

CALIFORNIA DRIVING UNDER THE INFLUENCE DEFENSE

2025-2026 Edition
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What's New in the 2025-2026 Edition

The fallout of the landmark decision in *CDLA v. DMV*, 77 CA5th 517 remains at the forefront of DUI defense in California. *CDLA v. DMV*, 77 CA5th 517 resulted in a recognition of inherent due process violations by the single hearing officer structure of DMV hearings. The question of how the DMV can retain this structure and afford due process remains an ongoing struggle. The question of whether and to what extent to allow hearing officers discretion to engage in the administrative proceedings beyond entirely neutral actions has recently been taken up by the California Supreme Court in *Ramone v. DMV*, 110 CA5th 1002. This edition addresses the current law and provides points and practice tips for attorney in addressing this important issue and preserving the record for future challenges.

Other statutory and case law updates are provided as well at various points throughout the book.

This edition of the book is dedicated to the memory of the late Lawrence Taylor the original author of this book whose contributions to the field of DUI defense remain unparalleled. Mr. Taylor was a pioneer in this field and his creative and committed defense of persons accused of driving under the influence has and will have a lasting impact on this profession.

This edition of the book is also dedicated to the memory the late Don Bartell who served as an inspiration to many DUI attorneys including the Author. Mr. Bartell was instrumental to the initiation of the *CDLA v. DMV* lawsuit and in all likelihood the case would have never been brought but for his insight and perseverance. Mr. Bartell will be greatly missed but his legacy in DUI defense lives on in his personal accomplishments, his influences on other attorneys and the Landmark decision changing the dynamic of the APS hearing throughout the State.

About the Authors

Peter Johnson has been an attorney practicing in California continuously since June of 1993. Mr. Johnson is a member of the National College of DUI Defense (NCDD); the California DUI Lawyers Association (CDLA); Currently a member of the Board of Directors for the (CDLA); and former President of the Criminal Section of the Contra Costa County Bar Association. Over the past 25 plus year career practicing criminal defense, Mr. Johnson has completed 100's of hours of DUI Investigation training including NHTSA/IACP DWI Detection and Standardized Field Sobriety Testing; NHTSA/IACP Advanced Roadside Impaired Driving Enforcement (ARIDE); as well as training in Alcohol and Drug forensic analysis courses in amongst others; Infrared and Fuel Cell breath testing devices, Head Space Gas Chromatography, Mass Spectrometry, Liquid Chromatography, Presumptive and Confirmatory Drug Testing; and Software training for Gas Chromatography and Mass Spectrometry.

Mr. Johnson has met with the top scientists in the field and the top representatives from manufacturers of Breath Testing and Gas Chromatography equipment to discuss issues related to DUI defense. Mr. Johnson has been invited to speak and has lectured on many occasions on behalf of the National College of DUI Defense; California DUI Lawyers Association, California Public Defenders Association, and Contra Costa County Bar Association. Mr. Johnson is frequently sought after to speak in the areas of Blood Analysis, Drug Analysis, Breath Analysis and Metrology in DUI Defense. He has conducted many informational seminars covering the subject of DUI laws, DUI Defense tactics and strategies, arranged lab tours for attorneys, and has appeared in Bay Area news regarding DUI related issues, and on community television programming for the purpose of educating the public regarding DUI laws. Mr. Johnson has represented citizens in all aspects of criminal defense and civil rights matters, with a primary emphasis on DUI defense. Mr. Johnson has handled well over 100 jury trials in many California counties and both state and federal court.

Peter Johnson graduated from St. Mary's College with a Bachelor's degree in Business Administration and Economics and then attended law school at Golden Gate University, School of Law, where he received his J.D. in December of 1992. Mr. Johnson then began practicing law in June of 1993 in Pittsburg, California where he was initially partnered with his father, Ronald R. v

Johnson. In 1998, Mr. Johnson established the Law Office of Johnson & Johnson along with his wife, Carin Johnson, Esq. and has remained in the partnership since that time.

Lawrence Eric Taylor graduated from the University of California at Berkeley and the UCLA School of Law. He served as Los Angeles Deputy County Counsel, Deputy Public Defender and Deputy District Attorney, thereafter entering private criminal defense practice. He was the trial judge's legal advisor in *People v. Charles Manson*, was appointed Supreme Court counsel in the *Onion Field* murder case, and was retained by the Attorney General of Montana to conduct an independent one-year grand jury probe of governmental corruption. In the course of his 44 years of experience, Mr. Taylor tried more than 200 cases to jury and handled in excess of 30 appeals.

Mr. Taylor was also a noted legal educator, having served on the faculties of Gonzaga University School of Law, where he was voted "Professor of the Year," and Pepperdine University Law School. He was later appointed Fulbright Professor of Law at Osaka University and Kobe University in Japan. He was subsequently one of the original founders of the 2100-member National College for DUI Defense, serving as its first Dean from 1995-1996.

