



# Motor Vehicle Division

Driving Under the Influence (DUI)

Alcohol/Drugs

# DUI General Rules

- -If MVD receives a “1st DUI” conviction the record is evaluated for previous DUIs
  - If record shows previous DUI conviction within the last 10 years, it is treated as a 2<sup>nd</sup> DUI
  - If 2 or more DUI convictions are on the lifetime record , it will be treated as a 3<sup>rd</sup> or subsequent

# DUI General Rules

- MVD will take action:
  - by the *actual* total number of DUI convictions on driver record
- OR
- by the number reported by the court if it is greater than the number convictions on the driver record.

# Implied Consent

- MVD receives implied consent (breath or blood refusal) form from law enforcement
- MVD reviews record to determine if previous implied consent refusal within 5 years
- 1<sup>st</sup> offense: suspends 6 months
- 2<sup>nd</sup> offense: suspends 1 year
- NO probationary license for implied consent suspension

# 5 DUI General Rules

- A driver may receive two separate suspensions for the same event. One for the implied consent report and another for the DUI conviction
  - MVD will not issue an probationary license during the implied consent suspension period
  - A court may allow a driver convicted for a DUI to obtain a probationary license but it will not be issued until the implied consent suspension period has ended

# DUI 1<sup>st</sup> Offense

- MVD suspends driver license for 6 months
- MVD sends driver a letter listing all the requirements for reinstatement
- Probationary License (essential driving only)
  - Only if specifically designated by court
  - Pay \$200 reinstatement fee
  - Is otherwise eligible

# DUI 2<sup>nd</sup> or 3<sup>rd</sup> Offense

- MVD suspends for one year
- If court allows probationary license
  - Pay \$200 reinstatement fee
  - Meet mandatory waiting period
    - 2<sup>nd</sup> DUI – 45 days
    - 3<sup>rd</sup> or subsequent – 90 days
  - And, is otherwise eligible

# DUI 2<sup>nd</sup> or 3<sup>rd</sup> Offense – Sobriety Program (24/7)

- Probationary license
  - Waiting period waived
  - \$200 reinstatement fee
  - Otherwise eligible
  
- Education Class and Treatment
  - Court certifies driver successfully completed treatment program and provided proof of insurance



# DUI 2<sup>nd</sup> or 3<sup>rd</sup> Offense – Interlock or Court Approved Alcohol Drug Testing Program

- Interlock Restriction
  - Placed on driver license if designated by court
- Designate court approved alcohol drug testing program on disposition

# DUI 2<sup>nd</sup> or 3<sup>rd</sup> Offense

- Alcohol Education and Treatment
  - MVD must receive proof of completion before license will be restored
  - Must be a DPPHS approved provider
  - Must be a licensed chemical addiction counselor

# Felony DUI

- MVD revokes driver license for one year
- Probationary license
  - Driver pays \$200 reinstatement fee
  - After 90 day mandatory waiting period
  - Gives proof of financial responsibility (SR-22)
  - Install interlock
  - Re-apply for driver license at exam station (pay fees and pass all tests)

# Felony DUI

- Interlock Restriction
  - Placed on driver license automatically
- Education Class and Treatment
  - MVD must receive proof of completion before license will be restored
  - Must be a DPPHS approved provider
  - Must be a licensed chemical addiction counselor

# Felony DUI

- Non-compliance
  - MVD will re-revoke for early removal of interlock
    - MVD will restore probationary license upon re-installation
  - MVD will re-revoke for failure to carry SR-22
    - MVD will wait 15 days upon receipt of SR-26 before re-revoking.

# Commercial Driver License (CDL)

CDL allows a driver to operate a commercial motor vehicle and a non-commercial motor vehicle

1. Commercial driving privilege
2. Base license driving privilege

DUI offenses impacts both commercial and non-commercial driving privileges

# CDL – Additional penalties

Additional penalties apply if:

- driver holds a CDL and the alcohol/drug offense occurred in any motor vehicle, or
- non-CDL holder and the offense occurs while operating a commercial motor vehicle (CMV)

# CDL – Additional penalties

In addition to all the consequences and requirements describe earlier, a CDL holder will have additional penalties applied to their commercial driving privilege



# CDL – “Major Offense”

For the purpose of a driver’s commercial driving privilege, a DUI conviction or a report of implied consent is considered a “major” offense (MCA 61-8-802)

# CDL – “Major Offense”

1<sup>st</sup> Major offense = 1-year suspension of commercial driving privilege

2<sup>nd</sup> Major offense = 10-year suspension of commercial driving privilege

# Commercial Driver License (CDL)

CDL holder convicted of a 1<sup>st</sup> offense DUI (any type of motor vehicle):

- Base driving privilege suspended for 6-months
- Commercial driving privilege suspended for 1-year

CDL holder convicted of a 2<sup>nd</sup> offense DUI (any type of motor vehicle):

- Base driving privilege suspended for 1-year
- Commercial driving privilege suspended for 10-years

# Commercial Driver License (CDL)

Any action against the base (non-commercial) driving privilege automatically applies to the commercial driving privilege

Action **MAY** be taken against the commercial driving privilege that does not effect non-commercial driving privilege