

AMENDED IN ASSEMBLY MAY 23, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2784**

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**Introduced by Assembly Members Feuer, Carter, and Galgiani**  
*Member Feuer*

**(Principal coauthors: Assembly Members Spitzer and Wolk)**  
**(Coauthors: Assembly Members Benoit, Blakeslee, DeSaulnier, and**  
**Portantino)**  
**(Coauthor: Senator Cox)**

February 22, 2008

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~~An act to add Sections 23575.1 and 23575.2 to the Vehicle Code, An act to amend Sections 13352 and 13352.4 of the Vehicle Code, relating to vehicles.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2784, as amended, Feuer. Vehicles: DUI: ignition interlock.

*(1) Existing law requires a person's privilege to operate a motor vehicle to be suspended or revoked for a specified period of time if the person has been convicted of violating specified provisions prohibiting driving a motor vehicle while under the influence of an alcoholic beverage or drug, or the combined influence of an alcoholic beverage and drug, or with 0.08% or more, by weight, of alcohol in his or her blood, or who is addicted to the use of any drug. Existing law authorizes a person whose privilege is suspended or revoked in that manner to receive a restricted driver's license if specified requirements are met, including, in some instances, the installation of a certified ignition interlock device on the person's vehicle.*

*Existing law requires that a person, convicted of driving under the influence, without bodily injury to another, within 10 years of being*

*convicted of a separate violation of one of specified driving under the influence offenses, be punished by his or her driving privilege's being suspended for 2 years. The Department of Motor Vehicles is required to advise the person that he or she may apply for a restricted driver's license after completion of 12 months of the suspension period, which may include credit for a specified concurrent suspension, subject to certain conditions, including, among other things, submitting proof of installation of a certified ignition interlock device, agreeing to maintain the ignition interlock device, and paying certain fees, including, but not limited to, all administrative fees or reissue fees .*

*This bill would require the department to advise the person that he or she may apply for a restricted driver's license after completion of 90 days or 12 months of the suspension period, depending upon the circumstances of the conviction. The bill would require instead of paying all administrative fees or reissue fees, that the person pay all reissue fees and that the person pay administrative fees sufficient to cover the costs of administration, as determined by the department.*

*(2) Existing law requires that a person, convicted of driving under the influence, without bodily injury to another, within 10 years of being convicted of 2 separate violations of specified driving under the influence offenses, be punished by his or her driving privilege's being revoked for 3 years. The department is required to advise the person that he or she may apply for a restricted driver's license after completion of 12 months of the revocation period, which may include credit for a specified concurrent suspension, subject to certain conditions, including among other things, satisfactory completion of 12 months of an 18-month or 30-month driving-under-the-influence program, submitting proof of installation of a certified ignition interlock device, agreeing to maintain the ignition interlock device, and paying certain fees.*

*This bill would instead require the department to advise the person of his or her ability to apply for a restricted driver's license after completion of 6 months or 12 months of the revocation period, depending on the circumstances of the conviction, and subject to certain conditions, including that if the person is convicted of a specified offense that person subsequently satisfactorily completes 6 months or 12 months of an 18-month or 30-month driving-under-the-influence program, as prescribed. The bill would require the person to pay a fee sufficient to cover the costs of administration, as determined by the department.*

*(3) Existing law requires the department, except under certain circumstances, to issue a restricted driver's license to a person whose*

*driver's license was suspended as a result of a conviction under certain driving under the influence violations where, among other things, the conviction resulted from a first offense. The person is required to fulfill certain requirements to obtain the restricted driver's license, including paying certain fees, and the person's driving privilege is restricted to driving to and from work, driving during the course of employment, and driving to and from activities required in the driving-under-the-influence program.*

*This bill would prohibit the restriction on the person's driving privilege, with regard to where and when the person is allowed to drive, from applying if the person submits proof of installation of a certified ignition interlock device and agrees to maintain the ignition interlock device. The bill would require that in order to obtain a restricted license, the person pay a fee sufficient to cover the costs of administration, as determined by the department. The driver's license record would be required to indicate the person is only allowed to drive with a certified ignition interlock device installed.*

*(4) Because it is a crime to operate a vehicle that is not equipped with a functioning, certified ignition interlock device by a person whose driving privilege is so restricted, the bill would impose a state-mandated local program, by expanding the scope of an existing crime.*

*(5) This bill would become operative on July 1, 2009.*

*(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

~~(1) Existing law requires a person's privilege to operate a motor vehicle to be suspended or revoked for a specified period of time if the person has been convicted of violating specified provisions prohibiting driving a motor vehicle while under the influence of an alcoholic beverage or drug or the combined influence of an alcoholic beverage or drug, or with 0.08% or more, by weight, of alcohol in his or her blood or is addicted to the use of any drug. Existing law authorizes a person whose privilege is suspended or revoked in that manner to receive a restricted driver's license if specified requirements are met, including, in some instances, the installation of an ignition interlock device on the person's vehicle.~~

