

AMENDED IN ASSEMBLY JULY 8, 2009

AMENDED IN SENATE APRIL 28, 2009

SENATE BILL

No. 154

Introduced by Senator Benoit

February 12, 2009

An act to amend Section 668 of the Harbors and Navigation Code, to amend Section 11836 of the Health and Safety Code, and to amend Section 13352 of the Vehicle Code, relating to vessels.

LEGISLATIVE COUNSEL'S DIGEST

SB 154, as amended, Benoit. Vessels: operation of vessel.

Existing law governs the operation and equipment of vessels subject to the jurisdiction of this state. Existing law prohibits a person from operating a vessel or manipulating water skis or an aquaplane or similar device or serving as a crew member of a charter boat under the influence of an alcoholic beverage or drug. Existing law provides that if probation is granted for this violation, the court, as a condition of probation, may require the person to participate in, and successfully complete, an alcohol or drug education, training, or treatment program.

This bill ~~would, instead, require~~ *instead would require the person*, as a condition of probation, ~~the person~~ to participate in, and successfully complete, a licensed driving-under-the-influence program in conformance with existing provisions applicable to driving-under-the-influence motor vehicle offenses.

Existing law provides that a separate offense that resulted in a conviction of a violation of vehicular manslaughter while operating a vessel under the influence of an alcoholic beverage or drug is a separate violation for purposes of driving a vehicle while under the influence of an alcoholic beverage or drug.

This bill would further provide that this separate offense would result in a suspension or revocation of the person’s driving privilege if the person has a prior boating-under-the-influence or driving-under-the-influence offense within a 7-year period. *The bill would also authorize a court to strike a separate specified conviction of an offense in unusual cases where the interests of justice demand an exception.*

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 668 of the Harbors and Navigation Code
 2 is amended to read:
 3 668. (a) A person who violates subdivision (c) of Section 652,
 4 Section 654, 654.05, 654.06, 655.7, 658.3, 659, 673, 674, or 754,
 5 or any regulations adopted pursuant thereto, or any regulation
 6 adopted pursuant to Section 655.3 relating to vessel equipment
 7 requirements, is guilty of an infraction, punishable by a fine of not
 8 more than two hundred fifty dollars (\$250).
 9 (b) (1) A person who violates Section 655.2, or any regulation
 10 adopted pursuant thereto, or, except as provided in subdivision
 11 (a), any regulation adopted pursuant to Section 655.3, is guilty of
 12 a misdemeanor and shall be punished by a fine of not more than
 13 one hundred dollars (\$100) or imprisonment in the county jail for
 14 not more than five days, or by both that fine and imprisonment,
 15 for each violation.
 16 (2) A person who violates subdivision (a) or (b) of Section 658
 17 is guilty of a misdemeanor and shall be punished by a fine of not
 18 more than two hundred dollars (\$200) for each violation.
 19 (3) A person who violates subdivision (d) of Section 652,
 20 Section 652.5, subdivision (a) of Section 655, Section 655.05, 656,
 21 or 656.1, subdivision (d) or (e) of Section 658, Section 663.6 or
 22 665, or any rules and regulations adopted pursuant to subdivision
 23 (b) or (c) of Section 660, is guilty of a misdemeanor and shall be

1 punished by a fine of not more than one thousand dollars (\$1,000)
2 or imprisonment in the county jail for not more than six months,
3 or by both that fine and imprisonment, for each violation.

4 (c) (1) A person convicted of a violation of Section 656.2 or
5 656.3 shall be punished by a fine of not less than one thousand
6 dollars (\$1,000) or more than ten thousand dollars (\$10,000), or
7 by imprisonment in the state prison or in the county jail for not
8 more than one year, or by both that fine and imprisonment.

9 (2) In imposing the minimum fine required by this subdivision,
10 the court shall take into consideration the defendant's ability to
11 pay the fine and, in the interest of justice for reasons stated in the
12 record, may reduce the amount of that minimum fine to less than
13 the amount otherwise required by this subdivision.

14 (d) A person convicted of a violation of Section 658.5 shall be
15 punished by a fine of not more than one hundred dollars (\$100).

