

Getting your licence back

INFORMATION FOR DRINK AND DRUG DRIVING
OFFENDERS



Introduction

If you are a drink or drug driving offender and have been disqualified from driving, then this leaflet has important information for you if you want to drive again.

Drink and drug driving are serious road safety issues that affect many Victorians, so if you are to drive again you will be required to complete a program of assessments and driver education. If you are a learner driver and want your permit back then you have to meet the same requirements as fully licensed drivers.

First you must return your licence to VicRoads, and then later apply to a Magistrates' Court to have your licence restored to you. This is called a Licence Restoration Order.

It is likely that when you get your licence back, you will need to have an alcohol interlock fitted to your vehicle. An alcohol interlock prevents a vehicle starting if the driver has been drinking.

A licence means any Victorian driver licence, including probationary licence and learner permit.

If you were disqualified from driving on or before 13 May 2002, different requirements may apply.

Do not drive

It is important to remember that you must **not** drive whilst you are disqualified.

Fines of \$3000 or higher and imprisonment for up to two years are the maximum penalties for anyone who drives while disqualified.

If your Victorian licence has been cancelled, you can't use an interstate or overseas licence to drive in Victoria.

Your vehicle's registration can also be cancelled.

You must return your licence

When you have been notified that you are disqualified from driving you must return all of your permits and licences to VicRoads.

This can be done at any VicRoads Customer Service Centre or by mailing it to:

VicRoads Information Services Department
Driver Licence Team
GPO Box 1644
Melbourne Vic 3001

There is a penalty if you don't return your licence.

What you have to do to regain your licence

Only the Magistrates' Court can issue you with a Licence Restoration Order and there are several steps you have to take to regain your licence.

You must:

- attend an accredited driver education agency to obtain the assessment reports required by the Magistrates' Court; and
- attend a Magistrates' Court nearest to where you live, to arrange a hearing for a Licence Restoration Order; and
- attend a VicRoads Customer Service Centre to have your licence re- issued

Assessments for alcohol and drug driving

A driver education agency provides essential assessment reports that are used by the Magistrates' Court when deciding whether or not to re-issue your licence.

Contact an accredited driver education agency to arrange a drink or drug driving assessment.

For a directory of accredited driver education agencies call DIRECT Line on 1800 888 236, or call into a Magistrates' Court or VicRoads for a copy of the directory.

The assessment reports you will need will depend on your drink driving or drug driving offence.

- **First time drink driving offender:** If you are a first time drink driving offender with a BAC of .07 or more, or have been found guilty of a non-BAC offence, attend your driver education agency at least 12 months before your disqualification period ends to find out what assessments may be required. If your disqualification period was less than 12 months, then you should attend your driver education agency immediately.
- **A repeat drink driving offender with a cancelled licence:** You will require an assessment report from your driver education agency within 28 days before the court hearing.
- **A drug driving offender:** You will require an assessment report from your driver education agency at least six months before your hearing in the Magistrates' Court. You will also need a second assessment report within 28 days before the court hearing.

Driver education program

You might also be required to complete a driver education program.

A driver education program is designed to help you learn more about how alcohol and drugs can affect your ability to drive, what your legal obligations are, and provide you with information about how you can minimise the adverse health affects of alcohol and drugs.

If you are required to obtain a licence restoration order, you should check with the court to find out if you are required to complete a driver education program.

You must complete an eight hour driver education program if:

- you are under 25 years and have been convicted of either a drink driving or drug driving offence; or
- VicRoads has requested that you attend a driver education program.

Driver education programs are conducted only by accredited agencies.

For more about accredited agencies contact DIRECT Line on 1800 888 236.

Record of your convictions

The driver education agency and the Magistrates' Court may require a record of your driving history. This can be obtained from any VicRoads Customer Service Centre or by contacting VicRoads on 13 11 71. To obtain your driving history VicRoads requires evidence of your identity and charges a fee for providing this information.

Attend court to obtain your Licence Restoration Order

At least 28 days BEFORE your licence or permit disqualification period ends, you should attend a Magistrates' Court nearest to where you live and arrange a court hearing. The court will decide whether or not to issue you a Licence Restoration Order. Victoria Police will also interview you before the court hearing.

For the court to issue you with a Licence Restoration Order, it must receive at least one assessment report from your driver education agency. You should also provide the certificate that shows you have successfully completed the driver education program.

Apply to VicRoads to have your licence re-issued

If the court issues you a Licence Restoration Order, you must take it and evidence of your identity to the nearest VicRoads Customer Service Centre and apply to have your licence or permit re-issued to you. You will pay the usual licence fee for this.

When you are re-licensed you will receive the same type of licence you had previously, but it may have a licence condition imposed on it.

If you have not held a licence in the last five years, you will have to pass a road law knowledge test to regain your permit, and pass a driving test to regain your licence. If the court orders that an interlock condition is imposed on your licence, then you will be required to complete your driving test in a vehicle fitted with an alcohol interlock.

Demerit points

Before you install the alcohol interlock in your vehicle, check with VicRoads to find out whether or not you have accumulated demerit points which could prevent you from driving in the near future. You can get information about your number of demerit points by calling VicRoads on 13 11 71.

Alcohol interlock

An alcohol interlock prevents a vehicle starting if the driver has been drinking.

If your licence has been cancelled for a drink driving offence it is likely that when you regain your licence to drive legally, you will need an approved alcohol interlock fitted to your vehicle. If so, your licence will have the letter 'I' marked on it.

The decision to impose an alcohol interlock condition and how long the interlock should be fitted is made by the court.

At the end of your alcohol interlock period

Towards the end of your alcohol interlock period, you need to attend the court and to arrange another court hearing. You will need to do this at least 28 days before you intend to apply to have your interlock removed. The court will advise the police of your application to have the interlock removed.

