

AMENDED IN SENATE MARCH 17, 2016

SENATE BILL

No. 1046

Introduced by Senator Hill

**(Coauthors: Senators Anderson, Bates, *Block*, Cannella, *Roth*, 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 amended, Hill. Driving under the influence: ignition interlock device.

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

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

motor vehicle under the influence of an alcoholic beverage or drug or the combined influence of an alcoholic beverage and drug, or with 0.08% or more, by weight, of alcohol in his or her blood or while addicted to the use of any drug, with or without bodily injury to another. Existing law authorizes certain individuals whose privilege is suspended or revoked pursuant to that provision to receive a restricted driver's license if specified requirements are met, including the completion of specified periods of license suspension or revocation and, in some instances, the installation of an ignition interlock device on the person's vehicle. Existing law does not permit a person who has been convicted of a first offense of driving a motor vehicle under the influence, with injury, to receive a restricted driver's license.

Existing law also requires the Department of Motor Vehicles to establish a pilot program from July 1, 2010, to 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, subdivision (a) of Section 23109, or Section
 12 23109.1. If an offense specified in this section occurs in a vehicle

1 defined in Section 15210, the suspension or revocation specified
2 in this subdivision ~~applies also~~ *also applies* to the noncommercial
3 driving privilege. The commercial driving privilege shall be
4 disqualified as specified in Sections 15300 to 15302, inclusive.
5 For the purposes of this section, suspension or revocation shall be
6 as follows:

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

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

1 given to any program activities completed prior to the date of the
2 current violation.

3 (3) Except as provided in Section 13352.5, upon a conviction
4 or finding of a violation of Section 23152 punishable under Section
5 23540, the privilege shall be suspended for two years. The privilege
6 shall not be reinstated until the person gives proof of financial
7 responsibility and gives proof satisfactory to the department of
8 successful completion of a driving-under-the-influence program
9 licensed pursuant to Section 11836 of the Health and Safety Code
10 as described in subdivision (b) of Section 23542 of this code. For
11 the purposes of this paragraph, enrollment in, participation in, and
12 completion of an approved program shall be subsequent to the date
13 of the current violation. Credit shall not be given to any program
14 activities completed prior to the date of the current violation. The
15 department shall advise the person that he or she may apply to the
16 department for a restriction of the driving privilege if the person
17 meets all of the following requirements:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (A) Completion of 12 months of the suspension period, or
38 completion of six months of the suspension period if the underlying
39 conviction did not include the use of drugs as defined in Section

1 312 and the person was found to be only under the influence of an
2 alcoholic beverage at the time of the violation.

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

6 (i) Proof of enrollment in an 18-month
7 driving-under-the-influence program licensed pursuant to Section
8 11836 of the Health and Safety Code if a 30-month program is
9 unavailable in the person's county of residence or employment.

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

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

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

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

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

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

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

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

39 (6) Except as provided in this paragraph, upon a conviction or
40 finding of a violation of Section 23153 punishable under Section

1 23550.5 or 23566, the privilege shall be revoked for a period of
2 five years. The privilege may not be reinstated until the person
3 gives proof of financial responsibility and gives proof satisfactory
4 to the department of successful completion of a
5 driving-under-the-influence program licensed pursuant to Section
6 11836 of the Health and Safety Code as described in subdivision
7 (b) of Section 23568 of this code, or if available in the county of
8 the person's residence or employment, a 30-month
9 driving-under-the-influence program licensed pursuant to Section
10 11836 of the Health and Safety Code, or a program specified in
11 Section 8001 of the Penal Code. For the purposes of this paragraph,
12 enrollment in, participation in, and completion of an approved
13 program shall be subsequent to the date of the current violation.
14 Credit shall not be given to any program activities completed prior
15 to the date of the current violation. The department shall advise
16 the person that after completion of 12 months of the revocation
17 period, which may include credit for a suspension period served
18 under subdivision (c) of Section 13353.3, he or she may apply to
19 the department for a restricted driver's license if the person meets
20 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) Completion of the initial 12 months of a 30-month
25 driving-under-the-influence program licensed pursuant to Section
26 11836 of the Health and Safety Code, if available in the county of
27 the person's residence or employment.

28 (ii) Completion of the initial 12 months of an 18-month
29 driving-under-the-influence program licensed pursuant to Section
30 11836 of the Health and Safety Code, if a 30-month program is
31 unavailable in the person's county of 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 submits the "Verification of Installation" form
36 described in paragraph (2) of subdivision (g) of Section 13386.

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

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

1 (F) An individual convicted of a violation of Section 23153
2 punishable under Section 23566 may also, at any time after
3 sentencing, petition the court for referral to an 18-month
4 driving-under-the-influence program licensed pursuant to Section
5 11836 of the Health and Safety Code, or, if available in the county
6 of the person's residence or employment, a 30-month
7 driving-under-the-influence program licensed pursuant to Section
8 11836 of the Health and Safety Code. Unless good cause is shown,
9 the court shall order the referral.

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

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

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

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

1 (i) The initial 12 months of an 18-month
2 driving-under-the-influence program licensed pursuant to Section
3 11836 of the Health and Safety Code, if a 30-month program is
4 unavailable in the person’s county of residence or employment.

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

9 (B) The person agrees, as a condition of the restriction, to
10 continue satisfactory participation in the program described in
11 subparagraph (A).

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

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

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

18 (F) An individual convicted of a violation of Section 23152
19 punishable under Section 23550 may also, at any time after
20 sentencing, petition the court for referral to an 18-month
21 driving-under-the-influence program licensed pursuant to Section
22 11836 of the Health and Safety Code, or, if available in the county
23 of the person’s residence or employment, a 30-month
24 driving-under-the-influence program licensed pursuant to Section
25 11836 of the Health and Safety Code. Unless good cause is shown,
26 the court shall order the referral.

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

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

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

37 (9) Upon a conviction or finding of a violation of subdivision
38 (a) of Section 23109 that is punishable under subdivision (f) of
39 that section, the privilege shall be suspended for a period of six
40 months, if ordered by the court. The privilege shall not be reinstated

1 until the person gives proof of financial responsibility, as defined
2 in Section 16430.

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

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

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

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

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

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

38 (2) Certification, under penalty of perjury, by the director of a
39 program specified in Section 8001 of the Penal Code, that the

1 person has completed a program specified in Section 8001 of the
2 Penal Code.

