

**CALIFORNIA**  
**DRIVING**  
**UNDER THE**  
**INFLUENCE**  
**DEFENSE**

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**2020-2021 EDITION**

**PETER JOHNSON**  
**LAWRENCE TAYLOR**

**CALIFORNIA DRIVING UNDER THE INFLUENCE DEFENSE**

**DUI SENTENCING AND IID LAWS  
BEGINNING ON JANUARY 1, 2019 THROUGH JANUARY 1, 2026**

OFFENSE/SECTION	DMV	COURT
<p>1ST OFFENSE WITH NO INJURY AND NO REFUSAL CVC 23152(a) Under Influence CVC 23152(b) .08 or higher CVC 23152(e) Passenger for Hire BAC .04 CVC 23152(g) Drugs &amp; Alcohol</p>	<p>FOUR (4) MONTHS SUSPENSION AND RESTRICTED DRIVING PRIVILEGES WITH THE FOLLOWING:                      1. PROOF OF IID                      2. PROOF OF DUI PROGRAM                      3. PROOF OF SR-22                      4. PAY \$125 REISSUE FEE                      CVC 13353.2./13353.3                      OR                      FOUR (4) MONTHS SUSPENSION - ONE CAN APPLY FOR RESTRICTED DRIVING PRIVILEGES WITH THE FOLLOWING:                      1. SERVE A THIRTY (30) DAY HARD SUSPENSION (NO DRIVING FOR ANY REASON)-5 MONTHS RESTRICTED                      2. PROOF OF DUI PROGRAM                      3. PROOF OF SR-22                      4. PAY \$125 REISSUE FEE                      CVC 13353.7 (if APS hearing requested)                      *Note: APS Suspensions are terminated upon conviction and resulting mandatory suspension Restrictions without IID are limited as follows:                      *The restriction of the driving privilege shall be limited to the hours necessary for driving to and from the person's place of employment, driving during the course of employment, and driving to and from activities required in the driving-under-the-influence program.*                      CVC 13352.4                      If IID installed only restriction is the IID, driving is not otherwise limited</p>	<p>SIX (6-BAC .19 OR BELOW) / TEN (10-BAC.20 OR ABOVE) MONTHS SUSPENSION AND RESTRICTED DRIVING PRIVILEGES WITH THE FOLLOWING:                      1. PROOF OF IID                      2. PROOF OF DUI PROGRAM                      3. PROOF OF SR-22                      4. PAY \$125 REISSUE FEE                      CVC 13352/13352.1                      OR                      TWELVE (12) MONTHS SUSPENSION AND RESTRICTED DRIVING PRIVILEGES WITH THE FOLLOWING:                      1. PROOF OF DUI PROGRAM                      2. PROOF OF SR-22                      3. PAY \$125 REISSUE FEE                      *NOTE PENDING SB545                      CVC 13352.4                      CVC 23538 with probation (CVC 23600)                      Probation terms 3-5 years                      County Jail 0-6 mos.                      Driving BAC less than 0.01                      No Criminal Offense                      If arrested no refusal chemical test                      Fine \$390-\$1000                      CVC 23536 without probation (CVC 23600)                      Same conditions as above with exception for minimum custody time                      County Jail 96 hours at least 48 continuous up to 6 mos.;                      If under 18 Suspension is under either 13352.3 (one year) or 13352(a) whichever is longer</p>
<p>1ST OFFENSE WITH INJURY CVC 23153 misd. (Wobbler)</p>	<p>FOUR (4) MONTHS SUSPENSION AND RESTRICTED DRIVING PRIVILEGES WITH THE FOLLOWING:                      1. PROOF OF IID                      2. PROOF OF DUI PROGRAM                      3. PROOF OF SR-22                      4. PAY \$125 REISSUE FEE                      OR                      FOUR (4) MONTHS SUSPENSION - RESTRICTED DRIVING PRIVILEGES WITH THE FOLLOWING:                      1. SERVE A THIRTY (30) DAY HARD SUSPENSION (NO DRIVING FOR ANY REASON)-5 MONTHS RESTRICTED                      2. PROOF OF DUI PROGRAM                      3. PROOF OF SR-22                      4. PAY \$125 REISSUE FEE                      *Note: APS Suspensions are terminated upon conviction and resulting mandatory suspension</p>	<p>ONE (1) YEAR SUSPENSION AND RESTRICTED DRIVING PRIVILEGES WITH THE FOLLOWING:                      1. PROOF OF IID                      2. PROOF OF DUI PROGRAM                      3. PROOF OF SR-22                      4. PAY \$125 REISSUE FEE                      ***IID MANDATORY ONE YEAR***                      CVC23575.3(h)(2)                      CVC 13352(a)(2)(A)                      Misdemeanor                      Without probation CVC 23554                      90 days to one year county jail                      Fine \$390 - \$1000                      With probation CVC 23556                      Standard Terms per CVC 23600                      County Jail 5 days to one year                      Felony                      Imprisonment in State Prison                      CVC 23558 Multiple Victim Enhancement applies to felony convictions (GII) One year State prison enhancement per victim)</p>

