



DMV

Total Abstinence Program

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License Suspensions: Regaining Driving Privileges

- ▶ If a person loses their driving privileges because of a DUI(s), the DMV provides two options:
 - ▶ 1) Restricted Driver's License with Ignition Interlock Device ("RDL")
 - ▶ 1st Offense DUI - RDL for 90 days
 - ▶ 2nd Offense DUI - RDL for 18 months
 - ▶ 3rd or subsequent DUI offense - RDL for life
 - ▶ Total Abstinence Program
 - ▶ Available only for lifetime suspensions (3rd of subsequent DUI offense)
 - ▶ Must operate with RDL for three years
 - ▶ Demonstrate sobriety for three years
 - ▶ Agree to remain sober once accepted into the TAP

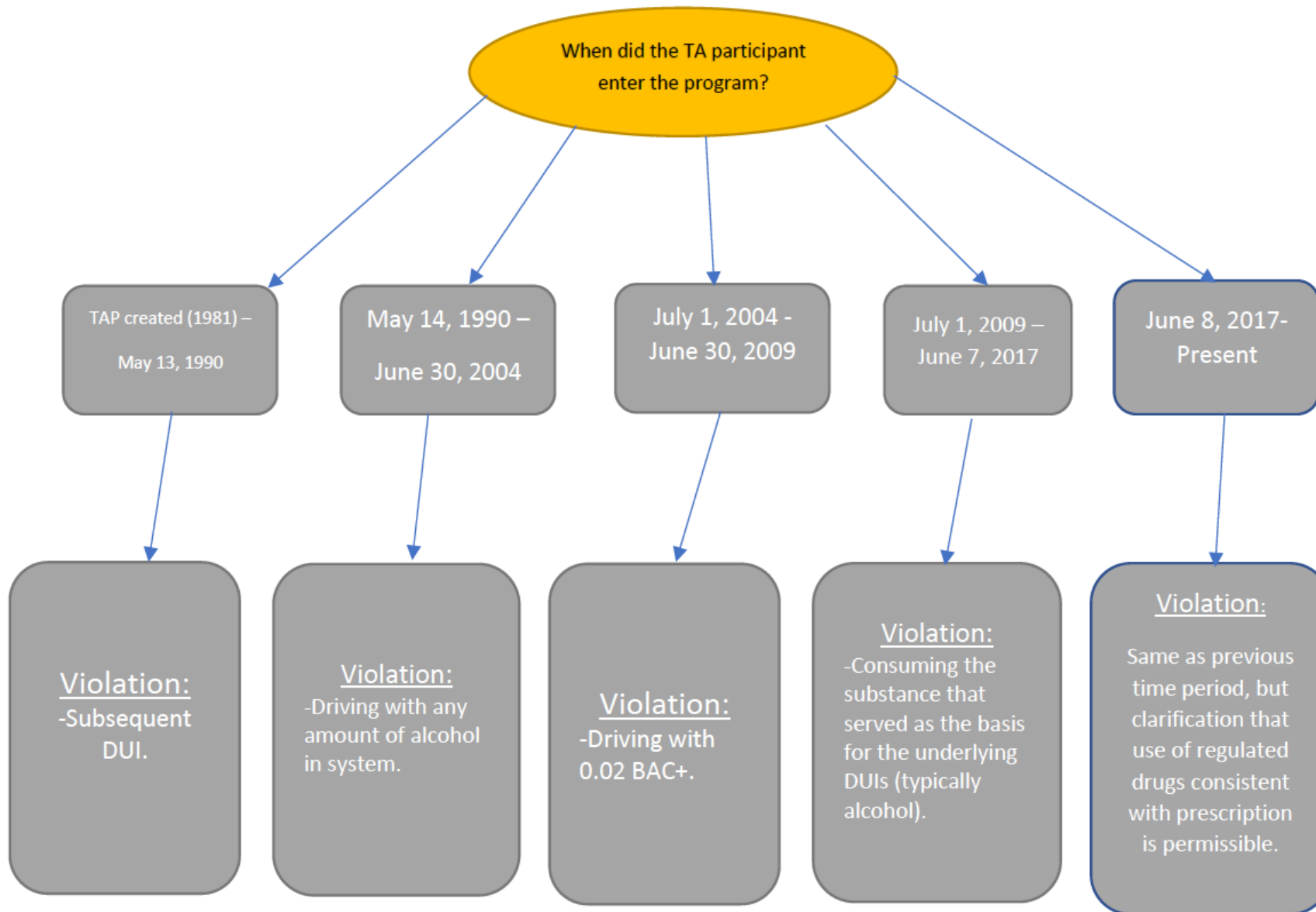
Intent of Total Abstinence Program (TAP)

- The TAP is designed for people who have received a life suspension after multiple DUI convictions (three or more) to receive a conditional reinstatement of driving privileges.
- Each applicant must declare total abstinence for life from the consumption/use of alcohol, illegal drugs, and the consumption/use of any regulated prescribed drug inconsistent with the prescribing label.
- After the Commissioner of DMV believes the applicant has successfully completed three years of total abstinence, and the applicant agrees to remain abstinent for life, the applicant may be granted conditional reinstatement.
 - Commissioner may impose additional conditions on participation in the TAP. In all cases, the Commissioner has imposed a total abstinence condition.
- Vermont has over 1,000 people currently reinstated through this program.

Reason for Updating TAP Language

- ▶ Currently, there are five separate sets of rules for participants.
 - Current framework causes program participants to be treated differently and have different requirements based on when they entered the program
 - Lacking clear definitions of “drug” and “total abstinence”
- ▶ If new law is adopted but not made retroactive, it would introduce a sixth set of rules only applicable to newly accepted TAP participants.

TAP Administration Flow Chart



What Proposed Language Updates

- ▶ DMV records show that since the program's inception, all TAP participants were subject to Commissioner's condition that they abstain from drugs and alcohol.
- ▶ Therefore, retroactive law would simply ratify Commissioner's sobriety requirement into statute and, as a practical matter, not be a "surprise" to TAP Participants.
- ▶ Uniform applicability of requirements to all program participants regardless of the date of their offenses, convictions, or date they enter the program.
- ▶ All program participants are abstaining from any drug that they are not prescribed or that may impair their ability to drive.
- ▶ Streamlined administration of the program.