



**AGE 21 AND OLDER - PAGE 3  
ADMINISTRATIVE PER SE  
SUSPENSION/REVOICATION ORDER  
AND TEMPORARY DRIVER LICENSE**

**APS**

DRIVER MUST BE GIVEN A COPY OF THIS ORDER WHEN COMPLETED BY THE OFFICER  
DMV Telephone Number (916) 657-0214

COMPLETE IN BLACK INK

LAW ENFORCEMENT AGENCY CASE NO.	DETENTION/ARREST DATE 12/27/2008	FOR DMV USE ONLY		
DRIVER'S NAME (LAST, FIRST, M.I.)	DRIVER LICENSE NO.	COMMERCIAL? STATE <input type="checkbox"/> Yes <input type="checkbox"/> No CA	THUMB PRINT (Right thumb or specify)	
MAILING ADDRESS	STATE CA	ZIP CODE 94952		
DOB:	Sex:	Hair: <i>BRN</i>	Eyes: <i>HZZ</i>	Ht.:      Wt.:
Driver License: <input type="checkbox"/> Suspended/Revoked <input checked="" type="checkbox"/> Surrendered (Attached) <input type="checkbox"/> Not in Possession <input type="checkbox"/> Unlicensed <input type="checkbox"/> 0.01% or more BAC DUI Probation <input type="checkbox"/> PAS or other Chemical Test Refusal - (DUI Probation) <input type="checkbox"/> 0.04% or more BAC/COMM VEH <input type="checkbox"/> Chemical Test Refusal <input checked="" type="checkbox"/> 0.08% or more BAC Chemical Tests Results <input type="checkbox"/> Forced Blood Test				

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.

**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.** It expires at midnight 30 days from the issue date of this order shown below.

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

<b>BAC 0.01% PAS, Breath, Blood or Urine Test DUI Probation</b>	You completed a PAS, breath, blood, or urine test and the officer believes the results will show 0.01% BAC or more. If the laboratory results show your BAC was less than 0.01%, this suspension will be set aside. Your driver license will be reissued to you if you do not have another suspension or revocation in effect.
<b>BAC 0.08% Breath, Blood, or Urine Test</b>	You completed a breath test with 0.08% BAC or more, or you completed a blood or urine test and the officer believes the results will show 0.08% BAC or more. If the laboratory results show that your BAC is less than 0.08%, this suspension or revocation will be set aside. Your driver license will be reissued to you if you do not have another suspension or revocation in effect.
<b>BAC 0.04% Breath, Blood or Urine Test while driving a Commercial Vehicle</b>	You completed a breath test with 0.04% BAC or more, or you completed a blood or urine test and the officer believes the results will show 0.04% BAC or more. If the laboratory results show that your BAC is less than 0.04%, this suspension or revocation will be set aside. Your driver license will be reissued to you if you do not have another suspension or revocation in effect.
<b>Chemical Test Refusal</b>	You refused to submit to, or failed to complete, a chemical test of the alcohol and/or drug content of your blood.

**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 while operating a commercial motor vehicle as defined in Section 15210 VC or while transporting hazardous materials, or held a commercial driver license and were driving any vehicle when you had a 0.08% BAC.

**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.* Hearings are conducted only to determine questions of fact as described on the reverse. Your need for a license cannot be considered at a hearing. If you want a hearing or have questions regarding this matter, contact the DMV at the telephone number shown above. A telephone hearing will be conducted unless you request an in-person hearing. Before the hearing you may see or obtain copies of the department's evidence. **You must request copies of the department's evidence at least 10 days prior to the date set for commencement of the hearing in order to receive them prior to the hearing date.** If you want the information released to someone else, give them signed permission. **You have the right to have a sign or language interpreter present at your hearing. If you require the service of an interpreter immediately notify DMV of the need for such service.** During the hearing you may present oral testimony and/or other evidence. Testimony is taken under oath or affirmation, and the hearing is recorded. You may be represented by legal counsel, or you may represent yourself. The arresting officer(s) may be subpoenaed in this matter, if it is determined that his or her testimony is needed. If you wish to question the arresting officer(s), you have the right to have subpoenas issued on your behalf. You may subpoena any other witness(es) you feel may help your case, and you have the right to cross-examine any opposing witness(es). Blank subpoenas may be obtained on the internet at the following address <http://www.dmv.ca.gov/forms/formds.htm> or provided to you by the hearing officer upon request prior to the hearing. You are responsible for service of your subpoena(s) and any witness fee required by law. **After the hearing the hearing officer shall make findings and render a decision.**