DEDICATIONS

OFFENSE/SECTION	DMV	COURT
<p>1st OFFENSE - DRUG ONLY WITH NO INJURY CVC 23152 (e) or (f)</p>	<p>DRUG-ONLY OFFENDERS ARE NOT SUBJECT TO AN ADMINISTRATIVE LICENSE SUSPENSION TAKEN BY THE DMV UPON ARREST UNDER ADMINISTRATIVE PER SE LAWS.</p>	<p>SIX (6) MONTH HARD SUSPENSION AND DRIVING PRIVILEGES REINSTATED WITH THE FOLLOWING:                      1. PROOF OF COMPLETION OF DUI PROGRAM                      2. PROOF OF SR-22                      3. PAY \$125 REISSUE FEE                      Same terms as CVC 23152 (a) (b) (e) per CVC 23536                      *A RESTRICTED LICENSE MAY BE AVAILABLE PER CVC 13352.4</p>
<p>1st OFFENSE - DRUG ONLY WITH INJURY CVC 23153 (e) (f)</p>	<p>DRUG-ONLY OFFENDERS ARE NOT SUBJECT TO AN ADMINISTRATIVE LICENSE SUSPENSION TAKEN BY THE DMV UPON ARREST UNDER ADMINISTRATIVE PER SE LAWS.</p>	<p>ONE (1) YEAR HARD SUSPENSION AND DRIVING PRIVILEGES REINSTATED WITH THE FOLLOWING:                      1. PROOF OF COMPLETION OF DUI PROGRAM                      2. PROOF OF SR-22                      3. PAY \$125 REISSUE FEE                      Same terms as CVC 23153 (a)(b)(d)(e) CVC 23554  <b>Misdemeanor</b>                      Without Probation                      90 days to one year county jail                      Fine \$390-\$1000                      With probation CVC 23556                      Standard Terms per CC 23600                      County Jail 5 days to one year  <b>Felony</b>                      Imprisonment in State Prison                      CVC 23558 Multiple Victim Enhancement applies to felony convictions (GBI One year State prison enhancement per victim)                      *A RESTRICTED LICENSE MAY BE AVAILABLE PER CVC 13352.4</p>
<p>2nd OFFENSE WITH NO INJURY AND NO REFUSAL - CVC 23152 (a)(b)(d)(e)(g)</p>	<p>TWELVE (12) MONTHS SUSPENSION RESTRICTION ELIGIBLE WITH THE FOLLOWING:                      1. PROOF OF IID                      2. PROOF OF DUI PROGRAM                      3. PROOF OF SR-22                      4. PAY \$125 REISSUE FEE                      CVC 13353.3(2)(A)                      *Note: APS Suspensions are terminated upon conviction and resulting mandatory suspension</p>	<p>TWO (2) YEARS SUSPENSION AND RESTRICTED DRIVING PRIVILEGES WITH THE FOLLOWING:                      1. PROOF OF IID-MANDATORY FOR 1 YEAR                      2. PROOF OF DUI PROGRAM                      3. PROOF OF SR-22                      4. PAY \$125 REISSUE FEE                      CVC 13352(a)(3)                      Without probation per CVC 23540                      90 days to one year county jail                      Fine \$390 - \$1000                      With probation per CVC 23542                      Standard terms per CVC 23600                      Either 10 days to one year, or                      96 hours up to one year - if 96 hours to be served in two 48 hour increments (can do 10 days of community service in lieu of 48 continuous hours CVC 23580)</p>

