

AMENDED IN ASSEMBLY JUNE 8, 2016

AMENDED IN SENATE APRIL 13, 2016

AMENDED IN SENATE MARCH 17, 2016

SENATE BILL

No. 1046

Introduced by Senator Hill

**(Coauthors: Senators Anderson, Bates, Block, Cannella, Roth, and
Vidak)**

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

February 12, 2016

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 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, services,

1 maintains, or monitors ignition interlock devices if the service
2 dealer is not in compliance with subdivision (k) of Section 23575.3
3 of the Vehicle Code.

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

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~~ *telephone* number of the bureau.

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

33 13352. (a) The department shall immediately suspend or
34 revoke the privilege of a person to operate a motor vehicle upon
35 the receipt of an abstract of the record of a court showing that the
36 person has been convicted of a violation of Section 23152 or 23153,
37 subdivision (a) of Section 23109, or Section 23109.1, or upon the
38 receipt of a report of a judge of the juvenile court, a juvenile traffic
39 hearing officer, or a referee of a juvenile court showing that the
40 person has been found to have committed a violation of Section

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (C) The person complies with subdivision (d) of Section
2 23575.3, if applicable.

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

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

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

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

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

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

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

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

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

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

4 (C) The person complies with subdivision (d) of Section
5 23575.3, if applicable.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (i) Proof of enrollment in a 30-month
22 driving-under-the-influence program licensed pursuant to Section
23 11836 of the Health and Safety Code, if available in the county of
24 the person's residence or employment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (e) (1) Except as specified in paragraph (2) or (3), the restriction
24 conditions specified in paragraphs (2) to (7), inclusive, of
25 subdivision (a) shall remain in effect until all reinstatement
26 requirements are satisfied.

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

37 (3) The department shall immediately terminate the restriction
38 issued pursuant to this section and shall immediately suspend or
39 revoke the privilege to operate a motor vehicle of a person who,
40 with respect to an ignition interlock device installed pursuant to

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

8 (f) Notwithstanding the suspension periods specified in
9 paragraphs (1) to (7), inclusive, of subdivision (a) or Section
10 13352.1, if the person maintains an ignition interlock device for
11 the mandatory term required under Section 23575.3, inclusive of
12 any term credit earned under Section 13353.6, the department shall
13 reinstate his or her privilege to operate a motor vehicle at the time
14 the other reinstatement requirements are satisfied.

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

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

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

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

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

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

35 SEC. 5. Section 13352.4 of the Vehicle Code is amended to
36 read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 13352.4. (a) Except as provided in subdivision (h), the
30 department shall issue a restricted driver's license to a person
31 whose driver's license was suspended under paragraph (1) of
32 subdivision (a) of Section 13352 or Section 13352.1, if the person
33 meets all of the following requirements:

34 (1) Submits proof satisfactory to the department of either of the
35 following:

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

39 (B) Enrollment in a program described in subdivision (b) of
40 Section 23542, if the court has ordered the person to enroll in,

1 participate in, and complete either program described in that
2 section, in which case the person shall not be required to provide
3 proof of the enrollment described in subparagraph (A).

4 (2) Complies with subdivision (d) of Section 23575.3, if
5 applicable.

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

8 (4) Submits proof of financial responsibility, as defined in
9 Section 16430.

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

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

15 (b) The restriction of the driving privilege shall become effective
16 when the department receives all of the documents and fees
17 required under subdivision (a) and shall remain in effect until the
18 date all reinstatement requirements described in Section 13352 or
19 13352.1 have been met.

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

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

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

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

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

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

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

25 SEC. 7. Section 13353.3 of the Vehicle Code is amended to
26 read:

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

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

33 (1) If the person has not been convicted of a separate violation
34 of Section 23103, as specified in Section 23103.5, or Section
35 23140, 23152, or 23153, or Section 191.5 or subdivision (a) of
36 Section 192.5 of the Penal Code, the person has not been
37 administratively determined to have refused chemical testing
38 pursuant to Section 13353 or 13353.1 of this code, or the person
39 has not been administratively determined to have been driving
40 with an excessive concentration of alcohol pursuant to Section

1 13353.2 on a separate occasion, which offense or occurrence
2 occurred within 10 years of the occasion in question, the person's
3 privilege to operate a motor vehicle shall be suspended for four
4 months.

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

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

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

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

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

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

35 (i) The person satisfactorily provides, subsequent to the
36 underlying violation date, proof satisfactory to the department of
37 enrollment in a nine-month driving-under-the-influence program
38 licensed pursuant to Chapter 9 (commencing with Section 11836)
39 of Part 2 of Division 10.5 of the Health and Safety Code that

1 consists of at least 60 hours of program activities, including
2 education, group counseling, and individual interview sessions.

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

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

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

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

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

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

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

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

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

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

1 program activity completed prior to the date of the current
2 violation.

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

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

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

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

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

1 23152, or 23153, or Section 191.5 or subdivision (a) of Section
2 192.5 of the Penal Code, is a conviction of that particular section
3 of the Vehicle Code or Penal Code.