Lawrence Taylor has also authored 14 books and more than 30 articles, including the standard national textbook on DUI litigation, "Drunk Driving Defense, 8th edition" (Aspen Law and Business, 2016), now in its 35th year of continuous publication.

Lawrence Taylor passed away in 2023, but his legacy of defending the accused lives on. The law firm he founded, the Law Offices of Taylor & Taylor, is now being headed by his son, Chris Taylor, who continues to represent individuals accused of drunk driving in the mold of, and in tribute to his father.

Acknowledgements

The Authors would like to acknowledge the following individuals for their contributions in providing information and materials for this 2025-2026 Edition of the California Drunk Driving Defense.

Jeremy Brehmer Esq., Donald Drewry Esq., Jesse Gill Esq., Michael Fremont Esq., Tara Godoy, RN, Adam Kaye, Pharm.D, David Lewis, Janine Arvizu, Ron Lopez, RN, Ron Moore, Esq., Pooja Sharma-Gill Esq., Ted Vosk, Esq., Adam Gasner, Esq. as well as the attorneys and scientists who have provided materials to the prior editions of this book.

The authors would also like to acknowledge the newest contributor Richard Middlebrook clearly a top authority in the state regarding Administrative Writs following adverse rulings by DMV.

Additionally, the authors would like to thank the 100s of attorneys that are part of the National College of DUI Defense and the California DUI Lawyers Association for their contributions to this treatise by maintaining open dialogue on the organizational list-serves and seminars on legal, practical and scientific issues.

Dedications

Attorney, Lawrence Taylor

“To my son, Chris, formerly a Deputy Public Defender and now a partner in our DUI defense firm, The Law Offices of Taylor & Taylor.”

Attorney, Peter Johnson

“To my family for their patience and for giving up invaluable family time to allow me to continue working on this project”

CALIFORNIA DRIVING UNDER THE INFLUENCE DEFENSE

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

OFFENSE/SECTION	DMV	COURT
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 & Alcohol	<p>FOUR (4) MONTHS SUSPENSION AND RESTRICTED DRIVING PRIVILEGES WITH THE FOLLOWING:</p> <ol style="list-style-type: none"> 1. PROOF OF IID 2. PROOF OF DUI PROGRAM 3. PROOF OF SR-22 4. PAY \$125 REISSUE FEE <p>CVC 13353.2./13353.3</p> <p>OR</p> <p>FOUR (4) MONTHS SUSPENSION - ONE CAN APPLY FOR RESTRICTED DRIVING PRIVILEGES WITH THE FOLLOWING:</p> <ol style="list-style-type: none"> 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 <p>CVC 13353.7 (if APS hearing requested)</p> <p>*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:</p> <ol style="list-style-type: none"> 1. PROOF OF IID 2. PROOF OF DUI PROGRAM 3. PROOF OF SR-22 4. PAY \$125 REISSUE FEE <p>CVC 13352/13352.1</p> <p>OR</p> <p>TWELVE (12) MONTHS SUSPENSION AND RESTRICTED DRIVING PRIVILEGES WITH THE FOLLOWING:</p> <ol style="list-style-type: none"> 1. PROOF OF DUI PROGRAM 2. PROOF OF SR-22 3. PAY \$125 REISSUE FEE <p>*NOTE PENDING SB545</p> <p>CVC 13352.4</p> <p>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</p> <p>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>
1ST OFFENSE WITH INJURY CVC 23153 misd. (Wobblers)	<p>FOUR (4) MONTHS SUSPENSION AND RESTRICTED DRIVING PRIVILEGES WITH THE FOLLOWING:</p> <ol style="list-style-type: none"> 1. PROOF OF IID 2. PROOF OF DUI PROGRAM 3. PROOF OF SR-22 4. PAY \$125 REISSUE FEE <p>OR</p> <p>FOUR (4) MONTHS SUSPENSION - RESTRICTED DRIVING PRIVILEGES WITH THE FOLLOWING:</p> <ol style="list-style-type: none"> 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 <p>*Note: APS Suspensions are terminated upon conviction and resulting mandatory suspension</p>	<p>ONE (1) YEAR SUSPENSION AND RESTRICTED DRIVING PRIVILEGES WITH THE FOLLOWING:</p> <ol style="list-style-type: none"> 1. PROOF OF IID 2. PROOF OF DUI PROGRAM 3. PROOF OF SR-22 4. PAY \$125 REISSUE FEE <p>***IID MANDATORY ONE YEAR*** CVC23575.3(h)(2) CVC 13352(a)(2)(A)</p> <p>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</p> <p>Felony Imprisonment in State Prison CVC 23558 Multiple Victim Enhancement applies to felony convictions (GBI One year State prison enhancement per victim)</p>

