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CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1601

Introduced by Assembly Member Hill

(Principal coauthor: Assembly Member Nava)

(Principal coauthors: Senators Harman, Leno, Liu, and Maldonado)

(Coauthors: Assembly Members Bill Berryhill, Blakeslee, Block, Blumenfield, Evans, Fong, Gilmore, Huber, Huffman, Jeffries, Knight, Ma, Monning, Nielsen, Portantino, Smyth, Audra Strickland, Torlakson, and Tran)

(Coauthor: Senator Cox)

January 4, 2010

An act to amend ~~Section 23665~~ *Sections 13352, 23109, 23550, 23550.5, 23552, 23566, and 23568* of, and to add Section 23597 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1601, as amended, Hill. Vehicles: ~~driving under the influence~~ *driving-under-the-influence (DUI)*: repeat offenders.

(1) Existing law requires, if a person is convicted of a specified ~~driving under the influence~~ *driving-under-the-influence (DUI)* offense and the offense occurred within 10 years of 2, or 3 or more, prior specified DUI offenses that resulted in a conviction, that the person be punished by enhanced penalties, and that the person's privilege to

operate a motor vehicle be revoked by the department for a period of 2, 3, 4, or 5 years, as applicable.

Existing law authorizes the court to impose specified additional orders on a person when the person is convicted of a driving-under-the-influence (DUI) offense, depending on the circumstances.

This bill would, *beginning January 1, 2012*, authorize the court to order a 10-year revocation of the driver's license of a person who has been convicted of 3 or more specified DUI offenses if the court considers certain factors, including, but not limited to, the period of time that has elapsed since his or her previous DUI convictions. The bill would *also* authorize ~~the~~ *a person who had his or her driver's license revoked for 10 years* to apply to the Department of Motor Vehicles, 5 years from the date of the last DUI conviction, to have his or her privilege to operate a motor vehicle reinstated subject to certain conditions, including, among other things, the condition that the person was not convicted of any other drug- or alcohol-related offenses, under state law, during the driver's license revocation period.

~~(2) Existing law authorizes a court to postpone the revocation or suspension of a person's driving privilege until the term of imprisonment is served, if that person was convicted of certain DUI provisions, among other things, and sentenced to serve one year in a county jail or more than one year in a state prison.~~

~~This bill would instead require the court to postpone the revocation or suspension of a person's driving privilege until the term of imprisonment is served, and notify the department of the postponement, if that person was convicted of certain DUI provisions and sentenced to serve any time in a county jail or state prison.~~

(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 a separate violation of one or more specified DUI offenses, be punished by his or her driving privilege being suspended or revoked for a period of 2 or more years. Existing law requires, among other things, the Department of Motor Vehicles to advise a person, who was only under the influence of an alcoholic beverage at the time of the violation, that he or she may apply for a restricted driver's license after completion of 90 days, 6 months, or 12 months, of the suspension or revocation period, or if the person was under the influence of any drug or the combination of any drug and alcohol, or if the person concurrently did any act forbidden by law or neglected any duty imposed

by law that proximately caused bodily injury to another person other than the driver, then after completion of 12 months of the revocation period, which may include credit for a specified concurrent suspension, subject to specified conditions.

This bill would revise and recast the above provisions to make technical and nonsubstantive, as well as conforming, changes as a result of the changes made by Chapter 193 of the Statutes of 2009 (SB 598).

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

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 13352.4, upon
19 a conviction or finding of a violation of Section 23152 punishable
20 under Section 23536, the privilege shall be suspended for a period
21 of six months.

22 The privilege ~~may~~ shall not be reinstated until the person gives
23 proof 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)

1 of subdivision (b) of Section 23646, elects to order a person to
2 enroll in, participate in, and complete either program described in
3 subdivision (b) of Section 23542, the department shall require that
4 program in lieu of the program described in subdivision (b) of
5 Section 23538. For the purposes of this paragraph, enrollment in,
6 participation in, and completion of an approved program shall be
7 subsequent to the date of the current violation. Credit ~~may~~ *shall*
8 not be given to any program activities completed prior to the date
9 of the current violation.

10 (2) Upon a conviction or finding of a violation of Section 23153
11 punishable under Section 23554, the privilege shall be suspended
12 for a period of one year. The privilege ~~may~~ *shall* not be reinstated
13 until the person gives proof of financial responsibility and gives
14 proof satisfactory to the department of successful completion of
15 a driving-under-the-influence program licensed pursuant to Section
16 11836 of the Health and Safety Code as described in subdivision
17 (b) of Section 23556. If the court, as authorized under paragraph
18 (3) of subdivision (b) of Section 23646, elects to order a person
19 to enroll in, participate in, and complete either program described
20 in subdivision (b) of Section 23542, the department shall require
21 that program in lieu of the program described in Section 23556.
22 For the purposes of this paragraph, enrollment, participation, and
23 completion of an approved program shall be subsequent to the date
24 of the current violation. Credit ~~may~~ *shall* not be given to any
25 program activities completed prior to the date of the current
26 violation.

27 (3) Except as provided in Section 13352.5, upon a conviction
28 or finding of a violation of Section 23152 punishable under Section
29 23540, ~~and if the person was found to be only under the influence~~
30 ~~of an alcoholic beverage at the time of the violation of Section~~
31 ~~23152~~, the privilege shall be suspended for two years. The privilege
32 ~~may~~ *shall* not be reinstated until the person gives proof of financial
33 responsibility and gives proof satisfactory to the department of
34 successful completion of a driving-under-the-influence program
35 licensed pursuant to Section 11836 of the Health and Safety Code
36 as described in subdivision (b) of Section 23542. For the purposes
37 of this paragraph, enrollment in, participation in, and completion
38 of an approved program shall be subsequent to the date of the
39 current 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 ~~a~~ *the* person convicted or found to be in violation of
2 subdivision (a) or (b) of Section 23152 that after completion of 90
3 days of the suspension period, which may include credit for a
4 suspension period served under subdivision (c) of Section 13353.3,
5 the person may apply to the department for a restricted driver's
6 license. Eligibility for the restricted driver's license is subject to
7 the following conditions: *that he or she may apply to the*
8 *department for a restriction of the driving privilege, which may*
9 *include credit for a suspension period served under subdivision*
10 *(c) of Section 13353.3, subject to the following conditions:*

11 (A) Completion of 12 months of the suspension period, or
12 completion of 90 days of the suspension period if the underlying
13 conviction did not include the use of drugs as defined in Section
14 312 and the person was found to be only under the influence of an
15 alcoholic beverage at the time of the violation.

