

AMENDED IN SENATE APRIL 7, 2015

AMENDED IN SENATE MARCH 11, 2015

SENATE BILL

No. 61

Introduced by Senator Hill

(Coauthors: Senators Hertzberg, Leyva, and Vidak)

(Coauthors: Assembly Members Bonilla, Cooley, Eduardo Garcia, Lackey, Levine, 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, to add Sections 13353.6, 23575.3, and 23575.5 to, and to repeal and add Section 23702, 23702 of 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 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 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 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 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:~~

~~*This bill would extend the operation of that pilot program until July 1, 2017. This bill would make these provisions relating to the pilot program inoperative on July 1, 2017, and would repeal them as of January 1, 2018.*~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes.~~

~~State-mandated local program: *yes-no*.~~

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

- 1 *SECTION 1. Section 23702 of the Vehicle Code is repealed.*
- 2 ~~23702. This chapter shall remain in effect only until January~~
- 3 ~~1, 2016, and as of that date is repealed, unless a later enacted~~
- 4 ~~statute, that is enacted before January 1, 2016, deletes or extends~~
- 5 ~~that date.~~
- 6 *SEC. 2. Section 23702 is added to the Vehicle Code, to read:*
- 7 *23702. This chapter shall become inoperative on July 1, 2017,*
- 8 *and, as of January 1, 2018, is repealed, unless a later enacted*

1 *statute, that becomes operative on or before January 1, 2018,*
2 *deletes or extends the dates on which it becomes inoperative and*
3 *is repealed.*

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**All matter omitted in this version of the bill
appears in the bill as amended in the
Senate, March 11, 2015. (JR11)**