

Introduced by Senator Hill

(Coauthors: Senators Anderson, Bates, Cannella, and Vidak)

(Coauthors: Assembly Members Baker, Bonilla, Chávez, Cooley, Eduardo Garcia, Lackey, Levine, Lopez, Maienschein, Rodriguez, and Waldron)

February 12, 2016

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

LEGISLATIVE COUNSEL'S DIGEST

SB 1046, as introduced, 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 July 1, 2017, 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.

Effective July 1, 2017, 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, 2021, 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
11 23152 or ~~23153~~ or 23153, subdivision (a) of Section ~~23109~~ 23109,
12 or Section 23109.1. If an offense specified in this section occurs
13 in a vehicle defined in Section 15210, the suspension or revocation
14 specified below shall apply *in this subdivision applies also* to the
15 noncommercial driving privilege. The commercial driving privilege

1 shall be disqualified as specified in Sections 15300 to 15302,
2 inclusive. For the purposes of this section, suspension or revocation
3 shall be as follows:

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

22 (2) Upon a conviction or finding of a violation of Section 23153
23 punishable under Section 23554, the privilege shall be suspended
24 for a period of one year. The privilege shall not be reinstated until
25 the person gives proof of financial responsibility and gives proof
26 satisfactory 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 subdivision
29 (b) of Section ~~23556~~. *23556 of this code*. If the court, as authorized
30 under paragraph (3) of subdivision (b) of Section 23646, elects to
31 order a person to enroll in, participate in, and complete either
32 program described in subdivision (b) of Section 23542, the
33 department shall require that program in lieu of the program
34 described in Section 23556. For the purposes of this paragraph,
35 enrollment, participation, and completion of an approved program
36 shall ~~be~~ *occur* subsequent to the date of the current violation. Credit
37 shall not be given to any program activities completed prior to the
38 date of the current violation.

39 (3) Except as provided in Section 13352.5, upon a conviction
40 or finding of a violation of Section 23152 punishable under Section

1 23540, the privilege shall be suspended for two years. The privilege
2 shall not be reinstated until the person gives proof of financial
3 responsibility and gives proof satisfactory to the department of
4 successful completion of a driving-under-the-influence program
5 licensed pursuant to Section 11836 of the Health and Safety Code
6 as described in subdivision (b) of Section ~~23542~~. *23542 of this*
7 *code*. For the purposes of this paragraph, enrollment in,
8 participation in, and completion of an approved program shall be
9 subsequent to the date of the current violation. Credit shall not be
10 given to any program activities completed prior to the date of the
11 current violation. The department shall advise the person that he
12 or she may apply to the department for a restriction of the driving
13 ~~privilege, which may include credit for a suspension period served~~
14 ~~under subdivision (e) privilege if the person meets all of Section~~
15 ~~13353.3, subject to the following conditions:~~ *requirements:*

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

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

24 (i) Proof of enrollment in an 18-month
25 driving-under-the-influence program licensed pursuant to Section
26 11836 of the Health and Safety ~~Code~~. *Code if a 30-month program*
27 *is unavailable in the person's county of residence or employment.*

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

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

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

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

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

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

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

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

8 (4) Except as provided in this paragraph, upon a conviction or
9 finding of a violation of Section 23153 punishable under Section
10 23560, the privilege shall be revoked for a period of three years.
11 The privilege may not be reinstated until the person gives proof
12 of financial responsibility, and the person 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, as described in paragraph
16 (4) of subdivision (b) of Section 23562 of this code. For the
17 purposes of this paragraph, enrollment in, participation in, and
18 completion of an approved program shall ~~be~~ occur subsequent to
19 the date of the current violation. Credit shall not be given to any
20 program activities completed prior to the date of the current
21 violation. The department shall advise the person that after the
22 completion of 12 months of the revocation period, which may
23 include credit for a suspension period served under subdivision
24 (c) of Section 13353.3, ~~the person~~ *he or she* may apply to the
25 department for a restricted driver's license, ~~subject to license if~~
26 *the person meets all of the following conditions: requirements:*

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

30 (i) 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.~~ *Code if a 30-month program*
33 *is unavailable in the person's county of residence or employment.*

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

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

4 ~~(B)~~

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

7 ~~(C)~~

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

10 ~~(D)~~

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

13 ~~(E)~~

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

16 ~~(F)~~

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

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

1 subdivision (c) of Section 13353.3, ~~subject to if the person meets~~
2 ~~all of the following conditions:~~ *requirements:*

3 (A) Completion of 12 months of the suspension period, or
4 completion of six months of the suspension period if the underlying
5 conviction did not include the use of drugs as defined in Section
6 312 and the person was found to be only under the influence of an
7 alcoholic beverage at the time of the violation.

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

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

15 (ii) Proof of enrollment in a 30-month
16 driving-under-the-influence program licensed pursuant to Section
17 11836 of the Health and Safety Code, if available in the county of
18 the person’s residence or employment, ~~and the person agrees, as~~
19 ~~a condition of the restriction, to continue satisfactory participation~~
20 ~~in the 30-month driving-under-the-influence program.~~ *employment.*

21 (C) ~~The person agrees, as a condition of the restriction, to~~
22 ~~continue satisfactory participation in the program described in~~
23 ~~subparagraph (B).~~

24 ~~(C)~~
25 (D) The person submits the “Verification of Installation” form
26 described in paragraph (2) of subdivision (g) of Section 13386.

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

30 ~~(E)~~
31 (F) The person provides proof of financial responsibility, as
32 defined in Section 16430.

33 ~~(F)~~
34 (G) An individual convicted of a violation of Section 23152
35 punishable under Section 23546 may also, at any time after
36 sentencing, petition the court for referral to an 18-month
37 driving-under-the-influence program licensed pursuant to Section
38 11836 of the Health and Safety Code, or, if available in the county
39 of the person’s residence or employment, a 30-month
40 driving-under-the-influence program licensed pursuant to Section

1 11836 of the Health and Safety Code. Unless good cause is shown,
2 the court shall order the referral.

3 ~~(G)~~

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

6 ~~(H)~~

7 (I) 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)~~

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

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

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

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

1 11836 of the Health and Safety Code, if available in the county of
 2 the person’s residence or employment, and the person agrees, as
 3 a condition of the restriction, to continue satisfactory participation
 4 in the 30-month driving-under-the-influence program. *employment.*
 5 (ii) Completion of the initial 12 months of an 18-month
 6 driving-under-the-influence program licensed pursuant to Section
 7 11836 of the Health and Safety Code, if a 30-month program is
 8 unavailable in the person’s county of residence or employment.
 9 (B) *The person agrees, as a condition of the restriction, to*
 10 *continue satisfactory participation in the program described in*
 11 *subparagraph (A).*
 12 ~~(B)~~
 13 (C) The person submits the “Verification of Installation” form
 14 described in paragraph (2) of subdivision (g) of Section 13386.
 15 ~~(C)~~
 16 (D) The person agrees to maintain the ignition interlock device
 17 as required under subdivision (g) of Section 23575.
 18 ~~(D)~~
 19 (E) The person provides proof of financial responsibility, as
 20 defined in Section 16430.
 21 ~~(E)~~
 22 (F) An individual convicted of a violation of Section 23153
 23 punishable under Section 23566 may also, at any time after
 24 sentencing, petition the court for referral to an 18-month
 25 driving-under-the-influence program licensed pursuant to Section
 26 11836 of the Health and Safety Code, or, if available in the county
 27 of the person’s residence or employment, a 30-month
 28 driving-under-the-influence program licensed pursuant to Section
 29 11836 of the Health and Safety Code. Unless good cause is shown,
 30 the court shall order the referral.
 31 ~~(F)~~
 32 (G) The person pays all applicable reinstatement or reissue fees
 33 and any restriction fee required by the department.
 34 ~~(G)~~
 35 (H) The restriction shall remain in effect for the period required
 36 in subdivision (f) of Section 23575.
 37 (7) Except as provided in this paragraph, upon a conviction or
 38 finding of a violation of Section 23152 punishable under Section
 39 23550 or 23550.5, or of a violation of Section 23153 punishable
 40 under Section 23550.5, the privilege shall be revoked for a period

1 of four years. The privilege shall not be reinstated until the person
 2 files proof of financial responsibility and gives proof satisfactory
 3 to the department of successful completion of an 18-month
 4 driving-under-the-influence program licensed pursuant to Section
 5 11836 of the Health and Safety Code, *if a 30-month program is*
 6 *unavailable in the person’s county of residence or employment,*
 7 or, if available in the county of the person’s residence or
 8 employment, a 30-month driving-under-the-influence program
 9 licensed pursuant to Section 11836 of the Health and Safety Code,
 10 or a program specified in Section 8001 of the Penal Code. For the
 11 purposes of this paragraph, enrollment in, participation in, and
 12 completion of an approved program shall ~~be~~ occur subsequent to
 13 the date of the current violation. Credit shall not be given to any
 14 program activities completed prior to the date of the current
 15 violation. The department shall advise the person that after
 16 completion of 12 months of the revocation period, which may
 17 include credit for a suspension period served under subdivision
 18 (c) of Section 13353.3, ~~the person~~ *he or she* may apply to the
 19 department for a restricted driver’s license, ~~subject to license if~~
 20 *the person meets all of the following conditions: requirements:*

21 (A) The person ~~has~~ satisfactorily ~~completed,~~ *provides,*
 22 subsequent to the violation date of the current underlying
 23 conviction, either of the following:

24 (i) The initial 12 months of an 18-month
 25 driving-under-the-influence program licensed pursuant to Section
 26 11836 of the Health and Safety Code. ~~Code, if a 30-month program~~
 27 *is unavailable in the person’s county of residence or employment.*

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

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

40 ~~(C)~~

1 (D) The person agrees to maintain the ignition interlock device
 2 as required under subdivision (g) of Section 23575.
 3 ~~(D)~~
 4 (E) The person provides proof of financial responsibility, as
 5 defined in Section 16430.
 6 ~~(E)~~
 7 (F) An individual convicted of a violation of Section 23152
 8 punishable under Section 23550 may also, at any time after
 9 sentencing, petition the court for referral to an 18-month
 10 driving-under-the-influence program licensed pursuant to Section
 11 11836 of the Health and Safety Code, or, if available in the county
 12 of the person’s residence or employment, a 30-month
 13 driving-under-the-influence program licensed pursuant to Section
 14 11836 of the Health and Safety Code. Unless good cause is shown,
 15 the court shall order the referral.
 16 ~~(F)~~
 17 (G) The person pays all applicable reinstatement or reissue fees
 18 and any restriction fee required by the department.
 19 ~~(G)~~
 20 (H) The restriction shall remain in effect for the period required
 21 in subdivision (f) of Section 23575.
 22 (8) Upon a conviction or finding of a violation of subdivision
 23 (a) of Section 23109 that is punishable under subdivision (e) of
 24 that section or Section 23109.1, the privilege shall be suspended
 25 for a period of 90 days to six months, if ordered by the court. The
 26 privilege shall not be reinstated until the person gives proof of
 27 financial responsibility, as defined in Section 16430.
 28 (9) Upon a conviction or finding of a violation of subdivision
 29 (a) of Section 23109 that is punishable under subdivision (f) of
 30 that section, the privilege shall be suspended for a period of six
 31 months, if ordered by the court. The privilege shall not be reinstated
 32 until the person gives proof of financial responsibility, as defined
 33 in Section 16430.
 34 (b) For the purpose of paragraphs (2) to (9), inclusive, of
 35 subdivision (a), the finding of the juvenile court judge, the juvenile
 36 hearing officer, or the referee of a juvenile court of a commission
 37 of a violation of Section 23152 or ~~23153~~ or 23153, subdivision (a)
 38 of Section ~~23109~~ 23109, or Section 23109.1, as specified in
 39 subdivision (a) of this section, is a conviction.

