

AMENDED IN SENATE APRIL 13, 2016

AMENDED IN SENATE MARCH 17, 2016

**SENATE BILL**

**No. 1046**

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**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

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*An act to amend Sections 9807 and 9882.14 of the Business and Professions Code, and 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, 13353.75, 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~~. *suspension and would require the individual to receive credit towards the mandatory term to install an ignition interlock device, as specified.* 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 require the department to, if a person maintains an ignition interlock device for the specified required time, reinstate the person's privilege to operate a motor vehicle at the time the other reinstatement requirements are satisfied.* 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.

*Existing law establishes the Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation under the supervision and control of the Director of Consumer Affairs and requires the director to administer and enforce provisions relating to the registration of electronic and appliance repair service dealers. Existing law authorizes the director to deny, suspend, revoke, or place on probation the registration of a service dealer for any of certain acts, as specified. Existing law authorizes a service dealer licensed under these provisions to install, calibrate, service, maintain, and monitor ignition interlock devices. A violation of these provisions is punishable as a misdemeanor.*

*Existing law, the Automotive Repair Act, establishes the Bureau of Automotive Repair under the supervision and control of the Director*

*of Consumer Affairs and provides for the registration and regulation of automotive repair dealers. Existing law requires the bureau to adopt standards for installation, maintenance, and servicing of ignition interlock devices by automotive repair dealers, and existing regulations authorizes automotive repair dealers to install, maintain, and service an ignition interlock device. Existing law authorizes the director to deny, suspend, revoke, or place on probation the registration of an automotive repair dealer for certain acts, as specified. A violation of the act is a crime.*

*This bill would authorize the director to suspend, revoke, or place on probation the registration of an automotive repair dealer or service dealer who installs, calibrates, services, maintains, or monitors ignition interlock devices if the automotive repair dealer or service dealer is not in compliance with specified provisions relating to payment for the costs of an ignition interlock device and would require an automotive repair dealer or service dealer to provide that information to an individual receiving ignition interlock device services. By expanding the definition of a crime, the 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 9807 of the Business and Professions*
- 2     *Code is amended to read:*
- 3     9807. (a) Notwithstanding any other law, a service dealer
- 4     licensed under this chapter and authorized to engage in the
- 5     electronic repair industry, as defined in subdivision (p) of Section
- 6     9801, may install, calibrate, service, maintain, and monitor ignition
- 7     interlock devices.
- 8     (b) (1) *The director may suspend, revoke, or place on probation*
- 9     *the registration of a service dealer who installs, calibrates,*
- 10    *services, maintains, or monitors ignition interlock devices if the*

1 *service dealer is not in compliance with subdivision (k) of Section*  
2 *23575.3 of the Vehicle Code.*

3 *(2) A service dealer shall provide to an individual receiving*  
4 *ignition interlock device services the information provided in*  
5 *subdivision (k) of Section 23575.3 of the Vehicle Code along with*  
6 *the contact phone number of the bureau.*

7 ~~(b)~~

8 *(c) The bureau shall adopt regulations to implement this section*  
9 *consistent with the standards adopted by the Bureau of Automotive*  
10 *Repair and the Office of Traffic Safety under Section 9882.14.*

11 *SEC. 2. Section 9882.14 of the Business and Professions Code*  
12 *is amended to read:*

13 9882.14. (a) The bureau shall cooperate with the Office of  
14 Traffic Safety and adopt standards for the installation, maintenance,  
15 and servicing of ignition interlock devices by automotive repair  
16 dealers.

17 (b) The manufacturers of ignition interlock devices shall comply  
18 with standards established by the bureau for the installation of  
19 those ignition interlock devices.

20 (c) The bureau may charge manufacturers of certified interlock  
21 ignition devices a fee to recover the cost of monitoring installation  
22 standards.

23 *(d) (1) The director may suspend or revoke the registration of*  
24 *an automotive repair dealer who installs, maintains, and services*  
25 *ignition interlock devices if the automotive repair dealer is not in*  
26 *compliance with subdivision (k) of Section 23575.3 of the Vehicle*  
27 *Code.*

28 *(2) An automotive repair dealer shall provide to an individual*  
29 *receiving ignition interlock device services the information*  
30 *provided in subdivision (k) of Section 23575.3 of the Vehicle Code*  
31 *along with the contact phone number of the bureau.*

32 **SECTION 4.**

33 *SEC. 3. Section 13352 of the Vehicle Code is amended to read:*

34 13352. (a) The department shall immediately suspend or  
35 revoke the privilege of a person to operate a motor vehicle upon  
36 the receipt of an abstract of the record of a court showing that the  
37 person has been convicted of a violation of Section 23152 or 23153,  
38 subdivision (a) of Section 23109, or Section 23109.1, or upon the  
39 receipt of a report of a judge of the juvenile court, a juvenile traffic  
40 hearing officer, or a referee of a juvenile court showing that the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



1 11836 of the Health and Safety Code, if available in the county of  
2 the person’s residence or employment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (6) Except as provided in this paragraph, upon a conviction or  
2 finding of a violation of Section 23153 punishable under Section  
3 23550.5 or 23566, the privilege shall be revoked for a period of  
4 five years. The privilege may not be reinstated until the person  
5 gives proof of financial responsibility and gives proof satisfactory  
6 to the department of successful completion of a  
7 driving-under-the-influence program licensed pursuant to Section  
8 11836 of the Health and Safety Code as described in subdivision  
9 (b) of Section 23568 of this code, or if available in the county of  
10 the person's residence or employment, a 30-month  
11 driving-under-the-influence program licensed pursuant to Section  
12 11836 of the Health and Safety Code, or a program specified in  
13 Section 8001 of the Penal Code. For the purposes of this paragraph,  
14 enrollment in, participation in, and completion of an approved  
15 program shall be subsequent to the date of the current violation.  
16 Credit shall not be given to any program activities completed prior  
17 to the date of the current violation. The department shall advise  
18 the person that after completion of 12 months of the revocation  
19 period, which may include credit for a suspension period served  
20 under subdivision (c) of Section 13353.3, he or she may apply to  
21 the department for a restricted driver's license if the person meets  
22 all of the following requirements:

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

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

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

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

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

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

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

3 (F) An individual convicted of a violation of Section 23153  
4 punishable under Section 23566 may also, at any time after  
5 sentencing, petition the court for referral to an 18-month  
6 driving-under-the-influence program licensed pursuant to Section  
7 11836 of the Health and Safety Code, or, if available in the county  
8 of the person's residence or employment, a 30-month  
9 driving-under-the-influence program licensed pursuant to Section  
10 11836 of the Health and Safety Code. Unless good cause is shown,  
11 the court shall order the referral.

