

AMENDED IN SENATE MARCH 11, 2015

SENATE BILL

No. 61

Introduced by Senator Hill
(~~Coauthor: Senator Vidak~~)

(Coauthors: Senators Hertzberg, Leyva, and Vidak)

(Coauthors: Assembly Members Bonilla, Cooley, Eduardo Garcia, Lackey, Levine, ~~and Wagner~~ Lopez, Maienschein, Patterson, Rodriguez, Steinorth, Wagner, and Waldron)

December 29, 2014

An act to amend Section 13386 of, to amend, repeal, and add Sections 13352, 13352.4, 13353.3, 13353.4, 13353.5, ~~23103.5~~, 23247, 23573, 23575, 23576, and 23597 of, ~~and~~ to add Sections 13353.6, 23575.3, and 23575.5 to, *and to repeal and add Section 23702*, the Vehicle Code, relating to ignition interlock devices.

LEGISLATIVE COUNSEL'S DIGEST

SB 61, as amended, Hill. Driving under the influence: ignition interlock device.

Existing law requires the Department of Motor Vehicles to immediately suspend a person's privilege to operate a motor vehicle for a specified period of time if the person has driven a motor vehicle when the person had a certain blood-alcohol concentration. Existing law authorizes certain individuals, whose privilege is suspended pursuant to that provision to receive a restricted driver's license if specified requirements are met, including the completion of specified periods of license suspension or revocation.

Existing law also requires the department to immediately suspend or revoke a person's privilege to operate a motor vehicle if the person has been convicted of violating specified provisions prohibiting driving a

motor vehicle 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 while addicted to the use of any drug, with or without bodily injury to another. Existing law ~~also~~ authorizes certain individuals whose privilege is suspended or revoked pursuant to that provision to receive a restricted driver's license if specified requirements are met, including the completion of specified periods of license suspension or revocation and, in some instances, the installation of an ignition interlock device on the person's vehicle. Existing law does not permit a person who has been convicted of a first offense of driving a motor vehicle under the influence, with injury, to receive a restricted driver's license.

Existing law also requires the Department of Motor Vehicles to establish a pilot program from July 1, 2010, to January 1, 2016, inclusive, in the Counties of Alameda, Los Angeles, Sacramento, and Tulare that requires, as a condition of being issued a restricted driver's license, being reissued a driver's license, or having the privilege to operate a motor vehicle reinstated subsequent to a conviction for any violation of the above offenses, a person to install for a specified period of time an ignition interlock device on all vehicles he or she owns or operates. The amount of time the ignition interlock device is required to be installed is based upon the number of convictions, as prescribed.

~~This bill would provide that~~ *extend that pilot program until July 1, 2016. Effective July 1, 2016, the bill would make an individual whose license has been suspended for driving a motor vehicle when he or she has a certain blood-alcohol concentration and who is eligible for a restricted driver's license ~~may be~~ eligible for a restricted driver's license without serving any period of the suspension if the person meets all other eligibility requirements and the person installs an ignition interlock device. The bill would authorize that individual to install an ignition interlock device prior to the effective date of the suspension. The bill would require the department to immediately reinstate the suspension of the privilege to operate a motor vehicle upon receipt of notification that a person has engaged in certain activities, including, among others, attempted to remove, bypass, or tamper with the ignition interlock device.*

The bill would also require a person who has been convicted of driving a motor vehicle under the influence of an alcoholic beverage, as specified, to install an ignition interlock device on all vehicles that he or she owns or operates for a specified period of time. The bill would

also authorize a person convicted of driving a motor vehicle under the influence, including a person who was convicted of a first offense of driving a motor vehicle under the influence, with injury, if all other requirements are satisfied, including the installation of an ignition interlock device, to apply for a restricted driver's license without completing a period of license suspension or revocation. The bill would ~~provide that its provisions would become operative July 1, 2016.~~ *authorize a court to require a person convicted of a specified type of reckless driving to install a certified ignition interlock device on any vehicle that the person owns or operates and prohibit that person from operating a motor vehicle unless that vehicle is equipped with a functioning, certified ignition interlock device for a specified period of time.* The bill would require the Department of Motor Vehicles to issue a report to the Legislature by June 1, 2020, regarding the implementation and efficacy of these provisions.

The bill would also make *conforming and clarifying* changes.

By specifying that certain crimes relating to ignition interlock devices apply when an ignition interlock device is installed pursuant to the provisions of this bill, this bill would impose a state-mandated local program.

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

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

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

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

1 SECTION 1. Section 13352 of the Vehicle Code is amended
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
10 person has been found to have committed a violation of Section

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

8 (1) Except as required under Section 13352.1 or 13352.4, upon
9 a conviction or finding of a violation of Section 23152 punishable
10 under Section 23536, the privilege shall be suspended for a period
11 of six months. The privilege shall not be reinstated until the person
12 gives proof of financial responsibility and gives proof satisfactory
13 to the department of successful completion of a
14 driving-under-the-influence program licensed pursuant to Section
15 11836 of the Health and Safety Code described in subdivision (b)
16 of Section ~~23538~~. *23538 of this code*. If the court, as authorized
17 under paragraph (3) of subdivision (b) of Section 23646, elects to
18 order a person to enroll in, participate in, and complete either
19 program described in subdivision (b) of Section 23542, the
20 department shall require that program in lieu of the program
21 described in subdivision (b) of Section 23538. For the purposes
22 of this paragraph, enrollment in, participation in, and completion
23 of an approved program shall occur subsequent to the date of the
24 current violation. Credit shall not be given to any program activities
25 completed prior to the date of the current violation.

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

1 shall not be given to any program activities completed prior to the
2 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~~. *23542 of this*
11 *code*. For the purposes of this paragraph, enrollment in,
12 participation in, and completion of an approved program shall be
13 subsequent to the date of the current violation. Credit shall not be
14 given to any program activities completed prior to the date of the
15 current violation. The department shall advise the person that he
16 or she may apply to the department for a ~~restricted driver's license~~
17 *restriction of the driving privilege* if the person meets all of the
18 following requirements:

19 (A) Completion of 12 months of the suspension period, or
20 completion of 90 days of the suspension period if the underlying
21 conviction did not include the use of drugs as defined in Section
22 312 and the person was found to be only under the influence of an
23 alcoholic beverage at the time of the violation.

24 (B) The person satisfactorily provides, subsequent to the
25 violation date of the current underlying conviction, either of the
26 following:

27 (i) Proof of enrollment in an 18-month
28 driving-under-the-influence program licensed pursuant to Section
29 11836 of the Health and Safety Code if a 30-month program is
30 unavailable in the person's county of residence or employment.

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

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

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

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

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

7 (H) 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 (I) 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 of this code. For the
21 purposes of this paragraph, enrollment in, participation in, and
22 completion of an approved program shall occur subsequent to the
23 date of the current violation. Credit shall not be given to any
24 program activities completed prior to the date of the current
25 violation. The department shall advise the person that after the
26 completion of 12 months of the revocation period, which may
27 include credit for a suspension period served under subdivision
28 (c) of Section 13353.3, he or she may apply to the department for
29 a restricted driver's license if the person meets all of the following
30 requirements:

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

34 (i) The initial 12 months of an 18-month
35 driving-under-the-influence program licensed pursuant to Section
36 11836 of the Health and Safety Code if a 30-month program is
37 unavailable in the person's county of residence or employment.

38 (ii) The initial 12 months of a 30-month
39 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.

3 (B) The person agrees, as a condition of the restriction, to
4 continue satisfactory participation in the program described in
5 subparagraph (A).

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

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

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

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

39 (A) Completion of 12 months of the suspension period, or
40 completion of six months of the suspension period if the underlying

1 conviction did not include the use of drugs as defined in Section
2 312 and the person was found to be only under the influence of an
3 alcoholic beverage at the time of the violation.

4 (B) The person satisfactorily provides, subsequent to the
5 violation date of the current underlying conviction, either of the
6 following:

7 (i) Proof of enrollment in 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 (ii) Proof of enrollment in a 30-month
12 driving-under-the-influence program licensed pursuant to Section
13 11836 of the Health and Safety Code, if available in the county of
14 the person's residence or employment.

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

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

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

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

24 (G) An individual convicted of a violation of Section 23152
25 punishable under Section 23546 may also, at any time after
26 sentencing, petition the court for referral to an 18-month
27 driving-under-the-influence program licensed pursuant to Section
28 11836 of the Health and Safety Code, or, if available in the county
29 of the person's residence or employment, a 30-month
30 driving-under-the-influence program licensed pursuant to Section
31 11836 of the Health and Safety Code. Unless good cause is shown,
32 the court shall order the referral.

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

35 (I) The person pays to the department a fee sufficient to cover
36 the costs of administration of this paragraph, as determined by the
37 department.

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

1 (6) Except as provided in this paragraph, upon a conviction or
2 finding of a violation of Section 23153 punishable under Section
3 23550.5 or 23566, the privilege shall be revoked for a period of
4 five years. The privilege may not be reinstated until the person
5 gives proof of financial responsibility and gives proof satisfactory
6 to the department of successful completion of a
7 driving-under-the-influence program licensed pursuant to Section
8 11836 of the Health and Safety Code as described in subdivision
9 (b) of Section ~~23568~~, *23568 of this code*, or if available in the
10 county of the person's residence or employment, a 30-month
11 driving-under-the-influence program licensed pursuant to Section
12 11836 of the Health and Safety Code, 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, he or she may apply to
21 the department for a restricted driver's license if the person meets
22 all of the following requirements:

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

26 (i) Completion of the initial 12 months of a 30-month
27 driving-under-the-influence program licensed pursuant to Section
28 11836 of the Health and Safety Code, if available in the county of
29 the person's residence or employment.

30 (ii) Completion of the initial 12 months of an 18-month
31 driving-under-the-influence program licensed pursuant to Section
32 11836 of the Health and Safety Code, if a 30-month program is
33 unavailable in the person's county of residence or employment.

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

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

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

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

3 (F) An individual convicted of a violation of Section 23153
4 punishable under Section 23566 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 (G) The person pays all applicable reinstatement or reissue fees
13 and any restriction fee required by the department.

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

16 (7) Except as provided in this paragraph, upon a conviction or
17 finding of a violation of Section 23152 punishable under Section
18 23550 or 23550.5, or of a violation of Section 23153 punishable
19 under Section 23550.5, the privilege shall be revoked for a period
20 of four years. The privilege shall not be reinstated until the person
21 files proof of financial responsibility and gives proof satisfactory
22 to the department of successful completion of an 18-month
23 driving-under-the-influence program licensed pursuant to Section
24 11836 of the Health and Safety Code, if a 30-month program is
25 unavailable in the person's county of residence or employment,
26 or, if available in the county of the person's residence or
27 employment, a 30-month driving-under-the-influence program
28 licensed pursuant to Section 11836 of the Health and Safety Code,
29 or a program specified in Section 8001 of the Penal Code. For the
30 purposes of this paragraph, enrollment in, participation in, and
31 completion of an approved program shall occur subsequent to the
32 date of the current violation. Credit shall not be given to any
33 program activities completed prior to the date of the current
34 violation. The department shall advise the person that after
35 completion of 12 months of the revocation period, which may
36 include credit for a suspension period served under subdivision
37 (c) of Section 13353.3, he or she may apply to the department for
38 a restricted driver's license if the person meets all of the following
39 requirements:

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

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

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

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

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

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

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

21 (F) An individual convicted of a violation of Section 23152
22 punishable under Section 23550 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 (G) The person pays all applicable reinstatement or reissue fees
31 and any restriction fee required by the department.

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

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

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

7 (b) For the purpose of paragraphs (2) to (9), inclusive, of
8 subdivision (a), the finding of the juvenile court judge, the juvenile
9 hearing officer, or the referee of a juvenile court of a commission
10 of a violation of Section 23152 or 23153, subdivision (a) of Section
11 23109, or Section 23109.1, as specified in subdivision (a) of this
12 section, is a conviction.

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

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

26 (e) For the purposes of the restriction conditions specified in
27 paragraphs (3) to (7), inclusive, of subdivision (a), *the* department
28 shall terminate the restriction imposed pursuant to this section and
29 shall suspend or revoke the person's driving privilege upon receipt
30 of notification from the driving-under-the-influence program that
31 the person has failed to comply with the program requirements.
32 The person's driving privilege shall remain suspended or revoked
33 for the remaining period of the original suspension or revocation
34 imposed under this section and until all reinstatement requirements
35 described in this section are met.

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

38 (1) Satisfactory completion of all program requirements
39 approved pursuant to program licensure, as evidenced by a

1 certificate of completion issued, under penalty of perjury, by the
2 licensed program.

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

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

13 (h) This section shall become inoperative on July 1, 2016, and,
14 as of January 1, 2017, is repealed, unless a later enacted statute,
15 that becomes operative on or before January 1, 2017, deletes or
16 extends the dates on which it becomes inoperative and is repealed.

17 SEC. 2. Section 13352 is added to the Vehicle Code, 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, subdivision (a) of Section 23109, or Section
27 23109.1. If an offense specified in this section occurs in a vehicle
28 defined in Section 15210, the suspension or revocation specified
29 in this subdivision applies also to the noncommercial driving
30 privilege. The commercial driving privilege shall be disqualified
31 as specified in Sections 15300 to 15302, inclusive. For the purposes
32 of this section, suspension or revocation shall be as follows:

33 (1) Except as required under Section 13352.1 or 13352.4, upon
34 a conviction or finding of a violation of Section 23152 punishable
35 under Section 23536, the privilege shall be suspended for a period
36 of six months. The privilege shall not be reinstated until the person
37 gives proof of financial responsibility and gives proof satisfactory
38 to the department of successful completion of a
39 driving-under-the-influence program licensed pursuant to Section
40 11836 of the Health and Safety Code described in subdivision (b)

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

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

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

34 (i) Proof of enrollment in a driving-under-the-influence program
35 licensed pursuant to Section 11836 of the Health and Safety Code,
36 as described in subdivision (b) of Section ~~23556~~. *23556 of this*
37 *code*.