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

4 (d) A conviction of an offense in a state, territory, or possession
5 of the United States, the District of Columbia, the Commonwealth
6 of Puerto Rico, or Canada that, if committed in this state, would
7 be a violation of Section 23152, is a conviction of Section 23152
8 for the purposes of this section, and a conviction of an offense
9 that, if committed in this state, would be a violation of Section
10 23153, is a conviction of Section 23153 for the purposes of this
11 section. The department shall suspend or revoke the privilege to
12 operate a motor vehicle pursuant to this section upon receiving
13 notice of that conviction.

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

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

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

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

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

1 *(h) This section shall become inoperative on July 1, 2017, and,*
2 *as of January 1, 2018, is repealed, unless a later enacted statute,*
3 *that becomes operative on or before January 1, 2018, deletes or*
4 *extends the dates on which it becomes inoperative and is repealed.*

5 SEC. 2. Section 13352 is added to the Vehicle Code, to read:

6 13352. (a) The department shall immediately suspend or
7 revoke the privilege of a person to operate a motor vehicle upon
8 the receipt of an abstract of the record of a court showing that the
9 person has been convicted of a violation of Section 23152 or 23153,
10 subdivision (a) of Section 23109, or Section 23109.1, or upon the
11 receipt of a report of a judge of the juvenile court, a juvenile traffic
12 hearing officer, or a referee of a juvenile court showing that the
13 person has been found to have committed a violation of Section
14 23152 or 23153, subdivision (a) of Section 23109, or Section
15 23109.1. If an offense specified in this section occurs in a vehicle
16 defined in Section 15210, the suspension or revocation specified
17 in this subdivision applies also to the noncommercial driving
18 privilege. The commercial driving privilege shall be disqualified
19 as specified in Sections 15300 to 15302, inclusive. For the purposes
20 of this section, suspension or revocation shall be as follows:

21 (1) Except as required under Section 13352.1 or 13352.4, upon
22 a conviction or finding of a violation of Section 23152 punishable
23 under Section 23536, the privilege shall be suspended for a period
24 of six months. The privilege shall not be reinstated until the person
25 gives proof of financial responsibility and 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 described in subdivision (b)
29 of Section 23538 of this code. If the court, as authorized under
30 paragraph (3) of subdivision (b) of Section 23646, elects to order
31 a person to enroll in, participate in, and complete either program
32 described in subdivision (b) of Section 23542, the department shall
33 require that program in lieu of the program described in subdivision
34 (b) of Section 23538. For the purposes of this paragraph, enrollment
35 in, participation in, and completion of an approved program shall
36 occur subsequent to the date of the current violation. Credit shall
37 not be given to any program activities completed prior to the date
38 of the current violation.

39 (2) Upon a conviction or finding of a violation of Section 23153
40 punishable under Section 23554, the privilege shall be suspended

1 for a period of one year. The privilege shall not be reinstated until
2 the person gives proof of financial responsibility and gives proof
3 satisfactory to the department of successful completion of a
4 driving-under-the-influence program licensed pursuant to Section
5 11836 of the Health and Safety Code as described in subdivision
6 (b) of Section 23556 of this code. If the court, as authorized under
7 paragraph (3) of subdivision (b) of Section 23646, elects to order
8 a person to enroll in, participate in, and complete either program
9 described in subdivision (b) of Section 23542, the department shall
10 require that program in lieu of the program described in Section
11 23556. For the purposes of this paragraph, enrollment in,
12 participation in, and completion of an approved program shall
13 occur subsequent to the date of the current violation. Credit shall
14 not be given to any program activities completed prior to the date
15 of the current violation. The department shall advise the person
16 that he or she may apply to the department for a restricted driver's
17 license if the person meets all of the following requirements:

18 (A) The person satisfactorily provides, subsequent to the
19 violation date of the current underlying conviction, either of the
20 following:

21 (i) Proof of enrollment in a driving-under-the-influence program
22 licensed pursuant to Section 11836 of the Health and Safety Code,
23 as described in subdivision (b) of Section 23556 of this code.

24 (ii) Proof of enrollment in a program described in subdivision
25 (b) of Section 23542, if the court has ordered the person to enroll
26 in, participate in, and complete either program described in that
27 section, in which case the person shall not be required to provide
28 the proof described in clause (i).

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

32 (C) The person complies with subdivision (d) of Section
33 23575.3, if applicable.

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

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

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

1 (G) The person pays to the department a fee sufficient to cover
2 the reasonable costs of administering the requirements of this
3 paragraph, as determined by the department.

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

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

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

24 (i) Proof of enrollment in an 18-month
25 driving-under-the-influence program licensed pursuant to Section
26 11836 of the Health and Safety Code if a 30-month program is
27 unavailable in the person's county of residence or employment.

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

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

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

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

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

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

3 (G) The person pays to the department a fee sufficient to cover
4 the reasonable costs of administering the requirements of this
5 paragraph, as determined by the department.

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

8 (4) Except as provided in this paragraph, upon a conviction or
9 finding of a violation of Section 23153 punishable under Section
10 23560, the privilege shall be revoked for a period of three years.
11 The privilege may not be reinstated until the person gives proof
12 of financial responsibility, and the person 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, as described in paragraph
16 (4) of subdivision (b) of Section 23562 of this code. For the
17 purposes of this paragraph, enrollment in, participation in, and
18 completion of an approved program shall occur subsequent to the
19 date of the current violation. Credit shall not be given to any
20 program activities completed prior to the date of the current
21 violation. The department shall advise the person that he or she
22 may apply to the department for a restricted driver's license if the
23 person meets all of the following requirements:

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

38 (C) The person complies with subdivision (d) of Section
39 23575.3, if applicable.

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

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

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

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

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

12 (5) Except as provided in this paragraph, upon a conviction or
13 finding of a violation of Section 23152 punishable under Section
14 23546, the privilege shall be revoked for a period of three years.
15 The privilege shall not be reinstated until the person files proof of
16 financial responsibility and gives proof satisfactory to the
17 department of successful completion of an 18-month
18 driving-under-the-influence program licensed pursuant to Section
19 11836 of the Health and Safety Code, as described in subdivision
20 (b) or (c) of Section 23548 of this code, if a 30-month program is
21 unavailable in the person’s county of residence or employment,
22 or, if available in the county of the person’s residence or
23 employment, a 30-month driving-under-the-influence program
24 licensed pursuant to Section 11836 of the Health and Safety Code,
25 or a program specified in Section 8001 of the Penal Code. For the
26 purposes of this paragraph, enrollment in, participation in, and
27 completion of an approved program shall occur subsequent to the
28 date of the current violation. Credit shall not be given to any
29 program activities completed prior to the date of the current
30 violation. The department shall advise the person that he or she
31 may apply to the department for a restricted driver’s license if the
32 person meets all of the following requirements:

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

36 (i) Proof of enrollment in an 18-month
37 driving-under-the-influence program licensed pursuant to Section
38 11836 of the Health and Safety Code if a 30-month program is
39 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) An individual convicted of a violation of Section 23152
15 punishable under Section 23546 may also, at any time after
16 sentencing, petition the court for referral to an 18-month
17 driving-under-the-influence program licensed pursuant to Section
18 11836 of the Health and Safety Code, or, if available in the county
19 of the person's residence or employment, a 30-month
20 driving-under-the-influence program licensed pursuant to Section
21 11836 of the Health and Safety Code. Unless good cause is shown,
22 the court shall order the referral.

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

25 (H) The person pays to the department a fee sufficient to cover
26 the reasonable costs of administering the requirements of this
27 paragraph, as determined by the department.

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

30 (6) Except as provided in this paragraph, upon a conviction or
31 finding of a violation of Section 23153 punishable under Section
32 23550.5 or 23566, the privilege shall be revoked for a period of
33 five years. The privilege may not be reinstated until the person
34 gives proof of financial responsibility and gives proof satisfactory
35 to the department of successful completion of a
36 driving-under-the-influence program licensed pursuant to Section
37 11836 of the Health and Safety Code as described in subdivision
38 (b) of Section 23568, or if available in the county of the person's
39 residence or employment, a 30-month driving-under-the-influence
40 program licensed pursuant to Section 11836 of the Health and

1 Safety Code, or a program specified in Section 8001 of the Penal
2 Code. For the purposes of this paragraph, enrollment in,
3 participation in, and completion of an approved program shall be
4 subsequent to the date of the current violation. Credit shall not be
5 given to any program activities completed prior to the date of the
6 current violation. The department shall advise the person that he
7 or she may apply to the department for a restricted driver's license
8 if the person meets all of the following requirements:

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

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

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

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

23 (C) The person complies with subdivision (d) of Section
24 23575.3, if applicable.

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

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

29 (F) An individual convicted of a violation of Section 23153
30 punishable under Section 23566 may also, at any time after
31 sentencing, petition the court for referral to an 18-month
32 driving-under-the-influence program licensed pursuant to Section
33 11836 of the Health and Safety Code, or, if available in the county
34 of the person's residence or employment, a 30-month
35 driving-under-the-influence program licensed pursuant to Section
36 11836 of the Health and Safety Code. Unless good cause is shown,
37 the court shall order the referral.

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

1 (H) The person pays to the department a fee sufficient to cover
2 the reasonable costs of administering the requirements of this
3 paragraph, as determined by the department.

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

6 (7) Except as provided in this paragraph, upon a conviction or
7 finding of a violation of Section 23152 punishable under Section
8 23550 or 23550.5, or of a violation of Section 23153 punishable
9 under Section 23550.5, the privilege shall be revoked for a period
10 of four years. The privilege shall not be reinstated until the person
11 files proof of financial responsibility and gives proof satisfactory
12 to the department of successful completion of an 18-month
13 driving-under-the-influence program licensed pursuant to Section
14 11836 of the Health and Safety Code, if a 30-month program is
15 unavailable in the person's county of residence or employment,
16 or, if available in the county of the person's residence or
17 employment, a 30-month driving-under-the-influence program
18 licensed pursuant to Section 11836 of the Health and Safety Code,
19 or a program specified in Section 8001 of the Penal Code. For the
20 purposes of this paragraph, enrollment in, participation in, and
21 completion of an approved program shall occur subsequent to the
22 date of the current violation. Credit shall not be given to any
23 program activities completed prior to the date of the current
24 violation. The department shall advise the person that he or she
25 may apply to the department for a restricted driver's license if the
26 person meets all of the following requirements:

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

30 (i) Proof of enrollment in 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 (ii) Proof of enrollment in a 30-month
35 driving-under-the-influence program licensed pursuant to Section
36 11836 of the Health and Safety Code, if available in the county of
37 the person's residence or employment.

