

AMENDED IN ASSEMBLY SEPTEMBER 4, 2009

AMENDED IN ASSEMBLY AUGUST 31, 2009

AMENDED IN SENATE MAY 5, 2009

AMENDED IN SENATE APRIL 23, 2009

SENATE BILL

No. 598

Introduced by Senator Huff

(Coauthors: Senators Benoit, DeSaulnier, Hancock, and Leno)

(Coauthors: Assembly Members Buchanan and Solorio)

February 27, 2009

An act to amend Sections 13352, 13352.5, 23109, 23550, 23550.5, 23552, 23566, and 23568 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 598, as amended, Huff. Vehicles: driving under the influence (DUI).

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

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

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

This bill would instead require the department 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 of the suspension period, under certain circumstances.

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

This bill would instead require the department to advise a person, who was found to be only under the influence of an alcoholic beverage at the time of the violation, of his or her ability to apply for a restricted driver's license after completion of 6 months of the revocation period, subject to certain conditions, including that if the person is convicted of a specified offense that person subsequently satisfactorily provides proof of enrollment in an 18-month or 30-month driving-under-the-influence program, as prescribed. The bill would require the person to pay a fee sufficient to cover the costs of administration, as determined by the department.

(3) This bill would require that a person convicted of driving under the influence of any drug or the combined influence of any drug and

an alcoholic beverage, without bodily injury to another, within 10 years of being convicted of a separate violation of one of the specified driving-under-the-influence offenses, be punished by his or her driving privilege being revoked for 2 years. This bill would authorize the department to reinstate the privilege provided certain conditions are met. This bill would require the department to advise the person that he or she may apply for a restricted driver's license after completion of 12 months of the suspended period, subject to certain conditions including, among other things, that the person provides proof of enrollment in an 18-month or 30-month driving-under-the-influence program, as prescribed.

(4) This bill would also require a person convicted of driving under the influence of any drug or the combined influence of any drug and an alcoholic beverage, without bodily injury to another, within 10 years of being convicted of 2 separate violations of specified driving-under-the-influence offenses, be punished by his or her driving privilege being revoked for 3 years. This bill would authorize the department to reinstate the privilege provided certain conditions are met. This bill would require the department to advise the person that he or she may apply for a restricted driver's license after completion of 12 months of the suspended period, subject to certain conditions, including, among other things, that the person has satisfactorily completed the initial 12 months of an 18-month or 30-month driving-under-the-influence program as prescribed.

(5) This bill would make other conforming changes.

(6) This bill would become operative on July 1, 2010.

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
2 to 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

1 person has been found to have committed a violation of Section
2 23152 or 23153 or subdivision (a) of Section 23109 or Section
3 23109.1. If an offense specified in this section occurs in a vehicle
4 defined in Section 15210, the suspension or revocation specified
5 below shall apply to the noncommercial driving privilege. The
6 commercial driving privilege shall be disqualified as specified in
7 Sections 15300 to 15302, inclusive. For the purposes of this
8 section, suspension or revocation shall be as follows:

9 (1) Except as required under Section 13352.1 or 13352.4, upon
10 a conviction or finding of a violation of Section 23152 punishable
11 under Section 23536, the privilege shall be suspended for a period
12 of six months.

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

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

1 completion of an approved program shall be subsequent to the date
2 of the current violation. Credit may not be given to any program
3 activities completed prior to the date of the current violation.

4 (3) Except as provided in Section 13352.5, upon a conviction
5 or finding of a violation of Section 23152 punishable under Section
6 23540, and if the person was found to be only under the influence
7 of an alcoholic beverage at the time of the violation of Section
8 23152, the privilege shall be suspended for two years. The privilege
9 may not be reinstated until the person gives proof of financial
10 responsibility and gives proof satisfactory to the department of
11 successful completion of a driving-under-the-influence program
12 licensed pursuant to Section 11836 of the Health and Safety Code
13 as described in subdivision (b) of Section 23542. For the purposes
14 of this paragraph, enrollment in, participation in, and completion
15 of an approved program shall be subsequent to the date of the
16 current violation. Credit shall not be given to any program activities
17 completed prior to the date of the current violation. The department
18 shall advise a person convicted or found to be in violation of
19 subdivision (a) or (b) of Section 23152 that after completion of 90
20 days of the suspension period, which may include credit for a
21 suspension period served under subdivision (c) of Section 13353.3,
22 the person may apply to the department for a restricted driver's
23 license. Eligibility for the restricted driver's license is subject to
24 the following conditions:

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

28 (i) Proof of enrollment in an 18-month
29 driving-under-the-influence program licensed pursuant to Section
30 11836 of the Health and Safety Code.