16 (e) (1) A person convicted of a first violation of subdivision
17 (b), (c), (d), or (e) of Section 655, or of a violation of Section 655.4,
18 shall be punished by a fine of not more than one thousand dollars
19 (\$1,000) or imprisonment in the county jail for not more than six
20 months, or by both that fine and imprisonment. If probation is
21 granted, the court shall impose, as a condition of probation, a
22 requirement that the person participate in, and successfully
23 complete, a driving-under-the-influence program licensed pursuant
24 to Section 11836 of the Health and Safety Code, *as* described in
25 subdivision (b) of Section 23538 of the Vehicle Code, in addition
26 to imposing any penalties required by this code.

27 (2) *In order to ensure that a person punished pursuant to*
28 *paragraph (1) may participate in a licensed*
29 *driving-under-the-influence program, a person referred to a*
30 *program licensed pursuant to Section 11836 of the Health and*
31 *Safety Code shall only be required to pay that program's costs*
32 *commensurate with his or her ability to pay as determined by*
33 *Section 11837.4 of the Health and Safety Code.*

34 (f) A person convicted of a second or subsequent violation of
35 subdivision (b), (c), (d), (e), or (f) of Section 655 within seven
36 years of the first conviction of any of those subdivisions, or any
37 person convicted of a violation of subdivision (b), (c), (d), or (e)
38 of Section 655 within seven years of a separate conviction of
39 Section 191.5 or subdivision (a) or (b) of Section 192.5 of the
40 Penal Code, or a separate conviction of Section 23152 or 23153

1 of the Vehicle Code, when the separate conviction resulted from
2 the operation of a motor vehicle or a motorized vessel, shall be
3 punished by a fine of not more than one thousand dollars (\$1,000)
4 or imprisonment in the county jail for not more than one year, or
5 by both that fine and imprisonment. If probation is granted, the
6 court shall impose, as a condition of probation, a requirement that
7 the person participate, and successfully complete, either of the
8 following in conformance with Section 23542, 23548, or 23552
9 of the Vehicle Code, if available in the county of the person's
10 residence or employment:

11 (1) For at least 18 months subsequent to the underlying
12 conviction and in a manner satisfactory to the court, a
13 driving-under-the-influence program licensed pursuant to Chapter
14 9 (commencing with Section 11836) of Part 2 of Division 10.5 of
15 the Health and Safety Code, as designated by the court. In order
16 to enable all required persons to participate, each person shall pay
17 the program costs commensurate with the person's ability to pay
18 as determined pursuant to Section 11837.4 of the Health and Safety
19 Code.

20 (2) For at least 30 months subsequent to the underlying
21 conviction and in a manner satisfactory to the court, a
22 driving-under-the-influence program licensed pursuant to Chapter
23 9 (commencing with Section 11836) of Part 2 of Division 10.5 of
24 the Health and Safety Code. A person ordered to treatment pursuant
25 to this paragraph shall apply to the court or to a board of review,
26 as designated by the court, at the conclusion of the program to
27 obtain the court's order of satisfaction. Only upon the granting of
28 that order of satisfaction by the court may the program issue its
29 certificate of successful completion. A failure to obtain an order
30 of satisfaction at the conclusion of the program is a violation of
31 probation. In order to enable all required persons to participate,
32 each person shall pay the program costs commensurate with the
33 person's ability to pay as determined pursuant to Section 11837.4
34 of the Health and Safety Code. A condition of probation required
35 pursuant to this subdivision is not a basis for reducing any other
36 probation requirement.

37 (g) A person convicted of a first violation of subdivision (f) of
38 Section 655 shall be punished by imprisonment in the state prison,
39 or in the county jail for not less than 90 days or more than one
40 year, and by a fine of not less than two hundred fifty dollars (\$250)

1 or more than five thousand dollars (\$5,000). If probation is granted,
2 the court shall impose, as a condition of probation, a requirement
3 that the person participate in, and successfully complete, a licensed
4 driving-under-the-influence program in conformance with Section
5 23566 of the Vehicle Code.

6 (h) (1) If a person is convicted of a violation of subdivision (f)
7 of Section 655 within seven years of a separate conviction of a
8 violation of subdivision (b), (c), (d), or (e) of Section 655 and is
9 granted probation, the court shall impose as a condition of
10 probation that the person be confined in the county jail for not less
11 than five days or more than one year and pay a fine of not less than
12 two hundred fifty dollars (\$250) or more than five thousand dollars
13 (\$5,000). In addition, the court shall impose, as a condition of
14 probation, a requirement that the person participate in, and
15 successfully complete, a driving-under-the-influence program in
16 conformance with Section 23568 of the Vehicle Code.

