

AMENDED IN ASSEMBLY AUGUST 1, 2016

AMENDED IN ASSEMBLY JUNE 8, 2016

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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~~ 9807, 9841, 9848, and 9882.14 of the Business and Professions Code, and to ~~amend Sections 13386 and 23103.5 of,~~ to amend Section 23702 of, to amend, repeal, and add Sections 13352, 13352.4, 13353.3, 13353.4, 13353.5, 13386, 23103.5, 23247, 23573, 23575, 23576, and 23597 of, and to add and repeal Sections 13353.6, 13353.75, 13390, 23575.3, and 23575.5 ~~to,~~ of, 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~~ been convicted of driving 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~~ *elapse* 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~~ *elapse* 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~~ *Under existing law, the* amount of time the ignition interlock device is required to be installed is based upon the number of ~~convictions~~; *prior convictions suffered by the individual*, as prescribed.

~~Effective July 1, 2017,~~

This bill would extend the pilot program in those counties until July 1, 2018. Effective July 1, 2018, and until January 1, 2025, 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~~ *require, commencing July 1, 2018, and until January 1, 2025*, a person who has been convicted of driving a motor vehicle under the influence of an alcoholic beverage, as specified, to install *for a specified period of time* an ignition interlock device on all vehicles that he or she owns or ~~operates for a specified period of time~~ *operates*. The bill ~~would~~ *would, commencing July 1, 2018, and until January 1, 2025*, 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~~ *would, commencing July 1, 2018, and until January 1, 2025*, 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~~ *Legislative Analyst's Office* to issue a report to the Legislature by June 1, ~~2021~~, *2024*, 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 *issue a citation to, or* 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 bill would require, commencing July 1, 2018, until January 1, 2025, an ignition interlock device manufacturer to be in compliance with specified provisions relating to payment for the costs of an ignition interlock device and would require those manufacturers to provide information to an individual who is required to install an ignition interlock device pursuant to a restricted driver's license. The bill would make a violation of those requirements subject to a civil assessment not exceeding \$1,000, as specified.

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 *certified*
7 ignition interlock devices.

8 (b) (1) The director may *issue a citation to, or suspend, revoke,*
9 *or place on probation the registration-~~of~~ of,* a service dealer who
10 installs, calibrates, services, maintains, or monitors ignition
11 interlock devices if the service dealer is not in compliance with
12 subdivision (k) of Section 23575.3 of the Vehicle Code.

13 (2) A service dealer shall provide to an individual receiving
14 ignition interlock device services the information provided in
15 subdivision (k) of Section 23575.3 of the Vehicle Code along with
16 the contact telephone number of the bureau.

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

20 *SEC. 2. Section 9841 of the Business and Professions Code is*
21 *amended to read:*

22 9841. (a) The director may *issue a citation, or deny, suspend,*
23 *revoke, or place on probation the registration of a service dealer*
24 *for any of the following acts or omissions done by himself or*
25 *herself or any employee, partner, officer, or member of the service*
26 *dealer and related to the conduct of his or her business:*

27 (1) Making or authorizing any statement or advertisement that
28 is untrue or misleading, and that is known, or which by the exercise
29 of reasonable care should be known, to be untrue or misleading.

30 (2) Making any false promises of a character likely to influence,
31 persuade, or induce a customer to authorize the repair, installation,
32 service, or maintenance of the equipment as specified by this
33 chapter.

1 (3) Any other conduct that constitutes fraud or dishonest dealing.

2 (4) Conduct constituting incompetence or negligence.

3 (5) Failure to comply with the provisions of this chapter or any
4 regulation, rule, or standard established pursuant to this chapter.

5 (6) Any willful departure from or disregard of accepted trade
6 standards for good and workmanlike installation or repair.

7 (7) Conviction of a crime that has a substantial relationship to
8 the qualifications, functions and duties of a registrant under this
9 chapter, in which event the record of the conviction shall be
10 conclusive evidence thereof.

11 (8) A violation of any order of the bureau made pursuant to this
12 chapter.

13 (b) The director may also deny, or may suspend, revoke, or
14 place on probation, the registration of a service dealer if the
15 applicant or registrant, as the case may be, has committed acts or
16 crimes constituting grounds for denial of licensure under Section
17 480.

18 (c) The director may also deny, or may suspend, revoke, or
19 place on probation, the registration of a service dealer if the
20 applicant or registrant, as the case may be, will be or is holding
21 the registration for the benefit of a former registrant whose
22 registration has been suspended or revoked and who will continue
23 to have some involvement in the applicant’s or new registrant’s
24 business.

25 *SEC. 3. Section 9848 of the Business and Professions Code is*
26 *amended to read:*

27 9848. All proceedings to *contest a citation or to deny*
28 *registration or suspend, revoke, or place on probation a registration*
29 *shall be conducted pursuant to Chapter 5 (commencing with*
30 *Section 11500) of Part 1 of Division 3 of Title 2 of the Government*
31 *Code.*

32 ~~SEC. 2:~~

33 *SEC. 4. Section 9882.14 of the Business and Professions Code*
34 *is amended to read:*

35 9882.14. (a) The bureau shall cooperate with the Office of
36 Traffic Safety and adopt standards for the installation, maintenance,
37 and servicing of *certified* ignition interlock devices by automotive
38 repair dealers.

1 (b) The manufacturers of *certified* ignition interlock devices
2 shall comply with standards established by the bureau for the
3 installation of those ignition interlock devices.

4 (c) The bureau may charge manufacturers of certified interlock
5 ignition devices a fee to recover the cost of monitoring installation
6 standards.

7 (d) (1) The director may *issue a citation to, or* suspend or
8 revoke the registration ~~of~~ of, an automotive repair dealer who
9 installs, maintains, and services ignition interlock devices if the
10 automotive repair dealer is not in compliance with subdivision (k)
11 of Section 23575.3 of the Vehicle Code.

12 (2) An automotive repair dealer shall provide to an individual
13 receiving ignition interlock device services the information
14 provided in subdivision (k) of Section 23575.3 of the Vehicle Code
15 along with the contact telephone number of the bureau.

16 ~~SEC. 3.~~

17 *SEC. 5.* Section 13352 of the Vehicle Code is amended to read:

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

33 (1) Except as required under Section 13352.1 or 13352.4, upon
34 a conviction or finding of a violation of Section 23152 punishable
35 under Section 23536, the privilege shall be suspended for a period
36 of six months. The privilege shall not be reinstated until the person
37 gives proof of financial responsibility and gives proof satisfactory
38 to the department of successful completion of a
39 driving-under-the-influence program licensed pursuant to Section
40 11836 of the Health and Safety Code described in subdivision (b)

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

11 (2) Upon a conviction or finding of a violation of Section 23153
12 punishable under Section 23554, the privilege shall be suspended
13 for a period of one year. The privilege shall not be reinstated until
14 the person gives proof of financial responsibility and gives proof
15 satisfactory 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 subdivision
18 (b) of Section 23556 of this code. If the court, as authorized under
19 paragraph (3) of subdivision (b) of Section 23646, elects to order
20 a person to enroll in, participate in, and complete either program
21 described in subdivision (b) of Section 23542, the department shall
22 require that program in lieu of the program described in Section
23 23556. For the purposes of this paragraph, enrollment,
24 participation, and completion of an approved program shall occur
25 subsequent to the date of the current violation. Credit shall not be
26 given to any program activities completed prior to the date of the
27 current violation.