~~Existing law requires the Department of Motor Vehicles to immediately administratively suspend the privilege of a person to operate a motor vehicle if the person was driving a motor vehicle when he or she had 0.08% or more, by weight, of alcohol in his or her blood. Existing law specifies the period of that suspension depending on specified circumstances, including prior convictions of related offenses within a specified time period. Existing law authorizes a person whose privilege was suspended in that manner to receive a restricted driver's license if specified requirements are met.~~

~~This bill would additionally require that, as a condition of being issued a restricted driver's license, being reissued a driver's license, or having the privilege to operate a motor vehicle reinstated subsequent to a conviction for a violation of the above offenses, a person install for a specified period of time an ignition interlock device on all vehicles he or she owns or operates. The amount of time the interlock device would be required to be installed would be based upon the number of convictions as prescribed. These provisions would become operative on July 1, 2009.~~

~~The bill would also set up a statutory scheme under which the Department of Motor Vehicles would, with regard to the installation of an ignition interlock device described above, notify the person of the interlock device installation requirements established under the bill, accept notification from the installer of the interlock device of attempts to remove, bypass, or tamper with the device or if the person fails 3 or more times to comply with the maintenance requirements, monitor the installation and maintenance of the ignition interlock device, and keep specified records.~~

~~These requirements would be in addition to existing law.~~

~~(2) Because it is a crime to operate a vehicle that is not equipped with a functioning, certified interlock device by a person whose driving privilege is so restricted, the bill would impose a state-mandated local program, by expanding the scope of that crime.~~

~~(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.~~

*The people of the State of California do enact as follows:*

1     **SECTION 1.** *Section 13352 of the Vehicle Code is amended to*  
2 *read:*

3     13352. (a) The department shall immediately suspend or  
4 revoke the privilege of a person to operate a motor vehicle upon  
5 the receipt of an abstract of the record of a court showing that the  
6 person has been convicted of a violation of Section 23152 or 23153,  
7 subdivision (a) of Section 23109, or Section 23109.1, or upon the  
8 receipt of a report of a judge of the juvenile court, a juvenile traffic  
9 hearing officer, or a referee of a juvenile court showing that the  
10 person has been found to have committed a violation of Section  
11 23152 or 23153 or subdivision (a) of Section 23109 or Section  
12 23109.1. If an offense specified in this section occurs in a vehicle  
13 defined in Section 15210, the suspension or revocation specified  
14 below shall apply to the noncommercial driving privilege. The  
15 commercial driving privilege shall be disqualified as specified in  
16 Sections 15300 to 15302, inclusive. For the purposes of this  
17 section, suspension or revocation shall be as follows:

18     (1) Except as required under Section 13352.1 or ~~Section~~  
19 13352.4, upon a conviction or finding of a violation of Section  
20 23152 punishable under Section 23536, the privilege shall be  
21 suspended for a period of six months.

22     The privilege may not be reinstated until the person gives proof  
23 of financial responsibility and gives proof satisfactory to the  
24 department of successful completion of a  
25 driving-under-the-influence program licensed pursuant to Section  
26 11836 of the Health and Safety Code described in subdivision (b)  
27 of Section 23538. If the court, as authorized under paragraph (3)  
28 of subdivision (b) of Section 23646, elects to order a person to  
29 enroll, participate and complete either program described in  
30 subdivision (b) of Section 23542, the department shall require that  
31 program in lieu of the program described in subdivision (b) of  
32 Section 23538. For the purposes of this paragraph, enrollment,  
33 participation, and completion of an approved program shall be  
34 subsequent to the date of the current violation. Credit may not be  
35 given to any program activities completed prior to the date of the  
36 current violation.

37     (2) Upon a conviction or finding of a violation of Section 23153  
38 punishable under Section 23554, the privilege shall be suspended

1 for a period of one year. The privilege may not be reinstated until  
2 the person gives proof of financial responsibility and gives proof  
3 satisfactory to the department of successful completion of a  
4 driving-under-the-influence program licensed pursuant to Section  
5 11836 of the Health and Safety Code as described in subdivision  
6 (b) of Section 23556. If the court, as authorized under paragraph  
7 (3) of subdivision (b) of Section 23646, elects to order a person  
8 to enroll, participate, and complete either program described in  
9 subdivision (b) of Section 23542, the department shall require that  
10 program in lieu of the program described in Section 23556. For  
11 the purposes of this paragraph, enrollment, participation, and  
12 completion of an approved program shall be subsequent to the date  
13 of the current violation. Credit may not be given to any program  
14 activities completed prior to the date of the current violation.