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

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

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

14 13352. (a) The department shall immediately suspend or
15 revoke the privilege of a person to operate a motor vehicle upon
16 the receipt of an abstract of the record of a court showing that the
17 person has been convicted of a violation of Section 23152 or 23153,
18 subdivision (a) of Section 23109, or Section 23109.1, or upon the
19 receipt of a report of a judge of the juvenile court, a juvenile traffic
20 hearing officer, or a referee of a juvenile court showing that the
21 person has been found to have committed a violation of Section
22 23152 or 23153, subdivision (a) of Section 23109, or Section
23 23109.1. If an offense specified in this section occurs in a vehicle
24 defined in Section 15210, the suspension or revocation specified
25 in this subdivision applies also to the noncommercial driving
26 privilege. The commercial driving privilege shall be disqualified
27 as specified in Sections 15300 to 15302, inclusive. For the purposes
28 of this section, suspension or revocation shall be as follows:

29 (1) Except as required under Section 13352.1 or 13352.4, upon
30 a conviction or finding of a violation of Section 23152 punishable
31 under Section 23536, the privilege shall be suspended for a period
32 of six months. The privilege shall not be reinstated until the person
33 gives proof of financial responsibility and gives proof satisfactory
34 to the department of successful completion of a
35 driving-under-the-influence program licensed pursuant to Section
36 11836 of the Health and Safety Code described in subdivision (b)
37 of Section 23538 of this code. If the court, as authorized under
38 paragraph (3) of subdivision (b) of Section 23646, elects to order
39 a person to enroll in, participate in, and complete either program
40 described in subdivision (b) of Section 23542, the department shall

1 require that program in lieu of the program described in subdivision
2 (b) of Section 23538. For the purposes of this paragraph, enrollment
3 in, participation in, and completion of an approved program shall
4 occur subsequent to the date of the current violation. Credit shall
5 not be given to any program activities completed prior to the date
6 of the current violation.

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

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

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

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

37 (B) The person agrees, as a condition of the restriction, to
38 continue satisfactory participation in the program described in
39 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) The person pays all reissue fees and any restriction fee
8 required by the department.

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

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

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

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

32 (i) Proof of enrollment in an 18-month
33 driving-under-the-influence program licensed pursuant to Section
34 11836 of the Health and Safety Code if a 30-month program is
35 unavailable in the person's county of residence or employment.

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

- 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 (C) The person complies with subdivision (d) of Section
- 5 23575.3, if applicable.
- 6 (D) The person agrees to maintain the ignition interlock device
- 7 as required under Section 23575.3, if applicable.
- 8 (E) The person provides proof of financial responsibility, as
- 9 defined in Section 16430.
- 10 (F) The person pays all reissue fees and any restriction fee
- 11 required by the department.
- 12 (G) The person pays to the department a fee sufficient to cover
- 13 the reasonable costs of administering the requirements of this
- 14 paragraph, as determined by the department.
- 15 (H) The restriction shall remain in effect for the period required
- 16 in subdivision (e).
- 17 (4) Except as provided in this paragraph, upon a conviction or
- 18 finding of a violation of Section 23153 punishable under Section
- 19 23560, the privilege shall be revoked for a period of three years.
- 20 The privilege may not be reinstated until the person gives proof
- 21 of financial responsibility, and the person gives proof satisfactory
- 22 to the department of successful completion of a
- 23 driving-under-the-influence program licensed pursuant to Section
- 24 11836 of the Health and Safety Code, as described in paragraph
- 25 (4) of subdivision (b) of Section 23562 of this 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) The person pays all applicable reinstatement or reissue fees
15 and any restriction fee required by the department.

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

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

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

1 may apply to the department for a restricted driver's license if the
2 person meets all of the following requirements:

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

6 (i) Proof of enrollment in an 18-month
7 driving-under-the-influence program licensed pursuant to Section
8 11836 of the Health and Safety Code if a 30-month program is
9 unavailable in the person's county of residence or employment.

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

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

17 (C) The person complies with subdivision (d) of Section
18 23575.3, if applicable.

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

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

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

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

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

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

39 (6) Except as provided in this paragraph, upon a conviction or
40 finding of a violation of Section 23153 punishable under Section

1 23550.5 or 23566, the privilege shall be revoked for a period of
2 five years. The privilege may not be reinstated until the person
3 gives proof of financial responsibility and gives proof satisfactory
4 to the department of successful completion of a
5 driving-under-the-influence program licensed pursuant to Section
6 11836 of the Health and Safety Code as described in subdivision
7 (b) of Section 23568, or if available in the county of the person's
8 residence or employment, a 30-month driving-under-the-influence
9 program licensed pursuant to Section 11836 of the Health and
10 Safety Code, or a program specified in Section 8001 of the Penal
11 Code. For the purposes of this paragraph, enrollment in,
12 participation in, and completion of an approved program shall be
13 subsequent to the date of the current violation. Credit shall not be
14 given to any program activities completed prior to the date of the
15 current violation. The department shall advise the person that he
16 or she may apply to the department for a restricted driver's license
17 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 30-month
22 driving-under-the-influence program licensed pursuant to Section
23 11836 of the Health and Safety Code, if available in the county of
24 the person's residence or employment.

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

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) An individual convicted of a violation of Section 23153
39 punishable under Section 23566 may also, at any time after
40 sentencing, petition the court for referral to an 18-month

1 driving-under-the-influence program licensed pursuant to Section
2 11836 of the Health and Safety Code, or, if available in the county
3 of the person's residence or employment, a 30-month
4 driving-under-the-influence program licensed pursuant to Section
5 11836 of the Health and Safety Code. Unless good cause is shown,
6 the court shall order the referral.

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

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

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

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

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

38 (i) Proof of enrollment in an 18-month
39 driving-under-the-influence program licensed pursuant to Section

1 11836 of the Health and Safety Code, if a 30-month program is
2 unavailable in the person's county of residence or employment.

3 (ii) Proof of enrollment in a 30-month
4 driving-under-the-influence program licensed pursuant to Section
5 11836 of the Health and Safety Code, if available in the county of
6 the person's residence or employment.

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

10 (C) The person complies with subdivision (d) of Section
11 23575.3, if applicable.

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

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

16 (F) An individual convicted of a violation of Section 23152
17 punishable under Section 23550 may also, at any time after
18 sentencing, petition the court for referral to an 18-month
19 driving-under-the-influence program licensed pursuant to Section
20 11836 of the Health and Safety Code, or, if available in the county
21 of the person's residence or employment, a 30-month
22 driving-under-the-influence program licensed pursuant to Section
23 11836 of the Health and Safety Code. Unless good cause is shown,
24 the court shall order the referral.

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

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

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

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

38 (9) Upon a conviction or finding of a violation of subdivision
39 (a) of Section 23109 that is punishable under subdivision (f) of
40 that section, the privilege shall be suspended for a period of six

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

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

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

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

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

28 (2) For the purposes of the restriction conditions specified in
29 paragraphs (2) to (7), inclusive, of subdivision (a), the department
30 shall terminate the restriction imposed pursuant to this section and
31 shall suspend or revoke the person's driving privilege upon receipt
32 of notification from the driving-under-the-influence program that
33 the person has failed to comply with the program requirements.
34 The person's driving privilege shall remain suspended or revoked
35 for the remaining period of the original suspension or revocation
36 imposed under this section and until all reinstatement requirements
37 described in this section are met.

38 (3) The department shall immediately terminate the restriction
39 issued pursuant to this section and shall immediately suspend or
40 revoke the privilege to operate a motor vehicle of a person who,

1 with respect to an ignition interlock device installed pursuant to
2 Section 23575.3, attempts to remove, bypass, or tamper with the
3 device, has the device removed prior to the termination date of the
4 restriction, or fails three or more times to comply with any
5 requirement for the maintenance or calibration of the device. The
6 privilege shall remain suspended or revoked for the remaining
7 period of the originating suspension or revocation and until all
8 reinstatement requirements in this section are satisfied.