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

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

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

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

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

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

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

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

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

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

21 (F) An individual convicted of a violation of Section 23152  
22 punishable under Section 23550 may also, at any time after  
23 sentencing, petition the court for referral to an 18-month  
24 driving-under-the-influence program licensed pursuant to Section  
25 11836 of the Health and Safety Code, or, if available in the county  
26 of the person’s residence or employment, a 30-month  
27 driving-under-the-influence program licensed pursuant to Section  
28 11836 of the Health and Safety Code. Unless good cause is shown,  
29 the court shall order the referral.

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (h) This section shall become inoperative on July 1, 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. 2.~~

18 *SEC. 4.* Section 13352 is added to the Vehicle Code, to read:

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

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

1 11836 of the Health and Safety Code described in subdivision (b)  
2 of Section 23538 of this code. If the court, as authorized under  
3 paragraph (3) of subdivision (b) of Section 23646, elects to order  
4 a person to enroll in, participate in, and complete either program  
5 described in subdivision (b) of Section 23542, the department shall  
6 require that program in lieu of the program described in subdivision  
7 (b) of Section 23538. For the purposes of this paragraph, enrollment  
8 in, participation in, and completion of an approved program shall  
9 occur subsequent to the date of the current violation. Credit shall  
10 not be given to any program activities completed prior to the date  
11 of the current violation.

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

1 (ii) Proof of enrollment in a 30-month  
2 driving-under-the-influence program licensed pursuant to Section  
3 11836 of the Health and Safety Code, if available in the county of  
4 the person’s residence or employment.  
5 (B) The person agrees, as a condition of the restriction, to  
6 continue satisfactory participation in the program described in  
7 subparagraph (A).  
8 (C) The person complies with subdivision (d) of Section  
9 23575.3, if applicable.  
10 (D) The person agrees to maintain the ignition interlock device  
11 as required under Section 23575.3, if applicable.  
12 (E) The person provides proof of financial responsibility, as  
13 defined in Section 16430.  
14 (F) The person pays all reissue fees and any restriction fee  
15 required by the department.  
16 (G) The person pays to the department a fee sufficient to cover  
17 the reasonable costs of 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 (4) Except as provided in this paragraph, upon a conviction or  
22 finding of a violation of Section 23153 punishable under Section  
23 23560, the privilege shall be revoked for a period of three years.  
24 The privilege may not be reinstated until the person gives proof  
25 of financial responsibility, and the person gives proof satisfactory  
26 to the department of successful completion of a  
27 driving-under-the-influence program licensed pursuant to Section  
28 11836 of the Health and Safety Code, as described in paragraph  
29 (4) of subdivision (b) of Section 23562 of this code. For the  
30 purposes of this paragraph, enrollment in, participation in, and  
31 completion of an approved program shall occur subsequent to the  
32 date of the current violation. Credit shall not be given to any  
33 program activities completed prior to the date of the current  
34 violation. The department shall advise the person that he or she  
35 may apply to the department for a restricted driver’s license if the  
36 person meets all of the following requirements:  
37 (A) The person satisfactorily provides, subsequent to the  
38 violation date of the current underlying conviction, either of the  
39 following:

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (6) Except as provided in this paragraph, upon a conviction or  
4 finding of a violation of Section 23153 punishable under Section  
5 23550.5 or 23566, the privilege shall be revoked for a period of  
6 five years. The privilege may not be reinstated until the person  
7 gives proof of financial responsibility and gives proof satisfactory  
8 to the department of successful completion of a  
9 driving-under-the-influence program licensed pursuant to Section  
10 11836 of the Health and Safety Code as described in subdivision  
11 (b) of Section 23568, or if available in the county of the person's  
12 residence or employment, a 30-month driving-under-the-influence  
13 program licensed pursuant to Section 11836 of the Health and  
14 Safety Code, or a program specified in Section 8001 of the Penal  
15 Code. For the purposes of this paragraph, enrollment in,  
16 participation in, and completion of an approved program shall be  
17 subsequent to the date of the current violation. Credit shall not be  
18 given to any program activities completed prior to the date of the  
19 current violation. The department shall advise the person that he  
20 or she may apply to the department for a restricted driver's license  
21 if the person meets all of the following requirements:

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

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

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

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

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

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

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

3 (F) An individual convicted of a violation of Section 23153  
4 punishable under Section 23566 may also, at any time after  
5 sentencing, petition the court for referral to an 18-month  
6 driving-under-the-influence program licensed pursuant to Section  
7 11836 of the Health and Safety Code, or, if available in the county  
8 of the person's residence or employment, a 30-month  
9 driving-under-the-influence program licensed pursuant to Section  
10 11836 of the Health and Safety Code. Unless good cause is shown,  
11 the court shall order the referral.