**CALIFORNIA DRIVING UNDER THE INFLUENCE DEFENSE**

OFFENSE/SECTION	DMV	COURT
<p>2<sup>ND</sup> OFFENSE WITH INJURY CVC 23153 (a)(b)(4)(e)(g) Misd. (wobbler)</p>	<p>TWELVE (12) MONTHS SUSPENSION RESTRICTION ELIGIBLE WITH THE FOLLOWING:                      1. CONVICTION                      2. PROOF OF IID.                      3. PROOF OF DUI PROGRAM                      4. PROOF OF SR-22                      5. PAY \$125 REISSUE FEE</p> <p>CVC 13353.3(2)(A)                      *Note: APS Suspensions are terminated upon conviction and resulting mandatory suspension</p>	<p>THREE (3) YEARS REVOCATION AND RESTRICTED DRIVING PRIVILEGES WITH THE FOLLOWING                      1. PROOF OF IID-MANDATORY FOR TWO (2) YEARS                      2. PROOF OF DUI PROGRAM                      3. PROOF OF SR-22                      4. PAY \$125 REISSUE FEE</p> <p>CVC 13352(a)(4)                      Misdemeanor                      Without Probation per CVC 23560                      120 days to one year county jail                      With probation per CVC 23562                      Standard terms per CVC 23600                      Either 120 days minimum up to year                      Fine \$390-\$5000; or                      30 days minimum up to year county jail                      Fine \$390-\$1000                      18 mos. or 30 mos. program                      Felony                      Imprisonment in State Prison                      CVC 23558 Multiple Victim Enhancement applies to felony convictions (GBI One year State prison enhancement per victim)</p>
<p>2<sup>ND</sup> OFFENSE - VOP</p> <p><b>**NOTE**</b> UNDER THE NEW DMV LAWS, WITH A VOP, ONE IS TREATED THE SAME AS THE OFFENSE AND IS IMMEDIATELY ELIGIBLE FOR A LICENSE FOLLOWING THE PROCEDURE HERE.</p>	<p>TWELVE (12) MONTHS SUSPENSION RESTRICTED ELIGIBLE WITH THE FOLLOWING:                      1. PROOF OF IID                      2. PROOF OF DUI PROGRAM                      3. PROOF OF SR-22                      4. PAY \$125 REISSUE FEE</p> <p>CVC 13353.75                      *Note: APS Suspensions are terminated upon conviction and resulting mandatory suspension</p>	<p>TWO (2) YEAR SUSPENSION AND RESTRICTED DRIVING PRIVILEGES WITH THE FOLLOWING:                      1. PROOF OF IID- MANDATORY ONE YEAR                      2. PROOF OF DUI PROGRAM                      3. PROOF OF SR-22                      4. PAY \$125 REISSUE FEE</p> <p>CVC 13352(a)(3)</p>
<p>2<sup>ND</sup> OFFENSE WITH DRUGS ONLY - CVC 23152(c)(g) w/ prior</p>	<p>DRUG-ONLY OFFENDERS ARE NOT SUBJECT TO AN ADMINISTRATIVE LICENSE SUSPENSION TAKEN BY THE DMV UPON ARREST UNDER ADMINISTRATIVE PER 8E LAWS.</p>	<p>TWO (2) YEAR SUSPENSION, TWELVE (12) MONTH HARD SUSPENSION AND THEN ELIGIBLE FOR A RESTRICTED LICENSE WITH THE FOLLOWING:                      1. PROOF OF DUI PROGRAM                      2. PROOF OF SR-22                      3. PAY \$125 REISSUE FEE</p> <p>CVC 13352(a)(3)(A)(i)                      Without probation per CVC 23540                      90 days to one year county jail                      Fine \$390 - \$1000                      With probation per CVC 23542                      Standard terms per CVC 23600                      Either 10 days to one year, or                      96 hours up to one year - if 96 hours to be served in two 48 hour increments</p>

