



# Frequently Asked Questions Related to Driving Under the Influence Offenses and Driving Privileges

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601-487-7028

[www.driverservicebureau.dps.ms.gov](http://www.driverservicebureau.dps.ms.gov)

[dsbrecords@dps.ms.gov](mailto:dsbrecords@dps.ms.gov)

[cdlservices@dps.ms.gov](mailto:cdlservices@dps.ms.gov)

**I did not receive any mail from the Driver Service Bureau related to my license and DUI offense. Why not?**

State law requires drivers to update their license with their new address within 30 days even if the license is valid and unexpired. Mail can **only** be sent to the address on file.

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**Why is my license suspended for my DUI when I have not been to court yet?**

Two reasons related to DUI charge would cause your license to be suspended before your court date:

- You were operating a motor vehicle on a public road in this state; and an officer suspected you of driving under the influence and asked for a breath, blood, or urine sample; and you refused.
- You provided a breath sample to an officer above the legal limit, and the temporary license you were issued has expired without the Driver Service Bureau receiving an Order Extending Driving Privileges.

## **I paid my DUI fines. Why is my license still suspended?**

Paying fines to the court is part of the sentence imposed upon you by the judge. Your license is still suspended because you must attend and complete the Mississippi Alcohol Safety Education Program (MASEP) and pay the \$175.00 reinstatement fee to Driver Service Bureau required by state law.

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## **How do I have my license reinstated?**

The Driver Service Bureau must have proof that you have current insurance because you were cited for driving under the influence offense. To provide proof of insurance, you will need to go to a local Driver Service Bureau location and pay the reinstatement fee of \$175.00 required by state law.

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## **How do I know which citations have my license suspended?**

Contact the court where the citations were issued or the Driver Service Bureau with the Mississippi Department of Public Safety.

**I just left the courtroom after a DUI 1<sup>st</sup> offense was non-adjudicated.**

**What happens with my license?**

If your DUI 1<sup>st</sup> offense was related to alcohol, your license will either be:

1. Suspended for 120 days or
2. Restricted for 120 days with the installation of the ignition-interlock device on your vehicle

If your DUI 1<sup>st</sup> offense was related to a controlled substance or other substance, your license will either be:

1. Suspended for 120 days or
2. Valid while you undergo drug testing as ordered by the court

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**Where is the nearest Driver Service Bureau location.**

Visit [www.dps.ms.gov](http://www.dps.ms.gov) for more information related to locations.

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**My tickets are \_\_\_\_ years old. Why do I have to pay them?**

State law requires payment of implied consent violations without regard to how long ago they occurred.

**I just left the courtroom after a DUI 1<sup>st</sup> offense adjudicated guilty.**

**What happens with my license?**

If your DUI 1<sup>st</sup> offense was related to alcohol, your license will either be:

1. Suspended for 120 days or
2. Restricted for 120 days with the installation of the ignition-interlock device on your vehicle

If your DUI 1<sup>st</sup> offense was related to a controlled substance or other substance, your license will either be:

1. Suspended for 120 days or
2. Valid while you undergo drug testing as ordered by the court

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**The court told me I was not eligible for a non-adjudication of the DUI offense I was issued. Why am I not eligible?**

A person is eligible for non-adjudication of an offense under Miss. Code § 63-11-30 only one (1) time under any provision of a law that authorizes non-adjudication and only for an offender:

- (i) Who has successfully completed all terms and conditions imposed by the court after placement of the defendant in a non-adjudication program;
- (ii) Who was not the holder of a commercial driver's license or a commercial learning permit at the time of the offense;

- (iii) Who has not previously been convicted of and does not have pending any former or subsequent charges under this section; and
  - (iv) Who has provided the court with justification as to why non-adjudication is appropriate
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### **When will my driver's license be suspended for my DUI non-adjudication or conviction?**

Under state law, the first day of any 120-day suspension shall begin 21 days after the entry of judgment of conviction or order of non-adjudication.

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### **How long will my license be suspended for the DUI conviction?**

DUI 1<sup>st</sup> offense: 120 days

DUI 2<sup>nd</sup> offense: 1 year

DUI 3<sup>rd</sup> offense: Full period of the sentence imposed by the court

DUI 4<sup>th</sup> offense: Full period of the sentence imposed by the court

### **When will I lose my CDL for the DUI conviction?**

The date of disqualification will be contained in the Notice of CDL Disqualification which will be mailed to the address on file.

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**I have a Commercial Driver's License (CDL)/Commercial Learner's Permit (CLP), and the court will not allow me to attend "defensive driving school" or any other type of class to keep the citation from appearing on my driver record. Why am I being treated differently than everyone else?**

Federal and state law prohibit deferring judgments of driving offenses for CDL or CLP holders.  
There are no exceptions.