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

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

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

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

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

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

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

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

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

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

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

21 (F) An individual convicted of a violation of Section 23152  
22 punishable under Section 23550 may also, at any time after  
23 sentencing, petition the court for referral to an 18-month  
24 driving-under-the-influence program licensed pursuant to Section  
25 11836 of the Health and Safety Code, or, if available in the county  
26 of the person’s residence or employment, a 30-month  
27 driving-under-the-influence program licensed pursuant to Section  
28 11836 of the Health and Safety Code. Unless good cause is shown,  
29 the court shall order the referral.

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

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

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

37 (8) Upon a conviction or finding of a violation of subdivision  
38 (a) of Section 23109 that is punishable under subdivision (e) of  
39 that section or Section 23109.1, the privilege shall be suspended  
40 for a period of 90 days to six months, if ordered by the court. The

1 privilege shall not be reinstated until the person gives proof of  
2 financial responsibility, as defined in Section 16430.

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

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

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

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

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

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



1 imposed under this section and until all reinstatement requirements  
2 described in this section are met.

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

14 *(f) Notwithstanding the suspension periods specified in*  
15 *paragraphs (1) to (7), inclusive, of subdivision (a) or Section*  
16 *13352.1, if the person maintains an ignition interlock device for*  
17 *the mandatory term required under Section 23575.3, inclusive of*  
18 *any term credit earned under Section 13353.6, the department*  
19 *shall reinstate his or her privilege to operate a motor vehicle at*  
20 *the time the other reinstatement requirements are satisfied.*

21 ~~(f)~~

22 (g) For the purposes of this section, completion of a program  
23 is the following:

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

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

32 ~~(g)~~

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

39 ~~(h)~~

1 (i) The reinstatement of the driving privilege pursuant to this  
2 section does not abrogate a person’s continuing duty to comply  
3 with any restriction imposed pursuant to Section 23575.3.

4 (i)

5 (j) This section shall become operative on July 1, 2017.

6 ~~SEC. 3.~~

7 SEC. 5. Section 13352.4 of the Vehicle Code is amended to  
8 read:

9 13352.4. (a) Except as provided in subdivision (h), the  
10 department shall issue a restricted driver’s license to a person  
11 whose driver’s license was suspended under paragraph (1) of  
12 subdivision (a) of Section 13352 or Section 13352.1, if the person  
13 meets all of the following requirements:

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

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

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

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

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

28 (b) The restriction of the driving privilege shall become effective  
29 when the department receives all of the documents and fees  
30 required under subdivision (a) and shall remain in effect until the  
31 final day of the original suspension imposed under paragraph (1)  
32 of subdivision (a) of Section 13352 or Section 13352.1, or until  
33 the date all reinstatement requirements described in Section 13352  
34 or 13352.1 have been met, whichever date is later, and may include  
35 credit for any suspension period served under subdivision (c) of  
36 Section 13353.3.

37 (c) The restriction of the driving privilege shall be limited to  
38 the hours necessary for driving to and from the person’s place of  
39 employment, driving during the course of employment, and driving

1 to and from activities required in the driving-under-the-influence  
2 program.

3 (d) Whenever the driving privilege is restricted under this  
4 section, proof of financial responsibility, as defined in Section  
5 16430, shall be maintained for three years. If the person does not  
6 maintain that proof of financial responsibility at any time during  
7 the restriction, the driving privilege shall be suspended until the  
8 proof required under Section 16484 is received by the department.

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

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

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

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

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

1     ~~SEC. 4.~~

2     SEC. 6. Section 13352.4 is added to the Vehicle Code, to read:

3     13352.4. (a) Except as provided in subdivision (h), the  
 4 department shall issue a restricted driver’s license to a person  
 5 whose driver’s license was suspended under paragraph (1) of  
 6 subdivision (a) of Section 13352 or Section 13352.1, if the person  
 7 meets all of the following requirements:

8     (1) Submits proof satisfactory to the department of either of the  
 9 following:

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

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

18     (2) Complies with subdivision (d) of Section 23575.3, if  
 19 applicable.

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

22     (4) Submits proof of financial responsibility, as defined in  
 23 Section 16430.

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

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

29     (b) The restriction of the driving privilege shall become effective  
 30 when the department receives all of the documents and fees  
 31 required under subdivision (a) and shall remain in effect ~~until the~~  
 32 ~~final day of the original suspension imposed under paragraph (1)~~  
 33 ~~of subdivision (a) of Section 13352 or Section 13352.1, or until~~  
 34 ~~the date all reinstatement requirements described in Section 13352~~  
 35 ~~or 13352.1 have been met, whichever date is later, and may include~~  
 36 ~~credit for any suspension period served under subdivision (c) of~~  
 37 ~~Section 13353.3. met.~~

38     (c) Whenever the driving privilege is restricted under this  
 39 section, proof of financial responsibility, as defined in Section  
 40 16430, shall be maintained for three years. If the person does not

1 maintain that proof of financial responsibility at any time during  
2 the restriction, the driving privilege shall be suspended until the  
3 proof required under Section 16484 is received by the department.

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

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

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

30 (f) 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 under paragraph  
34 (1) of subdivision (a) of Section 13352 or Section 13352.1 is not  
35 eligible for the restricted driver's license authorized under this  
36 section.

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

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

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

4 ~~SEC. 5.~~

5 *SEC. 7.* Section 13353.3 of the Vehicle Code is amended to  
6 read:

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

34 ~~SEC. 6.~~

35 *SEC. 8.* Section 13353.3 is added to the Vehicle Code, to read:

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

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

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

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

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

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

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

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

37 (C) The one-year suspension pursuant to subparagraph (A) shall  
38 terminate after completion of a 90-day suspension period, and the  
39 person shall be eligible for a restricted license if the person has  
40 been convicted of a violation of Section 23103, as specified in

1 Section 23103.5, arising out of the same occurrence, has no more  
2 than two prior alcohol-related convictions within 10 years, as  
3 specified pursuant to subparagraph (A), and all of the following  
4 conditions are met:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 suspension or revocation under Section 13352 shall be imposed,  
2 except that the periods of suspension or revocation shall run  
3 concurrently, and the total period of suspension or revocation shall  
4 not exceed the longer of the two suspension or revocation periods.