16 ~~(A)~~

17 (B) The person has satisfactorily ~~provided~~ *provides*, subsequent
18 to the violation date of the current underlying conviction, either
19 of the following:

20 (i) Proof of enrollment in an 18-month
21 driving-under-the-influence program licensed pursuant to Section
22 11836 of the Health and Safety Code.

23 (ii) Proof of enrollment in a 30-month
24 driving-under-the-influence program licensed pursuant to Section
25 11836 of the Health and Safety Code, if available in the county of
26 the person's residence or employment.

27 ~~(B)~~

28 (C) The person agrees, as a condition of the restriction, to
29 continue satisfactory participation in the program described in
30 subparagraph ~~(A)~~ (B).

31 ~~(C)~~

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

34 ~~(D)~~

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

37 ~~(E)~~

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

40 ~~(F)~~

1 (G) The person pays all reissue fees and any restriction fee
2 required by the department.

3 ~~(G)~~

4 (H) The person pays to the department a fee sufficient to cover
5 the costs of administration of this paragraph, as determined by the
6 department.

7 ~~(H)~~

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

10 (4) Except as provided in this paragraph, upon a conviction or
11 finding of a violation of Section 23153 punishable under Section
12 23560, the privilege shall be revoked for a period of three years.
13 The privilege may not be reinstated until the person gives proof
14 of financial responsibility, and the person gives proof satisfactory
15 to the department of successful completion of a
16 driving-under-the-influence program licensed pursuant to Section
17 11836 of the Health and Safety Code, as described in paragraph
18 (4) of subdivision (b) of Section 23562. For the purposes of this
19 paragraph, enrollment in, participation in, and completion of an
20 approved program shall be subsequent to the date of the current
21 violation. Credit shall not be given to any program activities
22 completed prior to the date of the current violation. The department
23 shall advise the person that after the completion of 12 months of
24 the revocation period, which may include credit for a suspension
25 period served under subdivision (c) of Section 13353.3, the person
26 may apply to the department for a restricted driver's license, subject
27 to the following conditions:

28 (A) The person has satisfactorily completed, subsequent to the
29 violation date of the current underlying conviction, either of the
30 following:

31 (i) The initial 12 months of an 18-month
32 driving-under-the-influence program licensed pursuant to Section
33 11836 of the Health and Safety Code.

34 (ii) The initial 12 months of a 30-month
35 driving-under-the-influence program licensed pursuant to Section
36 11836 of the Health and Safety Code, if available in the county of
37 the person's residence or employment, and the person agrees, as
38 a condition of the restriction, to continue satisfactory participation
39 in that 30-month program.

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

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

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

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

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

11 (5) Except as provided in this paragraph, upon a conviction or
12 finding of a violation of Section 23152 punishable under Section
13 23546, ~~and if the person was found to be only under the influence~~
14 ~~of an alcoholic beverage at the time of the violation of Section~~
15 ~~23152,~~ the privilege shall be revoked for a period of three years.
16 The privilege ~~may~~ *shall* not be reinstated until the person files
17 proof of financial responsibility and gives proof satisfactory to the
18 department of successful completion of one of the following
19 programs: an 18-month driving-under-the-influence program
20 licensed pursuant to Section 11836 of the Health and Safety Code,
21 as described in subdivision (b) or (c) of Section 23548, or, if
22 available in the county of the person’s residence or employment,
23 a 30-month driving-under-the-influence program licensed pursuant
24 to Section 11836 of the Health and Safety Code, or a program
25 specified in Section 8001 of the Penal Code. For the purposes of
26 this paragraph, enrollment in, participation in, and completion of
27 an approved program shall be subsequent to the date of the current
28 violation. Credit shall not be given to any program activities
29 completed prior to the date of the current violation. The department
30 shall advise ~~a the person convicted or found to be in violation of~~
31 ~~subdivision (a) or (b) of Section 23152 that after completion of~~
32 ~~six months of the revocation period, which may include credit for~~
33 ~~a suspension period served under subdivision (c) of Section~~
34 ~~13353.3, the person may apply to the department for a restricted~~
35 ~~driver’s license. Eligibility for the restricted driver’s license is~~
36 ~~subject to the following conditions:~~ *that he or she may apply to*
37 *the department for a restriction of the driving privilege, which*
38 *may include credit for a suspension period served under*
39 *subdivision (c) of Section 13353.3, subject to the following*
40 *conditions:*

- 1 (A) Completion of 12 months of the suspension period, or
- 2 completion of six months of the suspension period if the underlying
- 3 conviction did not include the use of drugs as defined in Section
- 4 312 and the person was found to be only under the influence of an
- 5 alcoholic beverage at the time of the violation.
- 6 ~~(A)~~
- 7 (B) The person ~~has~~ satisfactorily ~~provided~~ provides, subsequent
- 8 to the violation date of the current underlying conviction, ~~one~~
- 9 either of the following:
- 10 (i) ~~With regard to a conviction under subdivision (a) or (b) of~~
- 11 ~~Section 23152, proof~~ Proof of enrollment in an 18-month
- 12 driving-under-the-influence program licensed pursuant to Section
- 13 11836 of the Health and Safety Code.
- 14 (ii) ~~With regard to a conviction under subdivision (a) or (b) of~~
- 15 ~~Section 23152, proof~~ Proof of enrollment in a 30-month
- 16 driving-under-the-influence program licensed pursuant to Section
- 17 11836 of the Health and Safety Code, if available in the county of
- 18 the person’s residence or employment, and the person agrees, as
- 19 a condition of the restriction, to continue satisfactory participation
- 20 in the 30-month driving-under-the-influence program.
- 21 ~~(B)~~
- 22 (C) The person submits the “Verification of Installation” form
- 23 described in paragraph (2) of subdivision (g) of Section 13386.
- 24 ~~(C)~~
- 25 (D) The person agrees to maintain the ignition interlock device
- 26 as required under subdivision (g) of Section 23575.
- 27 ~~(D)~~
- 28 (E) The person provides proof of financial responsibility, as
- 29 defined in Section 16430.
- 30 ~~(E)~~
- 31 (F) An individual convicted of a violation of Section 23152
- 32 punishable under Section 23546 may also, at any time after
- 33 sentencing, petition the court for referral to an 18-month
- 34 driving-under-the-influence program licensed pursuant to Section
- 35 11836 of the Health and Safety Code, or, if available in the county
- 36 of the person’s residence or employment, a 30-month
- 37 driving-under-the-influence program licensed pursuant to Section
- 38 11836 of the Health and Safety Code. Unless good cause is shown,
- 39 the court shall order the referral.
- 40 ~~(F)~~