28 (3) Except as provided in Section 13352.5, upon a conviction
29 or finding of a violation of Section 23152 punishable under Section
30 23540, the privilege shall be suspended for two years. The privilege
31 shall not be reinstated until the person gives proof of financial
32 responsibility and gives proof satisfactory to the department of
33 successful completion of a driving-under-the-influence program
34 licensed pursuant to Section 11836 of the Health and Safety Code
35 as described in subdivision (b) of Section 23542 of this code. For
36 the purposes of this paragraph, enrollment in, participation in, and
37 completion of an approved program shall be subsequent to the date
38 of the current violation. Credit shall not be given to any program
39 activities completed prior to the date of the current violation. The
40 department shall advise the person that he or she may apply to the

1 department for a restriction of the driving privilege if the person
2 meets all of the following requirements:

3 (A) Completion of 12 months of the suspension period, or
4 completion of 90 days of the suspension period if the underlying
5 conviction did not include the use of drugs as defined in Section
6 312 and the person was found to be only under the influence of an
7 alcoholic beverage at the time of the violation.

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

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

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

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

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

24 (E) The person agrees to maintain the *functioning, certified*
25 ignition interlock device as required under subdivision (g) of
26 Section 23575.

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

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

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

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

36 (4) Except as provided in this paragraph, upon a conviction or
37 finding of a violation of Section 23153 punishable under Section
38 23560, the privilege shall be revoked for a period of three years.
39 The privilege may not be reinstated until the person gives proof
40 of financial responsibility, and the person gives proof satisfactory

1 to the department of successful completion of a
2 driving-under-the-influence program licensed pursuant to Section
3 11836 of the Health and Safety Code, as described in paragraph
4 (4) of subdivision (b) of Section 23562 of this code. For the
5 purposes of this paragraph, enrollment in, participation in, and
6 completion of an approved program shall occur subsequent to the
7 date of the current violation. Credit shall not be given to any
8 program activities completed prior to the date of the current
9 violation. The department shall advise the person that after the
10 completion of 12 months of the revocation period, which may
11 include credit for a suspension period served under subdivision
12 (c) of Section 13353.3, he or she may apply to the department for
13 a restricted driver's license if the person meets all of the following
14 requirements:

15 (A) The person satisfactorily provides, subsequent to the
16 violation date of the current underlying conviction, either of the
17 following:

18 (i) The initial 12 months of an 18-month
19 driving-under-the-influence program licensed pursuant to Section
20 11836 of the Health and Safety Code if a 30-month program is
21 unavailable in the person's county of residence or employment.

22 (ii) The initial 12 months of a 30-month
23 driving-under-the-influence program licensed pursuant to Section
24 11836 of the Health and Safety Code, if available in the county of
25 the person's residence or employment.

26 (B) The person agrees, as a condition of the restriction, to
27 continue satisfactory participation in the program described in
28 subparagraph (A).

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

31 (D) The person agrees to maintain the *functioning, certified*
32 ignition interlock device as required under subdivision (g) of
33 Section 23575.

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

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

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

1 (5) Except as provided in this paragraph, upon a conviction or
2 finding of a violation of Section 23152 punishable under Section
3 23546, the privilege shall be revoked for a period of three years.
4 The privilege shall not be reinstated until the person files proof of
5 financial responsibility and gives proof satisfactory to the
6 department of successful completion of an 18-month
7 driving-under-the-influence program licensed pursuant to Section
8 11836 of the Health and Safety Code, as described in subdivision
9 (b) or (c) of Section 23548 of this code, if a 30-month program is
10 unavailable in the person's county of residence or employment,
11 or, if available in the county of the person's residence or
12 employment, a 30-month driving-under-the-influence program
13 licensed pursuant to Section 11836 of the Health and Safety Code,
14 or a program specified in Section 8001 of the Penal Code. For the
15 purposes of this paragraph, enrollment in, participation in, and
16 completion of an approved program shall occur subsequent to the
17 date of the current violation. Credit shall not be given to any
18 program activities completed prior to the date of the current
19 violation. The department shall advise the person that he or she
20 may apply to the department for a restricted driver's license, which
21 may include credit for a suspension period served under subdivision
22 (c) of Section 13353.3, if the person meets all of the following
23 requirements:

24 (A) Completion of 12 months of the suspension period, or
25 completion of six months of the suspension period if the underlying
26 conviction did not include the use of drugs as defined in Section
27 312 and the person was found to be only under the influence of an
28 alcoholic beverage at the time of the violation.

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

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

6 (E) The person agrees to maintain the *functioning, certified*
7 ignition interlock device as required under subdivision (g) of
8 Section 23575.

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

11 (G) An individual convicted of a violation of Section 23152
12 punishable under Section 23546 may also, at any time after
13 sentencing, petition the court for referral to an 18-month
14 driving-under-the-influence program licensed pursuant to Section
15 11836 of the Health and Safety Code, or, if available in the county
16 of the person’s residence or employment, a 30-month
17 driving-under-the-influence program licensed pursuant to Section
18 11836 of the Health and Safety Code. Unless good cause is shown,
19 the court shall order the referral.

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

22 (I) The person pays to the department a fee sufficient to cover
23 the costs of administration of this paragraph, as determined by the
24 department.

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

27 (6) Except as provided in this paragraph, upon a conviction or
28 finding of a violation of Section 23153 punishable under Section
29 23550.5 or 23566, the privilege shall be revoked for a period of
30 five years. The privilege may not be reinstated until the person
31 gives proof of financial responsibility and gives proof satisfactory
32 to the department of successful completion of a
33 driving-under-the-influence program licensed pursuant to Section
34 11836 of the Health and Safety Code as described in subdivision
35 (b) of Section 23568 of this code, or if available in the county of
36 the person’s residence or employment, a 30-month
37 driving-under-the-influence program licensed pursuant to Section
38 11836 of the Health and Safety Code, or a program specified in
39 Section 8001 of the Penal Code. For the purposes of this paragraph,
40 enrollment in, participation in, and completion of an approved

1 program shall be subsequent to the date of the current violation.
2 Credit shall not be given to any program activities completed prior
3 to the date of the current violation. The department shall advise
4 the person that after completion of 12 months of the revocation
5 period, which may include credit for a suspension period served
6 under subdivision (c) of Section 13353.3, he or she may apply to
7 the department for a restricted driver's license if the person meets
8 all of the following requirements:

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

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

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

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

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

25 (D) The person agrees to maintain the *functioning, certified*
26 ignition interlock device as required under subdivision (g) of
27 Section 23575.