15 (3) Except as provided in Section 13352.5, upon a conviction  
16 or finding of a violation of Section 23152 punishable under Section  
17 23540, the privilege shall be suspended for two years. The privilege  
18 may not be reinstated until the person gives proof of financial  
19 responsibility and gives proof satisfactory to the department of  
20 successful completion of a driving-under-the-influence program  
21 licensed pursuant to Section 11836 of the Health and Safety Code  
22 as described in subdivision (b) of Section 23542. For the purposes  
23 of this paragraph, enrollment, participation, and completion of an  
24 approved program shall be subsequent to the date of the current  
25 violation. Credit shall not be given to any program activities  
26 completed prior to the date of the current violation. The department  
27 shall advise ~~the~~ *a person convicted or found to be in violation of*  
28 *subdivision (a) of Section 23152 that after completion of 12 months*  
29 *of the suspension period, which may include credit for a suspension*  
30 *period served under subdivision (c) of Section 13353.3, the person*  
31 *may apply to the department for a restricted driver's license, subject*  
32 ~~*to the following conditions:*~~ *license. The department shall advise*  
33 *a person convicted or found to be in violation of subdivision (b)*  
34 *of Section 23152 that after completion of 90 days of the suspension*  
35 *period, which may include credit for a suspension period served*  
36 *under subdivision (c) of Section 13353.3, the person may apply to*  
37 *the department for a restricted driver's license. Eligibility for the*  
38 *restricted driver's license is subject to the following conditions:*

1 (A) The person has satisfactorily provided, subsequent to the  
2 violation date of the current underlying conviction, either of the  
3 following:

4 (i) Proof of enrollment in an 18-month  
5 driving-under-the-influence program licensed pursuant to Section  
6 11836 of the Health and Safety Code.

7 (ii) Proof of enrollment in a 30-month  
8 driving-under-the-influence program licensed pursuant to Section  
9 11836 of the Health and Safety Code, if available in the county of  
10 the person's residence or employment.

11 (B) The person agrees, as a condition of the restriction, to  
12 continue satisfactory participation in the program described in  
13 subparagraph (A).

14 (C) The person submits the "Verification of Installation" form  
15 described in paragraph (2) of subdivision (g) of Section 13386.

16 (D) The person agrees to maintain the ignition interlock device  
17 as required under subdivision (g) of Section 23575.

18 (E) The person provides proof of financial responsibility, as  
19 defined in Section 16430.

20 (F) The person pays all ~~administrative fees or~~ reissue fees and  
21 any restriction fee required by the department.

22 (G) *The person pays to the department a fee sufficient to cover*  
23 *the costs of administration of this paragraph, as determined by*  
24 *the department.*

25 ~~(G)~~

26 (H) The restriction shall remain in effect for the period required  
27 in subdivision (f) of Section 23575.

28 (4) Except as provided in this paragraph, upon a conviction or  
29 finding of a violation of Section 23153 punishable under Section  
30 23560, the privilege shall be revoked for a period of three years.  
31 The privilege may not be reinstated until the person gives proof  
32 of financial responsibility, and the person gives proof satisfactory  
33 to the department of successful completion of a  
34 driving-under-the-influence program licensed pursuant to Section  
35 11836 of the Health and Safety Code, as described in paragraph  
36 (4) of subdivision (b) of Section 23562. For the purposes of this  
37 paragraph, enrollment, participation, and completion of an  
38 approved program shall be subsequent to the date of the current  
39 violation. Credit shall not be given to any program activities  
40 completed prior to the date of the current violation. The department

1 shall advise the person that after the completion of 12 months of  
 2 the revocation period, which may include credit for a suspension  
 3 period served under subdivision (c) of Section 13353.3, the person  
 4 may apply to the department for a restricted driver’s license, subject  
 5 to the following conditions:

6 (A) The person has satisfactorily completed, subsequent to the  
 7 violation date of the current underlying conviction, either of the  
 8 following:

9 (i) The initial 12 months of an 18-month  
 10 driving-under-the-influence program licensed pursuant to Section  
 11 11836 of the Health and Safety Code.

12 (ii) The initial 12 months of a 30-month  
 13 driving-under-the-influence program licensed pursuant to Section  
 14 11836 of the Health and Safety Code, if available in the county of  
 15 the person’s residence or employment, and the person agrees, as  
 16 a condition of the restriction, to continue satisfactory participation  
 17 in that 30-month program.

18 (B) The person submits the “Verification of Installation” form  
 19 described in paragraph (2) of subdivision (g) of Section 13386.

20 (C) The person agrees to maintain the ignition interlock device  
 21 as required under subdivision (g) of Section 23575.

22 (D) The person provides proof of financial responsibility, as  
 23 defined in Section 16430.

24 (E) The person pays all applicable reinstatement or reissue fees  
 25 and any restriction fee required by the department.

26 (F) The restriction shall remain in effect for the period required  
 27 in subdivision (f) of Section 23575.