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**May I get a hardship license with a pending DUI or with a recently adjudicated guilty DUI? NO**

**Hardship licenses are not available from the Driver Service Bureau for drivers affected by DUI.**

## Why is my license suspended?

State law requires the Driver Service Bureau to suspend a driver's license for various reasons. Below are the most common reasons a license is under suspension:

- Your license was confiscated by an officer after you refused to provide a breath, blood, or urine sample related to driving a vehicle on public roads while under suspicion for driving under the influence.
- Your license was confiscated by an officer after you provided a breath sample over the legal limit, and you failed to notify the court you needed an order extending driving privileges until your court date.
- You were convicted of a DUI.
- You were non-adjudicated for a DUI 1<sup>st</sup> offense.
- You owe a fee to a court for a citation that was issued prior to July 1, 2019.
- You failed to appear in court for an out-of-state citation; you were found guilty in your absence, and that state has notified Mississippi under the interstate compact law.
- A judgment was rendered against you in a civil action, and you have not satisfied the judgment.
- Noncompliance with a child support order.
- The Driver Service Bureau has received notice that you were convicted of one of the following:
  - Manslaughter or negligent homicide resulting from the operation of a motor vehicle;



- Any felony in the commission of which a motor vehicle is used;
  - Failure to stop and render aid as required under the laws of this state in event of a motor vehicle accident resulting in the death or personal injury of another;
  - Perjury or the willful making of a false affidavit or statement under oath to the department under this article or under any other law relating to the ownership or operation of motor vehicles; or
  - Conviction, or forfeiture of bail not vacated, upon three (3) charges of reckless driving committed within a period of twelve (12) months.
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**My license is scheduled to be suspended because I refused to provide a breath, blood, or urine sample when the officer asked for a sample. What happens to my license?**

Under current state law, if you do nothing at all, your license will be suspended for 90 days.

Drivers whose license will be suspended for refusing to provide a breath sample may go before the court where the DUI will be adjudicated and request an order for a restricted license to be used in conjunction with the ignition-interlock for your vehicle.

A driver who has been charged with the criminal offense of operating a vehicle while under the influence of alcohol or other impairing substance (DUI, §63-11-30) may have multiple sanctions against the driver's license, possibly resulting in multiple suspensions. A license holder should be aware of the following issues related to a driver's license for DUI offenses in the state of Mississippi:

### **Administrative Suspensions – Applicable to All DUI Offenses**

- **Lapse in Temporary License, 90-day suspension** (§63-11-23)

At the time of the offense, the driver's license should have been seized by a law enforcement officer. A receipt for the driver's license should then be provided to the driver. That receipt serves as a **temporary permit** to drive, and that permit is only valid for 30 days. When the permit expires, the driver's license will then be administratively suspended for 90 days under §63-11-23.

To stop this suspension from happening, the driver must contact the court, request a trial date, and request an extension of this driving permit. If no contact with the court is made within 30 days to obtain a court order extending the temporary permit, driving privileges will be suspended for a period of 90 days.

- **Refusal of Alcohol Concentration Testing** (§63-11-23)

When a person refuses to submit to the chemical testing of that person's breath, blood, or urine upon request of a law enforcement officer who has reasonable grounds and probable cause to believe a person has been operating a motor vehicle upon the public highways, public roads, and streets of

Mississippi while under the influence of intoxicating liquor or any other substance that may impair a person's mental or physical ability, the person's Class R license shall be suspended for 90 days. CDLs shall be suspended for 1 year for a refusal of chemical testing. (§63-1-216)

If the person has previously been convicted or non-adjudicated for a violation of §63-11-30, the person's Class R license shall be suspended for 1 year.

To avoid a suspension of a Class R license, courts may issue an order to the driver for the ignition-interlock-restricted license.

### **DUI Non-adjudications**

"Non-adjudication" means that the court withholds adjudication of guilt and sentencing - upon the entry of a plea of guilt by the defendant or at the conclusion of a trial on the merits - and places the defendant in a non-adjudication program conditioned upon the successful completion of the requirements imposed. §63-11-30(14)

#### **• Eligibility for non-adjudication**

A person is eligible for non-adjudication of an offense under §63-11-30 only one (1) time under any provision of a law that authorizes non-adjudication.

The offender must:

- successfully complete all terms and conditions imposed by the court after placement of the defendant in non-adjudication program.
- not be the holder of a commercial motor vehicle license (CDL) or learning permit at the time of the offense.

