

## California Administrative Per Se Facts 2024

Prepared by DMV Research and Development Branch 8/22/2025

### Background

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California's administrative license suspension program, known as "Admin Per Se" (APS), requires DMV to suspend or revoke the driving privilege of any person arrested for driving under the influence (DUI) of alcohol, drugs, or a combination of alcohol and drugs, who either:

- Takes a chemical (blood or breath) test which shows any of the following:
  - 0.01% blood alcohol concentration level (BAC) if under 21 years of age;
  - 0.01% BAC while on DUI probation;
  - 0.04% BAC while driving a commercial vehicle;
  - 0.08% or more BAC while driving a noncommercial vehicle; or
- Refuses to take or fails to complete a chemical test to determine their BAC level or the drug content of their blood.

Main effects of APS actions (independent of any jail, fine, or other criminal penalty imposed in court upon DUI conviction):

- If the affected driver has a valid California driver license (DL), the DL is immediately confiscated;
- All affected drivers receive an Order of Suspension/Revocation and a temporary DL valid for 30 days;
- After the 30-day period, one of the following license actions goes into effect:
  - If the chemical test indicated a 0.01% BAC and driver was under 21 years of age
    - Suspension of 1 year.
  - If the chemical test indicated a 0.04% BAC while driving a commercial vehicle or a 0.08% or more BAC while driving a noncommercial vehicle:
    - Suspension of 4 months for first offense.
    - Suspension of 1 year for second or higher offense in 10 years.
  - If the chemical test indicated a 0.01% BAC while on DUI probation
    - Suspension of 1 year in addition to, and concurrent with, the APS action.
  - If a driver refuses or fails to complete a chemical test:
    - Suspension of 1 year for first offense (or 2-year revocation if on DUI probation).
    - Revocation of 2 years for second offense in 10 years (or 3-year revocation if on DUI probation).
    - Revocation of 3 years for third or higher offense in 10 years.

Reinstating a license after an APS action requires:

- Payment of a \$125 reissue fee (\$100 if under 21 years of age),
- Filing proof of financial responsibility, and
- Maintaining proof of financial responsibility for 3 years.

License restriction options associated with APS:

- Drivers who at the time of the violation were 21 years of age or older, completed a chemical test and do not have outstanding license suspensions/revocations are eligible to apply for either of the following:
  - COE Restriction – Restricted to driving to, from, and during the Course Of Employment and/or DUI program activities:
    - Available only to first offenders.
    - Drivers must serve out a 30-day suspension period from the suspension effective date.
    - Ends 6 months after suspension effective date.
  - IID Restriction (effective January 1, 2019) – Restricted to driving a vehicle equipped with an Ignition Interlock Device:
    - Available to first and repeat offenders, as well as drivers arrested while on probation.
    - Drivers must install an IID on every vehicle registered to their name and provide verification.
    - Drivers may drive immediately after the suspension effective date.
    - Ends 4 months after suspension effective date for first time offenders, 12 months for repeat offenders and drivers arrested while on probation.
- Both license restriction options require:
  - Proof of enrollment in a DUI program,
  - Proof of financial responsibility,
  - Payment of a \$125 reissue fee, and
  - Downgrading to a noncommercial DL if the driver held a commercial DL at the time of the violation.
- Drivers who at the time of the violation were under 21 years of age, completed a chemical test and do not have outstanding license suspensions/revocations may apply for a Critical Need Restriction:
  - Available only to first offenders.
  - Drivers must serve out a 30-day suspension period from the suspension effective date.
  - Drivers must verify that a specific critical need condition exists, and all other transportation is inadequate.

Review and hearing procedures associated with APS:

- DMV automatically conducts an administrative review of each APS action:
  - If the review shows no basis for the APS action, it will be set aside.
- Drivers have 10 days from the receipt of the Order of Suspension/Revocation to request a hearing to show that the APS action is not justified.
  - DMV will conduct a video or telephone hearing unless the driver requests an in-person hearing.
  - If DMV cannot provide a hearing before the effective date of the APS action, the action will be stayed (delayed).

## Key Findings for 2024

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### Total APS Actions

- In 2024, 119,190 APS actions were initiated, a small increase (1.8%) from 2023 (117,095). After the low point of 101,575 recorded in 2020, the volume of total APS actions continues to climb back toward pre-pandemic levels, but remains about eight percentage points off the 2019 figure (130,058).
- Out of all the APS actions initiated in 2024, 111,996 were for drivers 21 and older (94%), whereas 7,194 were for drivers under 21 (6%). The number of APS actions initiated for younger drivers jumped by 11.3% in 2024. This marks the second consecutive year-to-year increase in this category since 2006-2007, when the percentage of overall APS actions initiated for younger drivers was almost twice as large.
- For the second consecutive year, the set aside rate for all APS actions initiated was the highest ever recorded<sup>1</sup>. After jumping by two full percentage points from 2022 (9.2%) to 2023 (11.2%), 2024 saw another increase of almost four percentage points (15%). In contrast to last year, the 2024 rise in set aside rate affected both actions initiated against drivers 21 and older (going from 11.5% in 2023 to 15.4% in 2024) and actions initiated against drivers under 21 (going from 5.2% in 2023 to 8.5% in 2024).
- The net number of APS actions affecting commercial drivers decreased slightly (2.3%) from 1,655 in 2023 to 1,617 in 2024.

