

# Understanding the Implications of California's Implied Consent Laws

By Thomas Wallin

[http://www.californiaduiblog.com/2011/08/understanding\\_the\\_implications.html](http://www.californiaduiblog.com/2011/08/understanding_the_implications.html)

Like most other states, California has an "implied consent" law that requires drivers to submit to chemical testing and/or perform [field sobriety tests](#) if a law enforcement officer suspects they are driving impaired.

Many California drivers aren't aware that when you apply for a driver's license in California you actually agree to this in exchange for your right to drive on California's roadways.

So how does "implied consent" work? As we have noted on this [blog](#) in the past, there is no penalty for refusing to submit to a Breathalyzer before being placed under arrest. Preliminary Alcohol Screening, which is generally conducted on the roadside prior to an arrest, does not fall under California's [implied consent laws](#), but rather is a voluntary test. This, however, does not apply to underage drivers, where special rules apply.

A California driver can still refuse to submit to a breath test after being arrested, but he or she risks automatic license suspension along with possible additional [DUI penalties](#) including required installation of an ignition interlock device or jail time.

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**For those of you that had been using an Apple DUI checkpoint application, we invite you to check out our [Facebook California DUI Checkpoint](#) page and [OC DUI Checkpoint website](#).**

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The Law Offices of Thomas Wallin can defend you in your **Driving Under the Influence (DUI) case in Southern California**. As an experienced, aggressive DUI trial lawyer, Mr. Wallin handles DUI cases in Riverside, San Bernardino, Los Angeles and Orange County. As a DUI criminal defense attorney, Mr. Wallin will represent you at both the [DUI criminal proceeding](#) as well as the DUI [DMV hearing](#). In most cases, your DUI lawyer **can appear on your behalf in court**, saving you time and embarrassment.