28 (5) Except as provided in this paragraph, upon a conviction or  
 29 finding of a violation of Section 23152 punishable under Section  
 30 23546, the privilege shall be revoked for a period of three years.  
 31 The privilege may not be reinstated until the person files proof of  
 32 financial responsibility and gives proof satisfactory to the  
 33 department of successful completion of one of the following  
 34 programs: an 18-month driving-under-the-influence program  
 35 licensed pursuant to Section 11836 of the Health and Safety Code,  
 36 as described in subdivision (b) or (c) of Section 23548, or, if  
 37 available in the county of the person’s residence or employment,  
 38 a 30-month driving-under-the-influence program licensed pursuant  
 39 to Section 11836 of the Health and Safety Code, or a program  
 40 specified in Section 8001 of the Penal Code. For the purposes of

1 this paragraph, enrollment, participation, and completion of an  
2 approved program shall be subsequent to the date of the current  
3 violation. Credit shall not be given to any program activities  
4 completed prior to the date of the current violation. The department  
5 shall advise ~~the~~ a person *convicted or found to be in violation of*  
6 *subdivision (a) of Section 23152* that after completion of 12 months  
7 of the revocation period, which may include credit for a suspension  
8 period served under subdivision (c) of Section 13353.3, the person  
9 may apply to the department for a restricted driver's license, ~~subject~~  
10 ~~to the following conditions:~~ *license. The department shall advise*  
11 *a person convicted or found to be in violation of subdivision (b)*  
12 *of Section 23152 that after completion of six months of the*  
13 *revocation period, which may include credit for a suspension*  
14 *period served under subdivision (c) of Section 13353.3, the person*  
15 *may apply to the department for a restricted driver's license.*  
16 *Eligibility for the restricted driver's license is subject to the*  
17 *following conditions:*

18 (A) The person has satisfactorily completed, subsequent to the  
19 violation date of the current underlying conviction, ~~either one of~~  
20 the following:

21 (i) ~~The~~ *With regard to a conviction under subdivision (a) of*  
22 *Section 23152, the initial 12 months of an 18-month*  
23 *driving-under-the-influence program licensed pursuant to Section*  
24 *11836 of the Health and Safety Code.*

25 (ii) ~~The~~ *With regard to a conviction under subdivision (a) of*  
26 *Section 23152, the initial 12 months of a 30-month*  
27 *driving-under-the-influence program licensed pursuant to Section*  
28 *11836 of the Health and Safety Code, if available in the county of*  
29 *the person's residence or employment, and the person agrees, as*  
30 *a condition of the restriction, to continue satisfactory participation*  
31 *in the 30-month driving-under-the-influence program.*

32 (iii) *With regard to a conviction under subdivision (b) of Section*  
33 *23152, the initial six months of an 18-month*  
34 *driving-under-the-influence program licensed pursuant to Section*  
35 *11836 of the Health and Safety Code.*

36 (iv) *With regard to a conviction under subdivision (b) of Section*  
37 *23152, the initial six months of a 30-month*  
38 *driving-under-the-influence program licensed pursuant to Section*  
39 *11836 of the Health and Safety Code, if available in the county of*  
40 *the person's residence or employment, and the person agrees, as*

1 *a condition of the restriction, to continue satisfactory participation*  
2 *in the 30-month driving-under-the-influence program.*

3 (B) The person submits the “Verification of Installation” form  
4 described in paragraph (2) of subdivision (g) of Section 13386.

5 (C) The person agrees to maintain the ignition interlock device  
6 as required under subdivision (g) of Section 23575.

7 (D) The person provides proof of financial responsibility, as  
8 defined in Section 16430.

9 (E) An individual convicted of a violation of Section 23152  
10 punishable under Section 23546 may also, at any time after  
11 sentencing, petition the court for referral to an 18-month  
12 driving-under-the-influence program licensed pursuant to Section  
13 11836 of the Health and Safety Code, or, if available in the county  
14 of the person’s residence or employment, a 30-month  
15 driving-under-the-influence program licensed pursuant to Section  
16 11836 of the Health and Safety Code. Unless good cause is shown,  
17 the court shall order the referral.

18 (F) The person pays all applicable reinstatement or reissue fees  
19 and any restriction fee required by the department.

20 (G) *The person pays to the department a fee sufficient to cover*  
21 *the costs of administration of this paragraph, as determined by*  
22 *the department.*

23 ~~(G)~~

24 (H) The restriction shall remain in effect for the period required  
25 in subdivision (f) of Section 23575.

26 (6) Except as provided in this paragraph, upon a conviction or  
27 finding of a violation of Section 23153 punishable under Section  
28 23550.5 or 23566, the privilege shall be revoked for a period of  
29 five years. The privilege may not be reinstated until the person  
30 gives proof of financial responsibility and proof satisfactory to the  
31 department of successful completion of one of the following  
32 programs: an 18-month driving-under-the-influence program  
33 licensed pursuant to Section 11836 of the Health and Safety Code,  
34 as described in subdivision (b) of Section 23568 or, if available in  
35 the county of the person’s residence or employment, a 30-month  
36 driving-under-the-influence program licensed pursuant to Section  
37 11836 of the Health and Safety Code, or a program specified in  
38 Section 8001 of the Penal Code. For the purposes of this paragraph,  
39 enrollment, participation, and completion of an approved program  
40 shall be subsequent to the date of the current violation. Credit shall