### APS License Restrictions<sup>1</sup>

- The number of APS license restrictions issued in 2024 increased across the board compared to 2023:
  - First offender COE restrictions saw a 6.7% increase, from 4,167 in 2023 to 4,444 in 2024.
  - First offender IID restrictions saw a 5% increase, from 5,411 in 2023 to 5,682 in 2024.
  - Repeat offender IID restrictions saw an 8.1% increase, from 2,345 in 2023 to 2,536.
- An increase in the number of APS license restrictions issued is naturally associated with a decline in the proportion of net APS actions for drivers 21 and older resulting in a fully served suspension. In 2024, this percentage was 86.6%, which is the lowest value since 2019, the year in which IID license restrictions became available for APS offenders.

### APS Refusal Rate

- The percentage of total DUI offenders arrested in 2024 who refused a chemical test remained unchanged at 9.8%. In contrast, the net number of APS refusal actions decreased by 3.7% compared to 2023.
  - This drop appears to be driven by a large increase (64.2%) in the number of

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<sup>1</sup> The number of set aside actions and license restrictions typically see a marginal increase over the months following the extraction of APS data. As such, these figures should not be treated as a finalized count for the calendar year, but rather a useful reference for longitudinal comparisons.

chemical test refusals by drivers 21 and older that resulted in a set aside action. The 2024 count is almost three times as large as it was in 2022 (1,466 vs. 525).

#### APS Hearings

- In 2024, over a third (35.9%) of all drivers against whom an APS action was initiated challenged that action and were scheduled for a hearing (42,783 cases out of 119,190 total actions initiated). This is a smaller percentage than was recorded in 2023 (38.5%).
- Compared to 2023, a lower percentage of 2024 APS hearings resulted in a stay (69.8% versus 76%). This represents the lowest value in this category since at least 2008. In addition, virtually all scheduled hearings were eventually held and/or completed (42,030 out of 42,783; 98.2%).
- In 2024, 21.3% of hearings involving drivers 21 and older resulted in a set aside action, the highest percentage since 1997.

## Administrative Per Se Process Measures

Total Administrative Per Se (APS) Actions :	2023	2024	% change
• Total APS <sup>4</sup> actions initiated (including actions later set aside)	117,095	119,190	1.79
› Total .08 <sup>3</sup> APS actions initiated	110,629	111,996	1.24
› Total .01 <sup>4</sup> suspensions initiated	6,466	7,194	11.26
• Total APS actions set aside	13,102	17,895	36.58
› Total .08 APS actions set aside	12,769	17,282	35.34
› Total .01 suspensions set aside	333	613	84.08
• <b>Total APS set aside rate</b>	<b>11.19%</b>	15.01%	3.82
› Total .08 set aside rate	11.54%	15.43%	3.89
› Total .01 set aside rate	5.15%	8.52%	3.37
• Net total APS actions taken (excluding actions later set aside)	103,993	101,295	-2.59
› Net total .08 APS actions	97,860	94,714	-3.21
› Net total .01 actions	6,133	6,581	7.30
• Total APS actions taken, suspension/revocation order served by:			
› Law enforcement	88,960	90,564	1.80
› DMV	28,135	28,626	1.75

### Net APS Actions by Offender Status/License Classification:<sup>5</sup>

• Net total APS actions, noncommercial drivers	102,338	99,678	-2.60
• Net total commercial driver license (CDL) APS actions taken	1,655	1,617	-2.30
› Drivers in commercial vehicles	60	41	-31.67
• Net APS .08 actions for drivers with no priors <sup>6</sup>	71,914	69,575	-3.25
› 4-month license suspensions	55,685	53,115	-4.62
› 30-day suspensions plus 5-month COE <sup>7</sup> restrictions	4,167	4,444	6.65
› 4-month APS IID restrictions (possibly concurrent with post-conviction IID restrictions)	5,411	5,682	5.01
› Chemical test refusals	6,651	6,334	-4.77
• Net APS .08 actions taken for drivers with priors	25,946	25,139	-3.11
› 12-month license suspensions	19,978	19,125	-4.27
› 12-month APS IID restrictions (possibly concurrent with post-conviction IID restrictions)	2,345	2,536	8.14
› Revocations (Refusals)	3,623	3,478	-4.00
• Net APS .01 actions for drivers submitting to a BAC (evidential or PAS <sup>8</sup> ) test	5,867	6,241	6.37
• Net APS .01 actions for drivers refusing to submit to a BAC (evidential or PAS) test	266	340	27.82