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

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

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

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

3 (7) Except as provided in this paragraph, upon a conviction or
4 finding of a violation of Section 23152 punishable under Section
5 23550 or 23550.5, or of a violation of Section 23153 punishable
6 under Section 23550.5, the privilege shall be revoked for a period
7 of four years. The privilege shall not be reinstated until the person
8 files proof of financial responsibility and gives proof satisfactory
9 to the department of successful completion of an 18-month
10 driving-under-the-influence program licensed pursuant to Section
11 11836 of the Health and Safety Code, if a 30-month program is
12 unavailable in the person's county of residence or employment,
13 or, if available in the county of the person's residence or
14 employment, a 30-month driving-under-the-influence program
15 licensed pursuant to Section 11836 of the Health and Safety Code,
16 or a program specified in Section 8001 of the Penal Code. For the
17 purposes of this paragraph, enrollment in, participation in, and
18 completion of an approved program shall occur subsequent to the
19 date of the current violation. Credit shall not be given to any
20 program activities completed prior to the date of the current
21 violation. The department shall advise the person that after
22 completion of 12 months of the revocation period, which may
23 include credit for a suspension period served under subdivision
24 (c) of Section 13353.3, he or she may apply to the department for
25 a restricted driver's license if the person meets all of the following
26 requirements:

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

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

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

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

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

3 (D) The person agrees to maintain the *functioning, certified*
4 ignition interlock device as required under subdivision (g) of
5 Section 23575.

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

8 (F) An individual convicted of a violation of Section 23152
9 punishable under Section 23550 may also, at any time after
10 sentencing, petition the court for referral to an 18-month
11 driving-under-the-influence program licensed pursuant to Section
12 11836 of the Health and Safety Code, or, if available in the county
13 of the person’s residence or employment, a 30-month
14 driving-under-the-influence program licensed pursuant to Section
15 11836 of the Health and Safety Code. Unless good cause is shown,
16 the court shall order the referral.

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

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

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

27 (9) Upon a conviction or finding of a violation of subdivision
28 (a) of Section 23109 that is punishable under subdivision (f) of
29 that section, the privilege shall be suspended for a period of six
30 months, if ordered by the court. The privilege shall not be reinstated
31 until the person gives proof of financial responsibility, as defined
32 in Section 16430.

33 (b) For the purpose of paragraphs (2) to (9), inclusive, of
34 subdivision (a), the finding of the juvenile court judge, the juvenile
35 hearing officer, or the referee of a juvenile court of a commission
36 of a violation of Section 23152 or 23153, subdivision (a) of Section
37 23109, or Section 23109.1, as specified in subdivision (a) of this
38 section, is a conviction.

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

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

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

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

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

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

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

1 (h) This section shall become inoperative on July 1, ~~2017~~, *2018*,
2 and, as of January 1, ~~2018~~, *2019*, is repealed, unless a later enacted
3 statute, that becomes operative on or before January 1, ~~2018~~, *2019*,
4 deletes or extends the dates on which it becomes inoperative and
5 is repealed.

6 ~~SEC. 4.~~

7 *SEC. 6.* Section 13352 is added to the Vehicle Code, to read:

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

23 (1) Except as required under Section 13352.1 or 13352.4, upon
24 a conviction or finding of a violation of Section 23152 punishable
25 under Section 23536, the privilege shall be suspended for a period
26 of six months. The privilege shall not be reinstated until the person
27 gives proof of financial responsibility and gives proof satisfactory
28 to the department of successful completion of a
29 driving-under-the-influence program licensed pursuant to Section
30 11836 of the Health and Safety Code described in subdivision (b)
31 of Section 23538 of this code. If the court, as authorized under
32 paragraph (3) of subdivision (b) of Section 23646, elects to order
33 a person to enroll in, participate in, and complete either program
34 described in subdivision (b) of Section 23542, the department shall
35 require that program in lieu of the program described in subdivision
36 (b) of Section 23538. For the purposes of this paragraph, enrollment
37 in, participation in, and completion of an approved program shall
38 occur subsequent to the date of the current violation. Credit shall
39 not be given to any program activities completed prior to the date
40 of the current violation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (4) Except as provided in this paragraph, upon a conviction or
14 finding of a violation of Section 23153 punishable under Section
15 23560, the privilege shall be revoked for a period of three years.
16 The privilege may not be reinstated until the person gives proof
17 of financial responsibility, and the person gives proof satisfactory
18 to the department of successful completion of a
19 driving-under-the-influence program licensed pursuant to Section
20 11836 of the Health and Safety Code, as described in paragraph
21 (4) of subdivision (b) of Section 23562 of this code. For the
22 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 *functioning, certified*
7 ignition interlock device as required under Section 23575.3, if
8 applicable.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (6) Except as provided in this paragraph, upon a conviction or
39 finding of a violation of Section 23153 punishable under Section
40 23550.5 or 23566, the privilege shall be revoked for a period of

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

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

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

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

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

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

33 (D) The person agrees to maintain the *functioning, certified*
34 ignition interlock device as required under Section 23575.3, if
35 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 *functioning, certified*
13 ignition interlock device as required under Section 23575.3, if
14 applicable.

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

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

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

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

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

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

39 (9) Upon a conviction or finding of a violation of subdivision
40 (a) of Section 23109 that is punishable under subdivision (f) of

1 that section, the privilege shall be suspended for a period of six
2 months, if ordered by the court. The privilege shall not be reinstated
3 until the person gives proof of financial responsibility, as defined
4 in Section 16430.

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

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

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

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

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

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

1 with respect to an ignition interlock device installed pursuant to
2 Section 23575.3, attempts to remove, bypass, or tamper with the
3 device, has the device removed prior to the termination date of the
4 restriction, or fails ~~three or more times~~ to comply with any
5 requirement for the maintenance or calibration of the device. The
6 privilege shall remain suspended or revoked for the remaining
7 period of the originating suspension or revocation and until all
8 reinstatement requirements in this section are ~~satisfied~~. *satisfied,*
9 *provided, however, that if the person provides proof to the*
10 *satisfaction of the department that the person is in compliance*
11 *with the restriction issued pursuant to this section, the department*
12 *may, in its discretion, restore the privilege to operate a motor*
13 *vehicle and reimpose the remaining term of the restriction.*

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

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

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

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

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

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

1 (j) This section shall become operative on July 1, ~~2017~~. 2018.