1 not be given to any program activities completed prior to the date  
2 of the current violation. The department shall advise the person  
3 that after the completion of 12 months of the revocation period,  
4 which may include credit for a suspension period served under  
5 subdivision (c) of Section 13353.3, the person may apply to the  
6 department for a restricted driver’s license, subject to the following  
7 conditions:

8 (A) The person has satisfactorily completed, subsequent to the  
9 violation date of the current underlying conviction, either of the  
10 following:

11 (i) The initial 12 months of a 30-month  
12 driving-under-the-influence program licensed pursuant to Section  
13 11836 of the Health and Safety Code, if available in the county of  
14 the person’s residence or employment, and the person agrees, as  
15 a condition of the restriction, to continue satisfactory participation  
16 in the 30-month driving-under-the-influence program.

17 (ii) The initial 12 months of an 18-month  
18 driving-under-the-influence program licensed pursuant to Section  
19 11836 of the Health and Safety Code, if a 30-month program is  
20 unavailable in the person’s county of residence or employment.

21 (B) The person submits the “Verification of Installation” form  
22 described in paragraph (2) of subdivision (g) of Section 13386.

23 (C) The person agrees to maintain the ignition interlock device  
24 as required under subdivision (g) of Section 23575.

25 (D) The person provides proof of financial responsibility, as  
26 defined in Section 16430.

27 (E) An individual convicted of a violation of Section 23153  
28 punishable under Section 23566 may also, at any time after  
29 sentencing, petition the court for referral to an 18-month  
30 driving-under-the-influence program or, if available in the county  
31 of the person’s residence or employment, a 30-month  
32 driving-under-the-influence program licensed pursuant to Section  
33 11836 of the Health and Safety Code. Unless good cause is shown,  
34 the court shall order the referral.

35 (F) The person pays all applicable reinstatement or reissue fees  
36 and any restriction fee required by the department.

37 (G) The restriction shall remain in effect for the period required  
38 in subdivision (f) of Section 23575.

39 (7) Except as provided in this paragraph, upon a conviction or  
40 finding of a violation of Section 23152 punishable under Section

1 23550 or 23550.5, or Section 23153 punishable under Section  
2 23550.5 the privilege shall be revoked for a period of four years.  
3 The privilege may not be reinstated until the person gives proof  
4 of financial responsibility and proof satisfactory to the department  
5 of successful completion of one of the following programs: an  
6 18-month driving-under-the-influence program licensed pursuant  
7 to Section 11836 of the Health and Safety Code, or, if available  
8 in the county of the person's residence or employment, a 30-month  
9 driving-under-the-influence program licensed pursuant to Section  
10 11836 of the Health and Safety Code, or a program specified in  
11 Section 8001 of the Penal Code. For the purposes of this paragraph,  
12 enrollment, participation, and completion of an approved program  
13 shall be subsequent to the date of the current violation. Credit shall  
14 not be given to any program activities completed prior to the date  
15 of the current violation. The department shall advise the person  
16 that after the completion of 12 months of the revocation period,  
17 which may include credit for a suspension period served under  
18 subdivision (c) of Section 13353.3, the person may apply to the  
19 department for a restricted driver's license, subject to the following  
20 conditions:

21 (A) The person has satisfactorily completed, subsequent to the  
22 violation date of the current underlying conviction, either of the  
23 following:

24 (i) The initial 12 months of an 18-month  
25 driving-under-the-influence program licensed pursuant to Section  
26 11836 of the Health and Safety Code.

27 (ii) The initial 12 months of a 30-month  
28 driving-under-the-influence program licensed pursuant to Section  
29 11836 of the Health and Safety Code, if available in the county of  
30 the person's residence or employment, and the person agrees, as  
31 a condition of the restriction, to continue satisfactory participation  
32 in the 30-month driving-under-the-influence program.

33 (B) The person submits the "Verification of Installation" form  
34 described in paragraph (2) of subdivision (g) of Section 13386.

35 (C) The person agrees to maintain the ignition interlock device  
36 as required under subdivision (g) of Section 23575.

37 (D) The person provides proof of financial responsibility, as  
38 defined in Section 16430.

39 (E) An individual convicted of a violation of Section 23152  
40 punishable under Section 23550 may also, at any time after

1 sentencing, petition the court for referral to an 18-month  
2 driving-under-the-influence program or, if available in the county  
3 of the person's residence or employment, a 30-month  
4 driving-under-the-influence program licensed pursuant to Section  
5 11836 of the Health and Safety Code. Unless good cause is shown,  
6 the court shall order the referral.

7 (F) The person pays all applicable reinstatement or reissue fees  
8 and any restriction fee required by the department.

9 (G) The restriction shall remain in effect for the period required  
10 in subdivision (f) of Section 23575.

