

California DUI / DWI Regulations

DUI / DWI Statute	§§23152, et seq. , §13352 , §§23536, et seq. , §23580
Criteria for DUI / DWI	<p>BAC \geq 0.00 if under 18 years old (“zero tolerance”)</p> <p>BAC \geq 0.01 if under 21 years old</p> <p>BAC \geq 0.04 while operating a commercial motor vehicle or school bus</p> <p>BAC \geq 0.08 for all non-commercial drivers aged 21 or older</p> <p>BAC \geq 0.16 enhanced penalties</p>
Penalties for 1 st offense	<p>Minimums:</p> <ul style="list-style-type: none"> ✧ \$390 fine plus over \$1,000 in ordinary penalty assessments, plus additional DUI-only assessments for a total of approximately \$1,800 ✧ 48-hour jail sentence or a 90-day license restriction allowing offender to drive to and from work—and for work—if required, and to and from an alcohol treatment program. If the 90-day restriction is imposed, it begins after the DMV four-month suspension or 30-day suspension followed by a five-month restriction ✧ Attendance and completion of a \$500, three-month alcohol-treatment program (nine months if BAC was 0.20% or higher. Completing the program is a requirement for ever being able to drive again following a “per-se” DMV license suspension and for minimizing that suspension to 30 days (plus five or eight months of restricted driving) instead of the six- or ten-month flat suspension that would otherwise be imposed ✧ Loss of driver’s license for at least 30 days, followed by either a five-month restriction to drive to, from, and for work and to and from an alcohol treatment program, or an additional two-month restriction that allows you to drive only to and from the program. <p>Maximums:</p> <ul style="list-style-type: none"> ✧ The maximum penalties for a misdemeanor first DUI conviction in California is a \$1,000 fine plus over \$2,600 in penalty assessments ✧ Six months’ imprisonment in the county jail ✧ A six-month license suspension ✧ Ten months for blood alcohol level of 0.15% or more ✧ Having your vehicle impounded for 30 days, and being required to attach an interlock breath device

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	to your vehicle that will not allow the car to start if there is any alcohol on your breath. This will cost about \$800
"Look back" period	10 years
Penalties for repeat offenders	<p>2nd Offense: If no one is injured, the minimum penalties for a second DUI conviction (within 10 years of the first DUI) include the following:</p> <ul style="list-style-type: none"> ✧ A \$390 fine plus penalty assessments for a total of approximately \$1,800 ✧ Ten days or 96 hours (including two 48-hour sessions) in jail ✧ Completion of an 18- or 30-month second--offender alcohol-treatment program, which costs about \$1,800, as a condition of probation. You must complete this program if you ever want to drive again. Enrollment in this program also allows you to reduce the two-year suspension to one year, followed by a two-year license restriction that allows you to drive to, from, and in your work, and to and from the program—after the first year of suspension, and installation of an interlock device on all vehicles you own. <p>Maximums: The maximum penalties for a misdemeanor second conviction within ten years of a prior conviction (counted from the date of the previous offense to the date of the second offense) include:</p> <ul style="list-style-type: none"> ✧ A \$1,000 fine plus penalty assessments for a total of approximately \$3,000 ✧ One year in jail, a two-year license suspension by the DMV ✧ Impoundment of your vehicle for up to 30 days at your expense ✧ Required installation of an interlock device on all vehicles you own <p>3rd & Subsequent Offenses: Minimums (no injury):</p> <ul style="list-style-type: none"> ✧ A \$390 fine plus over \$1,000 in ordinary - penalty assessments, plus additional DUI-only assessments for a total of approximately \$1,800 ✧ 120 days in jail for a third offense, 180 days for a fourth offense and revocation of your driver's license for three

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	<p>years (third offense) or four years (fourth - offense)</p> <ul style="list-style-type: none"> ✧ Completion of a 30-month multi-offender program to get your license back. <p>Maximums: The maximum penalties for a third and fourth offense within ten years are as follows:</p> <ul style="list-style-type: none"> ✧ A \$5,000 fine plus over \$13,000 in penalty - assessments for a total of \$18,000 ✧ One year in jail for a third offense; 16 months in state prison for a fourth offense, if charged as a felony ✧ Impoundment of your vehicle for up to 90 days or even forfeiture and loss of your vehicle ✧ Revocation of your driver's license for three years (third offense) or four years (fourth offense) ✧ A 30-month alcohol treatment program before getting your license restored
License suspensions	<p>1st offense: 180 days 2nd offense: 2 years 3rd and subsequent offenses: Up to 10 years</p>
Ignition interlocks	<p>Available after 30 day and 90 day "hard" suspensions for 1st and 2nd offenses, respectively, to drive with restricted license. (Required for 1st offenses in some California counties.)</p> <p>Required for 3rd and subsequent offenses after "hard" suspension of 1 year.</p>
Vehicle impoundment	Impoundment of vehicle for 2 nd (& subsequent) DWI/DUI
Open Container laws:	Neither driver nor passenger may have in their possession any open container. Only taxi, bus, or other "car for hire" passengers may possess an open container.

Sources

- <http://dui.findlaw.com/dui-laws-resources/california-dui-laws.html>
- <https://www.dmv.ca.gov/portal/dmv/detail/pubs/vctop/vc/d6/c4/14602.8>
- <http://dui.drivinglaws.org/resources/dui-laws-state/penalties-dui-california.htm>
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- <http://www.ncsl.org/research/financial-services-and-commerce/open-container-and-consumption-statutes.aspx>

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