in 10 years, the DMV requires written evidence, before your application will be considered, that substance abuse treatment is not required or has been completed. See **"Information About Evaluation and Treatment Providers"**.

If your license is revoked for a second "Zero Tolerance Law" violation (driving after consuming alcohol, under age 21), the reapplication fee is \$100, and you must pay a \$125 civil penalty. You must also pay a civil penalty fee of \$300 (\$750, second offense) if you had refused to submit to a chemical test at the time of arrest.

You must submit a completed "Application For Driver License" (MV-44), available from the DMV Internet Office, a DMV Call Center, or any motor vehicle office.

Payment must be by check or money order only, payable to the "Commissioner of Motor Vehicles." Mail your application and payment to:

**Driver Improvement Adjudication Unit**  
**Department of Motor Vehicles**  
**6 Empire State Plaza**  
**Albany, NY 12228**  
**Phone: (518) 474-0774**

The DMV will review your driving record and notify you by mail whether your application is approved or denied. If approved, you must bring it to a state or county motor vehicle office for processing. You may be required to pass qualifying tests. After your license is issued, you must serve a six-month probationary period.

## For Drivers Licensed Outside New York State:

After you complete your period of suspension or revocation, you may request the restoration of your New York State driving privilege. Send a letter requesting restoration to the DMV Driver Improvement Adjudication Unit (DIAU). Your letter should include your full name and date of birth. Also enclose a check or money order of \$25 for the restoration fee, payable to the "Commissioner of Motor Vehicles." You must not resume driving in New York State until the DMV notifies you, in writing, that your driving privilege has been restored.

## DRIVER RESPONSIBILITY ASSESSMENTS

In addition to paying any fines, fees, penalties and surcharges authorized by law, you must pay a "Driver Responsibility Assessment" for certain violations that result in a conviction or administrative finding. Your learner permit, driver license, or driving privileges will be suspended if you do not make these payments. If you are convicted of Driving While Intoxicated (DWI), Driving While Ability Impaired (DWAI) or Driving While Ability Impaired by Drugs, or if you are found to have refused to submit to a chemical test, you will be required to pay a driver responsibility assessment of \$250 each year for the next three years.



Participation in the Drinking Driver Program (DDP) will not prevent, reduce, or delay any fines, fees, or penalties imposed under the driver responsibility assessment program. The most recent information about the “**Driver Responsibility Assessment**” program is available from the DMV Internet Office.

## INFORMATION ABOUT EVALUATION AND TREATMENT PROVIDERS

A driving record with two or more alcohol or drug-related incidents occurring within a ten-year period establishes a history of alcohol or drug abuse as defined in Part 136.1(b)(3) of the Regulations of the Commissioner of Motor Vehicles. If your license, learner permit, or privilege to drive in New York State has been revoked and your driving record contains a history of such alcohol or drug abuse, at the end of your revocation period, an application for a new driver license, learner permit or clearance of your NYS driving privileges cannot be approved until you show proof that you have completed alcohol or drug rehabilitation. Acceptable proof of alcohol or drug rehabilitation must be submitted on DMV form DS-449 “Alcohol and Drug Abuse Rehabilitation Program Summary”; and, include evidence that you have had an alcohol or drug evaluation within one year from the date you reapply, and that: 1) treatment was not recommended; or 2) that you have successfully completed all stages of an alcohol or drug treatment program, and that no further treatment is necessary.

The letter or Order of Suspension or Revocation you received from DMV regarding your alcohol/drug conviction provides information about your eligibility to participate in the New York State Drinking Driver Program (DDP). Successful completion of the DDP may satisfy the rehabilitation requirement described above. However, if you choose not to participate in DDP, or if you are not eligible to participate in DDP, you can find acceptable evaluation and treatment providers within and outside of NYS by accessing the NY State Office of Alcoholism and Substance Abuse Services (OASAS) website at **DWI Screening and Assessment Information**.

If you choose an alcohol or drug evaluation/treatment provider, the provider must appear on the listing. A provider will not be accepted unless they have been approved by OASAS. To get on this approval list the provider must contact OASAS at 1-800-482-9564 for instructions.

If the provider is found on this site, and does not have the DMV form DS-449 “Alcohol and Drug Abuse Rehabilitation Program Summary”, they may contact Driver Improvement Bureau, Receiving and Control Unit, Room 220, 6 Empire State Plaza, Albany, NY 12228, fax: 1-518-402-2991, to obtain this form. Any Federal Department of the Interior or Department of the Secretary program, conducted on military bases would be deemed acceptable. If you do not have access to the Internet and would like a copy of the acceptable providers mailed to you, please call 1-800-482-9564.

**Evidence of completing rehabilitation from providers who are not on the website or provider listing will be accepted or rejected by this department after a review of the providers qualifications by OASAS.**

Please take this notice to the agency conducting your evaluation.

**NOTE: Participation in ONLY a Detoxification Program or in an Alcoholics Anonymous or Narcotics Anonymous Program will NOT be accepted as evidence of rehabilitation.**



NEW YORK STATE DEPARTMENT  
OF MOTOR VEHICLES  
Andrew M. Cuomo, Governor