### APS Chemical Test Refusal Process Measures:

• Total .08 and .01 APS refusal actions initiated (including actions later set aside)	11,448	11,648	1.75
• Total .08 refusal actions set aside	893	1,466	64.17
• Total .01 refusal actions set aside	15	30	100.00
• Net total .08 and .01 APS refusal actions initiated (excluding actions later set aside)	10,540	10,152	-3.68
› Net total .08 refusal actions	10,274	9,812	-4.50
› Net total .01 refusal actions	266	340	27.82
• <b>Chemical test refusal rate (including actions later set aside)</b>	<b>9.78%</b>	9.77%	0.00
• Net .08 APS refusal (suspension) actions for subjects with no priors	6,651	6,334	-4.77
• Net .08 APS refusal (revocation) actions for subjects with priors	3,623	3,478	-4.00
• Total Probation violation <sup>9</sup> APS actions initiated (including actions later set aside)	4,108	3,951	-3.82

\* For percentages, the percent change column has been corrected to reflect the simple difference between the two years' percentage scores.

## Total APS Hearings:<sup>9</sup>

	2023	2024	% change
• Total .08 and .01 in-person or telephone APS hearings scheduled	45,030	42,783	-4.99
• Percentage of total APS actions resulting in scheduled hearings <sup>10</sup>	38.46%	35.89%	-2.56
• Percentage of total .08 and .01 APS hearings resulting in a stayed APS action <sup>11</sup>	76.03%	69.80%	-6.23
• Total .08 and .01 in-person or telephone APS hearings held and/or completed	44,490	42,030	-5.53
.08 Hearing Activity:			
› .08 hearings held and/or completed	42,681	40,450	-5.23
› .08 actions set aside following hearings	6,348	8,606	35.57
• Percentage of .08 APS actions set aside following hearings	14.87%	21.28%	6.40
.01 Hearing Activity:			
› .01 hearings held and/or completed	1,809	1,580	-12.66
› .01 actions set aside following hearings	123	176	43.09
• Percentage of .01 APS actions set aside following hearings	6.80%	11.14%	4.34

## APS Chemical Test Refusal Hearings:

• Total .08 and .01 APS refusal hearings scheduled	5,464	5,208	-4.69
• Percentage of total refusal actions resulting in a scheduled hearing	47.73%	44.71%	-3.02
.08 Refusal Hearing Activity:			
› .08 refusal hearings held and/or completed	5,331	5,031	-5.63
› .08 refusal actions set aside following hearings	1,003	1,322	31.80
• Percentage of .08 APS refusal actions set aside following hearings	18.81%	26.28%	7.46
.01 Refusal Hearing Activity:			
› .01 refusal hearings held and/or completed	72	81	12.50
› .01 refusal actions set aside following hearings	9	18	100.00
• Percentage of .01 refusal actions set aside following hearings	12.50%	22.22%	9.72

## Other APS Activity:

• Total .08 and .01 APS dismissal hearings scheduled after meeting renewed right-to-hearing requirements	20	25	25.00
› APS dismissal hearings held and/or completed	20	25	25.00
› APS actions set aside following dismissal hearings	9	12	33.33
• Percentage of APS actions set aside following dismissal hearings	45.00%	48.00%	3.00
• Total .08 and .01 APS departmental reviews scheduled	574	599	4.36
› APS departmental reviews held and/or completed	561	584	4.10
› APS actions set aside following departmental review	30	47	56.67
• Percentage of APS actions set aside following departmental reviews	5.35%	8.05%	2.70

\* For percentages, the percent change column has been corrected to reflect the simple difference between the two years' percentage scores.

- 2 APS actions (both .08 and .01) refer to actions taken in conjunction with a DUI arrest or zero tolerance detention. Probation violation APS actions are those taken under California Vehicle Code (CVC) § 23154. A single offense would result in concurrent actions taken for both the APS and probation violation if a violator was arrested for DUI while on DUI probation.
  - 3 .08 refers to APS actions taken against drivers aged 21 or over arrested with a Blood Alcohol Concentration (BAC) equal to or in excess of the .08% per se level, or on the basis of a chemical test refusal. Such an action is taken in conjunction with a DUI arrest.
  - 4 .01 refers to APS suspensions taken against drivers under the age of 21 with a BAC of .01% or greater or on the basis of a chemical test refusal, and are not necessarily taken in conjunction with a DUI arrest.
  - 5 All entries in this category exclude actions later set aside but, where possible, include actions taken on the basis of either a chemical test refusal or a BAC test result.
  - 6 Prior DUI convictions or APS actions consist of any such conviction or action where the violation occurred within 10 years prior to the current violation (CVC §13353.3).
  - 7 A Course of Employment (COE; enacted 1/1/95) restriction allow driving to, from, and during the course-of-employment and to and from DUI program.
  - 8 PAS is a Preliminary Alcohol Screening test which is considered legally sufficient evidence to impose an action under the provisions of the zero tolerance laws.
  - 9 These figures include refusal hearings but exclude subsequent APS dismissal hearings and departmental reviews.
  - 10 Both numerator and denominator include those actions later set aside as a result of the hearing.
  - 11 A stay indicates that the onset of the suspension action was delayed pending completion of a hearing. The hearings scheduled in these counts may be for actions that were initiated anytime in the past but for which the hearing was scheduled or held in the reporting year.
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