



AGE 21 AND OLDER ADMINISTRATIVE PER SE
SUSPENSION/REVOCATION ORDER AND TEMPORARY DRIVER LICENSE

DS 367
Page 3

Driver must be given a copy of this order. DMV telephone number (916) 657-0214.

Form with fields: LAW ENFORCEMENT AGENCY CASE NUMBER, DETENTION/ARREST DATE, DRIVER NAME, DRIVER LICENSE NUMBER, COMMERCIAL?, STATE, MAILING ADDRESS, DATE OF BIRTH, SEX, HAIR, EYES, HEIGHT, WEIGHT, LICENSE, VIOLATION.

You are hereby notified that your privilege to operate a motor vehicle will be suspended or revoked effective 30 days from the issue date of this order as shown below, and until you pay a \$125 reissue fee and file proof of financial responsibility as shown on the reverse. For additional information call (916) 657-0214.

TEMPORARY DRIVER LICENSE

This document must be carried with you and shall serve as your temporary California driver license. It is subject to the same class(es) and all restrictions as your permanent driver license. This temporary driver license does not provide you with any driving privileges if you do not have a California driver license or your license is expired, suspended, revoked, canceled, or denied.

This action is taken under authority of California Vehicle Code (CVC) §§13353, 13353.1, 13353.2 and 13389 because you were arrested or detained for driving under the influence of alcohol and/or drugs and:

Table with 2 columns: Violation Type (e.g., BAC 0.01% PAS, Breath, Blood or Urine Test) and Description of the violation and its consequences.

COMMERCIAL DISQUALIFICATION

A commercial disqualification action will be taken due to any of the following: if you refused a chemical test, if you had a 0.04% BAC or more while operating a commercial motor vehicle as defined in CVC §15210 or while transporting hazardous materials, or held a commercial driver license and were driving any vehicle when you had a 0.08% BAC or more.

HEARING INFORMATION

YOU HAVE 10 DAYS FROM RECEIPT OF THIS NOTICE TO REQUEST A HEARING TO SHOW THAT THE SUSPENSION OR REVOCATION IS NOT JUSTIFIED. The suspension or revocation will not be stayed (delayed) unless you request a hearing within 10 DAYS from the issue date of this order and DMV cannot provide a hearing before the effective date of the suspension or revocation and make a determination.

Form with fields: OFFICER'S PRINTED NAME, BADGE/ID NUMBER, TELEPHONE NUMBER, AGENCY, AREA, COURT CODE.

I did not personally serve a copy of the Order of Suspension/Revocation to the driver.

Date Signature of Arresting Officer

ORDER SERVED BY ANOTHER OFFICER: If order was served on driver by another Officer have that officer complete this section.

I personally served a copy of the order to the driver on the date shown below:

Date Serving Officer's Printed Name Badge/ID Number Signature Of Serving Officer

## HEARING ISSUES

Chemical test results of 0.01% or more BAC while on DUI probation; 0.04% or more BAC in a commercial motor vehicle; or 0.08% or more BAC.

- Did the peace officer have reasonable cause to believe you were driving a motor vehicle in violation of CVC §§23152, 23153, or 23154?
- Were you lawfully detained while on DUI probation or lawfully arrested?
- Were you driving a motor vehicle when you had: **0.01% BAC** or more by weight of alcohol while on DUI probation; **0.04% BAC** or more by weight of alcohol while driving a commercial vehicle; or **0.08% BAC** or more by weight of alcohol?

Refusal to submit to or failure to complete a chemical test.

- Did the peace officer have reasonable cause to believe you were driving a motor vehicle in violation of CVC §§23152, 23153, or 23154?
- Were you lawfully detained while on DUI probation, or lawfully arrested?
- Were you told that your driving privilege would be suspended, or revoked for one, two, or three years if you refused to submit to, or failed to complete a chemical test?
- Did you refuse or fail to complete a chemical test, or PAS test (DUI Probation), after being requested to do so by a peace officer?

## APPEAL RIGHTS

**Following the hearing decision**, you may request a department review in writing within 15 days from the date on the bottom of the notice telling you the results of your hearing. The fee for the department review is \$120. You may also appeal a DMV decision by filing a writ of mandamus at the superior court in your county of residence within 30 days from the date on the bottom of the notice telling you the results of your hearing.

## PENALTIES

Chemical test results of 0.01% or more BAC while on DUI probation; 0.04% or more BAC in a commercial motor vehicle; or 0.08% or more BAC. (CVC §§13353.2 and 13353.3)

- **First Offense** of driving with a BAC of 0.08% or more or 0.04% or more BAC in a commercial motor vehicle will result in a **4-month suspension**, or a **1-year suspension** if 0.01% or more BAC while on DUI probation.
- **Second or Subsequent Offense**, within 10 years of a separate violation of driving under the influence, including such a charge reduced to reckless driving, or vehicular manslaughter, or violation of CVC §23140, which resulted in a conviction, or separate administrative determination that you were driving with a BAC of 0.01% or more while on DUI probation, or a BAC of 0.08% or more or a BAC of 0.04% or more in a commercial motor vehicle at any age, or you refused a test, will result in a 1-year suspension.