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

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

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

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

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

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

29 SEC. 3. Section 13352.4 of the Vehicle Code is amended to
30 read:

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

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

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

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

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

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

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

19 (c) The restriction of the driving privilege shall be limited to
20 the hours necessary for driving to and from the person's place of
21 employment, driving during the course of employment, and driving
22 to and from activities required in the driving-under-the-influence
23 program.

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

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

34 (f) The department shall terminate the restriction issued under
35 this section and shall suspend the privilege to operate a motor
36 vehicle pursuant to paragraph (1) of subdivision (a) of Section
37 13352 or Section 13352.1 immediately upon receipt of notification
38 from the driving-under-the-influence program that the person has
39 failed to comply with the program requirements. The privilege
40 shall remain suspended until the final day of the original suspension

1 imposed under paragraph (1) of subdivision (a) of Section 13352
2 or 13352.1, or until the date all reinstatement requirements
3 described in Section 13352 or Section 13352.1 have been met,
4 whichever date is later.

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

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

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

27 (1) Submits proof satisfactory to the department of either of the
28 following:

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

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

37 (2) Complies with subdivision (d) of Section 23575.3, if
38 applicable.

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

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

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

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

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

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

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

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

38 (2) The department shall immediately terminate the restriction
39 issued pursuant to this section and shall immediately suspend or
40 revoke the privilege to operate a motor vehicle of a person who,

1 with respect to an ignition interlock device installed pursuant to
2 Section 23575.3, attempts to remove, bypass, or tamper with the
3 device, has the device removed prior to the termination date of the
4 restriction, or fails three or more times to comply with any
5 requirement for the maintenance or calibration of the device. The
6 privilege shall remain suspended or revoked for the remaining
7 period of the originating suspension or revocation and until all
8 reinstatement requirements in this section are satisfied.

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

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

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

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

24 13353.3. (a) An order of suspension of a person's privilege to
25 operate a motor vehicle pursuant to Section 13353.2 shall become
26 effective 30 days after the person is served with the notice pursuant
27 to Section 13382 or 13388, or subdivision (b) of Section 13353.2.

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

30 (1) If the person has not been convicted of a separate violation
31 of Section 23103, as specified in Section 23103.5, or Section
32 23140, 23152, or 23153, or Section 191.5 or subdivision (a) of
33 Section 192.5 of the Penal Code, the person has not been
34 administratively determined to have refused chemical testing
35 pursuant to Section 13353 or 13353.1 of this code, or the person
36 has not been administratively determined to have been driving
37 with an excessive concentration of alcohol pursuant to Section
38 13353.2 on a separate occasion, which offense or occurrence
39 occurred within 10 years of the occasion in question, the person's

1 privilege to operate a motor vehicle shall be suspended for four
2 months.

3 (2) (A) If the person has been convicted of one or more separate
4 violations of Section 23103, as specified in Section 23103.5, or
5 Section 23140, 23152, or 23153, or Section 191.5 or subdivision
6 (a) of Section 192.5 of the Penal Code, the person has been
7 administratively determined to have refused chemical testing
8 pursuant to Section 13353 or 13353.1 of this code, or the person
9 has been administratively determined to have been driving with
10 an excessive concentration of alcohol pursuant to Section 13353.2
11 on a separate occasion, which offense or occasion occurred within
12 10 years of the occasion in question, the person's privilege to
13 operate a motor vehicle shall be suspended for one year, except
14 as provided in subparagraphs (B) and (C).

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

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

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

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

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

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

1 (ii) The person agrees, as a condition of the restriction, to
2 continue satisfactory participation in the program described in
3 clause (i).

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

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

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

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

13 (vii) The person pays to the department a fee sufficient to cover
14 the costs of administration of this paragraph, as determined by the
15 department.

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

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

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

36 (ii) For the purposes of this section, enrollment, participation,
37 and completion of an approved program shall occur subsequent
38 to the date of the current violation. Credit may not be given to a
39 program activity completed prior to the date of the current
40 violation.

1 (iii) The department shall terminate the restriction issued
2 pursuant to this section and shall suspend the privilege to operate
3 a motor vehicle pursuant to subparagraph (A) immediately upon
4 receipt of notification from the driving-under-the-influence
5 program that the person has failed to comply with the program
6 requirements. The privilege shall remain suspended until the final
7 day of the original suspension imposed pursuant to subparagraph
8 (A).

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

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

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

34 (d) For the purposes of this section, a conviction of an offense
35 in any state, territory, or possession of the United States, the
36 District of Columbia, the Commonwealth of Puerto Rico, or
37 Canada that, if committed in this state, would be a violation of
38 Section 23103, as specified in Section 23103.5, or Section 23140,
39 23152, or 23153, or Section 191.5 or subdivision (a) of Section

1 192.5 of the Penal Code, is a conviction of that particular section
2 of the Vehicle Code or Penal Code.

3 (e) The holder of a commercial driver’s license who was
4 operating a commercial motor vehicle, as defined in Section 15210,
5 at the time of a violation that resulted in a suspension or revocation
6 of the person’s noncommercial driving privilege is not eligible for
7 the restricted driver’s license authorized pursuant to this section.

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

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

13 13353.3. (a) An order of suspension of a person’s privilege to
14 operate a motor vehicle pursuant to Section 13353.2 shall become
15 effective 30 days after the person is served with the notice pursuant
16 to Section 13382 or 13388, or subdivision (b) of Section 13353.2.

17 (b) The period of suspension of a person’s privilege to operate
18 a motor vehicle under Section 13353.2 is as follows:

19 (1) If the person has not been convicted of a separate violation
20 of Section 23103, as specified in Section 23103.5, or Section
21 23140, 23152, or 23153, or Section 191.5 or subdivision (a) of
22 Section 192.5 of the Penal Code, the person has not been
23 administratively determined to have refused chemical testing
24 pursuant to Section 13353 or 13353.1 of this code, or the person
25 has not been administratively determined to have been driving
26 with an excessive concentration of alcohol pursuant to Section
27 13353.2 on a separate occasion, which offense or occurrence
28 occurred within 10 years of the occasion in question, the person’s
29 privilege to operate a motor vehicle shall be suspended for four
30 months.

31 (2) (A) If the person has been convicted of one or more separate
32 violations 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, the person has been
35 administratively determined to have refused chemical testing
36 pursuant to Section 13353 or 13353.1 of this code, or the person
37 has been administratively determined to have been driving with
38 an excessive concentration of alcohol pursuant to Section 13353.2
39 on a separate occasion, which offense or occasion occurred within
40 10 years of the occasion in question, the person’s privilege to

1 operate a motor vehicle shall be suspended for one year, except
2 as provided in subparagraphs (B) and (C).

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

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

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

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

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

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

28 (ii) The person agrees, as a condition of the restriction, to
29 continue satisfactory participation in the program described in
30 clause (i).

31 (iii) The person installs an ignition interlock device and submits
32 the "Verification of Installation" form described in paragraph (2)
33 of subdivision (g) of Section 13386.