5 (d) For the purposes of this section, a conviction of an offense  
6 in any state, territory, or possession of the United States, the  
7 District of Columbia, the Commonwealth of Puerto Rico, or  
8 Canada that, if committed in this state, would be a violation of  
9 Section 23103, as specified in Section 23103.5, or Section 23140,  
10 23152, or 23153, or Section 191.5 or subdivision (a) of Section  
11 192.5 of the Penal Code, is a conviction of that particular section  
12 of the Vehicle Code or Penal Code.

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

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

19 ~~SEC. 7.~~

20 *SEC. 9.* Section 13353.4 of the Vehicle Code is amended to  
21 read:

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

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

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

37 ~~SEC. 8.~~

38 *SEC. 10.* Section 13353.4 is added to the Vehicle Code, to  
39 read:

1 13353.4. (a) Except as provided in Section 13353.3, 13353.6,  
2 13353.7, or 13353.8, the driving privilege shall not be restored,  
3 and a restricted or hardship permit to operate a motor vehicle shall  
4 not be issued, to a person during the suspension or revocation  
5 period specified in Section 13353, 13353.1, or 13353.3.

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

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

13 ~~SEC. 9.~~

14 *SEC. 11.* Section 13353.5 of the Vehicle Code is amended to  
15 read:

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

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

1 program is of the length required under paragraphs (1) to (7),  
2 inclusive, of subdivision (a) of Section 13352.

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

5 (d) 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. 10.~~

10 *SEC. 12.* Section 13353.5 is added to the Vehicle Code, to  
11 read:

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

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

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

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

1     ~~SEC. 11.~~

2     *SEC. 13.* Section 13353.6 is added to the Vehicle Code, to  
3 read:

4     13353.6. (a) Notwithstanding any other law, a person whose  
5 driving privilege has been suspended under Section 13353.2 and  
6 who is eligible for a restricted driver's license as provided for in  
7 ~~Section 13353.3 or~~ 13353.7 *or 13353.75* may be eligible for a  
8 restricted driver's license without serving any period of the  
9 suspension if the person meets all of the eligibility requirements  
10 specified in those sections and the person does both of the  
11 following:

12     (1) The person installs an ignition interlock device on any  
13 vehicle that he or she own or operates and submits the "Verification  
14 of Installation" form described in paragraph (2) of subdivision (g)  
15 of Section 13386.

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

18     (b) A person whose driving privilege has been suspended under  
19 Section 13353.2 may install an ignition interlock device prior to  
20 the effective date specified in Section 13353.3. A person who  
21 installs an ignition interlock device pursuant to this subdivision,  
22 meets all of the eligibility requirements specified in Section  
23 ~~13353.3 or 13353.7,~~ *13353.7 or 13353.75* and complies with  
24 paragraphs (1) and (2) of subdivision (a) is eligible for a restricted  
25 driver's license on the effective date specified in Section 13353.3.

26     (c) The department shall terminate the restriction issued pursuant  
27 to ~~Section 13353.3 or~~ *13353.7 or 13353.75* and shall immediately  
28 reinstate the suspension of the privilege to operate a motor vehicle  
29 upon receipt of notification from the ignition interlock device  
30 installer that a person has attempted to remove, bypass, or tamper  
31 with the ignition interlock device, has removed the device prior  
32 to the termination date of the restriction, or fails three or more  
33 times to comply with any requirement for the maintenance or  
34 calibration of the ignition interlock device. The privilege shall  
35 remain suspended for the remaining mandatory suspension period  
36 imposed pursuant to Section 13353.3.

37     (d) Notwithstanding any other law, for a person whose driving  
38 privilege has been suspended under Section 13353.2, who is  
39 eligible for a restricted driver's license as provided for in Section  
40 ~~13353.7,~~ *13353.7 or 13353.75,* and who installs an ignition



1 interlock device pursuant to this ~~section~~, a section or Section  
2 13353.75, both of the following shall apply:

3 (1) The person shall receive credit towards the mandatory term  
4 the person is required to install an ignition interlock device  
5 pursuant to Section 23575.3 for a conviction of a violation arising  
6 out of the same occurrence that led to the person's driving privilege  
7 being suspended pursuant to Section 13352.2 equal to the period  
8 of time the person installs an ignition interlock device pursuant  
9 to this section or Section 13353.75.

10 (2) A court shall reduce the ~~fine amount~~ total amount of the  
11 fine, fees, and penalties by up to five hundred dollars (\$500) for  
12 a conviction of a violation arising out of the same occurrence that  
13 led to the person's driving privilege being ~~suspended~~. suspended  
14 pursuant to Section 13353.2.

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

16 SEC. 14. Section 13353.75 is added to the Vehicle Code, to  
17 read:

18 13353.75. (a) Subject to subdivision (d), a person who has  
19 been previously convicted of, or found to have committed, a  
20 separate violation of Section 23103, as specified in Section  
21 23103.5, or Section 23140, 23152, or 23153, or Section 191.5 or  
22 subdivision (a) of Section 192.5 of the Penal Code, or whose  
23 privilege to operate a motor vehicle has been suspended or revoked  
24 pursuant to Section 13353 or 13353.2 for an offense that occurred  
25 on a separate occasion within 10 years of the occasion in question  
26 may apply to the department for a restricted driver's license if the  
27 person meets all of the following requirements:

28 (1) (A) The person satisfactorily provides proof of enrollment  
29 in a driving-under-the-influence program licensed under Section  
30 11836 of the Health and Safety Code, as described in subdivision  
31 (b) of Section 23538.

32 (B) The program shall report any failure to participate in the  
33 program to the department and shall certify successful completion  
34 of the program to the department.

