AGE 21 AND OLDER OFFICER'S STATEMENT - DS 367

<i></i>	AGE 21 AND OLDER OFFICER'S STATEMENT			APS	
Public Standard Agency		, ,		FORM TO YOUR LOCAL DRIVER	
OMPLETE BY BLACK BAK	SECTIONS 13353 & 13353	12 VEHICLE CODE	SAFETY OFFIC	E WITHIN 5 BUSINESS DAYS	
W ENFORCEMENT AGENCY CASE NO.	APPENT DATE.	POR DAY USE ONLY			
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WENTS WHITE ALET, PRIST, MAIL	**************************************	OFFICE HE NO.	CLASS STATE	TIRRES PROCT	
(3)				(Flight Shamb or specify)	
A.M. ADDRESS		STATE	2P 0008	□ •	
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	Tests Results 🔲 Chemical Test		ETest		
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which Lie. No. or VIN $\frac{7}{2}$				requires a commercial drive	
ense (Section 15210 CVC). On	(9)	AM/PM in (City and	County)	CA	
e above named driver week.	t but this self-out as 🖂 the shows	me about to the about of		Stand in ald in .	
< =	s by this officer or 🔲 the observiols:				
	Attach collision report in the p				
was established.					
and measurable cause to believ	e the driver was driving a motor	vohicie with skenhel earli	or drawn noment in	the blood or while service the	
fluence. The driver was arrested	d by this officer or by the person :	shown in the sheded area	below on	(Day/Month/Yeer	
AM/PM for violation of	of Section 23152 or 23153 CVC,	or Section 191.5(a) or 19	2(c) of the Penal C	ode.	
ROBABLE CAUSE. Describe in	detail the facts and circumstance	es that led to the stop or co	ontact. If driving was	observed by someone othe	
	d the observer say? State details				
e certification on the second pa	ige.	· ·	-	(A)	
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Driving Driver Co observed arrested with	oliteion Another tnessed By ☐ Officer ☐ Citiz	Driving Dei	ver Califaion ested witnesse:	Another Citizen	
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(15)		ACCOUNTS			
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AGE 21 AND OLDER CHEMICAL TEST REFUSAL - DS 367

			TEST REFUSAL (1333 (10)	
		TTON (23612 CVC)			
admonis .A.	thed the driver on	PULE DAME	at	AM/PM in	LOCATION
L Hyou A secondriving with a revoca	Bacause I believe Because I believe WHEN APPLICA testing WHEN APPLICA testing WHEN APPLICA testing within testing and offense within 5, or vehicular meas BAC of 0.01% or ation. Three or mo	BLE: Since the breath and bloo BLE: Since you need medical but at a, or fall to complete a test, your of seven years of a separate violat sistupther, or a violation of Sect more while under age 21, or a B	alcohol, you have a alcohol and drugs; d tests are unavailal eatment, your choice stving privilege will b alcohol cold thing under sion 23140 CVC, or : SAC of 0.08% or mo	t choice of taking a you have a choice ole, you are deemed is limited to	content of your blood. breath or blood test. of taking a breath, blood or unine test. I to have given your consent to chemical of your unine. test(s), the only a year or revoked for two or three years. ding such a charge reduced to recities the determination that you were driving uninessed a test, will result in a two-years, convictions or separate administrative
. Refus impris . You d	al or failure to con connent # this arre o not have the righ	opiete a test may be used agains at results in a conviction of drivin t to talk to an attorney or have an	ng under the influenc	70.	plete a test will also result in a fine and you will submit to a test, before deciding
	test to take, or du	ring the test. ou cannot, complete the test you			lete a remaining test
		\sim	-		•
	•	ako a Breeth teet?(29) teets are unavallable, EXPLAII		Blood test?	
ESPON	•	take a urine test? nit to or failed to complete any	such test. The refu	usal or fallure was !	indicated by the following statements
_	-	onition was given in Spanish t Admonition was reed to arre Bados/10 No.		Ocer, indicate that	(31) officer's: Phone No.()
				of drugs and alcoh	ol. in addition to the breath test results
					<u> </u>
I. The bit. Becat a blook. If you A sec driving with a	reath test you have use I believe you a nd or urine test to d refuse to submit to and offerse within g, or vehicular man BAC of 0,01% or	letermine the drug content of you , or fall to complete a test, your d seven years of a separate violat- istaugher, or a violation of Sectic more while under age 21, or a B.	or a combination of d ur blood. Iniving privilege with tion of driving under on 23140 CVC, or a IAC of 0.08% or mo	rugs and alcohol, you be suspended for on the influence, inclu- separate administra re at any age, or yo	ou are required by state law to submit to e year or revoked for two or three years. ding such a charge reduced to recidess thre determination that you were driving u refused a test, will result in a two-year
detern . Refus impris . You d	ninations will result all or failure to com- coment if this are to not have the righ- test to take, or du- cannot, or stale ye	It in a three-year revocation. uplete a test may be used agains st results in a conviction of drivin t to talk to an ettorney or have an ring the test. bu cannot, complete the test you	st you in court. Fiefu ng under the influence attorney present bel i choose, you must s	sal or failure to come. lore stating whether submit to and compl	•
	we Drug Admonij	tion was read to the arrestee b	y another officer, i	ndicate that office	r's;
. If you the abo	\sim		Apend	y	Phone No.()
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the abo		ontion was given in 🖸 Spanish	Other language	ye (specify)(<u>s</u>
the abo teme not give	on in English, adm		Other langua;	ye (specify)(Urine te	35 st7