11 (8) Upon a conviction or finding of a violation of subdivision  
12 (a) of Section 23109 or Section 23109.1 that is punishable under  
13 subdivision (e) of that section, the privilege shall be suspended for  
14 a period of 90 days to six months, if ordered by the court. The  
15 privilege may not be reinstated until the person gives proof of  
16 financial responsibility, as defined in Section 16430.

17 (9) Upon a conviction or finding of a violation of subdivision  
18 (a) of Section 23109 that is punishable under subdivision (f) of  
19 that section, the privilege shall be suspended for a period of six  
20 months, if ordered by the court. The privilege may not be reinstated  
21 until the person gives proof of financial responsibility, as defined  
22 in Section 16430.

23 (b) For the purpose of paragraphs (2) to (9), inclusive, of  
24 subdivision (a), the finding of the juvenile court judge, the juvenile  
25 hearing officer, or the referee of a juvenile court of a commission  
26 of a violation of Section 23152 or 23153 or subdivision (a) of  
27 Section 23109 or Section 23109.1, as specified in subdivision (a)  
28 of this section, is a conviction.

29 (c) A judge of a juvenile court, juvenile hearing officer, or  
30 referee of a juvenile court shall immediately report the findings  
31 specified in subdivision (a) to the department.

32 (d) A conviction of an offense in a state, territory, or possession  
33 of the United States, the District of Columbia, the Commonwealth  
34 of Puerto Rico, or Canada that, if committed in this state, would  
35 be a violation of Section 23152, is a conviction of Section 23152  
36 for the purposes of this section, and a conviction of an offense  
37 that, if committed in this state, would be a violation of Section  
38 23153, is a conviction of Section 23153 for the purposes of this  
39 section. The department shall suspend or revoke the privilege to

1 operate a motor vehicle pursuant to this section upon receiving  
2 notice of that conviction.

3 (e) For the purposes of the restriction conditions specified in  
4 paragraphs (3) to (7), inclusive, of subdivision (a), the department  
5 shall terminate the restriction imposed pursuant to this section and  
6 shall suspend or revoke the person's driving privilege upon receipt  
7 of notification from the driving-under-the-influence program that  
8 the person has failed to comply with the program requirements.  
9 The person's driving privilege shall remain suspended or revoked  
10 for the remaining period of the original suspension or revocation  
11 imposed under this section and until all reinstatement requirements  
12 described in this section are met.

13 (f) For the purposes of this section, completion of a program is  
14 the following:

15 (1) Satisfactory completion of all program requirements  
16 approved pursuant to program licensure, as evidenced by a  
17 certificate of completion issued, under penalty of perjury, by the  
18 licensed program.

19 (2) Certification, under penalty of perjury, by the director of a  
20 program specified in Section 8001 of the Penal Code, that the  
21 person has completed a program specified in Section 8001 of the  
22 Penal Code.

23 (g) The holder of a commercial driver's license who was  
24 operating a commercial motor vehicle, as defined in Section 15210,  
25 at the time of a violation that resulted in a suspension or revocation  
26 of the person's noncommercial driving privilege under this section  
27 is not eligible for the restricted driver's license authorized under  
28 paragraphs (3) to (7), inclusive, of subdivision (a).

29 *SEC. 2. Section 13352.4 of the Vehicle Code is amended to*  
30 *read:*

31 13352.4. (a) Except as provided in subdivision (h), the  
32 department shall issue a restricted driver's license to a person  
33 whose driver's license was suspended under paragraph (1) of  
34 subdivision (a) of Section 13352 or Section 13352.1, if the person  
35 meets all of the following requirements:

36 (1) Submits proof satisfactory to the department of enrollment  
37 in, or completion of, a driving-under-the-influence program  
38 licensed pursuant to Section 11836 of the Health and Safety Code,  
39 as described in subdivision (b) of Section 23538.

1 (2) Submits proof of financial responsibility, as defined in  
2 Section 16430.

3 (3) Pays all applicable reinstatement or reissue fees and any  
4 restriction fee required by the department.

5 (4) *Pays to the department a fee sufficient to cover the costs of*  
6 *administration of this section, as determined by the department.*

7 (b) The restriction of the driving privilege shall become effective  
8 when the department receives all of the documents and fees  
9 required under subdivision (a) and shall remain in effect until the  
10 final day of the original suspension imposed under paragraph (1)  
11 of subdivision (a) of Section 13352 or Section 13352.1, or until  
12 the date all reinstatement requirements described in Section 13352  
13 or ~~Section~~ 13352.1 have been met, whichever date is later, and  
14 may include credit for any suspension period served under  
15 subdivision (c) of Section 13353.3.

16 (c) (1) The restriction of the driving privilege shall be limited  
17 to the hours necessary for driving to and from the person's place  
18 of employment, driving during the course of employment, and  
19 driving to and from activities required in the  
20 driving-under-the-influence program.