17 (2) If a person is convicted of a violation of subdivision (f) of
18 Section 655 within seven years of a separate conviction of a
19 violation of subdivision (f) of Section 655, Section 191.5 or
20 subdivision (a) or (b) of Section 192.5 of the Penal Code, or Section
21 23152 or 23153 of the Vehicle Code, when the separate conviction
22 resulted from the operation of a motor vehicle or motorized vessel,
23 and is granted probation, the court shall impose as a condition of
24 probation that the person be confined in the county jail for not less
25 than 90 days or more than one year, and pay a fine of not less than
26 two hundred fifty dollars (\$250) or more than five thousand dollars
27 (\$5,000). In addition, the court shall impose, as a condition of
28 probation, a requirement that the person participate in, and
29 successfully complete, a licensed driving-under-the-influence
30 program in conformance with Section 23568 of the Vehicle Code.

31 (i) The court shall not absolve a person who is convicted of a
32 violation of subdivision (f) of Section 655 within seven years of
33 a separate conviction of a violation of subdivision (b), (c), (d), (e),
34 or (f) of Section 655, Section 191.5 or subdivision (a) or (b) of
35 Section 192.5 of the Penal Code, or Section 23152 or 23153 of the
36 Vehicle Code, when the separate conviction resulted from the
37 operation of a motor vehicle or motorized vessel, from the
38 minimum time in confinement provided in this section and a fine
39 of at least two hundred fifty dollars (\$250), except as provided in
40 subdivision (h).

1 (j) ~~The~~ *Except in unusual cases where the interests of justice*
2 *demand an exception, the court shall not strike a separate*
3 *conviction of an offense under subdivision (b), (c), (d), (e), or (f)*
4 *of Section 655, Section 191.5 or subdivision (a) or (b) of Section*
5 *192.5 of the Penal Code, or Section 23152 or 23153 of the Vehicle*
6 *Code, when the separate conviction resulted from the operation*
7 *of a motor vehicle or motorized vessel, for purposes of sentencing*
8 *in order to avoid imposing, as part of the sentence or as a term of*
9 *probation, the minimum time in confinement and the minimum*
10 *fine, as provided in this section. When a separate conviction is*
11 *stricken by the court for purposes of sentencing, the court shall*
12 *specify the reason or reasons for the striking order. On appeal by*
13 *the people from an order striking a separate conviction, it shall be*
14 *conclusively presumed that the order was made only for the reasons*
15 *specified in the order, and the order shall be reversed if there is no*
16 *substantial basis in the record for any of those reasons.*

17 (k) A person who flees the scene of the crime after committing
18 a violation of Section 191.5 or paragraph (1) of subdivision (c) of
19 Section 192 of the Penal Code shall be subject to subdivision (c)
20 of Section 20001 of the Vehicle Code.

21 (l) A person who violates Section 654.3 is guilty of an infraction
22 punishable by a fine of not more than five hundred dollars (\$500)
23 for each separate violation.

24 SEC. 2. Section 11836 of the Health and Safety Code is
25 amended to read:

26 11836. (a) The department shall have the sole authority to
27 issue, deny, suspend, or revoke the license of a
28 driving-under-the-influence program. As used in this chapter,
29 “program” means any firm, partnership, association, corporation,
30 local governmental entity, agency, or place that has been initially
31 recommended by the county board of supervisors, subject to any
32 limitation imposed pursuant to subdivisions (c) and (d), and that
33 is subsequently licensed by the department to provide alcohol or
34 drug recovery services in that county to any of the following:

35 (1) A person whose license to drive has been administratively
36 suspended or revoked for, or who is convicted of, a violation of
37 Section 23152 or 23153 of the Vehicle Code, and admitted to a
38 program pursuant to Section 13352, 13352.1, 23538, 23542, 23548,
39 23552, 23556, 23562, or 23568 of the Vehicle Code.

1 (2) A person who is convicted of a violation of subdivision (b),
2 (c), (d), (e), or (f) of Section 655 of the Harbors and Navigation
3 Code, or of Section 655.4 of that code, and admitted to the program
4 pursuant to Section 668 of that code.

5 (3) A person who has pled guilty or nolo contendere to a charge
6 of a violation of Section 23103 of the Vehicle Code, under the
7 conditions set forth in subdivision (c) of Section 23103.5 of the
8 Vehicle Code, and who has been admitted to the program under
9 subdivision (e) or (f) of Section 23103.5 of the Vehicle Code.

