DEPARTMENT OF MOTOR VEHICLES
LEGAL AFFAIRS DIVISION
DRIVER SAFETY HEADQUARTERS
P.O. BOX 942890, M/S J256
SACRAMENTO, CA 94290-0001
(916) 657-6452

FOR DMV USE ONLY
126 -

ADMINISTRATIVE PER SE NOTICE OF FAILURE TO FILE OR DISMISSAL OF CRIMINAL CHARGES

(*California Vehicle Code* (CVC) §§23140, 23152 or 23153)
CVC §13353.2(e)(f)

DRIVER'S NAME		CALIFORNIA DRIVER LICENSE NUMBER	
ADDRESS		OUT OF STATE DRIVER LICENSE NUMBER.	STATE
CITY	STATE ZIP CODE	DATE OF BIRTH	
DAYTIME TELEPHONE NUMBER ( )	RESIDENCE TELEPHONE NUMBER ( )	ARREST DATE	

DISTRICT ATTORNEY'S STATEMENT

Criminal charges related to the arrest of the above-named driver under CVC §§23140, 23152, or 23153 have **not been filed** by the District Attorney or were dismissed by the court because of lack of evidence.

A driver has a renewed right to request a hearing on an Administrative Per Se (0.05% or 0.08% BAC) suspension by the department. CVC §13353.2(f) requires a **detailed explanation** specifying which evidence was defective or lacking and why such evidence was considered defective or lacking. Attach a separate sheet, if necessary, and any relevant supporting documents. (This section **does not apply** if the driver refused to submit to or failed to complete a chemical test.)

CHECK THE APPROPRIATE BOX(ES) AND EXPLAIN FULLY BELOW:

- ☐ Insufficient Probable Cause
- ☐ Unlawful Arrest
- ☐ Accuracy of Chemical Test Equipment and/or Compliance with Testing Procedures
- ☐ Other

I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DISTRICT ATTORNEY'S NAME	DISTRICT ATTORNEY OFFICE	TELEPHONE NUMBER ( )
ADDRESS		
CITY	STATE	ZIP CODE
DISTRICT ATTORNEY'S SIGNATURE X		DATE

Print Clear Form

INSTRUCTIONS FOR COMPLETING AND RETURNING THIS FORM

- Effective January 1, 1994, pursuant to the *California Vehicle Code* (CVC) §13353.2(e)(f), any driver who has an Administrative Per Se (0.05% or 0.08%) blood alcohol concentration action against their driving privilege has a renewed right to request a hearing **within one year of the date of the arrest** if the criminal charges under CVC §§23140, 23152 or 23153 were **not filed** by the District Attorney's office or were later dismissed by a court due to insufficient evidence.
- The arrest **must** have occurred on or after January 1, 1994.
- A renewed right to request a hearing under CVC §13353.2(e)(f) will **not** be granted if you failed to submit to and/or complete a chemical test, or if you were under 21 years of age and completed a Preliminary Alcohol Screening (PAS) or other chemical test which indicated the presence of alcohol in violation of CVC §23136.
- This form **must** be completed by the District Attorney who **must** explain in detail on this form which evidence is defective, insufficient, or lacking and return it to the driver.
- The driver **must** forward the completed form and any other documents to DMV **within one year of the date of the arrest as required by CVC §13353.2(e)(f).**

IT IS THE DRIVER'S RESPONSIBILITY TO MAIL THIS FORM TO THE DRIVER SAFETY APPEALS/COURT REVIEW UNIT at:

EMAIL: LADDSAppealsLitigations@dmv.ca.gov

MAIL: DMV Legal Affairs Division
Driver Safety Appeals and Court Review Unit
P.O. Box 942890, Mail Station J256
Sacramento, CA 94290-0001
(916) 657-6452

THIS ACTION IS INDEPENDENT OF ANY OTHER ACTION TAKEN BY THE COURT OR THIS DEPARTMENT

HEARING ISSUES

1. Did the peace officer have reasonable cause to believe that you were driving a motor vehicle in violation of CVC §§23140, 23152, or §23153?
2. Were you lawfully arrested?
3. Were you driving a motor vehicle with 0.08% or more, by weight, of alcohol in your blood or if under the age of 21 years, with 0.05% or more, by weight, of alcohol in your blood.
4. Which evidence was defective, lacking or insufficient resulting in a district attorney **not filing DUI criminal charges** or if DUI criminal charges **were filed**, they were **later dismissed** by a court due to insufficient evidence?

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