OFFICER'S STATEMENT - DS 367

AN EMPORCEMENT AGENCY CASE NO.	APPEST CATE	FOR DMY USE DIR.Y				
PRINTERS HAVE BAST, POIST, MU	·	DRIVERTUCENSE NO.	CLASS S	TATE	Treams prout (Fight thumb or specify)	
MUNIC ACCIPERS		इग	ATE 20°C	XXX		
DOB: Suspended/		Hair: Eyes: Officer (Attach) Not in P	Ht: Wt:			
Oriver License: Suspended/ 0.08% or more BAC Chemics						
POMABLE CAUSE (DESCRIBE IN DETAIL 7	HE FACTS AND CIRCUMSTANCES THA	TLED TO THE STOP ON CONTACT.	COMPLETE AND EDGN THE	E CERTIFICATI	OH BRE DW.)	
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certily under penalty of perject.	ury, under the laws of the l	State of California, that ti	ne information in	the above) Statement 45 true and	
EXECUTED ON: Date	AT: City	(County		State	
PROCER'S PROVIDED HAME	BADGE/ID-NO.	SIGNATURE OF OFFICER				
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CENCY		AFEA				
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COMPLETING THE OFFICER'S STATEMENT - DS 367



COMPLETING THE OFFICER'S STATEMENT - Age 21 and Older

To order forms write to DMV, Materials Management Section, M/S L240, 4500 Pell Drive, Secramento, CA 95838.

For information about this form, please call the Driver Safety office at: Sacramento (916) 227-2970, Oakland (510) 563-8900, San Francisco (415) 557-1170, San Jose (408) 277-1314, Fresno (209) 488-4292, El Segundo (310) 615-3500, Oxnard (805) 488-0863, City of Commerce (213) 728-2346, San Bernardino (909) 383-7413, Irvine (949) 440-4416, or San Diego (619) 627-3901.

