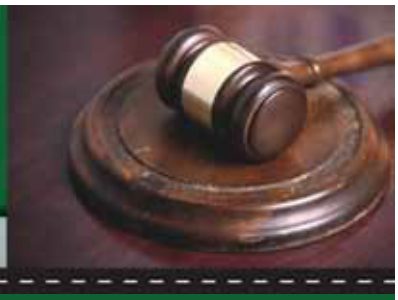
NYSDMV

Suppose Your License Was Taken Away



A GUIDE TO SUSPENSION & REVOCATION OF DRIVING PRIVILEGES IN NEW YORK STATE

DEFINITIONS

sus.pen.sion n 1: Your license, permit, or privilege to drive is taken away for a period of time before it is returned. You may be required to pay a suspension termination fee.

re.vo.ca.tion n: Your license, permit, or privilege to drive is voided; it no longer exists. To get a new license, or permit, or to restore your privilege you must re-apply to the Department of Motor Vehicles (DMV) once the revocation period is over. You may be required to pay a license re-application fee. Your application may be denied if you have a poor driving record or refuse to meet DMV requirements.

Revocation periods may be longer than the minimum periods listed in this publication.

com.pli.ance n 1: Turn in your driver license to a court or to the DMV. You must not drive once a suspension or revocation is ordered.

ALCOHOL AND OTHER DRUG VIOLATIONS

- Aggravated Driving While Intoxicated (AGG-DWI), .18% Blood Alcohol Concentration (.18 BAC) or higher; (AGG DWI CIV) DWI with a child 15 years old or younger in vehicle:
  1-year revocation
- Driving While Intoxicated (DWI), or with .08 % Blood Alcohol Concentration (.08 BAC):
  6-month revocation
- Driving While Ability Impaired by a Drug (DWAI-Drug):
  6-month suspension
- DWI, .08 BAC or DWAI- Drug committed within 10 years of any previous violation:
  1-year revocation
- Driving While Ability Impaired by Alcohol (DWAI):
  90-day suspension
- DWAI committed within 5 years of any previous alcohol or drug-related violation:
  6-month revocation
- First alcohol or drug-related violation by a driver, except Zero Tolerance, under age 21:
  1-year revocation*
- Second alcohol or drug-related violation by a driver, except Zero Tolerance, under age 21:
  Revocation until age 21 or 1-year, whichever is longer*
- Driving Under the Influence (DUI) outside New York State:
  Alcohol **90-day revocation**
  Drug **6-month suspension**

*** These penalties apply even if the driver is adjudicated as a youthful offender.**

OTHER VIOLATIONS

- Homicide, assault or criminal negligence resulting in death from the operation of a motor vehicle:
  6-month revocation
- False statement on an application for a license or registration, or substitution by another driver for a road test. Conviction in criminal court:
  6-month revocation
  Finding by a DMV Administrative Law Judge:
  1-year revocation
- Speed contest:
  6-month revocation
  Second speed contest within 3 years:
  1-year revocation
- 3 speeding and/or misdemeanor traffic violations committed within 18 months:
  6-month revocation
- 3 violations for passing a stopped school bus within 3 years:
  6-month revocation
- Leaving the scene of a fatal or personal injury accident:
  6-month revocation

IMPORTANT ALCOHOL AND DRUG RELATED LAWS

If you are **under age 21 when arrested for Aggravated DWI, DWI or DWAI**, and later convicted, your license will be suspended or revoked. You must serve the entire suspension or revocation time, even if you complete an approved Drinking Driver Program before the suspension or revocation would end.

Chemical test refusal revocations are separate from, and in addition to, those for alcohol or drug-related violations.

A chemical test, such as a breathalyzer, shows the Blood Alcohol Content (BAC), which is the amount of alcohol by percentage in your blood. Your license will be suspended if you are arrested for DWI, DWAI, Zero Tolerance, or any other alcohol or drug-related charge, and refuse to take a chemical test. If the refusal is later confirmed at a DMV hearing, your license will be revoked for at least one year and you will be assessed a civil penalty of at least $500.

If you are under age 21 when you refuse to take a test, your license will be revoked for at least one year. If you are under 21, a second refusal within five years requires license revocation for at least one year or until you turn 21, whichever is longer.

The New York State (NYS) **Zero Tolerance** law makes it illegal for a driver under 21 to have consumed any alcohol. A police officer who believes you have consumed alcohol may temporarily detain you to request or administer a test for blood alcohol content. If you show a BAC from .02 to .07, you will be notified to appear at a DMV hearing. If the judge's finding supports the charge, the penalty is a six-month license suspension, a $125 civil penalty, and a $100 suspension termination fee. Subsequent offenses result in license revocation for at least one year or until you turn 21, whichever is longer, plus a $125 civil penalty and $100 license re-application fee.

Note: A person of any age who drinks alcohol and operates a motorboat faces penalties similar to those under "chemical test refusal" and "zero tolerance."

If you **illegally purchase alcoholic beverages** by using an altered or fraudulent driver license or non-driver ID card as proof of age, your driver license or privilege of applying for a license will be suspended.

