

DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS

1700 K STREET
 SACRAMENTO, CA 95814-4037
 TDD (916) 445-1942
 (916) 322-2964

**ADP BULLETIN**

Title	Function	Issue Date: 3-20-01
IMPLEMENTATION OF AB 803	[] Information	Issue No. 01-4
Deputy Director Approval	Management [] Quality Assurance	Expiration Date: When
REBECCA LIRA Quality Assurance Division	[X] Service Delivery	Superseded Supersedes Bulletin/ADP Letter
	[] Fiscal	No. NA
	[] Administration	

PURPOSE

This bulletin provides information relating to the requirements contained in AB 803 (Torlakson), Chapter 1063, Statutes of 2000, effective January 1, 2001. Under the provisions of this statute, courts are required to order individuals aged 18 to 20 years, who are convicted of a first offense of driving-under-the-influence (DUI), to complete the 12-hour education component of a licensed DUI program, prior to the reinstatement of driving privileges. Courts are further required to order individuals, who are under the age of 21 and convicted of a second DUI offense, to complete a 30-hour (3-month) program, prior to the reinstatement of driving privileges.

DISCUSSION

In order to collect statistical data regarding underage participants enrolled in DUI programs, the Department has revised the Wet Reckless and First Offender Quarterly Enrollment Report Forms (enclosed). Please refer to the new revised forms for future use.

The new revised forms are now titled "12-Hour Education Component" and "3-Month Program". Revisions include the addition of Column (a) and Column (b) in Part 2 (License Fee Computation) and Part 3 (Statistical Information) of the forms as follows:

The *12-Hour Education* form utilizes Column (a) to include participant and fee data for participants enrolled in the Wet Reckless component, as identified on the court abstract as a violation of Vehicle Code 23103. Column (b) is for participants aged 18-20 years, convicted of a first DUI offense, as identified on the court abstract as a violation of Vehicle Code 23140. The State licensing fee for each participant enrolled in the 12-hour component is \$6.00.

The *3-Month Program* form utilizes Column (a) to include participant and fee data for all first offenders identified on the court abstract as a violation of Vehicle Code 23152 or 23153. Column (b) is for participants aged 18-20 years, convicted of a second DUI, as identified on the court abstract as a violation of Vehicle Code 23140. The State licensing fee for each participant enrolled in the 3-month program is \$8.00.

REFERENCES

1. Chapter 1063, Statutes of 2000, Health and Safety Code Section 11836
2. Chapter 1063, Statutes of 2000, Vehicle Code Section 23502
3. Vehicle Code Section 23140

HISTORY

Prior to the enactment of AB 803, statute required first DUI offenders under the age of 21 years to attend an alcohol education program or a community service program that provided an alcohol education component. It also allowed the court to waive the requirement if it found that the minor, or the minor's parent or guardian was unable to pay the required fees for the program, or other circumstances justified failure to impose the requirement. Statute also required the Department of Motor Vehicles (DMV) to reinstate licensure when an individual turned 21 years of age, even if they had not provided proof of program completion. Second and subsequent DUI offenders under the age of 21 years were required to attend an alcohol education or community service program regardless of their ability to pay the fees. The DMV was also required to reinstate driving privileges to offenders upon reaching the age of 21 years, regardless of program completion.

QUESTIONS/MAINTENANCE

Any question or concerns may be directed to Ms. Ferol Upton, DUI Program Analyst, at (916) 324-7829.

EXHIBITS

1. 12-Hour Education Component Quarterly Licensing Fee and Enrollment Report Form
2. 3-Month Program Quarterly Licensing Fee and Enrollment Report Form

DISTRIBUTION

Director's Advisory Council
Wagerman Associates, Inc.
DUI Program Providers
County Alcohol and Drug Program
Administrators DUI Advisory Committee