31 (ii) Proof of enrollment in 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.

35 (B) The person agrees, as a condition of the restriction, to
36 continue satisfactory participation in the program described in
37 subparagraph (A).

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

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

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

5 (F) The person pays all reissue fees and any restriction fee
6 required by the department.

7 (G) The person pays to the department a fee sufficient to cover
8 the costs of administration of this paragraph, as determined by the
9 department.

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

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

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

33 (i) The initial 12 months of an 18-month
34 driving-under-the-influence program licensed pursuant to Section
35 11836 of the Health and Safety Code.

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

1 a condition of the restriction, to continue satisfactory participation
2 in that 30-month program.

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

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

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

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

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

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

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

4 (i) With regard to a conviction under subdivision (a) or (b) of
5 Section 23152, proof of enrollment in an 18-month
6 driving-under-the-influence program licensed pursuant to Section
7 11836 of the Health and Safety Code.

8 (ii) With regard to a conviction under subdivision (a) or (b) of
9 Section 23152, proof of enrollment in a 30-month
10 driving-under-the-influence program licensed pursuant to Section
11 11836 of the Health and Safety Code, if available in the county of
12 the person's residence or employment, and the person agrees, as
13 a condition of the restriction, to continue satisfactory participation
14 in the 30-month driving-under-the-influence program.

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

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

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

21 (E) An individual convicted of a violation of Section 23152
22 punishable under Section 23546 may also, at any time after
23 sentencing, petition the court for referral to an 18-month
24 driving-under-the-influence program licensed pursuant to Section
25 11836 of the Health and Safety Code, or, if available in the county
26 of the person's residence or employment, a 30-month
27 driving-under-the-influence program licensed pursuant to Section
28 11836 of the Health and Safety Code. Unless good cause is shown,
29 the court shall order the referral.

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

32 (G) The person pays to the department a fee sufficient to cover
33 the costs of administration of this paragraph, as determined by the
34 department.

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

37 (6) Except as provided in this paragraph, upon a conviction or
38 finding of a violation of Section 23152 punishable under Section
39 23540, and if the person was found to be under the influence of
40 any drug or the combined influence of any drug and an alcoholic

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

16 (A) The person has satisfactorily provided, subsequent to the
17 violation date of the current underlying conviction, either of the
18 following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) The initial 12 months of a 30-month driving-under-the-influence program licensed pursuant to Section

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

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

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

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

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

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

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

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

27 (9) Except as provided in this paragraph, upon a conviction or
28 finding of a violation of Section 23152 punishable under Section
29 23550 or 23550.5, or Section 23153 punishable under Section
30 23550.5 the privilege shall be revoked for a period of four years.
31 The privilege may not be reinstated until the person gives proof
32 of financial responsibility and proof satisfactory to the department
33 of successful completion of one of the following programs: an
34 18-month driving-under-the-influence program licensed pursuant
35 to Section 11836 of the Health and Safety Code, or, if available
36 in the county 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, or a program specified in
39 Section 8001 of the Penal Code. For the purposes of this paragraph,
40 enrollment in, participation in, and completion of an approved

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

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

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

15 (ii) The initial 12 months of 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) The person submits the "Verification of Installation" form
22 described in paragraph (2) of subdivision (g) of Section 13386.

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

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

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

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

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

39 (10) Upon a conviction or finding of a violation of subdivision
40 (a) of Section 23109 that is punishable under subdivision (e) of

1 that section or Section 23109.1, the privilege shall be suspended
2 for a period of 90 days to six months, if ordered by the court. The
3 privilege may not be reinstated until the person gives proof of
4 financial responsibility, as defined in Section 16430.

