

# Administrative License Suspension (ALS) and Driving Under the Influence (DUI) Fact Sheet

## Civil Case - ALS Facts

An Administrative License Suspension (ALS) is through the Idaho Transportation Department (ITD).

It happened because you failed the roadside evidentiary testing.

Law enforcement gave you a goldenrod copy of the following titled document: Notice of Suspension for Failure of Evidentiary Testing.

Find the form and read it, front and back.

On the front of the form, in the lower right corner is a box labeled: Date of Service.

This is when the official clock starts for this suspension.

If you want to fight the ALS, apply for a hearing within 7 days of the date in the box on the front. See the back of the goldenrod notice for hearing information.

A 90 day suspension starts 30 days after the date in the box. This suspension is through ITD.

The first 30 days of the 90 day suspension are absolute – This means there are NO DRIVING PRIVILEGES AT ALL.

During the remaining 60 days of this suspension, you may be eligible to apply for a restricted driving permit through ITD.

The form for Restricted Driving Permit (RDP) is ITD 3227. This form is on our website and the application fee is \$60.00.

In addition to the Restricted Driving Permit fee, the ALS reinstatement fee of \$245.00 is due before ITD can issue a Restricted Driving Permit or make your Driver License valid again.

10 days after the 90 day ALS suspension ends, an interlock device is required for one year.

## Criminal Case - DUI Facts

Driving Under the Influence (DUI) is through the Courts.

You were provided with a court date, make sure to go to court.

If you can't afford a lawyer, ask for a public defender.

The public defender will only help with the court case, not the ALS suspension.

If you are found guilty:

- Your license will be suspended for however long the court says.
- You must pay ITD a reinstatement fee of \$285.00.
- You must have an SR22 insurance policy for three years beginning at the end of the suspension.
- Court may issue a Restricted Driving Permit during the DUI suspension.
- You need to ask the court for the Restricted Driving Permit.
- Court may or may not require an interlock device for the DUI charge.

If you are found NOT guilty:

- The ALS suspension is still VALID, and you must comply with the requirements of the ALS to get yourself out of suspension. (See the left column.)

## REFUSAL TO SUBMIT TO TESTING

Refusal to submit to testing is a Court suspension.

Your first refusal is a one-year suspension, with no Restricted Driving Permit possible.

Your second refusal in ten years is a two-year suspension, with no Restricted Driving Permit possible.

The reinstatement fee for a refusal is \$245.00.

# ALS/DUI Frequently Asked Questions

## Administrative License Suspension Questions and Answers

- **What does ALS stand for?**

*Administrative license suspension (ALS). Civil suspension brought on by failing the blood, breath, or urine test.*

- **How long will I be suspended for ALS?**

*First offence is 90 days, the first 30 days are a mandatory suspension. The next 60 days are available for a restricted driving permit. The second offence within 5 years is a one-year suspension with no restricted permit allowed.*

- **Why do I have a reinstatement fee for this?**

*All suspensions have their own reinstatement fees.*

- **How do I pay the reinstatement fee?**

*Online at [dmv.idaho.gov](http://dmv.idaho.gov), mail in the check, or call us at 208-584-4343.*

- **When do I pay the fee?**

*At any time, but it needs to be paid before you get an RDP. Your license will be suspended until it is paid, even if the suspension is over.*

- **I should not have an ALS. How do I request a hearing?**

*The instructions are explained on the back of the notice of suspension that law enforcement gave you. Driver must submit a written request for the hearing. The request should include no less than: Name, License Number, Daytime phone number. Request can be EMAILED to: [ALSpublic@itd.idaho.gov](mailto:ALSpublic@itd.idaho.gov) or MAILED to: Idaho Transportation Department, Attn: Driver Services, PO Box 7129, Boise, ID 83707-1129.*

- **Why do I need an interlock device when court said I did not need one?**

*The interlock device is required by law if you get an ALS. The court can waive an ALS interlock if the court will specify and notify ITD.*

- **How do I request a hearing if I refused to test?**

*You have 7 days to request a hearing with the court.*

- **Why do I have to have an interlock if my test was positive for drugs, not alcohol?**

*All ALS suspensions require interlocks unless waived by the court.*

- **How do I get an interlock?**

*There is a [list of Idaho providers](#) on our website.*

- **The interlock company wants something in writing before they will take it out, how/where do I get that?**

*Call Idaho Transportation Department at 208-584-4343.*

- **Can I get a permit if I don't have an Idaho license?**

*Yes, but ITD cannot guarantee out of state law enforcement will accept permit*

- **How can I get a new copy of the ALS notice?**

*From law enforcement or the court.*

- **Where do I find need the end date for my Interlock Requirement?**

*You must order a Driver License Record or look at your court record for the DUI*

- **I need the interlock out of my vehicle to sell the vehicle, who can I contact?**

*You must work with the interlock provider to have the device removed.*

---

## **Driving Under the Influence Questions and Answers**

- **Why do I have to pay a reinstatement fee if I don't live in Idaho?**

*Because the law was broken in Idaho.*

- **Why are there two reinstatement fees for the same thing?**

*They are not the same thing. The same incident results in 2 fees because one case is civil, the other case is criminal.*

- **How do I get a restricted driving permit for a DUI?**

*Apply to the clerk of the court with your court case number.*

- **The court found me not guilty of a DUI, why do I still have an ALS?**

*Either you did not request a hearing within 7 business days of your notice of suspension, or the hearing was sustained.*

- **My DUI suspension time is over, why am I still suspended?**

*The reinstatement fees are outstanding and/or we do not have a SR22 insurance certificate on file.*

- **Why do I need an SR22 to reinstate, my offense doesn't have anything to do with not having insurance?**

*Various suspensions require an SR22 for a length of time. ([Idaho Code 49-1208](#))*

- **If the court dismisses the charges, why do I still have to have an interlock or have to pay a reinstatement fee?**

*The ALS suspension requires the interlock and reinstatement fee.*

- **My old state is wanting me to take an alcohol class before they reinstate my privileges, does Idaho have these classes?**

*Contact the Idaho court.*