35 (C) If a person who has been issued a restricted license under  
36 this section fails at any time to participate in the program, the  
37 department shall suspend the restricted license immediately. The  
38 department shall give notice of the suspension under this  
39 paragraph in the same manner as prescribed in subdivision (b) of

1 Section 13353.2 for the period specified in Section 13353.3, that  
2 is effective upon receipt by the person.

3 (2) The person was 21 years of age or older at the time the  
4 offense occurred and gives proof of financial responsibility as  
5 defined in Section 16430.

6 (3) The person has not been arrested subsequent to the offense  
7 for which the person's driving privilege has been suspended under  
8 Section 13353.2 for a violation of Section 23103, as specified in  
9 Section 23103.5, or Section 23140, 23152, or 23153, or Section  
10 191.5 or subdivision (a) of Section 192.5 of the Penal Code, and  
11 the person's privilege to operate a motor vehicle has not been  
12 suspended or revoked pursuant to Section 13353 or 13353.2 for  
13 an offense that occurred on a separate occasion, notwithstanding  
14 Section 13551.

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

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

21 (b) The restriction shall remain in effect for the remaining period  
22 of the original suspension under Section 13353.2.

23 (c) Notwithstanding subdivisions (a) and (b), and upon a  
24 conviction under Section 23152 or 23153 for the current offense,  
25 the department shall suspend or revoke the person's privilege to  
26 operate a motor vehicle under Section 13352.

27 (d) If the driver was operating a commercial vehicle, as defined  
28 in Section 15210, at the time of the violation that resulted in the  
29 suspension of that person's driving privilege under Section  
30 13353.2, the department shall, pursuant to this section, if the  
31 person is otherwise eligible, issue the person a class C or class M  
32 driver's license restricted in the same manner and subject to the  
33 same conditions as specified in subdivision (a), except that the  
34 license may not allow travel to and from or in the course of the  
35 person's employment.

36 (e) If the holder of a commercial driver's license was operating  
37 a motor vehicle, other than a commercial vehicle as defined in  
38 Section 15210, at the time of the violation that resulted in the  
39 suspension of that person's driving privilege pursuant to Section  
40 13353.2, the department shall, pursuant to this section, if the

1 *person is otherwise eligible, issue the person a class C or class M*  
2 *driver's license restricted in the same manner and subject to the*  
3 *same conditions as specified in subdivision (a).*

4 ~~SEC. 12.~~

5 *SEC. 15.* Section 13386 of the Vehicle Code is amended to  
6 read:

7 13386. (a) (1) The department shall certify or cause to be  
8 certified ignition interlock devices required by Article 5  
9 (commencing with Section 23575) of Chapter 2 of Division 11.5  
10 and publish a list of approved devices.

11 (2) (A) The department shall ensure that ignition interlock  
12 devices that have been certified according to the requirements of  
13 this section continue to meet certification requirements. The  
14 department may periodically require manufacturers to indicate in  
15 writing whether the devices continue to meet certification  
16 requirements.

17 (B) The department may use denial of certification, suspension  
18 or revocation of certification, or decertification of an ignition  
19 interlock device in another state as an indication that the  
20 certification requirements are not met, if either of the following  
21 apply:

22 (i) The denial of certification, suspension or revocation of  
23 certification, or decertification in another state constitutes a  
24 violation by the manufacturer of Article 2.55 (commencing with  
25 Section 125.00) of Chapter 1 of Division 1 of Title 13 of the  
26 California Code of Regulations.

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

34 (C) Failure to continue to meet certification requirements shall  
35 result in suspension or revocation of certification of ignition  
36 interlock devices.

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

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

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

7 (d) The department shall utilize information from an  
8 independent, accredited (ISO/IEC 17025) laboratory to certify  
9 ignition interlock devices of the manufacturer or manufacturer's  
10 agent, in accordance with the guidelines. The cost of certification  
11 shall be borne by the manufacturers of ignition interlock devices.  
12 If the certification of a device is suspended or revoked, the  
13 manufacturer of the device shall be responsible for, and shall bear  
14 the cost of, the removal of the device and the replacement of a  
15 certified device of the manufacturer or another manufacturer.

16 (e) No model of ignition interlock device shall be certified unless  
17 it meets the accuracy requirements and specifications provided in  
18 the guidelines adopted by the National Highway Traffic Safety  
19 Administration.

20 (f) All manufacturers of ignition interlock devices that meet the  
21 requirements of subdivision (e) and are certified in a manner  
22 approved by the department, who intend to market the devices in  
23 this state, first shall apply to the department on forms provided by  
24 that department. The application shall be accompanied by a fee in  
25 an amount not to exceed the amount necessary to cover the costs  
26 incurred by the department in carrying out this section.

27 (g) The department shall ensure that standard forms and  
28 procedures are developed for documenting decisions and  
29 compliance and communicating results to relevant agencies. These  
30 forms shall include all of the following:

31 (1) An "Option to Install," to be sent by the department to repeat  
32 offenders along with the mandatory order of suspension or  
33 revocation. This shall include the alternatives available for early  
34 license reinstatement with the installation of an ignition interlock  
35 device and shall be accompanied by a toll-free telephone number  
36 for each manufacturer of a certified ignition interlock device.  
37 Information regarding approved installation locations shall be  
38 provided to drivers by manufacturers with ignition interlock devices  
39 that have been certified in accordance with this section.

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

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

10 (h) Every manufacturer and manufacturer’s agent certified by  
11 the department to provide ignition interlock devices shall adopt  
12 fee schedules that provide for the payment of the costs of the device  
13 by applicants in amounts commensurate with the applicant’s ability  
14 to pay.