DEDICATIONS

OFFENSE/SECTION	DMV	COURT
2nd OFFENSE WITH DRUGS ONLY AND INJURY CVC 23153(c)(g)	DRUG-ONLY OFFENDERS ARE NOT SUBJECT TO AN ADMINISTRATIVE LICENSE SUSPENSION TAKEN BY THE DMV UPON ARREST UNDER ADMINISTRATIVE PER SE LAWS.	THREE (3) YEAR SUSPENSION, TWELVE (12) MONTH HARD SUSPENSION AND THEN ELIGIBLE FOR A RESTRICTED LICENSE WITH THE FOLLOWING: 1. PROOF OF DUI PROGRAM 2. PROOF OF SR-22 3. PAY \$125 REISSUE FEE CVC 13352(a)(4)(A)(i) Misdemeanor Without Probation per CVC 23560 120 days to one year county jail With probation per CVC 23562 Standard terms per CVC 23600 Either 120 days minimum up to year Fine \$390-\$5000, or 30 days minimum up to year county jail Fine \$390-\$1000 18 mos. or 30 mos. program Felony Imprisonment in State Prison CVC 23558 Multiple Victim Enhancement applies to felony convictions (GBI One year State prison enhancement per victim)
3rd OFFENSE WITH NO INJURY AND NO REFUSAL CVC 23152 (a)(b)(d)(e)(g) w/ two priors	ONE (1) YEAR SUSPENSION RESTRICTION ELIGIBLE WITH THE FOLLOWING: 1. CONVICTION 2. PROOF OF IID 3. PROOF OF DUI PROGRAM 4. PROOF OF SR-22 5. PAY \$125 REISSUE FEE CVC 13353.3(2)(A) *Note: AFS Suspensions are terminated upon conviction and resulting mandatory suspension	THREE (3) YEAR SUSPENSION AND RESTRICTED DRIVING PRIVILEGES WITH THE FOLLOWING: 1. PROOF OF IID-MANDATORY 2 YEARS 2. PROOF OF DUI PROGRAM 3. PROOF OF SR-22 4. PAY \$125 REISSUE FEE CVC 13352(a)(3) COURT HAS AUTHORITY TO SUSPEND UP TO 10 YEAR UNDER CVC 23597 Without probation CVC 23546 120 day minimum up to one year county jail Fine \$390 to \$1000 Designation as habitual traffic offender With probation CVC 23548 Standard terms per CVC 23600 120 days minimum up to one year Fine \$390 to \$1000 Or Court may require 30 mos. program - 30 days minimum up to one year county jail
3rd OFFENSE WITH INJURY CVC 23153(a)(b)(d)(e)(g) w/ two priors	ONE (1) YEAR SUSPENSION RESTRICTION ELIGIBLE WITH THE FOLLOWING: 1. CONVICTION 2. PROOF OF IID 3. PROOF OF DUI PROGRAM 4. PROOF OF SR-22 5. PAY \$125 REISSUE FEE CVC 13353.3(2)(A) *Note: AFS Suspensions are terminated upon conviction and resulting mandatory suspension	FIVE (5) YEAR SUSPENSION AND RESTRICTED DRIVING PRIVILEGES WITH THE FOLLOWING: 1. PROOF OF IID-MANDATORY 3 YEARS 2. PROOF OF DUI PROGRAM 3. PROOF OF SR-22 4. PAY \$125 REISSUE FEE 13352(a)(6) COURT HAS AUTHORITY TO SUSPEND UP TO 10 YEARS UNDER CVC 23697 Misdemeanor Without probation CVC 23566 2, 3 or 4 years State Prison Fine \$1015 - \$5000 If GBI same sentence Designated Habitual Traffic Offender Attendance in Alcohol or Drug Program in Prison With probation CVC 23568 Standard terms per CVC 23600 Minimum one year county jail Fine \$390-\$5000; Restitution per PC 1203.1; or 18 mos. program or 30 mos. where available 30 days minimum up to one year Felony Imprisonment in State Prison CVC 23558 Multiple Victim Enhancement applies to felony convictions (GBI One year State prison enhancement per victim)