38 (ii) Proof of enrollment in a program described in subdivision
39 (b) of Section 23542, if the court has ordered the person to enroll
40 in, participate in, and complete either program described in that

1 section, in which case the person shall not be required to provide
2 the proof described in clause (i).

3 (B) The person agrees, as a condition of the restriction, to
4 continue satisfactory participation in the program described in
5 subparagraph (A).

6 (C) The person complies with subdivision (d) of Section
7 23575.3, if applicable.

8 (D) The person agrees to maintain the ignition interlock device
9 as required under Section 23575.3, if applicable.

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

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

14 (G) The person pays to the department a fee sufficient to cover
15 the *reasonable* costs of ~~administration~~ of *administering the*
16 *requirements of this paragraph*, as determined by the department.

17 (H) The restriction shall remain in effect for the period required
18 in subdivision (e).

19 (3) Except as provided in Section 13352.5, upon a conviction
20 or finding of a violation of Section 23152 punishable under Section
21 23540, the privilege shall be suspended for two years. The privilege
22 shall not be reinstated until the person gives proof of financial
23 responsibility and gives proof satisfactory to the department of
24 successful completion of a driving-under-the-influence program
25 licensed pursuant to Section 11836 of the Health and Safety Code
26 as described in subdivision (b) of Section ~~23542~~. *23542 of this*
27 *code*. For the purposes of this paragraph, enrollment in,
28 participation in, and completion of an approved program shall
29 occur subsequent to the date of the current violation. Credit shall
30 not be given to any program activities completed prior to the date
31 of the current violation. The department shall advise the person
32 that he or she may apply to the department for a restricted driver's
33 license if the person meets all of the following requirements:

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

37 (i) Proof of enrollment in an 18-month
38 driving-under-the-influence program licensed pursuant to Section
39 11836 of the Health and Safety Code if a 30-month program is
40 unavailable in the person's county of residence or employment.

1 (ii) Proof of enrollment in 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.

5 (B) The person agrees, as a condition of the restriction, to
6 continue satisfactory participation in the program described in
7 subparagraph (A).

8 (C) The person complies with subdivision (d) of Section
9 23575.3, if applicable.

10 (D) The person agrees to maintain the ignition interlock device
11 as required under Section 23575.3, if applicable.

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

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

16 (G) The person pays to the department a fee sufficient to cover
17 the *reasonable* costs of ~~administration~~ of *administering the*
18 *requirements of this paragraph*, as determined by the department.

19 (H) The restriction shall remain in effect for the period required
20 in subdivision (e).

21 (4) Except as provided in this paragraph, upon a conviction or
22 finding of a violation of Section 23153 punishable under Section
23 23560, the privilege shall be revoked for a period of three years.
24 The privilege may not be reinstated until the person gives proof
25 of financial responsibility, and the person gives proof satisfactory
26 to the department of successful completion of a
27 driving-under-the-influence program licensed pursuant to Section
28 11836 of the Health and Safety Code, as described in paragraph
29 (4) of subdivision (b) of Section 23562 of this code. For the
30 purposes of this paragraph, enrollment in, participation in, and
31 completion of an approved program shall occur subsequent to the
32 date of the current violation. Credit shall not be given to any
33 program activities completed prior to the date of the current
34 violation. The department shall advise the person that he or she
35 may apply to the department for a restricted driver's license if the
36 person meets all of the following requirements:

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

1 (i) Proof of enrollment in an 18-month
2 driving-under-the-influence program licensed pursuant to Section
3 11836 of the Health and Safety Code if a 30-month program is
4 unavailable in the person’s county of residence or employment.
5 (ii) Proof of enrollment in a 30-month
6 driving-under-the-influence program licensed pursuant to Section
7 11836 of the Health and Safety Code, if available in the county of
8 the person’s residence or employment.
9 (B) The person agrees, as a condition of the restriction, to
10 continue satisfactory participation in the program described in
11 subparagraph (A).
12 (C) The person complies with subdivision (d) of Section
13 23575.3, if applicable.
14 (D) The person agrees to maintain the ignition interlock device
15 as required under Section 23575.3, if applicable.
16 (E) The person provides proof of financial responsibility, as
17 defined in Section 16430.
18 (F) The person pays all applicable reinstatement or reissue fees
19 and any restriction fee required by the department.
20 *(G) The person pays to the department a fee sufficient to cover*
21 *the reasonable costs of administering the requirements of this*
22 *paragraph, as determined by the department.*
23 ~~(G)~~
24 (H) The restriction shall remain in effect for the period required
25 in subdivision (e).
26 (5) Except as provided in this paragraph, upon a conviction or
27 finding of a violation of Section 23152 punishable under Section
28 23546, the privilege shall be revoked for a period of three years.
29 The privilege shall not be reinstated until the person files proof of
30 financial responsibility and gives proof satisfactory to the
31 department of successful completion of an 18-month
32 driving-under-the-influence program licensed pursuant to Section
33 11836 of the Health and Safety Code, as described in subdivision
34 (b) or (c) of Section 23548 of this code, if a 30-month program is
35 unavailable in the person’s county of residence or employment,
36 or, if available in the county of the person’s residence or
37 employment, a 30-month driving-under-the-influence program
38 licensed pursuant to Section 11836 of the Health and Safety Code,
39 or a program specified in Section 8001 of the Penal Code. For the
40 purposes of this paragraph, enrollment in, participation in, and

1 completion of an approved program shall occur subsequent to the
2 date of the current violation. Credit shall not be given to any
3 program activities completed prior to the date of the current
4 violation. The department shall advise the person that he or she
5 may apply to the department for a restricted driver's license if the
6 person meets all of the following requirements:

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

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

14 (ii) Proof of enrollment in a 30-month
15 driving-under-the-influence program licensed pursuant to Section
16 11836 of the Health and Safety Code, if available in the county of
17 the person's residence or employment.

18 (B) The person agrees, as a condition of the restriction, to
19 continue satisfactory participation in the program described in
20 subparagraph (A).

21 (C) The person complies with subdivision (d) of Section
22 23575.3, if applicable.

23 (D) The person agrees to maintain the ignition interlock device
24 as required under Section 23575.3, if applicable.

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

27 (F) An individual convicted of a violation of Section 23152
28 punishable under Section 23546 may also, at any time after
29 sentencing, petition the court for referral to an 18-month
30 driving-under-the-influence program licensed pursuant to Section
31 11836 of the Health and Safety Code, or, if available in the county
32 of the person's residence or employment, a 30-month
33 driving-under-the-influence program licensed pursuant to Section
34 11836 of the Health and Safety Code. Unless good cause is shown,
35 the court shall order the referral.

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

38 (H) The person pays to the department a fee sufficient to cover
39 the *reasonable* costs of ~~administration~~ *of administering the*
40 *requirements* of this paragraph, as determined by the department.

1 (I) The restriction shall remain in effect for the period required
2 in subdivision (e).

3 (6) Except as provided in this paragraph, upon a conviction or
4 finding of a violation of Section 23153 punishable under Section
5 23550.5 or 23566, the privilege shall be revoked for a period of
6 five years. The privilege may not be reinstated until the person
7 gives proof of financial responsibility and 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 subdivision
11 (b) of Section 23568, or if available in the county of the person's
12 residence or employment, a 30-month driving-under-the-influence
13 program licensed pursuant to Section 11836 of the Health and
14 Safety Code, or a program specified in Section 8001 of the Penal
15 Code. For the purposes of this paragraph, enrollment in,
16 participation in, and completion of an approved program shall be
17 subsequent to the date of the current violation. Credit shall not be
18 given to any program activities completed prior to the date of the
19 current violation. The department shall advise the person that he
20 or she may apply to the department for a restricted driver's license
21 if the person meets all of the following requirements:

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

25 (i) Proof of enrollment in a 30-month
26 driving-under-the-influence program licensed pursuant to Section
27 11836 of the Health and Safety Code, if available in the county of
28 the person's residence or employment.

29 (ii) Proof of enrollment in an 18-month
30 driving-under-the-influence program licensed pursuant to Section
31 11836 of the Health and Safety Code, if a 30-month program is
32 unavailable in the person's county of residence or employment.

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

36 (C) The person complies with subdivision (d) of Section
37 23575.3, if applicable.

38 (D) The person agrees to maintain the ignition interlock device
39 as required under Section 23575.3, if applicable.

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

3 (F) An individual convicted of a violation of Section 23153
4 punishable under Section 23566 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 (G) The person pays all applicable reinstatement or reissue fees
13 and any restriction fee required by the department.

14 (H) *The person pays to the department a fee sufficient to cover*
15 *the reasonable costs of administering the requirements of this*
16 *paragraph, as determined by the department.*

17 ~~(H)~~

18 (I) The restriction shall remain in effect for the period required
19 in subdivision (e).

20 (7) Except as provided in this paragraph, upon a conviction or
21 finding of a violation of Section 23152 punishable under Section
22 23550 or 23550.5, or of a violation of Section 23153 punishable
23 under Section 23550.5, the privilege shall be revoked for a period
24 of four years. The privilege shall not be reinstated until the person
25 files proof of financial responsibility and gives proof satisfactory
26 to the department of successful completion of an 18-month
27 driving-under-the-influence program licensed pursuant to Section
28 11836 of the Health and Safety Code, if a 30-month program is
29 unavailable in the person's county of residence or employment,
30 or, if available in the county of the person's residence or
31 employment, a 30-month driving-under-the-influence program
32 licensed pursuant to Section 11836 of the Health and Safety Code,
33 or a program specified in Section 8001 of the Penal Code. For the
34 purposes of this paragraph, enrollment in, participation in, and
35 completion of an approved program shall occur subsequent to the
36 date of the current violation. Credit shall not be given to any
37 program activities completed prior to the date of the current
38 violation. The department shall advise the person that he or she
39 may apply to the department for a restricted driver's license if the
40 person meets all of the following requirements:

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

4 (i) Proof of enrollment in an 18-month
5 driving-under-the-influence program licensed pursuant to Section
6 11836 of the Health and Safety Code, if a 30-month program is
7 unavailable in the person’s county of residence or employment.

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

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

15 (C) The person complies with subdivision (d) of Section
16 23575.3, if applicable.

17 (D) The person agrees to maintain the ignition interlock device
18 as required under Section 23575.3, if applicable.

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

21 (F) An individual convicted of a violation of Section 23152
22 punishable under Section 23550 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 (G) The person pays all applicable reinstatement or reissue fees
31 and any restriction fee required by the department.

32 (H) *The person pays to the department a fee sufficient to cover*
33 *the reasonable costs of administering the requirements of this*
34 *paragraph, as determined by the department.*

35 (H)

36 (I) The restriction shall remain in effect for the period required
37 in subdivision (e).

38 (8) Upon a conviction or finding of a violation of subdivision
39 (a) of Section 23109 that is punishable under subdivision (e) of
40 that section or Section 23109.1, the privilege shall be suspended

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

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

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

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

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

29 (e) (1) Except as specified in paragraph (2) or (3), the restriction
30 conditions specified in paragraphs (2) to (7), inclusive, of
31 subdivision (a) shall remain in effect for at least the remaining
32 period of the original suspension or revocation and until all
33 reinstatement requirements are satisfied.

34 (2) For the purposes of the restriction conditions specified in
35 paragraphs (2) to (7), inclusive, of subdivision (a), the department
36 shall terminate the restriction imposed pursuant to this section and
37 shall suspend or revoke the person's driving privilege upon receipt
38 of notification from the driving-under-the-influence program that
39 the person has failed to comply with the program requirements.
40 The person's driving privilege shall remain suspended or revoked

1 for the remaining period of the original suspension or revocation
2 imposed under this section and until all reinstatement requirements
3 described in this section are met.

4 (3) The department shall immediately terminate the restriction
5 issued pursuant to this section and shall immediately suspend or
6 revoke the privilege to operate a motor vehicle of a person who,
7 with respect to an ignition interlock device installed pursuant to
8 Section 23575.3, attempts to remove, bypass, or tamper with the
9 device, has the device removed prior to the termination date of the
10 restriction, or fails three or more times to comply with any
11 requirement for the maintenance or calibration of the device. The
12 privilege shall remain suspended or revoked for the remaining
13 period of the originating suspension or revocation and until all
14 reinstatement requirements in this section are satisfied.

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

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

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

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

31 (h) The reinstatement of the driving privilege pursuant to this
32 section does not abrogate a person's continuing duty to comply
33 with any restriction imposed pursuant to Section 23575.3.

34 (i) This section shall become operative on July 1, 2016.

35 SEC. 3. Section 13352.4 of the Vehicle Code is amended to
36 read:

37 13352.4. (a) Except as provided in subdivision (h), the
38 department shall issue a restricted driver's license to a person
39 whose driver's license was suspended under paragraph (1) of

1 subdivision (a) of Section 13352 or Section 13352.1, if the person
2 meets all of the following requirements:

3 (1) Submits proof satisfactory to the department of either of the
4 following, as applicable:

5 (A) Enrollment in a driving-under-the-influence program
6 licensed pursuant to Section 11836 of the Health and Safety Code,
7 as described in subdivision (b) of Section ~~23538~~. *23538 of this*
8 *code*.

9 (B) Enrollment in a program described in subdivision (b) of
10 Section 23542, if the court has ordered the person to enroll in,
11 participate in, and complete either program described in that
12 section, in which case the person shall not be required to provide
13 proof of the enrollment described in subparagraph (A).

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

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

18 (b) The restriction of the driving privilege shall become effective
19 when the department receives all of the documents and fees
20 required under subdivision (a) and shall remain in effect until the
21 final day of the original suspension imposed under paragraph (1)
22 of subdivision (a) of Section 13352 or Section 13352.1, or until
23 the date all reinstatement requirements described in Section 13352
24 or ~~Section~~ 13352.1 have been met, whichever date is later, and
25 may include credit for any suspension period served under
26 subdivision (c) of Section 13353.3.

