STATE OF CALIFORNIA
DMV
Department of Motor Vehicles

DUI FIRST OFFENDERS

Alcohol Involved - Non-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, criminal penalty, or suspension or revocation imposed by DMV 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)

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.

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

OR

Employment/Treatment Program

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 A (NEW 2/2019)

STATE OF CALIFORNIA
DMV
Department of Motor Vehicles

DUI FIRST OFFENDERS

Alcohol Involved - Non-Injury
21 and Older



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

If you are convicted of DUI (CVC §23152), the Department of Motor Vehicles (DMV) will suspend your driving privilege for **6 or 10 months**. You may be subject to fines, penalties, and other restrictions in addition to any suspension of your driving privilege. The suspension based on your conviction may run concurrently to the APS suspension the DMV takes upon your arrest (see reverse).

Note: If your BAC was greater than 0.20%, the court may require DMV to suspend your driving privilege for 10 months. You will also be required to complete a 9-month DUI program.

The Court Ordered You to Install an Ignition Interlock Device (IID)

- When the court orders you to install an IID, you must have one installed by an authorized installer and provide proof of installation to the court. The court has special forms and procedures to monitor drivers ordered to install an IID.
- After the DMV is notified by the court, the DMV will place a restriction on your driver record and mark your driver license, so law enforcement officers are aware of the IID requirement if you are stopped.
- If you fail to comply with a court-ordered IID restriction, the court may notify the DMV and your driving privilege may be suspended until you comply with the court order.

RESTRICTED LICENSE OPTIONS

The Court DID NOT Order You to Install an IID

If the court did not order you to install an IID, you have 2 restricted license options. You may also choose to serve your 6- or 10-month suspension and not apply for a restricted license. You cannot legally drive a vehicle for any reason during your suspension.

IID

OR

You may apply for a restricted license 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 until you meet all reinstatement requirements*.

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 an IID restriction fee

Employment/Treatment Program

You may apply for a license that restricts you to driving to, from, and during your employment and to and from your DUI program. You will have this restriction for 12 months, and until you meet all reinstatement requirements*.

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)
- Pay a $55 reissue fee and a $15 restriction fee

*FULL REINSTATEMENT REQUIREMENTS

To fully reinstate your driving privilege with no restrictions, you must serve your full suspension or restriction, provide the DMV with proof of completion of a DUI program and provide proof of insurance (SR 22). You will be required to maintain the SR 22 for 3 years.
Note: You must also 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.