21 (2) *The restriction described in paragraph (1) shall not apply*  
22 *if the person fulfills both the following requirements:*

23 (A) *The person submits the "Verification of Installation" form*  
24 *described in paragraph (2) of subdivision (g) of Section 13386.*

25 (B) *The person agrees to maintain the ignition interlock device*  
26 *as required under subdivision (g) of Section 23575.*

27 (3) *If the person fulfills the requirements of paragraph (2), the*  
28 *person's driver's license record shall indicate the restriction that*  
29 *the person may only drive a vehicle with a certified ignition*  
30 *interlock device installed.*

31 (d) Whenever the driving privilege is restricted under this  
32 section, proof of financial responsibility, as defined in Section  
33 16430, shall be maintained for three years. If the person does not  
34 maintain that proof of financial responsibility at any time during  
35 the restriction, the driving privilege shall be suspended until the  
36 proof required under Section 16484 is received by the department.

37 (e) For the purposes of this section, enrollment, participation,  
38 and completion of an approved program shall be subsequent to the  
39 date of the current violation. Credit may not be given to a program  
40 activity completed prior to the date of the current violation.

1 (f) The department shall terminate the restriction issued under  
 2 this section and shall suspend the privilege to operate a motor  
 3 vehicle pursuant to paragraph (1) of subdivision (a) of Section  
 4 13352 or Section 13352.1 immediately upon receipt of notification  
 5 from the driving-under-the-influence program that the person has  
 6 failed to comply with the program requirements. The privilege  
 7 shall remain suspended until the final day of the original suspension  
 8 imposed under paragraph (1) of subdivision (a) of Section 13352  
 9 or Section 13352.1, or until the date all reinstatement requirements  
 10 described in Section 13352 or ~~Section~~ 13352.1 have been met,  
 11 whichever date is later.

12 (g) The holder of a commercial driver’s license who was  
 13 operating a commercial motor vehicle, as defined in Section 15210,  
 14 at the time of a violation that resulted in a suspension or revocation  
 15 of the person’s noncommercial driving privilege under paragraph  
 16 (1) of subdivision (a) of Section 13352 or Section 13352.1 is not  
 17 eligible for the restricted driver’s license authorized under this  
 18 section.

19 (h) If, upon conviction, the court has made the determination,  
 20 as authorized under subdivision (d) of Section 23536 or paragraph  
 21 (3) of subdivision (a) of Section 23538, to disallow the issuance  
 22 of a restricted driver’s license, the department may not issue a  
 23 restricted driver’s license under this section.

24 *SEC. 3. This act shall become operative on July 1, 2009.*

25 *SEC. 4. No reimbursement is required by this act pursuant to*  
 26 *Section 6 of Article XIII B of the California Constitution because*  
 27 *the only costs that may be incurred by a local agency or school*  
 28 *district will be incurred because this act creates a new crime or*  
 29 *infraction, eliminates a crime or infraction, or changes the penalty*  
 30 *for a crime or infraction, within the meaning of Section 17556 of*  
 31 *the Government Code, or changes the definition of a crime within*  
 32 *the meaning of Section 6 of Article XIII B of the California*  
 33 *Constitution.*

34 ~~SECTION 1. Section 23575.1 is added to the Vehicle Code,~~  
 35 ~~to read:~~

36 ~~23575.1. (a) The Department of Motor Vehicles, upon receipt~~  
 37 ~~of the court’s abstract of conviction for a violation listed in Section~~  
 38 ~~23575.2, shall inform the convicted person of the requirements of~~  
 39 ~~this section and the term for which the person is required to have~~  
 40 ~~a certified ignition interlock device installed. The records of the~~

1 ~~department shall reflect the mandatory use of the device for the~~  
2 ~~term required and the time when the device is required to be~~  
3 ~~installed by this code.~~

4 ~~(b) The department shall advise the person that installation of~~  
5 ~~an ignition interlock device on a vehicle does not allow the person~~  
6 ~~to drive without a valid driver's license.~~

7 ~~(c) A person who is notified by the department pursuant to~~  
8 ~~subdivision (a) shall, within 30 days of notification, complete the~~  
9 ~~following:~~

10 ~~(1) Arrange for each vehicle owned or operated by the person~~  
11 ~~to be fitted with an ignition interlock device by a certified ignition~~  
12 ~~interlock device provider under Section 13386.~~

13 ~~(2) Notify the department and provide to the department proof~~  
14 ~~of installation by submitting the "Verification of Installation" form~~  
15 ~~described in paragraph (2) of subdivision (g) of Section 13386.~~

16 ~~(d) The department shall place a restriction on the driver's~~  
17 ~~license record of the convicted person that states the driver is~~  
18 ~~restricted to driving only vehicles equipped with a certified ignition~~  
19 ~~interlock device.~~

20 ~~(e) (1) A person who is notified by the department pursuant to~~  
21 ~~subdivision (a) shall arrange for each vehicle with an ignition~~  
22 ~~interlock device to be serviced by the installer at least once every~~  
23 ~~60 days in order for the installer to recalibrate and monitor the~~  
24 ~~operation of the device.~~