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

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

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

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

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

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

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

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

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

37 (iv) The department shall terminate the restriction issued
38 pursuant to this section and shall immediately suspend the privilege
39 to operate a motor vehicle pursuant to subparagraph (A)
40 immediately upon receipt of notification from the installer that a

1 person has attempted to remove, bypass, or tamper with the ignition
2 interlock device, has removed the device prior to the termination
3 date of the restriction, or fails three or more times to comply with
4 any requirement for the maintenance or calibration of the ignition
5 interlock device ordered pursuant to this section. The privilege
6 shall remain suspended for the remaining period of the original
7 suspension imposed pursuant to subparagraph (A).

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

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

22 (d) For the purposes of this section, a conviction of an offense
23 in any state, territory, or possession of the United States, the
24 District of Columbia, the Commonwealth of Puerto Rico, or
25 Canada that, if committed in this state, would be a violation of
26 Section 23103, as specified in Section 23103.5, or Section 23140,
27 23152, or 23153, or Section 191.5 or subdivision (a) of Section
28 192.5 of the Penal Code, is a conviction of that particular section
29 of the Vehicle Code or Penal Code.

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

35 (f) This section shall become operative on July 1, 2017.

36 SEC. 7. Section 13353.4 of the Vehicle Code is amended to
37 read:

38 13353.4. (a) Except as provided in Section 13353.3, 13353.7,
39 or 13353.8, the driving privilege shall not be restored, and a
40 restricted or hardship permit to operate a motor vehicle shall not

1 be issued, to a person during the suspension or revocation period
2 specified in Section 13353, 13353.1, or 13353.3.

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

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

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

14 13353.4. (a) Except as provided in Section 13353.3, 13353.6,
15 13353.7, or 13353.8, the driving privilege shall not be restored,
16 and a restricted or hardship permit to operate a motor vehicle shall
17 not be issued, to a person during the suspension or revocation
18 period specified in Section 13353, 13353.1, or 13353.3.

19 (b) The privilege to operate a motor vehicle shall not be restored
20 after a suspension or revocation pursuant to Section 13352, 13353,
21 13353.1, or 13353.2 until all applicable fees, including the fees
22 prescribed in Section 14905, have been paid and the person gives
23 proof of financial responsibility, as defined in Section 16430, to
24 the department.

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

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

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

39 (b) If the person submits an application for a California driver's
40 license within three years after the date of the action to terminate

1 suspension or revocation pursuant to subdivision (a), a license
2 shall not be issued until evidence satisfactory to the department
3 establishes that the person is qualified for reinstatement and no
4 grounds exist including, but not limited to, one or more subsequent
5 convictions for driving under the influence of alcohol or other
6 drugs that would support a refusal to issue a license. The
7 department may waive the three-year requirement if the person
8 provides the department with proof of financial responsibility, as
9 defined in Section 16430, and proof satisfactory to the department
10 of successful completion of a driving-under-the-influence program
11 described in Section 13352, and the driving-under-the-influence
12 program is of the length required under paragraphs (1) to (7),
13 inclusive, of subdivision (a) of Section 13352.

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

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

20 SEC. 10. Section 13353.5 is added to the Vehicle Code, to
21 read:

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

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

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

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

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

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

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

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

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

26 (b) A person whose driving privilege has been suspended under
27 Section 13353.2 may install an ignition interlock device prior to
28 the effective date specified in Section 13353.3. A person who
29 installs an ignition interlock device pursuant to this subdivision,
30 meets all of the eligibility requirements specified in Section
31 13353.3 or 13353.7, and complies with paragraphs (1) and (2) of
32 subdivision (a) is eligible for a restricted driver’s license on the
33 effective date specified in Section 13353.3.

34 (c) The department shall terminate the restriction issued pursuant
35 to Section 13353.3 or 13353.7 and shall immediately reinstate the
36 suspension of the privilege to operate a motor vehicle upon receipt
37 of notification from the ignition interlock device installer that a
38 person has attempted to remove, bypass, or tamper with the ignition
39 interlock device, has removed the device prior to the termination
40 date of the restriction, or fails three or more times to comply with

1 any requirement for the maintenance or calibration of the ignition
2 interlock device. The privilege shall remain suspended for the
3 remaining mandatory suspension period imposed pursuant to
4 Section 13353.3.

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

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

14 SEC. 12. Section 13386 of the Vehicle Code is amended to
15 read:

16 13386. (a) (1) The department shall certify or cause to be
17 certified ignition interlock devices required by Article 5
18 (commencing with Section 23575) of Chapter 2 of Division 11.5
19 and publish a list of approved devices.

20 (2) (A) The department shall ensure that ignition interlock
21 devices that have been certified according to the requirements of
22 this section continue to meet certification requirements. The
23 department may periodically require manufacturers to indicate in
24 writing whether the devices continue to meet certification
25 requirements.

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

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

36 (ii) The denial of certification for an ignition interlock device
37 in another state was due to a failure of an ignition interlock device
38 to meet the standards adopted by the regulation set forth in clause
39 (i), specifically Sections 1 and 2 of the model specification for
40 breath alcohol ignition interlock devices, as published by notice

1 in the Federal Register, Vol. 57, No. 67, Tuesday, April 7, 1992,
2 on pages 11774 to 11787, inclusive.

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

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

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

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

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

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

29 (f) All manufacturers of ignition interlock devices that meet the
30 requirements of subdivision (e) and are certified in a manner
31 approved by the department, who intend to market the devices in
32 this state, first shall apply to the 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) The department shall ensure that standard forms and
37 procedures are developed for documenting decisions and
38 compliance and communicating results to relevant agencies. These
39 forms shall include all of the following:

1 (1) An “Option to Install,” to be sent by the department to repeat
2 offenders along with the mandatory order of suspension or
3 revocation. This shall include the alternatives available for early
4 license reinstatement with the installation of an ignition interlock
5 device and shall be accompanied by a toll-free telephone number
6 for each manufacturer of a certified ignition interlock device.
7 Information regarding approved installation locations shall be
8 provided to drivers by manufacturers with ignition interlock devices
9 that have been certified in accordance with this section.

10 (2) A “Verification of Installation” to be returned to the
11 department by the reinstating offender upon application for
12 reinstatement. Copies shall be provided for the manufacturer or
13 the manufacturer’s agent.

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

19 (h) Every manufacturer and manufacturer’s agent certified by
20 the department to provide ignition interlock devices shall adopt
21 fee schedules that provide for the payment of the costs of the device
22 by applicants in amounts commensurate with the applicant’s ability
23 to pay.

24 (i) A person who manufactures, installs, services, or repairs,
25 or otherwise deals in ignition interlock devices shall not disclose,
26 sell, or transfer to a third party any individually identifiable
27 information pertaining to individuals who are required by law to
28 install an ignition interlock device on a vehicle that he or she owns
29 or operates, except to the extent necessary to confirm or deny that
30 an individual has complied with ignition interlock device
31 installation and maintenance requirements.