2 (k) *This section shall remain in effect only until January 1, 2025,*
3 *and as of that date is repealed, unless a later enacted statute, that*
4 *is enacted before January 1, 2025, deletes or extends that date.*

5 SEC. 7. Section 13352 is added to the Vehicle Code, to read:

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

21 (1) *Except as required under Section 13352.1 or 13352.4, upon*
22 *a conviction or finding of a violation of Section 23152 punishable*
23 *under Section 23536, the privilege shall be suspended for a period*
24 *of six months. The privilege shall not be reinstated until the person*
25 *gives proof of financial responsibility and gives proof satisfactory*
26 *to the department of successful completion of a*
27 *driving-under-the-influence program licensed pursuant to Section*
28 *11836 of the Health and Safety Code described in subdivision (b)*
29 *of Section 23538 of this code. If the court, as authorized under*
30 *paragraph (3) of subdivision (b) of Section 23646, elects to order*
31 *a person to enroll in, participate in, and complete either program*
32 *described in subdivision (b) of Section 23542, the department shall*
33 *require that program in lieu of the program described in*
34 *subdivision (b) of Section 23538. For the purposes of this*
35 *paragraph, enrollment in, participation in, and completion of an*
36 *approved program shall occur subsequent to the date of the current*
37 *violation. Credit shall not be given to any program activities*
38 *completed prior to the date of the current violation.*

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

1 for a period of one year. The privilege shall not be reinstated until
2 the person gives proof of financial responsibility and gives proof
3 satisfactory to the department of successful completion of a
4 driving-under-the-influence program licensed pursuant to Section
5 11836 of the Health and Safety Code as described in subdivision
6 (b) of Section 23556 of this code. If the court, as authorized under
7 paragraph (3) of subdivision (b) of Section 23646, elects to order
8 a person to enroll in, participate in, and complete either program
9 described in subdivision (b) of Section 23542, the department shall
10 require that program in lieu of the program described in Section
11 23556. For the purposes of this paragraph, enrollment,
12 participation, and completion of an approved program shall occur
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.

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

31 (A) Completion of 12 months of the suspension period, or
32 completion of 90 days of the suspension period if the underlying
33 conviction did not include the use of drugs as defined in Section
34 312 and the person was found to be only under the influence of an
35 alcoholic beverage at the time of the violation.

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

39 (i) Proof of enrollment in an 18-month
40 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 (C) The person agrees, as a condition of the restriction, to
8 continue satisfactory participation in the program described in
9 subparagraph (B).

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

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

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

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

18 (H) The person pays to the department a fee sufficient to cover
19 the costs of administration of this paragraph, as determined by
20 the department.

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

23 (4) Except as provided in this paragraph, upon a conviction or
24 finding of a violation of Section 23153 punishable under Section
25 23560, the privilege shall be revoked for a period of three years.
26 The privilege may not be reinstated until the person gives proof
27 of financial responsibility, and the person gives proof satisfactory
28 to the department of successful completion of a
29 driving-under-the-influence program licensed pursuant to Section
30 11836 of the Health and Safety Code, as described in paragraph
31 (4) of subdivision (b) of Section 23562 of this code. For the
32 purposes of this paragraph, enrollment in, participation in, and
33 completion of an approved program shall occur subsequent to the
34 date of the current violation. Credit shall not be given to any
35 program activities completed prior to the date of the current
36 violation. The department shall advise the person that after the
37 completion of 12 months of the revocation period, which may
38 include credit for a suspension period served under subdivision
39 (c) of Section 13353.3, he or she may apply to the department for

1 *a restricted driver’s license if the person meets all of the following*
2 *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) The initial 12 months of 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) The initial 12 months of 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 submits the “Verification of Installation” form*
18 *described in paragraph (2) of subdivision (g) of Section 13386.*

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

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

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

25 *(G) The restriction shall remain in effect for the period required*
26 *in subdivision (f) of Section 23575.*

27 *(5) Except as provided in this paragraph, upon a conviction or*
28 *finding of a violation of Section 23152 punishable under Section*
29 *23546, the privilege shall be revoked for a period of three years.*
30 *The privilege shall not be reinstated until the person files proof of*
31 *financial responsibility and gives proof satisfactory to the*
32 *department of successful completion of an 18-month*
33 *driving-under-the-influence program licensed pursuant to Section*
34 *11836 of the Health and Safety Code, as described in subdivision*
35 *(b) or (c) of Section 23548 of this code, if a 30-month program is*
36 *unavailable in the person’s county of residence or employment,*
37 *or, if available in the county of the person’s residence or*
38 *employment, a 30-month driving-under-the-influence program*
39 *licensed pursuant to Section 11836 of the Health and Safety Code,*
40 *or a program specified in Section 8001 of the Penal Code. For the*

1 purposes of this paragraph, enrollment in, participation in, and
2 completion of an approved program shall occur subsequent to the
3 date of the current violation. Credit shall not be given to any
4 program activities completed prior to the date of the current
5 violation. The department shall advise the person that he or she
6 may apply to the department for a restricted driver's license, which
7 may include credit for a suspension period served under
8 subdivision (c) of Section 13353.3, if the person meets all of the
9 following requirements:

10 (A) Completion of 12 months of the suspension period, or
11 completion of six months of the suspension period if the underlying
12 conviction did not include the use of drugs as defined in Section
13 312 and the person was found to be only under the influence of an
14 alcoholic beverage at the time of the violation.

15 (B) The person satisfactorily provides, subsequent to the
16 violation date of the current underlying conviction, either of the
17 following:

18 (i) Proof of enrollment in an 18-month
19 driving-under-the-influence program licensed pursuant to Section
20 11836 of the Health and Safety Code if a 30-month program is
21 unavailable in the person's county of residence or employment.

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

26 (C) The person agrees, as a condition of the restriction, to
27 continue satisfactory participation in the program described in
28 subparagraph (B).

