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## The Drinking Driver Program

### 1. *What is the Driving Driver Program (DDP)?*

The DDP is a program instituted by New York State for drivers convicted of drug or alcohol-related driving offenses. If the driver does not have a prior drug or alcohol-related driving conviction within the past five years, participation in the DDP may allow them to obtain a conditional license while their normal driving privileges are suspended or revoked.

### 2. *What is a conditional license?*

A conditional license does *not* give a driver full driving privileges, but it does allow driving under limited circumstances. Pursuant to Section 1196[7](a) of the Vehicle and Traffic Law, this license is restricted to the following uses:

- a. To and from the driver's employment and during employment when required;
- b. To and from a class or activity that is part of the driver's rehabilitation program;
- c. To and from classes at an accredited school or vocational institute;
- d. To and from any court ordered probation activities;
- e. To and from the DMV for the transaction of business associated with the license or program;
- f. To and from medical treatment for the driver or a member of the driver's household (requires a letter from a licensed medical practitioner);
- g. During a period of three consecutive daytime hours;
- h. To and from a place, including a school, where the driver's children are cared for and that is necessary to maintain the driver's employment or enrollment in school.

### 3. *Who is eligible to participate in the DDP?*

Drivers convicted of a drug or alcohol-related driving offense usually are eligible for participation in the DDP if they meet the following criteria:

- a. They do not have a prior drug or alcohol-related driving conviction within five years of their arrest on the current charge; and
- b. If arrested for an alcohol-related offense, they submitted to a breath or blood test.

### 4. *What does a driver need to do to sign up for the DDP?*

Following conviction, the driver should receive an "Order of Suspension or Revocation" (MV110.1L) from the DMV. This document indicates the local DMV office where the driver may enroll in the DDP. Even if the driver does not receive such a document, it is recommended that he or she go to a local DMV office fourteen days after conviction and attempt to enroll in the DDP. The driver will need to bring the following documents to the DMV:

- a. Driver license or proof of identity with signature;
- b. The \$75 fee payable to the "Commissioner of Motor Vehicles";
- c. If the driver is on probation, written permission from the court or the driver's probation officer allowing the driver to apply for a license.

After entry into the program, the driver will be required to pay an additional fee to the agency conducting the DDP. The maximum amount this fee may be is \$225. The DMV should tell the driver the exact amount due and to whom this fee should be paid.

### 5. *What does the DDP consist of?*

The DDP consists of seven weekly sessions totaling 16 hours. Each class is two to three hours in length. In addition to the seven sessions, the DDP may decide that the driver needs to submit to a formal evaluation of his or her drug or alcohol use. The driver may choose an individual

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or organization to perform this evaluation from a list provided by the DDP. If the driver does not agree with the results, he or she may request a second evaluation from the DDP director, but he or she must accept the results of this second evaluation.

After evaluation, the driver may be required to complete a formal substance abuse treatment program in addition to the DDP. If he or she does not complete this additional program, he or she will be dropped from the DDP and his or her conditional license will be revoked.

There are additional fees for any evaluations or additional treatment programs required by the DDP.

## 6. *What happens after the DDP program is completed?*

After completing the DDP, the driver will receive a “Notice of Completion” (MV-2026), a copy of which should be provided to the DMV by the DDP. When the period of the driver’s suspension or revocation is over, he or she may apply for reinstatement of full driving privileges. Until then, absent any new violations, the driver is still eligible to drive on a conditional license.

If the driver license was **suspended**, the driver must undertake the following actions to have his or her full driving privileges restored:

- a. Complete the DDP;
- b. Go the DMV and pay a \$25 suspension termination fee, or, if the driver is under 21 and convicted under the “Zero Tolerance Law,” pay a \$100 suspension termination fee and a \$125 civil penalty;
- c. Pay any additional license renewal fees.

If the driver license was **revoked**, the driver must undertake the following actions to have his or her full driving privileges restored:

- a. Complete the DDP;
- b. Take the “Notice of Completion” and conditional license to the DMV office that issued the license;
- c. If the driver license was revoked for violating the “Zero Tolerance Law,” pay a \$100 reapplication fee and a \$125 civil penalty.
- d. Pay any additional license renewal fees.

## 7. *What happens if the driver does not finish the DDP?*

The driver may be dropped from the DDP for the following reasons:

- a. Failure to attend class or any required evaluation or treatment;
- b. Not satisfactorily participating in the program;
- c. Not paying program fees.

If the driver is dropped from the program, he or she will lose the conditional license.

If the driver is dropped, he or she must obtain written consent from the DDP director to re-enter the program. The driver must take this written consent to the DMV. A \$50 re-entry fee payable to the DDP is also required.

## 8. *Under what other circumstances can the driver lose the conditional license?*

The driver’s conditional license may be revoked for committing a moving violation or violating the conditions of the license (i.e., driving when he or she is not supposed to). Under these circumstances, if the driver is over 21, he or she may regain the conditional license *after* completing the DDP. If the driver is under 21, he or she *must* serve a one year revocation, regardless of if the DDP is completed.

The driver’s conditional license may also be revoked if he or she is convicted of another drug or alcohol-related offense or of any offense requiring license revocation. Under these circumstances, he or she must complete the new period of revocation before being eligible for reinstatement of the conditional license, regardless of when he or she completes the DDP.

Upon revocation of a conditional license, the driver must turn his or her conditional license in to the DMV. Any delay in turning it in will result in a delay in having full driving privileges restored.

## 9. *What if a driver chooses not to participate in the DDP?*

Even if a driver chooses not to participate in the DDP, and he or she is again arrested for a drug or alcohol-related driving offense within the next five years, he or she is not eligible to participate in the DDP following this second arrest. A driver cannot “bank” his or her participation in the DDP; the driver either takes the course or the opportunity is gone.