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

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

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

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

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

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

32 (2) (A) If the person has been convicted of one or more separate
33 violations of Section 23103, as specified in Section 23103.5, or
34 Section 23140, 23152, or 23153, or Section 191.5 or subdivision
35 (a) of Section 192.5 of the Penal Code, the person has been
36 administratively determined to have refused chemical testing
37 pursuant to Section 13353 or 13353.1 of this code, or the person
38 has been administratively determined to have been driving with
39 an excessive concentration of alcohol pursuant to Section 13353.2
40 on a separate occasion, which offense or occasion occurred within

1 10 years of the occasion in question, the person's privilege to
2 operate a motor vehicle shall be suspended for one year, except
3 as provided in subparagraphs (B) and (C).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 SEC. 9. Section 13353.4 of the Vehicle Code is amended to
 37 read:

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

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

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

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

13 SEC. 10. Section 13353.4 is added to the Vehicle Code, to
14 read:

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

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

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

27 SEC. 11. Section 13353.5 of the Vehicle Code is amended to
28 read:

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

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

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

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

22 SEC. 12. Section 13353.5 is added to the Vehicle Code, to
23 read:

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

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

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

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

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

13 SEC. 13. Section 13353.6 is added to the Vehicle Code, to
14 read:

15 13353.6. (a) Notwithstanding any other law, a person whose
16 driving privilege has been suspended under Section 13353.2 and
17 who is eligible for a restricted driver’s license as provided for in
18 Section 13353.7 or 13353.75 may be eligible for a restricted
19 driver’s license without serving any period of the suspension if
20 the person meets all of the eligibility requirements specified in
21 those sections and the person does both of the following:

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

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

28 (b) A person whose driving privilege has been suspended under
29 Section 13353.2 may install an ignition interlock device prior to
30 the effective date specified in Section 13353.3. A person who
31 installs an ignition interlock device pursuant to this subdivision,
32 meets all of the eligibility requirements specified in Section
33 13353.7 or 13353.75 and complies with paragraphs (1) and (2) of
34 subdivision (a) is eligible for a restricted driver’s license on the
35 effective date specified in Section 13353.3.

36 (c) The department shall terminate the restriction issued pursuant
37 to Section 13353.7 or 13353.75 and shall immediately reinstate
38 the suspension of the privilege to operate a motor vehicle upon
39 receipt of notification from the ignition interlock device installer
40 that a person has attempted to remove, bypass, or tamper with the

1 ignition interlock device, has removed the device prior to the
2 termination date of the restriction, or fails three or more times to
3 comply with any requirement for the maintenance or calibration
4 of the ignition interlock device. The privilege shall remain
5 suspended for the remaining mandatory suspension period imposed
6 pursuant to Section 13353.3.

7 (d) Notwithstanding any other law, for a person whose driving
8 privilege has been suspended under Section 13353.2, who is
9 eligible for a restricted driver's license as provided for in Section
10 13353.7 or 13353.75, and who installs an ignition interlock device
11 pursuant to this section or Section 13353.75, both of the following
12 shall apply:

13 (1) The person shall receive credit towards the mandatory term
14 the person is required to install an ignition interlock device pursuant
15 to Section 23575.3 for a conviction of a violation arising out of
16 the same occurrence that led to the person's driving privilege being
17 suspended pursuant to Section 13352.2 equal to the period of time
18 the person installs an ignition interlock device pursuant to this
19 section or Section 13353.75.

20 (2) A court shall reduce the total amount of the fine, fees, and
21 penalties by up to five hundred dollars (\$500) for a conviction of
22 a violation arising out of the same occurrence that led to the
23 person's driving privilege being suspended pursuant to Section
24 13353.2.

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

26 SEC. 14. Section 13353.75 is added to the Vehicle Code, to
27 read:

28 13353.75. (a) Subject to subdivision (d), a person who has
29 been previously convicted of, or found to have committed, a
30 separate violation of Section 23103, as specified in Section
31 23103.5, or Section 23140, 23152, or 23153, or Section 191.5 or
32 subdivision (a) of Section 192.5 of the Penal Code, or whose
33 privilege to operate a motor vehicle has been suspended or revoked
34 pursuant to Section 13353 or 13353.2 for an offense that occurred
35 on a separate occasion within 10 years of the occasion in question
36 may apply to the department for a restricted driver's license if the
37 person meets all of the following requirements:

38 (1) (A) The person satisfactorily provides proof of enrollment
39 in a driving-under-the-influence program licensed under Section

1 11836 of the Health and Safety Code, as described in subdivision
2 (b) of Section 23538.

3 (B) The program shall report any failure to participate in the
4 program to the department and shall certify successful completion
5 of the program to the department.

6 (C) If a person who has been issued a restricted license under
7 this section fails at any time to participate in the program, the
8 department shall suspend the restricted license immediately. The
9 department shall give notice of the suspension under this paragraph
10 in the same manner as prescribed in subdivision (b) of Section
11 13353.2 for the period specified in Section 13353.3, that is effective
12 upon receipt by the person.