All documents should be mailed from the court within 5 business days of issuing the order of non-adjudication. Drivers are encouraged to contact the DPS DUI Department to ensure court documents have been received and entered on the driver's record prior to appearing at the DL station to obtain any ignition-interlock-restricted license

### **Suspensions Subsequent to Conviction**

- **DUI, 1<sup>st</sup> offense**

Upon conviction of a DUI, 1<sup>st</sup> offense, a Class R license will be suspended for 120 days, absent a court order for the ignition interlock-restricted license.

Attendance and completion of the Mississippi Alcohol Safety Education Program (MASEP) is required, along with proof of insurance for three years.

To continue driving privileges instead of suspension, the court can order the driver to obtain the ignition-interlock-restricted license. Conditions of the ignition-interlock-restricted license are imposed under §63-11-31.

CDL holders shall be disqualified from driving a commercial motor vehicle for a period of one (1) year upon conviction of a first violation of operating, attempting to operate, or being in actual physical control of a commercial motor vehicle on a highway with an alcohol concentration of four one-hundredths percent (0.04%) or more, or under the influence as provided in §63-11-30. A driver can hold only one (1) active credential at a time; Commercial License (CDL) or Regular License (Class "R"). Suspension time and court DUI convictions are determined according to the active license status that Mississippi

Department of Public Safety has on file at the time of the traffic offense.

- **DUI, 2<sup>nd</sup> offense**

Upon a second conviction of a DUI, with the offenses being committed within a period of five (5) years, a Class R license will be suspended for 1 year, absent a court order for the ignition interlock-restricted license.

- **DUI, 3<sup>rd</sup> offense**

Upon a third conviction of a DUI, with the offenses being committed within a period of five (5) years, the offense is classified as a felony, and a Class R license will be suspended for the full period of the person's sentence. Once released from incarceration, the person will be eligible for only an interlock-restricted license for three (3) years.

- **DUI, 4<sup>th</sup> or subsequent offense**

Upon a fourth conviction of a DUI, without regard to the time period within which the violations occurred, the offense is classified as a felony, and a Class R license will be suspended for the full period of the person's sentence. Once released from incarceration, the person will be eligible for only an interlock-restricted license for ten (10) years.

### **Suspension Start Times**

Suspensions for non-adjudications and convictions shall start 21 days from the date the court order was entered.

### **Appeals**

Any driver who appeals the judgment of either the municipal or justice court where the finding of guilt occurred must provide

DPS with the file-stamped “Notice of Appeal” within 30 days of the date of conviction.

### **CDL Down-Grade to Class R License**

CDL holders who have been suspended for any reason related to a violation of the implied consent law, including a conviction for DUI, remain ineligible to possess a valid CDL during the suspension time.

Should the CDL holder wish to surrender the CDL and downgrade to a Class R license, the suspension time will continue to run for the CDL. Any provisions of law made available to a Class R license holder remain available to the affected “former” CDL holder. Class “R” or regular license holders that are convicted for DUI may obtain a restricted license see **(Restricted Licenses)** below for further details.

### **Ignition Interlock-Restricted Licenses**

Under §63-11-31, a court may order installation and use of an ignition-interlock device for every vehicle operated by a person convicted or non-adjudicated; and each device shall be installed and maintained for the period proscribed by the court. The ignition-interlock-restricted license should be required by the court in a written order. The device is to be installed prior to the driver being suspended for the DUI conviction or non-adjudication.

A person who installs an ignition-interlock device must obtain an ignition-interlock-restricted license. In order to obtain an ignition-interlock-restricted license, a person must be otherwise qualified to operate a motor vehicle and will be subject to all restrictions on the privilege to drive provided by law AND submit proof that an ignition-interlock device was installed and is operating on all motor vehicles operated by the person. Once the ignition-interlock device has been installed,

the driver must take the vehicle to the Department of Public Safety for verification that the device was installed in order to obtain the ignition-interlock-restricted license.

The following companies install ignition-interlock devices in vehicles in Mississippi.

You must contact these numbers and tell them your location. They will tell you the nearest location.

**Alcohol Detection Systems** - (888) 205-5431

**Intoxalock** – (888) 283-5899

**Life Safer Superior Interlock Services, Inc.** – (800) 377-8750

**Smart Start** – (800) 880-3394

### **FEES:**

The ignition-interlock fee is to be paid when you obtain your ignition-interlock-restricted driving license: \$175.00.

Ignition-interlock-restricted driver's license: \$56.00.

Reinstatement fee to a regular driver's license after a suspension related to the Implied Consent Law has been served: \$175.00

### **RESOURCES:**

MS Dept. of Mental Health – (877) 210-8513

[MS Alcohol Safety Education Program](#) (MASEP) – (662) 325-5520