27 (c) The restriction of the driving privilege shall be limited to
28 the hours necessary for driving to and from the person's place of
29 employment, driving during the course of employment, and driving
30 to and from activities required in the driving-under-the-influence
31 program.

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

38 (e) For the purposes of this section, enrollment, participation,
39 and completion of an approved program shall be subsequent to the

1 date of the current violation. Credit may not be given to a program
2 activity completed prior to the date of the current violation.

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

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

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

26 (i) This section shall become inoperative on July 1, 2016, and,
27 as of January 1, 2017, is repealed, unless a later enacted statute,
28 that becomes operative on or before January 1, 2017, deletes or
29 extends the dates on which it becomes inoperative and is repealed.

30 SEC. 4. Section 13352.4 is added to the Vehicle Code, to read:

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

36 (1) Submits proof satisfactory to the department of either of the
37 following:

38 (A) Enrollment in a driving-under-the-influence program
39 licensed pursuant to Section 11836 of the Health and Safety Code,

1 as described in subdivision (b) of Section ~~23538~~. *23538 of this*
2 *code.*

3 (B) Enrollment in a program described in subdivision (b) of
4 Section 23542, if the court has ordered the person to enroll in,
5 participate in, and complete either program described in that
6 section, in which case the person shall not be required to provide
7 proof of the enrollment described in subparagraph (A).

8 (2) Complies with subdivision (d) of Section 23575.3, if
9 applicable.

10 (3) Agrees to maintain the ignition interlock device as required
11 under Section 23575.3, if applicable.

12 (4) Submits proof of financial responsibility, as defined in
13 Section 16430.

14 (5) Pays all applicable reinstatement or reissue fees and any
15 restriction fee required by the department.

16 (6) *The person pays to the department a fee sufficient to cover*
17 *the reasonable costs of administering the requirements of this*
18 *paragraph, as determined by the department.*

19 (b) The restriction of the driving privilege shall become effective
20 when the department receives all of the documents and fees
21 required under subdivision (a) and shall remain in effect until the
22 final day of the original suspension imposed under paragraph (1)
23 of subdivision (a) of Section 13352 or Section 13352.1, or until
24 the date all reinstatement requirements described in Section 13352
25 or ~~Section~~ 13352.1 have been met, whichever date is later, and
26 may include credit for any suspension period served under
27 subdivision (c) of Section 13353.3.

28 ~~(e) The restriction of the driving privilege shall be limited to~~
29 ~~the hours necessary for driving to and from the person's place of~~
30 ~~employment, driving during the course of employment, and driving~~
31 ~~to and from activities required in the driving-under-the-influence~~
32 ~~program.~~

33 ~~(d)~~

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

40 (e)

1 (d) For the purposes of this section, enrollment, participation,
2 and completion of an approved program shall be subsequent to the
3 date of the current violation. Credit may not be given to a program
4 activity completed prior to the date of the current violation.

5 ~~(f)~~

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

17 (2) The department shall immediately terminate the restriction
18 issued pursuant to this section and shall immediately suspend or
19 revoke the privilege to operate a motor vehicle of a person who,
20 with respect to an ignition interlock device installed pursuant to
21 Section 23575.3, attempts to remove, bypass, or tamper with the
22 device, has the device removed prior to the termination date of the
23 restriction, or fails three or more times to comply with any
24 requirement for the maintenance or calibration of the device. The
25 privilege shall remain suspended or revoked for the remaining
26 period of the originating suspension or revocation and until all
27 reinstatement requirements in this section are satisfied.

28 ~~(g)~~

29 (f) The holder of a commercial driver's license who was
30 operating a commercial motor vehicle, as defined in Section 15210,
31 at the time of a violation that resulted in a suspension or revocation
32 of the person's noncommercial driving privilege under paragraph
33 (1) of subdivision (a) of Section 13352 or Section 13352.1 is not
34 eligible for the restricted driver's license authorized under this
35 section.

36 ~~(h)~~

37 (g) If, upon conviction, the court has made the determination,
38 as authorized under subdivision (d) of Section 23536 or paragraph
39 (3) of subdivision (a) of Section 23538, to disallow the issuance

1 of a restricted driver's license, the department may not issue a
2 restricted driver's license under this section.

3 (i)

4 (h) This section shall become operative on July 1, 2016.

5 SEC. 5. Section 13353.3 of the Vehicle Code is amended to
6 read:

7 13353.3. (a) An order of suspension of a person's privilege to
8 operate a motor vehicle pursuant to Section 13353.2 shall become
9 effective 30 days after the person is served with the notice pursuant
10 to Section 13382 or 13388, or subdivision (b) of Section 13353.2.

11 (b) The period of suspension of a person's privilege to operate
12 a motor vehicle under Section 13353.2 is as follows:

13 (1) If the person has not been convicted of a separate violation
14 of Section 23103, as specified in Section 23103.5, or Section
15 23140, 23152, or 23153, or Section 191.5 or subdivision (a) of
16 Section 192.5 of the Penal Code, the person has not been
17 administratively determined to have refused chemical testing
18 pursuant to Section 13353 or ~~13353.1~~, *13353.1 of this code*, or the
19 person has not been administratively determined to have been
20 driving with an excessive concentration of alcohol pursuant to
21 Section 13353.2 on a separate occasion, which offense or
22 occurrence occurred within 10 years of the occasion in question,
23 the person's privilege to operate a motor vehicle shall be suspended
24 for four months.

25 (2) (A) If the person has been convicted of one or more separate
26 violations of Section 23103, as specified in Section 23103.5, or
27 Section 23140, 23152, or 23153, or Section 191.5 or subdivision
28 (a) of Section 192.5 of the Penal Code, the person has been
29 administratively determined to have refused chemical testing
30 pursuant to Section 13353 or ~~13353.1~~, *13353.1 of this code*, or the
31 person has been administratively determined to have been driving
32 with an excessive concentration of alcohol pursuant to Section
33 13353.2 on a separate occasion, which offense or occasion occurred
34 within 10 years of the occasion in question, the person's privilege
35 to operate a motor vehicle shall be suspended for one year, except
36 as provided in subparagraphs (B) and (C).

37 (B) The one-year suspension pursuant to subparagraph (A) shall
38 terminate if the person has been convicted of a violation arising
39 out of the same occurrence and all of the following conditions are
40 met:

- 1 (i) The person is eligible for a restricted driver’s license pursuant
2 to Section 13352.
- 3 (ii) The person installs an ignition interlock device as required
4 in Section 13352 for that restricted driver’s license.
- 5 (iii) The person complies with all other applicable conditions
6 of Section 13352 for a restricted driver’s license.
- 7 (C) The one-year suspension pursuant to subparagraph (A) shall
8 terminate after completion of a 90-day suspension period, and the
9 person shall be eligible for a restricted license if the person has
10 been convicted of a violation of Section 23103, as specified in
11 Section 23103.5, arising out of the same occurrence, has no more
12 than two prior alcohol-related convictions within 10 years, as
13 specified pursuant to subparagraph (A), and all of the following
14 conditions are met:
- 15 (i) The person satisfactorily provides, subsequent to the
16 underlying violation date, proof satisfactory to the department of
17 enrollment in a nine-month driving-under-the-influence program
18 licensed pursuant to Chapter 9 (commencing with Section 11836)
19 of Part 2 of Division 10.5 of the Health and Safety Code that
20 consists of at least 60 hours of program activities, including
21 education, group counseling, and individual interview sessions.
- 22 (ii) The person agrees, as a condition of the restriction, to
23 continue satisfactory participation in the program described in
24 clause (i).
- 25 (iii) The person installs an ignition interlock device and submits
26 the “Verification of Installation” form described in paragraph (2)
27 of subdivision (g) of Section 13386.
- 28 (iv) The person agrees to maintain the ignition interlock device
29 as required pursuant to subdivision (g) of Section 23575.
- 30 (v) The person provides proof of financial responsibility, as
31 defined in Section 16430.
- 32 (vi) The person pays all license fees and any restriction fee
33 required by the department.
- 34 (vii) The person pays to the department a fee sufficient to cover
35 the costs of administration of this paragraph, as determined by the
36 department.
- 37 (D) The department shall advise those persons that are eligible
38 under subparagraph (C) that after completion of 90 days of the
39 suspension period, the person may apply to the department for a

1 restricted driver's license, subject to the conditions set forth in
2 subparagraph (C).

3 (E) The restricted driving privilege shall become effective when
4 the department receives all of the documents and fees required
5 under subparagraph (C) and remain in effect for at least the
6 remaining period of the original suspension and until the person
7 provides satisfactory proof to the department of successful
8 completion of a driving-under-the-influence program licensed
9 pursuant to Section 11836 of the Health and Safety Code. The
10 restricted driving privilege shall be subject to the following
11 conditions:

12 (i) If the driving privilege is restricted under this section, proof
13 of financial responsibility, as described in Section 16430, shall be
14 maintained for three years. If the person does not maintain that
15 proof of financial responsibility at any time during the restriction,
16 the driving privilege shall be suspended until the proof required
17 pursuant to Section 16484 is received by the department.

18 (ii) For the purposes of this section, enrollment, participation,
19 and completion of an approved program shall occur subsequent
20 to the date of the current violation. Credit may not be given to a
21 program activity completed prior to the date of the current
22 violation.

23 (iii) The department shall terminate the restriction issued
24 pursuant to this section and shall suspend the privilege to operate
25 a motor vehicle pursuant to subparagraph (A) immediately upon
26 receipt of notification from the driving-under-the-influence
27 program that the person has failed to comply with the program
28 requirements. The privilege shall remain suspended until the final
29 day of the original suspension imposed pursuant to subparagraph
30 (A).

31 (iv) The department shall terminate the restriction issued
32 pursuant to this section and shall immediately suspend the privilege
33 to operate a motor vehicle pursuant to subparagraph (A)
34 immediately upon receipt of notification from the installer that a
35 person has attempted to remove, bypass, or tamper with the ignition
36 interlock device, has removed the device prior to the termination
37 date of the restriction, or fails three or more times to comply with
38 any requirement for the maintenance or calibration of the ignition
39 interlock device ordered pursuant to this section. The privilege

1 shall remain suspended for the remaining period of the original
2 suspension imposed pursuant to subparagraph (A).

3 (3) Notwithstanding any other law, if a person has been
4 administratively determined to have been driving in violation of
5 Section 23136 or to have refused chemical testing pursuant to
6 Section 13353.1, the period of suspension shall not be for less than
7 one year.

8 (c) If a person's privilege to operate a motor vehicle is
9 suspended pursuant to Section 13353.2 and the person is convicted
10 of a violation of Section 23152 or 23153, including, but not limited
11 to, a violation described in Section 23620, arising out of the same
12 occurrence, both the suspension under Section 13353.2 and the
13 suspension or revocation under Section 13352 shall be imposed,
14 except that the periods of suspension or revocation shall run
15 concurrently, and the total period of suspension or revocation shall
16 not exceed the longer of the two suspension or revocation periods.

17 (d) For the purposes of this section, a conviction of an offense
18 in any state, territory, or possession of the United States, the
19 District of Columbia, the Commonwealth of Puerto Rico, or ~~the~~
20 ~~Dominion~~ of Canada that, if committed in this state, would be a
21 violation of Section 23103, as specified in Section 23103.5, or
22 Section 23140, 23152, or 23153, or Section 191.5 or subdivision
23 (a) of Section 192.5 of the Penal Code, is a conviction of that
24 particular section of the Vehicle Code or Penal Code.

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

30 (f) This section shall become inoperative on July 1, 2016, and,
31 as of January 1, 2017, is repealed, unless a later enacted statute,
32 that becomes operative on or before January 1, 2017, deletes or
33 extends the dates on which it becomes inoperative and is repealed.

34 SEC. 6. Section 13353.3 is added to the Vehicle Code, to read:

35 13353.3. (a) An order of suspension of a person's privilege to
36 operate a motor vehicle pursuant to Section 13353.2 shall become
37 effective 30 days after the person is served with the notice pursuant
38 to Section 13382 or 13388, or subdivision (b) of Section 13353.2.

39 (b) The period of suspension of a person's privilege to operate
40 a motor vehicle under Section 13353.2 is as follows:

1 (1) If the person has not been convicted of a separate violation
2 of Section 23103, as specified in Section 23103.5, or Section
3 23140, 23152, or 23153, or Section 191.5 or subdivision (a) of
4 Section 192.5 of the Penal Code, the person has not been
5 administratively determined to have refused chemical testing
6 pursuant to Section 13353 or ~~13353.1~~, *13353.1 of this code*, or the
7 person has not been administratively determined to have been
8 driving with an excessive concentration of alcohol pursuant to
9 Section 13353.2 on a separate occasion, which offense or
10 occurrence occurred within 10 years of the occasion in question,
11 the person's privilege to operate a motor vehicle shall be suspended
12 for four months.

13 (2) (A) If the person has been convicted of one or more separate
14 violations of Section 23103, as specified in Section 23103.5, or
15 Section 23140, 23152, or 23153, or Section 191.5 or subdivision
16 (a) of Section 192.5 of the Penal Code, the person has been
17 administratively determined to have refused chemical testing
18 pursuant to Section 13353 or ~~13353.1~~, *13353.1 of this code*, or the
19 person has been administratively determined to have been driving
20 with an excessive concentration of alcohol pursuant to Section
21 13353.2 on a separate occasion, which offense or occasion occurred
22 within 10 years of the occasion in question, the person's privilege
23 to operate a motor vehicle shall be suspended for one year, except
24 as provided in subparagraphs (B) and (C).

25 (B) The one-year suspension pursuant to subparagraph (A) shall
26 terminate if the person has been convicted of a violation arising
27 out of the same occurrence and all of the following conditions are
28 met:

29 (i) The person is eligible for a restricted driver's license pursuant
30 to Section 13352.

31 (ii) The person installs an ignition interlock device as required
32 in Section 13352 for that restricted driver's license.

