

**HOW DO I GET MY LICENSE
BACK AFTER THE SUSPENSION?**

You get your license back through a process called reinstatement. Either at the hearing, or through the mail, you will be told of the date you can get reinstated. On or after that date, you may be reinstated. Reinstatement and relicensing are mandatory. Driving after your reinstatement date without reinstating is driving under suspension. In order to get reinstated, you will need to show the Division of Motor Vehicles that you have automobile liability insurance and you will need to pay a \$60 reinstatement fee. If you reinstate through the mail, send your requirements in 4 to 6 weeks before your reinstatement date. That way, the DMV can send your order of reinstatement out on the very day you are eligible.

**WHAT HAPPENS IF I
DRIVE UNDER SUSPENSION?**

We all know that doing without a license is a hardship; sometimes it seems impossible to endure. But, the punishment for driving under suspension is worse. If you get caught, there will be penalties both from the criminal courts and the Division of Motor Vehicles. The criminal courts can convict you of driving under suspension. That carries a jail sentence of at least 5 days. There is also a fine of \$50 to \$500. If you are convicted of committing any traffic offenses when you are under suspension, the DMV will automatically extend the period of suspension for 1 year with no possibility of obtaining a probationary license. So, if you were supposed to get your license back in May of 2004, and got a ticket, you would not be able to get your license back until May of 2005!

EXAMPLE

You have one 4 point speeding ticket on your record, for going 45 mph in a 30 mph zone. You got that ticket when you were 16 1/2. As soon as you turned 18 you got a car brand new to you. A couple of friends got in and you decided you wanted to show them what it could do. So, you burned a couple of cookies into the pavement of the parking lot behind the mall late one night. The police officer charged you with several violations. You went to court and the court allowed a plea bargain down to an 8 point reckless driving conviction. You decided to take the plea bargain. You would not have your license suspended if that was the only ticket you had (see the chart). But, that one speeding ticket you had when you were 16 gets added in for a total of twelve points. From 16 1/2 to 18 is less than 2 years. 12 points in 2 years for a provisional driver is enough to cause a suspension. So, the court would send the notice of the conviction for reckless driving to the Division of Motor Vehicles. The points would then be put on your record. The record would next be analyzed. Then a hearing date would be set up. The DMV would send a notice to the address on the last ticket, unless an address change was filed with the Driver License office since the last ticket. That notice would show when and where the suspension hearing was to take place. At the hearing, the hearing officer would decide how long the suspension is going to last and whether or not a probationary driver license (red license) would be allowed.

Most people want a time estimate for how long such a suspension would last. It is not proper for anyone to give such an estimate since it is a decision made by the hearing officer who takes many things into consideration.



**DIVISION OF MOTOR VEHICLES
DRIVER CONTROL**
1881 PIERCE STREET
LAKEWOOD, COLORADO 80214

DRP 4665 (09/13/04)

**Point
Suspensions**

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DRIVER CONTROL**
1881 PIERCE STREET
LAKEWOOD, COLORADO 80214



HOW DO POINT
SUSPENSIONS HAPPEN?

If you get too many points against your driving record within a certain period of time, you will lose your driver license through a point suspension. Each time you are convicted of a traffic violation, the court notifies the Division of Motor Vehicles (DMV) of the conviction. A conviction occurs when you plead guilty to a charge, pay the ticket or accept a plea bargain. Also certain tickets will become convictions by default if you fail to appear in court. Each type of conviction causes a certain number of points to be placed on your traffic record. A list of how many points go with certain tickets may be found below. Each time you get a

ticket, the Division of Motor Vehicles places the points on your record and then analyzes your record to see if there are enough points to cause a point suspension. When the DMV analyzes records, it determines whether there are enough points to cause a suspension in the proper age group. You do not “get points back” when you have a birthday. (See example on back page.)

MINIMUM POINTS TO
CAUSE SUSPENSION

Table with 4 columns: Age Group, 12 month, 24 month, Period of Lic. Rows include Minor driver(16-17), Minor driver(18-20), and Adult Driver.

POINTS ASSESSED FOR EACH VIOLATION OR CONVICTION

Table with 2 columns: Violation/Conviction, Points. Rows include Leaving scene of accident, Driving while intoxicated, Speed contests, Eluding or attempting to elude a police officer, Reckless driving, Careless driving, Failure to yield right-of-way, Speeding over posted limit, Failure to stop for a school bus, Driving on wrong side of road, Failure to maintain or show proof of insurance, Improper passing, Failure to observe traffic sign or signal, Improper turn, Driving through safety zone, Driving in wrong lane or direction on one-way street, Failure to signal or improper signal, Failure to yield to emergency vehicle, Improper backing, Failure to dim or turn on lights, Operating an unsafe vehicle.

If there are enough points on your record to cause a suspension, a suspension is required. The DMV does not suspend your license without first trying to give you a hearing.

The DMV sends a notice to the last address you gave on your driver license or to a policeman on a ticket. That notice will tell you when and where the hearing will be.

If you move and do not tell the Driver License office, you may not get the notice. Just filing an address change with the Post Office will not work. If you do not come to the hearing, the suspension will be set for the maximum period, one year.

WHAT HAPPENS
AT THE HEARING?

The hearing is like a small court. You will appear at the hearing to tell your side of things and the hearing officer will ask you questions and make some decisions. If you want to, you may have an attorney come with you. But, an attorney may not represent you without your being there. The hearing officer will want to get some information that only you can provide. The hearing will be tape recorded by the hearing officer. If you think that the hearing officer does not follow the law, you may appeal his or her decision to the District Court in the county where you live. If you do appeal the decision, you must apply for that appeal within 30 days of the date of the hearing.

At the hearing, the hearing officer decides:

- 1. Whether a suspension is required. The hearing officer checks your Motor Vehicle record and allows you to show records that may prove the Motor Vehicle record wrong.
- 2. How long the suspension lasts. Under the point suspension law, the maximum is 1 year with no driving.

3. Whether any driving privileges will be granted during the period of suspension. That is, if the hearing officer will let you get a probationary license (red license) while you are suspended.

The hearing officer will tell you about the law, why he or she made the decision they made and give you some instructions on what you need to do after the hearing.

WHAT IF THE MOTOR VEHICLE
RECORD IS WRONG?

It is up to you to show certain papers that prove the record is wrong. The courts send official record of the convictions to the Division of Motor Vehicles. Then, the convictions are carefully placed on traffic records. Certified court transcripts are required to remove those convictions from the record. A certified court transcript is a sealed document from the court itself. If there has been an error on your record, it is very important that you have it removed or corrected. Again, that will have to be by bringing a certified amended court transcript to the Division of Motor Vehicles or to the hearing.

CAN I HAVE
A RED LICENSE?

That is going to be up to the hearing officer. The hearing officer will take into consideration many things, including the seriousness of your record and what happens to you if you can’t drive at all.