

CALIFORNIA HIGHWAY PATROL

GENERAL ORDER 100.66

REVISED JUNE 2024

DEPARTMENT OF MOTOR VEHICLES REEXAMINATION OF DRIVER

1. PURPOSE. The purpose of this General Order is to establish policy and procedure for uniformed members of the Department to provide notice to a driver, who appears incapable of safely operating a motor vehicle (MV), to submit to a California Department of Motor Vehicles (DMV) reexamination. The DMV can reexamine a driver when information suggests they are incapacitated, or no longer have the driving knowledge or skill necessary to drive safely.

2. POLICY. The DMV DS 427, Notice of Priority Re-examination of Driver/Request for Regular Re-examination of Driver, shall be used to initiate both regular and priority reexaminations of drivers.

a. A DMV DS 427 request for a regular reexamination of a driver shall be completed for the following reasons:

(1) The officer has reason to believe a driver is not capable of safely operating an MV because of an impaired or deteriorated physical, mental, or emotional condition, or diminished driving knowledge or skill. However, the issuance of a citation is not required if, in the officer's opinion, a citation is not warranted.

(2) The officer has reasonable cause to believe the driver is a habitual user of drugs or other related substances.

(3) The officer has reason to believe that the driver renewed their driver license (DL) by mail, and the individual no longer has the driving knowledge or skill necessary to operate an MV safely.

b. A DMV DS 427 shall not be submitted for a driver whose privilege to operate an MV is suspended, revoked, or canceled; an unlicensed driver; a driver operating a vehicle(s) out-of-class; or a driver operating in violation of the provisions of a restricted DL; etc., and a reason to believe the driver is physically or mentally incapable of safely operating an MV does not exist.

c. A DMV DS 427 request for a priority reexamination of driver shall be completed for the following reasons:

- (1) The driver is cited or arrested for a violation of Sections 21000 through 23336 of the California Vehicle Code (CVC), when operating an MV; and,
- (2) The driver, at the time of the violation, exhibits evidence of incapacity, or diminished driving knowledge or skill which the officer reasonably believes makes the driver incapable of safely operating an MV, and the driver presents a clear or potential risk of danger or injury to themselves or others, if that person is permitted to resume operation of an MV.
 - (a) "Evidence of incapacity" means substantiation, other than CVC violations, of serious physical injury, illness, medical condition, mental impairment, or disorientation which is apparent to the officer.
 - (b) "Serious physical injury" shall not be construed to mean injured as the result of a traffic crash, nor shall disorientation be construed to mean temporarily disoriented due to the influence of alcohol and/or drugs.

3. PROCEDURES.

- a. Officer instructions for completing and submitting a DMV DS 427 are contained on the back side of the white and canary copies. Driver instructions are contained on the back side of the pink copy. Additionally, officers shall do the following:
 - (1) Utilize the most current revision of the DMV DS 427 available.
 - (2) Use black or blue ink or lead pencil that will reproduce a legible copy.
 - (3) Place an "X" in the box to the left of the NOTICE OF PRIORITY RE-EXAMINATION OF DRIVER, or in the box to the left of REQUEST FOR REGULAR RE-EXAMINATION OF DRIVER, as appropriate.
 - (4) A request for a regular or priority reexamination of driver shall not be completed in lieu of issuing a CHP 215, Notice to Appear. However, issuance of a citation is not mandatory if, in the officer's opinion, it is not warranted. If a citation is issued, a copy of the citation should be attached to the DMV DS 427. When the "Summary" section of a DMV DS 427 lists additional information or a supplemental narrative is attached, copies of substantiating reports (e.g., CHP 202, Driving Under the Influence Arrest – Investigation Report; CHP 216, Arrest – Investigation Report; or CHP 555, Traffic Crash Report) or videos are not required, but may be attached.
 - (5) If the DMV DS 427 is used for a priority reexamination of a driver, the driver shall be advised to contact the DMV (in person or by telephone) at the appropriate DMV Driver Safety District Office, listed on the reverse side of the

form, within five working days. The driver shall then be given the pink copy of the DMV DS 427.

(6) The "Summary" section of a DMV DS 427 shall sufficiently describe all evidence of impairment, serious physical injury or illness, medical condition, mental impairment, or disorientation which would lead the DMV Hearing Officer or medical personnel to reasonably believe the driver is incapable of safely operating an MV. A description of any traffic law violation(s) is supplemental to evidence of incapacity or diminished driving knowledge or skill.

b. Procedures for completed DMV DS 427s shall be as follows:

(1) The completed DMV DS 427 is to be reviewed by a supervisor prior to forwarding to DMV.

(2) The DMV DS 427 and other supporting documents, including videos, should be forwarded to the DMV Driver Safety District Office utilizing the instructions printed on the reverse side of the DMV DS 427.

(3) Commands shall retain a copy of the DMV DS 427 as follows:

(a) When issued in conjunction with an arrest or crash report, the DMV DS 427 shall be an attachment to the report.

(b) When issued in conjunction with a CHP 215, and a CHP 202 or CHP 216 is not completed, the DMV DS 427 shall be filed with the officer's copy (green) of the CHP 215.

(c) If the DMV DS 427 is not associated with a report or citation, it shall be retained for one calendar year from the date it was submitted to the DMV.

4. FORMS PROCUREMENT. The DMV DS 427 may be requisitioned directly from Business Services Section, Supply Services Unit.

OFFICE OF THE COMMISSIONER

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