15 (i) A person who manufacturers, installs, services, or repairs,  
16 or otherwise deals in ignition interlock devices shall not disclose,  
17 sell, or transfer to a third party any individually identifiable  
18 information pertaining to individuals who are required by law to  
19 install an ignition interlock device on a vehicle that he or she owns  
20 or operates, except to the extent necessary to confirm or deny that  
21 an individual has complied with ignition interlock device  
22 installation and maintenance requirements.

23 ~~SEC. 13.~~

24 *SEC. 16.* Section 23103.5 of the Vehicle Code is amended to  
25 read:

26 23103.5. (a) If the prosecution agrees to a plea of guilty or  
27 nolo contendere to a charge of a violation of Section 23103 in  
28 satisfaction of, or as a substitute for, an original charge of a  
29 violation of Section 23152, the prosecution shall state for the record  
30 a factual basis for the satisfaction or substitution, including whether  
31 or not there had been consumption of an alcoholic beverage or  
32 ingestion or administration of a drug, or both, by the defendant in  
33 connection with the offense. The statement shall set forth the facts  
34 that show whether or not there was a consumption of an alcoholic  
35 beverage or the ingestion or administration of a drug by the  
36 defendant in connection with the offense.

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

1 (c) If the court accepts the defendant's plea of guilty or nolo  
2 contendere to a charge of a violation of Section 23103 and the  
3 prosecutor's statement under subdivision (a) states that there was  
4 consumption of an alcoholic beverage or the ingestion or  
5 administration of a drug by the defendant in connection with the  
6 offense, the resulting conviction shall be a prior offense for the  
7 purposes of Section 23540, 23546, 23550, 23560, 23566, or 23622,  
8 as specified in those sections.

9 (d) The court shall notify the Department of Motor Vehicles of  
10 each conviction of Section 23103 that is required under this section  
11 to be a prior offense for purposes of Section 23540, 23546, 23550,  
12 23560, 23566, or 23622.

13 (e) Except as provided in paragraph (1) of subdivision (f), if the  
14 court places the defendant on probation for a conviction of Section  
15 23103 that is required under this section to be a prior offense for  
16 purposes of Section 23540, 23546, 23550, 23560, 23566, or 23622,  
17 the court shall order the defendant to enroll in an alcohol and drug  
18 education program licensed under Chapter 9 (commencing with  
19 Section 11836) of Part 2 of Division 10.5 of the Health and Safety  
20 Code and complete, at a minimum, the educational component of  
21 that program, as a condition of probation. If compelling  
22 circumstances exist that mitigate against including the education  
23 component in the order, the court may make an affirmative finding  
24 to that effect. The court shall state the compelling circumstances  
25 and the affirmative finding on the record, and may, in these cases,  
26 exclude the educational component from the order.

27 (f) (1) If the court places on probation a defendant convicted  
28 of a violation of Section 23103 that is required under this section  
29 to be a prior offense for purposes of Section 23540, 23546, 23550,  
30 23560, 23566, or 23622, and that offense occurred within 10 years  
31 of a separate conviction of a violation of Section 23103, as  
32 specified in this section, or within 10 years of a conviction of a  
33 violation of Section 23152 or 23153, the court shall order the  
34 defendant to participate for nine months or longer, as ordered by  
35 the court, in a program licensed under Chapter 9 (commencing  
36 with Section 11836) of Part 2 of Division 10.5 of the Health and  
37 Safety Code that consists of at least 60 hours of program activities,  
38 including education, group counseling, and individual interview  
39 sessions.

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

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

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

31 ~~SEC. 14.~~

32 *SEC. 17.* Section 23247 of the Vehicle Code is amended to  
33 read:

34 23247. (a) It is unlawful for a person to knowingly rent, lease,  
35 or lend a motor vehicle to another person known to have had his  
36 or her driving privilege restricted as provided in Section 13352,  
37 23575, or 23700, unless the vehicle is equipped with a functioning,  
38 certified ignition interlock device. A person, whose driving  
39 privilege is restricted pursuant to Section 13352, 23575, or 23700  
40 shall notify any other person who rents, leases, or loans a motor

1 vehicle to him or her of the driving restriction imposed under that  
2 section.

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

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

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

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

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

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

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

34 (h) Notwithstanding any other law, if a vehicle in which an  
35 ignition interlock device has been installed is impounded, the  
36 manufacturer or installer of the device shall have the right to  
37 remove the device from the vehicle during normal business hours.  
38 No charge shall be imposed for the removal of the device nor shall  
39 the manufacturer or installer be liable for any removal, towing,  
40 impoundment, storage, release, or administrative costs or penalties



1 associated with the impoundment. Upon request, the person seeking  
2 to remove the device shall present documentation to justify removal  
3 of the device from the vehicle. Any damage to the vehicle resulting  
4 from the removal of the device is the responsibility of the person  
5 removing it.

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

10 ~~SEC. 15.~~

11 *SEC. 18.* Section 23247 is added to the Vehicle Code, to read:

12 23247. (a) It is unlawful for a person to knowingly rent, lease,  
13 or lend a motor vehicle to another person known to have had his  
14 or her driving privilege restricted as provided in Section 13352,  
15 13352.4, 23575, 23575.3, or 23700, unless the vehicle is equipped  
16 with a functioning, certified ignition interlock device. A person,  
17 whose driving privilege is restricted pursuant to Section 13352,  
18 13352.4, 23575, 23575.3, or 23700 shall notify any other person  
19 who rents, leases, or loans a motor vehicle to him or her of the  
20 driving restriction imposed under that section.

21 (b) It is unlawful for any person whose driving privilege is  
22 restricted pursuant to Section 13352, 13352.4, 23575, 23575.3, or  
23 23700 to request or solicit any other person to blow into an ignition  
24 interlock device or to start a motor vehicle equipped with the device  
25 for the purpose of providing the person so restricted with an  
26 operable motor vehicle.

