

YOUR RIGHTS

The Department of Motor Vehicles (DMV) has revoked your driver's license under administrative authority granted by the Nevada State Legislature.

You have the right to appeal your license revocation by requesting a hearing before the Office of Administrative Hearings.

If you request a hearing, the Nevada DMV will run a national check of your driving record. If you have no other active revocations or suspensions, you will be cleared to receive a temporary driver's license or receive a stay action as appropriate.

The temporary license must be obtained from a DMV full service office. It is similar to a normal license and contains your photograph.

The Office of Administrative Hearings will schedule your hearing after it has received your request and the documentation of your arrest. You will be notified by mail. The office will issue subpoenas to the arresting officer and other parties as appropriate.

You may represent yourself or retain an attorney at your own expense. The arresting officer will testify on the facts of your arrest and test results.

The scope of a DUI administrative hearing is limited to the issue of whether you, at the time of the test, had a concentration of alcohol of 0.08 or more in your blood, breath or urine, or whether you had a detectable amount of a controlled and/or prohibited substance as determined by a chemical test.

AT THE HEARING

Administrative hearings are conducted in the same manner as civil or criminal trials. An Administrative Law Judge (ALJ) presides over the hearing and renders a decision.

Hearings are open to the public and recorded.

During the hearing:

- Witnesses testify under oath.
- Witnesses may be cross-examined.
- The ALJ may consider physical evidence.
- The ALJ must consider all appropriate statutes, regulations and case law.
- Appropriate dress is expected.
- Abusive or disruptive behavior or any sign of intoxication will cause the ALJ to terminate the hearing.

The ALJ will issue a written decision, usually within 30 days.

Your temporary license will remain valid until the ALJ's written decision is received and processed by the DMV. Copies are also sent to you and your attorney.

The ALJ's decision is final and binding. It may be appealed to a District Court and then to the Nevada Supreme Court.



WHAT'S NEXT

If the ALJ rules in your favor (*rescinds* the revocation), you will be cleared to obtain a permanent driver's license from the DMV as long as you are otherwise eligible.

Your license status will continue to be listed as temporary until you physically receive a new license from the DMV.

If the ALJ rules against you (*affirms* the revocation), you will be mailed a separate notice which lists the beginning and ending dates of your revocation. You must surrender your temporary license at a Nevada DMV office prior to the beginning date. In most cases, the DMV will issue an identification card if requested.

If this is your first DUI offense, you may apply for a restricted driver's license after one-half of your revocation period has passed.

Reinstatement of your driving privilege is not automatic. Your license will remain revoked until you physically receive a new driver's license.

To regain your license, you must:

- Wait until the end of all revocation periods.
- File SR-22 insurance coverage or other proof of financial responsibility.
- Apply for a license, pass the written and vision tests and, if required, a driving test.
- Pay the appropriate administrative and civil fees.

If you move out of state, you may obtain a clearance letter and receive a license in your new state. You will have to pay Nevada reinstatement fees and civil assessments.

Contact the DMV at (775) 684-4368.

KNOW THE LAW

Driving on a Revoked License

- You will be arrested.
- Minimum 30 days of jail time or 60 days of house arrest.
- \$500 to \$1,000 possible fine.
- License revoked for one additional year.
- Plea bargaining and suspended sentences are prohibited.

Repeat DUIs

Offenders who have been convicted of a felony DUI once will face felony charges on all subsequent arrests. Misdemeanor DUIs committed more than seven years after a prior offense may be treated as a first offense.

A second misdemeanor DUI within a seven-year period carries a longer jail sentence, a higher fine, a one-year driver's license revocation and no restricted license.

A third DUI within a seven-year period is a felony with a minimum prison term of one year and a license revocation of three years.

Your Records

Records of a DUI arrest and/or conviction remain in criminal history files for the rest of your life. Criminal convictions are public records.

Convictions and license revocations remain on your full DMV record for the rest of your life. DUIs and other traffic offenses are reported to insurance companies and most employers for three years, to other state DMVs for ten years and to law enforcement and courts indefinitely.

A revoked driver's license that is not reinstated will remain revoked indefinitely. You will not be able to obtain a license in any other state.

CONTACT US

The Office of Administrative Hearings has three office locations in Nevada. Administrative Law Judges (ALJs) also travel to other areas as needed.

Carson City/Reno (775) 684-4574
555 Wright Way in Carson City

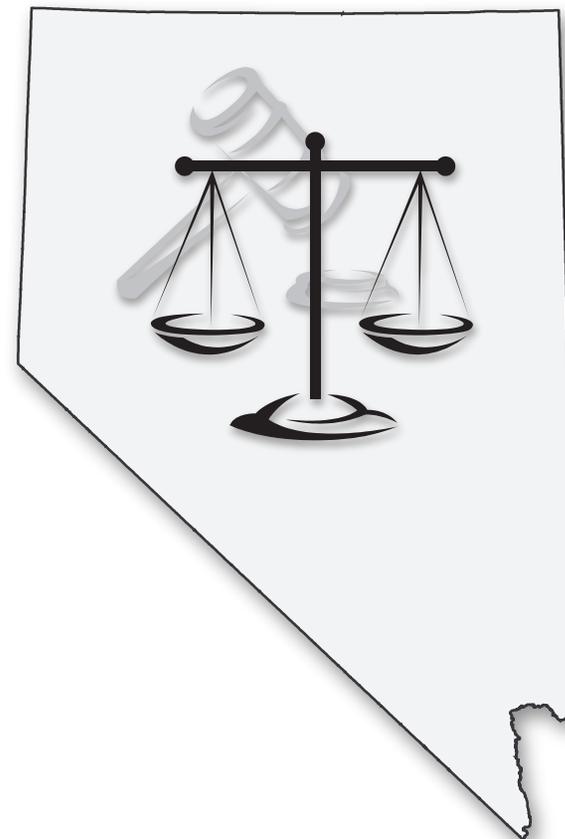
Las Vegas (702) 486-4940
2701 East Sahara Avenue

Elko (775) 753-1239
3920 East Idaho Street

Statewide Toll Free Number
1-800-992-0900, ask for 684-4574

Written requests should be directed to:

Department of Motor Vehicles
Office of Administrative Hearings
555 Wright Way
Carson City, Nevada 89711-0960
Fax: (775) 684-4569



DRIVER'S LICENSE DUI REVOCATION HEARINGS

Office of Administrative Hearings
Nevada Department of Motor Vehicles