OFFICER'S PRINTED NAME <i>Richard A. Ricci</i>	BADGE/ID NO. <i>5851</i>	TELEPHONE NO. <i>(415) 710 4372</i>
AGENCY <i>Petaluma Police Department</i>	AREA <i>Southside</i>	COURT CODE (IF UNKNOWN, COURT NAME) <i>4712</i>

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

ISSUE DATE OF ORDER: *12/27/2008* SIGNATURE OF ARRESTING OFFICER: *X*

IF ORDER SERVED BY ANOTHER OFFICER: I personally served a copy of the order to the driver on the date shown below:

ISSUE DATE	OFFICER'S PRINTED NAME	BADGE/ID NO.	SIGNATURE OF OFFICER
			<i>X</i>

## HEARING ISSUES

Chemical Test Results 0.01% or more BAC while on DUI probation or 0.08% or more BAC **OR** 0.04% or more BAC in a commercial motor vehicle.

- Did the peace officer have reasonable cause to believe you were driving a motor vehicle in violation of Section 23152, 23153, or 23154 CVC?
- 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 Section 23152, 23153, or 23154 CVC?
- 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 to submit to, 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 Show 0.01% or more BAC (while on DUI probation), or 0.08% or more BAC **OR** 0.04% or more BAC in a commercial motor vehicle — Sections 13353.2 and 13353.3 CVC

**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 one 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 Section 23140 CVC, 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 Preliminary Alcohol Screening Or Chemical Test — Section 13353, 13353.1 CVC

**First Offense** will result in a **one-year suspension, or a two-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 Section 23140 CVC, 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 (Section 14905 CVC), and you must file proof of financial responsibility by a California Insurance Proof Certificate (SR 22), \$35,000 cash deposit, or surety bond, or self insurer certificate (Section 16430 CVC). 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.

**NOTE:** You are not eligible for a restricted license if you were found in violation of Section 23154 CVC. — Driving while on DUI probation with 0.01% BAC or more.

**RESTRICTED LICENSE SECTION 13353.7 CVC** — For first offenders only with 0.08% or more BAC or if operating a commercial motor vehicle with 0.04% or more BAC.

- If you provide proof of enrollment in a first offender Driving Under the Influence (DUI) program as described in Section 23538(b) CVC, file proof of financial responsibility by a California Insurance Proof Certificate (SR 22), and pay a \$125 reissue fee, you may apply for a restricted non-commercial license after 30 days of suspension. **HOLDERS OF A COMMERCIAL DRIVER LICENSE MUST DOWN-GRADE TO A CLASS C NON-COMMERCIAL DRIVER LICENSE.** You may then request the applicable restriction noted below which shall remain in effect for five months.
- **IF VIOLATION OCCURRED IN A NON-COMMERCIAL MOTOR VEHICLE: Driving To and From and During Course of Employment/ Driving Under the Influence Program.**
- **IF VIOLATION OCCURRED WHILE OPERATING A COMMERCIAL MOTOR VEHICLE - Driving to and from the DUI program only.**

If you enroll and fail to participate, the department will suspend your driving privilege for up to four months.

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

If you are convicted of DUI in court, your driving privilege will be suspended immediately. You may be eligible to apply for a restricted license by applying separately.