MONTANA · DUI CHECKLIST

Montana DUI Checklist

What to do today, this week, and before your court date. Print it. Check things off. One step at a time.

YOUR FIRST DEADLINE

30 days to act on your Petition to district court challenging a refusal suspension

30 days after the peace officer gives you notice of your right to a hearing. You file a petition in district court in the county where the arrest was made. The court decides only whether the officer had grounds for the test and whether you refused. You can ask the court to return your license or stay the suspension until the hearing.

Who: Montana Department of Justice, Motor Vehicle Division (suspension); district court (refusal petition)

KEY FACTS

SUSPENSION, 1ST FAILED TEST

No administrative suspension for a failed test is provided in the implied consent sections. After a first DUI conviction, the MVD suspends your license for 6 months; a probationary license is at the court's discretion

SUSPENSION, 1ST REFUSAL

6 months, no probationary license

1ST OFFENSE CHARGE

Misdemeanor

1ST OFFENSE FINE

$600 to $1,000. Aggravated DUI: $1,000

1ST OFFENSE JAIL

24 consecutive hours to 6 months for impaired driving; up to 6 months with no minimum for a per se (0.08) charge. Aggravated DUI: 2 days to 1 year

INSURANCE FILING

Proof of insurance required; see your guide

PRIOR OFFENSES

Priors within 10 years count

IGNITION INTERLOCK

For a second or later DUI, the court orders the 24/7 sobriety program, an interlock if it recommends a probationary license, or forfeiture of the vehicle. Interlock is discretionary on a first offense.

1 First 24 Hours

- [ ] **Petition to district court challenging a refusal suspension: act within 30 days. 30 days after the peace officer gives you notice of your right to a hearing. You file a petition in district court in the county where the arrest was made. The court decides only whether the officer had grounds for the test and whether you refused. You can ask the court to return your license or stay the suspension until the hearing.**
- [ ] Check whether the officer took your license — If you refused a test, the officer seizes your license and gives you notice of your right to a hearing. Keep that paper.
- [ ] If you refused, file in district court within 30 days — File a petition in the county where you live or were arrested. Ask the court to return your license or stay the suspension until the hearing.
- [ ] Find out if it is aggravated DUI — A BAC of 0.16 or more means aggravated DUI: at least 2 days in jail and a $1,000 fine on a first offense.
- [ ] Count your prior DUIs — Priors in the last 10 years count for a second offense. With two or more priors, every prior counts and a fourth DUI is a felony.
- [ ] Expect 24/7 on a repeat offense — For a second or later DUI, the court orders 24/7 sobriety testing, an interlock, or vehicle forfeiture.
- [ ] Talk to a lawyer before your first court date — Your license suspension follows the conviction. What happens in court decides how long you can't drive.

2 Court

- [ ] Arrest and initial appearance — After arrest you must be brought before the nearest judge without unnecessary delay. This can be in person or by video. The judge explains the charge and your rights and sets bail.
- [ ] Plea — A first or second DUI or per se charge is heard in justice, city, or municipal court. You plead guilty or not guilty.
- [ ] Omnibus hearing and pretrial motions — The court may hold an omnibus hearing to settle motions, discovery, and trial dates before trial.
- [ ] Trial or sentencing — If convicted, the sentence includes the ACT program. The judge decides whether to recommend a probationary license.
- [ ] Appeal to district court — You can appeal a DUI or per se conviction by filing a written notice within 10 days after judgment. The case is sent to district court within 30 days.

3 Getting Your License Back

- [ ] ACT program (Assessment, Course, and Treatment): After a first DUI conviction you must complete a chemical dependency assessment by a licensed addiction counselor and a 12-hour education course (PRIME for Life). If treatment is ordered for a first offense, the course is not also required. Treatment level follows the assessment.

- [ ] Ignition interlock: For a second or later DUI, the court orders the 24/7 sobriety program, an interlock if it recommends a probationary license, or forfeiture of the vehicle. Interlock is discretionary on a first offense.
- [ ] Get proof of insurance before you reinstate your license.
- [ ] Ask about a Probationary driver's license: Ask the sentencing court to recommend it. The Motor Vehicle Division issues the probationary license based on the court's recommendation, subject to the limits in MCA 61-5-208.

Your full Montana DUI guide

Deadlines, penalties, the court process, license hearings, and FAQs, with links to the official sources.

https://dui911.org/montana

Official source for your license deadline:
https://leg.mt.gov/bills/mca/title_0610/chapter_0080/part_0100/section_0170/0610-0080-0100-0170.html

This checklist is educational and is not legal advice. Laws, deadlines and fees change; confirm them with the agency or a licensed Montana attorney before you rely on them. DUI911.org is not a law firm and is not affiliated with any law firm, interlock company or insurer.