38 (B) The person agrees, as a condition of the restriction, to
39 continue satisfactory participation in the program described in
40 subparagraph (A).

- 1 (C) The person complies with subdivision (d) of Section
2 23575.3, if applicable.
- 3 (D) The person agrees to maintain the ignition interlock device
4 as required under Section 23575.3, if applicable.
- 5 (E) The person provides proof of financial responsibility, as
6 defined in Section 16430.
- 7 (F) An individual convicted of a violation of Section 23152
8 punishable under Section 23550 may also, at any time after
9 sentencing, petition the court for referral to an 18-month
10 driving-under-the-influence program licensed pursuant to Section
11 11836 of the Health and Safety Code, or, if available in the county
12 of the person’s residence or employment, a 30-month
13 driving-under-the-influence program licensed pursuant to Section
14 11836 of the Health and Safety Code. Unless good cause is shown,
15 the court shall order the referral.
- 16 (G) The person pays all applicable reinstatement or reissue fees
17 and any restriction fee required by the department.
- 18 (H) The person pays to the department a fee sufficient to cover
19 the reasonable costs of administering the requirements of this
20 paragraph, as determined by the department.
- 21 (I) The restriction shall remain in effect for the period required
22 in subdivision (e).
- 23 (8) Upon a conviction or finding of a violation of subdivision
24 (a) of Section 23109 that is punishable under subdivision (e) of
25 that section or Section 23109.1, the privilege shall be suspended
26 for a period of 90 days to six months, if ordered by the court. The
27 privilege shall not be reinstated until the person gives proof of
28 financial responsibility, as defined in Section 16430.
- 29 (9) Upon a conviction or finding of a violation of subdivision
30 (a) of Section 23109 that is punishable under subdivision (f) of
31 that section, the privilege shall be suspended for a period of six
32 months, if ordered by the court. The privilege shall not be reinstated
33 until the person gives proof of financial responsibility, as defined
34 in Section 16430.
- 35 (b) For the purpose of paragraphs (2) to (9), inclusive, of
36 subdivision (a), the finding of the juvenile court judge, the juvenile
37 hearing officer, or the referee of a juvenile court of a commission
38 of a violation of Section 23152 or 23153, subdivision (a) of Section
39 23109, or Section 23109.1, as specified in subdivision (a) of this
40 section, is a conviction.

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

4 (d) A conviction of an offense in a state, territory, or possession
5 of the United States, the District of Columbia, the Commonwealth
6 of Puerto Rico, or Canada that, if committed in this state, would
7 be a violation of Section 23152, is a conviction of Section 23152
8 for the purposes of this section, and a conviction of an offense
9 that, if committed in this state, would be a violation of Section
10 23153, is a conviction of Section 23153 for the purposes of this
11 section. The department shall suspend or revoke the privilege to
12 operate a motor vehicle pursuant to this section upon receiving
13 notice of that conviction.

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

19 (2) For the purposes of the restriction conditions specified in
20 paragraphs (2) to (7), inclusive, of subdivision (a), the department
21 shall terminate the restriction imposed pursuant to this section and
22 shall suspend or revoke the person's driving privilege upon receipt
23 of notification from the driving-under-the-influence program that
24 the person has failed to comply with the program requirements.
25 The person's driving privilege shall remain suspended or revoked
26 for the remaining period of the original suspension or revocation
27 imposed under this section and until all reinstatement requirements
28 described in this section are met.

29 (3) The department shall immediately terminate the restriction
30 issued pursuant to this section and shall immediately suspend or
31 revoke the privilege to operate a motor vehicle of a person who,
32 with respect to an ignition interlock device installed pursuant to
33 Section 23575.3, attempts to remove, bypass, or tamper with the
34 device, has the device removed prior to the termination date of the
35 restriction, or fails three or more times to comply with any
36 requirement for the maintenance or calibration of the device. The
37 privilege shall remain suspended or revoked for the remaining
38 period of the originating suspension or revocation and until all
39 reinstatement requirements in this section are satisfied.

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

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

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

11 (g) 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 under this section
 15 is not eligible for the restricted driver’s license authorized under
 16 paragraphs (3) to (7), inclusive, of subdivision (a).

17 (h) The reinstatement of the driving privilege pursuant to this
 18 section does not abrogate a person’s continuing duty to comply
 19 with any restriction imposed pursuant to Section 23575.3.

20 (i) This section shall become operative on July 1, 2017.

21 SEC. 3. Section 13352.4 of the Vehicle Code is amended to
 22 read:

23 13352.4. (a) Except as provided in subdivision (h), the
 24 department shall issue a restricted driver’s license to a person
 25 whose driver’s license was suspended under paragraph (1) of
 26 subdivision (a) of Section 13352 or Section 13352.1, if the person
 27 meets all of the following requirements:

28 (1) *Submits proof satisfactory to the department of either of the*
 29 *following, as applicable:*

30 ~~(1)~~

31 ~~(A) Submits proof satisfactory to the department of enrollment~~
 32 ~~in, or completion of, Enrollment in a driving-under-the-influence~~
 33 ~~program licensed pursuant to Section 11836 of the Health and~~
 34 ~~Safety Code, as described in subdivision (b) of Section 23538.~~
 35 ~~23538 of this code.~~

36 *(B) Enrollment in a program described in subdivision (b) of*
 37 *Section 23542, if the court has ordered the person to enroll in,*
 38 *participate in, and complete either program described in that*
 39 *section, in which case the person shall not be required to provide*
 40 *proof of the enrollment described in subparagraph (A).*

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

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

5 (b) The restriction of the driving privilege shall become effective
6 when the department receives all of the documents and fees
7 required under subdivision (a) and shall remain in effect until the
8 final day of the original suspension imposed under paragraph (1)
9 of subdivision (a) of Section 13352 or Section 13352.1, or until
10 the date all reinstatement requirements described in Section 13352
11 or ~~Section~~ 13352.1 have been met, whichever date is later, and
12 may include credit for any suspension period served under
13 subdivision (c) of Section 13353.3.

14 (c) The restriction of the driving privilege shall be limited to
15 the hours necessary for driving to and from the person's place of
16 employment, driving during the course of employment, and driving
17 to and from activities required in the driving-under-the-influence
18 program.

19 (d) Whenever the driving privilege is restricted under this
20 section, proof of financial responsibility, as defined in Section
21 16430, shall be maintained for three years. If the person does not
22 maintain that proof of financial responsibility at any time during
23 the restriction, the driving privilege shall be suspended until the
24 proof required under Section 16484 is received by the department.

25 (e) For the purposes of this section, enrollment, participation,
26 and completion of an approved program shall be subsequent to the
27 date of the current violation. Credit may not be given to a program
28 activity completed prior to the date of the current violation.

29 (f) The department shall terminate the restriction issued under
30 this section and shall suspend the privilege to operate a motor
31 vehicle pursuant to paragraph (1) of subdivision (a) of Section
32 13352 or Section 13352.1 immediately upon receipt of notification
33 from the driving-under-the-influence program that the person has
34 failed to comply with the program requirements. The privilege
35 shall remain suspended until the final day of the original suspension
36 imposed under paragraph (1) of subdivision (a) of Section 13352
37 or ~~Section~~ 13352.1, or until the date all reinstatement requirements
38 described in Section 13352 or Section 13352.1 have been met,
39 whichever date is later.

1 (g) The holder of a commercial driver's license who was
2 operating a commercial motor vehicle, as defined in Section 15210,
3 at the time of a violation that resulted in a suspension or revocation
4 of the person's noncommercial driving privilege under paragraph
5 (1) of subdivision (a) of Section 13352 or Section 13352.1 is not
6 eligible for the restricted driver's license authorized under this
7 section.

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

13 (i) *This section shall become inoperative on July 1, 2017, and,*
14 *as of January 1, 2018, is repealed, unless a later enacted statute,*
15 *that becomes operative on or before January 1, 2018, deletes or*
16 *extends the dates on which it becomes inoperative and is repealed.*

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

18 13352.4. (a) Except as provided in subdivision (h), the
19 department shall issue a restricted driver's license to a person
20 whose driver's license was suspended under paragraph (1) of
21 subdivision (a) of Section 13352 or Section 13352.1, if the person
22 meets all of the following requirements:

23 (1) Submits proof satisfactory to the department of either of the
24 following:

25 (A) Enrollment in a driving-under-the-influence program
26 licensed pursuant to Section 11836 of the Health and Safety Code,
27 as described in subdivision (b) of Section 23538 of this code.

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

33 (2) Complies with subdivision (d) of Section 23575.3, if
34 applicable.

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

37 (4) Submits proof of financial responsibility, as defined in
38 Section 16430.

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

1 (6) The person pays to the department a fee sufficient to cover
2 the reasonable costs of administering the requirements of this
3 paragraph, as determined by the department.

4 (b) The restriction of the driving privilege shall become effective
5 when the department receives all of the documents and fees
6 required under subdivision (a) and shall remain in effect until the
7 final day of the original suspension imposed under paragraph (1)
8 of subdivision (a) of Section 13352 or Section 13352.1, or until
9 the date all reinstatement requirements described in Section 13352
10 or 13352.1 have been met, whichever date is later, and may include
11 credit for any suspension period served under subdivision (c) of
12 Section 13353.3.

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

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

23 (e) (1) The department shall terminate the restriction issued
24 under this section and shall suspend the privilege to operate a motor
25 vehicle pursuant to paragraph (1) of subdivision (a) of Section
26 13352 or Section 13352.1 immediately upon receipt of notification
27 from the driving-under-the-influence program that the person has
28 failed to comply with the program requirements. The privilege
29 shall remain suspended until the final day of the original suspension
30 imposed under paragraph (1) of subdivision (a) of Section 13352
31 or Section 13352.1, or until the date all reinstatement requirements
32 described in Section 13352 or 13352.1 have been met, whichever
33 date is later.

34 (2) The department shall immediately terminate the restriction
35 issued pursuant to this section and shall immediately suspend or
36 revoke the privilege to operate a motor vehicle of a person who,
37 with respect to an ignition interlock device installed pursuant to
38 Section 23575.3, attempts to remove, bypass, or tamper with the
39 device, has the device removed prior to the termination date of the
40 restriction, or fails three or more times to comply with any

1 requirement for the maintenance or calibration of the device. The
2 privilege shall remain suspended or revoked for the remaining
3 period of the originating suspension or revocation and until all
4 reinstatement requirements in this section are satisfied.

5 (f) The holder of a commercial driver's license who was
6 operating a commercial motor vehicle, as defined in Section 15210,
7 at the time of a violation that resulted in a suspension or revocation
8 of the person's noncommercial driving privilege under paragraph
9 (1) of subdivision (a) of Section 13352 or Section 13352.1 is not
10 eligible for the restricted driver's license authorized under this
11 section.

12 (g) If, upon conviction, the court has made the determination,
13 as authorized under subdivision (d) of Section 23536 or paragraph
14 (3) of subdivision (a) of Section 23538, to disallow the issuance
15 of a restricted driver's license, the department may not issue a
16 restricted driver's license under this section.