10 (4) A person whose license has been suspended, revoked, or
11 delayed due to a violation of Section 23140, and who has been
12 admitted to a program under Article 2 (commencing with Section
13 23502) of Chapter 1 of Division 11.5 of the Vehicle Code.

14 (b) If a firm, partnership, corporation, association, local
15 government entity, agency, or place has, or is applying for, more
16 than one license, the department shall treat each licensed program,
17 or each program seeking licensure, as belonging to a separate firm,
18 partnership, corporation, association, local government entity,
19 agency, or place for the purposes of this chapter.

20 (c) For purposes of providing recommendations to the
21 department pursuant to subdivision (a), a county board of
22 supervisors may limit its recommendations to those programs that
23 provide services for persons convicted of a first
24 driving-under-the-influence offense, or services to those persons
25 convicted of a second or subsequent driving-under-the-influence
26 offense, or both services. If a county board of supervisors fails to
27 provide recommendations, the department shall determine the
28 program or programs to be licensed in that county.

29 (d) After determining a need, a county board of supervisors may
30 also place one or more limitations on the services to be provided
31 by a driving-under-the-influence program or the area the program
32 may operate within the county, when it initially recommends a
33 program to the department pursuant to subdivision (a).

34 (1) For purposes of this subdivision, a board of supervisors may
35 restrict a program for those convicted of a first
36 driving-under-the-influence offense to providing only a
37 three-month program, or may restrict a program to those convicted
38 of a second or subsequent driving-under-the-influence offense to
39 providing only an 18-month program, as a condition of its
40 recommendation.

1 (2) A board of supervisors may not place restrictions on a
2 program that would violate a statute or regulation.

3 (3) When recommending a program, if a board of supervisors
4 fails to place any limitation on a program pursuant to this
5 subdivision, the department may license that program to provide
6 any driving-under-the-influence program services that are allowed
7 by law within that county.

8 (4) This subdivision is intended to apply only to the initial
9 recommendation to the department for licensure of a program by
10 the county. It is not intended to affect a license that has been
11 previously issued by the department or the renewal of a license
12 for a driving-under-the-influence program. In counties where a
13 contract or other written agreement is currently in effect between
14 the county and a licensed driving-under-the-influence program
15 operating in that county, this subdivision is not intended to alter
16 the terms of that relationship or the renewal of that relationship.

17 SEC. 3. Section 13352 of the Vehicle Code is amended to read:

18 13352. (a) The department shall immediately suspend or
19 revoke the privilege of a person to operate a motor vehicle upon
20 the receipt of an abstract of the record of a court showing that the
21 person has been convicted of a violation of Section 23152 or 23153,
22 subdivision (a) of Section 23109, or Section 23109.1, or upon the
23 receipt of a report of a judge of the juvenile court, a juvenile traffic
24 hearing officer, or a referee of a juvenile court showing that the
25 person has been found to have committed a violation of Section
26 23152 or 23153 or subdivision (a) of Section 23109 or Section
27 23109.1, or upon the receipt of an abstract of the record of a court
28 or upon the receipt of a report of a judge of the juvenile court, a
29 juvenile traffic hearing officer, or a referee of a juvenile court
30 showing that the person has been convicted of, or has been found
31 to have committed a violation of, subdivision (b), (c), (d), (e), or
32 (f) of Section 655 of the Harbors and Navigation Code, when the
33 person has had a prior separate conviction of any of those
34 subdivisions, or Section 191.5 or subdivision (a) of Section 192.5
35 of the Penal Code, or Section 23103.5, 23152, or 23153 of this
36 code within seven years of this violation. If an offense specified
37 in this section occurs in a vehicle defined in Section 15210, the
38 suspension or revocation specified below shall apply to the
39 noncommercial driving privilege. The commercial driving privilege
40 shall be disqualified as specified in Sections 15300 to 15302,

1 inclusive. For the purposes of this section, suspension or revocation
2 shall be as follows:

3 (1) Except as required under Section 13352.1 or ~~Section~~
4 13352.4, upon a conviction or finding of a violation of Section
5 23152 punishable under Section 23536, or upon a conviction or
6 finding of a violation of Section 655 of the Harbors and Navigation
7 Code, when the person has had a specified prior conviction, the
8 privilege shall be suspended for a period of six months.

