

New York State Department of Motor Vehicles
THE NYS
ALCOHOL/DRUG REHABILITATION PROGRAM
DRINKING DRIVER PROGRAM (DDP)
AS A COURT-ORDERED CONDITIONAL DISCHARGE
www.nysdmv.com



OPTION OF THE LOCAL COURT

The DDP offers an important option in the judicial process. A court convicts the motorist of an alcohol or drug offense and imposes a sentence provided by the Vehicle and Traffic Law. With no court intervention, DDP enrollment is voluntary. However, as a “condition of discharge,” a judge may require this motorist to enroll in, and complete, the DDP.

To do so, the court must complete the appropriate box on the

UT-TSLE&D TICKET
“Disposition / Sentence” or
CONVICTION CERTIFICATE (A-246)
“Sentence”

The judge must enter “C.D. to DDP or DDM” in one of these boxes.

DRINKING DRIVER PROGRAM

The DDP was established in 1975 by V&T Law. Since then, DMV has overseen a permanent program of rehabilitation for people convicted of certain alcohol/drug-related traffic offenses.

A. DDP and Education

The DDP includes a 16-hour education program offered over 7 weeks. The topics addressed in the curriculum are: Traffic System; Values, Life-Styles & Decision-Making; Alcohol, Other Drugs & Driving; Substance Abuse & Driving Safety; Substance Abuse & Driving – A Social Problem; and, The Decision is Yours.

The motorist must attend all of these sessions to complete the educational phase of the DDP and get a completion certificate or green slip (MV-2026) if no referral is made.

B. DDP and Screening/Referral

During the 7-week class, everyone is screened for a possible substance abuse problem. Screening is quick, inexpensive, straightforward and objective. Motorists who meet any of the following criteria are referred to an “outside” certified clinic or licensed professional for a comprehensive substance abuse evaluation:

1. **RIASI Test Score (9 or more);**
2. **two or more substance-related driving incidents within 10 years;**
3. **self-disclosure of a problem;**
4. **attending class under the influence of alcohol/drugs;**
5. **arrested for a substance-related driving offense while in the DDP.**

C. DDP and Evaluation/Treatment

DDPs refer motorists to clinics certified by the NYS Office of Alcoholism & Substance Abuse Services (OASAS) and/or to professionals licensed by the NYS Education Department. (OASAS maintains a resource list of qualified providers.) These independent providers evaluate motorists in accord with DMV’s Guidelines for Comprehensive Alcohol & Drug Abuse Evaluations. Some motorists are retained for treatment. DDPs “track” motorists who were referred; providers are required to report evaluation/treatment results to DDPs. These reports (DS-449) must be received by the DDP before the DDP notifies DMV that all DDP requirements have been met.

D. DDP Administrative Appeal Process

DDP participants who disagree with the results of a comprehensive evaluation, or with the recommendation for treatment, may ask the DDP Director for a second opinion (which is the first step in a DMV administrative appeal process).

DDP ELIGIBILITY

DDP eligibility is determined by DMV. After DMV receives conviction information from the court, DMV advises the motorist to go to a county or state Motor Vehicles office to enroll in the DDP and obtain a conditional license if eligible. DDP class size is limited.

The DMV fee is \$75. Additionally, the DDP costs up to \$225.

The conditional license allows the motorist to drive: to/from/during work; to/from school & college; to DDP; to evaluation/treatment; to documented medical appointments; to court/probation; to child’s day care if necessary for employment or attending school; for one 3-hour period of “personal” time.

ELIGIBLE FOR DDP, BUT NOT FOR CONDITIONAL LICENSE

Some motorists are eligible for the DDP, but not for a conditional license because they:

- ◆ were convicted of homicide, assault, criminal negligence or criminally negligent homicide while driving;
- ◆ were in a fatal crash and convicted of an alcohol or drug offense;
- ◆ do not have a renewable NYS driver license;
- ◆ were mandated by the court to attend DDP, but were convicted of a prior alcohol/drug violation within the preceding five years from the current alcohol/drug violation.
- ◆ were convicted of another offense which carries a mandatory suspension or revocation, when convicted of the present alcohol or drug offense;
- ◆ had two or more other suspensions or revocations in the last 3 years;
- ◆ were convicted of reckless driving more than once in the last 3 years;
- ◆ have suspended/revoked licenses for moving violations other than the current DWI/DWAI;
- ◆ have driving records suggesting an unusual or immediate highway risk;
- ◆ are prohibited by probation conditions from having licenses;
- ◆ were convicted while driving a school bus, taxi, bus or livery with passengers;
- ◆ are ineligible for a conditional use license due to conviction of an alcohol violation subject to the penalties under V & T Section 1193-1(d) while operating a CMV (Commercial Motor Vehicle).

NOTE: Motorists sentenced to the State's interlock program under V & T Section 1198, may be eligible to apply for a post revocation conditional license after the minimum sanction period is served. (See Ignition Interlock Device, below.)

NOT ELIGIBLE FOR DDP

In certain circumstances, motorists are prohibited from enrolling in the DDP. DMV will notify these motorist of the reason(s) for ineligibility.

LICENSING/RELICENSING

After a V&T Section 1192 conviction, a license is suspended or revoked. If the court does not make the DDP a condition of discharge, motorists can wait out the suspension/revocation period without driving privileges.

Suspended driving privileges are usually restored automatically after serving the suspension period, paying the required suspension termination fee, and clearing other prohibiting factors. Some DDP participants can get full privileges restored at the end of the suspension period, even if they have not yet completed the DDP. However, clients who held a conditional use license during the DDP must still complete the DDP or the suspension order will be reinstated.

Revoked driving privileges are not automatically restored (V&T Section 510). Without DDP, a revoked motorist must serve the minimum revocation period without a license before reapplying to DMV. In some cases, DDP participants whose licenses have been revoked, get full driving privileges restored when they complete the DDP.

CONDITIONAL LICENSE REVOCATION

The conditional license is revoked if the DDP participant is:

1. dropped for failure to attend any class, evaluation or treatment part of the DDP;
2. convicted of any traffic violations which indicate that he/she drove outside of the conditional license parameters;
3. convicted or there is a finding of any alcohol or drug-related offense, misdemeanor, or felony or any one traffic violation, including a seat belt or cell phone violation (other than parking, stopping, equipment, inspection, or other non-moving violations) where such violation occurs while the conditional license/privilege is valid.

When the conditional license is revoked, DMV reimposes the original suspension/revocation period. If the court made the DDP a part of the conditional discharge, DMV notifies the court when a motorist drops out of the DDP. The court can recall this motorist for resentencing.

IGNITION INTERLOCK DEVICE (IID)

Courts may require convicted motorists, as part of their sentence, to install and maintain an IID in their vehicles. These motorists will have an IID restriction placed in their driving record and on any driver license document issued thereafter, until they receive permission to have the device removed from their vehicles and the restriction lifted.