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

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

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

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

1 *driving-under-the-influence program licensed pursuant to Section*
2 *11836 of the Health and Safety Code. Unless good cause is shown,*
3 *the court shall order the referral.*

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

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

9 *(J) The restriction shall remain in effect for the period required*
10 *in subdivision (f) of Section 23575.*

11 *(6) Except as provided in this paragraph, upon a conviction or*
12 *finding of a violation of Section 23153 punishable under Section*
13 *23550.5 or 23566, the privilege shall be revoked for a period of*
14 *five years. The privilege may not be reinstated until the person*
15 *gives proof of financial responsibility and gives proof satisfactory*
16 *to the department of successful completion of a*
17 *driving-under-the-influence program licensed pursuant to Section*
18 *11836 of the Health and Safety Code as described in subdivision*
19 *(b) of Section 23568 of this code, or if available in the county of*
20 *the person's residence or employment, a 30-month*
21 *driving-under-the-influence program licensed pursuant to Section*
22 *11836 of the Health and Safety Code, or a program specified in*
23 *Section 8001 of the Penal Code. For the purposes of this*
24 *paragraph, enrollment in, participation in, and completion of an*
25 *approved program shall be subsequent to the date of the current*
26 *violation. Credit shall not be given to any program activities*
27 *completed prior to the date of the current violation. The department*
28 *shall advise the person that after completion of 12 months of the*
29 *revocation period, which may include credit for a suspension*
30 *period served under subdivision (c) of Section 13353.3, 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) Completion of 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 (ii) Completion of 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 (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 submits the "Verification of Installation" form
9 described in paragraph (2) of subdivision (g) of Section 13386.
10 (D) The person agrees to maintain the ignition interlock device
11 as required under subdivision (g) of Section 23575.
12 (E) The person provides proof of financial responsibility, as
13 defined in Section 16430.
14 (F) An individual convicted of a violation of Section 23153
15 punishable under Section 23566 may also, at any time after
16 sentencing, petition the court for referral to an 18-month
17 driving-under-the-influence program licensed pursuant to Section
18 11836 of the Health and Safety Code, or, if available in the county
19 of the person's residence or employment, a 30-month
20 driving-under-the-influence program licensed pursuant to Section
21 11836 of the Health and Safety Code. Unless good cause is shown,
22 the court shall order the referral.
23 (G) The person pays all applicable reinstatement or reissue fees
24 and any restriction fee required by the department.
25 (H) The restriction shall remain in effect for the period required
26 in subdivision (f) of Section 23575.
27 (7) Except as provided in this paragraph, upon a conviction or
28 finding of a violation of Section 23152 punishable under Section
29 23550 or 23550.5, or of a violation of Section 23153 punishable
30 under Section 23550.5, the privilege shall be revoked for a period
31 of four years. The privilege shall not be reinstated until the person
32 files proof of financial responsibility and gives proof satisfactory
33 to the department of successful completion of an 18-month
34 driving-under-the-influence program licensed pursuant to Section
35 11836 of the Health and Safety Code, if a 30-month program is
36 unavailable in the person's county of residence or employment,
37 or, if available in the county of the person's residence or
38 employment, a 30-month driving-under-the-influence program
39 licensed pursuant to Section 11836 of the Health and Safety Code,
40 or a program specified in Section 8001 of the Penal Code. For the

1 purposes of this paragraph, enrollment in, participation in, and
2 completion of an approved program shall occur subsequent to the
3 date of the current violation. Credit shall not be given to any
4 program activities completed prior to the date of the current
5 violation. The department shall advise the person that after
6 completion of 12 months of the revocation period, which may
7 include credit for a suspension period served under subdivision
8 (c) of Section 13353.3, he or she may apply to the department for
9 a restricted driver's license if the person meets all of the following
10 requirements:

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

14 (i) The initial 12 months of an 18-month
15 driving-under-the-influence program licensed pursuant to Section
16 11836 of the Health and Safety Code, if a 30-month program is
17 unavailable in the person's county of residence or employment.

18 (ii) The initial 12 months of a 30-month
19 driving-under-the-influence program licensed pursuant to Section
20 11836 of the Health and Safety Code, if available in the county of
21 the person's residence or employment.

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

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

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

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

31 (F) An individual convicted of a violation of Section 23152
32 punishable under Section 23550 may also, at any time after
33 sentencing, petition the court for referral to an 18-month
34 driving-under-the-influence program licensed pursuant to Section
35 11836 of the Health and Safety Code, or, if available in the county
36 of the person's residence or employment, a 30-month
37 driving-under-the-influence program licensed pursuant to Section
38 11836 of the Health and Safety Code. Unless good cause is shown,
39 the court shall order the referral.

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

3 (H) *The restriction shall remain in effect for the period required*
4 *in subdivision (f) of Section 23575.*

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

11 (9) *Upon a conviction or finding of a violation of subdivision*
12 *(a) of Section 23109 that is punishable under subdivision (f) of*
13 *that section, the privilege shall be suspended for a period of six*
14 *months, if ordered by the court. The privilege shall not be*
15 *reinstated until the person gives proof of financial responsibility,*
16 *as defined in Section 16430.*

17 (b) *For the purpose of paragraphs (2) to (9), inclusive, of*
18 *subdivision (a), the finding of the juvenile court judge, the juvenile*
19 *hearing officer, or the referee of a juvenile court of a commission*
20 *of a violation of Section 23152 or 23153, subdivision (a) of Section*
21 *23109, or Section 23109.1, as specified in subdivision (a) of this*
22 *section, is a conviction.*

23 (c) *A judge of a juvenile court, juvenile hearing officer, or*
24 *referee of a juvenile court shall immediately report the findings*
25 *specified in subdivision (a) to the department.*

26 (d) *A conviction of an offense in a state, territory, or possession*
27 *of the United States, the District of Columbia, the Commonwealth*
28 *of Puerto Rico, or Canada that, if committed in this state, would*
29 *be a violation of Section 23152, is a conviction of Section 23152*
30 *for the purposes of this section, and a conviction of an offense that,*
31 *if committed in this state, would be a violation of Section 23153,*
32 *is a conviction of Section 23153 for the purposes of this section.*
33 *The department shall suspend or revoke the privilege to operate*
34 *a motor vehicle pursuant to this section upon receiving notice of*
35 *that conviction.*

36 (e) *For the purposes of the restriction conditions specified in*
37 *paragraphs (3) to (7), inclusive, of subdivision (a), the department*
38 *shall terminate the restriction imposed pursuant to this section*
39 *and shall suspend or revoke the person's driving privilege upon*
40 *receipt of notification from the driving-under-the-influence*

1 *program that the person has failed to comply with the program*
2 *requirements. The person's driving privilege shall remain*
3 *suspended or revoked for the remaining period of the original*
4 *suspension or revocation imposed under this section and until all*
5 *reinstatement requirements described in this section are met.*

6 *(f) For the purposes of this section, completion of a program is*
7 *the following:*

8 *(1) Satisfactory completion of all program requirements*
9 *approved pursuant to program licensure, as evidenced by a*
10 *certificate of completion issued, under penalty of perjury, by the*
11 *licensed program.*

12 *(2) Certification, under penalty of perjury, by the director of a*
13 *program specified in Section 8001 of the Penal Code, that the*
14 *person has completed a program specified in Section 8001 of the*
15 *Penal Code.*

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

22 *(h) This section shall become operative January 1, 2025.*

23 ~~SEC. 5.~~

24 *SEC. 8.* Section 13352.4 of the Vehicle Code is amended to
25 read:

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (i) This section shall become inoperative on July 1, ~~2017~~, 2018,
14 and, as of January 1, ~~2018~~, 2019, is repealed, unless a later enacted
15 statute, that becomes operative on or before January 1, ~~2018~~, 2019,
16 deletes or extends the dates on which it becomes inoperative and
17 is repealed.