9 The privilege shall not be reinstated until the person gives proof
10 of financial responsibility and gives proof satisfactory to the
11 department of successful completion of a
12 driving-under-the-influence program licensed pursuant to Section
13 11836 of the Health and Safety Code described in subdivision (b)
14 of Section 23538. If the court, as authorized under paragraph (3)
15 of subdivision (b) of Section 23646, elects to order a person to
16 enroll, participate, and complete either program described in
17 subdivision (b) of Section 23542, the department shall require that
18 program in lieu of the program described in subdivision (b) of
19 Section 23538. For the purposes of this paragraph, enrollment,
20 participation, and completion of an approved program shall be
21 subsequent to the date of the current violation. Credit shall not be
22 given to any program activities completed prior to the date of the
23 current violation.

24 (2) Upon a conviction or finding of a violation of Section 23153
25 punishable under Section 23554, or upon a conviction or finding
26 of a violation of Section 655 of the Harbors and Navigation Code,
27 when the person has had two or more specified prior convictions,
28 the privilege shall be suspended for a period of one year. The
29 privilege shall not be reinstated until the person gives proof of
30 financial responsibility and gives proof satisfactory to the
31 department of successful completion of a
32 driving-under-the-influence program licensed pursuant to Section
33 11836 of the Health and Safety Code as described in subdivision
34 (b) of Section 23556. If the court, as authorized under paragraph
35 (3) of subdivision (b) of Section 23646, elects to order a person
36 to enroll, participate, and complete either program described in
37 subdivision (b) of Section 23542, the department shall require that
38 program in lieu of the program described in Section 23556. For
39 the purposes of this paragraph, enrollment, participation, and
40 completion of an approved program shall be subsequent to the date

1 of the current violation. Credit shall not be given to any program
2 activities completed prior to the date of the current violation.

3 (3) Except as provided in Section 13352.5, upon a conviction
4 or finding of a violation of Section 23152 punishable under Section
5 23540, the privilege shall be suspended for two years. The privilege
6 shall not be reinstated until the person gives proof of financial
7 responsibility and gives proof satisfactory to the department of
8 successful completion of a driving-under-the-influence program
9 licensed pursuant to Section 11836 of the Health and Safety Code,
10 as described in subdivision (b) of Section 23542. For the purposes
11 of this paragraph, enrollment, participation, and completion of an
12 approved program shall be subsequent to the date of the current
13 violation. Credit shall not be given to any program activities
14 completed prior to the date of the current violation. The department
15 shall advise the person that after completion of 12 months of the
16 suspension period, which may include credit for a suspension
17 period served under subdivision (c) of Section 13353.3, the person
18 may apply to the department for a restricted driver's license, subject
19 to the following conditions:

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

23 (i) Proof of enrollment in an 18-month
24 driving-under-the-influence program licensed pursuant to Section
25 11836 of the Health and Safety Code.

26 (ii) Proof of enrollment in 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.

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

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

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

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

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

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

3 (4) Except as provided in this paragraph, upon a conviction or
4 finding of a violation of Section 23153 punishable under Section
5 23560, the privilege shall be revoked for a period of three years.
6 The privilege shall not be reinstated until the person gives proof
7 of financial responsibility, and the person gives proof satisfactory
8 to the department of successful completion of a
9 driving-under-the-influence program licensed pursuant to Section
10 11836 of the Health and Safety Code, as described in paragraph
11 (4) of subdivision (b) of Section 23562. For the purposes of this
12 paragraph, enrollment, participation, and completion of an
13 approved program shall be subsequent to the date of the current
14 violation. Credit shall not be given to any program activities
15 completed prior to the date of the current violation. The department
16 shall advise the person that after the completion of 12 months of
17 the revocation period, which may include credit for a suspension
18 period served under subdivision (c) of Section 13353.3, the person
19 may apply to the department for a restricted driver’s license, subject
20 to the following 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 that 30-month 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) The person pays all applicable reinstatement or reissue fees
40 and any restriction fee required by the department.

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

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

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

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

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

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

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

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

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

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

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

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

38 (A) The person has satisfactorily completed, subsequent to the
39 violation date of the current underlying conviction, either of the
40 following:

1 (i) The initial 12 months of a 30-month
2 driving-under-the-influence program licensed pursuant to Section
3 11836 of the Health and Safety Code, if available in the county of
4 the person's residence or employment, and the person agrees, as
5 a condition of the restriction, to continue satisfactory participation
6 in the 30-month driving-under-the-influence program.