1 (G) The person pays all applicable reinstatement or reissue fees
2 and any restriction fee required by the department.

3 ~~(G)~~

4 (H) The person pays to the department a fee sufficient to cover
5 the costs of administration of this paragraph, as determined by the
6 department.

7 ~~(H)~~

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

10 (6) Except as provided in this paragraph, upon a conviction or
11 finding of a violation of Section ~~23152~~ punishable under Section
12 ~~23540~~, and if the person was found to be under the influence of
13 any drug or the combined influence of any drug and an alcoholic
14 beverage, the privilege shall be suspended for two years ~~23153~~
15 *punishable under Section 23550.5 or 23566, the privilege shall be*
16 *revoked for a period of five years.* The privilege may not be
17 reinstated until the person gives proof of financial responsibility
18 and gives proof satisfactory to the department of successful
19 completion of a driving-under-the-influence program licensed
20 pursuant to Section 11836 of the Health and Safety Code as
21 described in subdivision (b) of Section ~~23542~~ 23568, *or if available*
22 *in the county of the person's residence or employment, a 30-month*
23 *driving-under-the-influence program licensed pursuant to Section*
24 *11836 of the Health and Safety Code, or a program specified in*
25 *Section 8001 of the Penal Code.* For the purposes of this paragraph,
26 enrollment in, participation in, and completion of an approved
27 program shall be subsequent to the date of the current violation.
28 Credit shall not be given to any program activities completed prior
29 to the date of the current violation. The department shall advise
30 the person that after completion of 12 months of the ~~suspension~~
31 *revocation* period, which may include credit for a suspension period
32 served under subdivision (c) of Section 13353.3, the person may
33 apply to the department for a restricted driver's license, subject to
34 the following conditions:

35 (A) The person has satisfactorily provided, subsequent to the
36 violation date of the current underlying conviction, either of the
37 following:

38 ~~(i) Proof of enrollment in an 18-month~~
39 ~~driving-under-the-influence program licensed pursuant to Section~~
40 ~~11836 of the Health and Safety Code~~ *Completion of the initial 12*

1 months of a 30-month driving-under-the-influence program
2 licensed pursuant to Section 11836 of the Health and Safety Code,
3 if available in the county of the person’s residence or employment,
4 and the person agrees, as a condition of the restriction, to continue
5 satisfactory participation in the 30-month
6 driving-under-the-influence program.

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~~ Completion of the initial 12
11 months of an 18-month driving-under-the-influence program
12 licensed pursuant to Section 11836 of the Health and Safety Code,
13 if a 30-month program is unavailable in the person’s county of
14 residence or employment.

15 ~~(B) The person agrees, as a condition of the restriction, to~~
16 ~~continue satisfactory participation in the program described in~~
17 ~~subparagraph (A).~~

18 ~~(C)~~

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

21 ~~(D)~~

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

24 ~~(E)~~

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 licensed pursuant to Section
31 11836 of the Health and Safety Code, or, if available in the county
32 of the person’s residence or employment, a 30-month
33 driving-under-the-influence program licensed pursuant to Section
34 11836 of the Health and Safety Code. Unless good cause is shown,
35 the court shall order the referral.

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

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

1 (7) Except as provided in this paragraph, upon a conviction or
2 finding of a violation of Section 23152 punishable under Section
3 23546, and if the person was found to be under the influence of
4 any drug or the combined influence of any drug and an alcoholic
5 beverage 23550 or 23550.5, or of a violation of Section 23123
6 punishable under Section 23550.5, the privilege shall be revoked
7 for a period of ~~three~~ four years. The privilege ~~may~~ shall not be
8 reinstated until the person files proof of financial responsibility
9 and gives proof satisfactory to the department of successful
10 completion of an 18-month driving-under-the-influence program
11 licensed pursuant to Section 11836 of the Health and Safety Code;
12 ~~as described in subdivision (b) or (e) of Section 23548~~, or, if
13 available in the county of the person's residence or employment,
14 a 30-month driving-under-the-influence program licensed pursuant
15 to Section 11836 of the Health and Safety Code, or a program
16 specified in Section 8001 of the Penal Code. For the purposes of
17 this paragraph, enrollment in, participation in, and completion of
18 an approved program shall be subsequent to the date of the current
19 violation. Credit shall not be given to any program activities
20 completed prior to the date of the current violation. The department
21 shall advise the person that after completion of 12 months of the
22 revocation period, which may include credit for a suspension period
23 served under subdivision (c) of Section 13353.3, the person may
24 apply to the department for a restricted driver's license, subject to
25 the following conditions:

26 (A) The person has satisfactorily completed, subsequent to the
27 violation date of the current underlying conviction, either of the
28 following:

29 (i) The initial 12 months of an 18-month
30 driving-under-the-influence program licensed pursuant to Section
31 11836 of the Health and Safety Code.

32 (ii) The initial 12 months of a 30-month
33 driving-under-the-influence program licensed pursuant to Section
34 11836 of the Health and Safety Code, if available in the county of
35 the person's residence or employment, and the person agrees, as
36 a condition of the restriction, to continue satisfactory participation
37 in the 30-month driving-under-the-influence program.