18 ~~SEC. 6.~~

19 *SEC. 9.* Section 13352.4 is added to the Vehicle Code, to read:

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

25 (1) Submits proof satisfactory to the department of either of the
26 following:

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

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

35 (2) Complies with ~~subdivision (d) of~~ Section 23575.3, if
36 applicable.

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

39 (4) Submits proof of financial responsibility, as defined in
40 Section 16430.

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

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

6 (b) The restriction of the driving privilege shall become effective
7 when the department receives all of the documents and fees
8 required under subdivision (a) and shall remain in effect until the
9 date all reinstatement requirements described in Section 13352 or
10 13352.1 have been met.

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

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

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

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

1 period of the originating suspension or revocation and until all
2 reinstatement requirements in this section are satisfied.

3 (f) 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 paragraph
7 (1) of subdivision (a) of Section 13352 or Section 13352.1 is not
8 eligible for the restricted driver’s license authorized under this
9 section.

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

15 (h) This section shall become operative on July 1, ~~2017~~. 2018.

16 (i) *This section shall remain in effect only until January 1, 2025,*
17 *and as of that date is repealed, unless a later enacted statute, that*
18 *is enacted before January 1, 2025, deletes or extends that date.*

19 *SEC. 10. Section 13352.4 is added to the Vehicle Code, to*
20 *read:*

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

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

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

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

36 *(2) Submits proof of financial responsibility, as defined in*
37 *Section 16430.*

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

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

10 (c) *The restriction of the driving privilege shall be limited to*
11 *the hours necessary for driving to and from the person's place of*
12 *employment, driving during the course of employment, and driving*
13 *to and from activities required in the driving-under-the-influence*
14 *program.*

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

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

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

37 (g) *The holder of a commercial driver's license who was*
38 *operating a commercial motor vehicle, as defined in Section 15210,*
39 *at the time of a violation that resulted in a suspension or revocation*
40 *of the person's noncommercial driving privilege under paragraph*

1 (1) of subdivision (a) of Section 13352 or Section 13352.1 is not
2 eligible for the restricted driver's license authorized under this
3 section.

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

9 (i) This section shall become operative January 1, 2025.

10 ~~SEC. 7.~~

11 *SEC. 11.* Section 13353.3 of the Vehicle Code is amended to
12 read:

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

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

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

31 (2) (A) If the person has been convicted of one or more separate
32 violations of Section 23103, as specified in Section 23103.5, or
33 Section 23140, 23152, or 23153, or Section 191.5 or subdivision
34 (a) of Section 192.5 of the Penal Code, the person has been
35 administratively determined to have refused chemical testing
36 pursuant to Section 13353 or 13353.1 of this code, or the person
37 has been administratively determined to have been driving with
38 an excessive concentration of alcohol pursuant to Section 13353.2
39 on a separate occasion, which offense or occasion occurred within
40 10 years of the occasion in question, the person's privilege to

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

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

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

9 (ii) The person installs ~~an~~ *a functioning, certified* ignition
10 interlock device as required in Section 13352 for that restricted
11 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~~ *a functioning, certified* ignition
33 interlock device and submits the "Verification of Installation" form
34 described in paragraph (2) of subdivision (g) of Section 13386.

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

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 inoperative on July 1, ~~2017~~, 2018,
36 and, as of January 1, ~~2018~~, 2019, is repealed, unless a later enacted
37 statute, that becomes operative on or before January 1, ~~2018~~, 2019,
38 deletes or extends the dates on which it becomes inoperative and
39 is repealed.

1 ~~SEC. 8.~~

2 *SEC. 12.* Section 13353.3 is added to the Vehicle Code, to
3 read:

4 13353.3. (a) An order of suspension of a person’s privilege to
5 operate a motor vehicle pursuant to Section 13353.2 shall become
6 effective 30 days after the person is served with the notice pursuant
7 to Section 13382 or 13388, or subdivision (b) of Section 13353.2.

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

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

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

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

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

1 (ii) The person installs ~~an~~ a *functioning, certified* ignition
2 interlock device as required in Section 13352 for that restricted
3 driver's license.

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

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

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

21 (ii) The person agrees, as a condition of the restriction, to
22 continue satisfactory participation in the program described in
23 clause (i).

24 (iii) The person installs ~~an~~ a *functioning, certified* ignition
25 interlock device and submits the "Verification of Installation" form
26 described in paragraph (2) of subdivision (g) of Section 13386.

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

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

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

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

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

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

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

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

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

29 (iv) The department shall ~~terminate the restriction issued~~
30 ~~pursuant to this section and shall~~ immediately suspend the privilege
31 to operate a motor vehicle pursuant to subparagraph (A)
32 immediately upon receipt of notification from the installer that a
33 person has attempted to remove, bypass, or tamper with the ignition
34 interlock device, has removed the device prior to the termination
35 date of the restriction, or ~~fails three or more times~~ *has failed* to
36 comply with any requirement for the maintenance or calibration
37 of the ignition interlock device ordered pursuant to this section.
38 The privilege shall remain suspended for the remaining period of
39 the original suspension imposed pursuant to subparagraph ~~(A)~~.
40 (A), *provided, however, that if the person provides proof to the*

1 *satisfaction of the department that the person is in compliance*
2 *with the restriction issued pursuant to this section, the department*
3 *may, in its discretion, restore the privilege to operate a motor*
4 *vehicle and reimpose the remaining term of the restriction.*

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

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

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

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

32 (f) This section shall become operative on July 1, ~~2017~~ 2018.

33 (g) *This section shall remain in effect only until January 1, 2025,*
34 *and as of that date is repealed, unless a later enacted statute, that*
35 *is enacted before January 1, 2025, deletes or extends that date.*

36 SEC. 13. *Section 13353.3 is added to the Vehicle Code, to*
37 *read:*

38 *13353.3. (a) An order of suspension of a person's privilege*
39 *to operate a motor vehicle pursuant to Section 13353.2 shall*
40 *become effective 30 days after the person is served with the notice*

1 pursuant to Section 13382 or 13388, or subdivision (b) of Section
2 13353.2.

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

5 (1) If the person has not been convicted of a separate violation
6 of Section 23103, as specified in Section 23103.5, or Section 23140,
7 23152, or 23153, or Section 191.5 or subdivision (a) of Section
8 192.5 of the Penal Code, the person has not been administratively
9 determined to have refused chemical testing pursuant to Section
10 13353 or 13353.1 of this code, or the person has not been
11 administratively determined to have been driving with an excessive
12 concentration of alcohol pursuant to Section 13353.2 on a separate
13 occasion, which offense or occurrence occurred within 10 years
14 of the occasion in question, the person's privilege to operate a
15 motor vehicle shall be suspended for four months.