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

11 (b) For the purpose of paragraphs (2) to (11), inclusive, of
12 subdivision (a), the finding of the juvenile court judge, the juvenile
13 hearing officer, or the referee of a juvenile court of a commission
14 of a violation of Section 23152 or 23153 or subdivision (a) of
15 Section 23109 or Section 23109.1, as specified in subdivision (a)
16 of this section, is a conviction.

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

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

30 (e) For the purposes of the restriction conditions specified in
31 paragraphs (3) to (9), inclusive, of subdivision (a), the department
32 shall terminate the restriction imposed pursuant to this section and
33 shall suspend or revoke the person's driving privilege upon receipt
34 of notification from the driving-under-the-influence program that
35 the person has failed to comply with the program requirements.
36 The person's driving privilege shall remain suspended or revoked
37 for the remaining period of the original suspension or revocation
38 imposed under this section and until all reinstatement requirements
39 described in this section are met.

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

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

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

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

SEC. 2. Section 13352.5 of the Vehicle Code is amended to read:

13352.5. (a) The department shall issue a restricted driver's license to a person whose driver's license was suspended under paragraph (3) of subdivision (a) of Section 13352, if all of the following requirements have been met:

(1) Proof satisfactory to the department of enrollment in, or completion of, a driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, as described in subdivision (b) of Section 23542 has been received in the department's headquarters.

(2) The person submits proof of financial responsibility, as described in Section 16430.

(3) The person completes not less than 90 days of the suspension period imposed under paragraph (3) of subdivision (a) of Section 13352. The 90 days may include credit for any suspension period served under subdivision (c) of Section 13353.3.

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

(b) The restriction of the driving privilege shall become effective when the department receives all of the documents and fees required under subdivision (a) and shall remain in effect until the final day of the original suspension imposed under paragraph (3) of subdivision (a) of Section 13352, or until the date all

1 reinstatement requirements described in Section 13352 have been
2 met, whichever date is later.

3 (c) The restriction of the driving privilege shall be limited to
4 the hours necessary for driving to and from the person's place of
5 employment, driving during the course of employment, and driving
6 to and from activities required in the driving-under-the-influence
7 program.

8 (d) Whenever the driving privilege is restricted under this
9 section, proof of financial responsibility, as defined in Section
10 16430, shall be maintained for three years. If the person does not
11 maintain that proof of financial responsibility at any time during
12 the restriction, the driving privilege shall be suspended until the
13 proof required under Section 16484 is received by the department.

14 (e) For the purposes of this section, enrollment in, participation
15 in, and completion of an approved program shall be subsequent
16 to the date of the current violation. Credit shall not be given to any
17 program activities completed prior to the date of the current
18 violation.

19 (f) The department shall terminate the restriction imposed
20 pursuant to this section and shall suspend the privilege to drive
21 under paragraph (3) of subdivision (a) of Section 13352 upon
22 receipt of notification from the driving-under-the-influence
23 program that the person has failed to comply with the program
24 requirements.

25 (g) If, upon conviction, the court has made the determination,
26 as authorized under subdivision (b) of Section 23540 or subdivision
27 (d) of Section 23542, to disallow the issuance of a restricted
28 driver's license, the department shall not issue a restricted driver's
29 license under this section.

30 (h) A person restricted pursuant to this section may apply to the
31 department for a restricted driver's license, subject to the conditions
32 specified in paragraph (3) of subdivision (a) of Section 13352.
33 Whenever proof of financial responsibility has already been
34 provided and a restriction fee has been paid in compliance with
35 restrictions described in this section, and the offender subsequently
36 receives an ignition interlock device restriction described in
37 paragraph (3) of subdivision (a) of Section 13352, the proof of
38 financial responsibility period shall not be extended beyond the
39 previously established term and no additional restriction fee shall
40 be required.

1 (i) This section applies to a person who meets all of the
2 following conditions:

3 (1) Has been convicted of a violation of Section 23152 that
4 occurred on or before July 1, 1999, and is punishable under Section
5 23540, or former Section 23165.