Under the NYS **open container** law, it is a traffic infraction for a driver or passenger in a motor vehicle on a public highway, street or road, to drink an alcoholic beverage, or to possess an alcoholic beverage with the intention of drinking it. The penalty for a first conviction is two points assessed against the driver's license record, a fine up to $150, a mandatory surcharge, a crime victim assistance fee, and potential imprisonment up to 15 days. Additional offenses within 18-months bring higher penalties. The law exempts passengers in vehicles, such as stretch limousines, that display a commerce certificate or permit issued by the U.S. Department of Transportation or the NYS Department of Transportation.

NO INSURANCE

If you are convicted of operating an uninsured motor vehicle or permitting another person to operate your uninsured vehicle, your license will be revoked for at least one year and you will be assessed a civil penalty of $750. The same penalty applies if the DMV receives evidence that you were involved in an accident without being insured.

Note: If you receive a DMV inquiry letter about vehicle liability insurance, read it carefully and respond as it directs.

If your vehicle has a lapse in insurance coverage, you must turn in its license plates and registration to a motor vehicle office. Even if the vehicle is taken off the road and not being driven, you must surrender the plates or you may face civil penalties, registration suspension and/or license suspension.

FAILURE TO ANSWER A TICKET OR PAY A FINE

Any person, including a non-resident or unlicensed driver, who has license suspensions for failure to respond to tickets imposed on at least 20 different dates may be convicted of "aggravated failure to answer tickets" or "failure to pay fines." This is a misdemeanor punishable by a mandatory fine of at least $500, a mandatory surcharge, and/or imprisonment for up to 180 days. That person may be arrested even if not actually driving a motor vehicle when caught.

INDEFINITE SUSPENSIONS

Your license will be suspended indefinitely if you submit a bad check for DMV fees, fail to pay a Driver Responsibility Assessment, or fail to satisfy a court judgment that results from a traffic crash, file an accident report, or pay child support. This suspension will be in effect until you correct the condition that led to the suspension.

FATAL TRAFFIC CRASH

If you are involved in a fatal crash, your license may be suspended or revoked following a DMV hearing, even if you were not charged with any violation at the time of the traffic crash.

FOR ALL NEW DRIVERS

While on probation, if you are convicted of speeding, reckless driving, following too closely, participating in a speed contest, or any two other traffic violations, your license will be suspended for 60 days. When you get your license back, you will again be on probation for six months.

If you are found guilty of committing one of the above violations, or any two other moving violations during this second probation, your license will be revoked for at least six months. When you get your license back, you will again be on probation for six months.

Your license will be suspended for 90 days if you are convicted of driving while ability impaired (DWAI) by alcohol or drugs during probation, or revoked for at least six months for driving while intoxicated (DWI).

In New York State, a "point system" helps identify drivers who commit several traffic violations during a short period of time.

If your driving record accumulates **11 or more points within 18 months**, the DMV will suspend or revoke your license or privilege to drive. You will be given the option of attending a hearing before an Administrative Law Judge (ALJ) or accepting a period of suspension, usually of 31 days.

THE POINT SYSTEM

TRAFFIC VIOLATION	POINTS
Speeding (MPH over posted limit)	
1 to 10	3
11 to 20	4
21 to 30	6
31 to 40	8
More than 40	11
Reckless driving	5
Failing to stop for school bus	5
Following too closely (tailgating)	4
Inadequate brakes	4
(while driving employer's vehicle)	2
Failure to yield right-of-way	3
Violation involving a traffic signal, stop sign, or yield sign	3
Railroad crossing violation	5
Improper passing, unsafe lane change, driving left of center, or driving in wrong direction	3
Leaving scene of incident involving Property damage or injury to animal	3
Safety restraint violation involving person under 16	3
Any other moving violation	2

Note: At the hearing, the ALJ can impose a sanction of revocation or suspension greater than the suspension period originally offered.

Points are charged against your driving record based on the date you committed the violation, not the date you were convicted in court.

You can reduce up to four points from your driving record and save up to ten percent on your auto liability insurance premiums by completing a DMV-approved accident prevention course. However, point reduction from your driving record cannot prevent a mandatory suspension or revocation, be applied as "credit" against future points, or lessen a "Driver Responsibility Assessment." For more information, see publication "Point & Insurance Reduction—General Information" (C32A).

DRIVER RESPONSIBILITY ASSESSMENTS

In addition to paying any fines, fees, penalties and surcharges authorized by law, you may have to 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.

If you are convicted of one or more traffic violations resulting in six points in any 18-month period, you will be required to pay $100 each year for the next three years. For each additional point accumulated during that period, you will be required to pay another $25 per point every year for three years. **Completion of a motor vehicle accident prevention course will not reduce the calculation of points affecting the driver responsibility assessment.**

DRIVING WHILE YOUR LICENSE IS SUSPENDED OR REVOKED

Aggravated Unlicensed Operation (AUO) is driving while your license is under suspension or revocation.

