

California Administrative Per Se Facts 2025

Prepared by DMV Research and Development Branch 06/04/2026

Background

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 2025

Total APS Actions

- In 2025, 131,286 APS actions were initiated, a general increase (10.2%) from 2024 (119,190). After the low point of 101,575 recorded in 2020, the volume of total APS actions has now returned to pre-pandemic levels (the 2025 value is 0.9% higher than the 2019 figure of 130,058).
- Out of all the APS actions initiated in 2025, 123,035 were for drivers 21 and older (93.7%), whereas 8,251 were for drivers under 21 (6.3%). The number of APS actions initiated for younger drivers jumped by 14.7% in 2025. This marks the third consecutive year-to-year increase in this category, a trend that has not been observed since 2001-2003.
- For the third consecutive year, the set aside rate for all APS actions initiated was the highest ever recorded (15.5%)¹. After jumping by multiple percentage points in both 2023 and 2024, the rise in set aside rate appears to be plateauing, as 2025 saw a smaller increase of half a percentage point.
- The net number of APS actions affecting commercial drivers increased by 17.6%, going from 1,617 in 2024 to 1,901 in 2025.

APS License Restrictions¹

- The number of APS license restrictions issued to 2025 offenders showed a small degree of variation compared to 2024:
 - First offender COE restrictions remained steady at 4,444.
 - First offender IID restrictions saw a 1.9% increase, from 5,682 in 2024 to 5,792 in 2025.
 - Repeat offender IID restrictions saw a 2.8% decrease, from 2,536 in 2024 to 2,464 in 2025.
- The number of APS license restrictions issued is inversely related to the proportion of net APS actions for drivers 21 and older resulting in a fully served suspension. This percentage increased from 86.6% in 2024 to 87.7% in 2025.

APS Refusal Rate

- The percentage of total DUI offenders arrested in 2025 who refused a chemical test increased from 2024, moving from 9.8% to 10.4%. This effect appears to be driven by younger offenders; while the refusal rate for APS actions initiated against drivers 21 and older remained steady at 10.1%, the rate for drivers under 21 increased for the second consecutive year and is now 5.9% (up from 4.3% in 2023).
- The number of chemical test refusals that resulted in a set aside action continued to increase, with the 2025 value being more than three times as large as it was in 2022 (1,621 vs. 531).

¹ 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.

APS Hearings

- Over a third (35%) of all 2025 drivers against whom an APS action was initiated challenged that action and were scheduled for a hearing (45,879 cases out of 131,286 total actions initiated). This is a slightly smaller percentage than was recorded in 2024 (35.9%).
- Compared to 2024, a lower percentage of hearings stemming from 2025 APS actions resulted in a stay (69.5% versus 69.8%). This represents the fifth consecutive year of decreases and the lowest value in this category since at least 2008. In addition, nearly all scheduled hearings were eventually held and/or completed (44,946 out of 45,879; 97.9%).
- When considering APS actions initiated in 2025, 23.2% 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 :

	2024	2025	% change
• Total APS ² actions initiated (including actions later set aside)	119,190	131,286	10.15
› Total .08 ³ APS actions initiated	111,996	123,035	9.86
› Total .01 ⁴ suspensions initiated	7,194	8,251	14.69
• Total APS actions set aside	17,895	20,400	14.00
› Total .08 APS actions set aside	17,282	19,683	13.89
› Total .01 suspensions set aside	613	717	16.97
• Total APS set aside rate	15.01%	15.54%	0.53
› Total .08 set aside rate	15.43%	16.00%	0.57
› Total .01 set aside rate	8.52%	8.69%	0.17
• Net total APS actions taken (excluding actions later set aside)	101,295	110,886	9.47
› Net total .08 APS actions	94,714	103,352	9.12
› Net total .01 actions	6,581	7,534	14.48
• Total APS actions taken, suspension/revocation order served by:			
› Law enforcement	90,564	94,630	4.49
› DMV	28,626	36,656	28.05