33 (iii) The person complies with all other applicable conditions
34 of Section 13352 for a restricted driver's license.

35 (C) The one-year suspension pursuant to subparagraph (A) shall
36 terminate after completion of a 90-day suspension period, and the
37 person shall be eligible for a restricted license if the person has
38 been convicted of a violation of Section 23103, as specified in
39 Section 23103.5, arising out of the same occurrence, has no more
40 than two prior alcohol-related convictions within 10 years, as

1 specified pursuant to subparagraph (A), and all of the following
2 conditions are met:

3 (i) The person satisfactorily provides, subsequent to the
4 underlying violation date, proof satisfactory to the department of
5 enrollment in a nine-month driving-under-the-influence program
6 licensed pursuant to Chapter 9 (commencing with Section 11836)
7 of Part 2 of Division 10.5 of the Health and Safety Code that
8 consists of at least 60 hours of program activities, including
9 education, group counseling, and individual interview sessions.

10 (ii) The person agrees, as a condition of the restriction, to
11 continue satisfactory participation in the program described in
12 clause (i).

13 (iii) The person installs an ignition interlock device and submits
14 the “Verification of Installation” form described in paragraph (2)
15 of subdivision (g) of Section 13386.

16 (iv) The person agrees to maintain the ignition interlock device
17 as required under Section 23575.3.

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

20 (vi) The person pays all license fees and any restriction fee
21 required by the department.

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

25 (D) The department shall advise those persons that are eligible
26 under subparagraph (C) that after completion of 90 days of the
27 suspension period, the person may apply to the department for a
28 restricted driver’s license, subject to the conditions set forth in
29 subparagraph (C).

30 (E) The restricted driving privilege shall become effective when
31 the department receives all of the documents and fees required
32 under subparagraph (C) and remain in effect for at least the
33 remaining period of the original suspension and until the person
34 provides satisfactory proof to the department of successful
35 completion of a driving-under-the-influence program licensed
36 pursuant to Section 11836 of the Health and Safety Code. The
37 restricted driving privilege shall be subject to the following
38 conditions:

39 (i) If the driving privilege is restricted under this section, proof
40 of financial responsibility, as described in Section 16430, shall be

1 maintained for three years. If the person does not maintain that
2 proof of financial responsibility at any time during the restriction,
3 the driving privilege shall be suspended until the proof required
4 pursuant to Section 16484 is received by the department.

5 (ii) For the purposes of this section, enrollment, participation,
6 and completion of an approved program shall occur subsequent
7 to the date of the current violation. Credit may not be given to a
8 program activity completed prior to the date of the current
9 violation.

10 (iii) The department shall terminate the restriction issued
11 pursuant to this section and shall suspend the privilege to operate
12 a motor vehicle pursuant to subparagraph (A) immediately upon
13 receipt of notification from the driving-under-the-influence
14 program that the person has failed to comply with the program
15 requirements. The privilege shall remain suspended until the final
16 day of the original suspension imposed pursuant to subparagraph
17 (A).

18 (iv) The department shall terminate the restriction issued
19 pursuant to this section and shall immediately suspend the privilege
20 to operate a motor vehicle pursuant to subparagraph (A)
21 immediately upon receipt of notification from the installer that a
22 person has attempted to remove, bypass, or tamper with the ignition
23 interlock device, has removed the device prior to the termination
24 date of the restriction, or fails three or more times to comply with
25 any requirement for the maintenance or calibration of the ignition
26 interlock device ordered pursuant to this section. The privilege
27 shall remain suspended for the remaining period of the original
28 suspension imposed pursuant to subparagraph (A).

29 (3) Notwithstanding any other law, if a person has been
30 administratively determined to have been driving in violation of
31 Section 23136 or to have refused chemical testing pursuant to
32 Section 13353.1, the period of suspension shall not be for less than
33 one year.

34 (c) If a person's privilege to operate a motor vehicle is
35 suspended pursuant to Section 13353.2 and the person is convicted
36 of a violation of Section 23152 or 23153, including, but not limited
37 to, a violation described in Section 23620, arising out of the same
38 occurrence, both the suspension under Section 13353.2 and the
39 suspension or revocation under Section 13352 shall be imposed,
40 except that the periods of suspension or revocation shall run

1 concurrently, and the total period of suspension or revocation shall
2 not exceed the longer of the two suspension or revocation periods.

3 (d) For the purposes of this section, a conviction of an offense
4 in any state, territory, or possession of the United States, the
5 District of Columbia, the Commonwealth of Puerto Rico, or ~~the~~
6 ~~Dominion~~ of Canada that, if committed in this state, would be a
7 violation of Section 23103, as specified in Section 23103.5, or
8 Section 23140, 23152, or 23153, or Section 191.5 or subdivision
9 (a) of Section 192.5 of the Penal Code, is a conviction of that
10 particular section of the Vehicle Code or Penal Code.

11 (e) The holder of a commercial driver's license who was
12 operating a commercial motor vehicle, as defined in Section 15210,
13 at the time of a violation that resulted in a suspension or revocation
14 of the person's noncommercial driving privilege is not eligible for
15 the restricted driver's license authorized pursuant to this section.

16 (f) This section shall become operative on July 1, 2016.

17 SEC. 7. Section 13353.4 of the Vehicle Code is amended to
18 read:

19 13353.4. (a) Except as provided in Section 13353.3, 13353.7,
20 or 13353.8, the driving privilege shall not be restored, and a
21 restricted or hardship permit to operate a motor vehicle shall not
22 be issued, to a person during the suspension or revocation period
23 specified in Section 13353, 13353.1, or 13353.3.

24 (b) The privilege to operate a motor vehicle shall not be restored
25 after a suspension or revocation pursuant to Section 13352, 13353,
26 13353.1, or 13353.2 until all applicable fees, including the fees
27 prescribed in Section 14905, have been paid and the person gives
28 proof of financial responsibility, as defined in Section 16430, to
29 the department.

30 (c) This section shall become inoperative on July 1, 2016, and,
31 as of January 1, 2017, is repealed, unless a later enacted statute,
32 that becomes operative on or before January 1, 2017, deletes or
33 extends the dates on which it becomes inoperative and is repealed.

34 SEC. 8. Section 13353.4 is added to the Vehicle Code, to read:

35 13353.4. (a) Except as provided in Section 13353.3, 13353.6,
36 13353.7, or 13353.8, the driving privilege shall not be restored,
37 and a restricted or hardship permit to operate a motor vehicle shall
38 not be issued, to a person during the suspension or revocation
39 period specified in Section 13353, 13353.1, or 13353.3.

1 (b) The privilege to operate a motor vehicle shall not be restored
2 after a suspension or revocation pursuant to Section 13352, 13353,
3 13353.1, or 13353.2 until all applicable fees, including the fees
4 prescribed in Section 14905, have been paid and the person gives
5 proof of financial responsibility, as defined in Section 16430, to
6 the department.

7 (c) This section shall become operative on July 1, 2016.

8 SEC. 9. Section 13353.5 of the Vehicle Code is amended to
9 read:

10 13353.5. (a) If a person whose driving privilege is suspended
11 or revoked under Section 13352, former Section 13352.4, Section
12 13352.4, Section 13352.6, paragraph (1) of subdivision (g) of
13 Section 23247, or paragraph (2) of subdivision (f) of Section 23575
14 is a resident of another state at the time the mandatory period of
15 suspension or revocation expires, the department may terminate
16 the suspension or revocation, upon written application of the
17 person, for the purpose of allowing the person to apply for a license
18 in his or her state of residence. The application shall include, but
19 need not be limited to, evidence satisfactory to the department that
20 the applicant now resides in another state.

21 (b) If the person submits an application for a California driver's
22 license within three years after the date of the action to terminate
23 suspension or revocation pursuant to subdivision (a), a license
24 shall not be issued until evidence satisfactory to the department
25 establishes that the person is qualified for reinstatement and no
26 grounds exist including, but not limited to, one or more subsequent
27 convictions for driving under the influence of alcohol or other
28 drugs that would support a refusal to issue a license. The
29 department may waive the three-year requirement if the person
30 provides the department with proof of financial responsibility, as
31 defined in Section 16430, and proof satisfactory to the department
32 of successful completion of a driving-under-the-influence program
33 described in Section 13352, and the driving-under-the-influence
34 program is of the length required under paragraphs (1) to (7),
35 inclusive, of subdivision (a) of Section 13352.

36 (c) For the purposes of this section, "state" includes a foreign
37 province or country.

38 (d) This section shall become inoperative on July 1, 2016, and,
39 as of January 1, 2017, is repealed, unless a later enacted statute,

1 that becomes operative on or before January 1, 2017, deletes or
2 extends the dates on which it becomes inoperative and is repealed.

3 SEC. 10. Section 13353.5 is added to the Vehicle Code, to
4 read:

5 13353.5. (a) If a person whose driving privilege is suspended
6 or revoked under Section 13352, former Section 13352.4, Section
7 13352.4, Section 13352.6, paragraph (1) of subdivision (g) of
8 Section 23247, or paragraph (3) of subdivision (e) of Section 13352
9 is a resident of another state at the time the mandatory period of
10 suspension or revocation expires, the department may terminate
11 the suspension or revocation, upon written application of the
12 person, for the purpose of allowing the person to apply for a license
13 in his or her state of residence. The application shall include, but
14 need not be limited to, evidence satisfactory to the department that
15 the applicant now resides in another state.

16 (b) If the person submits an application for a California driver's
17 license within three years after the date of the action to terminate
18 suspension or revocation pursuant to subdivision (a), a license
19 shall not be issued until evidence satisfactory to the department
20 establishes that the person is qualified for reinstatement and no
21 grounds exist including, but not limited to, one or more subsequent
22 convictions for driving under the influence of alcohol or other
23 drugs that would support a refusal to issue a license. The
24 department may waive the three-year requirement if the person
25 provides the department with proof of financial responsibility, as
26 defined in Section 16430, and proof satisfactory to the department
27 of successful completion of a driving-under-the-influence program
28 described in Section 13352, and the driving-under-the-influence
29 program is of the length required under paragraphs (1) to (7),
30 inclusive, of subdivision (a) of Section 13352.

31 (c) For the purposes of this section, "state" includes a foreign
32 province or country.

33 (d) This section shall become operative on July 1, 2016.

34 SEC. 11. Section 13353.6 is added to the Vehicle Code, to
35 read:

36 13353.6. (a) Notwithstanding any other law, a person whose
37 driving privilege has been suspended under Section 13353.2 and
38 who is eligible for a restricted driver's license as provided for in
39 Section 13353.3 or 13353.7 may be eligible for a restricted driver's
40 license without serving any period of the suspension if the person

1 meets all of the eligibility requirements specified in those sections
2 and the person does both of the following:

3 (1) The person installs an ignition interlock device on any
4 vehicle that he or she own or operates and submits the “Verification
5 of Installation” form described in paragraph (2) of subdivision (g)
6 of Section 13386.

7 (2) The person agrees to maintain the ignition interlock device
8 as required under Section 23575.3.

9 *(b) A person whose driving privilege has been suspended under*
10 *Section 13353.2 may install an ignition interlock device prior to*
11 *the effective date specified in Section 13353.3. A person who*
12 *installs an ignition interlock device pursuant to this subdivision,*
13 *meets all of the eligibility requirements specified in Section 13353.3*
14 *or 13353.7, and complies with paragraphs (1) and (2) of*
15 *subdivision (a) is eligible for a restricted driver’s license on the*
16 *effective date specified in Section 13353.3.*

17 *(c) The department shall terminate the restriction issued*
18 *pursuant to Section 13353.3 or 13353.7 and shall immediately*
19 *reinstate the suspension of the privilege to operate a motor vehicle*
20 *upon receipt of notification from the ignition interlock device*
21 *installer that a person has attempted to remove, bypass, or tamper*
22 *with the ignition interlock device, has removed the device prior to*
23 *the termination date of the restriction, or fails three or more times*
24 *to comply with any requirement for the maintenance or calibration*
25 *of the ignition interlock device. The privilege shall remain*
26 *suspended for the remaining mandatory suspension period imposed*
27 *pursuant to Section 13353.3.*

28 ~~(b)~~

29 (d) This section shall become operative on July 1, 2016.

30 SEC. 12. Section 13386 of the Vehicle Code is amended to
31 read:

32 13386. (a) (1) The department shall certify or cause to be
33 certified ignition interlock devices required by Article 5
34 (commencing with Section 23575) of Chapter 2 of Division 11.5
35 and publish a list of approved devices.

36 (2) (A) The department shall ensure that ignition interlock
37 devices that have been certified according to the requirements of
38 this section continue to meet certification requirements. The
39 department may periodically require manufacturers to indicate in

1 writing whether the devices continue to meet certification
2 requirements.

3 (B) The department may use denial of certification, suspension
4 or revocation of certification, or decertification of an ignition
5 interlock device in another state as an indication that the
6 certification requirements are not met, if either of the following
7 apply:

8 (i) The denial of certification, suspension or revocation of
9 certification, or decertification in another state constitutes a
10 violation by the manufacturer of Article 2.55 (commencing with
11 Section 125.00) of Chapter 1 of Division 1 of Title 13 of the
12 California Code of Regulations.

13 (ii) The denial of certification for an ignition interlock device
14 in another state was due to a failure of an ignition interlock device
15 to meet the standards adopted by the regulation set forth in clause
16 (i), specifically Sections 1 and 2 of the model specification for
17 breath alcohol ignition interlock devices, as published by notice
18 in the Federal Register, Vol. 57, No. 67, Tuesday, April 7, 1992,
19 on pages 11774 to 11787, inclusive.

20 (C) Failure to continue to meet certification requirements shall
21 result in suspension or revocation of certification of ignition
22 interlock devices.

23 (b) (1) A manufacturer shall not furnish an installer, service
24 center, technician, or consumer with technology or information
25 that allows a device to be used in a manner that is contrary to the
26 purpose for which it is certified.