1	Law Enforcement Agency Case No.	Enter your agency's case number, if any.
2	Arrest Date	Show the date of the driver's arrest.
3	Driver Information.	Enter the driver's name, driver license number, class of ticense and the state which issued th license. Show the driver's address, date of birth and physical description including sex, cold of hair and eyes, height and weight.
4	Thumb Print	The (optional) thumb print is used as an alternate form of identification. Identify which fings was used if other than the right thumb.
5	Status of Driver License	Check the appropriate box to show whether the driver license is suspended or revoked surrendered to the officer, or not in possession.
9	Breath or Blood Test BAC 0.08% or more	Check this box when a breath test was taken with results of 0.08% BAC or more, or a bloc test was taken and you believe the results will be 0.08% BAC or more. Complete the Breath or Blood Test Section below.
	Urine Test BAC 0.08% or more	Check this box when a urine test was taken and you believe the results will sho 0.08% BAC or more. Complete the Urine Test Section below.
	Chemical Test Refusal	Check this box when a driver refused to submit to, or tailed to complete a breath or a bio test (when applicable) or a breath, blood or urine test (when applicable). Complete the refus section(s) on the reverse.
7	Vehicle Lic. No./VIN	Enter the vehicle license plate number or vehicle identification number.
8	Commercial Vehicle Sec. 15210 VC	Check this box if the vehicle driven was a commercial vehicle and the driver was required have a commercial driver license pursuant to Section 15210 VC.
9	Incident Date, Time and Location	Indicate the date, time of the incident, circle the AM or PM and enter the location where to driver was stopped or contacted.
10	Driving Observed By	Check this box if the driver was observed driving and check a subsequent box if driving we observed by the arresting officer or by another person. If another person observed the driving complete the Other Observer and/or Witness section in the shaded area below.
11	Section 40300.5 VC	Check this box if the probable cause for the stop or contact was pursuant to Section 40300 VC. You must describe the details in the Probable Cause section below.
12	Involved in a Collision	Check this box if the driver was involved in a traffic collision.
13	Arrest Date and Time	Indicate the date and time of the arrest and circle the AM or PM.
14	Probable Cause	Indicate what driving actions were observed which led to the initial stop or contact of the driving without further explanation is insufficient to establish that there was probable cau for the stop.) State if the contact was the result of a traffic collision and show how the time the collision was determined. Show personal observations, admissions by the driver a statements made by witnesses to establish who was driving the vehicle.
15	Other Observer and/or Witness	Check the appropriate box to show whether another officer or private citizen observed to triving, arrested the driver or witnessed the collision. Also, check a box to show whether it observed or witnessed by another officer or a private citizen. Enter the name, address a telephone number of the other officer or the private citizen. Show the officer's badge or number and agency. (A private citizen arrest must meet the same standards of probable cau as an arrest by a peace officer. An arrest is valid at the moment of actual restraint, which m be verbal or physical. Some action, more than just watching an incident occur, must take plate to have an arrest.)
16	Objective Symptoms of Intoxication	Check the boxes that best describe the objective symptoms of intoxication. More than o box may be checked. Explain any other objective symptoms of intoxication not shown. Shi the observer's name, the time of the observation and circle the AM or PM.
17	Breath Test Results	Enter the breath test results, the date and time of the test(s) and circle the AM or PML (A ve breath test requires 2 breath samples within .02% BAC.)

OS 367 BESTINUCTIONS (REV. 1 LOS)

COMPLETING THE OFFICER'S STATEMENT - DS 367

18	Breath Test Machine Operator's Certification	Date and sign the certification and enter the badge or ID number and the agency or division	
19	Blood Test Results	Check a box to show if a blood test was taken. Enter the test date, time and circle AM or Ph	
20	Urine Test Hesults	Check a box to show that both the breath and blood tests were unavailable, or thug us suspected. Enter the date and time of the first void and circle AM or PM. Enter the test dat and time and circle AM or PM.	
21	Executed On	Enter the date, city, county and state where this document was completed.	
22	Officer's Name, Badge No. and Telephone No.	Print the officer's name, badge or ID number and telephone number.	
	Officer's Agency and . Court Code/Name	Enter the officer's employing agency, area (if applicable) and court code or court name.	
23	Copy of Order Issued to Driver	Check a box to show whether or not a copy of the APS Order of Suspension/Revocation issued to the driver by the arresting officer.	
24	Signature of Arresting Officer	The Vehicle Code requires the arresting officer to sign a sworn statement certified und penalty of perjury to be true and correct.	
25	If Order Issued by other than Arresting Officer	Enter the date a copy of the APS Order of Suspension/Revocation was handed to the driv and the Other Officer's printed name. The Other Officer's signature is required.	
26	Continued on Reverse	Complete the reverse side only if the driver refuses, or fails to complete, a chemical test of the alcohol and/or drug content of his or her blood.	
27	Chemical Test Refusal Admonition	Enter the date, time, circle the AM or PM and show the location where the chemical is admonition was read to the driver. Check box 2a or 2b. In addition, check the box if the breat and blood tests were not available and a urine test was offered.	
28	Tests Limited	Enter the type of test(s) the driver was limited to and at which facility the test(s) was/we available.	
29	Admonition Read By Another Officer	Enter the name, badge or ID number, agency and telephone number of any other officer w read the chemical test admonition to the driver.	
30	Foreign Language	Check the box if the admonition is given in Spanish. If given in another foreign language, che the box and show which language.	
31	Driver's Response to Request for a Chemical Test	Enter the exact statement made by the driver in response to the officer's request to take to breath or blood test. Show each response by the requested type of test. If applicable, che the box to show that both the breath and blood tests were unavailable and explain why the tests were unavailable. If applicable, check the box to show that drug use was suspected indicate driver's response to the request for a urine test.	
32	Driver's Statements or Actions (Chemical Test)	Enter any additional statements or actions which indicated a refusal to select, submit to, complete a chemical test.	
33	Drug Admonition Supplement	Indicate what facts led to the belief that the driver's state of intoxication was due to be under the influence of drugs.	
34	Drug Admonition Read By Another Officer	Enter the name, badge or ID number, agency name, and telephone number of any officer who read the drug admonition to the driver.	
35	Foreign Language	Check the box if the admonition is given in Spanish. If given in another foreign language, che the box and indicate the appropriate language.	
36	Driver's Response to Request for a Drug Test	Enter the exact statement made by the driver in response to the officer's request to take blood or urine test. Show each response in the space next to the requested test.	
37	Driver's Statements or Actions (Drug Test)	Enter any additional statements or actions which indicated a refusal to select, submit to, complete a blood or unine test for drugs.	

