

The time periods for appeal and other information concerning your specific appeal rights are provided on the notice advising you of the administrative hearing decision.

What Type of Decision Can Be Made?

Depending on the type of administrative hearing, a hearing officer may sustain (*keep in effect*), set aside (*dismiss*), end, or modify DMV's earlier decision. If a time period for an action against your driving privilege is specified in the *California Vehicle Code (CVC)*, the hearing officer cannot change the length of the action.

NOTE: The *Administrative Procedures Act (APA)*, found in *California Government Code* §§11400-11528, and *CVC* §§14100-14112, govern DS hearings conducted by DMV. The DS Disciplinary Guidelines can be found in the *California Code of Regulations* §110.04. The CVC can be found on the DMV website at www.dmv.ca.gov. Copies of the APA, CVC, DS Disciplinary Guidelines, and subpoenas are available from DS Branch Offices.

Contact a DMV DS Office for information, DS locations, and hours.

Bakersfield
Phone (661) 833-2103
Fax (661) 833-2102

City of Commerce
Phone (323) 724-4000
Fax (323) 724-9262

City of Orange
Phone (714) 703-2511
Fax (714) 703-2526

Covina
Phone (626) 974-7137
Fax (626) 974-7118

El Segundo
Phone (310) 615-3500
Fax (310) 615-3581

Fresno
Phone (559) 445-6399
Fax (559) 445-6379 or 445-6396

Oakland
Phone (510) 563-8900
Fax (510) 563-8950

Oxnard
Phone (805) 988-3050
Fax (805) 988-1420

Redding
Phone (530) 224-4755
Fax (530) 224-4737

Sacramento
Phone (916) 227-2970
Fax (916) 227-2901

San Bernardino
Phone (909) 383-7413
Fax (909) 383-7439

San Diego
Phone (858) 627-3901
Fax (858) 627-3925

San Francisco
Phone (415) 557-1170
Fax (415) 557-7375

San Jose
Phone (408) 229-7100
Fax (408) 229-7128 or 229-7129

Stockton
Phone (209) 948-7715
Fax (209) 463-4858

Van Nuys
Phone (818) 376-4217
Fax (818) 376-4215

Save Time. Go Online.
www.DMV.ca.gov
DRIVING CHANGE

Go online 24 hours a day, 7 days a week at www.dmv.ca.gov to:

- Renew your vehicle registration.
- Renew your driver license or identification card.
- Calculate registration fees.
- Verify & update vehicle registration insurance suspension information.
- Take a sample driver license test.
- Order special license plates.
- Get forms, brochures, and handbooks.
- Find answers to your DMV questions.
- Make appointments (except commercial driving test*).

Call 1-800-777-0133 for automated service 24 hours a day, 7 days a week to:

- Make an appointment (except commercial driving test*).
- Renew your vehicle registration or driver license. See your renewal notice for the Renewal ID Number (RIN).
- Get forms and publications.
- Listen to general information.
- Verify & update vehicle registration insurance suspension information.

**To make a commercial driving test appointment or speak with a technician, call 1-800-777-0133 during our normal business hours.*

For hearing impaired service call TTY 1-800-368-4327.

SO (REV. 5/2012)



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Driver Safety Administrative Hearing Process

Fast Facts



www.dmv.ca.gov

FFDL 26 (REV. 10/2013) WWW

Overview

Administrative hearings conducted by the Department of Motor Vehicles (DMV) differ from court trials — they feature more relaxed standards of evidence and procedure and take place before a DMV Driver Safety (DS) Officer. They provide a fair and impartial forum for individuals who have received notification that an action is being taken against their driving privilege and wish to contest the action.

This is a general guide for those entitled to request a DS administrative hearing and to help you understand how to prepare for your hearing. You **must** request an administrative hearing within **10 days** of receiving personal service or **14 days** from the date the notice is mailed. If you do not make a timely request, your right to a hearing will be forfeited.

Not all administrative hearings are the same. This guide may not provide all the information you may need to prepare for your individual hearing. If you have any questions regarding how a hearing is conducted, contact any of the DS offices listed in this publication.

NOTE: Administrative hearings for drivers who hold a special certificate may not be conducted in the same manner as described in this publication.

Remember: Read all the documents you were personally provided or that were mailed to you by DMV. These documents explain the issues involved in your case, what deadlines you must meet, and your rights in the administrative hearing process. The hearing will be limited to the issues listed in the documents.

Why Do I Need a DMV Hearing?

The administrative hearing provides you an opportunity to present relevant evidence or testimony on your behalf regarding an action taken or the intent to take action against your driving privilege by DMV. You may also have to appear in court for the same reason DMV is taking action against your driving privilege. Actions taken by the court are independent of any action taken by DMV.

What Are My Hearing Rights?

You have the right to:

- Representation by counsel or other representative, at your own expense.
- Review the evidence being used against you.
- Testify on your own behalf.
- Cross-examine opposing witnesses.
- Subpoena witnesses and/or documents.
- Introduce evidence on your behalf.
- A full and fair consideration of the facts by an impartial person.
- A Department Review and/or judicial appeal of any adverse decision.

How Do I Review DMV's Evidence (Discovery)?

Call to request or submit a written request to review and obtain a copy of DMV's evidence regarding your case (known as *discovery*) at least **10 days** prior to the date of your hearing. In some cases, DMV automatically provides you with the evidence (*discovery*). If you do not request a hearing, you give up your right to review the evidence DMV will consider when making a decision in your case.

How Do I Obtain Records From Agencies or Have Witnesses Come to the Hearing?

You have the right to subpoena relevant records or other documents, photos, etc. to be produced on your behalf at the administrative hearing.

Although your witness(es) may voluntarily attend your hearing, a subpoena protects your right under the law to compel the attendance of any witness. For any witness you subpoena on your behalf, you are required to pay all witness fees and mileage to the hearing location. If you know a witness requires special accommodation, please contact DMV as soon as possible.

NOTE: Subpoenas are available online at www.dmv.ca.gov/forms/formds.htm or at any DS office. Someone other than you must serve the subpoenas.

What Kind of Evidence Can I Provide on My Behalf?

Evidence you present **must** be relevant to your case and **can** be presented in the form of sworn documents, medical records, collision reports, photographs, or other relevant items. Evidence can also be sworn testimony taken under oath. On the date of your hearing, be prepared to bring any witness(es), or written evidence from witness(es). Your witness(es) should be prepared to answer any questions raised by the hearing officer.

NOTE: Evidence presented on your behalf cannot be returned to you because it is part of the official administrative hearing record maintained by DMV.

What if I Need an Interpreter?

If you or a witness needs a sign or language interpreter, immediately contact DMV to make arrangements for an interpreter.

What if I Cannot Attend My Hearing or I Fail to Appear?

If you cannot attend your administrative hearing on the scheduled date and time, you **must** contact DMV prior to the hearing and within 10 working days of the time you know, or should have known, you need a continuance. You may have to file a written statement indicating the reasons you cannot appear. DMV may grant the continuance if you are not responsible for causing the delay and made a good faith attempt to prevent the delay. If a continuance is not granted and you do not attend your hearing, DMV will proceed with the hearing in your absence.

How and When Will I Be Notified of the Decision?

You will be notified in writing of the hearing officer's decision, even if you do not attend your hearing. The time it takes to make a decision depends on the issues being addressed, the amount of evidence, and witness testimony presented.

Can I Appeal DMV's Decision?

You may have the right to request a department review of the decision, as well as the right to appeal the decision to Superior Court. Requests for a department review, or an appeal of the decision in Superior Court, must be made within a certain time period depending on the laws affecting your case and a fee will be required.