# CALIFORNIA DRIVING UNDER THE INFLUENCE DEFENSE

OFFENSE/SECTION	DMV	COURT
3 <sup>rd</sup> OFFENSE WITH DRUGS ONLY AND NO INJURY	DRUG-ONLY OFFENDERS ARE NOT SUBJECT TO AN ADMINISTRATIVE LICENSE SUSPENSION TAKEN BY THE DMV UPON ARREST UNDER ADMINISTRATIVE PER SE LAWS	<p>THREE (3) YEAR SUSPENSION, TWELVE (12) MONTH HARD SUSPENSION AND THEN ELIGIBLE FOR A RESTRICTED LICENSE WITH THE FOLLOWING:</p> <ol style="list-style-type: none"> <li>1. PROOF OF DUI PROGRAM</li> <li>2. PROOF OF SR-22</li> <li>3. PAY \$125 REISSUE FEE</li> </ol> <p><u>COURT HAS AUTHORITY TO SUSPEND UP TO 10 YEARS UNDER CVC 23597</u>            Without probation CVC 23546            120 day minimum up to one year county jail            Fine \$390 to \$1000            Designation as habitual traffic offender            With probation CVC 23548            Standard terms per CVC 23600            120 days minimum up to one year            Fine \$390 to \$1000            Or Court may require 30 mos. program - 30 days minimum up to one year county jail</p>
3 <sup>rd</sup> OFFENSE WITH DRUGS ONLY AND INJURY CVC 23153(a)(4) w/ two prior	DRUG-ONLY OFFENDERS ARE NOT SUBJECT TO AN ADMINISTRATIVE LICENSE SUSPENSION TAKEN BY THE DMV UPON ARREST UNDER ADMINISTRATIVE PER SE LAWS	<p>FIVE (5) YEAR SUSPENSION, TWELVE (12) MONTH HARD SUSPENSION AND THEN ELIGIBLE FOR A RESTRICTED LICENSE (DRIVING TO/FROM YOUR PLACE OF EMPLOYMENT, DURING THE COURSE OF EMPLOYMENT AND DRIVING TO/FROM ACTIVITIES REQUIRED IN THE DUI PROGRAM) WITH THE FOLLOWING:</p> <ol style="list-style-type: none"> <li>1. PROOF OF DUI PROGRAM</li> <li>2. PROOF OF SR-22</li> <li>3. PAY \$125 REISSUE FEE</li> </ol> <p><u>COURT HAS AUTHORITY TO SUSPEND UP TO 10 YEARS UNDER CVC 23597</u>            Misdemeanor            Without probation CVC 23566            2, 3 or 4 years State Prison            Fine \$1015 - \$5000            If GBI same sentence            Designated Habitual Traffic Offender            Attendance in Alcohol or Drug Program in Prison            With probation CVC 23568            Standard terms per CVC 23600            Minimum one year county jail            Fine \$390-\$5000;            Restitution per PC 1203.1; or            18 mos. program or 30 mos. where available            30 days minimum up to one year            Felony            Imprisonment in State Prison            CVC 23558 Multiple Victim Enhancement applies to felony convictions (GBI One year State prison enhancement per victim)</p>
4 <sup>th</sup> OFFENSE WITH NO INJURY AND NO REFUSAL CVC 23152 (a)(4)(d)(g) w/ three priors	<p>ONE (1) YEAR SUSPENSION RESTRICTION ELIGIBLE WITH THE FOLLOWING:</p> <ol style="list-style-type: none"> <li>1. CONVICTION</li> <li>2. PROOF OF IID</li> <li>3. PROOF OF DUI PROGRAM</li> <li>4. PROOF OF SR-22</li> <li>5. PAY \$125 REISSUE FEE</li> </ol> <p>CVC 13353.3(a)(4)            *Note: APS Suspensions are terminated upon conviction and resulting mandatory suspension</p>	<p>FOUR (4) YEARS SUSPENSION AND RESTRICTED DRIVING PRIVILEGES WITH THE FOLLOWING:</p> <ol style="list-style-type: none"> <li>1. PROOF OF IID-MANDATORY FOR 3 YEARS</li> <li>2. PROOF OF DUI PROGRAM</li> <li>3. PROOF OF SR-22</li> <li>4. PAY \$125 REISSUE FEE</li> </ol> <p>CVC 13352(a)(7)  <u>COURT HAS AUTHORITY TO SUSPEND UP TO 10 YEARS UNDER CVC 23597</u>            Without probation per CVC 23550            County Jail minimum 180 days up to one year (misd.)            Felony County Jail Imprisonment per 1170(b)            Designated as habitual traffic offender            With probation per CVC 23552            Standard Terms per CVC 23600            180 days minimum up to one year county jail            Fine \$390 - \$1000            Court may order 30 mos. program and 30 days minimum or 18 mos. program if no prior 12-18 mos. Program</p>