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

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

34 (e) It is unlawful for any person whose driving privilege is  
35 restricted pursuant to Section 13352, 13352.4, 23575, 23575.3, or  
36 23700 to operate any vehicle not equipped with a functioning  
37 ignition interlock device.

38 (f) Any person convicted of a violation of this section shall be  
39 punished by imprisonment in a county jail for not more than six

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

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

10 (2) If any person who is restricted pursuant to Section 23575.3,  
11 subdivision (a) or (i) of Section 23575, or Section 23700 is  
12 convicted of a violation of subdivision (e), the department shall  
13 suspend the person's driving privilege for one year from the date  
14 of the conviction.

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

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

28 ~~SEC. 16.~~

29 *SEC. 19.* Section 23573 of the Vehicle Code is amended to  
30 read:

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

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

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

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

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

13 (3) Pay to the department a fee sufficient to cover the costs of  
14 administration of this section, including startup costs, as determined  
15 by the department.

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

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

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

30 (f) The department shall monitor the installation and  
31 maintenance of the ignition interlock device installed pursuant to  
32 subdivision (a).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (2) Upon a conviction of a violation of Section 14601.2,  
39 14601.4, or 14601.5 subsequent to two prior convictions of a  
40 violation of Section 23103.5, 23152, or 23153, within a 10-year

1 period, or one prior conviction of Section 14601.2, 14601.4, or  
2 14601.5, within a 10-year period, the person shall immediately  
3 install a certified ignition interlock device, pursuant to this section,  
4 in all vehicles owned or operated by that person for a term of two  
5 years.

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

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

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

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

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

26 ~~SEC. 17.~~

27 *SEC. 20.* Section 23573 is added to the Vehicle Code, to read:

28 23573. (a) The Department of Motor Vehicles, upon receipt  
29 of the court's abstract of conviction for a violation listed in  
30 subdivision (j), shall inform the convicted person of the  
31 requirements of this section and the term for which the person is  
32 required to have a certified ignition interlock device installed. The  
33 records of the department shall reflect the mandatory use of the  
34 device for the term required and the time when the device is  
35 required to be installed pursuant to this code.

36 (b) The department shall advise the person that installation of  
37 an ignition interlock device on a vehicle does not allow the person  
38 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.~~

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

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



1 Department of Motor Vehicles shall place the restriction in the  
2 person's records in the Department of Motor Vehicles.

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

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

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

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

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

1 (f) (1) If a person is convicted of a violation of Section 23152  
2 or 23153 and the offense occurred within 10 years of one or more  
3 separate violations of Section 23152 or 23153 that resulted in a  
4 conviction, or if a person is convicted of a violation of Section  
5 23103, as specified in Section 23103.5, and is suspended for one  
6 year under Section 13353.3, the person may apply to the  
7 Department of Motor Vehicles for a restricted driver's license  
8 pursuant to Section 13352 or 13353.3 that prohibits the person  
9 from operating a motor vehicle unless that vehicle is equipped  
10 with a functioning ignition interlock device, certified pursuant to  
11 Section 13386. The restriction shall remain in effect for at least  
12 the remaining period of the original suspension or revocation and  
13 until all reinstatement requirements in Section 13352 or 13353.4  
14 are met.

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

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

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

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

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

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

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

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

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

1 (o) 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 (p) 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. 19.~~

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

15 23575. (a) The court shall require a person convicted of a  
16 violation of Section 14601.2 to install an ignition interlock device  
17 on any vehicle that the person owns or operates and prohibit the  
18 person from operating a motor vehicle unless the vehicle is  
19 equipped with a functioning, certified ignition interlock device.  
20 The term of the restriction shall be determined by the court for a  
21 period not to exceed three years 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (2) An incidence of failing or not taking the ignition interlock  
10 device rolling retest, when not followed by an incidence of passing  
11 the ignition interlock rolling retest prior to turning off the vehicle’s  
12 engine.

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

14 ~~SEC. 20:~~

15 *SEC. 23.* Section 23575.3 is added to the Vehicle Code, to  
16 read:

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

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

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

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

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

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

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

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

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

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

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

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

21 (E) The person acknowledges that he or she is required to have  
22 a valid driver’s license before he or she can drive.

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

26 (e) In addition to any other restrictions the department places  
27 on the driver’s license record of the convicted person when the  
28 person is issued a restricted driver’s license pursuant to Section  
29 13352 or 13352.4, the department shall place a restriction on the  
30 driver’s license record of the person that states the driver is  
31 restricted to driving only vehicles equipped with a certified ignition  
32 interlock device for the applicable term.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (3) For the purposes of paragraphs (1) and (2), “prior” means  
38 a conviction for a violation of Section 23103, as specified in  
39 Section 23103.5, or Section 23140, 23152, or 23153, or Section  
40 191.5 or subdivision (a) of Section 192.5 of the Penal Code.



1 (4) The terms prescribed in this subdivision shall begin once a  
2 person has complied with subparagraph (B) of paragraph (1) of  
3 subdivision (d) and either upon the reinstatement of the privilege  
4 to drive pursuant to Section 13352 or the issuance of a restricted  
5 driver's license pursuant to Section 13352 or 13352.4. A person  
6 shall receive credit for any period in which he or she had a  
7 restricted driver's license issued pursuant to Section 13353.3 or  
8 13353.7 and he or she was in compliance with Section 13353.6.

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

11 (j) If a person fails to comply with any of the requirements  
12 regarding ignition interlock devices, the period in which the person  
13 was not in compliance shall not be credited towards the mandatory  
14 term for which the ignition interlock device is required to be  
15 installed.

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

23 (A) A person with an income at 100 percent of the federal  
24 poverty level and below is responsible for 10 percent of the cost  
25 of the ignition interlock device. The ignition interlock device  
26 provider is responsible for absorbing the cost of the ignition  
27 interlock device that is not paid by the person.