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

16 (3) The person has not been arrested subsequent to the offense
17 for which the person's driving privilege has been suspended under
18 Section 13353.2 for a violation of Section 23103, as specified in
19 Section 23103.5, or Section 23140, 23152, or 23153, or Section
20 191.5 or subdivision (a) of Section 192.5 of the Penal Code, and
21 the person's privilege to operate a motor vehicle has not been
22 suspended or revoked pursuant to Section 13353 or 13353.2 for
23 an offense that occurred on a separate occasion, notwithstanding
24 Section 13551.

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

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

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

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

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

1 is otherwise eligible, issue the person a class C or class M driver's
2 license restricted in the same manner and subject to the same
3 conditions as specified in subdivision (a), except that the license
4 may not allow travel to and from or in the course of the person's
5 employment.

6 (e) If the holder of a commercial driver's license was operating
7 a motor vehicle, other than a commercial vehicle as defined in
8 Section 15210, at the time of the violation that resulted in the
9 suspension of that person's driving privilege pursuant to Section
10 13353.2, the department shall, pursuant to this section, if the person
11 is otherwise eligible, issue the person a class C or class M driver's
12 license restricted in the same manner and subject to the same
13 conditions as specified in subdivision (a).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (g) The department shall ensure that standard forms and
37 procedures are developed for documenting decisions and
38 compliance and communicating results to relevant agencies. These
39 forms shall include all of the following:

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

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

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

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

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

32 SEC. 16. Section 23103.5 of the Vehicle Code is amended to
33 read:

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

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

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

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

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

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

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

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

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

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

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

38 SEC. 17. Section 23247 of the Vehicle Code is amended to
39 read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 SEC. 19. Section 23573 of the Vehicle Code is amended to
35 read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 SEC. 23. Section 23575.3 is added to the Vehicle Code, to
11 read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (3) For the purposes of paragraphs (1) and (2), “prior” means
34 a conviction for a violation of Section 23103, as specified in
35 Section 23103.5, or Section 23140, 23152, or 23153, or Section
36 191.5 or subdivision (a) of Section 192.5 of the Penal Code.

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

1 driver's license pursuant to Section 13352 or 13352.4. A person
2 shall receive credit for any period in which he or she had a
3 restricted driver's license issued pursuant to Section 13353.3 or
4 13353.7 and he or she was in compliance with Section 13353.6.

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

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

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

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

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

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

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

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

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

3 (3) The ignition interlock device provider shall verify the
4 offender's income to determine the cost of the ignition interlock
5 device pursuant to this subdivision by verifying either of the
6 following documents from the offender:

7 (A) Current federal income tax return.

8 (B) Three months of monthly income statements.

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

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

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

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

19 SEC. 24. Section 23575.5 is added to the Vehicle Code, to
20 read:

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

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

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

31 (2) Whether anyone who was required to have an ignition
32 interlock device installed as a result of the program was convicted
33 of an alcohol-related violation of Section 23103, as specified in
34 Section 23103.5, or Section 23140, 23152, or 23153, or Section
35 191.5 or subdivision (a) of Section 192.5 of the Penal Code during
36 the term in which the person was required to have the ignition
37 interlock device installed.

38 (3) A comparison of the number of injuries and deaths resulting
39 from alcohol-related motor vehicle accidents between July 1, 2017,

1 and January 1, 2021, inclusive, and during periods of similar
2 duration prior to the implementation of the program.

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

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

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

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

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

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

27 (b) A motor vehicle owned by a business entity that is all or
28 partly owned or controlled by a person otherwise subject to Section
29 23575 or 23700, is not a motor vehicle owned by the employer
30 subject to the exemption in subdivision (a).

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

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

36 23576. (a) Notwithstanding Sections 23575, 23575.3, and
37 23700, if a person is required to operate a motor vehicle in the
38 course and scope of his or her employment and if the vehicle is
39 owned by the employer, the person may operate that vehicle
40 without installation of an approved ignition interlock device if the

1 employer has been notified by the person that the person’s driving
2 privilege has been restricted pursuant to Section 23575, 23575.3,
3 or 23700 and if the person has proof of that notification in his or
4 her possession, or if the notice, or a facsimile copy thereof, is with
5 the vehicle.

6 (b) A motor vehicle owned by a business entity that is all or
7 partly owned or controlled by a person otherwise subject to Section
8 23575, 23575.3, or 23700, is not a motor vehicle owned by the
9 employer subject to the exemption in subdivision (a).

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

11 SEC. 27. Section 23597 of the Vehicle Code is amended to
12 read:

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

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

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

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

1 Notwithstanding Chapter 5 (commencing with Section 23700) or
2 subdivision (f) of Section 23575, the ignition interlock device shall
3 remain on the person's motor vehicle for two years following the
4 reinstatement of the person's driving privilege pursuant to this
5 section.

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

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

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

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

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

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

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

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

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

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

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

12 SEC. 29. No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution because
14 the only costs that may be incurred by a local agency or school
15 district will be incurred because this act creates a new crime or
16 infraction, eliminates a crime or infraction, or changes the penalty
17 for a crime or infraction, within the meaning of Section 17556 of
18 the Government Code, or changes the definition of a crime within
19 the meaning of Section 6 of Article XIII B of the California
20 Constitution.