32 SEC. 13. Section 23103.5 of the Vehicle Code is amended to
33 read:

34 23103.5. (a) If the prosecution agrees to a plea of guilty or
35 nolo contendere to a charge of a violation of Section 23103 in
36 satisfaction of, or as a substitute for, an original charge of a
37 violation of Section 23152, the prosecution shall state for the record
38 a factual basis for the satisfaction or substitution, including whether
39 or not there had been consumption of an alcoholic beverage or
40 ingestion or administration of a drug, or both, by the defendant in

1 connection with the offense. The statement shall set forth the facts
2 that show whether or not there was a consumption of an alcoholic
3 beverage or the ingestion or administration of a drug by the
4 defendant in connection with the offense.

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

9 (c) If the court accepts the defendant's plea of guilty or nolo
10 contendere to a charge of a violation of Section 23103 and the
11 prosecutor's statement under subdivision (a) states that there was
12 consumption of an alcoholic beverage or the ingestion or
13 administration of a drug by the defendant in connection with the
14 offense, the resulting conviction shall be a prior offense for the
15 purposes of Section 23540, 23546, 23550, 23560, 23566, or 23622,
16 as specified in those sections.

17 (d) The court shall notify the Department of Motor Vehicles of
18 each conviction of Section 23103 that is required under this section
19 to be a prior offense for purposes of Section 23540, 23546, 23550,
20 23560, 23566, or 23622.

21 (e) Except as provided in paragraph (1) of subdivision (f), if the
22 court places the defendant on probation for a conviction of Section
23 23103 that is required under this section to be a prior offense for
24 purposes of Section 23540, 23546, 23550, 23560, 23566, or 23622,
25 the court shall order the defendant to enroll in an alcohol and drug
26 education program licensed under Chapter 9 (commencing with
27 Section 11836) of Part 2 of Division 10.5 of the Health and Safety
28 Code and complete, at a minimum, the educational component of
29 that program, as a condition of probation. If compelling
30 circumstances exist that mitigate against including the education
31 component in the order, the court may make an affirmative finding
32 to that effect. The court shall state the compelling circumstances
33 and the affirmative finding on the record, and may, in these cases,
34 exclude the educational component from the order.

35 (f) (1) If the court places on probation a defendant convicted
36 of a violation of Section 23103 that is required under this section
37 to be a prior offense for purposes of Section 23540, 23546, 23550,
38 23560, 23566, or 23622, and that offense occurred within 10 years
39 of a separate conviction of a violation of Section 23103, as
40 specified in this section, or within 10 years of a conviction of a

1 violation of Section 23152 or 23153, the court shall order the
2 defendant to participate for nine months or longer, as ordered by
3 the court, in a program licensed under Chapter 9 (commencing
4 with Section 11836) of Part 2 of Division 10.5 of the Health and
5 Safety Code that consists of at least 60 hours of program activities,
6 including education, group counseling, and individual interview
7 sessions.

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

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

34 (h) The Department of Motor Vehicles shall include in its annual
35 report to the Legislature under Section 1821 an evaluation of the
36 effectiveness of the programs described in subdivisions (e) and
37 (g) as to treating persons convicted of violating Section 23103.

38 SEC. 14. Section 23247 of the Vehicle Code is amended to
39 read:

1 23247. (a) It is unlawful for a person to knowingly rent, lease,
2 or lend a motor vehicle to another person known to have had his
3 or her driving privilege restricted as provided in Section 13352,
4 23575, or 23700, unless the vehicle is equipped with a functioning,
5 certified ignition interlock device. A person, whose driving
6 privilege is restricted pursuant to Section 13352, 23575, or 23700
7 shall notify any other person who rents, leases, or loans a motor
8 vehicle to him or her of the driving restriction imposed under that
9 section.

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

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

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

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

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

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

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

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

13 (i) This section shall become 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. 15. Section 23247 is added to the Vehicle Code, to read:

18 23247. (a) It is unlawful for a person to knowingly rent, lease,
19 or lend a motor vehicle to another person known to have had his
20 or her driving privilege restricted as provided in Section 13352,
21 13352.4, 23575, 23575.3, or 23700, unless the vehicle is equipped
22 with a functioning, certified ignition interlock device. A person,
23 whose driving privilege is restricted pursuant to Section 13352,
24 13352.4, 23575, 23575.3, or 23700 shall notify any other person
25 who rents, leases, or loans a motor vehicle to him or her of the
26 driving restriction imposed under that section.

27 (b) It is unlawful for any person whose driving privilege is
28 restricted pursuant to Section 13352, 13352.4, 23575, 23575.3, or
29 23700 to request or solicit any other person to blow into an ignition
30 interlock device or to start a motor vehicle equipped with the device
31 for the purpose of providing the person so restricted with an
32 operable motor vehicle.

33 (c) It is unlawful to blow into an ignition interlock device or to
34 start a motor vehicle equipped with the device for the purpose of
35 providing an operable motor vehicle to a person whose driving
36 privilege is restricted pursuant to Section 13352, 13352.4, 23575,
37 23575.3, or 23700.

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

1 (e) It is unlawful for any person whose driving privilege is
2 restricted pursuant to Section 13352, 13352.4, 23575, 23575.3, or
3 23700 to operate any vehicle not equipped with a functioning
4 ignition interlock device.

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

9 (g) (1) If any person whose driving privilege is restricted
10 pursuant to Section 13352 or 13352.4 is convicted of a violation
11 of subdivision (e), the court shall notify the Department of Motor
12 Vehicles, which shall immediately terminate the restriction and
13 shall suspend or revoke the person's driving privilege for the
14 remaining period of the originating suspension or revocation and
15 until all reinstatement requirements in Section 13352 are met.

16 (2) If any person who is restricted pursuant to Section 23575.3,
17 subdivision (a) or (i) of Section 23575, or Section 23700 is
18 convicted of a violation of subdivision (e), the department shall
19 suspend the person's driving privilege for one year from the date
20 of the conviction.

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

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

34 SEC. 16. Section 23573 of the Vehicle Code is amended to
35 read:

36 23573. (a) The Department of Motor Vehicles, upon receipt
37 of the court's abstract of conviction for a violation listed in
38 subdivision (j), shall inform the convicted person of the
39 requirements of this section and the term for which the person is
40 required to have a certified ignition interlock device installed. The

1 records of the department shall reflect the mandatory use of the
2 device for the term required and the time when the device is
3 required to be installed pursuant to this code.

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

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

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

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

16 (3) Pay to the department a fee sufficient to cover the costs of
17 administration of this section, including startup costs, as determined
18 by the department.

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

23 (e) (1) A person who is notified by the department pursuant to
24 subdivision (a) shall arrange for each vehicle with an ignition
25 interlock device to be serviced by the installer at least once every
26 60 days in order for the installer to recalibrate and monitor the
27 operation of the device.

28 (2) The installer shall notify the department if the device is
29 removed or indicates that the person has attempted to remove,
30 bypass, or tamper with the device, or if the person fails three or
31 more times to comply with any requirement for the maintenance
32 or calibration of the ignition interlock device.

33 (f) The department shall monitor the installation and
34 maintenance of the ignition interlock device installed pursuant to
35 subdivision (a).

