

Driver's Licenses

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www.DWICriminalLawCenter.com



GOALS - You will under- stand...

- Understand consequences of points & convictions
- How to negotiate with the license outcome taken into consideration
- How to advise clients as to **collateral consequences** of their plea
- How to help clients help themselves *pro se*
- Checklist to give clients on how to reinstate or drive with restricted or limiting driving privilege (RDP/LDP)

Criminal cases cause
POINTS & convictions
(unless amend or SIS)

Every criminal / traffic
case has POTENTIAL to
affect Driver's License

But every DWI / BAC will
affect Driver's License

– 2 consequences

Unless win DOR case

Unless DUID

Points & Convictions lead to...

- 30-90 days
SUSPENSIONS
- 1 year REVOCATIONS
- 5 year DENIALS
- 10 year DENIALS
- Lifetime DENIALS

HOW do our clients get
suspensions, revocations
& denials
after a GP in our case?

MIPs

302.400

311.325

- If state court, 2 points
- Needs court ordered to suspend/revoke
- 1st = 30 days suspension
- 2nd = 90 days susp
- 3rd+ = 1 year revocation

Abuse & Lose (< 21)

302.400

302.425

- Needs court ordered to suspend/revoke
- If < 21 and
 - Any ARTO
 - Any poss/use alcohol while operating
 - Any poss/use of drugs (operating/car not matter)
 - Any alternation, modification, misrepresentation of a DL
 - <18 & 2nd offense of poss/use of alcohol
- Then
 - 1st = 90 days suspension
 - 2nd+ = 1 year revocation

Abuse & Lose (adults)

302.400

302.425

- Needs court ordered to suspend/revoke
- If ≥ 21 ,
 - possession drugs while driving = 1 yr revoc

The POINTS SYTEM ---
POINTS caused by
criminal/ traffic
convictions

POINTS due to
criminal/ traffic
convictions

POINTS SUSPENSIONS

- 8/18

Length of suspension

- 1st = 30 days
- 2nd = 60 days
- 3rd = 90 days

POINTS due to
criminal/ traffic
convictions

POINTS REVOCATIONS

- 12/12
- 24/24
- 24⁺/36

Length of revocation

- 1 year
revocation

POINTS due to
criminal/ traffic
convictions

POINTS REVOCATIONS

DWI/BAC:

- 1st conviction
= 8
- 2nd = 12

Length of revocation

- 1 year POINT
revocation
- + can get denials
- Not to mention
other DOR admin
actions

DWI / BAC
convictions
cause
DENIALS

5 year denial

- 2+ DWI/BAC convictions (w/in 5 years each other)

10 year denial

- 3+ DWI/BAC convictions (in lifetime)

Lifetime denial

- If get DWI / BAC after getting reinstated after 10 year denial

How long do points stay on record?

- If no suspension, revocation, denial as a result,
 - then points decrease % over time and
 - **purge** at 3 yrs

How long do points stay on record?

- when reinstate, reduced to 4

Otherwise...

- 1 year – reduced by $\frac{1}{3}$
- 2 years – reduced by $\frac{1}{2}$
- 3 years – reduced to 0
 - And purged if no point suspension or revocation due to those points

Knowing about points &
convictions causing loss of
license, how to help our
clients through plea
negotiations

Criminal cases to watch out for ...

12 points

- Any felony involving MV
- 2nd+ DWI conviction
- LSA
- DWS/R
- DWI 2nd +

- See POINTS chart DOR
Form 899

Plea deals that help

- FTR, DE, tags,
parking

= 0

- NVOL

= 2 / 4 / 6

- Open Cont

= 2

- NOI ad C&I

= 4

- SIS

- Anything on
2 point list

Understanding DOR actions before client even gets to you

Administrative Alcohol actions &
Chemical Refusal actions

DOR ACTIONS: Suspensions & Revocations due to breath test or refusal

90 days SUSPENSIONS

- “Admin Actions” –
 - *all* BACs >.08
 - if not w/in 5 years of last one
- “Zero Tolerance” –
 - under age 21
BAC >.08

• See DOR website

1 year REVOCATIONS

- “Admin Actions” –
 - BAC >.08 w/in 5 years of last breath test over .08
- “Chemical Actions” –
 - *all* refusals

Denials –
always due to
convictions
(POINTS)

5 year DENIAL

- 2 DWI/BAC convictions w/in 5 years of each other

10 years DENIAL

- 3+ DWI/BAC convictions in life

Denials –
always due to
convictions
(POINTS)

Lifetime denials

- DWI/BAC conviction after got reinstated after 10 year denial

CASE STUDY

- Multiple 10 year denials on driving record showing all are “active”
- Does client qualify for LDP or reinstatement?

CASE STUDY

- Multiple 10 year denials on driving record showing all are “active”
- Does client qualify for LDP or reinstatement?
- LDP – maybe
- Reinstatement - YES

Plea Negotiations that
may not be easy or fast
but make a BIG difference

GOAL IS TO DRIVE LEGALLY!!!

CASE STUDY

- Facing 10 year DENIAL– J.M.
 - prior felony DWI conviction
 - prior misd DWI convictions x2
 - Pending felony DWI
 - DOR admin action not matter
 - How avoided 10 year denial?

CASE STUDY

- Facing 10 year DENIAL–T.J.
 - prior misd DWI convictions
x2
 - Pending felony DWI
 - DOR admin action not
matter
 - How got Hardship/LDP?