6 (2) Was granted probation for the conviction subject to
7 conditions imposed under subdivision (b) of Section 23542, or
8 under subdivision (b) of former Section 23166.

9 (3) Is no longer subject to the probation described in paragraph
10 (2).

11 (4) Has not completed the licensed driving-under-the-influence
12 program under paragraph (3) of subdivision (a) of Section 13352
13 for reinstatement of the driving privilege.

14 (5) Has no violations in his or her driving record that would
15 preclude issuance of a restricted driver's license.

16 SEC. 3. Section 23109 of the Vehicle Code is amended to read:

17 23109. (a) A person shall not engage in a motor vehicle speed
18 contest on a highway. As used in this section, a motor vehicle
19 speed contest includes a motor vehicle race against another vehicle,
20 a clock, or other timing device. For purposes of this section, an
21 event in which the time to cover a prescribed route of more than
22 20 miles is measured, but where the vehicle does not exceed the
23 speed limits, is not a speed contest.

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

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

29 (d) A person shall not, for the purpose of facilitating or aiding
30 or as an incident to any motor vehicle speed contest or exhibition
31 upon a highway, in any manner obstruct or place a barricade or
32 obstruction or assist or participate in placing a barricade or
33 obstruction upon any highway.

34 (e) (1) A person convicted of a violation of subdivision (a) shall
35 be punished by imprisonment in a county jail for not less than 24
36 hours nor more than 90 days or by a fine of not less than three
37 hundred fifty-five dollars (\$355) nor more than one thousand
38 dollars (\$1,000), or by both that fine and imprisonment. That
39 person shall also be required to perform 40 hours of community
40 service. The court may order the privilege to operate a motor

1 vehicle suspended for 90 days to six months, as provided in
2 paragraph (10) of subdivision (a) of Section 13352. The person's
3 privilege to operate a motor vehicle may be restricted for 90 days
4 to six months to necessary travel to and from that person's place
5 of employment and, if driving a motor vehicle is necessary to
6 perform the duties of the person's employment, restricted to driving
7 in that person's scope of employment. This subdivision does not
8 interfere with the court's power to grant probation in a suitable
9 case.

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

17 (f) (1) If a person is convicted of a violation of subdivision (a)
18 for an offense that occurred within five years of the date of a prior
19 offense that resulted in a conviction of a violation of subdivision
20 (a), that person shall be punished by imprisonment in a county jail
21 for not less than four days nor more than six months, and by a fine
22 of not less than five hundred dollars (\$500) nor more than one
23 thousand dollars (\$1,000).

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

31 (3) If the perpetration of the most recent offense within the
32 five-year period described in paragraph (1) proximately causes
33 serious bodily injury, as defined in paragraph (4) of subdivision
34 (f) of Section 243 of the Penal Code, to a person other than the
35 driver, a person convicted of that second violation shall be
36 imprisoned in the state prison, or in a county jail for not less than
37 30 days nor more than one year, and by a fine of not less than five
38 hundred dollars (\$500) nor more than one thousand dollars
39 (\$1,000).

1 (4) The court shall order the privilege to operate a motor vehicle
2 of a person convicted under paragraph (1), (2), or (3) suspended
3 for a period of six months, as provided in paragraph (11) of
4 subdivision (a) of Section 13352. In lieu of the suspension, the
5 person's privilege to operate a motor vehicle may be restricted for
6 six months to necessary travel to and from that person's place of
7 employment and, if driving a motor vehicle is necessary to perform
8 the duties of the person's employment, restricted to driving in that
9 person's scope of employment.

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

12 (g) If the court grants probation to a person subject to
13 punishment under subdivision (f), in addition to subdivision (f)
14 and any other terms and conditions imposed by the court, which
15 may include a fine, the court shall impose as a condition of
16 probation that the person be confined in a county jail for not less
17 than 48 hours nor more than six months. The court shall order the
18 person's privilege to operate a motor vehicle to be suspended for
19 a period of six months, as provided in paragraph (11) of subdivision
20 (a) of Section 13352 or restricted pursuant to subdivision (f).