27 (2) Upon a violation of paragraph (1), the department shall
28 suspend or revoke the certification of the ignition interlock device
29 that is the subject of that violation.

30 (c) An installer, service center, or technician shall not tamper
31 with, change, or alter the functionality of the device from its
32 certified criteria.

33 (d) The department shall utilize information from an
34 independent, accredited (ISO/IEC 17025) laboratory to certify
35 ignition interlock devices of the manufacturer or manufacturer's
36 agent, in accordance with the guidelines. The cost of certification
37 shall be borne by the manufacturers of ignition interlock devices.
38 If the certification of a device is suspended or revoked, the
39 manufacturer of the device shall be responsible for, and shall bear

1 the cost of, the removal of the device and the replacement of a
2 certified device of the manufacturer or another manufacturer.

3 (e) No model of ignition interlock device shall be certified unless
4 it meets the accuracy requirements and specifications provided in
5 the guidelines adopted by the National Highway Traffic Safety
6 Administration.

7 (f) All manufacturers of ignition interlock devices that meet the
8 requirements of subdivision (e) and are certified in a manner
9 approved by the department, who intend to market the devices in
10 this state, first shall apply to the department on forms provided by
11 that department. The application shall be accompanied by a fee in
12 an amount not to exceed the amount necessary to cover the costs
13 incurred by the department in carrying out this section.

14 (g) The department shall ensure that standard forms and
15 procedures are developed for documenting decisions and
16 compliance and communicating results to relevant agencies. These
17 forms shall include all of the following:

18 (1) An “Option to Install,” to be sent by the department to repeat
19 offenders along with the mandatory order of suspension or
20 revocation. This shall include the alternatives available for early
21 license reinstatement with the installation of an ignition interlock
22 device and shall be accompanied by a toll-free telephone number
23 for each manufacturer of a certified ignition interlock device.
24 Information regarding approved installation locations shall be
25 provided to drivers by manufacturers with ignition interlock devices
26 that have been certified in accordance with this section.

27 (2) A “Verification of Installation” to be returned to the
28 department by the reinstating offender upon application for
29 reinstatement. Copies shall be provided for the manufacturer or
30 the manufacturer’s agent.

31 (3) A “Notice of Noncompliance” and procedures to ensure
32 continued use of the ignition interlock device during the restriction
33 period and to ensure compliance with maintenance requirements.
34 The maintenance period shall be standardized at 60 days to
35 maximize monitoring checks for equipment tampering.

36 (h) Every manufacturer and manufacturer’s agent certified by
37 the department to provide ignition interlock devices shall adopt
38 fee schedules that provide for the payment of the costs of the device
39 by applicants in amounts commensurate with the applicant’s ability
40 to pay.

1 (i) A person who manufactures, installs, services, or repairs,
2 or otherwise deals in ignition interlock devices shall not disclose,
3 sell, or transfer to a third party any individually identifiable
4 information pertaining to individuals who are required by law to
5 install an ignition interlock device on a vehicle that he or she owns
6 or operates, except to the extent necessary to confirm or deny that
7 an individual has complied with ignition interlock device
8 installation and maintenance requirements.

9 *SEC. 13. Section 23103.5 of the Vehicle Code is amended to*
10 *read:*

11 23103.5. (a) If the prosecution agrees to a plea of guilty or
12 nolo contendere to a charge of a violation of Section 23103 in
13 satisfaction of, or as a substitute for, an original charge of a
14 violation of Section 23152, the prosecution shall state for the record
15 a factual basis for the satisfaction or substitution, including whether
16 or not there had been consumption of an alcoholic beverage or
17 ingestion or administration of a drug, or both, by the defendant in
18 connection with the offense. The statement shall set forth the facts
19 that show whether or not there was a consumption of an alcoholic
20 beverage or the ingestion or administration of a drug by the
21 defendant in connection with the offense.

22 (b) The court shall advise the defendant, prior to the acceptance
23 of the plea offered pursuant to a factual statement pursuant to
24 subdivision (a), of the consequences of a conviction of a violation
25 of Section 23103 as set forth in subdivision (c).

26 (c) If the court accepts the defendant's plea of guilty or nolo
27 contendere to a charge of a violation of Section 23103 and the
28 prosecutor's statement under subdivision (a) states that there was
29 consumption of an alcoholic beverage or the ingestion or
30 administration of a drug by the defendant in connection with the
31 offense, the resulting conviction shall be a prior offense for the
32 purposes of Section 23540, 23546, 23550, 23560, 23566, or 23622,
33 as specified in those sections.

34 (d) The court shall notify the Department of Motor Vehicles of
35 each conviction of Section 23103 that is required under this section
36 to be a prior offense for purposes of Section 23540, 23546, 23550,
37 23560, 23566, or 23622.

38 (e) Except as provided in paragraph (1) of subdivision (f), if the
39 court places the defendant on probation for a conviction of Section
40 23103 that is required under this section to be a prior offense for

1 purposes of Section 23540, 23546, 23550, 23560, 23566, or 23622,
2 the court shall order the defendant to enroll in an alcohol and drug
3 education program licensed under Chapter 9 (commencing with
4 Section 11836) of Part 2 of Division 10.5 of the Health and Safety
5 Code and complete, at a minimum, the educational component of
6 that program, as a condition of probation. If compelling
7 circumstances exist that mitigate against including the education
8 component in the order, the court may make an affirmative finding
9 to that effect. The court shall state the compelling circumstances
10 and the affirmative finding on the record, and may, in these cases,
11 exclude the educational component from the order.

12 (f) (1) If the court places on probation a defendant convicted
13 of a violation of Section 23103 that is required under this section
14 to be a prior offense for purposes of Section 23540, 23546, 23550,
15 23560, 23566, or 23622, and that offense occurred within 10 years
16 of a separate conviction of a violation of Section 23103, as
17 specified in this section, or within 10 years of a conviction of a
18 violation of Section 23152 or 23153, the court shall order the
19 defendant to participate for nine months or longer, as ordered by
20 the court, in a program licensed under Chapter 9 (commencing
21 with Section 11836) of Part 2 of Division 10.5 of the Health and
22 Safety Code that consists of at least 60 hours of program activities,
23 including education, group counseling, and individual interview
24 sessions.

25 (2) The court shall revoke the person's probation, except for
26 good cause shown, for the failure to enroll in, participate in, or
27 complete a program specified in paragraph (1).

28 (g) *Beginning July 1, 2016, the court may require a person*
29 *convicted of a violation of Section 23103, as described in this*
30 *section, to install a certified ignition interlock device on any vehicle*
31 *that the person owns or operates and prohibit that person from*
32 *operating a motor vehicle unless that vehicle is equipped with a*
33 *functioning, certified ignition interlock device. If the court orders*
34 *the ignition interlock device restriction, the term shall be*
35 *determined by the court for a period of at least three months, but*
36 *no longer than the term specified in Section 23575.3 that would*
37 *have applied to the defendant had he or she instead been convicted*
38 *of a violation of Section 23152, from the date of conviction. The*
39 *court shall notify the Department of Motor Vehicles, as specified*
40 *in subdivision (a) of Section 1803, of the terms of the restrictions*

1 *in accordance with subdivision (a) of Section 1804. The*
2 *Department of Motor Vehicles shall place the restriction in the*
3 *person's records in the Department of Motor Vehicles. A person*
4 *who is required to install an ignition interlock device pursuant to*
5 *this subdivision shall submit the "Verification of Installation"*
6 *form described in paragraph (2) of subdivision (g) of Section 13386*
7 *and maintain the ignition interlock device as required under*
8 *subdivision (f) of Section 23575.3. The department shall monitor*
9 *the installation and maintenance of the ignition interlock device*
10 *installed pursuant to this subdivision.*

11 ~~(g)~~
12 (h) The Department of Motor Vehicles shall include in its annual
13 report to the Legislature under Section 1821 an evaluation of the
14 effectiveness of the programs described in subdivisions (e) and ~~(f)~~
15 (g) as to treating persons convicted of violating Section 23103.

16 ~~SEC. 13.~~

17 *SEC. 14.* Section 23247 of the Vehicle Code is amended to
18 read:

19 23247. (a) It is unlawful for a person to knowingly rent, lease,
20 or lend a motor vehicle to another person known to have had his
21 or her driving privilege restricted as provided in Section 13352,
22 23575, or 23700, unless the vehicle is equipped with a functioning,
23 certified ignition interlock device. A person, whose driving
24 privilege is restricted pursuant to Section 13352, 23575, or 23700
25 shall notify any other person who rents, leases, or loans a motor
26 vehicle to him or her of the driving restriction imposed under that
27 section.

28 (b) It is unlawful for any person whose driving privilege is
29 restricted pursuant to Section 13352, 23575, or 23700 to request
30 or solicit any other person to blow into an ignition interlock device
31 or to start a motor vehicle equipped with the device for the purpose
32 of providing the person so restricted with an operable motor
33 vehicle.

34 (c) It is unlawful to blow into an ignition interlock device or to
35 start a motor vehicle equipped with the device for the purpose of
36 providing an operable motor vehicle to a person whose driving
37 privilege is restricted pursuant to Section 13352, 23575, or 23700.

38 (d) It is unlawful to remove, bypass, or tamper with, an ignition
39 interlock device.

1 (e) It is unlawful for any person whose driving privilege is
2 restricted pursuant to Section 13352, 23575, or 23700 to operate
3 any vehicle not equipped with a functioning ignition interlock
4 device.

5 (f) Any person convicted of a violation of this section shall be
6 punished by imprisonment in ~~the~~ a county jail for not more than
7 six months or by a fine of not more than five thousand dollars
8 (\$5,000), or by both that fine and imprisonment.

9 (g) (1) If any person whose driving privilege is restricted
10 pursuant to Section 13352 is convicted of a violation of subdivision
11 (e), the court shall notify the Department of Motor Vehicles, which
12 shall immediately terminate the restriction and shall suspend or
13 revoke the person's driving privilege for the remaining period of
14 the originating suspension or revocation and until all reinstatement
15 requirements in Section 13352 are met.

16 (2) If any person who is restricted pursuant to subdivision (a)
17 or (l) of Section 23575 or Section 23700 is convicted of a violation
18 of subdivision (e), the department shall suspend the person's
19 driving privilege for one year from the date of the conviction.

20 (h) Notwithstanding any other law, if a vehicle in which an
21 ignition interlock device has been installed is impounded, the
22 manufacturer or installer of the device shall have the right to
23 remove the device from the vehicle during normal business hours.
24 No charge shall be imposed for the removal of the device nor shall
25 the manufacturer or installer be liable for any removal, towing,
26 impoundment, storage, release, or administrative costs or penalties
27 associated with the impoundment. Upon request, the person seeking
28 to remove the device shall present documentation to justify removal
29 of the device from the vehicle. Any damage to the vehicle resulting
30 from the removal of the device is the responsibility of the person
31 removing it.

32 (i) This section shall become inoperative on July 1, 2016, and,
33 as of January 1, 2017, is repealed, unless a later enacted statute,
34 that becomes operative on or before January 1, 2017, deletes or
35 extends the dates on which it becomes inoperative and is repealed.

36 ~~SEC. 14.~~

37 *SEC. 15.* Section 23247 is added to the Vehicle Code, to read:

38 23247. (a) It is unlawful for a person to knowingly rent, lease,
39 or lend a motor vehicle to another person known to have had his
40 or her driving privilege restricted as provided in Section 13352,

1 13352.4, 23575, 23575.3, or 23700, unless the vehicle is equipped
2 with a functioning, certified ignition interlock device. A person,
3 whose driving privilege is restricted pursuant to Section 13352,
4 13352.4, 23575, 23575.3, or 23700 shall notify any other person
5 who rents, leases, or loans a motor vehicle to him or her of the
6 driving restriction imposed under that section.

7 (b) It is unlawful for any person whose driving privilege is
8 restricted pursuant to Section 13352, 13352.4, 23575, 23575.3, or
9 23700 to request or solicit any other person to blow into an ignition
10 interlock device or to start a motor vehicle equipped with the device
11 for the purpose of providing the person so restricted with an
12 operable motor vehicle.

13 (c) It is unlawful to blow into an ignition interlock device or to
14 start a motor vehicle equipped with the device for the purpose of
15 providing an operable motor vehicle to a person whose driving
16 privilege is restricted pursuant to Section 13352, 13352.4, 23575,
17 23575.3, or 23700.

18 (d) It is unlawful to remove, bypass, or tamper with, an ignition
19 interlock device.

20 (e) It is unlawful for any person whose driving privilege is
21 restricted pursuant to Section 13352, 13352.4, 23575, 23575.3, or
22 23700 to operate any vehicle not equipped with a functioning
23 ignition interlock device.

24 (f) Any person convicted of a violation of this section shall be
25 punished by imprisonment in ~~the~~ a county jail for not more than
26 six months or by a fine of not more than five thousand dollars
27 (\$5,000), or by both that fine and imprisonment.

28 (g) (1) If any person whose driving privilege is restricted
29 pursuant to Section 13352 or 13352.4 is convicted of a violation
30 of subdivision (e), the court shall notify the Department of Motor
31 Vehicles, which shall immediately terminate the restriction and
32 shall suspend or revoke the person's driving privilege for the
33 remaining period of the originating suspension or revocation and
34 until all reinstatement requirements in Section 13352 are met.

35 (2) If any person who is restricted pursuant to Section 23575.3,
36 subdivision (a) or (i) of Section 23575, or Section 23700 is
37 convicted of a violation of subdivision (e), the department shall
38 suspend the person's driving privilege for one year from the date
39 of the conviction.

1 (h) Notwithstanding any other law, if a vehicle in which an
2 ignition interlock device has been installed is impounded, the
3 manufacturer or installer of the device shall have the right to
4 remove the device from the vehicle during normal business hours.
5 No charge shall be imposed for the removal of the device nor shall
6 the manufacturer or installer be liable for any removal, towing,
7 impoundment, storage, release, or administrative costs or penalties
8 associated with the impoundment. Upon request, the person seeking
9 to remove the device shall present documentation to justify removal
10 of the device from the vehicle. Any damage to the vehicle resulting
11 from the removal of the device is the responsibility of the person
12 removing it.