28 (B) A person with an income at 101 to 200 percent of the federal  
29 poverty level is responsible for 25 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 (C) A person with an income at 201 to 300 percent of the federal  
34 poverty level is responsible for 50 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 (D) A person with an income at 301 to 400 percent of the federal  
39 poverty level is responsible for 90 percent of the cost of the ignition  
40 interlock device. The ignition interlock device provider is

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

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

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

7 ~~(3) The offender's income may be verified by presentation of  
8 that person's current federal income tax return or three months of  
9 monthly income statements.~~

10 (3) *The ignition interlock device provider shall verify the  
11 offender's income to determine the cost of the ignition interlock  
12 device pursuant to this subdivision by verifying either of the  
13 following documents from the offender:*

14 (A) *Current federal income tax return.*

15 (B) *Three months of monthly income statements.*

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

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

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

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

26 ~~SEC. 21:~~

27 *SEC. 24.* Section 23575.5 is added to the Vehicle Code, to  
28 read:

29 23575.5. (a) On or before June 1, 2021, the Department of  
30 Motor Vehicles shall report to the Legislature regarding the  
31 implementation and efficacy of the program enacted by the act  
32 that added this section.

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

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

39 (2) Whether anyone who was required to have an ignition  
40 interlock device installed as a result of the program was convicted

1 of an alcohol-related violation of Section 23103, as specified in  
2 Section 23103.5, or Section 23140, 23152, or 23153, or Section  
3 191.5 or subdivision (a) of Section 192.5 of the Penal Code during  
4 the term in which the person was required to have the ignition  
5 interlock device installed.

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

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

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

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

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

23 ~~SEC. 22.~~

24 SEC. 25. Section 23576 of the Vehicle Code is amended to  
25 read:

26 23576. (a) Notwithstanding Sections 23575 and 23700, if a  
27 person is required to operate a motor vehicle in the course and  
28 scope of his or her employment and if the vehicle is owned by the  
29 employer, the person may operate that vehicle without installation  
30 of an approved ignition interlock device if the employer has been  
31 notified by the person that the person's driving privilege has been  
32 restricted pursuant to Section 23575 or 23700 and if the person  
33 has proof of that notification in his or her possession, or if the  
34 notice, or a facsimile copy thereof, is with the vehicle.

35 (b) A motor vehicle owned by a business entity that is all or  
36 partly owned or controlled by a person otherwise subject to Section  
37 23575 or 23700, is not a motor vehicle owned by the employer  
38 subject to the exemption in subdivision (a).

39 (c) This section shall become inoperative on July 1, 2017, and,  
40 as of January 1, 2018, is repealed, unless a later enacted statute,

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

3 ~~SEC. 23.~~

4 *SEC. 26.* Section 23576 is added to the Vehicle Code, to read:

5 23576. (a) Notwithstanding Sections 23575, 23575.3, and  
6 23700, if a person is required to operate a motor vehicle in the  
7 course and scope of his or her employment and if the vehicle is  
8 owned by the employer, the person may operate that vehicle  
9 without installation of an approved ignition interlock device if the  
10 employer has been notified by the person that the person's driving  
11 privilege has been restricted pursuant to Section 23575, 23575.3,  
12 or 23700 and if the person has proof of that notification in his or  
13 her possession, or if the notice, or a facsimile copy thereof, is with  
14 the vehicle.

15 (b) A motor vehicle owned by a business entity that is all or  
16 partly owned or controlled by a person otherwise subject to Section  
17 23575, 23575.3, or 23700, is not a motor vehicle owned by the  
18 employer subject to the exemption in subdivision (a).

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

20 ~~SEC. 24.~~

21 *SEC. 27.* Section 23597 of the Vehicle Code is amended to  
22 read:

23 23597. (a) Notwithstanding Sections 13202.5, 13203, and  
24 13352, a court may order a 10-year revocation of the driver's  
25 license of a person who has been convicted of three or more  
26 separate violations of Section 23152 or 23153, the last of which  
27 is punishable under Section 23546, 23550, 23550.5, or 23566.  
28 When making this order, the court shall consider all of the  
29 following:

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

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

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

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

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

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

38 (b) Upon receipt of a duly certified abstract of the record of the  
39 court showing the court has ordered a 10-year revocation of a  
40 driver's license pursuant to this section, the department shall revoke

1 the person’s driver’s license for 10 years, except as provided in  
2 subdivision (c).

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

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

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

22 (B) The person successfully completed a  
23 driving-under-the-influence program, licensed pursuant to Section  
24 11836 of the Health and Safety Code, following the date of the  
25 last conviction of a violation of Section 23152 or 23153.

26 (C) The person was not convicted of violating Section 14601,  
27 14601.1, 14601.2, 14601.4, or 14601.5 during the driver’s license  
28 revocation period.

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

39 (d) This section shall become inoperative on July 1, 2017, and,  
40 as of January 1, 2018, is repealed, unless a later enacted statute,

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

3 ~~SEC. 25.~~

4 *SEC. 28.* Section 23597 is added to the Vehicle Code, to read:

5 23597. (a) Notwithstanding Sections 13202.5, 13203, and  
6 13352, a court may order a 10-year revocation of the driver's  
7 license of a person who has been convicted of three or more  
8 separate violations of Section 23152 or 23153, the last of which  
9 is punishable under Section 23546, 23550, 23550.5, or 23566.  
10 When making this order, the court shall consider all of the  
11 following:

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

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

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

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

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

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

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

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

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

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

4 (B) The person successfully completed a  
5 driving-under-the-influence program, licensed pursuant to Section  
6 11836 of the Health and Safety Code, following the date of the  
7 last conviction of a violation of Section 23152 or 23153 of this  
8 code.

9 (C) The person was not convicted of violating Section 14601,  
10 14601.1, 14601.2, 14601.4, or 14601.5 during the driver’s license  
11 revocation period.

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

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

23 ~~SEC. 26.~~

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

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