25 ~~(2) The installer shall notify the department if the device is~~  
26 ~~removed or indicates that the person has attempted to remove,~~  
27 ~~bypass, or tamper with the device, or if the person fails three or~~  
28 ~~more times to comply with any requirement for the maintenance~~  
29 ~~or calibration of the ignition interlock device.~~

30 ~~(f) The department shall monitor the installation and~~  
31 ~~maintenance of the ignition interlock device installed pursuant to~~  
32 ~~subdivision (a).~~

33 ~~(g) This section does not permit a person to drive without a~~  
34 ~~valid driver's license.~~

35 ~~(h) Before a driver's license may be issued, reissued, or returned~~  
36 ~~to a person after a suspension or revocation of that person's driving~~  
37 ~~privilege that requires the installation of an interlock device~~  
38 ~~pursuant to this section, the person shall, in addition to any other~~  
39 ~~fees required by this code, pay to the department a fee sufficient~~

1 to cover the costs of administration of this section as determined  
2 by the department.

3 (i) ~~Subdivisions (j), (k), (m), (n), and (o) of Section 23575 apply~~  
4 ~~to this section.~~

5 (j) ~~The requirements of this section and Section 23575.2 are in~~  
6 ~~addition to any other requirements of law.~~

7 ~~SEC. 2.— Section 23575.2 is added to the Vehicle Code, to read:~~

8 ~~23575.2.— (a) In addition to all other requirements of this code,~~  
9 ~~a person is required to install an ignition interlock device, pursuant~~  
10 ~~to Section 23575.1, for the term specified in this section as a~~  
11 ~~condition of being issued a restricted driver's license, being~~  
12 ~~reissued a driver's license, or having the privilege to operate a~~  
13 ~~motor vehicle reinstated subsequent to a conviction for a violation~~  
14 ~~of a section listed herein or a suspension of a person's driver's~~  
15 ~~license pursuant to a section herein.~~

16 ~~(1) A person convicted of Section 23152 or whose driving~~  
17 ~~privileges are suspended pursuant to Section 13353.2 shall be~~  
18 ~~required to install an ignition interlock device, pursuant to Section~~  
19 ~~23757.1, as follows:~~

20 ~~(A) Upon a first offense, the person shall install an ignition~~  
21 ~~interlock device in all vehicles owned or operated by that person~~  
22 ~~for a mandatory term of five months that begins once that person~~  
23 ~~has provided proof of installation.~~

24 ~~(B) Upon a second offense, the person shall install an ignition~~  
25 ~~interlock device in all vehicles owned or operated by that person~~  
26 ~~for a mandatory term of 12 months that begins once that person~~  
27 ~~has provided proof of installation.~~

28 ~~(C) Upon a third offense, the person shall install an ignition~~  
29 ~~interlock device in all vehicles owned or operated by that person~~  
30 ~~for a mandatory term of 24 months that begins once that person~~  
31 ~~has provided proof of installation.~~

32 ~~(D) Upon a fourth offense or any subsequent violation, the~~  
33 ~~person shall install an ignition interlock device in all vehicles~~  
34 ~~owned or operated by that person for a mandatory term of 36~~  
35 ~~months that begins once that person has provided proof of~~  
36 ~~installation.~~

37 ~~(2) A person convicted of Section 23153 shall install an ignition~~  
38 ~~interlock device, pursuant to Section 23575.1, as follows:~~

39 ~~(A) Upon a first offense, the person shall install an ignition~~  
40 ~~interlock device in all vehicles owned or operated by that person~~

1 for a mandatory term of 12 months that begins once that person  
2 has provided proof of installation.

3 (B) Upon a second offense, the person shall install an ignition  
4 interlock device in all vehicles owned or operated by that person  
5 for a mandatory term of 24 months that begins once that person  
6 has provided proof of installation.

7 (C) Upon a third offense, the person shall install an ignition  
8 interlock device in all vehicles owned or operated by that person  
9 for a mandatory term of 36 months that begins once that person  
10 has provided proof of installation.

11 (D) Upon a fourth offense or any subsequent violation, the  
12 person shall install an ignition interlock device in all vehicles  
13 owned or operated by that person for a mandatory term of 48  
14 months that begins once that person has provided proof of  
15 installation.

16 (b) If a person fails to comply with all of the requirements  
17 regarding ignition interlock devices, the mandatory term for which  
18 the ignition interlock device is required to be installed will be reset.

19 (e) This section shall become operative on July 1, 2009.

20 SEC. 3. No reimbursement is required by this act pursuant to  
21 Section 6 of Article XIII B of the California Constitution because  
22 the only costs that may be incurred by a local agency or school  
23 district will be incurred because this act creates a new crime or  
24 infraction, eliminates a crime or infraction, or changes the penalty  
25 for a crime or infraction, within the meaning of Section 17556 of  
26 the Government Code, or changes the definition of a crime within  
27 the meaning of Section 6 of Article XIII B of the California  
28 Constitution.

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