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

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

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

5 (E) An individual convicted of a violation of Section 23152
6 punishable under Section ~~23546~~ 23550 may also, at any time after
7 sentencing, petition the court for referral to an 18-month
8 driving-under-the-influence program licensed pursuant to Section
9 11836 of the Health and Safety Code, or, if available in the county
10 of the person's residence or employment, a 30-month
11 driving-under-the-influence program licensed pursuant to Section
12 11836 of the Health and Safety Code. Unless good cause is shown,
13 the court shall order the referral.

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

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

18 ~~(8) Except as provided in this paragraph, upon a conviction or~~
19 ~~finding of a violation of Section 23153 punishable under Section~~
20 ~~23550.5 or 23566, the privilege shall be revoked for a period of~~
21 ~~five years. The privilege may not be reinstated until the person~~
22 ~~gives proof of financial responsibility and proof satisfactory to the~~
23 ~~department of successful completion of one of the following~~
24 ~~programs: an 18-month driving-under-the-influence program~~
25 ~~licensed pursuant to Section 11836 of the Health and Safety Code,~~
26 ~~as described in subdivision (b) of Section 23568 or, if available in~~
27 ~~the county of the person's residence or employment, a 30-month~~
28 ~~driving-under-the-influence program licensed pursuant to Section~~
29 ~~11836 of the Health and Safety Code, or a program specified in~~
30 ~~Section 8001 of the Penal Code. For the purposes of this paragraph,~~
31 ~~enrollment in, participation in, and completion of an approved~~
32 ~~program shall be subsequent to the date of the current violation.~~
33 ~~Credit shall not be given to any program activities completed prior~~
34 ~~to the date of the current violation. The department shall advise~~
35 ~~the person that after the completion of 12 months of the revocation~~
36 ~~period, which may include credit for a suspension period served~~
37 ~~under subdivision (c) of Section 13353.3, the person may apply~~
38 ~~to the department for a restricted driver's license, subject to the~~
39 ~~following conditions:~~

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

4 (i) ~~The initial 12 months of a 30-month~~
5 ~~driving-under-the-influence program licensed pursuant to Section~~
6 ~~11836 of the Health and Safety Code, if available in the county of~~
7 ~~the person's residence or employment, and the person agrees, as~~
8 ~~a condition of the restriction, to continue satisfactory participation~~
9 ~~in the 30-month driving-under-the-influence program.~~

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

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

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

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

20 (E) ~~An individual convicted of a violation of Section 23153~~
21 ~~punishable under Section 23566 may also, at any time after~~
22 ~~sentencing, petition the court for referral to an 18-month~~
23 ~~driving-under-the-influence program or, if available in the county~~
24 ~~of the person's residence or employment, a 30-month~~
25 ~~driving-under-the-influence program licensed pursuant to Section~~
26 ~~11836 of the Health and Safety Code. Unless good cause is shown,~~
27 ~~the court shall order the referral.~~

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

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

32 (9) ~~Except as provided in this paragraph, upon a conviction or~~
33 ~~finding of a violation of Section 23152 punishable under Section~~
34 ~~23550 or 23550.5, or Section 23153 punishable under Section~~
35 ~~23550.5 the privilege shall be revoked for a period of four years.~~
36 ~~The privilege may not be reinstated until the person gives proof~~
37 ~~of financial responsibility and proof satisfactory to the department~~
38 ~~of successful completion of one of the following programs: an~~
39 ~~18-month driving-under-the-influence program licensed pursuant~~
40 ~~to Section 11836 of the Health and Safety Code, or, if available~~

1 in the county of the person's residence or employment, a 30-month
2 driving-under-the-influence program licensed pursuant to Section
3 11836 of the Health and Safety Code, or a program specified in
4 Section 8001 of the Penal Code. For the purposes of this paragraph,
5 enrollment in, participation in, and completion of an approved
6 program shall be subsequent to the date of the current violation.
7 Credit shall not be given to any program activities completed prior
8 to the date of the current violation. The department shall advise
9 the person that after the completion of 12 months of the revocation
10 period, which may include credit for a suspension period served
11 under subdivision (e) of Section 13353.3, the person may apply
12 to the department for a restricted driver's license, subject to the
13 following conditions:

14 (A) The person has satisfactorily completed, subsequent to the
15 violation date of the current underlying conviction, either of the
16 following:

17 (i) 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.

20 (ii) The initial 12 months of a 30-month
21 driving-under-the-influence program licensed pursuant to Section
22 11836 of the Health and Safety Code, if available in the county of
23 the person's residence or employment, and the person agrees, as
24 a condition of the restriction, to continue satisfactory participation
25 in the 30-month driving-under-the-influence program.

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

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

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

32 (E) An individual convicted of a violation of Section 23152
33 punishable under Section 23550 may also, at any time after
34 sentencing, petition the court for referral to an 18-month
35 driving-under-the-influence program or, if available in the county
36 of the person's residence or employment, a 30-month
37 driving-under-the-influence program licensed pursuant to Section
38 11836 of the Health and Safety Code. Unless good cause is shown,
39 the court shall order the referral.

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

3 ~~(G) The restriction shall remain in effect for the period required~~
4 ~~in subdivision (f) of Section 23575.~~

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

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

17 *(8) Upon a conviction or finding of a violation of subdivision*
18 *(a) of Section 23109 that is punishable under subdivision (e) of*
19 *that section or Section 23109.1, the privilege shall be suspended*
20 *for a period of 90 days to six months, if ordered by the court. The*
21 *privilege shall not be reinstated until the person gives proof of*
22 *financial responsibility, as defined in Section 16430.*

23 *(9) Upon a conviction or finding of a violation of subdivision*
24 *(a) of Section 23109 that is punishable under subdivision (f) of*
25 *that section, the privilege shall be suspended for a period of six*
26 *months, if ordered by the court. The privilege shall not be*
27 *reinstated until the person gives proof of financial responsibility,*
28 *as defined in Section 16430.*

29 (b) For the purpose of paragraphs (2) to ~~(11)~~ (9), inclusive, of
30 subdivision (a), the finding of the juvenile court judge, the juvenile
31 hearing officer, or the referee of a juvenile court of a commission
32 of a violation of Section 23152 or 23153 or subdivision (a) of
33 Section 23109 or Section 23109.1, as specified in subdivision (a)
34 of this section, is a conviction.