DEDICATIONS

OFFENSE/SECTION	DMV	COURT
1 ST OFFENSE – DRUG ONLY WITH NO INJURY CVC 23152 (e) or (f)	DRUG-ONLY OFFENDERS ARE NOT SUBJECT TO AN ADMINISTRATIVE LICENSE SUSPENSION TAKEN BY THE DMV UPON ARREST UNDER ADMINISTRATIVE PER SE LAWS.	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
1 ST OFFENSE – DRUG ONLY WITH INJURY CVC 23153 (e) (f)	DRUG-ONLY OFFENDERS ARE NOT SUBJECT TO AN ADMINISTRATIVE LICENSE SUSPENSION TAKEN BY THE DMV UPON ARREST UNDER ADMINISTRATIVE PER SE LAWS.	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 Misdemeanor 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 Felony 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
2 ND OFFENSE WITH NO INJURY AND NO REFUSAL – CVC 23152 (a)(b)(d)(e)(g)	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	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)

CALIFORNIA DRIVING UNDER THE INFLUENCE DEFENSE

OFFENSE/SECTION	DMV	COURT
2 ND OFFENSE WITH INJURY CVC 23153 (a)(b)(d)(e)(g) Misd (wobbler)	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 CVC 13353.3(2)(A) *Note: APS Suspensions are terminated upon conviction and resulting mandatory suspension	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 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)
2 ND OFFENSE – VOP **NOTE**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.	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 CVC 13353.75 *Note: APS Suspensions are terminated upon conviction and resulting mandatory suspension	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 CVC 13352(a)(3)
2 ND OFFENSE WITH DRUGS ONLY – CVC 23152(c)(g) w/ prior	DRUG-ONLY OFFENDERS ARE NOT SUBJECT TO AN ADMINISTRATIVE LICENSE SUSPENSION TAKEN BY THE DMV UPON ARREST UNDER ADMINISTRATIVE PER SE LAWS.	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 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

DEDICATIONS

OFFENSE/SECTION	DMV	COURT
2 ND 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)
3 RD 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: APS 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)(5) <u>COURT HAS AUTHORITY TO SUSPEND UP TO 10 YEAR UNDER CVC 23597</u> Without probation CVC 23546 120 days 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
3 RD 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: 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 2. PROOF OF DUI PROGRAM 3. PROOF OF SR-22 4. PAY \$125 REISSUE FEE 13352(a)(6) <u>COURT HAS AUTHORITY TO SUSPEND UP TO 10 YEARS UNDER CVC 23697</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)

CALIFORNIA DRIVING UNDER THE INFLUENCE DEFENSE

OFFENSE/SECTION	DMV	COURT
3 rd 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.	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 COURT HAS AUTHORITY TO SUSPEND UP TO 10 YEARS 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
3 rd OFFENSE WITH DRUGS ONLY AND INJURY CVC 23153(c)(f) 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.	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: 1. PROOF OF DUI PROGRAM 2. PROOF OF SR-22 3. PAY \$125 REISSUE FEE COURT HAS AUTHORITY TO SUSPEND UP TO 10 YEARS UNDER CVC 23597 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)
4 th OFFENSE WITH NO INJURY AND NO REFUSAL CVC 23152 (a)(b)(d)(e)(g) w/three 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: APS Suspensions are terminated upon conviction and resulting mandatory suspension	FOUR (4) YEARS SUSPENSION AND RESTRICTED DRIVING PRIVILEGES WITH THE FOLLOWING: 1. PROOF OF IID-MANDATORY FOR 3 YEARS 2. PROOF OF DUI PROGRAM 3. PROOF OF SR-22 4. 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

DEDICATIONS

OFFENSE/SECTION	DMV	COURT
<p>4th OFFENSE WITH INJURY CVC 23153(a)(b)(d)(e)(g) w/ three prior</p>	<p>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</p>	<p>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)</p>
<p>4th OFFENSE WITH DRUGS ONLY AND NO INJURY CVC 23152(c)(f) w/ three prior</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>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(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>
<p>4th OFFENSE WITH DRUGS ONLY AND INJURY CVC 23153(c)(f) w/ three prior</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>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 4 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)</p>

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 – LIFE TIME DISQUALIFICATION CVC 15302 THREE YEARS DISQUALIFICATION CVC 15300(10)(B) IF OCCURRED WHILE TRANSPORTING HAZARDOUS MATERIALS
CVC 23550.5 (wobbler) 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
Penal Code section 191.5 Vehicular Manslaughter while intoxicated	APS terms apply as above	191.5 (a) (Gross Vehicular Manslaughter) Felony – State Prison 4, 6, 10 191.5(b) Wobbler (1170(h) eligible); up to one year county jail as misdemeanor 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)
MISC. CODE SECTIONS	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 CREDIT 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 PC 2900.5 CUSTODY CREDITS	



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