You will have to obtain another assessment from a driver education agency. This assessment and a report, which includes a record of your use of the alcohol interlock, is required by the court in deciding whether or not your interlock should be removed.

The letters on your licence - 'Z' and 'I'

When you regain your licence, it will show the letter 'Z' and/or 'I'.

'Z' condition

The letter 'Z' stands for zero blood alcohol concentration (BAC) and means that you must have no alcohol in your blood when you drive. In other words, if you drink, you can't drive.

This restriction of a zero BAC applies to all full licence drivers for at least three years from the time they regain their licence.

'I' condition

The letter 'I' means that you can only drive legally if the car is fitted with an alcohol interlock. The condition remains on the licence until the court decides that it should be removed.

Some frequently asked questions about getting your licence back

This information is for people who have been convicted of a drug or drink driving offence committed from 11 October 2006.

Question 1: I have received a Traffic Infringement Notice for my first driving offence. Will my licence be cancelled?

Answer 1: If you hold a full licence and aged 26 years or older, and your BAC was less than .07, and you pay the prescribed penalty within 28 days from the date of the notice, your licence will not be cancelled. However if your BAC was .07 or more, your licence will be cancelled for at least six months.

If you hold a probationary licence, or if you are under 26 years, your licence will be cancelled, if your blood alcohol concentration (BAC) was .05 or higher.

Must I also attend a driver education program?

Yes, if you are under 25 years, or if requested by to do so by VicRoads.

Question 2: I am 30 years old and this is my first drink driving offence. Will I require an alcohol interlock fitted to my vehicle when I am re-licensed?

Answer 2: If your BAC was less than .07, and it was your first offence, you will not require an alcohol interlock.

If your BAC was equal to, or more than .07, but less than .15, when you apply to the Magistrates' Court, for the return of your licence, the court will decide whether or not you must drive with an alcohol interlock.

If the BAC was .15 or more, then all drivers must drive with an alcohol interlock fitted to the vehicle.

Question 3: My 24 year old friend has just been convicted of drink driving for the first time. Will he require an alcohol interlock?

Answer 3: For offences committed on or after 1 January 2007, all drivers under 26 years found guilty of drink driving for the first time, and with a blood alcohol concentration (BAC) equal to or more than .07, must drive with an alcohol interlock fitted to their vehicle.

For offences before 1 January 2007, the need to use an alcohol interlock is based on the BAC level:

- if the BAC level was less than .07, then no alcohol interlock is required
- if the BAC level was equal to, or more than .07 but less than .15, then the court will decide whether an alcohol interlock will be necessary
- if the BAC level was .15 or more, an alcohol interlock must be fitted to the vehicle they drive.

Question 4: This is my second drink driving offence. Is it true that I will require an alcohol interlock when I am re-licensed?

Answer 4: You must drive with an alcohol interlock fitted to your vehicle when you are re-licensed, if your first drink driving offence occurred within ten years of your application for a Licence Restoration Order.

Question 5: This is my first drink driving offence. Will I need an alcohol assessment report?

Answer 5: Yes, if your BAC was .15 or more. You will have an alcohol interlock fitted to your car when you return to driving and you will require an assessment report from an accredited driver education agency within 28 days before you can apply to the court to have your alcohol interlock removed.

If your BAC was equal to, or more than .07 but less than .15, and it was your first offence, the Magistrates' Court may request a report is prepared by your driver education agency. So attend your driver education agency at least 12 months before your disqualification period ends, or immediately if your disqualification period was less than 12 months, to find out what assessments may be required.

Will I be required to complete a driver education program?

Yes, if you are under 25 years, or if requested to do so by VicRoads.

Question 6: I am 45 years old with one drink driving offence. I also have a prior drug driving offence. Will I require an alcohol interlock when I am re-licensed?

Answer 6: In relation to the alcohol interlock, an earlier drug offence is not regarded as a prior offence. Whether or not an alcohol interlock will be required will depend on your BAC.

If your BAC was equal to, or more than .07 but less than .15, the court will decide whether or not you must drive with an alcohol interlock fitted to your vehicle.

If your BAC was .15 or more the court must order that an alcohol interlock is fitted.

Question 7: I have been convicted of a drug driving offence will my licence be cancelled ?

Answer 7: Yes, for at least six months.

Do I have to complete a drug assessment? Or a driver education program?

Yes. All drivers convicted of drug driving offence must complete a drug assessment.

If you are under 25 years, or requested by VicRoads, you must also complete a driver education program.

Further information

For more information about accredited driver education agencies, programs and assessments contact DIRECT Line 1800 888 236.

For details about the licence restoration order or the assessments required by the court contact your local Magistrates' Court.

To find your local court visit www.magistratescourt.vic.gov.au

Information about testing requirements, licence fees and evidence of identity requirements, visit the website www.vicroads.vic.gov.au or contact VicRoads on 13 11 71.

For the hearing impaired contact TTY 1300 652 321

Disclaimer

This leaflet is intended to provide general guidance only. The legal requirements described in the leaflet are complex and change from time to time. To understand your legal rights and obligations, you should refer to the Road Safety Act 1986 (Vic) or seek legal advice.

All information in the leaflet is provided without liability and without responsibility for its accuracy. VicRoads accepts no responsibility for any loss incurred by any person as a result of relying on information contained in this leaflet.

More Information

For further information please telephone VicRoads on 13 1171, TTY (for hearing impaired) 1300 652 321, access our web site on www.vicroads.vic.gov.au or visit any VicRoads Customer Service Centre.

Information provided in this brochure is correct at the time of printing and may be subject to change.

For further information:

Please visit www.vicroads.vic.gov.au Telephone: 13 11 71

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