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

38 (d) A conviction of an offense in a state, territory, or possession
39 of the United States, the District of Columbia, the Commonwealth
40 of Puerto Rico, or Canada that, if committed in this state, would

1 be a violation of Section 23152, is a conviction of Section 23152
2 for the purposes of this section, and a conviction of an offense
3 that, if committed in this state, would be a violation of Section
4 23153, is a conviction of Section 23153 for the purposes of this
5 section. The department shall suspend or revoke the privilege to
6 operate a motor vehicle pursuant to this section upon receiving
7 notice of that conviction.

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

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

20 (1) Satisfactory completion of all program requirements
21 approved pursuant to program licensure, as evidenced by a
22 certificate of completion issued, under penalty of perjury, by the
23 licensed program.

24 (2) Certification, under penalty of perjury, by the director of a
25 program specified in Section 8001 of the Penal Code, that the
26 person has completed a program specified in Section 8001 of the
27 Penal Code.

28 (g) The holder of a commercial driver's license who was
29 operating a commercial motor vehicle, as defined in Section 15210,
30 at the time of a violation that resulted in a suspension or revocation
31 of the person's noncommercial driving privilege under this section
32 is not eligible for the restricted driver's license authorized under
33 paragraphs (3) to ~~(9)~~ (7), inclusive, of subdivision (a).

34 *SEC. 2. Section 23109 of the Vehicle Code is amended to read:*

35 23109. (a) A person shall not engage in a motor vehicle speed
36 contest on a highway. As used in this section, a motor vehicle
37 speed contest includes a motor vehicle race against another vehicle,
38 a clock, or other timing device. For purposes of this section, an
39 event in which the time to cover a prescribed route of more than

1 20 miles is measured, but where the vehicle does not exceed the
2 speed limits, is not a speed contest.

3 (b) A person shall not aid or abet in any motor vehicle speed
4 contest on any highway.

5 (c) A person shall not engage in a motor vehicle exhibition of
6 speed on a highway, and a person shall not aid or abet in a motor
7 vehicle exhibition of speed on any highway.

8 (d) A person shall not, for the purpose of facilitating or aiding
9 or as an incident to any motor vehicle speed contest or exhibition
10 upon a highway, in any manner obstruct or place a barricade or
11 obstruction or assist or participate in placing a barricade or
12 obstruction upon any highway.

13 (e) (1) A person convicted of a violation of subdivision (a) shall
14 be punished by imprisonment in a county jail for not less than 24
15 hours nor more than 90 days or by a fine of not less than three
16 hundred fifty-five dollars (\$355) nor more than one thousand
17 dollars (\$1,000), or by both that fine and imprisonment. That
18 person shall also be required to perform 40 hours of community
19 service. The court may order the privilege to operate a motor
20 vehicle suspended for 90 days to six months, as provided in
21 paragraph ~~(4)~~ (8) of subdivision (a) of Section 13352. The
22 person's privilege to operate a motor vehicle may be restricted for
23 90 days to six months to necessary travel to and from that person's
24 place of employment and, if driving a motor vehicle is necessary
25 to perform the duties of the person's employment, restricted to
26 driving in that person's scope of employment. This subdivision
27 does not interfere with the court's power to grant probation in a
28 suitable case.

29 (2) If a person is convicted of a violation of subdivision (a) and
30 that violation proximately causes bodily injury to a person other
31 than the driver, the person convicted shall be punished by
32 imprisonment in a county jail for not less than 30 days nor more
33 than six months or by a fine of not less than five hundred dollars
34 (\$500) nor more than one thousand dollars (\$1,000), or by both
35 that fine and imprisonment.

36 (f) (1) If a person is convicted of a violation of subdivision (a)
37 for an offense that occurred within five years of the date of a prior
38 offense that resulted in a conviction of a violation of subdivision
39 (a), that person shall be punished by imprisonment in a county jail
40 for not less than four days nor more than six months, and by a fine

1 of not less than five hundred dollars (\$500) nor more than one
2 thousand dollars (\$1,000).

3 (2) If the perpetration of the most recent offense within the
4 five-year period described in paragraph (1) proximately causes
5 bodily injury to a person other than the driver, a person convicted
6 of that second violation shall be imprisoned in a county jail for
7 not less than 30 days nor more than six months and by a fine of
8 not less than five hundred dollars (\$500) nor more than one
9 thousand dollars (\$1,000).

10 (3) If the perpetration of the most recent offense within the
11 five-year period described in paragraph (1) proximately causes
12 serious bodily injury, as defined in paragraph (4) of subdivision
13 (f) of Section 243 of the Penal Code, to a person other than the
14 driver, a person convicted of that second violation shall be
15 imprisoned in the state prison, or in a county jail for not less than
16 30 days nor more than one year, and by a fine of not less than five
17 hundred dollars (\$500) nor more than one thousand dollars
18 (\$1,000).

19 (4) The court shall order the privilege to operate a motor vehicle
20 of a person convicted under paragraph (1), (2), or (3) suspended
21 for a period of six months, as provided in paragraph~~(H)~~ (9) of
22 subdivision (a) of Section 13352. In lieu of the suspension, the
23 person's privilege to operate a motor vehicle may be restricted for
24 six months to necessary travel to and from that person's place of
25 employment and, if driving a motor vehicle is necessary to perform
26 the duties of the person's employment, restricted to driving in that
27 person's scope of employment.

28 (5) This subdivision does not interfere with the court's power
29 to grant probation in a suitable case.

30 (g) If the court grants probation to a person subject to
31 punishment under subdivision (f), in addition to subdivision (f)
32 and any other terms and conditions imposed by the court, which
33 may include a fine, the court shall impose as a condition of
34 probation that the person be confined in a county jail for not less
35 than 48 hours nor more than six months. The court shall order the
36 person's privilege to operate a motor vehicle to be suspended for
37 a period of six months, as provided in paragraph~~(H)~~ (9) of
38 subdivision (a) of Section 13352 or restricted pursuant to
39 subdivision (f).

