

## HEARING ISSUES

Chemical Test Results 0.01% or more BAC while on DUI probation or 0.08% or more BAC **OR** 0.04% or more BAC in a commercial motor vehicle.

- Did the peace officer have reasonable cause to believe you were driving a motor vehicle in violation of Section 23152, 23153, or 23154 CVC?
- Were you lawfully detained while on DUI probation or lawfully arrested?
- Were you driving a motor vehicle when you had: **0.01% BAC** or more by weight of alcohol while on DUI probation; **0.04% BAC** or more by weight of alcohol while driving a commercial vehicle; or **0.08% BAC** or more by weight of alcohol?

Refusal To Submit To Or Failure To Complete A Chemical Test

- Did the peace officer have reasonable cause to believe you were driving a motor vehicle in violation of Section 23152, 23153, or 23154 CVC?
- Were you lawfully detained while on DUI probation, or lawfully arrested?
- Were you told that your driving privilege would be suspended, or revoked for one, two, or three years if you refused to submit to, or failed to complete a chemical test?
- Did you refuse to submit to, or fail to complete, a chemical test, or PAS test (DUI Probation) after being requested to do so by a peace officer?

## APPEAL RIGHTS

**Following the hearing decision**, you may request a department review in writing within 15 days from the date on the bottom of the notice telling you the results of your hearing. The fee for the department review is \$120. You may also appeal a DMV decision by filing a writ of mandamus at the superior court in your county of residence within 30 days from the date on the bottom of the notice telling you the results of your hearing.

## PENALTIES

Chemical Test Results Show 0.01% or more BAC (while on DUI probation), or 0.08% or more BAC **OR** 0.04% or more BAC in a commercial motor vehicle — Sections 13353.2 and 13353.3 CVC

**First Offense** of driving with a BAC of 0.08% or more **OR** 0.04% or more BAC in a commercial motor vehicle will result in a **4-month suspension, or a one year suspension if 0.01% or more BAC while on DUI probation.**

**Second Or Subsequent Offense**, within 10 years of a separate violation of driving under the influence, including such a charge reduced to reckless driving, or vehicular manslaughter, or violation of Section 23140 CVC, which resulted in a conviction, or separate administrative determination that you were driving with a BAC of 0.01% or more while on DUI probation, or a BAC of 0.08% or more **OR** a BAC of 0.04% or more in a commercial motor vehicle at any age, or you refused a test, will result in a **1-year suspension.**

Refusal To Submit To Or Failure To Complete A Preliminary Alcohol Screening Or Chemical Test — Section 13353, 13353.1 CVC

**First Offense** will result in a **one-year suspension, or a two-year revocation if on DUI probation.**

**Second Offense**, within 10 years of a separate violation of driving under the influence, including such a charge reduced to reckless driving, or vehicular manslaughter, or a violation of Section 23140 CVC, which resulted in a conviction, or separate administrative determination that you were driving with a BAC of 0.01% or more while on DUI probation, or a BAC of 0.08% or more **OR** a BAC of 0.04% or more in a commercial vehicle at any age, or you refused a test, will result in a **2-year revocation, or a 3-year revocation while on DUI probation.**

**Three Or More Offenses** within 10 years of any combination of the above violations, convictions or separate administrative determinations will result in a **3-year revocation.**

## ADDITIONAL INFORMATION

An administrative review will automatically be conducted. You will be notified in writing only if the suspension or revocation is set aside. Before the suspension or revocation can be ended and a driver license issued or returned to you, a \$125 reissue fee must be paid to DMV (Section 14905 CVC), and you must file proof of financial responsibility by a California Insurance Proof Certificate (SR 22), \$35,000 cash deposit, or surety bond, or self insurer certificate (Section 16430 CVC). You must maintain proof of financial responsibility for three years. If you drive while your driving privilege is suspended or revoked, you may be arrested and, if convicted, jailed and/or fined and your vehicle can be impounded or sold.

**NOTE:** You are not eligible for a restricted license if you were found in violation of Section 23154 CVC. — Driving while on DUI probation with 0.01% BAC or more.

**RESTRICTED LICENSE SECTION 13353.7 CVC** — For first offenders only with 0.08% or more BAC or if operating a commercial motor vehicle with 0.04% or more BAC.

- If you provide proof of enrollment in a first offender Driving Under the Influence (DUI) program as described in Section 23538(b) CVC, file proof of financial responsibility by a California Insurance Proof Certificate (SR 22), and pay a \$125 reissue fee, you may apply for a restricted non-commercial license after 30 days of suspension. **HOLDERS OF A COMMERCIAL DRIVER LICENSE MUST DOWN-GRADE TO A CLASS C NON-COMMERCIAL DRIVER LICENSE.** You may then request the applicable restriction noted below which shall remain in effect for five months.
- **IF VIOLATION OCCURRED IN A NON-COMMERCIAL MOTOR VEHICLE: Driving To and From and During Course of Employment/ Driving Under the Influence Program.**
- **IF VIOLATION OCCURRED WHILE OPERATING A COMMERCIAL MOTOR VEHICLE - Driving to and from the DUI program only.**

If you enroll and fail to participate, the department will suspend your driving privilege for up to four months.

**THE ADMINISTRATIVE PER SE SUSPENSION/REVOCAION ACTION IS INDEPENDENT OF ANY COURT SANCTIONS.**

If you are convicted of DUI in court, your driving privilege will be suspended immediately. You may be eligible to apply for a restricted license by applying separately.