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

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

29 (j) If a person's privilege to operate a motor vehicle is restricted
30 by a court pursuant to this section, the court shall clearly mark the
31 restriction and the dates of the restriction on that person's driver's
32 license and promptly notify the Department of Motor Vehicles of
33 the terms of the restriction in a manner prescribed by the
34 department. The Department of Motor Vehicles shall place that
35 restriction in the person's records in the Department of Motor
36 Vehicles and enter the restriction on a license subsequently issued
37 by the Department of Motor Vehicles to that person during the
38 period of the restriction.

39 (k) The court may order that a person convicted under this
40 section, who is to be punished by imprisonment in a county jail,

1 be imprisoned on days other than days of regular employment of
2 the person, as determined by the court.

3 (I) This section shall be known and may be cited as the Louis
4 Friend Memorial Act.

5 SEC. 4. Section 23550 of the Vehicle Code is amended to read:

6 23550. (a) If a person is convicted of a violation of Section
7 23152 and the offense occurred within 10 years of three or more
8 separate violations of Section 23103, as specified in Section
9 23103.5, or Section 23152 or 23153, or any combination thereof,
10 that resulted in convictions, that person shall be punished by
11 imprisonment in the state prison, or in a county jail for not less
12 than 180 days nor more than one year, and by a fine of not less
13 than three hundred ninety dollars (\$390) nor more than one
14 thousand dollars (\$1,000). The person's privilege to operate a
15 motor vehicle shall be revoked by the Department of Motor
16 Vehicles pursuant to paragraph (9) of subdivision (a) of Section
17 13352. The court shall require the person to surrender the driver's
18 license to the court in accordance with Section 13550.

19 (b) A person convicted of a violation of Section 23152
20 punishable under this section shall be designated as a habitual
21 traffic offender for a period of three years, subsequent to the
22 conviction. The person shall be advised of this designation pursuant
23 to subdivision (b) of Section 13350.

24 SEC. 5. Section 23550.5 of the Vehicle Code is amended to
25 read:

26 23550.5. (a) A person is guilty of a public offense, punishable
27 by imprisonment in the state prison or confinement in a county
28 jail for not more than one year and by a fine of not less than three
29 hundred ninety dollars (\$390) nor more than one thousand dollars
30 (\$1,000) if that person is convicted of a violation of Section 23152
31 or 23153, and the offense occurred within 10 years of any of the
32 following:

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

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

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

1 (b) Each person who, having previously been convicted of a
2 violation of subdivision (a) of Section 191.5 of the Penal Code, a
3 felony violation of subdivision (b) of Section 191.5, or a violation
4 of subdivision (a) of Section 192.5 of the Penal Code, is
5 subsequently convicted of a violation of Section 23152 or 23153
6 is guilty of a public offense punishable by imprisonment in the
7 state prison or confinement in a county jail for not more than one
8 year and by a fine of not less than three hundred ninety dollars
9 (\$390) nor more than one thousand dollars (\$1,000).

10 (c) The privilege to operate a motor vehicle of a person
11 convicted of a violation that is punishable under subdivision (a)
12 or (b) shall be revoked by the department under paragraph (9) of
13 subdivision (a) of Section 13352, unless paragraph (8) of
14 subdivision (a) of Section 13352 is also applicable, in which case
15 the privilege shall be revoked under that provision. The court shall
16 require the person to surrender the driver's license to the court in
17 accordance with Section 13550.

18 (d) A person convicted of a violation of Section 23152 or 23153
19 that is punishable under this section shall be designated as a
20 habitual traffic offender for a period of three years, subsequent to
21 the conviction. The person shall be advised of this designation
22 under subdivision (b) of Section 13350.

23 SEC. 6. Section 23552 of the Vehicle Code is amended to read:

24 23552. (a) (1) If the court grants probation to a person
25 punished under Section 23550, in addition to the provisions of
26 Section 23600 and any other terms and conditions imposed by the
27 court, the court shall impose as conditions of probation that the
28 person be confined in a county jail for at least 180 days but not
29 more than one year and pay a fine of at least three hundred ninety
30 dollars (\$390) but not more than one thousand dollars (\$1,000).

