STATE OF CALIFORNIA
DMV
Department of Motor Vehicles

DUI FIRST OFFENDERS

Alcohol Involved - Injury

21 and Older



IF YOU ARE ARRESTED FOR DRIVING UNDER THE INFLUENCE (DUI)

ADMINISTRATIVE PER SE (APS)

The Department of Motor Vehicles (DMV) is **required** to suspend or revoke the driving privilege of any person **arrested** for DUI of alcohol or a combination of alcohol and drugs, who:

- Takes a chemical test (blood or breath) that shows a blood alcohol concentration (BAC) level of 0.08% or more while driving a noncommercial vehicle, 0.04% while driving a commercial vehicle, and/or a 0.01% while on DUI probation, **OR**
- Refuses to take or fails to complete a chemical test (blood or breath) to determine their BAC level.

The DMV suspension or revocation is an immediate administrative action taken against your driving privilege. Any sanctions imposed by the DMV under APS are independent of any court-imposed jail sentence, fine, or other criminal penalty imposed when a person is convicted for DUI (see reverse).

LICENSE SUSPENSION

If you are 21 years of age or older, took a chemical or urine test, the results showed 0.08% BAC or more and this is your first DUI arrest, you will receive a **4-month license suspension**. At the time of your arrest, the officer will confiscate your license and issue you an Order of Suspension and Temporary License. You may drive for 30 days from the date the order of suspension or revocation was issued, provided you have been issued a California driver license and your driver license is not expired, or your driving privilege is not suspended or revoked for any other reason. Your 4-month suspension will take effect after those 30 days.

ADMINISTRATIVE HEARING OPTION

You have the right to request a hearing from the DMV within 10 days of receipt of the suspension or revocation order. If the review shows there is no basis for the suspension or revocation, the action will be set aside. The DMV hearing is an administrative proceeding regarding your driving privilege and the circumstances surrounding the arrest, not whether you are innocent or guilty of a criminal act. More information regarding APS hearings can be found on the DMV's website, **www.dmv.ca.gov**.

RESTRICTED LICENSE OPTIONS

Ignition Interlock Device (IID)

OR

Employment/Treatment Program

You may apply for a restricted license immediately with the installation of an IID. With this restriction, you may drive at any time to any place, so long as the vehicle is equipped with an IID. You will have this restriction for up to 4 months. You may receive credit towards the mandatory IID restriction period required upon conviction for any installation during your APS suspension.

To apply for this restricted license:

- Visit a DMV office (appointment recommended)
- Provide proof of enrollment in a DUI program
- Provide proof of insurance (SR 22)
- Provide proof of IID installation (DL 920)
- Pay a $125 APS fee

You may apply for a license that restricts you to driving to, from, and during employment and to and from your DUI program for up to 5 months.

To apply for this restricted license:

- Serve 30 days of your 4-month suspension
- Visit a DMV office (appointment recommended)
- Provide proof of enrollment in a DUI program
- Provide proof of insurance (SR 22)
- Pay a $125 APS fee

REINSTATEMENT

Once you have served your 4-month suspension period, or, if you opted to apply for a restricted license and have maintained the restriction for the applicable amount of time, you will be eligible to reinstate your driving privilege with no restrictions. **Note: Any court convictions/ sanctions subsequent to your arrest may be in effect. You must clear all outstanding suspensions or revocations on your record in order to fully reinstate your driving privilege.**

If you held a commercial driver license at the time of your violation, you must downgrade to a non-commercial driver license to obtain any of the above driver license restriction options.

This flyer is for informational purposes and is not intended to provide legal advice. Many factors influence a DUI proceeding. For information on your specific situation, please contact the Mandatory Actions Unit (916) 657-6525.

DL 1046 B (NEW 2/2019) **WWW**

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IF YOU ARE CONVICTED OF DRIVING UNDER THE INFLUENCE (DUI)

If you are convicted of a DUI that caused injury to any person other than you, or vehicular manslaughter while intoxicated [CVC §23153 or PC 191.5(b)], the Department of Motor Vehicles (DMV) will suspend or revoke your driving privilege for 1 year. You may be subject to fines, penalties, and other restrictions in addition to any suspension or revocation of your driving privilege. The suspension or revocation based on your conviction may run concurrently to the APS suspension the DMV takes upon your arrest.

RESTRICTED LICENSE REQUIREMENT

Effective January 1, 2019, the Statewide Ignition Interlock Device (IID) Pilot Program requires first-time DUI offenders convicted of a DUI involving alcohol or a combination of alcohol and drugs that resulted in injury to install an IID for a specified time in the vehicle they operate. During your IID restriction period, you can only drive vehicles that are equipped with a functioning, certified IID.

For an injury-involved first offense, **you will be required to install an IID for 1 year.**

YOU WILL NOT BE ABLE TO REINSTATE YOUR DRIVING PRIVILEGE WITHOUT THE INSTALLATION OF AN IID, EVEN IF YOU HAVE SERVED YOUR SUSPENSION OR REVOCATION PERIOD.

To apply for this restricted license:

- Visit a DMV office (appointment recommended)
- Provide proof of enrollment in a DUI program
- Provide proof of insurance (SR 22)
- Provide proof of IID installation (DL 920)
- Pay a $55 reissue fee, a $15 restriction fee, and administrative service fees

EXEMPTIONS

You may qualify for an exemption from installing an IID if you are an out of state resident, have a medical condition that prevents you from being able to use an IID, or you do not own a vehicle. If you are granted an exemption, your driving privilege will remain suspended or revoked for the full length of your suspension or revocation. During your exemption period, you may apply for an IID-restricted license. More information and the exemption application forms are available on the DMV's website at www.dmv.ca.gov.

FULL REINSTATEMENT REQUIREMENTS

To reinstate your driving privilege with no restrictions, you must complete your mandatory IID installation term, or suspension term if granted an exemption, provide the DMV with proof of completion of a DUI program, and with proof of insurance (SR 22). You will be required to maintain the SR 22 for 3 years. You may receive credit towards the mandatory IID installation period required upon conviction for any installation period during your APS suspension. **Note: You must clear all outstanding suspensions or revocations on your record in order to fully reinstate your driving privilege.**

If you held a commercial driver license at the time of your violation, you must downgrade to a non-commercial driver license to obtain any of the above driver license restriction options.

This flyer is for informational purposes and is not intended to provide legal advice. Many factors influence a DUI proceeding. For information on your specific situation, please contact the Mandatory Actions Unit (916) 657-6525.