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

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

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

34 (ii) The person installs a functioning, certified ignition interlock
35 device as required in Section 13352 for that restricted driver's
36 license.

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

39 (C) The one-year suspension pursuant to subparagraph (A)
40 shall terminate after completion of a 90-day suspension period,

1 and the person shall be eligible for a restricted license if the person
2 has been convicted of a violation of Section 23103, as specified in
3 Section 23103.5, arising out of the same occurrence, has no more
4 than two prior alcohol-related convictions within 10 years, as
5 specified pursuant to subparagraph (A), and all of the following
6 conditions are met:

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

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

17 (iii) The person installs a functioning, certified ignition interlock
18 device and submits the “Verification of Installation” form
19 described in paragraph (2) of subdivision (g) of Section 13386.

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

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

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

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

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

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

1 restricted driving privilege shall be subject to the following
2 conditions:

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

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

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

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

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

38 (c) If a person's privilege to operate a motor vehicle is
39 suspended pursuant to Section 13353.2 and the person is convicted
40 of a violation of Section 23152 or 23153, including, but not limited

1 to, a violation described in Section 23620, arising out of the same
 2 occurrence, both the suspension under Section 13353.2 and the
 3 suspension or revocation under Section 13352 shall be imposed,
 4 except that the periods of suspension or revocation shall run
 5 concurrently, and the total period of suspension or revocation
 6 shall not exceed the longer of the two suspension or revocation
 7 periods.

8 (d) For the purposes of this section, a conviction of an offense
 9 in any state, territory, or possession of the United States, the
 10 District of Columbia, the Commonwealth of Puerto Rico, or
 11 Canada that, if committed in this state, would be a violation of
 12 Section 23103, as specified in Section 23103.5, or Section 23140,
 13 23152, or 23153, or Section 191.5 or subdivision (a) of Section
 14 192.5 of the Penal Code, is a conviction of that particular section
 15 of the Vehicle Code or Penal Code.

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

21 (f) This section shall become operative January 1, 2025.

22 ~~SEC. 9.~~

23 SEC. 14. Section 13353.4 of the Vehicle Code is amended to
 24 read:

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

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

36 (c) This section shall become inoperative on July 1, ~~2017, 2018,~~
 37 and, as of January 1, ~~2018, 2019,~~ is repealed, unless a later enacted
 38 statute, that becomes operative on or before January 1, ~~2018, 2019,~~
 39 deletes or extends the dates on which it becomes inoperative and
 40 is repealed.

1 ~~SEC. 10.~~

2 *SEC. 15.* Section 13353.4 is added to the Vehicle Code, to
3 read:

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

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

15 (c) This section shall become operative on July 1, ~~2017.~~ 2018.

16 (d) *This section shall remain in effect only until January 1, 2025,*
17 *and as of that date is repealed, unless a later enacted statute, that*
18 *is enacted before January 1, 2025, deletes or extends that date.*

19 *SEC. 16.* Section 13353.4 is added to the Vehicle Code, to
20 read:

21 13353.4. (a) *Except as provided in Section 13353.3, 13353.7,*
22 *or 13353.8, the driving privilege shall not be restored, and a*
23 *restricted or hardship permit to operate a motor vehicle shall not*
24 *be issued, to a person during the suspension or revocation period*
25 *specified in Section 13353, 13353.1, or 13353.3.*

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

32 (c) *This section shall become operative January 1, 2025.*

33 ~~SEC. 11.~~

34 *SEC. 17.* Section 13353.5 of the Vehicle Code is amended to
35 read:

36 13353.5. (a) If a person whose driving privilege is suspended
37 or revoked under Section 13352, former Section 13352.4, Section
38 13352.4, Section 13352.6, paragraph (1) of subdivision (g) of
39 Section 23247, or paragraph (2) of subdivision (f) of Section 23575
40 is a resident of another state at the time the mandatory period of

1 suspension or revocation expires, the department may terminate
2 the suspension or revocation, upon written application of the
3 person, for the purpose of allowing the person to apply for a license
4 in his or her state of residence. The application shall include, but
5 need not be limited to, evidence satisfactory to the department that
6 the applicant now resides in another state.

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

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

24 (d) This section shall become inoperative on July 1, ~~2017~~, 2018,
25 and, as of January 1, ~~2018~~, 2019, is repealed, unless a later enacted
26 statute, that becomes operative on or before January 1, ~~2018~~, 2019,
27 deletes or extends the dates on which it becomes inoperative and
28 is repealed.

29 ~~SEC. 12.~~

30 *SEC. 18.* Section 13353.5 is added to the Vehicle Code, to
31 read:

32 13353.5. (a) If a person whose driving privilege is suspended
33 or revoked under Section 13352, former Section 13352.4, Section
34 13352.4, Section 13352.6, paragraph (1) of subdivision (g) of
35 Section 23247, or paragraph (3) of subdivision (e) of Section 13352
36 is a resident of another state at the time the mandatory period of
37 suspension or revocation expires, the department may terminate
38 the suspension or revocation, upon written application of the
39 person, for the purpose of allowing the person to apply for a license
40 in his or her state of residence. The application shall include, but

1 need not be limited to, evidence satisfactory to the department that
2 the applicant now resides in another state.

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

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

20 (d) This section shall become operative on July 1, ~~2017~~ 2018.

21 (e) *This section shall remain in effect only until January 1, 2025,*
22 *and as of that date is repealed, unless a later enacted statute, that*
23 *is enacted before January 1, 2025, deletes or extends that date.*

24 SEC. 19. Section 13353.5 is added to the Vehicle Code, to
25 read:

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

37 (b) *If the person submits an application for a California driver’s*
38 *license within three years after the date of the action to terminate*
39 *suspension or revocation pursuant to subdivision (a), a license*
40 *shall not be issued until evidence satisfactory to the department*

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

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

14 *(d) This section shall become operative January 1, 2025.*

15 ~~SEC. 13.~~

16 *SEC. 20.* Section 13353.6 is added to the Vehicle Code, to
17 read:

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

25 (1) The person installs ~~an~~ *a functioning, certified* ignition
26 interlock device on any vehicle that he or she own or operates and
27 submits the “Verification of Installation” form described in
28 paragraph (2) of subdivision (g) of Section 13386.