DISTRIBUTION:
Officers Statement (original) — Local DMV Driver Safety Office within 5 working days. Make a copy of both sides and retain for Officers Statement (onginal) — Local DMV Driver Safety Office with your records.

Suspension/Revocation Order (copies 2-4).

White — Local DMV Driver Safety Office within 5 working days.

Yellow — Retain for your records.

Pink — Give to driver.

AGE 21 AND OLDER ADMINISTRATIVE PER SE SUSPENSION/REVOCATION ORDER AND TEMPORARY DRIVER LICENSE - DS 367

A PIERE SOFTICE ASPECT; COMPLETE IN BLACK INK	ADI SUSPEN	AGE 21 AND OLDER ADMINISTRATIVE PER SE SUSPENSION/REVOCATION ORDER AND TEMPORARY DRIVER LICENSE		APS DRIVER MUST BE GIVEN A COPY OF THE ORDER WHEN COMPLETED BY THE OFFICER DAILY Telephone Number (916) 657-0214	
LAW ENFORCEMENT AGENCY CA	SEINC. AFREST DATE	FOR DMY USE ONLY			
DRIVETS NAME (LAST, FIRST, M.	1.1	DRIVER UCENSE NO.	CLASS STATE		
MAILING ADDRESS		STATI	E ZP CODE		
DOB:	Sex:		It.: WL:		
	endod/Revoked 🔲 Surrend thernical Tests Results 🔲 (fered to Officer (Attach) Not in Pos Chemical Test Refusal Forced Blo		TO TO	
This document cases and driving private cass(es) and at any driving private cases are cases.	r as shown below, and us must be carried with you are il restrictions as your perma vileges if you do not have	perate a motor vehicle will be sus ntil you pay a \$125 reissue fee and FEMPORARY DRIVER LICENSE is shall serve as your lemporary Cairlou nent driver license. This temporary d a California driver license or your li-	file proof of financial responses of the proof of financial responses of the proof	t to the same	
<u> </u>		t 30 days from the issue date of this o		d for driving under the	
nfluence of alcohol and/	or drugs and:		· · · · · · · · · · · · · · · · · · ·		
BAC 0.08% Breath or Blood Test	results will show 0.08%	test with 0.08% BAC or more, or you on BAC or more. If the laboratory result in will be set aside. Your driver license in in effect.	Its show that your BAC is it	ess than 0.08%, this	
Urine Test tory results show that your BAC is le		test and the officer believes the resulour BAC is less than 0.08%, this suspeto you'll you do not have another susp	ension or revocation will be s	et aside. Your driver	
Chemical Test Refusal	You refused to submit to	or tailed to complete, a chemical test	t of the alcohol and/or drug c	ontent of your blood.	
	<u></u>	HEARING INFORMATION			
issue date of this order determination. Hearings considered at a hearing, i A telephone hearing will	r and DMV cannot provides are conducted only to detail you want a hearing or have be conducted unless you a four must request copies of the receive them prior to the	in will not be stayed (delayed) unles be a hearing before the effective da termine questions of fact as described or questions regarding this matter, conti- request an in-person hearing. Before of the department's evidence at least the hearing date. If you want the inform	te of the suspension or re on the reverse. Your need f act the DMV at the telephone the hearing you may see of 110 days prior to the date se nation released to someone	vocation and make a or a license cannot be number shown above, or obtain copies of the at for commencement	
of the hearing in order to permission. You have the immediately notify DMI is taken under oath or affir officer(s) may be subpoen have the right to have sub- right to cross-examine ar responsible for service ofly a decision. You may requi- hearing. The fee for the Do within 30 days from the di-	of the need for such servi- mation, and the hearing is rec- ased in It his matter, if it is dete- poenas issued on your beha- ny opposing witness(es). So your subpoenals) and any with set a departmental review in opartmental review is \$120. Y	nguage interpreter present at your hi rice. During the hearing you may pres sorded. You may be represented by legal armined that his or her testimony is need ail. You may subpoena any other witnes uppoenas will be issued by the hearin messiees required by law. After the hea writing within 15 days from the date on four may also request a court review by of ce telling you the results of your hearin	ent crait estimony and/or othe coursel, or you may represen- ed. If you wish to question the is/es) you feel may help your g officer upon request prior to ring the hearing officer shall me the bottom of the natice telling whatching the superior countiny g.	rvice of an interpreter er evidence. Testimony tyourself. The arresting arresting officer(s), you case, and you have the of the hearing. You are ake findings and render you the results of your	
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AGE 21 AND OLDER ADMINISTRATIVE PER SE SUSPENSION/REVOCATION ORDER AND TEMPORARY DRIVER LICENSE - DS 367 (continued.)