Getting back their license – help client help themselves

See my attached HTD form (How to
Drive)

REINSTATE -MENT STEPS if suspended or revoked

- No forms or lawsuits, just a to do list
- 1. SR22 2 yrs from DOS/R/D
(suspension/revocation/denial)
- 2. SATOP
- 3. \$45 reinstatement
- 4. IID 6 months
 - If >1 action on record
 - Starts running from DOR
(date of reinstatement)

REINSTATE
-MENT if
denials

Must file
LAWSUIT

- in county of last conviction
- Serve the DOR

RDP / LDP if suspended or revoked

Can get RDP if

- During 90 days suspension
 - 0/90
 - 30/60
 - 90/0
 - If SR22 + IID

Can get LDP if

- During 1 yr revocation
- During 5/10 yr denial

RDP / LDP if suspended or revoked

How to get RDP

If 90 days
suspension, &
choose 90/90

1. FORM 5489
2. SR22 +
3. IID

If choose 0/90 or
60/90, then no IID

How to get LDP

If 1 year revocation,

1. FORM 4595
2. SR22 +
3. IID

IF it's just a
FORM, then
can help
them....

- Easy to do
pro se
 - Do not need
lawyer
 - But help them
check ALL the
boxes!
- Simply do
the steps and
mail / fax /
email in the
FORM

How to get LDP on 5/10 year denials

LAWSUIT

- In county of home or work
- SR22 + IID
- If qualify...

Qualify if...

- No LSA
- 5 yr wait if have
FELONY

But if 5/10
year denial,
then LDP &
reinstatement
requires a
LAWSUIT

- maybe get form petition
- clerk may help with service & filing info
- But really should go with lawyer bc easy to screw this up

Why is it so hard to do pro se?

It is filing a LAWSUIT...

- No OSCA forms
- Some clerks not much help w/filing & service

FOF/COL TESTIMONY

- Treatment
- Support system
- No Drugs
- No Alcohol
- HABITS, not risk
- DWS not hurt

INSIDE INFO about SATOP and IID

IID

- Is prone to false positives
- Violations lead to extensions
 - 30 days if RDP
 - 3 consec months if reinstmt

If client has to do
SATOP, beware of how
they are assessed....

SATOP
assessment is
\$375 for
everyone –
(unless SATOP
equivalent)

- Advise them how to talk to SATOP assessor
- Advise them about the DMH guidelines that control the SATOP assessment, and ultimate assignment to their SATOP level

Understand SATOP levels

ONE

- OEP –
Offender
Education
Program
- Approx \$130
- 10 hours

TWO

- WIP –
Weekend
Intervention
Program
- Approx \$500
- 20 hours

Understand SATOP levels

THREE

- CIP – Clinical Intervention Program
- Approx \$1100
- 50 hours

FOUR


- SROP – Serious & Repeat Offender Program
- Approx \$1500 (or traditional inpat tx)
- 75 hours w/in 90 days

But can seek judicial review

- OCSA FORM - CV135 – SATOP review
 - File in county where assessment occurred
 - Less than \$100 in most counties
 - Can file *pro se* or with attorney
- WHEN seek judicial review?
- WHY file it?

CV135 Petition for Review of a SATOP Assessment Assignment Recommendation.pdf (page 1 of 2)

Search



IN THE _____ JUDICIAL CIRCUIT, _____ COUNTY, MISSOURI

Judge or Division:	Case Number:
Full Name of Petitioner (Name, Address, Driver's License No.):	
vs.	
Respondent (the person or entity making the needs assessment) (Name, Address):	

(Date File Stamp)

Petition for Review of a SATOP Assessment Assignment Recommendation

Pursuant to section 302.304 or 302.540, RSMo, I request that the court hear and determine this petition for review of the attached assignment recommendation contained in the Substance Abuse Traffic Offender assessment (SATOP Notice of Offender Assignment Form A3). I object to the assignment recommendation for the following reasons:

I request the following relief: _____

_____ Date _____ Petitioner

Sheriff's or Server's Return

I certify that I served the above petition by: (check one)

☐ delivering a copy of the petition to the respondent.

☐ leaving a copy of the petition at the dwelling place or usual abode of the respondent with _____, a person of the respondent's family over the age of 15 years who permanently resides with the respondent.

☐ (for service on a corporation) delivering a copy of the petition to _____ (name) _____ (title) at _____ (address).

☐ other: _____.

Served in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Sheriff's fees (if applicable)

Summons	\$ _____
Non Est	\$ _____

Instructions to Petitioner

1. This petition for review should be filed in the circuit court of the county in which the assignment was made.
2. Make sure to attach a copy of the "SATOP Notice of Offender Assignment Form" (A3) with this petition before filing.
3. The filing of this petition is a civil action for which you will be expected to pay a civil cost deposit at the time of filing.
4. It is best if you use the name of a service provider (i.e., the business or company) for the respondent instead of the individual who administered the test and held the personal interview with you. If you use the name of the individual, there may be times when the person no longer works for the provider and the petition cannot be served upon them. The court may dismiss the case if service cannot be made on the party listed as the respondent.
5. The court clerk will provide a copy of this petition to the sheriff or server to deliver to the respondent.
6. **This does not exempt the petitioner from any condition of probation requiring completion of a Substance Abuse Traffic Offender Program (SATOP).**

Special issues for out of state clients

- SATOP comparable form at DMH website
- Can delay & ignore Mo RDP, LDP, denials, reinstatements
 - But it will catch up to them when go to renew in home state or if caught driving (maybe in their state, certainly in Mo)

Q&A

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