17 (h) This section shall become operative on July 1, 2017.

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

20 13353.3. (a) An order of suspension of a person's privilege to
21 operate a motor vehicle pursuant to Section 13353.2 shall become
22 effective 30 days after the person is served with the notice pursuant
23 to Section 13382 or 13388, or subdivision (b) of Section 13353.2.

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

26 (1) If the person has not been convicted of a separate violation
27 of Section 23103, as specified in Section 23103.5, or Section
28 23140, 23152, or 23153, or Section 191.5 or subdivision (a) of
29 Section 192.5 of the Penal Code, the person has not been
30 administratively determined to have refused chemical testing
31 pursuant to Section 13353 or ~~13353.1~~, *13353.1 of this code*, or the
32 person has not been administratively determined to have been
33 driving with an excessive concentration of alcohol pursuant to
34 Section 13353.2 on a separate occasion, which offense or
35 occurrence occurred within 10 years of the occasion in question,
36 the person's privilege to operate a motor vehicle shall be suspended
37 for four months.

38 (2) (A) If the person has been convicted of one or more separate
39 violations of Section 23103, as specified in Section 23103.5, or
40 Section 23140, 23152, or 23153, or Section 191.5 or subdivision

1 (a) of Section 192.5 of the Penal Code, the person has been
2 administratively determined to have refused chemical testing
3 pursuant to Section 13353 or ~~13353.1~~, *13353.1 of this code*, or the
4 person has been administratively determined to have been driving
5 with an excessive concentration of alcohol pursuant to Section
6 13353.2 on a separate occasion, which offense or occasion occurred
7 within 10 years of the occasion in question, the person’s privilege
8 to operate a motor vehicle shall be suspended for one year, except
9 as provided in subparagraphs (B) and (C).

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

14 (i) The person is eligible for a restricted driver’s license pursuant
15 to Section 13352.

16 (ii) The person installs an ignition interlock device as required
17 in Section 13352 for that restricted driver’s license.

18 (iii) The person complies with all other applicable conditions
19 of Section 13352 for a restricted driver’s license.

20 (C) The one-year suspension pursuant to subparagraph (A) shall
21 terminate after completion of a 90-day suspension period, and the
22 person shall be eligible for a restricted license if the person has
23 been convicted of a violation of Section 23103, as specified in
24 Section 23103.5, arising out of the same occurrence, has no more
25 than two prior alcohol-related convictions within 10 years, as
26 specified pursuant to subparagraph (A), and all of the following
27 conditions are met:

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

35 (ii) The person agrees, as a condition of the restriction, to
36 continue satisfactory participation in the program described in
37 clause (i).

38 (iii) The person installs an ignition interlock device and submits
39 the “Verification of Installation” form described in paragraph (2)
40 of subdivision ~~(h)~~ (g) of Section 13386.

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

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

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

7 (vii) 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 (D) The department shall advise those persons that are eligible
11 under subparagraph (C) that after completion of 90 days of the
12 suspension period, the person may apply to the department for a
13 restricted driver's license, subject to the conditions set forth in
14 subparagraph (C).

15 (E) The restricted driving privilege shall become effective when
16 the department receives all of the documents and fees required
17 under subparagraph (C) and remain in effect for at least the
18 remaining period of the original suspension and until the person
19 provides satisfactory proof to the department of successful
20 completion of a driving-under-the-influence program licensed
21 pursuant to Section 11836 of the Health and Safety Code. The
22 restricted driving privilege shall be subject to the following
23 conditions:

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

30 (ii) For the purposes of this section, enrollment, participation,
31 and completion of an approved program shall ~~be~~ *occur* subsequent
32 to the date of the current violation. Credit may not be given to a
33 program activity completed prior to the date of the current
34 violation.

35 (iii) The department shall terminate the restriction issued
36 pursuant to this section and shall suspend the privilege to operate
37 a motor vehicle pursuant to subparagraph (A) immediately upon
38 receipt of notification from the driving-under-the-influence
39 program that the person has failed to comply with the program
40 requirements. The privilege shall remain suspended until the final

1 day of the original suspension imposed pursuant to subparagraph
2 (A).

3 (iv) The department shall terminate the restriction issued
4 pursuant to this section and shall immediately suspend the privilege
5 to operate a motor vehicle pursuant to subparagraph (A)
6 immediately upon receipt of notification from the installer that a
7 person has attempted to remove, bypass, or tamper with the ignition
8 interlock device, has removed the device prior to the termination
9 date of the restriction, or fails three or more times to comply with
10 any requirement for the maintenance or calibration of the ignition
11 interlock device ordered pursuant to this section. The privilege
12 shall remain suspended for the remaining period of the original
13 suspension imposed pursuant to subparagraph (A).

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

19 (c) If a person's privilege to operate a motor vehicle is
20 suspended pursuant to Section 13353.2 and the person is convicted
21 of a violation of Section 23152 or 23153, including, but not limited
22 to, a violation described in Section 23620, arising out of the same
23 occurrence, both the suspension under Section 13353.2 and the
24 suspension or revocation under Section 13352 shall be imposed,
25 except that the periods of suspension or revocation shall run
26 concurrently, and the total period of suspension or revocation shall
27 not exceed the longer of the two suspension or revocation periods.

28 (d) For the purposes of this section, a conviction of an offense
29 in any state, territory, or possession of the United States, the
30 District of Columbia, the Commonwealth of Puerto Rico, or ~~the~~
31 ~~Dominion~~ of Canada that, if committed in this state, would be a
32 violation of Section 23103, as specified in Section 23103.5, or
33 Section 23140, 23152, or 23153, or Section 191.5 or subdivision
34 (a) of Section 192.5 of the Penal Code, is a conviction of that
35 particular section of the Vehicle Code or Penal Code.

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

1 (f) *This section shall become inoperative on July 1, 2017, and,*
2 *as of January 1, 2018, is repealed, unless a later enacted statute,*
3 *that becomes operative on or before January 1, 2018, deletes or*
4 *extends the dates on which it becomes inoperative and is repealed.*

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

6 13353.3. (a) An order of suspension of a person's privilege to
7 operate a motor vehicle pursuant to Section 13353.2 shall become
8 effective 30 days after the person is served with the notice pursuant
9 to Section 13382 or 13388, or subdivision (b) of Section 13353.2.

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

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

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

36 (B) The one-year suspension pursuant to subparagraph (A) shall
37 terminate if the person has been convicted of a violation arising
38 out of the same occurrence and all of the following conditions are
39 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 under Section 23575.3.
- 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
20 Canada that, if committed in this state, would be a violation of
21 Section 23103, as specified in Section 23103.5, or Section 23140,
22 23152, or 23153, or Section 191.5 or subdivision (a) of Section
23 192.5 of the Penal Code, is a conviction of that particular section
24 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 operative on July 1, 2017.

31 SEC. 7. Section 13353.4 of the Vehicle Code is amended to
32 read:

33 13353.4. (a) Except as provided in Section 13353.3, 13353.7,
34 or 13353.8, the driving privilege shall not be restored, and a
35 restricted or hardship permit to operate a motor vehicle shall not
36 be issued, to a person during the suspension or revocation period
37 specified in Section 13353, 13353.1, or 13353.3.

38 (b) The privilege to operate a motor vehicle shall not be restored
39 after a suspension or revocation pursuant to Section 13352, 13353,
40 13353.1, or 13353.2 until all applicable fees, including the fees

1 prescribed in Section 14905, have been paid and the person gives
2 proof of financial responsibility, as defined in Section 16430, to
3 the department.

4 *(c) This section shall become inoperative on July 1, 2017, and,*
5 *as of January 1, 2018, is repealed, unless a later enacted statute,*
6 *that becomes operative on or before January 1, 2018, deletes or*
7 *extends the dates on which it becomes inoperative and is repealed.*

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

9 13353.4. (a) Except as provided in Section 13353.3, 13353.6,
10 13353.7, or 13353.8, the driving privilege shall not be restored,
11 and a restricted or hardship permit to operate a motor vehicle shall
12 not be issued, to a person during the suspension or revocation
13 period specified in Section 13353, 13353.1, or 13353.3.

14 (b) The privilege to operate a motor vehicle shall not be restored
15 after a suspension or revocation pursuant to Section 13352, 13353,
16 13353.1, or 13353.2 until all applicable fees, including the fees
17 prescribed in Section 14905, have been paid and the person gives
18 proof of financial responsibility, as defined in Section 16430, to
19 the department.

20 (c) This section shall become operative on July 1, 2017.

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

23 13353.5. (a) If a person whose driving privilege is suspended
24 or revoked under Section 13352, former Section 13352.4, Section
25 13352.4, *Section* 13352.6, paragraph (1) of subdivision (g) of
26 Section 23247, or paragraph (2) of subdivision (f) of Section 23575
27 is a resident of another state at the time the mandatory period of
28 suspension or revocation expires, the department may terminate
29 the suspension or revocation, upon written application of the
30 person, for the purpose of allowing the person to apply for a license
31 in his or her state of residence. The application shall include, but
32 need not be limited to, evidence satisfactory to the department that
33 the applicant now resides in another state.

34 (b) If the person submits an application for a California driver's
35 license within three years after the date of the action to terminate
36 suspension or revocation pursuant to subdivision (a), a license
37 shall not be issued until evidence satisfactory to the department
38 establishes that the person is qualified for reinstatement and no
39 grounds exist including, but not limited to, one or more subsequent
40 convictions for driving under the influence of alcohol or other

1 drugs that would support a refusal to issue a license. The
2 department may waive the three-year requirement if the person
3 provides the department with proof of financial responsibility, as
4 defined in Section 16430, and proof satisfactory to the department
5 of successful completion of a driving-under-the-influence program
6 described in Section 13352, and the driving-under-the-influence
7 program is of the length required under paragraphs (1) to (7),
8 inclusive, of subdivision (a) of Section 13352.

9 (c) For the purposes of this section, “state” includes a foreign
10 province or country.

11 (d) This section shall become *inoperative on July 1, 2017, and,*
12 *as of January 1, 2018, is repealed, unless a later enacted statute,*
13 *that becomes operative on ~~September 20, 2005~~, or before January*
14 *1, 2018, deletes or extends the dates on which it becomes*
15 *inoperative and is repealed.*

16 SEC. 10. Section 13353.5 is added to the Vehicle Code, to
17 read:

18 13353.5. (a) If a person whose driving privilege is suspended
19 or revoked under Section 13352, former Section 13352.4, Section
20 13352.4, Section 13352.6, paragraph (1) of subdivision (g) of
21 Section 23247, or paragraph (3) of subdivision (e) of Section 13352
22 is a resident of another state at the time the mandatory period of
23 suspension or revocation expires, the department may terminate
24 the suspension or revocation, upon written application of the
25 person, for the purpose of allowing the person to apply for a license
26 in his or her state of residence. The application shall include, but
27 need not be limited to, evidence satisfactory to the department that
28 the applicant now resides in another state.

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

1 described in Section 13352, and the driving-under-the-influence
2 program is of the length required under paragraphs (1) to (7),
3 inclusive, of subdivision (a) of Section 13352.