DEDICATIONS

OFFENSE/SECTION	DMV	COURT
4th OFFENSE WITH INJURY CVC 23153(a)(8)(b)(8) w/ three prior	ONE (1) YEAR SUSPENSION RESTRICTED DRIVING PRIVILEGES WITH THE FOLLOWING: 1. PROOF OF IID 2. PROOF OF DUI PROGRAM 3. PROOF OF SR-22 4. PAY \$125 REISSUE FEE  *Note: APS Suspensions are terminated upon conviction and resulting mandatory suspension	FIVE (5) YEAR SUSPENSION AND RESTRICTED DRIVING PRIVILEGES WITH THE FOLLOWING: 1. PROOF OF IID - MANDATORY 3 YEARS (4 IF PREVIOUS FELONY) 2. PROOF OF DUI PROGRAM 3. PROOF OF SR-22 4. PAY \$125 REISSUE FEE  CVC 13352(a)(8) COURT HAS AUTHORITY TO SUSPEND UP TO 10 YEARS UNDER CVC 23597 Without probation CVC 23566 2, 3 or 4 years State Prison Fine \$1015 - \$5000 If GBI same sentence Designated Habitual Traffic Offender Attendance in Alcohol or Drug Program in Prison With probation CVC 23568 Standard terms per CVC 23600 Minimum one year county jail Fine \$390-\$5000; Restitution per PC 1203.1; or 18 mos. program or 30 mos. where available 30 days minimum up to one year  CVC 23558 Multiple Victim Enhancement applies to felony convictions (GBI One year State prison enhancement per victim)
4th OFFENSE WITH DRUGS ONLY AND NO INJURY CVC 23152(e)(1) w/ three prior	DRUG-ONLY OFFENDERS ARE NOT SUBJECT TO AN ADMINISTRATIVE LICENSE SUSPENSION TAKEN BY THE DMV UPON ARREST UNDER ADMINISTRATIVE PER SE LAWS.	FOUR (4) YEAR SUSPENSION, TWELVE (12) MONTHS HARD SUSPENSION AND THEN ELIGIBLE FOR A RESTRICTED LICENSE WITH THE FOLLOWING: 1. PROOF OF DUI PROGRAM 2. PROOF OF SR-22 3. PAY \$125 REISSUE FEE  CVC 13352(a)(7) COURT HAS AUTHORITY TO SUSPEND UP TO 10 YEARS UNDER CVC 23597 Without probation per CVC 23550 County Jail minimum 180 days up to one year (misd.) Felony County Jail Imprisonment per 1170(h) Designated as habitual traffic offender With probation per CVC 23552 Standard Terms per CVC 23600 180 days minimum up to one year county jail. Fine \$390 - \$1000 Court may order 30 mos. program and 30 days minimum or 18 mos. program if no prior 12-18 mos. Program
4th OFFENSE WITH DRUGS ONLY AND INJURY CVC 23153(e)(1) w/ three prior	DRUG-ONLY OFFENDERS ARE NOT SUBJECT TO AN ADMINISTRATIVE LICENSE SUSPENSION TAKEN BY THE DMV UPON ARREST UNDER ADMINISTRATIVE PER SE LAWS.	FOUR (4) YEAR SUSPENSION, TWELVE (12) MONTHS HARD SUSPENSION ELIGIBLE FOR A RESTRICTED LICENSE WITH THE FOLLOWING: 1. PROOF OF DUI PROGRAM 2. PROOF OF SR-22 3. PAY \$125 REISSUE FEE  CVC 13352(a)(8) COURT MAY SUSPEND UP TO 10 YEARS UNDER CVC 23597 Without probation CVC 23566 2, 3 or 4 years State Prison Fine \$1015 - \$5000 If GBI same sentence Designated Habitual Traffic Offender Attendance in Alcohol or Drug Program in Prison With probation CVC 23568 Standard terms per CVC 23600 Minimum one year county jail Fine \$390-\$5000; Restitution per PC 1203.1; or 18 mos. program or 30 mos. where available 30 days minimum up to one year  CVC 23558 Multiple Victim Enhancement applies to felony convictions (GBI One year State prison enhancement per victim)