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

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

- 1 (i) The person does not own a vehicle.
- 2 (ii) The person does not have access to a vehicle at his or her
3 residence.
- 4 (iii) The person no longer has access to the vehicle being driven
5 by the person when he or she was arrested for a violation that
6 subsequently resulted in a conviction for a violation listed in
7 subdivision (j).
- 8 (iv) The person acknowledges that he or she is only allowed to
9 drive a vehicle that is fitted with an operating ignition interlock
10 device and that he or she is required to have a valid driver's license
11 before he or she can drive.
- 12 (v) The person is subject to the requirements of this section
13 when he or she purchases or has access to a vehicle.
- 14 (B) The person's driver's license record has been restricted
15 pursuant to subdivision (d).
- 16 (C) The person complies with this section immediately upon
17 commencing ownership or operation of a vehicle subject to the
18 required installation of an ignition interlock device.
- 19 (2) A person who has been granted an exemption pursuant to
20 this subdivision and who subsequently drives a vehicle in violation
21 of the exemption is subject to the penalties of subdivision (i) in
22 addition to any other applicable penalties in law.
- 23 (h) This section does not permit a person to drive without a
24 valid driver's license.
- 25 (i) A person who is required under subdivision (c) to install an
26 ignition interlock device who willfully fails to install the ignition
27 interlock device within the time period required under subdivision
28 (c) is guilty of a misdemeanor and shall be punished by
29 imprisonment in a county jail for not more than six months or by
30 a fine of not more than five thousand dollars (\$5,000), or by both
31 that fine and imprisonment.
- 32 (j) In addition to all other requirements of this code, a person
33 convicted of any of the following violations shall be punished as
34 follows:
 - 35 (1) Upon a conviction of a violation of Section 14601.2,
36 14601.4, or 14601.5 subsequent to one prior conviction of a
37 violation of Section 23103.5, 23152, or 23153, within a 10-year
38 period, the person shall immediately install a certified ignition
39 interlock device, pursuant to this section, in all vehicles owned or
40 operated by that person for a term of one year.

1 (2) Upon a conviction of a violation of Section 14601.2,
2 14601.4, or 14601.5 subsequent to two prior convictions of a
3 violation of Section 23103.5, 23152, or 23153, within a 10-year
4 period, or one prior conviction of Section 14601.2, 14601.4, or
5 14601.5, within a 10-year period, the person shall immediately
6 install a certified ignition interlock device, pursuant to this section,
7 in all vehicles owned or operated by that person for a term of two
8 years.

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

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

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

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

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

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

30 23573. (a) The Department of Motor Vehicles, upon receipt
31 of the court's abstract of conviction for a violation listed in
32 subdivision (j), shall inform the convicted person of the
33 requirements of this section and the term for which the person is
34 required to have a certified ignition interlock device installed. The
35 records of the department shall reflect the mandatory use of the
36 device for the term required and the time when the device is
37 required to be installed pursuant to this code.

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

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

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

7 (2) Notify the department and provide to the department proof
8 of installation by submitting the “Verification of Installation” form
9 described in paragraph (2) of subdivision (g) of Section 13386.

10 (3) Pay to the department a fee sufficient to cover the costs of
11 administration of this section, including startup costs, as determined
12 by the department.

13 (d) The department shall place a restriction on the driver’s
14 license record of the convicted person that states the driver is
15 restricted to driving only vehicles equipped with a certified ignition
16 interlock device.

17 (e) (1) A person who is notified by the department pursuant to
18 subdivision (a) shall arrange for each vehicle with an ignition
19 interlock device to be serviced by the installer at least once every
20 45 days in order for the installer to recalibrate and monitor the
21 operation of the device.

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

27 (f) The department shall monitor the installation and
28 maintenance of the ignition interlock device installed pursuant to
29 subdivision (a).

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

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

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

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

38 (iii) The person no longer has access to the vehicle being driven
39 by the person when he or she was arrested for a violation that

1 subsequently resulted in a conviction for a violation listed in
2 subdivision (j).

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

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

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

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

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

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

20 (i) A person who is required under subdivision (c) to install an
21 ignition interlock device who willfully fails to install the ignition
22 interlock device within the time period required under subdivision
23 (c) is guilty of a misdemeanor and shall be punished by
24 imprisonment in a county jail for not more than six months or by
25 a fine of not more than five thousand dollars (\$5,000), or by both
26 that fine and imprisonment.

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

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

36 (2) Upon a conviction of a violation of Section 14601.2,
37 14601.4, or 14601.5 subsequent to two prior convictions of a
38 violation of Section 23103.5, 23152, or 23153, within a 10-year
39 period, or one prior conviction of Section 14601.2, 14601.4, or
40 14601.5, within a 10-year period, the person shall immediately

1 install a certified ignition interlock device, pursuant to this section,
2 in all vehicles owned or operated by that person for a term of two
3 years.

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

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

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

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

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

21 SEC. 18. Section 23575 of the Vehicle Code is amended to
22 read:

23 23575. (a) (1) In addition to any other law, the court may
24 require that a person convicted of a first offense violation of
25 Section 23152 or 23153 install a certified ignition interlock device
26 on any vehicle that the person owns or operates and prohibit that
27 person from operating a motor vehicle unless that vehicle is
28 equipped with a functioning, certified ignition interlock device.
29 The court shall give heightened consideration to applying this
30 sanction to a first offense violator with 0.15 percent or more, by
31 weight, of alcohol in his or her blood at arrest, or with two or more
32 prior moving traffic violations, or to persons who refused the
33 chemical tests at arrest. If the court orders the ignition interlock
34 device restriction, the term shall be determined by the court for a
35 period not to exceed three years from the date of conviction. The
36 court shall notify the Department of Motor Vehicles, as specified
37 in subdivision (a) of Section 1803, of the terms of the restrictions
38 in accordance with subdivision (a) of Section 1804. The
39 Department of Motor Vehicles shall place the restriction in the
40 person's records in the Department of Motor Vehicles.

1 (2) The court shall require a person convicted of a violation of
2 Section 14601.2 to install an ignition interlock device on any
3 vehicle that the person owns or operates and prohibit the person
4 from operating a motor vehicle unless the vehicle is equipped with
5 a functioning, certified ignition interlock device. The term of the
6 restriction shall be determined by the court for a period not to
7 exceed three years from the date of conviction. The court shall
8 notify the Department of Motor Vehicles, as specified in
9 subdivision (a) of Section 1803, of the terms of the restrictions in
10 accordance with subdivision (a) of Section 1804. The Department
11 of Motor Vehicles shall place the restriction in the person's records
12 in the Department of Motor Vehicles.

13 (b) The court shall include on the abstract of conviction or
14 violation submitted to the Department of Motor Vehicles under
15 Section 1803 or 1816 the requirement and term for the use of a
16 certified ignition interlock device. The records of the department
17 shall reflect mandatory use of the device for the term ordered by
18 the court.

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

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

33 (e) The court shall monitor the installation and maintenance of
34 an ignition interlock device restriction ordered pursuant to
35 subdivision (a) or (l). If a person fails to comply with the court
36 order, the court shall give notice of the fact to the department
37 pursuant to Section 40509.1.