AUO-3rd degree. This is a misdemeanor for driving with a suspended or revoked license or privilege to drive. It is punishable by a *mandatory fine* of $200–$500, a mandatory surcharge, and *possible imprisonment* up to 30 days *or probation*.

AUO-2nd degree. This is a misdemeanor. If the driver is convicted of driving with a license previously suspended or revoked within the prior 18 months due to a conviction of AUO-3rd degree, it is punishable by a *minimum fine* of $500, a mandatory surcharge, and *mandatory imprisonment* up to 180 days *or probation*.

Punishment includes a *mandatory fine* of $500–$1000, a mandatory surcharge, and *mandatory imprisonment* of 7–180 days *or probation*, if the driver is convicted of driving while suspended or revoked and one of the following:

- The original suspension or revocation had resulted from either a conviction for an alcohol- or drug-related violation or a chemical test refusal; or,
- The original suspension was a mandatory suspension pending prosecution of an alcohol or drug-related offense; or,
- The driver has in effect three or more license suspensions, imposed on at least three different dates, for failure to respond to tickets.

AUO-1st degree. This is a felony. It is punishable by a *mandatory fine* of $500–$5000, *mandatory imprisonment* up to four years *or probation*, and *possible seizure and forfeiture* of the vehicle driven. A driver may be convicted of AUO-1st degree if driving while suspended or revoked and:

- The driver is impaired or intoxicated, with a license or privilege currently under suspension or revocation for an alcohol or drug-related violation or a chemical test refusal; or,
- The driver has in effect 10 or more license suspensions, imposed on at least 10 different dates, for failure to respond to tickets.

RE-APPLICATION FEES AND CIVIL PENALTIES

The fees and penalties that follow are separate from, and in addition to, any fines, surcharges, or other fees.

In general, if your license is suspended, you must pay a $25 fee ($50 for suspensions on or after 7/16/09) to have the suspension terminated, unless it is an indefinite suspension or a suspension pending a hearing, prosecution or investigation. The fee is $35 ($70 for suspensions on or after 7/16/09) for failure to answer a traffic ticket, or failure to pay a fine, mandatory surcharge, or crime victim assistance fee.

After license revocation, you usually cannot apply for a new license until you pay a $50 non-refundable re-application fee ($100 for suspensions on or after 7/16/09). The fee does not apply to drivers whose licenses are revoked for not having insurance, or who complete a New York State Drinking Driver Program.

Some revocations require payment of a civil penalty before an application can be accepted for a new license:

- No-insurance or Uninsured Accident Revocation: **$750 Civil Penalty**
- Chemical Test Refusal Revocation: **$500 Civil Penalty**
- Chemical Test Refusal with prior refusal or Alcohol-Related Violation in previous 5 years: **$750 Civil Penalty**

CONDITIONAL AND RESTRICTED LICENSES

If your license becomes suspended or revoked, you may be eligible for a conditional or restricted license that allows you to drive in limited situations, such as to and from work. If you are eligible for one of these licenses, the DMV will notify you with the suspension or revocation order you receive in the mail.

IGNITION INTERLOCK PROGRAM

A judge can (and starting August 15, 2010 *must*) order an ignition interlock device as a condition of probation or conditional discharge. For an Aggravated-DWI offense or any repeat alcohol or drug offense within five years, a judge is required to order the system to be installed on each vehicle owned by the motorist during both the revocation period and any probation or conditional discharge period that follows. The judge also must order an alcohol assessment for the repeat offender. If the assessment indicates the need for alcohol treatment, the judge may be required to order completion of the treatment as a condition of probation or conditional discharge.

This device, purchased and installed at the expense of the motorist, is connected to a motor vehicle ignition system and measures the alcohol content of the operator's breath. As a result, the vehicle cannot be started until the driver provides an acceptable breath sample. While using the interlock device, the motorist may be eligible to hold a conditional license. This license will be revoked if the motorist fails to comply with the court's terms, or for conviction of any traffic offense other than parking, stopping or standing.

VIOLATIONS WHILE DRIVING FOR HIRE OR COMMERCIAL MOTOR VEHICLE

The license penalties described in this publication result from convictions for violations committed while driving non-commercial vehicles such as cars, light trucks, and motorcycles. For information about penalties that apply to commercial drivers of heavier trucks, buses, vehicles transporting school children, disabled persons or hazardous materials, refer to the New York State Commercial Driver's Manual (CDL-10). This manual is available from any motor vehicle office, by request from a DMV Call Center, or from the DMV Internet Office.

NON-RESIDENT DRIVERS

If you have an out-of-state license, your privilege to drive in New York State can be suspended or revoked.

After a mandated period of suspension or revocation has been completed, you may request your driving privilege to be restored to drive in New York State. You must write to:

The NYS Department of Motor Vehicles
Driver Improvement Bureau
6 Empire State Plaza
Albany, NY 12228

Your written request must be accompanied by payment of a $25 re-application fee. Payment must be made by check or money order to "The Commissioner of Motor Vehicles." You also must pay any civil penalties for refusing to take a chemical test or for driving without insurance, and all other penalties and fees, before your request can be considered.

NEW YORK STATE | Department of Motor Vehicles

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