13 (i) This section shall become operative on July 1, 2016.

14 ~~SEC. 15:~~

15 *SEC. 16.* Section 23573 of the Vehicle Code is amended to
16 read:

17 23573. (a) The Department of Motor Vehicles, upon receipt
18 of the court's abstract of conviction for a violation listed in
19 subdivision (j), shall inform the convicted person of the
20 requirements of this section and the term for which the person is
21 required to have a certified ignition interlock device installed. The
22 records of the department shall reflect the mandatory use of the
23 device for the term required and the time when the device is
24 required to be installed pursuant to this code.

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

28 (c) A person who is notified by the department pursuant to
29 subdivision (a) shall, within 30 days of notification, complete all
30 of the following:

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

34 (2) Notify the department and provide to the department proof
35 of installation by submitting the "Verification of Installation" form
36 described in paragraph (2) of subdivision (g) of Section 13386.

37 (3) Pay to the department a fee sufficient to cover the costs of
38 administration of this section, including startup costs, as determined
39 by the department.

1 (d) The department shall place a restriction on the driver's
2 license record of the convicted person that states the driver is
3 restricted to driving only vehicles equipped with a certified ignition
4 interlock device.

5 (e) (1) A person who is notified by the department pursuant to
6 subdivision (a) shall arrange for each vehicle with an ignition
7 interlock device to be serviced by the installer at least once every
8 60 days in order for the installer to recalibrate and monitor the
9 operation of the device.

10 (2) The installer shall notify the department if the device is
11 removed or indicates that the person has attempted to remove,
12 bypass, or tamper with the device, or if the person fails three or
13 more times to comply with any requirement for the maintenance
14 or calibration of the ignition interlock device.

15 (f) The department shall monitor the installation and
16 maintenance of the ignition interlock device installed pursuant to
17 subdivision (a).

18 (g) (1) A person who is notified by the department, pursuant
19 to subdivision (a), is exempt from the requirements of subdivision
20 (c) if all of the following circumstances occur:

21 (A) Within 30 days of the notification, the person certifies to
22 the department all of the following:

23 (i) The person does not own a vehicle.

24 (ii) The person does not have access to a vehicle at his or her
25 residence.

26 (iii) The person no longer has access to the vehicle being driven
27 by the person when he or she was arrested for a violation that
28 subsequently resulted in a conviction for a violation listed in
29 subdivision (j).

30 (iv) The person acknowledges that he or she is only allowed to
31 drive a vehicle that is fitted with an operating ignition interlock
32 device and that he or she is required to have a valid driver's license
33 before he or she can drive.

34 (v) The person is subject to the requirements of this section
35 when he or she purchases or has access to a vehicle.

36 (B) The person's driver's license record has been restricted
37 pursuant to subdivision (d).

38 (C) The person complies with this section immediately upon
39 commencing ownership or operation of a vehicle subject to the
40 required installation of an ignition interlock device.

1 (2) A person who has been granted an exemption pursuant to
2 this subdivision and who subsequently drives a vehicle in violation
3 of the exemption is subject to the penalties of subdivision (i) in
4 addition to any other applicable penalties in law.

5 (h) This section does not permit a person to drive without a
6 valid driver's license.

7 (i) A person who is required under subdivision (c) to install an
8 ignition interlock device who willfully fails to install the ignition
9 interlock device within the time period required under subdivision
10 (c) is guilty of a misdemeanor and shall be punished by
11 imprisonment in the a county jail for not more than six months or
12 by a fine of not more than five thousand dollars (\$5,000), or by
13 both that fine and imprisonment.

14 (j) In addition to all other requirements of this code, a person
15 convicted of any of the following violations shall be punished as
16 follows:

17 (1) Upon a conviction of a violation of Section 14601.2,
18 14601.4, or 14601.5 subsequent to one prior conviction of a
19 violation of Section 23103.5, 23152, or 23153, within a 10-year
20 period, the person shall immediately install a certified ignition
21 interlock device, pursuant to this section, in all vehicles owned or
22 operated by that person for a term of one year.

23 (2) Upon a conviction of a violation of Section 14601.2,
24 14601.4, or 14601.5 subsequent to two prior convictions of a
25 violation of Section 23103.5, 23152, or 23153, within a 10-year
26 period, or one prior conviction of Section 14601.2, 14601.4, or
27 14601.5, within a 10-year period, the person shall immediately
28 install a certified ignition interlock device, pursuant to this section,
29 in all vehicles owned or operated by that person for a term of two
30 years.

31 (3) Upon a conviction of a violation of Section 14601.2,
32 14601.4, or 14601.5 subsequent to three or more prior convictions
33 of a violation of Section 23103.5, 23152, or 23153, within a
34 10-year period, or two or more prior convictions of Section
35 14601.2, 14601.4, or 14601.5, within a 10-year period, the person
36 shall immediately install a certified ignition interlock device,
37 pursuant to this section, in all vehicles owned or operated by that
38 person for a term of three years.

39 (k) The department shall notify the court if a person subject to
40 this section has failed to show proof of installation within 30 days

1 of the department informing the person he or she is required to
2 install a certified ignition interlock device.

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

5 (m) The requirements of this section are in addition to any other
6 requirements of law.

7 (n) This section shall become inoperative on July 1, 2016, and,
8 as of January 1, 2017, is repealed, unless a later enacted statute,
9 that becomes operative on or before January 1, 2017, deletes or
10 extends the dates on which it becomes inoperative and is repealed.

11 ~~SEC. 16.~~

12 *SEC. 17.* Section 23573 is added to the Vehicle Code, to read:

13 23573. (a) The Department of Motor Vehicles, upon receipt
14 of the court's abstract of conviction for a violation listed in
15 subdivision (j), shall inform the convicted person of the
16 requirements of this section and the term for which the person is
17 required to have a certified ignition interlock device installed. The
18 records of the department shall reflect the mandatory use of the
19 device for the term required and the time when the device is
20 required to be installed pursuant to this code.

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

24 (c) A person who is notified by the department pursuant to
25 subdivision (a) shall, within 30 days of notification, complete all
26 of the following:

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

30 (2) Notify the department and provide to the department proof
31 of installation by submitting the "Verification of Installation" form
32 described in paragraph (2) of subdivision (g) of Section 13386.

33 (3) Pay to the department a fee sufficient to cover the costs of
34 administration of this section, including startup costs, as determined
35 by the department.

36 (d) The department shall place a restriction on the driver's
37 license record of the convicted person that states the driver is
38 restricted to driving only vehicles equipped with a certified ignition
39 interlock device.

1 (e) (1) A person who is notified by the department pursuant to
2 subdivision (a) shall arrange for each vehicle with an ignition
3 interlock device to be serviced by the installer at least once every
4 60 days in order for the installer to recalibrate and monitor the
5 operation of the device.

6 (2) The installer shall notify the department if the device is
7 removed or indicates that the person has attempted to remove,
8 bypass, or tamper with the device, or if the person fails three or
9 more times to comply with any requirement for the maintenance
10 or calibration of the ignition interlock device.

11 (f) The department shall monitor the installation and
12 maintenance of the ignition interlock device installed pursuant to
13 subdivision (a).

14 (g) (1) A person who is notified by the department, pursuant
15 to subdivision (a), is exempt from the requirements of subdivision
16 (c) if all of the following circumstances occur:

17 (A) Within 30 days of the notification, the person certifies to
18 the department all of the following:

19 (i) The person does not own a vehicle.

20 (ii) The person does not have access to a vehicle at his or her
21 residence.

22 (iii) The person no longer has access to the vehicle being driven
23 by the person when he or she was arrested for a violation that
24 subsequently resulted in a conviction for a violation listed in
25 subdivision (j).

26 (iv) The person acknowledges that he or she is only allowed to
27 drive a vehicle that is fitted with an operating ignition interlock
28 device and that he or she is required to have a valid driver's license
29 before he or she can drive.

30 (v) The person is subject to the requirements of this section
31 when he or she purchases or has access to a vehicle.

32 (B) The person's driver's license record has been restricted
33 pursuant to subdivision (d).

34 (C) The person complies with this section immediately upon
35 commencing ownership or operation of a vehicle subject to the
36 required installation of an ignition interlock device.

37 (2) A person who has been granted an exemption pursuant to
38 this subdivision and who subsequently drives a vehicle in violation
39 of the exemption is subject to the penalties of subdivision (i) in
40 addition to any other applicable penalties in law.

1 (h) This section does not permit a person to drive without a
2 valid driver's license.

3 (i) A person who is required under subdivision (c) to install an
4 ignition interlock device who willfully fails to install the ignition
5 interlock device within the time period required under subdivision
6 (c) is guilty of a misdemeanor and shall be punished by
7 imprisonment in ~~the~~ a county jail for not more than six months or
8 by a fine of not more than five thousand dollars (\$5,000), or by
9 both that fine and imprisonment.

10 (j) In addition to all other requirements of this code, a person
11 convicted of any of the following violations shall be punished as
12 follows:

13 (1) Upon a conviction of a violation of Section 14601.2,
14 14601.4, or 14601.5 subsequent to one prior conviction of a
15 violation of Section 23103.5, 23152, or 23153, within a 10-year
16 period, the person shall immediately install a certified ignition
17 interlock device, pursuant to this section, in all vehicles owned or
18 operated by that person for a term of one year.

19 (2) Upon a conviction of a violation of Section 14601.2,
20 14601.4, or 14601.5 subsequent to two prior convictions of a
21 violation of Section 23103.5, 23152, or 23153, within a 10-year
22 period, or one prior conviction of Section 14601.2, 14601.4, or
23 14601.5, within a 10-year period, the person shall immediately
24 install a certified ignition interlock device, pursuant to this section,
25 in all vehicles owned or operated by that person for a term of two
26 years.

27 (3) Upon a conviction of a violation of Section 14601.2,
28 14601.4, or 14601.5 subsequent to three or more prior convictions
29 of a violation of Section 23103.5, 23152, or 23153, within a
30 10-year period, or two or more prior convictions of Section
31 14601.2, 14601.4, or 14601.5, within a 10-year period, the person
32 shall immediately install a certified ignition interlock device,
33 pursuant to this section, in all vehicles owned or operated by that
34 person for a term of three years.

35 (k) The department shall notify the court if a person subject to
36 this section has failed to show proof of installation within 30 days
37 of the department informing the person he or she is required to
38 install a certified ignition interlock device.

39 (l) Subdivisions (g), (h), (j), (k), and (l) of Section 23575 apply
40 to this section.

1 (m) The requirements of this section are in addition to any other
2 requirements of law.

3 (n) This section shall become operative on July 1, 2016.

4 ~~SEC. 17.~~

5 *SEC. 18.* Section 23575 of the Vehicle Code is amended to
6 read:

7 23575. (a) (1) In addition to any other law, the court may
8 require that a person convicted of a first offense violation of
9 Section 23152 or 23153 install a certified ignition interlock device
10 on any vehicle that the person owns or operates and prohibit that
11 person from operating a motor vehicle unless that vehicle is
12 equipped with a functioning, certified ignition interlock device.
13 The court shall give heightened consideration to applying this
14 sanction to a first offense violator with 0.15 percent or more, by
15 weight, of alcohol in his or her blood at arrest, or with two or more
16 prior moving traffic violations, or to persons who refused the
17 chemical tests at arrest. If the court orders the ignition interlock
18 device restriction, the term shall be determined by the court for a
19 period not to exceed three years from the date of conviction. The
20 court shall notify the Department of Motor Vehicles, as specified
21 in subdivision (a) of Section 1803, of the terms of the restrictions
22 in accordance with subdivision (a) of Section 1804. The
23 Department of Motor Vehicles shall place the restriction in the
24 person's records in the Department of Motor Vehicles.

25 (2) The court shall require a person convicted of a violation of
26 Section 14601.2 to install an ignition interlock device on any
27 vehicle that the person owns or operates and prohibit the person
28 from operating a motor vehicle unless the vehicle is equipped with
29 a functioning, certified ignition interlock device. The term of the
30 restriction shall be determined by the court for a period not to
31 exceed three years from the date of conviction. The court shall
32 notify the Department of Motor Vehicles, as specified in
33 subdivision (a) of Section 1803, of the terms of the restrictions in
34 accordance with subdivision (a) of Section 1804. The Department
35 of Motor Vehicles shall place the restriction in the person's records
36 in the Department of Motor Vehicles.

37 (b) The court shall include on the abstract of conviction or
38 violation submitted to the Department of Motor Vehicles under
39 Section 1803 or 1816 the requirement and term for the use of a
40 certified ignition interlock device. The records of the department

1 shall reflect mandatory use of the device for the term ordered by
2 the court.

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

6 (d) A person whose driving privilege is restricted by the court
7 pursuant to this section shall arrange for each vehicle with an
8 ignition interlock device to be serviced by the installer at least
9 once every 60 days in order for the installer to recalibrate and
10 monitor the operation of the device. The installer shall notify the
11 court if the device is removed or indicates that the person has
12 attempted to remove, bypass, or tamper with the device, or if the
13 person fails three or more times to comply with a requirement for
14 the maintenance or calibration of the ignition interlock device.
15 There is no obligation for the installer to notify the court if the
16 person has complied with all of the requirements of this article.

17 (e) The court shall monitor the installation and maintenance of
18 an ignition interlock device restriction ordered pursuant to
19 subdivision (a) or (l). If a person fails to comply with the court
20 order, the court shall give notice of the fact to the department
21 pursuant to Section 40509.1.