**CALIFORNIA DRIVING UNDER THE INFLUENCE DEFENSE**

OFFENSE/SECTION	DMV	COURT
CVC 23140 age 18-21 (a) 0.05 BAC or greater (b) may be proved without a chemical test	1 YEAR HARD SUSPENSION (NO DRIVING FOR ANY REASON) - *MAY APPLY FOR CRITICAL NEEDS LICENSE AFTER 30 DAYS HARD SUSPENSION  CVC 13353.8 (CVC 12513)	*ONE YEAR HAD SUSPENSION (MAY APPLY FOR CRITICAL NEED) CVC 13352.6  REQUIRED DRUG OR ALCOHOL PROGRAM CVC 23520
REFUSAL CVC 23577 ENHANCEMENT CVC 13353 ADMINISTRATIVE CVC 13353.1 UNDER 21 CVC 13353.1 PROBATION	1ST OFFENSE - 1 YEAR HARD SUSPENSION 2ND OFFENSE - 2 YEAR HARD SUSPENSION 3RD OFFENSE - 3 YEAR HARD SUSPENSION  ***NO CHANCE FOR A RESTRICTED LICENSE IF YOU LOSE ADMINISTRATIVE HEARING ON THIS AND NO WAY TO UNWIND THROUGH COURT, NOT EVEN WITH A NOT GUILTY VERDICT ON THE REFUSAL AT TRIAL.	23577 was amended effective January 1, 2019 to address the holding in BIRCHFIELD V. NORTH DAKOTA, 136 S. Ct. 2160. The provision no longer applies to blood test. Counsel should consider challenging the refusal enhancement in breath and urine tests as well.  1st offense 23152 imposition of probation terms under CVC 23538 1st offense 23153 48 continuous hours - cannot be stayed 2nd offense 23152 or 23153 96 continuous hours - cannot be stayed 3d offense 23152 10 days cannot be stayed 4th offense 23152 18 days cannot be stayed
COMMERCIAL LICENSE Commercial Vehicle CVC 15210	13352(h)(1)(2) 13353.6(e)(1) 13353.6(e)(2) / 13353.7(d), 13353.75 ELIGIBLE FOR CLASS C non-commercial or CLASS M - SUBJECT TO SAME RESTRICTION AS STANDARD DUI  NO ELIGIBILITY FOR RESTRICTION ON COMMERCIAL LICENSE	ONE YEAR DISQUALIFICATION FOR FIRST OFFENSE CVC 15300 CONVICTION WITH PRIOR - LIFETIME DISQUALIFICATION CVC 15302  THREE YEARS DISQUALIFICATION CVC 15300(10)(B) IF OCCURRED WHILE TRANSPORTING HAZARDOUS MATERIALS
CVC 23550.5 (wobler) Prior Felony Conviction		One Year Maximum County Jail, or State Prison Sentence Designation as Habitual Offender