Refusal to submit to or failure to complete a chemical test or a preliminary alcohol screening. (CVC §§13353 and 13353.1)

- **First Offense** will result in a **1-year suspension**, or a **2-year revocation** if on **DUI probation**.
- **Second Offense**, within 10 years of a separate violation of driving under the influence, including such a charge reduced to reckless driving, or vehicular manslaughter, or a violation of CVC §23140, which resulted in a conviction, or separate administrative determination that you were driving with a BAC of 0.01% or more while on DUI probation, or a BAC of 0.08% or more or a BAC of 0.04% or more in a commercial vehicle at any age, or you refused a test, will result in a **2-year revocation**, or a **3-year revocation while on DUI probation**.
- **Three or More Offenses** within 10 years of any combination of the above violations, convictions or separate administrative determinations will result in a **3-year revocation**.

## ADDITIONAL INFORMATION

An administrative review will automatically be conducted. You will be notified in writing only if the suspension or revocation is set aside. Before the suspension or revocation can be ended and a driver license issued or returned to you, a \$125 reissue fee must be paid to DMV (CVC §14905), and you must file proof of financial responsibility by a California Insurance Proof Certificate (SR 22/1P), \$35,000 cash deposit, or surety bond, or self insurer certificate (CVC §16430). You must maintain proof of financial responsibility for three years. If you drive while your driving privilege is suspended or revoked, you may be arrested and, if convicted, jailed and/or fined and your vehicle can be impounded or sold.

**THE ADMINISTRATIVE PER SE SUSPENSION/REVOCAION ACTION IS INDEPENDENT OF ANY COURT SANCTIONS.**

### RESTRICTED TO DRIVING TO, FROM, AND DURING THE COURSE OF EMPLOYMENT AND/OR DRIVING TO AND FROM DUI PROGRAM ACTIVITIES.

- **CVC §13353.7:** These restrictions are an option for first offenders whose violation occurred while they were driving a motor vehicle with a BAC of 0.08% or more, or while driving a commercial motor vehicle with a BAC of 0.04% or more.
- **Requirements:** If you provide proof of enrollment in a first offender Driving Under the Influence (DUI) program as described in CVC §23538(b), file proof of financial responsibility (California Insurance Proof Certificate (SR 22/1P)), and pay a \$125 reissue fee, you may apply for a restricted non-commercial license after 30 days of suspension. If you fail to participate in the DUI program after obtaining a restricted driver license, the department will suspend your driving privilege for up to four months.
- **Holders of a commercial driver license must downgrade to a Class C non-commercial driver license during the disqualification period.**  
You may then request a restricted driver license, as specified below, which shall remain in effect for five months.
- If your violation occurred in a non-commercial motor vehicle: you will be restricted to driving to, from, and during the course of your employment and to and from the DUI Program.
- If your violation occurred in a commercial motor vehicle: you will be restricted to driving only to and from the DUI program.

### IGNITION INTERLOCK DEVICE (IID) RESTRICTION – **EFFECTIVE JANUARY 1, 2019**

- **CVC §13353.6:** An IID-restricted driver license is an option for first offenders whose violation occurred while they were driving a motor vehicle with a BAC of 0.08% or more, or a commercial motor vehicle with a BAC of 0.04% or more. If you fail to participate in the DUI program after obtaining a restricted driver license, the department will suspend your driving privilege for up to four months.
- **CVC §13353.75:** An IID-restricted driver license is an option for multiple offenders whose violation occurred when they were driving: a motor vehicle with a BAC of 0.08% or more, while on DUI probation with a BAC of 0.01% or more, or a commercial motor vehicle with a BAC of 0.04% or more. If you fail to participate in the DUI program after obtaining a restricted driver license, the department will suspend your driving privilege for up to twelve months.
- **Requirements:** If you provide proof of enrollment in a DUI program as described in CVC §§23538(b) or 23542(b), file proof of financial responsibility: California Insurance Proof Certificate (SR 22/1P), install an IID, provide a Verification of Installation Ignition Interlock form (DL 920), and pay a \$125 reissue fee, you may immediately apply for a restricted non-commercial license.
- **Holders of a commercial driver license must downgrade to a Class C non-commercial driver license during the disqualification period.**

If you have any questions regarding restriction options, please contact the  
Department of Motor Vehicle's Mandatory Actions Unit at (916) 657-6525.

If you are convicted of a DUI by the court, your driving privilege will be suspended or revoked immediately.  
However, you may be eligible to apply for a restricted license if you meet certain requirements.