4 (c) For the purposes of this section, “state” includes a foreign
5 province or country.

6 (d) This section shall become operative on July 1, 2017.

7 SEC. 11. Section 13353.6 is added to the Vehicle Code, to
8 read:

9 13353.6. (a) Notwithstanding any other law, a person whose
10 driving privilege has been suspended under Section 13353.2 and
11 who is eligible for a restricted driver’s license as provided for in
12 Section 13353.3 or 13353.7 may be eligible for a restricted driver’s
13 license without serving any period of the suspension if the person
14 meets all of the eligibility requirements specified in those sections
15 and the person does both of the following:

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

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

22 (b) A person whose driving privilege has been suspended under
23 Section 13353.2 may install an ignition interlock device prior to
24 the effective date specified in Section 13353.3. A person who
25 installs an ignition interlock device pursuant to this subdivision,
26 meets all of the eligibility requirements specified in Section
27 13353.3 or 13353.7, and complies with paragraphs (1) and (2) of
28 subdivision (a) is eligible for a restricted driver’s license on the
29 effective date specified in Section 13353.3.

30 (c) The department shall terminate the restriction issued pursuant
31 to Section 13353.3 or 13353.7 and shall immediately reinstate the
32 suspension of the privilege to operate a motor vehicle upon receipt
33 of notification from the ignition interlock device installer that a
34 person has attempted to remove, bypass, or tamper with the ignition
35 interlock device, has removed the device prior to the termination
36 date of the restriction, or fails three or more times to comply with
37 any requirement for the maintenance or calibration of the ignition
38 interlock device. The privilege shall remain suspended for the
39 remaining mandatory suspension period imposed pursuant to
40 Section 13353.3.

1 (d) Notwithstanding any other law, for a person whose driving
2 privilege has been suspended under Section 13353.2, who is
3 eligible for a restricted driver's license as provided for in Section
4 13353.7, and who installs an ignition interlock device pursuant to
5 this section, a court shall reduce the fine amount by up to five
6 hundred dollars (\$500) for a conviction of a violation arising out
7 of the same occurrence that led to the person's driving privilege
8 being suspended.

9 (e) This section shall become operative on July 1, 2017.

10 SEC. 12. Section 13386 of the Vehicle Code is amended to
11 read:

12 13386. (a) (1) ~~The Department of Motor Vehicles~~ *department*
13 shall certify or cause to be certified ignition interlock devices
14 required by Article 5 (commencing with Section 23575) of Chapter
15 2 of Division 11.5 and publish a list of approved devices.

16 (2) (A) ~~The Department of Motor Vehicles~~ *department* shall
17 ensure that ignition interlock devices that have been certified
18 according to the requirements of this section continue to meet
19 certification requirements. The department may periodically require
20 manufacturers to indicate in writing whether the devices continue
21 to meet certification requirements.

22 (B) The department may use denial of certification, suspension
23 or revocation of certification, or decertification of an ignition
24 interlock device in another state as an indication that the
25 certification requirements are not met, if either of the following
26 apply:

27 (i) The denial of certification, suspension or revocation of
28 certification, or decertification in another state constitutes a
29 violation by the manufacturer of Article 2.55 (commencing with
30 Section 125.00) of Chapter 1 of Division 1 of Title 13 of the
31 California Code of Regulations.

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

1 (C) Failure to continue to meet certification requirements shall
2 result in suspension or revocation of certification of ignition
3 interlock devices.

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

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

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

14 (d) The department shall utilize information from an ~~independent~~
15 *independent, accredited (ISO/IEC 17025)* laboratory to certify
16 ignition interlock devices ~~on or off the premises~~ of the
17 manufacturer or manufacturer's agent, in accordance with the
18 guidelines. The cost of certification shall be borne by the
19 manufacturers of ignition interlock devices. If the certification of
20 a device is suspended or revoked, the manufacturer of the device
21 shall be responsible for, and shall bear the cost of, the removal of
22 the device and the replacement of a certified device of the
23 manufacturer or another manufacturer.

24 (e) No model of ignition interlock device shall be certified unless
25 it meets the accuracy requirements and specifications provided in
26 the guidelines adopted by the National Highway Traffic Safety
27 Administration.

28 (f) All manufacturers of ignition interlock devices that meet the
29 requirements of subdivision (e) and are certified in a manner
30 approved by the ~~Department of Motor Vehicles, department,~~ who
31 intend to market the devices in this state, first shall apply to the
32 ~~Department of Motor Vehicles~~ *department* on forms provided by
33 that department. The application shall be accompanied by a fee in
34 an amount not to exceed the amount necessary to cover the costs
35 incurred by the department in carrying out this section.

36 ~~(g) A manufacturer and a manufacturer's agent certified by the~~
37 ~~department to provide ignition interlock devices shall provide each~~
38 ~~year to the department information on the number of false positives~~
39 ~~and the time to reset the device. The department shall use this~~

1 information in evaluating the continued certification of an ignition
2 interlock device.

3 (h)

4 (g) The department shall ensure that standard forms and
5 procedures are developed for documenting decisions and
6 compliance and communicating results to relevant agencies. These
7 forms shall include all of the following:

8 (1) An “Option to Install,” to be sent by the ~~Department of~~
9 ~~Motor Vehicles~~ department to repeat offenders along with the
10 mandatory order of suspension or revocation. This shall include
11 the alternatives available for early license reinstatement with the
12 installation of an ignition interlock device and shall be
13 accompanied by a toll-free telephone number for each manufacturer
14 of a certified ignition interlock device. Information regarding
15 approved installation locations shall be provided to drivers by
16 manufacturers with ignition interlock devices that have been
17 certified in accordance with this section.

18 (2) A “Verification of Installation” to be returned to the
19 department by the reinstating offender upon application for
20 reinstatement. Copies shall be provided for the manufacturer or
21 the manufacturer’s agent.

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

27 (i)

28 (h) Every manufacturer and manufacturer’s agent certified by
29 the department to provide ignition interlock devices shall adopt
30 fee schedules that provide for the payment of the costs of the device
31 by applicants in amounts commensurate with the applicant’s ability
32 to pay.

33 (i) *A person who manufactures, installs, services, or repairs,*
34 *or otherwise deals in ignition interlock devices shall not disclose,*
35 *sell, or transfer to a third party any individually identifiable*
36 *information pertaining to individuals who are required by law to*
37 *install an ignition interlock device on a vehicle that he or she owns*
38 *or operates, except to the extent necessary to confirm or deny that*
39 *an individual has complied with ignition interlock device*
40 *installation and maintenance requirements.*

1 SEC. 13. Section 23103.5 of the Vehicle Code is amended to
2 read:

3 23103.5. (a) If the prosecution agrees to a plea of guilty or
4 nolo contendere to a charge of a violation of Section 23103 in
5 satisfaction of, or as a substitute for, an original charge of a
6 violation of Section 23152, the prosecution shall state for the record
7 a factual basis for the satisfaction or substitution, including whether
8 or not there had been consumption of an alcoholic beverage or
9 ingestion or administration of a drug, or both, by the defendant in
10 connection with the offense. The statement shall set forth the facts
11 that show whether or not there was a consumption of an alcoholic
12 beverage or the ingestion or administration of a drug by the
13 defendant in connection with the offense.

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

18 (c) If the court accepts the defendant's plea of guilty or nolo
19 contendere to a charge of a violation of Section 23103 and the
20 prosecutor's statement under subdivision (a) states that there was
21 consumption of an alcoholic beverage or the ingestion or
22 administration of a drug by the defendant in connection with the
23 offense, the resulting conviction shall be a prior offense for the
24 purposes of Section 23540, 23546, 23550, 23560, 23566, or 23622,
25 as specified in those sections.

26 (d) The court shall notify the Department of Motor Vehicles of
27 each conviction of Section 23103 that is required under this section
28 to be a prior offense for purposes of Section 23540, 23546, 23550,
29 23560, 23566, or 23622.

30 (e) Except as provided in paragraph (1) of subdivision (f), if the
31 court places the defendant on probation for a conviction of Section
32 23103 that is required under this section to be a prior offense for
33 purposes of Section 23540, 23546, 23550, 23560, 23566, or 23622,
34 the court shall order the defendant to enroll in an alcohol and drug
35 education program licensed under Chapter 9 (commencing with
36 Section 11836) of Part 2 of Division 10.5 of the Health and Safety
37 Code and complete, at a minimum, the educational component of
38 that program, as a condition of probation. If compelling
39 circumstances exist that mitigate against including the education
40 component in the order, the court may make an affirmative finding

1 to that effect. The court shall state the compelling circumstances
2 and the affirmative finding on the record, and may, in these cases,
3 exclude the educational component from the order.

4 (f) (1) If the court places on probation a defendant convicted
5 of a violation of Section 23103 that is required under this section
6 to be a prior offense for purposes of Section 23540, 23546, 23550,
7 23560, 23566, or 23622, and that offense occurred within 10 years
8 of a separate conviction of a violation of Section 23103, as
9 specified in this section, or within 10 years of a conviction of a
10 violation of Section 23152 or 23153, the court shall order the
11 defendant to participate for nine months or longer, as ordered by
12 the court, in a program licensed under Chapter 9 (commencing
13 with Section 11836) of Part 2 of Division 10.5 of the Health and
14 Safety Code that consists of at least 60 hours of program activities,
15 including education, group counseling, and individual interview
16 sessions.

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

20 (g) *Beginning July 1, 2017, the court may require a person*
21 *convicted of a violation of Section 23103, as described in this*
22 *section, to install a certified ignition interlock device on any vehicle*
23 *that the person owns or operates and prohibit that person from*
24 *operating a motor vehicle unless that vehicle is equipped with a*
25 *functioning, certified ignition interlock device. If the court orders*
26 *the ignition interlock device restriction, the term shall be*
27 *determined by the court for a period of at least three months, but*
28 *no longer than the term specified in Section 23575.3 that would*
29 *have applied to the defendant had he or she instead been convicted*
30 *of a violation of Section 23152, from the date of conviction. The*
31 *court shall notify the Department of Motor Vehicles, as specified*
32 *in subdivision (a) of Section 1803, of the terms of the restrictions*
33 *in accordance with subdivision (a) of Section 1804. The*
34 *Department of Motor Vehicles shall place the restriction in the*
35 *person's records in the Department of Motor Vehicles. A person*
36 *who is required to install an ignition interlock device pursuant to*
37 *this subdivision shall submit the "Verification of Installation"*
38 *form described in paragraph (2) of subdivision (g) of Section 13386*
39 *and maintain the ignition interlock device as required under*
40 *subdivision (f) of Section 23575.3. The department shall monitor*

1 *the installation and maintenance of the ignition interlock device*
2 *installed pursuant to this subdivision.*

3 ~~(g)~~

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

8 SEC. 14. Section 23247 of the Vehicle Code is amended to
9 read:

10 23247. (a) It is unlawful for a person to knowingly rent, lease,
11 or lend a motor vehicle to another person known to have had his
12 or her driving privilege restricted as provided in Section 13352,
13 23575, or 23700, unless the vehicle is equipped with a functioning,
14 certified ignition interlock device. A person, whose driving
15 privilege is restricted pursuant to Section 13352, 23575, or 23700
16 shall notify any other person who rents, leases, or loans a motor
17 vehicle to him or her of the driving restriction imposed under that
18 section.