22 (f) (1) If a person is convicted of a violation of Section 23152
23 or 23153 and the offense occurred within 10 years of one or more
24 separate violations of Section 23152 or 23153 that resulted in a
25 conviction, or if a person is convicted of a violation of Section
26 23103, as specified in Section 23103.5, and is suspended for one
27 year under Section 13353.3, the person may apply to the
28 Department of Motor Vehicles for a restricted driver's license
29 pursuant to Section 13352 or 13353.3 that prohibits the person
30 from operating a motor vehicle unless that vehicle is equipped
31 with a functioning ignition interlock device, certified pursuant to
32 Section 13386. The restriction shall remain in effect for at least
33 the remaining period of the original suspension or revocation and
34 until all reinstatement requirements in Section 13352 or 13353.4
35 are met.

36 (2) Pursuant to subdivision (g), the Department of Motor
37 Vehicles shall immediately terminate the restriction issued pursuant
38 to Section 13352 or 13353.3 and shall immediately suspend or
39 revoke the privilege to operate a motor vehicle of a person who
40 attempts to remove, bypass, or tamper with the device, who has

1 the device removed prior to the termination date of the restriction,
2 or who fails three or more times to comply with any requirement
3 for the maintenance or calibration of the ignition interlock device
4 ordered pursuant to Section 13352 or 13353.3. The privilege shall
5 remain suspended or revoked for the remaining period of the
6 originating suspension or revocation and until all reinstatement
7 requirements in Section 13352 or 13353.4 are met.

8 (g) A person whose driving privilege is restricted by the
9 Department of Motor Vehicles pursuant to Section 13352 or
10 13353.3 shall arrange for each vehicle with an ignition interlock
11 device to be serviced by the installer at least once every 60 days
12 in order for the installer to recalibrate the device and monitor the
13 operation of the device. The installer shall notify the Department
14 of Motor Vehicles if the device is removed or indicates that the
15 person has attempted to remove, bypass, or tamper with the device,
16 or if the person fails three or more times to comply with any
17 requirement for the maintenance or calibration of the ignition
18 interlock device. There is no obligation on the part of the installer
19 to notify the department or the court if the person has complied
20 with all of the requirements of this section.

21 (h) Nothing in this section permits a person to drive without a
22 valid driver's license.

23 (i) The Department of Motor Vehicles shall include information
24 along with the order of suspension or revocation for repeat
25 offenders informing them that after a specified period of suspension
26 or revocation has been completed, the person may either install an
27 ignition interlock device on any vehicle that the person owns or
28 operates or remain with a suspended or revoked driver's license.

29 (j) Pursuant to this section, an out-of-state resident who
30 otherwise would qualify for an ignition interlock device restricted
31 license in California shall be prohibited from operating a motor
32 vehicle in California unless that vehicle is equipped with a
33 functioning ignition interlock device. An ignition interlock device
34 is not required to be installed on any vehicle owned by the
35 defendant that is not driven in California.

36 (k) If a medical problem does not permit a person to breathe
37 with sufficient strength to activate the device, that person shall
38 only have the suspension option.

39 (l) This section does not restrict a court from requiring
40 installation of an ignition interlock device and prohibiting operation

1 of a motor vehicle unless that vehicle is equipped with a
2 functioning, certified ignition interlock device for a person to
3 whom subdivision (a) or (b) does not apply. The term of the
4 restriction shall be determined by the court for a period not to
5 exceed three years from the date of conviction. The court shall
6 notify the Department of Motor Vehicles, as specified in
7 subdivision (a) of Section 1803, of the terms of the restrictions in
8 accordance with subdivision (a) of Section 1804. The Department
9 of Motor Vehicles shall place the restriction in the person's records
10 in the Department of Motor Vehicles.

11 (m) For the purposes of this section, "vehicle" does not include
12 a motorcycle until the state certifies an ignition interlock device
13 that can be installed on a motorcycle. Any person subject to an
14 ignition interlock device restriction shall not operate a motorcycle
15 for the duration of the ignition interlock device restriction period.

16 (n) For the purposes of this section, "owned" means solely
17 owned or owned in conjunction with another person or legal entity.
18 For purposes of this section, "operates" includes operating a vehicle
19 that is not owned by the person subject to this section.

20 (o) For the purposes of this section, "bypass" includes, but is
21 not limited to, either of the following:

22 (1) A combination of failing or not taking the ignition interlock
23 device rolling retest three consecutive times.

24 (2) An incidence of failing or not taking the ignition interlock
25 device rolling retest, when not followed by an incidence of passing
26 the ignition interlock rolling retest prior to turning off the vehicle's
27 engine.

28 (p) This section shall become inoperative on July 1, 2016, and,
29 as of January 1, 2017, is repealed, unless a later enacted statute,
30 that becomes operative on or before January 1, 2017, deletes or
31 extends the dates on which it becomes inoperative and is repealed.

32 ~~SEC. 18.~~

33 *SEC. 19.* Section 23575 is added to the Vehicle Code, to read:

34 23575. (a) The court shall require a person convicted of a
35 violation of Section 14601.2 to install an ignition interlock device
36 on any vehicle that the person owns or operates and prohibit the
37 person from operating a motor vehicle unless the vehicle is
38 equipped with a functioning, certified ignition interlock device.
39 The term of the restriction shall be determined by the court for a
40 period not to exceed three years from the date of conviction. The

1 court shall notify the Department of Motor Vehicles, as specified
2 in subdivision (a) of Section 1803, of the terms of the restrictions
3 in accordance with subdivision (a) of Section 1804. The
4 Department of Motor Vehicles shall place the restriction in the
5 person's records in the Department of Motor Vehicles.

6 (b) The court shall include on the abstract of conviction or
7 violation submitted to the Department of Motor Vehicles under
8 Section 1803 or 1816 the requirement and term for the use of a
9 certified ignition interlock device. The records of the department
10 shall reflect mandatory use of the device for the term ordered by
11 the court.

12 (c) The court shall advise the person that installation of an
13 ignition interlock device on a vehicle does not allow the person to
14 drive without a valid driver's license.

15 (d) A person whose driving privilege is restricted by the court
16 pursuant to this section shall arrange for each vehicle with an
17 ignition interlock device to be serviced by the installer at least
18 once every 60 days in order for the installer to recalibrate and
19 monitor the operation of the device. The installer shall notify the
20 court if the device is removed or indicates that the person has
21 attempted to remove, bypass, or tamper with the device, or if the
22 person fails three or more times to comply with a requirement for
23 the maintenance or calibration of the ignition interlock device.
24 There is no obligation for the installer to notify the court if the
25 person has complied with all of the requirements of this article.

26 (e) The court shall monitor the installation and maintenance of
27 an ignition interlock device restriction ordered pursuant to
28 subdivision (a) or (i). If a person fails to comply with the court
29 order, the court shall give notice of the fact to the department
30 pursuant to Section 40509.1.

31 (f) Nothing in this section permits a person to drive without a
32 valid driver's license.

33 (g) Pursuant to this section, an out-of-state resident who
34 otherwise would qualify for an ignition interlock device restricted
35 license in California shall be prohibited from operating a motor
36 vehicle in California unless that vehicle is equipped with a
37 functioning ignition interlock device. An ignition interlock device
38 is not required to be installed on any vehicle owned by the
39 defendant that is not driven in California.

1 (h) If a medical problem does not permit a person to breathe
2 with sufficient strength to activate the device, that person shall
3 only have the suspension option.

4 (i) This section does not restrict a court from requiring
5 installation of an ignition interlock device and prohibiting operation
6 of a motor vehicle unless that vehicle is equipped with a
7 functioning, certified ignition interlock device for a person to
8 whom subdivision (a) does not apply. The term of the restriction
9 shall be determined by the court for a period not to exceed three
10 years from the date of conviction. The court shall notify the
11 Department of Motor Vehicles, as specified in subdivision (a) of
12 Section 1803, of the terms of the restrictions in accordance with
13 subdivision (a) of Section 1804. The Department of Motor Vehicles
14 shall place the restriction in the person’s records in the Department
15 of Motor Vehicles.

16 (j) For the purposes of this section, “vehicle” does not include
17 a motorcycle until the state certifies an ignition interlock device
18 that can be installed on a motorcycle. Any person subject to an
19 ignition interlock device restriction shall not operate a motorcycle
20 for the duration of the ignition interlock device restriction period.

21 (k) For the purposes of this section, “owned” means solely
22 owned or owned in conjunction with another person or legal entity.
23 For purposes of this section, “operates” includes operating a vehicle
24 that is not owned by the person subject to this section.

25 (l) For the purposes of this section, “bypass” includes, but is
26 not limited to, either of the following:

27 (1) A combination of failing or not taking the ignition interlock
28 device rolling retest three consecutive times.

29 (2) An incidence of failing or not taking the ignition interlock
30 device rolling retest, when not followed by an incidence of passing
31 the ignition interlock rolling retest prior to turning off the vehicle’s
32 engine.

33 (m) This section shall become operative on July 1, 2016.

34 ~~SEC. 19.~~

35 *SEC. 20.* Section 23575.3 is added to the Vehicle Code, to
36 read:

37 23575.3. (a) In addition to any other requirement imposed by
38 law, a court shall ~~require~~ *notify* a person convicted of a violation
39 listed in subdivision (h) *that he or she is required* to install a
40 certified ignition interlock device on any vehicle that the person

1 owns or operates and ~~shall prohibit that person~~ *that he or she is*
2 *prohibited* from operating a motor vehicle unless that vehicle is
3 equipped with a functioning, certified ignition interlock device in
4 accordance with this section.

5 (b) The Department of Motor Vehicles, upon receipt of the
6 court's abstract of conviction for a violation listed in subdivision
7 (h), shall inform the convicted person of the requirements of this
8 section, including the term for which the person is required to have
9 a certified ignition interlock device installed. The records of the
10 department shall reflect the mandatory use of the device for the
11 term required and the time when the device is required to be
12 installed by this code.

13 (c) The department shall advise the person that installation of
14 an ignition interlock device on a vehicle does not allow the person
15 to drive without a valid driver's license.

16 (d) (1) A person who is notified by the department pursuant to
17 subdivision (b) shall do all of the following:

18 (A) Arrange for each vehicle owned or operated by the person
19 to be equipped with a functioning ignition interlock device by a
20 certified ignition interlock device provider under Section 13386.

21 (B) Provide to the department proof of installation by submitting
22 the "Verification of Installation" form described in paragraph (2)
23 of subdivision (g) of Section 13386.

24 (C) Pay a fee, determined by the department, that is sufficient
25 to cover the costs of administration of this section.

26 (2) A person who is notified by the department pursuant to
27 subdivision (b), is exempt from the requirements of this subdivision
28 until the time he or she purchases or has access to a vehicle if,
29 within 30 days of the notification, the person certifies to the
30 department all of the following:

31 (A) The person does not own a vehicle.

32 (B) The person does not have access to a vehicle at his or her
33 residence.

34 (C) The person no longer has access to the vehicle he or she
35 was driving at the time he or she was arrested for a violation that
36 subsequently resulted in a conviction for a violation listed in
37 subdivision (h).

38 (D) The person acknowledges that he or she is only allowed to
39 drive a vehicle that is equipped with a functioning ignition interlock
40 device.

1 (E) The person acknowledges that he or she is required to have
2 a valid driver's license before he or she can drive.

3 (F) The person acknowledges that he or she is subject to the
4 requirements of this section when he or she purchases or has access
5 to a vehicle.

6 (e) In addition to any other restrictions the department places
7 on the driver's license record of the convicted person when the
8 person is issued a restricted driver's license pursuant to Section
9 13352 or 13352.4, the department shall place a restriction on the
10 driver's license record of the person that states the driver is
11 restricted to driving only vehicles equipped with a certified ignition
12 interlock device for the applicable term.

13 (f) (1) A person who is notified by the department pursuant to
14 subdivision (b) shall arrange for each vehicle with an ignition
15 interlock device to be serviced by the installer at least once every
16 60 days in order for the installer to recalibrate and monitor the
17 operation of the device.

18 (2) The installer shall notify the department if the device is
19 removed or indicates that the person has attempted to remove,
20 bypass, or tamper with the device, or if the person fails three or
21 more times to comply with any requirement for the maintenance
22 or calibration of the ignition interlock device.

23 (g) The department shall monitor the installation and
24 maintenance of the ignition interlock device installed pursuant to
25 subdivision (d).

26 (h) A person is required to install an ignition interlock device
27 pursuant to this section for the applicable term, as follows:

28 (1) A person convicted of a violation of subdivision (a), (b),
29 (d), or (f) of Section 23152 shall be required to install an ignition
30 interlock device, as follows:

31 (A) Upon a ~~first offense~~, *conviction with no priors*, the person
32 shall install an ignition interlock device in all vehicles owned or
33 operated by that person for a mandatory term of six months.

34 (B) Upon a ~~second offense~~, *conviction with one prior*, the person
35 shall install an ignition interlock device in all vehicles owned or
36 operated by that person for a mandatory term of 12 months.

37 (C) Upon a ~~third offense~~, *conviction with two priors*, the person
38 shall install an ignition interlock device in all vehicles owned or
39 operated by that person for a mandatory term of 24 months.

1 (D) Upon a ~~fourth or subsequent offense~~, *conviction with three*
2 *or more priors*, the person shall install an ignition interlock device
3 in all vehicles owned or operated by that person for a mandatory
4 term of 36 months.

5 (2) A person convicted of a violation of (a), (b), (d), or (f) of
6 Section 23153 shall install an ignition interlock device, as follows:

7 (A) Upon a ~~first offense~~, *conviction with no priors*, the person
8 shall install an ignition interlock device in all vehicles owned or
9 operated by that person for a mandatory term of 12 months.

10 (B) Upon a ~~second offense~~, *conviction with one prior*, the person
11 shall install an ignition interlock device in all vehicles owned or
12 operated by that person for a mandatory term of 24 months.

13 (C) Upon a ~~third offense~~, *conviction with two priors*, the person
14 shall install an ignition interlock device in all vehicles owned or
15 operated by that person for a mandatory term of 36 months.

16 (D) Upon a ~~fourth or subsequent offense~~, *conviction with three*
17 *or more priors*, the person shall install an ignition interlock device
18 in all vehicles owned or operated by that person for a mandatory
19 term of 48 months.

