

Do I need a hearing to get a restricted license to go to and from work?

No. A request for a restricted license cannot be considered at the DMV hearing. You may apply for a restricted license to drive to and from work at any DMV field office.

The officer stated I refused to take a chemical test. What does this mean?

You are required by law to submit to a chemical test to determine the alcohol and/or drug content of your blood. You did not submit to or complete a blood or breath test after being requested to do so by a peace officer. As of January 1999, a urine test is no longer available unless: The officer suspects you were driving under the influence of drugs or a combination of drugs and alcohol, or both the blood or breath tests are not available, or you are a hemophiliac, or you are taking anticoagulant medication in conjunction with a heart condition.

How long will my driving privilege be suspended for not taking the chemical test?

If you were 21 years of older at the time of arrest and you refused or failed to complete a blood or breath test, or (if applicable) a urine test:

1. A first offense will result in a 1-year suspension.
2. A second offense within 10 years will result in a 2-year revocation.
3. A third or subsequent offense within 10 years will result in a 3-year revocation.

If you were **under 21** years of age at the time of being detained or arrested and you refused or failed to complete a PAS test or other chemical test:

1. A first offense will result in a 1-year suspension.
2. A second offense within 10 years will result in a 2-year revocation.
3. A third or subsequent offense within 10 years will result in a 3-year revocation.

How is the DMV suspension or revocation for the DUI arrest different from the suspension or revocation following my conviction in criminal court?

The DMV suspension or revocation is an administrative action taken against your driving privilege only. The suspension or revocation following a conviction in court is a mandatory action for which jail, fine, or other criminal penalty can be imposed.

DUI

What happens Next



**City of Oakley
Police Department**

**To report a crime, call:
Oakley P.D. Dispatch
(925) 625-8060**

Administrative offices:
Oakley Police Department:
(925) 625-8855

I've just been arrested for DUI. What happens now?

The officer is required by law to immediately forward a copy of the completed notice of suspension or revocation form and any driver license taken into possession, with a sworn report to the DMV. The DMV automatically conducts an administrative review that includes an examination of the officer's report, the suspension or revocation order, and any test results. If the suspension or revocation is upheld during the administrative review, you may request a hearing to contest the suspension or revocation.

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. You will be notified by the DMV in writing only if the suspension or revocation is set aside following the administrative review.

At the time of my arrest, the officer confiscated my driver license. How do I get it back?

Your driver license will be returned to you at the end of the suspension or revocation, provided you pay (on or after January 1, 2003) a \$125 reissue fee to the DMV and you file proof of financial responsibility. The

reissue fee remains at \$100 if you were under age 21 and were suspended under the Zero Tolerance Law pursuant to Vehicle Code §§23136, 13353.1, 13388, 13392. If it is determined that there is not a basis for the suspension or revocation, your driver license will be issued or returned to you.

The officer issued me an Order of Suspension and Temporary License. What am I supposed to do with this document?

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 some other reason.

The Notice of Suspension that the officer gave me at the time of my arrest states I have ten days to request an administrative hearing. What is the purpose of this hearing and what can it do for me?

A hearing is your opportunity to show that the suspension or revocation is not justified.

For how long will my driving privilege be suspended if I took the chemical test?

If you are 21 years of age or older, took a blood or breath test, or (if applicable) a urine test, and the results showed 0.08% BAC or more:

1. A first offense will result in a 4-month suspension.
2. A second or subsequent offense within 10 years will result in a 1-year suspension.

If you are under 21 years of age, took a preliminary alcohol screening (PAS) test or other chemical test and results showed 0.01% BAC or more, your driving privilege will be suspended for 1 year.