19 (b) It is unlawful for any person whose driving privilege is
20 restricted pursuant to Section 13352, 23575, or 23700 to request
21 or solicit any other person to blow into an ignition interlock device
22 or to start a motor vehicle equipped with the device for the purpose
23 of providing the person so restricted with an operable motor
24 vehicle.

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

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

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

35 (f) Any person convicted of a violation of this section shall be
36 punished by imprisonment in ~~the~~ a county jail for not more than
37 six months or by a fine of not more than five thousand dollars
38 (\$5,000), or by both that fine and imprisonment.

39 (g) (1) If any person whose driving privilege is restricted
40 pursuant to Section 13352 is convicted of a violation of subdivision

1 (e), the court shall notify the Department of Motor Vehicles, which
2 shall immediately terminate the restriction and shall suspend or
3 revoke the person’s driving privilege for the remaining period of
4 the originating suspension or revocation and until all reinstatement
5 requirements in Section 13352 are met.

6 (2) If any person who is restricted pursuant to subdivision (a)
7 or (l) of Section 23575 or Section 23700 is convicted of a violation
8 of subdivision (e), the department shall suspend the person’s
9 driving privilege for one year from the date of the conviction.

10 (h) Notwithstanding any other ~~provision of law~~, if a vehicle in
11 which an ignition interlock device has been installed is impounded,
12 the manufacturer or installer of the device shall have the right to
13 remove the device from the vehicle during normal business hours.
14 No charge shall be imposed for the removal of the device nor shall
15 the manufacturer or installer be liable for any removal, towing,
16 impoundment, storage, release, or administrative costs or penalties
17 associated with the impoundment. Upon request, the person seeking
18 to remove the device shall present documentation to justify removal
19 of the device from the vehicle. Any damage to the vehicle resulting
20 from the removal of the device is the responsibility of the person
21 removing it.

22 (i) *This section shall become inoperative on July 1, 2017, and,*
23 *as of January 1, 2018, is repealed, unless a later enacted statute,*
24 *that becomes operative on or before January 1, 2018, deletes or*
25 *extends the dates on which it becomes inoperative and is repealed.*

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

27 23247. (a) It is unlawful for a person to knowingly rent, lease,
28 or lend a motor vehicle to another person known to have had his
29 or her driving privilege restricted as provided in Section 13352,
30 13352.4, 23575, 23575.3, or 23700, unless the vehicle is equipped
31 with a functioning, certified ignition interlock device. A person,
32 whose driving privilege is restricted pursuant to Section 13352,
33 13352.4, 23575, 23575.3, or 23700 shall notify any other person
34 who rents, leases, or loans a motor vehicle to him or her of the
35 driving restriction imposed under that section.

36 (b) It is unlawful for any person whose driving privilege is
37 restricted pursuant to Section 13352, 13352.4, 23575, 23575.3, or
38 23700 to request or solicit any other person to blow into an ignition
39 interlock device or to start a motor vehicle equipped with the device

1 for the purpose of providing the person so restricted with an
2 operable motor vehicle.

3 (c) It is unlawful to blow into an ignition interlock device or to
4 start a motor vehicle equipped with the device for the purpose of
5 providing an operable motor vehicle to a person whose driving
6 privilege is restricted pursuant to Section 13352, 13352.4, 23575,
7 23575.3, or 23700.

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

10 (e) It is unlawful for any person whose driving privilege is
11 restricted pursuant to Section 13352, 13352.4, 23575, 23575.3, or
12 23700 to operate any vehicle not equipped with a functioning
13 ignition interlock device.

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

18 (g) (1) If any person whose driving privilege is restricted
19 pursuant to Section 13352 or 13352.4 is convicted of a violation
20 of subdivision (e), the court shall notify the Department of Motor
21 Vehicles, which shall immediately terminate the restriction and
22 shall suspend or revoke the person's driving privilege for the
23 remaining period of the originating suspension or revocation and
24 until all reinstatement requirements in Section 13352 are met.

25 (2) If any person who is restricted pursuant to Section 23575.3,
26 subdivision (a) or (i) of Section 23575, or Section 23700 is
27 convicted of a violation of subdivision (e), the department shall
28 suspend the person's driving privilege for one year from the date
29 of the conviction.

30 (h) Notwithstanding any other law, if a vehicle in which an
31 ignition interlock device has been installed is impounded, the
32 manufacturer or installer of the device shall have the right to
33 remove the device from the vehicle during normal business hours.
34 No charge shall be imposed for the removal of the device nor shall
35 the manufacturer or installer be liable for any removal, towing,
36 impoundment, storage, release, or administrative costs or penalties
37 associated with the impoundment. Upon request, the person seeking
38 to remove the device shall present documentation to justify removal
39 of the device from the vehicle. Any damage to the vehicle resulting

1 from the removal of the device is the responsibility of the person
2 removing it.

3 (i) This section shall become operative on July 1, 2017.

4 SEC. 16. Section 23573 of the Vehicle Code is amended to
5 read:

6 23573. (a) The Department of Motor Vehicles, upon receipt
7 of the court's abstract of conviction for a violation listed in
8 subdivision (j), shall inform the convicted person of the
9 requirements of this section and the term for which the person is
10 required to have a certified ignition interlock device installed. The
11 records of the department shall reflect the mandatory use of the
12 device for the term required and the time when the device is
13 required to be installed pursuant to this code.

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

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

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

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

26 (3) Pay to the department a fee sufficient to cover the costs of
27 administration of this section, including startup costs, as determined
28 by the department.

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

33 (e) (1) A person who is notified by the department pursuant to
34 subdivision (a) shall arrange for each vehicle with an ignition
35 interlock device to be serviced by the installer at least once every
36 60 days in order for the installer to recalibrate and monitor the
37 operation of the device.

38 (2) The installer shall notify the department if the device is
39 removed or indicates that the person has attempted to remove,
40 bypass, or tamper with the device, or if the person fails three or

1 more times to comply with any requirement for the maintenance
2 or calibration of the ignition interlock device.

3 (f) The department shall monitor the installation and
4 maintenance of the ignition interlock device installed pursuant to
5 subdivision (a).

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

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

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

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

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

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

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

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

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

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

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

35 (i) A person who is required under subdivision (c) to install an
36 ignition interlock device who willfully fails to install the ignition
37 interlock device within the time period required under subdivision
38 (c) is guilty of a misdemeanor and shall be punished by
39 imprisonment in ~~the~~ a county jail for not more than six months or

1 by a fine of not more than five thousand dollars (\$5,000), or by
2 both that fine and imprisonment.

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

6 (1) Upon a conviction of a violation of Section 14601.2,
7 14601.4, or 14601.5 subsequent to one prior conviction of a
8 violation of Section 23103.5, 23152, or 23153, within a 10-year
9 period, the person shall immediately install a certified ignition
10 interlock device, pursuant to this section, in all vehicles owned or
11 operated by that person for a term of one year.

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

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

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

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

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

36 (n) This section shall become ~~operative~~ *inoperative* on July 1,
37 ~~2009~~ 2017, and, as of January 1, 2018, is repealed, unless a later
38 enacted statute, that becomes operative on or before January 1,
39 2018, deletes or extends the dates on which it becomes inoperative
40 and is repealed.

1 SEC. 17. Section 23573 is added to the Vehicle Code, to read:
2 23573. (a) The Department of Motor Vehicles, upon receipt
3 of the court's abstract of conviction for a violation listed in
4 subdivision (j), shall inform the convicted person of the
5 requirements of this section and the term for which the person is
6 required to have a certified ignition interlock device installed. The
7 records of the department shall reflect the mandatory use of the
8 device for the term required and the time when the device is
9 required to be installed pursuant to this code.

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

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

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

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

22 (3) Pay to the department a fee sufficient to cover the costs of
23 administration of this section, including startup costs, as determined
24 by the department.

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

29 (e) (1) A person who is notified by the department pursuant to
30 subdivision (a) shall arrange for each vehicle with an ignition
31 interlock device to be serviced by the installer at least once every
32 45 days in order for the installer to recalibrate and monitor the
33 operation of the device.

34 (2) The installer shall notify the department if the device is
35 removed or indicates that the person has attempted to remove,
36 bypass, or tamper with the device, or if the person fails three or
37 more times to comply with any requirement for the maintenance
38 or calibration of the ignition interlock device.

1 (f) The department shall monitor the installation and
2 maintenance of the ignition interlock device installed pursuant to
3 subdivision (a).

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

7 (A) Within 45 days of the notification, the person certifies to
8 the department all of the following:

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

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

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

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

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

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

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

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

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

33 (i) A person who is required under subdivision (c) to install an
34 ignition interlock device who willfully fails to install the ignition
35 interlock device within the time period required under subdivision
36 (c) is guilty of a misdemeanor and shall be punished by
37 imprisonment in a county jail for not more than six months or by
38 a fine of not more than five thousand dollars (\$5,000), or by both
39 that fine and imprisonment.

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

4 (1) Upon a conviction of a violation of Section 14601.2,
5 14601.4, or 14601.5 subsequent to one prior conviction of a
6 violation of Section 23103.5, 23152, or 23153, within a 10-year
7 period, the person shall immediately install a certified ignition
8 interlock device, pursuant to this section, in all vehicles owned or
9 operated by that person for a term of one year.

10 (2) Upon a conviction of a violation of Section 14601.2,
11 14601.4, or 14601.5 subsequent to two prior convictions of a
12 violation of Section 23103.5, 23152, or 23153, within a 10-year
13 period, or one prior conviction of Section 14601.2, 14601.4, or
14 14601.5, within a 10-year period, the person shall immediately
15 install a certified ignition interlock device, pursuant to this section,
16 in all vehicles owned or operated by that person for a term of two
17 years.

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

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

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

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

34 (n) This section shall become operative on July 1, 2017.

35 SEC. 18. Section 23575 of the Vehicle Code is amended to
36 read:

37 23575. (a) (1) In addition to any other law, the court may
38 require that a person convicted of a first offense violation of
39 Section 23152 or 23153 install a certified ignition interlock device
40 on any vehicle that the person owns or operates and prohibit that

1 person from operating a motor vehicle unless that vehicle is
2 equipped with a functioning, certified ignition interlock device.
3 The court shall give heightened consideration to applying this
4 sanction to a first offense violator with 0.15 percent or more, by
5 weight, of alcohol in his or her blood at arrest, or with two or more
6 prior moving traffic violations, or to persons who refused the
7 chemical tests at arrest. If the court orders the ignition interlock
8 device restriction, the term shall be determined by the court for a
9 period not to exceed three years from the date of conviction. The
10 court shall notify the Department of Motor Vehicles, as specified
11 in subdivision (a) of Section 1803, of the terms of the restrictions
12 in accordance with subdivision (a) of Section 1804. The
13 Department of Motor Vehicles shall place the restriction in the
14 person's records in the Department of Motor Vehicles.