7 (ii) The initial 12 months of an 18-month
8 driving-under-the-influence program licensed pursuant to Section
9 11836 of the Health and Safety Code, if a 30-month program is
10 unavailable in the person's county of residence or employment.

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

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

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

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

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

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

29 (7) Except as provided in this paragraph, upon a conviction or
30 finding of a violation of Section 23152 punishable under Section
31 23550 or 23550.5, or Section 23153 punishable under Section
32 23550.5 the privilege shall be revoked for a period of four years.
33 The privilege shall not be reinstated until the person gives proof
34 of financial responsibility and proof satisfactory to the department
35 of successful completion of one of the following programs: an
36 18-month driving-under-the-influence program licensed pursuant
37 to Section 11836 of the Health and Safety Code, or, if available
38 in the county of the person's residence or employment, a 30-month
39 driving-under-the-influence program licensed pursuant to Section
40 11836 of the Health and Safety Code, or a program specified in

1 Section 8001 of the Penal Code. For the purposes of this paragraph,
2 enrollment, participation, and completion of an approved program
3 shall be subsequent to the date of the current violation. Credit shall
4 not be given to any program activities completed prior to the date
5 of the current violation. The department shall advise the person
6 that after the completion of 12 months of the revocation period,
7 which may include credit for a suspension period served under
8 subdivision (c) of Section 13353.3, the person may apply to the
9 department for a restricted driver's license, subject to the following
10 conditions:

11 (A) The person has satisfactorily completed, subsequent to the
12 violation date of the current underlying conviction, either of the
13 following:

14 (i) The initial 12 months of an 18-month
15 driving-under-the-influence program licensed pursuant to Section
16 11836 of the Health and Safety Code.

17 (ii) The initial 12 months of a 30-month
18 driving-under-the-influence program licensed pursuant to Section
19 11836 of the Health and Safety Code, if available in the county of
20 the person's residence or employment, and the person agrees, as
21 a condition of the restriction, to continue satisfactory participation
22 in the 30-month driving-under-the-influence program.

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

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

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

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

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

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

1 (8) Upon a conviction or finding of a violation of Section
2 23109.1 or subdivision (a) of Section 23109 that is punishable
3 under subdivision (e) of that section, the privilege shall be
4 suspended for a period of 90 days to six months, if ordered by the
5 court. The privilege shall not be reinstated until the person gives
6 proof of financial responsibility, as defined in Section 16430.

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

13 (b) For the purpose of paragraphs (2) to (9), inclusive, of
14 subdivision (a), the finding of the juvenile court judge, the juvenile
15 hearing officer, or the referee of a juvenile court of a commission
16 of a violation of Section 23152 or 23153 or subdivision (a) of
17 Section 23109 or Section 23109.1, as specified in subdivision (a)
18 of this section, is a conviction.

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

22 (d) A conviction of an offense in a state, territory, or possession
23 of the United States, the District of Columbia, the Commonwealth
24 of Puerto Rico, or Canada that, if committed in this state, would
25 be a violation of Section 23152, is a conviction of Section 23152
26 for the purposes of this section, and a conviction of an offense
27 that, if committed in this state, would be a violation of Section
28 23153, is a conviction of Section 23153 for the purposes of this
29 section. The department shall suspend or revoke the privilege to
30 operate a motor vehicle pursuant to this section upon receiving
31 notice of that conviction.

32 (e) For the purposes of the restriction conditions specified in
33 paragraphs (3) to (7), inclusive, of subdivision (a), the department
34 shall terminate the restriction imposed pursuant to this section and
35 shall suspend or revoke the person's driving privilege upon receipt
36 of notification from the driving-under-the-influence program that
37 the person has failed to comply with the program requirements.
38 The person's driving privilege shall remain suspended or revoked
39 for the remaining period of the original suspension or revocation

1 imposed under this section and until all reinstatement requirements
2 described in this section are met.

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

5 (1) Satisfactory completion of all program requirements
6 approved pursuant to program licensure, as evidenced by a
7 certificate of completion issued, under penalty of perjury, by the
8 licensed program.

9 (2) Certification, under penalty of perjury, by the director of a
10 program specified in Section 8001 of the Penal Code, that the
11 person has completed a program specified in Section 8001 of the
12 Penal Code.

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

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

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