

## **FREQUENTLY ASKED QUESTIONS RESTRICTIONS DUE TO DRINKING AND DRIVING**

### **What kind of restrictions can a Court order following a conviction for DUI and/or Refusal?**

1. The court may prohibit you from purchasing alcohol. The DMV is required to place a “**J**” (restricted from purchasing alcohol) restriction on your driver license and/or identification card. The words “**ALCOHOL RESTRICTED**” will appear in a red banner.
2. The court must order you to drive a vehicle with an ignition interlock device (IID) installed. The DMV is required to place a “**C**” (ignition interlock device required) restriction on your driver license. The back of the license will state “IID REQUIRED” under the heading “Restrictions.” On a limited driver's license, “Ignition Interlock Device Required” is printed in bold letters on the paper license.

### **What will show on my driving record?**

When DMV receives the court order, DMV enters one or both of the restrictions and the IID ending date on your driving record. If you obtain a license before the DMV received the IID or Alcohol Prohibited court order, your privilege to drive will be cancelled. The cancellation will show on the driving record with the effective date and ending date of the restriction.

### **How long is the restriction?**

#### **J restriction:**

Under AS 04.16.160, you can be prohibited from purchasing alcohol for as long as the court orders it.

#### **C restriction:**

##### AS 28.35.030(r)(1) and (2)

Under the "high blow statute," the court will order an IID for either a 6 or 12 month period starting when you regain your privilege to drive.

##### AS 28.35.030(b), AS 28.35.030(n), AS 28.35.032(g), or AS 28.35.032(p)

When sentencing you for your DUI/Refusal conviction, the court must order an IID during probation. The length of time the IID is required depends on the number of previous convictions for DUI/Refusal. The court has minimum sentencing guidelines but can increase the time specified at its discretion.

### **What if I don't have a vehicle to install an ignition interlock device on?**

Except for a restriction ordered under AS 28.35.030(r)(1) and (2), you can choose not to drive during your probation. You are encouraged to obtain an Alaska State identification card. You can reinstate your privilege to drive at the end of your probation without an IID.

If you choose to drive, you must have an IID installed on any vehicle you operate.

If your restriction is due to a high breath test result, you must show proof of IID installation before a limited or restricted license can be issued. You do not need to own the vehicle you intend to drive.

### **What if ignition interlock devices are not available where I live?**

IID providers are approved for installation throughout Alaska. If you live in a remote "off highway" location where vehicle registration is not required, a Judge may allow you to operate vehicles without an IID. Your license will still show the restriction(s). An exemption based on residence location does not allow you to operate vehicles without an IID in areas requiring vehicle registration. You can check exemption location on-line at [www.Alaska.gov/dmv/reg/exempt.html](http://www.Alaska.gov/dmv/reg/exempt.html).

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### **How do I obtain an IID limited license?**

You apply for a limited license using the Limited License Application (Form 404c). You can find the application on-line at [www.Alaska.gov/dmv/forms/forms.htm](http://www.Alaska.gov/dmv/forms/forms.htm).

For a first misdemeanor DUI conviction or administrative revocation for breath test result, you may be eligible for a limited following the first 30 days of the 90 day revocation. For subsequent offenses, you may be eligible after the first 90 days of the revocation period.

Limited licenses are not available for refusal to provide a breath test or felony convictions.

### **Who do I contact to have an ignition interlock device installed?**

For a list a providers visit: [www.Alaska.gov/dmv/reinst/iid.htm](http://www.Alaska.gov/dmv/reinst/iid.htm)

### **How do I obtain a restricted license?**

#### **J restriction:**

Prior to the end of the revocation period, you can obtain a restricted identification card for a fee of \$50. If you lose the ID card, the replacement fee is \$50.00.

At the end of the revocation period, you can reinstate your driving privileges by successfully passing any required tests, providing proof of SR-22 insurance filing and ASAP satisfaction, and paying the reinstatement fees and \$50 licensing fee.

#### **C restriction:**

At the end of the revocation period, you can reinstate your driving privileges by successfully passing the required tests, paying the reinstatement and licensing fees and providing proof of the following: SR-22 insurance filing, ignition interlock installation, and ASAP satisfaction.

### **What is the penalty for violating an ignition interlock order?**

Driving in violation of a restriction can be a misdemeanor offense with jail, fines, and a further loss of driving privileges. It may also result in a revocation of your probation.

### **How can I get the restriction removed?**

#### **J restriction:**

At the end of the alcohol purchase prohibited period, you must obtain a new license or identification card.

#### **C restriction:**

At the end of the IID required period, you can obtain a duplicate license or if you haven't done so already, reinstate your privilege to drive.

### **What if I think the length of time for the restriction showing on my driving record is incorrect?**

If you dispute the length of time, you must bring in your court judgment for the DMV to review.