1 (h) If a person is convicted of a violation of subdivision (a) and
2 the vehicle used in the violation is registered to that person, the
3 vehicle may be impounded at the registered owner's expense for
4 not less than one day nor more than 30 days.

5 (i) A person who violates subdivision (b), (c), or (d) shall upon
6 conviction of that violation be punished by imprisonment in a
7 county jail for not more than 90 days, by a fine of not more than
8 five hundred dollars (\$500), or by both that fine and imprisonment.

9 (j) If a person's privilege to operate a motor vehicle is restricted
10 by a court pursuant to this section, the court shall clearly mark the
11 restriction and the dates of the restriction on that person's driver's
12 license and promptly notify the Department of Motor Vehicles of
13 the terms of the restriction in a manner prescribed by the
14 department. The Department of Motor Vehicles shall place that
15 restriction in the person's records in the Department of Motor
16 Vehicles and enter the restriction on a license subsequently issued
17 by the Department of Motor Vehicles to that person during the
18 period of the restriction.

19 (k) The court may order that a person convicted under this
20 section, who is to be punished by imprisonment in a county jail,
21 be imprisoned on days other than days of regular employment of
22 the person, as determined by the court.

23 (l) This section shall be known and may be cited as the Louis
24 Friend Memorial Act.

25 *SEC. 3. Section 23550 of the Vehicle Code is amended to read:*

26 23550. (a) If a person is convicted of a violation of Section
27 23152 and the offense occurred within 10 years of three or more
28 separate violations of Section 23103, as specified in Section
29 23103.5, or Section 23152 or 23153, or any combination thereof,
30 that resulted in convictions, that person shall be punished by
31 imprisonment in the state prison, or in a county jail for not less
32 than 180 days nor more than one year, and by a fine of not less
33 than three hundred ninety dollars (\$390) nor more than one
34 thousand dollars (\$1,000). The person's privilege to operate a
35 motor vehicle shall be revoked by the Department of Motor
36 Vehicles pursuant to paragraph ~~(9)~~ (7) of subdivision (a) of Section
37 13352. The court shall require the person to surrender the driver's
38 license to the court in accordance with Section 13550.

39 (b) A person convicted of a violation of Section 23152
40 punishable under this section shall be designated as a habitual

1 traffic offender for a period of three years, subsequent to the
2 conviction. The person shall be advised of this designation pursuant
3 to subdivision (b) of Section 13350.

4 *SEC. 4. Section 23550.5 of the Vehicle Code, as amended by*
5 *Section 5 of Chapter 193 of the Statutes of 2009, is amended to*
6 *read:*

7 23550.5. (a) A person is guilty of a public offense, punishable
8 by imprisonment in the state prison or confinement in a county
9 jail for not more than one year and by a fine of not less than three
10 hundred ninety dollars (\$390) nor more than one thousand dollars
11 (\$1,000) if that person is convicted of a violation of Section 23152
12 or 23153, and the offense occurred within 10 years of any of the
13 following:

14 (1) A prior violation of Section 23152 that was punished as a
15 felony under Section 23550 or this section, or both, or under former
16 Section 23175 or former Section 23175.5, or both.

17 (2) A prior violation of Section 23153 that was punished as a
18 felony.

19 (3) A prior violation of paragraph (1) of subdivision (c) of
20 Section 192 of the Penal Code that was punished as a felony.

21 (b) Each person who, having previously been convicted of a
22 violation of subdivision (a) of Section 191.5 of the Penal Code, a
23 felony violation of subdivision (b) of Section 191.5, or a violation
24 of subdivision (a) of Section 192.5 of the Penal Code, is
25 subsequently convicted of a violation of Section 23152 or 23153
26 is guilty of a public offense punishable by imprisonment in the
27 state prison or confinement in a county jail for not more than one
28 year and by a fine of not less than three hundred ninety dollars
29 (\$390) nor more than one thousand dollars (\$1,000).

30 (c) The privilege to operate a motor vehicle of a person
31 convicted of a violation that is punishable under subdivision (a)
32 or (b) shall be revoked by the department under paragraph ~~(9)~~ (7)
33 of subdivision (a) of Section 13352, unless paragraph ~~(8)~~ (6) of
34 subdivision (a) of Section 13352 is also applicable, in which case
35 the privilege shall be revoked under that provision. The court shall
36 require the person to surrender the driver's license to the court in
37 accordance with Section 13550.

38 (d) A person convicted of a violation of Section 23152 or 23153
39 that is punishable under this section shall be designated as a
40 habitual traffic offender for a period of three years, subsequent to

1 the conviction. The person shall be advised of this designation
2 under subdivision (b) of Section 13350.

3 *SEC. 5. Section 23552 of the Vehicle Code is amended to read:*

4 23552. (a) (1) If the court grants probation to a person
5 punished under Section 23550, in addition to the provisions of
6 Section 23600 and any other terms and conditions imposed by the
7 court, the court shall impose as conditions of probation that the
8 person be confined in a county jail for at least 180 days but not
9 more than one year and pay a fine of at least three hundred ninety
10 dollars (\$390) but not more than one thousand dollars (\$1,000).

11 (2) The person's privilege to operate a motor vehicle shall be
12 revoked by the department under paragraph ~~(9)~~ (7) of subdivision
13 (a) of Section 13352. The court shall require the person to surrender
14 the driver's license to the court in accordance with Section 13550.