20 (3) *For the purposes of paragraphs (1) and (2), “prior” means*
21 *a conviction for a violation of Section 23103, as specified in Section*
22 *23103.5, or Section 23140, 23152, or 23153, or Section 191.5 or*
23 *subdivision (a) of Section 192.5 of the Penal Code.*

24 ~~(3)~~

25 (4) The terms prescribed in this subdivision shall begin once a
26 person has complied with subparagraph (B) of paragraph (1) of
27 subdivision (d) and either upon the reinstatement of the privilege
28 to drive pursuant to Section 13352 or the issuance of a restricted
29 driver’s license pursuant to Section 13352 or 13352.4. A person
30 shall receive credit for any period in which he or she had a
31 restricted driver’s license issued pursuant to Section 13353.3 or
32 13353.7 and he or she was in compliance with Section 13353.6.

33 (i) Subdivisions (g), (h), (j), and (k) of Section 23575 apply to
34 this section.

35 (j) If a person fails to comply with any of the requirements
36 regarding ignition interlock devices, *the period in which the person*
37 *was not in compliance shall not be credited towards the mandatory*
38 *term for which the ignition interlock device is required to be*
39 ~~installed shall be reset by the department.~~ *installed.*

1 (k) (1) Every manufacturer and manufacturer’s agent certified
2 by the department to provide ignition interlock devices, under
3 Section 13386, shall adopt the following fee schedule that provides
4 for the payment of the costs of the ignition interlock device by
5 offenders subject to this chapter in amounts commensurate with
6 that person’s income relative to the federal poverty level, as defined
7 in Section 127400 of the Health and Safety Code:

8 (A) A person with an income at 100 percent of the federal
9 poverty level and below is responsible for 10 percent of the cost
10 of the ignition interlock device. The ignition interlock device
11 provider is responsible for absorbing the cost of the ignition
12 interlock device that is not paid by the person.

13 (B) A person with an income at 101 to 200 percent of the federal
14 poverty level is responsible for 25 percent of the cost of the ignition
15 interlock device. The ignition interlock device provider is
16 responsible for absorbing the cost of the ignition interlock device
17 that is not paid by the person.

18 (C) A person with an income at 201 to 300 percent of the federal
19 poverty level is responsible for 50 percent of the cost of the ignition
20 interlock device. The ignition interlock device provider is
21 responsible for absorbing the cost of the ignition interlock device
22 that is not paid by the person.

23 (D) All other offenders are responsible for 100 percent of the
24 cost of the ignition interlock device.

25 (2) The cost of the ignition interlock device may only be raised
26 annually equal to the Consumer Price Index.

27 (3) The offender’s income may be verified by presentation of
28 that person’s current federal income tax return or three months of
29 monthly income statements.

30 (l) This section does not permit a person to drive without a valid
31 driver’s license.

32 (m) The requirements of this section are in addition to any other
33 requirements of law.

34 (n) For the purposes of this section, “vehicle” does not include
35 a motorcycle until the state certifies an ignition interlock device
36 that can be installed on a motorcycle. A person subject to an
37 ignition interlock device restriction shall not operate a motorcycle
38 for the duration of the ignition interlock device restriction period.

39 (o) This section shall become operative on July 1, 2016.

1 ~~SEC. 20.~~

2 *SEC. 21.* Section 23575.5 is added to the Vehicle Code, to
3 read:

4 23575.5. (a) On or before June 1, 2020, the Department of
5 Motor Vehicles shall report to the Legislature regarding the
6 implementation and efficacy of the program enacted by the act
7 that added this section.

8 (b) The report described in subdivision (a) shall, at a minimum,
9 include *all of* the following:

10 ~~(1) A comparison of the number of injuries and deaths resulting~~
11 ~~from alcohol-related car accidents during the following periods:~~

12 ~~(A) July 1, 2016, to January 1, 2020, inclusive.~~

13 ~~(B) July 1, 2013, to July 1, 2016, inclusive.~~

14 ~~(C) July 1, 2010, to July 1, 2013, inclusive.~~

15 ~~(D) July 1, 2007, to July 1, 2010, inclusive.~~

16 ~~(2) A comparison of the number of individuals who have been~~
17 ~~convicted more than one time for driving under the influence of~~
18 ~~alcohol during the following periods:~~

19 ~~(A) July 1, 2016, to January 1, 2020, inclusive.~~

20 ~~(B) July 1, 2013, to July 1, 2016, inclusive.~~

21 ~~(C) July 1, 2010, to July 1, 2013, inclusive.~~

22 ~~(D) July 1, 2007, to July 1, 2010, inclusive.~~

23 *(1) Whether anyone who was required to have an ignition*
24 *interlock device installed as a result of the program killed or*
25 *injured anyone in an accident while he or she was operating a*
26 *vehicle under the influence of alcohol.*

27 *(2) Whether anyone who was required to have an ignition*
28 *interlock device installed as a result of the program was convicted*
29 *of an alcohol-related violation of Section 23103, as specified in*
30 *Section 23103.5, or Section 23140, 23152, or 23153, or Section*
31 *191.5 or subdivision (a) of Section 192.5 of the Penal Code during*
32 *the term in which the person was required to have the ignition*
33 *interlock device installed.*

34 *(3) A comparison of the number of injuries and deaths resulting*
35 *from alcohol-related motor vehicle accidents between July 1, 2016,*
36 *and January 1, 2020, inclusive, and during periods of similar*
37 *duration prior to the implementation of the program.*

38 *(4) A comparison of the number of individuals who have been*
39 *convicted more than one time for driving under the influence of*
40 *alcohol between July 1, 2016, and January 1, 2020, inclusive, and*

1 *periods of similar duration prior to the implementation of the*
2 *program.*

3 (c) The report described in subdivision (a) shall be submitted
4 in compliance with Section 9795 of the Government Code.

5 (d) (1) This section shall become operative on July 1, 2016.

6 (2) Pursuant to Section 10231.5 of the Government Code, this
7 section shall become inoperative on June 1, 2024, and, as of
8 January 1, 2025, is repealed, unless a later enacted statute, that
9 becomes operative on or before January 1, 2025, deletes or extends
10 the dates on which it becomes inoperative and is repealed.

11 ~~SEC. 21.~~

12 *SEC. 22.* Section 23576 of the Vehicle Code is amended to
13 read:

14 23576. (a) Notwithstanding Sections 23575 and 23700, if a
15 person is required to operate a motor vehicle in the course and
16 scope of his or her employment and if the vehicle is owned by the
17 employer, the person may operate that vehicle without installation
18 of an approved ignition interlock device if the employer has been
19 notified by the person that the person's driving privilege has been
20 restricted pursuant to ~~Sections~~ *Section 23575 and or 23700* and if
21 the person has proof of that notification in his or her possession,
22 or if the notice, or a facsimile copy thereof, is with the vehicle.

23 (b) A motor vehicle owned by a business entity that is all or
24 partly owned or controlled by a person otherwise subject to
25 ~~Sections~~ *Section 23575 and or 23700*, is not a motor vehicle owned
26 by the employer subject to the exemption in subdivision (a).

27 (c) This section shall become inoperative on July 1, 2016, and,
28 as of January 1, 2017, is repealed, unless a later enacted statute,
29 that becomes operative on or before January 1, 2017, deletes or
30 extends the dates on which it becomes inoperative and is repealed.

31 ~~SEC. 22.~~

32 *SEC. 23.* Section 23576 is added to the Vehicle Code, to read:

33 23576. (a) Notwithstanding Sections 23575, 23575.3, and
34 23700, if a person is required to operate a motor vehicle in the
35 course and scope of his or her employment and if the vehicle is
36 owned by the employer, the person may operate that vehicle
37 without installation of an approved ignition interlock device if the
38 employer has been notified by the person that the person's driving
39 privilege has been restricted pursuant to ~~Sections~~ *Section 23575,*
40 *23575.3, or 23700* and if the person has proof of that notification

1 in his or her possession, or if the notice, or a facsimile copy thereof,
2 is with the vehicle.

3 (b) A motor vehicle owned by a business entity that is all or
4 partly owned or controlled by a person otherwise subject to
5 ~~Sections~~ *Section 23575, 23575.3, or 23700*, is not a motor vehicle
6 owned by the employer subject to the exemption in subdivision

7 (a).

8 (c) This section shall become operative on July 1, 2016.

9 ~~SEC. 23.~~

10 *SEC. 24.* Section 23597 of the Vehicle Code is amended to
11 read:

12 23597. (a) Notwithstanding Sections 13202.5, 13203, and
13 13352, a court may order a 10-year revocation of the driver's
14 license of a person who has been convicted of three or more
15 separate violations of Section 23152 or 23153, the last of which
16 is punishable under Section 23546, 23550, 23550.5, or 23566.
17 When making this order, the court shall consider all of the
18 following:

19 (1) The person's level of remorse for the acts.

20 (2) The period of time that has elapsed since the person's
21 previous convictions.

22 (3) The person's blood-alcohol level at the time of the violation.

23 (4) The person's participation in an alcohol treatment program.

24 (5) The person's risk to traffic or public safety.

25 (6) The person's ability to install a certified ignition interlock
26 device in each motor vehicle that he or she owns or operates.

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

32 (c) (1) Five years from the date of the last conviction of a
33 violation of Section 23152 or 23153, a person whose license was
34 revoked pursuant to subdivision (a) may apply to the department
35 to have his or her privilege to operate a motor vehicle reinstated,
36 subject to the condition that the person submits the "Verification
37 of Installation" form described in paragraph (2) of subdivision (g)
38 of Section 13386 and agrees to maintain the ignition interlock
39 device as required under subdivision (g) of Section 23575.
40 Notwithstanding Chapter 5 (commencing with Section 23700) or

1 subdivision (f) of Section 23575, the ignition interlock device shall
2 remain on the person's motor vehicle for two years following the
3 reinstatement of the person's driving privilege pursuant to this
4 section.

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

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

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

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

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

28 (d) This section shall become inoperative on July 1, 2016, and,
29 as of January 1, 2017, is repealed, unless a later enacted statute,
30 that becomes operative on or before January 1, 2017, deletes or
31 extends the dates on which it becomes inoperative and is repealed.

32 ~~SEC. 24.~~

33 *SEC. 25.* Section 23597 is added to the Vehicle Code, to read:

34 23597. (a) Notwithstanding Sections 13202.5, 13203, and
35 13352, a court may order a 10-year revocation of the driver's
36 license of a person who has been convicted of three or more
37 separate violations of Section 23152 or 23153, the last of which
38 is punishable under Section 23546, 23550, 23550.5, or 23566.
39 When making this order, the court shall consider all of the
40 following:

- 1 (1) The person’s level of remorse for the acts.
2 (2) The period of time that has elapsed since the person’s
3 previous convictions.
4 (3) The person’s blood-alcohol level at the time of the violation.
5 (4) The person’s participation in an alcohol treatment program.
6 (5) The person’s risk to traffic or public safety.
7 (6) The person’s ability to install a certified ignition interlock
8 device in each motor vehicle that he or she owns or operates.
9 (b) Upon receipt of a duly certified abstract of the record of the
10 court showing the court has ordered a 10-year revocation of a
11 driver’s license pursuant to this section, the department shall revoke
12 the person’s driver’s license for 10 years, except as provided in
13 subdivision (c).
14 (c) (1) Five years from the date of the last conviction of a
15 violation of Section 23152 or 23153, a person whose license was
16 revoked pursuant to subdivision (a) may apply to the department
17 to have his or her privilege to operate a motor vehicle reinstated,
18 subject to the condition that the person submits the “Verification
19 of Installation” form described in paragraph (2) of subdivision (g)
20 of Section 13386 and agrees to maintain the ignition interlock
21 device as required under subdivision (f) of Section 23575.3.
22 Notwithstanding Chapter 5 (commencing with Section 23700) or
23 Section 23575.3, the ignition interlock device shall remain on the
24 person’s motor vehicle for two years following the reinstatement
25 of the person’s driving privilege pursuant to this section.
26 (2) The department shall reinstate the person’s license pursuant
27 to paragraph (1), if the person satisfies all of the following
28 conditions:
29 (A) The person was not convicted of any drug- or alcohol-related
30 offenses, under state law, during the driver’s license revocation
31 period.
32 (B) The person successfully completed a
33 driving-under-the-influence program, licensed pursuant to Section
34 11836 of the Health and Safety Code, following the date of the
35 last conviction of a violation of Section 23152 or ~~23153~~. *23153 of*
36 *this code.*
37 (C) The person was not convicted of violating Section 14601,
38 14601.1, 14601.2, 14601.4, or 14601.5 during the driver’s license
39 revocation period.

1 (3) The department shall immediately terminate the restriction
2 issued pursuant to this section and shall immediately revoke the
3 privilege to operate a motor vehicle of a person who attempts to
4 remove, bypass, or tamper with the device, who has the device
5 removed prior to the termination date of the restriction, or who
6 fails three or more times to comply with any requirement for the
7 maintenance or calibration of the ignition interlock device. The
8 privilege shall remain revoked for the remaining period of the
9 original revocation and until all reinstatement requirements are
10 met.

11 (d) This section shall become operative on July 1, 2016.

12 *SEC. 26. Section 23702 of the Vehicle Code is repealed.*

13 ~~23702. This chapter shall remain in effect only until January~~
14 ~~1, 2016, and as of that date is repealed, unless a later enacted~~
15 ~~statute, that is enacted before January 1, 2016, deletes or extends~~
16 ~~that date.~~

17 *SEC. 27. Section 23702 is added to the Vehicle Code,*
18 *immediately following Section 23701, to read:*

19 *23702. This chapter shall become inoperative on July 1, 2016,*
20 *and, as of January 1, 2017, is repealed, unless a later enacted*
21 *statute, that becomes operative on or before January 1, 2017,*
22 *deletes or extends the dates on which it becomes inoperative and*
23 *is repealed.*

24 ~~SEC. 25.~~

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