WEST VIRGINIA · DUI CHECKLIST

West Virginia DUI Checklist

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

YOUR LICENSE CASE

DMV revocation upon DUI conviction (administrative hearings ended July 1, 2020)

No administrative hearing request deadline. For offenses on or after July 1, 2020, the DMV revokes your license after a DUI conviction in court, and challenges go through the criminal case. The Office of Administrative Hearings only handled offenses before that date. If you refused the secondary test, you must ask the court where the charge is pending for a refusal review hearing within 30 days after your first appearance (§17C-5-7a).

Who: West Virginia Division of Motor Vehicles

KEY FACTS

SUSPENSION, 1ST FAILED TEST

6 months revocation (1 year at 0.15 or more), or 15 days plus 125 days of interlock in Test and Lock (0.08 to 0.149)

SUSPENSION, 1ST REFUSAL

1 year revocation, or 45 days plus 1 year in Test and Lock

1ST OFFENSE CHARGE

Misdemeanor (aggravated at 0.15 or more)

1ST OFFENSE FINE

$100 to $500 (aggravated: $200 to $1,000)

1ST OFFENSE JAIL

Up to 6 months (aggravated: 2 days to 6 months)

INSURANCE FILING

SR-22

PRIOR OFFENSES

Priors within 10 years count

IGNITION INTERLOCK

The Motor Vehicle Alcohol Test and Lock Program lets many revoked drivers drive with an interlock after a shorter hard revocation. It is optional for most first offenses and the route back to driving for many repeat offenders.

1 First 24 Hours

- [ ] **DMV revocation upon DUI conviction (administrative hearings ended July 1, 2020): No administrative hearing request deadline. For offenses on or after July 1, 2020, the DMV revokes your license after a DUI conviction in court, and challenges go through the criminal case. The Office of Administrative Hearings only handled offenses before that date. If you refused the secondary test, you must ask the court where the charge is pending for a refusal review hearing within 30 days after your first appearance (§17C-5-7a).**

- [ ] Know there is no DMV hearing to request — Since July 1, 2020, West Virginia has no administrative DUI hearing. Your license is revoked after a conviction in court. If you refused the secondary test, ask the court for a refusal review hearing within 30 days after your first appearance, or your license will be revoked for the refusal.
- [ ] Get ready for your first court date — The criminal case decides your license too. Note your court date and the magistrate court on your citation.
- [ ] Learn about Test and Lock — If you are convicted, the DMV's Test and Lock interlock program can cut a first-offense hard revocation to 15 days (45 at 0.15 or more).
- [ ] Plan for the Safety and Treatment Program — Completion is required before reinstatement and can't be waived. Test and Lock drivers must enroll within 60 days.
- [ ] Talk to a lawyer — A BAC of 0.15 or more, a child under 16 in the car, or priors within 10 years raise the stakes.

2 Court

- [ ] Arrest and initial appearance — You go before a magistrate soon after arrest. The magistrate sets bail and gives you time to reach a lawyer.
- [ ] Decide on deferral within 30 days — With no prior DUI, you can ask for a deferral under §17C-5-2b. You must tell the court within 30 days of arrest that you want to take part.
- [ ] Arraignment — You are told the charge and asked to plead. A guilty or no contest plea to DUI must be made in person before a magistrate in the county where the offense happened.
- [ ] Pretrial and trial — If you plead not guilty, the case moves to discovery, motions and trial in magistrate court. A felony DUI goes to circuit court.
- [ ] Deferral or sentencing — On deferral, the court places you on probation and you complete Test and Lock; the charge can then be dismissed. On conviction, the court sentences you and the DMV revokes your license.

3 Getting Your License Back

- [ ] Safety and Treatment Program: Every DUI offender must complete an education component and a substance abuse evaluation through an approved provider before reinstatement. It can't be waived. Test and Lock drivers have a deadline to enroll.

- [ ] Ignition interlock: The Motor Vehicle Alcohol Test and Lock Program lets many revoked drivers drive with an interlock after a shorter hard revocation. It is optional for most first offenses and the route back to driving for many repeat offenders.
- [ ] File SR-22 insurance.
- [ ] Ask about a Restricted license through the Alcohol and Drug Test and Lock Program (Interlock): Apply to the DMV DUI-Interlock Section with the Test and Lock (Interlock) application. The $100 application processing fee is non-refundable.

Your full West Virginia DUI guide

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

https://dui911.org/west-virginia

Official source for your license deadline: https://dmv.wv.gov/governors-highway-safety-program-ghsp/impaired-driving

This checklist is educational and is not legal advice. Laws, deadlines and fees change; confirm them with the agency or a licensed West Virginia 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.