15 (b) In addition to subdivision (a), if the court grants probation
16 to any person punished under Section 23550, the court may order
17 as a condition of probation that the person participate, for at least
18 30 months subsequent to the underlying conviction and in a manner
19 satisfactory to the court, in a driving-under-the-influence program
20 licensed pursuant to Section 11836 of the Health and Safety Code.
21 In lieu of the minimum term of imprisonment in subdivision (a),
22 the court shall impose as a condition of probation under this
23 subdivision that the person be confined in the county jail for at
24 least 30 days but not more than one year. The court shall not order
25 the treatment prescribed by this subdivision unless the person
26 makes a specific request and shows good cause for the order,
27 whether or not the person has previously completed a treatment
28 program pursuant to subdivision (b) of Section 23542 or paragraph
29 (4) of subdivision (b) of Section 23562. In order to enable all
30 required persons to participate, each person shall pay the program
31 costs commensurate with the person's ability to pay as determined
32 pursuant to Section 11837.4 of the Health and Safety Code. No
33 condition of probation required pursuant to this subdivision is a
34 basis for reducing any other probation requirement in this section
35 or Section 23600 or for avoiding the mandatory license revocation
36 provisions of paragraph ~~(9)~~ (7) of subdivision (a) of Section 13352.

37 (c) In addition to Section 23600 and subdivision (a), if the court
38 grants probation to any person punished under Section 23550 who
39 has not previously completed a treatment program pursuant to
40 subdivision (b) of Section 23542 or paragraph (4) of subdivision

1 (b) of Section 23562, and unless the person is ordered to participate
2 in, and complete, a program under subdivision (b), the court shall
3 impose as a condition of probation that the person, subsequent to
4 the date of the current violation, enroll in and participate, for at
5 least 18 months and in a manner satisfactory to the court, in a
6 driving-under-the-influence program licensed pursuant to Section
7 11836 of the Health and Safety Code, as designated by the court.
8 The person shall complete the entire program subsequent to, and
9 shall not be given any credit for program activities completed prior
10 to, the date of the current violation. A person who has previously
11 completed a 12-month or 18-month driving-under-the-influence
12 program licensed pursuant to Section 11836 of the Health and
13 Safety Code shall not be eligible for referral pursuant to this
14 subdivision unless a 30-month driving-under-the-influence program
15 licensed pursuant to Section 11836 of the Health and Safety Code
16 is not available for referral in the county of the person's residence
17 or employment. A condition of probation required pursuant to this
18 subdivision is not a basis for reducing any other probation
19 requirement in this section or Section 23600 or for avoiding the
20 mandatory license revocation provisions of paragraph ~~(9)~~ (7) of
21 subdivision (a) of Section 13352.

22 (d) The court shall advise the person at the time of sentencing
23 that the driving privilege may not be restored until the person
24 provides proof satisfactory to the department of successful
25 completion of a driving-under-the-influence program of the length
26 required under this code that is licensed pursuant to Section 11836
27 of the Health and Safety Code.

28 *SEC. 6. Section 23566 of the Vehicle Code is amended to read:*

29 23566. (a) If a person is convicted of a violation of Section
30 23153 and the offense occurred within 10 years of two or more
31 separate violations of Section 23103, as specified in Section
32 23103.5, or Section 23152 or 23153, or any combination of these
33 violations, that resulted in convictions, that person shall be
34 punished by imprisonment in the state prison for a term of two,
35 three, or four years and by a fine of not less than one thousand
36 fifteen dollars (\$1,015) nor more than five thousand dollars
37 (\$5,000). The person's privilege to operate a motor vehicle shall
38 be revoked by the Department of Motor Vehicles pursuant to
39 paragraph ~~(8)~~ (6) of subdivision (a) of Section 13352. The court

1 shall require the person to surrender the driver's license to the
2 court in accordance with Section 13550.

3 (b) If a person is convicted of a violation of Section 23153, and
4 the act or neglect proximately causes great bodily injury, as defined
5 in Section 12022.7 of the Penal Code, to any person other than the
6 driver, and the offense occurred within 10 years of two or more
7 separate violations of Section 23103, as specified in Section
8 23103.5, or Section 23152 or 23153, or any combination of these
9 violations, that resulted in convictions, that person shall be
10 punished by imprisonment in the state prison for a term of two,
11 three, or four years and by a fine of not less than one thousand
12 fifteen dollars (\$1,015) nor more than five thousand dollars
13 (\$5,000). The person's privilege to operate a motor vehicle shall
14 be revoked by the Department of Motor Vehicles pursuant to
15 paragraph ~~(8)~~ (6) of subdivision (a) of Section 13352. The court
16 shall require the person to surrender the driver's license to the
17 court in accordance with Section 13550.

18 (c) If a person is convicted under subdivision (b), and the offense
19 for which the person is convicted occurred within 10 years of four
20 or more separate violations of Section 23103, as specified in
21 Section 23103.5, or Section 23152 or 23153, or any combination
22 of these violations, that resulted in convictions, that person shall,
23 in addition and consecutive to the sentences imposed under
24 subdivision (b), be punished by an additional term of imprisonment
25 in the state prison for three years.

26 The enhancement allegation provided in this subdivision shall
27 be pleaded and proved as provided by law.

28 (d) A person convicted of Section 23153 punishable under this
29 section shall be designated as a habitual traffic offender for a period
30 of three years, subsequent to the conviction. The person shall be
31 advised of this designation pursuant to subdivision (b) of Section
32 13350.

33 (e) A person confined in state prison under this section shall be
34 ordered by the court to participate in an alcohol or drug program,
35 or both, that is available at the prison during the person's
36 confinement. Completion of an alcohol or drug program under this
37 section does not meet the program completion requirement of
38 paragraph ~~(8)~~ (6) of subdivision (a) of Section 13352, unless the
39 drug or alcohol program is licensed under Section 11836 of the

1 Health and Safety Code, or is a program specified in Section 8001
2 of the Penal Code.

3 *SEC. 7. Section 23568 of the Vehicle Code is amended to read:*

4 23568. (a) If the court grants probation to a person punished
5 under Section 23566, in addition to the provisions of Section 23600
6 and any other terms and conditions imposed by the court, the court
7 shall impose as conditions of probation that the person be confined
8 in the county jail for at least one year, that the person pay a fine
9 of at least three hundred ninety dollars (\$390) but not more than
10 five thousand dollars (\$5,000), and that the person make restitution
11 or reparation pursuant to Section 1203.1 of the Penal Code. The
12 person's privilege to operate a motor vehicle shall be revoked by
13 the department under paragraph ~~(8)~~ (6) of subdivision (a) of Section
14 13352. The court shall require the person to surrender the driver's
15 license to the court in accordance with Section 13550.