CVC 23572 (minor passenger) under age 14)		If Sentenced under (Cannot be Stayed) CVC 23136 - 48 continuous hours in county jail CVC 23540 - 10 days county jail CVC 23546 - 30 days county jail CVC 23550 - 90 days county jail Does not apply if conviction under 273a occurs
CVC 23582 SPEED ENHANCEMENT 30 or more on freeway 20 or more street or highway also requires proof of driving per CVC 23103		60 days consecutive county jail Court has discretion to not impose additional term
CVC 23576 Employer Vehicle Exemption	Must have proof of notice to employer regarding restriction	
CVC 23578 BAC .15 or higher can be considered for enhancement		No specific nor mandatory enhancement term



## DEDICATIONS

OFFENSE/SECTION	DMV	COURT
<p>Penal Code section 191.5            Vehicular Manslaughter while intoxicated</p>	<p>APS terms apply as above</p>	<p>191.5 (a) (Gross Vehicular Manslaughter) Felony - State Prison 4, 6, 10</p> <p>191.5(b) Wobbler (1170(h) eligible), up to one year county jail as misdemeanor</p> <p>191.5(d) Life in Prison w/ priors under the following:            23152/23540, 23153, 191.5, 192(e)(1), 192.5 (a), 192.5(b)</p>
<p>MISC. CODE SECTIONS</p>	<p>CVC 13352 MANDATORY SUSPENSIONS            CVC 13352.3 JUVENILE MANDATORY SUSPENSIONS            CVC 13352.5 RESTRICTED LICENSE PROVISIONS (COURT)            CVC 13353.3 PERIOD OF ADMINISTRATIVE SUSPENSION            CVC 13353.5 RESIDENCY OUT OF STATE (ALSO 13552)            CVC 13353.6(d) ADMIN. IID CRHIT AGAINST MANDATORY            CVC 13353.8 CRITICAL NEED TO DRIVE            CVC 13363 OUT OF STATE CONVICTIONS            CVC 13366 START DATE OF MANDATORY ACTION            CVC 13366.5 START DATE COMMERCIAL MANDATORY            CVC 13553 UNLICENSED - SAME PENALTIES            CVC 15000 DRIVER LICENSE COMPACT            CVC 23575.3 IID PROVISIONS            CVC 23576 IID EMPLOYER VEHICLE EXEMPTION            CVC 23521 OUT OF STATE JUVENILE OFFENSES            CVC 23592 VEHICLE IMPOUNDMENT            CVC 23620.26 PRIOR AND SEPARATE OFFENSES            CVC 23665 POSTPONEMENT OF SUSPENSION            RC 2900.5 CUSTODY CREDITS</p>	