15 (2) The court shall require a person convicted of a violation of
16 Section 14601.2 to install an ignition interlock device on any
17 vehicle that the person owns or operates and prohibit the person
18 from operating a motor vehicle unless the vehicle is equipped with
19 a functioning, certified ignition interlock device. The term of the
20 restriction shall be determined by the court for a period not to
21 exceed three years from the date of conviction. The court shall
22 notify the Department of Motor Vehicles, as specified in
23 subdivision (a) of Section 1803, of the terms of the restrictions in
24 accordance with subdivision (a) of Section 1804. The Department
25 of Motor Vehicles shall place the restriction in the person's records
26 in the Department of Motor Vehicles.

27 (b) The court shall include on the abstract of conviction or
28 violation submitted to the Department of Motor Vehicles under
29 Section 1803 or 1816 the requirement and term for the use of a
30 certified ignition interlock device. The records of the department
31 shall reflect mandatory use of the device for the term ordered by
32 the court.

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

36 (d) A person whose driving privilege is restricted by the court
37 pursuant to this section shall arrange for each vehicle with an
38 ignition interlock device to be serviced by the installer at least
39 once every 60 days in order for the installer to recalibrate and
40 monitor the operation of the device. The installer shall notify the

1 court if the device is removed or indicates that the person has
2 attempted to remove, bypass, or tamper with the device, or if the
3 person fails three or more times to comply with a requirement for
4 the maintenance or calibration of the ignition interlock device.
5 There is no obligation for the installer to notify the court if the
6 person has complied with all of the requirements of this article.

7 (e) The court shall monitor the installation and maintenance of
8 an ignition interlock device restriction ordered pursuant to
9 subdivision (a) or (l). If a person fails to comply with the court
10 order, the court shall give notice of the fact to the department
11 pursuant to Section 40509.1.

12 (f) (1) If a person is convicted of a violation of Section 23152
13 or 23153 and the offense occurred within 10 years of one or more
14 separate violations of Section 23152 or 23153 that resulted in a
15 conviction, or if a person is convicted of a violation of Section
16 23103, as specified in Section 23103.5, and is suspended for one
17 year under Section 13353.3, the person may apply to the
18 Department of Motor Vehicles for a restricted driver's license
19 pursuant to Section 13352 or 13353.3 that prohibits the person
20 from operating a motor vehicle unless that vehicle is equipped
21 with a functioning ignition interlock device, certified pursuant to
22 Section 13386. The restriction shall remain in effect for at least
23 the remaining period of the original suspension or revocation and
24 until all reinstatement requirements in Section 13352 or 13353.4
25 are met.

26 (2) Pursuant to subdivision (g), the Department of Motor
27 Vehicles shall immediately terminate the restriction issued pursuant
28 to Section 13352 or 13353.3 and shall immediately suspend or
29 revoke the privilege to operate a motor vehicle of a person who
30 attempts to remove, bypass, or tamper with the device, who has
31 the device removed prior to the termination date of the restriction,
32 or who fails three or more times to comply with any requirement
33 for the maintenance or calibration of the ignition interlock device
34 ordered pursuant to Section 13352 or 13353.3. The privilege shall
35 remain suspended or revoked for the remaining period of the
36 originating suspension or revocation and until all reinstatement
37 requirements in Section 13352 or 13353.4 are met.

38 (g) A person whose driving privilege is restricted by the
39 Department of Motor Vehicles pursuant to Section 13352 or
40 13353.3 shall arrange for each vehicle with an ignition interlock

1 device to be serviced by the installer at least once every 60 days
2 in order for the installer to recalibrate the device and monitor the
3 operation of the device. The installer shall notify the Department
4 of Motor Vehicles if the device is removed or indicates that the
5 person has attempted to remove, bypass, or tamper with the device,
6 or if the person fails three or more times to comply with any
7 requirement for the maintenance or calibration of the ignition
8 interlock device. There is no obligation on the part of the installer
9 to notify the department or the court if the person has complied
10 with all of the requirements of this section.

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

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

19 (j) Pursuant to this section, an out-of-state resident who
20 otherwise would qualify for an ignition interlock device restricted
21 license in California shall be prohibited from operating a motor
22 vehicle in California unless that vehicle is equipped with a
23 functioning ignition interlock device. An ignition interlock device
24 is not required to be installed on any vehicle owned by the
25 defendant that is not driven in California.

26 (k) ~~If a person has a medical problem that does not permit the~~
27 ~~a person to breathe with sufficient strength to activate the device,~~
28 ~~then~~ that person shall only have the suspension option.

29 (l) This section does not restrict a court from requiring
30 installation of an ignition interlock device and prohibiting operation
31 of a motor vehicle unless that vehicle is equipped with a
32 functioning, certified ignition interlock device for a person to
33 whom subdivision (a) or (b) does not apply. The term of the
34 restriction shall be determined by the court for a period not to
35 exceed three years from the date of conviction. The court shall
36 notify the Department of Motor Vehicles, as specified in
37 subdivision (a) of Section 1803, of the terms of the restrictions in
38 accordance with subdivision (a) of Section 1804. The Department
39 of Motor Vehicles shall place the restriction in the person's records
40 in the Department of Motor Vehicles.

1 (m) For the purposes of this section, “vehicle” does not include
2 a motorcycle until the state certifies an ignition interlock device
3 that can be installed on a motorcycle. Any person subject to an
4 ignition interlock device restriction shall not operate a motorcycle
5 for the duration of the ignition interlock device restriction period.

6 (n) For the purposes of this section, “owned” means solely
7 owned or owned in conjunction with another person or legal entity.
8 For purposes of this section, “operates” includes operating a vehicle
9 that is not owned by the person subject to this section.

10 (o) For the purposes of this section, “bypass” includes, but is
11 not limited to, either of the following:

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

14 (2) An incidence of failing or not taking the ignition interlock
15 device rolling retest, when not followed by an incidence of passing
16 the ignition interlock rolling retest prior to turning off the vehicle’s
17 engine.

18 (p) *This section shall become inoperative on July 1, 2017, and,*
19 *as of January 1, 2018, is repealed, unless a later enacted statute,*
20 *that becomes operative on or before January 1, 2018, deletes or*
21 *extends the dates on which it becomes inoperative and is repealed.*

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

23 23575. (a) The court shall require a person convicted of a
24 violation of Section 14601.2 to install an ignition interlock device
25 on any vehicle that the person owns or operates and prohibit the
26 person from operating a motor vehicle unless the vehicle is
27 equipped with a functioning, certified ignition interlock device.
28 The term of the restriction shall be determined by the court for a
29 period not to exceed three years from the date of conviction. The
30 court shall notify the Department of Motor Vehicles, as specified
31 in subdivision (a) of Section 1803, of the terms of the restrictions
32 in accordance with subdivision (a) of Section 1804. The
33 Department of Motor Vehicles shall place the restriction in the
34 person’s records in the Department of Motor Vehicles.

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

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

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

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

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

22 (g) Pursuant to this section, an out-of-state resident who
23 otherwise would qualify for an ignition interlock device restricted
24 license in California shall be prohibited from operating a motor
25 vehicle in California unless that vehicle is equipped with a
26 functioning ignition interlock device. An ignition interlock device
27 is not required to be installed on any vehicle owned by the
28 defendant that is not driven in California.

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

32 (i) This section does not restrict a court from requiring
33 installation of an ignition interlock device and prohibiting operation
34 of a motor vehicle unless that vehicle is equipped with a
35 functioning, certified ignition interlock device for a person to
36 whom subdivision (a) does not apply. The term of the restriction
37 shall be determined by the court for a period not to exceed three
38 years from the date of conviction. The court shall notify the
39 Department of Motor Vehicles, as specified in subdivision (a) of
40 Section 1803, of the terms of the restrictions in accordance with

1 subdivision (a) of Section 1804. The Department of Motor Vehicles
2 shall place the restriction in the person's records in the Department
3 of Motor Vehicles.

4 (j) For the purposes of this section, "vehicle" does not include
5 a motorcycle until the state certifies an ignition interlock device
6 that can be installed on a motorcycle. Any person subject to an
7 ignition interlock device restriction shall not operate a motorcycle
8 for the duration of the ignition interlock device restriction period.

9 (k) For the purposes of this section, "owned" means solely
10 owned or owned in conjunction with another person or legal entity.
11 For purposes of this section, "operates" includes operating a vehicle
12 that is not owned by the person subject to this section.

13 (l) For the purposes of this section, "bypass" includes, but is
14 not limited to, either of the following:

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

17 (2) An incidence of failing or not taking the ignition interlock
18 device rolling retest, when not followed by an incidence of passing
19 the ignition interlock rolling retest prior to turning off the vehicle's
20 engine.

21 (m) This section shall become operative on July 1, 2017.

22 SEC. 20. Section 23575.3 is added to the Vehicle Code, to
23 read:

24 23575.3. (a) In addition to any other requirement imposed by
25 law, a court shall notify a person convicted of a violation listed in
26 subdivision (h) that he or she is required to install a certified
27 ignition interlock device on any vehicle that the person owns or
28 operates and that he or she is prohibited from operating a motor
29 vehicle unless that vehicle is equipped with a functioning, certified
30 ignition interlock device in accordance with this section.

31 (b) The Department of Motor Vehicles, upon receipt of the
32 court's abstract of conviction for a violation listed in subdivision
33 (h), shall inform the convicted person of the requirements of this
34 section, including the term for which the person is required to have
35 a certified ignition interlock device installed. The records of the
36 department shall reflect the mandatory use of the device for the
37 term required and the time when the device is required to be
38 installed by this code.

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

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

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

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

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

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

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

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

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

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

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

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

34 (e) In addition to any other restrictions the department places
35 on the driver's license record of the convicted person when the
36 person is issued a restricted driver's license pursuant to Section
37 13352 or 13352.4, the department shall place a restriction on the
38 driver's license record of the person that states the driver is
39 restricted to driving only vehicles equipped with a certified ignition
40 interlock device for the applicable term.

1 (f) (1) A person who is notified by the department pursuant to
2 subdivision (b) 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 (g) The department shall monitor the installation and
12 maintenance of the ignition interlock device installed pursuant to
13 subdivision (d).

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

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

19 (A) Upon a conviction with no priors, the person shall install
20 an ignition interlock device in all vehicles owned or operated by
21 that person for a mandatory term of six months.

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

25 (C) Upon a conviction with two priors, the person shall install
26 an ignition interlock device in all vehicles owned or operated by
27 that person for a mandatory term of 24 months.

28 (D) Upon a conviction with three or more priors, the person
29 shall install an ignition interlock device in all vehicles owned or
30 operated by that person for a mandatory term of 36 months.

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

33 (A) Upon a conviction with no priors, the person shall install
34 an ignition interlock device in all vehicles owned or operated by
35 that person for a mandatory term of 12 months.

36 (B) Upon a conviction with one prior, the person shall install
37 an ignition interlock device in all vehicles owned or operated by
38 that person for a mandatory term of 24 months.

1 (C) Upon a conviction with two priors, the person shall install
2 an ignition interlock device in all vehicles owned or operated by
3 that person for a mandatory term of 36 months.

4 (D) Upon a conviction with three or more priors, the person
5 shall install an ignition interlock device in all vehicles owned or
6 operated by that person for a mandatory term of 48 months.