31 (2) The person's privilege to operate a motor vehicle shall be
32 revoked by the department under paragraph (9) of subdivision (a)
33 of Section 13352. The court shall require the person to surrender
34 the driver's license to the court in accordance with Section 13550.

35 (b) In addition to subdivision (a), if the court grants probation
36 to any person punished under Section 23550, the court may order
37 as a condition of probation that the person participate, for at least
38 30 months subsequent to the underlying conviction and in a manner
39 satisfactory to the court, in a driving-under-the-influence program
40 licensed pursuant to Section 11836 of the Health and Safety Code.

1 In lieu of the minimum term of imprisonment in subdivision (a),
2 the court shall impose as a condition of probation under this
3 subdivision that the person be confined in the county jail for at
4 least 30 days but not more than one year. The court shall not order
5 the treatment prescribed by this subdivision unless the person
6 makes a specific request and shows good cause for the order,
7 whether or not the person has previously completed a treatment
8 program pursuant to subdivision (b) of Section 23542 or paragraph
9 (4) of subdivision (b) of Section 23562. In order to enable all
10 required persons to participate, each person shall pay the program
11 costs commensurate with the person's ability to pay as determined
12 pursuant to Section 11837.4 of the Health and Safety Code. No
13 condition of probation required pursuant to this subdivision is a
14 basis for reducing any other probation requirement in this section
15 or Section 23600 or for avoiding the mandatory license revocation
16 provisions of paragraph (9) of subdivision (a) of Section 13352.

17 (c) In addition to Section 23600 and subdivision (a), if the court
18 grants probation to any person punished under Section 23550 who
19 has not previously completed a treatment program pursuant to
20 subdivision (b) of Section 23542 or paragraph (4) of subdivision
21 (b) of Section 23562, and unless the person is ordered to participate
22 in, and complete, a program under subdivision (b), the court shall
23 impose as a condition of probation that the person, subsequent to
24 the date of the current violation, enroll in and participate, for at
25 least 18 months and in a manner satisfactory to the court, in a
26 driving-under-the-influence program licensed pursuant to Section
27 11836 of the Health and Safety Code, as designated by the court.
28 The person shall complete the entire program subsequent to, and
29 shall not be given any credit for program activities completed prior
30 to, the date of the current violation. A person who has previously
31 completed a 12-month or 18-month driving-under-the-influence
32 program licensed pursuant to Section 11836 of the Health and
33 Safety Code shall not be eligible for referral pursuant to this
34 subdivision unless a 30-month driving-under-the-influence program
35 licensed pursuant to Section 11836 of the Health and Safety Code
36 is not available for referral in the county of the person's residence
37 or employment. A condition of probation required pursuant to this
38 subdivision is not a basis for reducing any other probation
39 requirement in this section or Section 23600 or for avoiding the

1 mandatory license revocation provisions of paragraph (9) of
2 subdivision (a) of Section 13352.

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

9 SEC. 7. Section 23566 of the Vehicle Code is amended to read:

10 23566. (a) If a person is convicted of a violation of Section
11 23153 and the offense occurred within 10 years of two or more
12 separate violations of Section 23103, as specified in Section
13 23103.5, or Section 23152 or 23153, or any combination of these
14 violations, that resulted in convictions, that person shall be
15 punished by imprisonment in the state prison for a term of two,
16 three, or four years and by a fine of not less than one thousand
17 fifteen dollars (\$1,015) nor more than five thousand dollars
18 (\$5,000). The person's privilege to operate a motor vehicle shall
19 be revoked by the Department of Motor Vehicles pursuant to
20 paragraph (8) of subdivision (a) of Section 13352. The court shall
21 require the person to surrender the driver's license to the court in
22 accordance with Section 13550.