HEARING ISSUES

Chemical Test Results 0.08% or more BAC

- Did the peace officer have reasonable cause to believe you were driving a motor vehicle in violation of Section 23152 or 23153 CVC?
- ver bearfully an
- Were you driving a motor vehicle when you had 0.08% or more, by weight, of alcohol in your blood?

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 or 23153 CVC?
- Were you lawfully arrested?
- Were you told that your driving privilege would be suspended tor one year, or revoked for 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 after being requested to do so by a peace officer?

PENALTIES

Chemical Test Results Show 0.08% or more BAC - Sections 13353.2 and 13353.3 CVC

First Offense of driving with a BAC of 0.08% or more will result in a 4-month suspension.

Second Or Subsequent Offense, within 7 years of a separate violation of driving under the influence, including such a charge reduced to recidess 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 white under age 21, or a BAC of 0.08% or more at any age, or you refused a test, will result in a 1-year suspension.

Refusal To Submit To Or Failure To Complete A Chemical Test -- Section 13353 CVC

First Offense will result in a 1-year suspension.

Second Offense, within 7 years of a separate violation of driving under the influence, including such a charge reduced to recidese driving, or vehicular mansiaughter, or a violation of Section 23140 CVC, which resulted in a conviction, or separate administrative determ that you were driving with a BAC of 0.01% or more white under age 21, or a BAC of 0.08% or more at any age, or you refused a test,

Three Or More Offenses within 7 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 18430 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

The Administrative Per Se suspension/revocation is independent of any court sanctions. Restricted License Section 13353.7 CVC — For first offenders only with 0.08% 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 license after 30 days of suspension. You may then request one of the following restrictions:

- . Driving Under the influence Restriction. Your driving privilege will be restricted for at least 60 days to driving to and from the DUI program, or
- To and From and During Course of Employment/Driving Under the Influence Restriction. Your driving privilege will be restricted. to driving to and from and during the course of your employment and to and from the DUI program. This restriction shall remain in effect for five months.

If you enroll and fall to participate or do not complete the DUI program, the department will immediately revoke your restricted license and reimpose the suspension for the remainder of your original suspension.

A first offender attending a DUI program who does not apply for a restricted license may request the early termination of the suspension. To end the suspension early, the offender must have served 90 days of the suspension, completed a DUI program, filed proof of financial responsibility by a California Insurance Proof Certificate (SR 22), and paid a \$125 reissue fee.

Course Of Employment Restricted License Section 13353.6 CVC -- For first offender commercial drivers only with 0.08% or more BAC.

If you have a valid unexpired commercial driver license, as defined in Section 15210 CVC, and you were NOT operating a commercial vehicle at the time of your arrest, your driving privilege will be suspended for 30 days. Following the 30-day suspension, you may apply to the a license restricted to operating a motor vehicle only to and from and during the course of employment. The restriction shall remain in effect for five months (150 days) after the 30-day suspension ends. Before receiving a course of employment restriction you must pay a \$125 reissue fee. You may also enroll in the DUI program as shown above.

OS 367 (FIEV. 10/2002)