7 (3) For the purposes of paragraphs (1) and (2), “prior” means
8 a conviction for a violation of Section 23103, as specified in
9 Section 23103.5, or Section 23140, 23152, or 23153, or Section
10 191.5 or subdivision (a) of Section 192.5 of the Penal Code.

11 (4) The terms prescribed in this subdivision shall begin once a
12 person has complied with subparagraph (B) of paragraph (1) of
13 subdivision (d) and either upon the reinstatement of the privilege
14 to drive pursuant to Section 13352 or the issuance of a restricted
15 driver’s license pursuant to Section 13352 or 13352.4. A person
16 shall receive credit for any period in which he or she had a
17 restricted driver’s license issued pursuant to Section 13353.3 or
18 13353.7 and he or she was in compliance with Section 13353.6.

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

21 (j) If a person fails to comply with any of the requirements
22 regarding ignition interlock devices, the period in which the person
23 was not in compliance shall not be credited towards the mandatory
24 term for which the ignition interlock device is required to be
25 installed.

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

33 (A) A person with an income at 100 percent of the federal
34 poverty level and below is responsible for 10 percent of the cost
35 of the ignition interlock device. The ignition interlock device
36 provider is responsible for absorbing the cost of the ignition
37 interlock device that is not paid by the person.

38 (B) A person with an income at 101 to 200 percent of the federal
39 poverty level is responsible for 25 percent of the cost of the ignition
40 interlock device. The ignition interlock device provider is

1 responsible for absorbing the cost of the ignition interlock device
2 that is not paid by the person.

3 (C) A person with an income at 201 to 300 percent of the federal
4 poverty level is responsible for 50 percent of the cost of the ignition
5 interlock device. The ignition interlock device provider is
6 responsible for absorbing the cost of the ignition interlock device
7 that is not paid by the person.

8 (D) A person with an income at 301 to 400 percent of the federal
9 poverty level is responsible for 90 percent of the cost of the ignition
10 interlock device. The ignition interlock device provider is
11 responsible for absorbing the cost of the ignition interlock device
12 that is not paid by the person.

13 (E) All other offenders are responsible for 100 percent of the
14 cost of the ignition interlock device.

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

17 (3) The offender's income may be verified by presentation of
18 that person's current federal income tax return or three months of
19 monthly income statements.

20 (l) This section does not permit a person to drive without a valid
21 driver's license.

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

24 (n) For the purposes of this section, "vehicle" does not include
25 a motorcycle until the state certifies an ignition interlock device
26 that can be installed on a motorcycle. A person subject to an
27 ignition interlock device restriction shall not operate a motorcycle
28 for the duration of the ignition interlock device restriction period.

29 (o) This section shall become operative on July 1, 2017.

30 SEC. 21. Section 23575.5 is added to the Vehicle Code, to
31 read:

32 23575.5. (a) On or before June 1, 2021, the Department of
33 Motor Vehicles shall report to the Legislature regarding the
34 implementation and efficacy of the program enacted by the act
35 that added this section.

36 (b) The report described in subdivision (a) shall, at a minimum,
37 include all of the following:

38 (1) Whether anyone who was required to have an ignition
39 interlock device installed as a result of the program killed or injured

1 anyone in an accident while he or she was operating a vehicle
2 under the influence of alcohol.

3 (2) Whether anyone who was required to have an ignition
4 interlock device installed as a result of the program was convicted
5 of an alcohol-related violation of Section 23103, as specified in
6 Section 23103.5, or Section 23140, 23152, or 23153, or Section
7 191.5 or subdivision (a) of Section 192.5 of the Penal Code during
8 the term in which the person was required to have the ignition
9 interlock device installed.

10 (3) A comparison of the number of injuries and deaths resulting
11 from alcohol-related motor vehicle accidents between July 1, 2017,
12 and January 1, 2021, inclusive, and during periods of similar
13 duration prior to the implementation of the program.

14 (4) A comparison of the number of individuals who have been
15 convicted more than one time for driving under the influence of
16 alcohol between July 1, 2017, and January 1, 2021, inclusive, and
17 periods of similar duration prior to the implementation of the
18 program.

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

21 (d) (1) This section shall become operative on July 1, 2017.

22 (2) Pursuant to Section 10231.5 of the Government Code, this
23 section shall become inoperative on June 1, 2025, and, as of
24 January 1, 2026, is repealed, unless a later enacted statute, that
25 becomes operative on or before January 1, 2026, deletes or extends
26 the dates on which it becomes inoperative and is repealed.

27 SEC. 22. Section 23576 of the Vehicle Code is amended to
28 read:

29 23576. (a) Notwithstanding Sections 23575 and 23700, if a
30 person is required to operate a motor vehicle in the course and
31 scope of his or her employment and if the vehicle is owned by the
32 employer, the person may operate that vehicle without installation
33 of an approved ignition interlock device if the employer has been
34 notified by the person that the person's driving privilege has been
35 restricted pursuant to ~~Sections~~ *Section 23575* ~~and or~~ 23700 and if
36 the person has proof of that notification in his or her possession,
37 or if the notice, or a facsimile copy thereof, is with the vehicle.

38 (b) A motor vehicle owned by a business entity that is all or
39 partly owned or controlled by a person otherwise subject to

1 ~~Sections~~ Section 23575 and or 23700, is not a motor vehicle owned
 2 by the employer subject to the exemption in subdivision (a).

3 (c) *This section shall become inoperative on July 1, 2017, and,*
 4 *as of January 1, 2018, is repealed, unless a later enacted statute,*
 5 *that becomes operative on or before January 1, 2017, deletes or*
 6 *extends the dates on which it becomes inoperative and is repealed.*

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

8 23576. (a) Notwithstanding Sections 23575, 23575.3, and
 9 23700, if a person is required to operate a motor vehicle in the
 10 course and scope of his or her employment and if the vehicle is
 11 owned by the employer, the person may operate that vehicle
 12 without installation of an approved ignition interlock device if the
 13 employer has been notified by the person that the person’s driving
 14 privilege has been restricted pursuant to Section 23575, 23575.3,
 15 or 23700 and if the person has proof of that notification in his or
 16 her possession, or if the notice, or a facsimile copy thereof, is with
 17 the vehicle.

18 (b) A motor vehicle owned by a business entity that is all or
 19 partly owned or controlled by a person otherwise subject to Section
 20 23575, 23575.3, or 23700, is not a motor vehicle owned by the
 21 employer subject to the exemption in subdivision (a).

22 (c) This section shall become operative on July 1, 2017.

23 SEC. 24. Section 23597 of the Vehicle Code is amended to
 24 read:

25 23597. (a) Notwithstanding Sections 13202.5, 13203, and
 26 13352, a court may order a 10-year revocation of the driver’s
 27 license of a person who has been convicted of three or more
 28 separate violations of Section 23152 or 23153, the last of which
 29 is punishable under Section 23546, 23550, 23550.5, or 23566.
 30 When making this order, the court shall consider all of the
 31 following:

- 32 (1) The person’s level of remorse for the acts.
- 33 (2) The period of time that has elapsed since the person’s
- 34 previous convictions.
- 35 (3) The person’s blood-alcohol level at the time of the violation.
- 36 (4) The person’s participation in an alcohol treatment program.
- 37 (5) The person’s risk to traffic or public safety.
- 38 (6) The person’s ability to install a certified ignition interlock
- 39 device in each motor vehicle that he or she owns or operates.

1 (b) Upon receipt of a duly certified abstract of the record of the
2 court showing the court has ordered a 10-year revocation of a
3 driver’s license pursuant to this section, the department shall revoke
4 the person’s driver’s license for 10 years, except as provided in
5 subdivision (c).

6 (c) (1) Five years from the date of the last conviction of a
7 violation of Section 23152 or 23153, a person whose license was
8 revoked pursuant to subdivision (a) may apply to the department
9 to have his or her privilege to operate a motor vehicle reinstated,
10 subject to the condition that the person submits the “Verification
11 of Installation” form described in paragraph (2) of subdivision ~~(h)~~
12 (g) of Section 13386 and agrees to maintain the ignition interlock
13 device as required under subdivision (g) of Section 23575.
14 Notwithstanding Chapter 5 (commencing with Section 23700) or
15 subdivision (f) of Section 23575, the ignition interlock device shall
16 remain on the person’s motor vehicle for two years following the
17 reinstatement of the person’s driving privilege pursuant to this
18 section.

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

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

25 (B) The person successfully completed a
26 driving-under-the-influence program, licensed pursuant to Section
27 11836 of the Health and Safety Code, following the date of the
28 last conviction of a violation of Section 23152 or 23153.

29 (C) The person was not convicted of violating Section 14601,
30 14601.1, 14601.2, 14601.4, or 14601.5 during the driver’s license
31 revocation period.

32 (3) The department shall immediately terminate the restriction
33 issued pursuant to this section and shall immediately revoke the
34 privilege to operate a motor vehicle of a person who attempts to
35 remove, bypass, or tamper with the device, who has the device
36 removed prior to the termination date of the restriction, or who
37 fails three or more times to comply with any requirement for the
38 maintenance or calibration of the ignition interlock device. The
39 privilege shall remain revoked for the remaining period of the

1 original revocation and until all reinstatement requirements are
 2 met.

3 (d) This section shall become *inoperative on July 1, 2017, and,*
 4 *as of January 1, 2018, is repealed, unless a later enacted statute,*
 5 *that becomes operative on or before January 1, 2012-2018, deletes*
 6 *or extends the dates on which it becomes inoperative and is*
 7 *repealed.*

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

9 23597. (a) Notwithstanding Sections 13202.5, 13203, and
 10 13352, a court may order a 10-year revocation of the driver’s
 11 license of a person who has been convicted of three or more
 12 separate violations of Section 23152 or 23153, the last of which
 13 is punishable under Section 23546, 23550, 23550.5, or 23566.
 14 When making this order, the court shall consider all of the
 15 following:

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

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

29 (c) (1) Five years from the date of the last conviction of a
 30 violation of Section 23152 or 23153, a person whose license was
 31 revoked pursuant to subdivision (a) may apply to the department
 32 to have his or her privilege to operate a motor vehicle reinstated,
 33 subject to the condition that the person submits the “Verification
 34 of Installation” form described in paragraph (2) of subdivision (g)
 35 of Section 13386 and agrees to maintain the ignition interlock
 36 device as required under subdivision (f) of Section 23575.3.
 37 Notwithstanding Chapter 5 (commencing with Section 23700) or
 38 Section 23575.3, the ignition interlock device shall remain on the
 39 person’s motor vehicle for two years following the reinstatement
 40 of the person’s driving privilege pursuant to this section.

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

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

7 (B) The person successfully completed a
8 driving-under-the-influence program, licensed pursuant to Section
9 11836 of the Health and Safety Code, following the date of the
10 last conviction of a violation of Section 23152 or 23153 of this
11 code.

12 (C) The person was not convicted of violating Section 14601,
13 14601.1, 14601.2, 14601.4, or 14601.5 during the driver’s license
14 revocation period.

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

25 (d) This section shall become operative on July 1, 2017.

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