23 (b) If a person is convicted of a violation of Section 23153, and
24 the act or neglect proximately causes great bodily injury, as defined
25 in Section 12022.7 of the Penal Code, to any person other than the
26 driver, and the offense occurred within 10 years of two or more
27 separate violations of Section 23103, as specified in Section
28 23103.5, or Section 23152 or 23153, or any combination of these
29 violations, that resulted in convictions, that person shall be
30 punished by imprisonment in the state prison for a term of two,
31 three, or four years and by a fine of not less than one thousand
32 fifteen dollars (\$1,015) nor more than five thousand dollars
33 (\$5,000). The person's privilege to operate a motor vehicle shall
34 be revoked by the Department of Motor Vehicles pursuant to
35 paragraph (8) of subdivision (a) of Section 13352. The court shall
36 require the person to surrender the driver's license to the court in
37 accordance with Section 13550.

38 (c) If a person is convicted under subdivision (b), and the offense
39 for which the person is convicted occurred within 10 years of four
40 or more separate violations of Section 23103, as specified in

1 Section 23103.5, or Section 23152 or 23153, or any combination
2 of these violations, that resulted in convictions, that person shall,
3 in addition and consecutive to the sentences imposed under
4 subdivision (b), be punished by an additional term of imprisonment
5 in the state prison for three years.

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

8 (d) A person convicted of Section 23153 punishable under this
9 section shall be designated as a habitual traffic offender for a period
10 of three years, subsequent to the conviction. The person shall be
11 advised of this designation pursuant to subdivision (b) of Section
12 13350.

13 (e) A person confined in state prison under this section shall be
14 ordered by the court to participate in an alcohol or drug program,
15 or both, that is available at the prison during the person's
16 confinement. Completion of an alcohol or drug program under this
17 section does not meet the program completion requirement of
18 paragraph (8) of subdivision (a) of Section 13352, unless the drug
19 or alcohol program is licensed under Section 11836 of the Health
20 and Safety Code, or is a program specified in Section 8001 of the
21 Penal Code.

22 SEC. 8. Section 23568 of the Vehicle Code is amended to read:

23 23568. (a) If the court grants probation to a person punished
24 under Section 23566, in addition to the provisions of Section 23600
25 and any other terms and conditions imposed by the court, the court
26 shall impose as conditions of probation that the person be confined
27 in the county jail for at least one year, that the person pay a fine
28 of at least three hundred ninety dollars (\$390) but not more than
29 five thousand dollars (\$5,000), and that the person make restitution
30 or reparation pursuant to Section 1203.1 of the Penal Code. The
31 person's privilege to operate a motor vehicle shall be revoked by
32 the department under paragraph (8) of subdivision (a) of Section
33 13352. The court shall require the person to surrender the driver's
34 license to the court in accordance with Section 13550.

35 (b) In addition to Section 23600 and subdivision (a), if the court
36 grants probation to a person punished under Section 23566, the
37 court shall impose as a condition of probation that the person enroll
38 in and complete, subsequent to the date of the underlying violation
39 and in a manner satisfactory to the court, an 18-month
40 driving-under-the-influence program licensed pursuant to Section

1 11836 of the Health and Safety Code or, if available in the county
2 of the person's residence or employment, a 30-month
3 driving-under-the-influence program licensed pursuant to Section
4 11836 of the Health and Safety Code, as designated by the court.
5 The person shall complete the entire program subsequent to, and
6 shall not be given any credit for program activities completed prior
7 to, the date of the current violation. In lieu of the minimum term
8 of imprisonment in subdivision (a), the court shall impose as a
9 minimum condition of probation under this subdivision that the
10 person be confined in the county jail for at least 30 days but not
11 more than one year. Except as provided in this subdivision, if the
12 court grants probation under this section, the court shall order the
13 treatment prescribed by this subdivision, whether or not the person
14 has previously completed a treatment program pursuant to
15 subdivision (b) of Section 23542 or paragraph (4) of subdivision
16 (b) of Section 23562. In order to enable all required persons to
17 participate, each person shall pay the program costs commensurate
18 with the person's ability to pay as determined pursuant to Section
19 11837.4 of the Health and Safety Code. No condition of probation
20 required pursuant to this subdivision is a basis for reducing any
21 other probation requirement in this section or Section 23600 or
22 for avoiding the mandatory license revocation provisions of
23 paragraph (8) of subdivision (a) of Section 13352.

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

30 SEC. 9. This act shall become operative on July 1, 2010.