Net APS Actions by Offender Status/License Classification:⁵

• Net total APS actions, noncommercial drivers	99,678	108,985	9.34
• Net total commercial driver license (CDL) APS actions taken	1,617	1,901	17.56
› Drivers in commercial vehicles	41	67	63.41
• Net APS .08 actions for drivers with no priors⁶	69,575	76,149	9.45
› 4-month license suspensions	53,115	58,288	9.74
› 30-day suspensions plus 5-month COE ⁷ restrictions	4,444	4,444	0.00
› 4-month APS IID restrictions (possibly concurrent with post-conviction IID restrictions)	5,682	5,792	1.94
› Chemical test refusals	6,334	7,625	20.38
• Net APS .08 actions taken for drivers with priors	25,139	27,203	8.21
› 12-month license suspensions	19,125	20,779	8.65
› 12-month APS IID restrictions (possibly concurrent with post-conviction IID restrictions)	2,536	2,464	-2.84
› Revocations (Refusals)	3,478	3,960	13.86
• Net APS .01 actions for drivers submitting to a BAC (evidential or PAS ⁸) test	6,241	7,097	13.72
• Net APS .01 actions for drivers refusing to submit to a BAC (evidential or PAS) test	340	437	28.53

APS Chemical Test Refusal Process Measures:

• Total .08 and .01 APS refusal actions initiated (including actions later set aside)	11,648	13,643	17.13
• Total .08 refusal actions set aside	1,466	1,572	7.23
• Total .01 refusal actions set aside	30	49	63.33
• Net total .08 and .01 APS refusal actions initiated (excluding actions later set aside)	10,152	12,022	18.42
› Net total .08 refusal actions	9,812	11,585	18.07
› Net total .01 refusal actions	340	437	28.53
• Chemical test refusal rate (including actions later set aside)	9.77%	10.39%	0.62
• Net .08 APS refusal (suspension) actions for subjects with no priors	6,334	7,625	20.38
• Net .08 APS refusal (revocation) actions for subjects with priors	3,478	3,960	13.86
• Total Probation violation ⁹ APS actions initiated (including actions later set aside)	3,760	3,970	5.59

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

Total APS Hearings:⁹

	2024	2025	% change
• Total .08 and .01 in-person or telephone APS hearings scheduled	42,783	45,879	7.24
• Percentage of total APS actions resulting in scheduled hearings ¹⁰	35.89%	34.95%	-0.94
• Percentage of total .08 and .01 APS hearings resulting in a stayed APS action ¹¹	69.80%	69.52%	-0.28
• Total .08 and .01 in-person or telephone APS hearings held and/or completed	42,030	44,966	6.99
.08 Hearing Activity:			
› .08 hearings held and/or completed	40,450	42,946	6.17
› .08 actions set aside following hearings	8,606	9,965	15.79
• Percentage of .08 APS actions set aside following hearings	21.28%	23.20%	1.92
.01 Hearing Activity:			
› .01 hearings held and/or completed	1,580	2,020	27.85
› .01 actions set aside following hearings	176	269	52.84
• Percentage of .01 APS actions set aside following hearings	11.14%	13.32%	2.18

APS Chemical Test Refusal Hearings:

• Total .08 and .01 APS refusal hearings scheduled	5,208	5,233	0.48
• Percentage of total refusal actions resulting in a scheduled hearing	44.71%	38.36%	-6.35
.08 Refusal Hearing Activity:			
› .08 refusal hearings held and/or completed	5,031	5,015	-0.32
› .08 refusal actions set aside following hearings	1,322	1,431	8.25
• Percentage of .08 APS refusal actions set aside following hearings	26.28%	28.53%	2.25
.01 Refusal Hearing Activity:			
› .01 refusal hearings held and/or completed	81	105	29.63
› .01 refusal actions set aside following hearings	18	37	105.56
• Percentage of .01 refusal actions set aside following hearings	22.22%	35.24%	13.02

Other APS Activity:

• Total .08 and .01 APS dismissal hearings scheduled after meeting renewed right-to-hearing requirements	25	21	-16.00
› APS dismissal hearings held and/or completed	25	21	-16.00
› APS actions set aside following dismissal hearings	12	14	16.67
• Percentage of APS actions set aside following dismissal hearings	48.00%	66.67%	18.67
• Total .08 and .01 APS departmental reviews scheduled	599	573	-4.34
› APS departmental reviews held and/or completed	584	564	-3.42
› APS actions set aside following departmental review	47	23	-51.06
• Percentage of APS actions set aside following departmental reviews	8.05%	4.08%	-3.97

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

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- 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 Driver Safety/Driver Investigation hearings, 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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