38 (f) (1) If a person is convicted of a violation of Section 23152
39 or 23153 and the offense occurred within 10 years of one or more
40 separate violations of Section 23152 or 23153 that resulted in a

1 conviction, or if a person is convicted of a violation of Section
2 23103, as specified in Section 23103.5, and is suspended for one
3 year under Section 13353.3, the person may apply to the
4 Department of Motor Vehicles for a restricted driver's license
5 pursuant to Section 13352 or 13353.3 that prohibits the person
6 from operating a motor vehicle unless that vehicle is equipped
7 with a functioning ignition interlock device, certified pursuant to
8 Section 13386. The restriction shall remain in effect for at least
9 the remaining period of the original suspension or revocation and
10 until all reinstatement requirements in Section 13352 or 13353.4
11 are met.

12 (2) Pursuant to subdivision (g), the Department of Motor
13 Vehicles shall immediately terminate the restriction issued pursuant
14 to Section 13352 or 13353.3 and shall immediately suspend or
15 revoke the privilege to operate a motor vehicle of a person who
16 attempts to remove, bypass, or tamper with the device, who has
17 the device removed prior to the termination date of the restriction,
18 or who fails three or more times to comply with any requirement
19 for the maintenance or calibration of the ignition interlock device
20 ordered pursuant to Section 13352 or 13353.3. The privilege shall
21 remain suspended or revoked for the remaining period of the
22 originating suspension or revocation and until all reinstatement
23 requirements in Section 13352 or 13353.4 are met.

24 (g) A person whose driving privilege is restricted by the
25 Department of Motor Vehicles pursuant to Section 13352 or
26 13353.3 shall arrange for each vehicle with an ignition interlock
27 device to be serviced by the installer at least once every 60 days
28 in order for the installer to recalibrate the device and monitor the
29 operation of the device. The installer shall notify the Department
30 of Motor Vehicles if the device is removed or indicates that the
31 person has attempted to remove, bypass, or tamper with the device,
32 or if the person fails three or more times to comply with any
33 requirement for the maintenance or calibration of the ignition
34 interlock device. There is no obligation on the part of the installer
35 to notify the department or the court if the person has complied
36 with all of the requirements of this section.

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

39 (i) The Department of Motor Vehicles shall include information
40 along with the order of suspension or revocation for repeat

1 offenders informing them that after a specified period of suspension
2 or revocation has been completed, the person may either install an
3 ignition interlock device on any vehicle that the person owns or
4 operates or remain with a suspended or revoked driver's license.

5 (j) Pursuant to this section, an out-of-state resident who
6 otherwise would qualify for an ignition interlock device restricted
7 license in California shall be prohibited from operating a motor
8 vehicle in California unless that vehicle is equipped with a
9 functioning ignition interlock device. An ignition interlock device
10 is not required to be installed on any vehicle owned by the
11 defendant that is not driven in California.

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

15 (l) This section does not restrict a court from requiring
16 installation of an ignition interlock device and prohibiting operation
17 of a motor vehicle unless that vehicle is equipped with a
18 functioning, certified ignition interlock device for a person to
19 whom subdivision (a) or (b) does not apply. 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 (m) For the purposes of this section, "vehicle" does not include
28 a motorcycle until the state certifies an ignition interlock device
29 that can be installed on a motorcycle. Any person subject to an
30 ignition interlock device restriction shall not operate a motorcycle
31 for the duration of the ignition interlock device restriction period.

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

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

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

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

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

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

10 23575. (a) The court shall require a person convicted of a
11 violation of Section 14601.2 to install an ignition interlock device
12 on any vehicle that the person owns or operates and prohibit the
13 person from operating a motor vehicle unless the vehicle is
14 equipped with a functioning, certified ignition interlock device.
15 The term of the restriction shall be determined by the court for a
16 period not to exceed three years from the date of conviction. The
17 court shall notify the Department of Motor Vehicles, as specified
18 in subdivision (a) of Section 1803, of the terms of the restrictions
19 in accordance with subdivision (a) of Section 1804. The
20 Department of Motor Vehicles shall place the restriction in the
21 person's records in the Department of Motor Vehicles.

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

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

31 (d) A person whose driving privilege is restricted by the court
32 pursuant to this section shall arrange for each vehicle with an
33 ignition interlock device to be serviced by the installer at least
34 once every 60 days in order for the installer to recalibrate and
35 monitor the operation of the device. The installer shall notify the
36 court if the device is removed or indicates that the person has
37 attempted to remove, bypass, or tamper with the device, or if the
38 person fails three or more times to comply with a requirement for
39 the maintenance or calibration of the ignition interlock device.

1 There is no obligation for the installer to notify the court if the
2 person has complied with all of the requirements of this article.

3 (e) The court shall monitor the installation and maintenance of
4 an ignition interlock device restriction ordered pursuant to
5 subdivision (a) or (i). If a person fails to comply with the court
6 order, the court shall give notice of the fact to the department
7 pursuant to Section 40509.1.

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

10 (g) Pursuant to this section, an out-of-state resident who
11 otherwise would qualify for an ignition interlock device restricted
12 license in California shall be prohibited from operating a motor
13 vehicle in California unless that vehicle is equipped with a
14 functioning ignition interlock device. An ignition interlock device
15 is not required to be installed on any vehicle owned by the
16 defendant that is not driven in California.

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

20 (i) This section does not restrict a court from requiring
21 installation of an ignition interlock device and prohibiting operation
22 of a motor vehicle unless that vehicle is equipped with a
23 functioning, certified ignition interlock device for a person to
24 whom subdivision (a) does not apply. The term of the restriction
25 shall be determined by the court for a period not to exceed three
26 years from the date of conviction. The court shall notify the
27 Department of Motor Vehicles, as specified in subdivision (a) of
28 Section 1803, of the terms of the restrictions in accordance with
29 subdivision (a) of Section 1804. The Department of Motor Vehicles
30 shall place the restriction in the person's records in the Department
31 of Motor Vehicles.

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

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

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

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

5 (2) An incidence of failing or not taking the ignition interlock
6 device rolling retest, when not followed by an incidence of passing
7 the ignition interlock rolling retest prior to turning off the vehicle’s
8 engine.

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

10 SEC. 20. Section 23575.3 is added to the Vehicle Code, to
11 read:

12 23575.3. (a) In addition to any other requirement imposed by
13 law, a court shall notify a person convicted of a violation listed in
14 subdivision (h) that he or she is required to install a certified
15 ignition interlock device on any vehicle that the person owns or
16 operates and that he or she is prohibited from operating a motor
17 vehicle unless that vehicle is equipped with a functioning, certified
18 ignition interlock device in accordance with this section.

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

27 (c) The department shall advise the person that installation of
28 an ignition interlock device on a vehicle does not allow the person
29 to drive without a valid driver’s license.

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

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

35 (B) Provide to the department proof of installation by submitting
36 the “Verification of Installation” form described in paragraph (2)
37 of subdivision (g) of Section 13386.