16 (b) In addition to Section 23600 and subdivision (a), if the court
17 grants probation to a person punished under Section 23566, the
18 court shall impose as a condition of probation that the person enroll
19 in and complete, subsequent to the date of the underlying violation
20 and in a manner satisfactory to the court, an 18-month
21 driving-under-the-influence program licensed pursuant to Section
22 11836 of the Health and Safety Code or, if available in the county
23 of the person's residence or employment, a 30-month
24 driving-under-the-influence program licensed pursuant to Section
25 11836 of the Health and Safety Code, as designated by the court.
26 The person shall complete the entire program subsequent to, and
27 shall not be given any credit for program activities completed prior
28 to, the date of the current violation. In lieu of the minimum term
29 of imprisonment in subdivision (a), the court shall impose as a
30 minimum condition of probation under this subdivision that the
31 person be confined in the county jail for at least 30 days but not
32 more than one year. Except as provided in this subdivision, if the
33 court grants probation under this section, the court shall order the
34 treatment prescribed by this subdivision, whether or not the person
35 has previously completed a treatment program pursuant to
36 subdivision (b) of Section 23542 or paragraph (4) of subdivision
37 (b) of Section 23562. In order to enable all required persons to
38 participate, each person shall pay the program costs commensurate
39 with the person's ability to pay as determined pursuant to Section
40 11837.4 of the Health and Safety Code. No condition of probation

1 required pursuant to this subdivision is a basis for reducing any
2 other probation requirement in this section or Section 23600 or
3 for avoiding the mandatory license revocation provisions of
4 paragraph ~~(8)~~ (6) of subdivision (a) of Section 13352.

5 (c) The court shall advise the person at the time of sentencing
6 that the driving privilege may not be restored until the person
7 provides proof satisfactory to the department of successful
8 completion of a driving-under-the-influence program of the length
9 required under this code that is licensed pursuant to Section 11836
10 of the Health and Safety Code.

11 **SECTION 1.**

12 *SEC. 8.* Section 23597 is added to the Vehicle Code, to read:

13 23597. (a) Notwithstanding Sections 13202.5, 13203, and
14 13352, a court may order a 10-year revocation of the driver's
15 license of a person who has been convicted of three or more
16 separate violations of Section 23152 or 23153, the last of which
17 is punishable under Section 23546, 23550, 23550.5, or 23566.
18 When making this order, the court shall consider all of the
19 following:

- 20 (1) The person's level of remorse for the acts.
- 21 (2) The period of time that has elapsed since the person's
22 previous convictions.
- 23 (3) The person's blood-alcohol level at the time of the violation.
- 24 (4) The person's participation in an alcohol treatment program.
- 25 (5) The person's risk to traffic or public safety.
- 26 (6) The person's ability to install a certified ignition interlock
27 device in each motor vehicle that he or she owns or operates.

28 (b) Upon receipt of a duly certified abstract of the record of the
29 court showing the court has ordered a 10-year revocation of a
30 driver's license pursuant to this section, the department shall revoke
31 the person's driver's license for 10 years, except as provided in
32 subdivision (c).

33 (c) (1) Five years from the date of the last conviction of a
34 violation of Section 23152 or 23153, a person whose license was
35 revoked pursuant to subdivision (a) may apply to the department
36 to have his or her privilege to operate a motor vehicle reinstated,
37 subject to the condition that the person submits the "Verification
38 of Installation" form described in paragraph (2) of subdivision (h)
39 of Section 13386 and agrees to maintain the ignition interlock
40 device as required under subdivision (g) of Section 23575.

1 Notwithstanding Chapter 5 (commencing with Section 23700) or
2 subdivision (f) of Section 23575, the ignition interlock device shall
3 remain on the person’s motor vehicle for two years following the
4 reinstatement of the person’s driving privilege pursuant to this
5 section.

6 (2) The department shall reinstate the person’s license pursuant
7 to paragraph (1), if the person satisfies all of the following
8 conditions:

9 (A) The person was not convicted of any drug- or alcohol-related
10 offenses, under state law, during the driver’s license revocation
11 period.

12 (B) The person successfully completed a
13 driving-under-the-influence program, licensed pursuant to Section
14 11836 of the Health and Safety Code, following the date of the
15 last conviction of a violation of Section 23152 or 23153.

16 (C) The person was not convicted of violating Section 14601,
17 14601.1, 14601.2, 14601.4, or 14601.5 during the driver’s license
18 revocation period.

19 (3) *The department shall immediately terminate the restriction
20 issued pursuant to this section and shall immediately revoke the
21 privilege to operate a motor vehicle of a person who attempts to
22 remove, bypass, or tamper with the device, who has the device
23 removed prior to the termination date of the restriction, or who
24 fails three or more times to comply with any requirement for the
25 maintenance or calibration of the ignition interlock device. The
26 privilege shall remain revoked for the remaining period of the
27 original revocation and until all reinstatement requirements are
28 met.*

29 (d) *This section shall become operative on January 1, 2012.*

30 ~~SEC. 2.— Section 23665 of the Vehicle Code is amended to read:~~

31 ~~23665. (a) If a person is convicted of a violation of Section
32 20001 and is sentenced to one year in a county jail or more than
33 one year in the state prison under Section 23540, 23542, 23546,
34 23548, 23550, 23550.5, 23552, 23554, 23556, 23558, 23560,
35 23562, 23566, or 23568, the court may postpone the revocation
36 or suspension of the person’s driving privilege until the term of
37 imprisonment is served.~~

38 ~~(b) If a person is convicted of a violation of Section 23152 or
39 23153 and is sentenced to serve time in a county jail or state prison
40 under Section 23540, 23542, 23546, 23548, 23550, 23550.5, 23552,~~

1 ~~23554, 23556, 23558, 23560, 23562, 23566, or 23568, the court~~
2 ~~shall postpone the revocation or suspension of the person's driving~~
3 ~~privilege until the term of imprisonment is served and shall notify~~
4 ~~the department of the postponement.~~

O