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

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

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

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

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

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

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

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

21 (e) In addition to any other restrictions the department places
22 on the driver's license record of the convicted person when the
23 person is issued a restricted driver's license pursuant to Section
24 13352 or 13352.4, the department shall place a restriction on the
25 driver's license record of the person that states the driver is
26 restricted to driving only vehicles equipped with a certified ignition
27 interlock device for the applicable term.

28 (f) (1) A person who is notified by the department pursuant to
29 subdivision (b) shall arrange for each vehicle with an ignition
30 interlock device to be serviced by the installer at least once every
31 60 days in order for the installer to recalibrate and monitor the
32 operation of the device.

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

38 (g) The department shall monitor the installation and
39 maintenance of the ignition interlock device installed pursuant to
40 subdivision (d).

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

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

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

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

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

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

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

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

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

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

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

32 (3) For the purposes of paragraphs (1) and (2), “prior” means
33 a conviction for a violation of Section 23103, as specified in
34 Section 23103.5, or Section 23140, 23152, or 23153, or Section
35 191.5 or subdivision (a) of Section 192.5 of the Penal Code.

36 (4) The terms prescribed in this subdivision shall begin once a
37 person has complied with subparagraph (B) of paragraph (1) of
38 subdivision (d) and either upon the reinstatement of the privilege
39 to drive pursuant to Section 13352 or the issuance of a restricted
40 driver’s license pursuant to Section 13352 or 13352.4. A person

1 shall receive credit for any period in which he or she had a
2 restricted driver's license issued pursuant to Section 13353.3 or
3 13353.7 and he or she was in compliance with Section 13353.6.

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

6 (j) If a person fails to comply with any of the requirements
7 regarding ignition interlock devices, the period in which the person
8 was not in compliance shall not be credited towards the mandatory
9 term for which the ignition interlock device is required to be
10 installed.

11 (k) (1) Every manufacturer and manufacturer's agent certified
12 by the department to provide ignition interlock devices, under
13 Section 13386, shall adopt the following fee schedule that provides
14 for the payment of the costs of the ignition interlock device by
15 offenders subject to this chapter in amounts commensurate with
16 that person's income relative to the federal poverty level, as defined
17 in Section 127400 of the Health and Safety Code:

18 (A) A person with an income at 100 percent of the federal
19 poverty level and below is responsible for 10 percent of the cost
20 of the ignition interlock device. The ignition interlock device
21 provider is responsible for absorbing the cost of the ignition
22 interlock device that is not paid by the person.

23 (B) A person with an income at 101 to 200 percent of the federal
24 poverty level is responsible for 25 percent of the cost of the ignition
25 interlock device. The ignition interlock device provider is
26 responsible for absorbing the cost of the ignition interlock device
27 that is not paid by the person.

28 (C) A person with an income at 201 to 300 percent of the federal
29 poverty level is responsible for 50 percent of the cost of the ignition
30 interlock device. The ignition interlock device provider is
31 responsible for absorbing the cost of the ignition interlock device
32 that is not paid by the person.

33 (D) A person with an income at 301 to 400 percent of the federal
34 poverty level is responsible for 90 percent of the cost of the ignition
35 interlock device. The ignition interlock device provider is
36 responsible for absorbing the cost of the ignition interlock device
37 that is not paid by the person.

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

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

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

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

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

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

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

16 SEC. 21. Section 23575.5 is added to the Vehicle Code, to
17 read:

18 23575.5. (a) On or before June 1, 2021, the Department of
19 Motor Vehicles shall report to the Legislature regarding the
20 implementation and efficacy of the program enacted by the act
21 that added this section.

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

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

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

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

39 (4) A comparison of the number of individuals who have been
40 convicted more than one time for driving under the influence of

1 alcohol between July 1, 2017, and January 1, 2021, inclusive, and
2 periods of similar duration prior to the implementation of the
3 program.

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

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

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

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

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

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

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

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

32 23576. (a) Notwithstanding Sections 23575, 23575.3, and
33 23700, if a person is required to operate a motor vehicle in the
34 course and scope of his or her employment and if the vehicle is
35 owned by the employer, the person may operate that vehicle
36 without installation of an approved ignition interlock device if the
37 employer has been notified by the person that the person's driving
38 privilege has been restricted pursuant to Section 23575, 23575.3,
39 or 23700 and if the person has proof of that notification in his or

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

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

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

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

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

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

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

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

1 reinstatement of the person's driving privilege pursuant to this
2 section.

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

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

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

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

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

26 (d) This section shall become inoperative on July 1, 2017, and,
27 as of January 1, 2018, is repealed, unless a later enacted statute,
28 that becomes operative on or before January 1, 2018, deletes or
29 extends the dates on which it becomes inoperative and is repealed.

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

31 23597. (a) Notwithstanding Sections 13202.5, 13203, and
32 13352, a court may order a 10-year revocation of the driver's
33 license of a person who has been convicted of three or more
34 separate violations of Section 23152 or 23153, the last of which
35 is punishable under Section 23546, 23550, 23550.5, or 23566.
36 When making this order, the court shall consider all of the
37 following:

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

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

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

2 (4) The person’s participation in an alcohol treatment program.

3 (5) The person’s risk to traffic or public safety.

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

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

11 (c) (1) Five years from the date of the last conviction of a
12 violation of Section 23152 or 23153, a person whose license was
13 revoked pursuant to subdivision (a) may apply to the department
14 to have his or her privilege to operate a motor vehicle reinstated,
15 subject to the condition that the person submits the “Verification
16 of Installation” form described in paragraph (2) of subdivision (g)
17 of Section 13386 and agrees to maintain the ignition interlock
18 device as required under subdivision (f) of Section 23575.3.
19 Notwithstanding Chapter 5 (commencing with Section 23700) or
20 Section 23575.3, the ignition interlock device shall remain on the
21 person’s motor vehicle for two years following the reinstatement
22 of the person’s driving privilege pursuant to this section.

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

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

29 (B) The person successfully completed a
30 driving-under-the-influence program, licensed pursuant to Section
31 11836 of the Health and Safety Code, following the date of the
32 last conviction of a violation of Section 23152 or 23153 of this
33 code.

34 (C) The person was not convicted of violating Section 14601,
35 14601.1, 14601.2, 14601.4, or 14601.5 during the driver’s license
36 revocation period.

37 (3) The department shall immediately terminate the restriction
38 issued pursuant to this section and shall immediately revoke the
39 privilege to operate a motor vehicle of a person who attempts to
40 remove, bypass, or tamper with the device, who has the device

1 removed prior to the termination date of the restriction, or who
2 fails three or more times to comply with any requirement for the
3 maintenance or calibration of the ignition interlock device. The
4 privilege shall remain revoked for the remaining period of the
5 original revocation and until all reinstatement requirements are
6 met.

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

8 SEC. 26. No reimbursement is required by this act pursuant
9 to Section 6 of Article XIII B of the California Constitution because
10 the only costs that may be incurred by a local agency or school
11 district will be incurred because this act creates a new crime or
12 infraction, eliminates a crime or infraction, or changes the penalty
13 for a crime or infraction, within the meaning of Section 17556 of
14 the Government Code, or changes the definition of a crime within
15 the meaning of Section 6 of Article XIII B of the California
16 Constitution.