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

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

1 (c) The department shall terminate the restriction issued pursuant
2 to Section 13353.7 or 13353.75 and shall immediately reinstate
3 the suspension of the privilege to operate a motor vehicle upon
4 receipt of notification from the ignition interlock device installer
5 that a person has attempted to remove, bypass, or tamper with the
6 ignition interlock device, has removed the device prior to the
7 termination date of the restriction, or ~~fails three or more times~~ *has*
8 *failed* to comply with any requirement for the maintenance or
9 calibration of the ignition interlock device. The privilege shall
10 remain suspended for the remaining mandatory suspension period
11 imposed pursuant to Section ~~13353.3~~. *13353.3, provided, however,*
12 *that if the person provides proof to the satisfaction of the*
13 *department that the person is in compliance with the restriction*
14 *issued pursuant to this section, the department may, in its*
15 *discretion, restore the privilege to operate a motor vehicle and*
16 *reimpose the remaining term of the restriction.*

17 (d) Notwithstanding any other law, ~~for~~ a person whose driving
18 privilege has been suspended under Section 13353.2, who is
19 eligible for a restricted driver's license as provided for in Section
20 13353.7 or 13353.75, and who installs ~~an~~ *a functioning, certified*
21 ignition interlock device pursuant to this section or Section
22 ~~13353.75~~, both of the following shall apply:

23 (1) ~~The person 13353.75~~, shall receive credit towards the
24 mandatory term the person is required to install ~~an~~ *a functioning,*
25 *certified* ignition interlock device pursuant to Section 23575.3 for
26 a conviction of a violation arising out of the same occurrence that
27 led to the person's driving privilege being suspended pursuant to
28 Section 13352.2 equal to the period of time the person installs ~~an~~
29 *a functioning, certified* ignition interlock device pursuant to this
30 section or Section 13353.75.

31 ~~(2) A court shall reduce the total amount of the fine, fees, and~~
32 ~~penalties by up to five hundred dollars (\$500) for a conviction of~~
33 ~~a violation arising out of the same occurrence that led to the~~
34 ~~person's driving privilege being suspended pursuant to Section~~
35 ~~13353.2.~~

36 (e) This section shall become operative on July 1, ~~2017~~. *2018.*

37 (f) *This section shall remain in effect only until January 1, 2025,*
38 *and as of that date is repealed, unless a later enacted statute, that*
39 *is enacted before January 1, 2025, deletes or extends that date.*

1 ~~SEC. 14.~~

2 *SEC. 21.* Section 13353.75 is added to the Vehicle Code, to
3 read:

4 13353.75. (a) Subject to subdivision (d), a person who has
5 been previously convicted of, or found to have committed, a
6 separate violation of Section 23103, as specified in Section
7 23103.5, or Section 23140, 23152, or 23153, or Section 191.5 or
8 subdivision (a) of Section 192.5 of the Penal Code, or whose
9 privilege to operate a motor vehicle has been suspended or revoked
10 pursuant to Section 13353 or 13353.2 for an offense that occurred
11 on a separate occasion within 10 years of the occasion in question
12 may apply to the department for a restricted driver's license if the
13 person meets all of the following requirements:

14 (1) (A) The person satisfactorily provides proof of enrollment
15 in a driving-under-the-influence program licensed under Section
16 11836 of the Health and Safety Code, as described in subdivision
17 (b) of Section 23538.

18 (B) The program shall report any failure to participate in the
19 program to the department and shall certify successful completion
20 of the program to the department.

21 (C) If a person who has been issued a restricted license under
22 this section fails at any time to participate in the program, the
23 department shall suspend the restricted license immediately. The
24 department shall give notice of the suspension under this paragraph
25 in the same manner as prescribed in subdivision (b) of Section
26 13353.2 for the period specified in Section 13353.3, that is effective
27 upon receipt by the person.

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

31 (3) The person has not been arrested subsequent to the offense
32 for which the person's driving privilege has been suspended under
33 Section 13353.2 for a violation of Section 23103, as specified in
34 Section 23103.5, or Section 23140, 23152, or 23153, or Section
35 191.5 or subdivision (a) of Section 192.5 of the Penal Code, and
36 the person's privilege to operate a motor vehicle has not been
37 suspended or revoked pursuant to Section 13353 or 13353.2 for
38 an offense that occurred on a separate occasion, notwithstanding
39 Section 13551.

1 (4) The person installs ~~an~~ *a functioning, certified* ignition
2 interlock device on any vehicle that he or she owns or operates
3 and submits the “Verification of Installation” form described in
4 paragraph (2) of subdivision (g) of Section 13386.

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

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

9 (c) Notwithstanding subdivisions (a) and (b), and upon a
10 conviction under Section 23152 or 23153 for the current offense,
11 the department shall suspend or revoke the person’s privilege to
12 operate a motor vehicle under Section 13352.

13 (d) If the driver was operating a commercial vehicle, as defined
14 in Section 15210, at the time of the violation that resulted in the
15 suspension of that person’s driving privilege under Section
16 13353.2, the department shall, pursuant to this section, if the person
17 is otherwise eligible, issue the person a class C or class M driver’s
18 license restricted in the same manner and subject to the same
19 conditions as specified in subdivision (a), except that the license
20 may not allow travel to and from or in the course of the person’s
21 employment.

22 (e) If the holder of a commercial driver’s license was operating
23 a motor vehicle, other than a commercial vehicle as defined in
24 Section 15210, at the time of the violation that resulted in the
25 suspension of that person’s driving privilege pursuant to Section
26 13353.2, the department shall, pursuant to this section, if the person
27 is otherwise eligible, issue the person a class C or class M driver’s
28 license restricted in the same manner and subject to the same
29 conditions as specified in subdivision (a).

30 (f) *This section shall remain in effect only until January 1, 2025,*
31 *and as of that date is repealed, unless a later enacted statute, that*
32 *is enacted before January 1, 2025, deletes or extends that date.*

33 ~~SEC. 15.~~

34 *SEC. 22.* Section 13386 of the Vehicle Code is amended to
35 read:

36 13386. (a) (1) The department shall certify or cause to be
37 certified ignition interlock devices required by Article 5
38 (commencing with Section 23575) of Chapter 2 of Division 11.5
39 and publish a list of approved devices.

1 (2) (A) The department shall ensure that ignition interlock
2 devices that have been certified according to the requirements of
3 this section continue to meet certification requirements. The
4 department may periodically require manufacturers to indicate in
5 writing whether the devices continue to meet certification
6 requirements.

7 (B) The department may use denial of certification, suspension
8 or revocation of certification, or decertification of an ignition
9 interlock device in another state as an indication that the
10 certification requirements are not met, if either of the following
11 apply:

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

17 (ii) The denial of certification for an ignition interlock device
18 in another state was due to a failure of an ignition interlock device
19 to meet the standards adopted by the regulation set forth in clause
20 (i), specifically Sections 1 and 2 of the model specification for
21 breath alcohol ignition interlock devices, as published by notice
22 in the Federal Register, Vol. 57, No. 67, Tuesday, April 7, 1992,
23 on pages 11774 to 11787, ~~inclusive~~, *inclusive, or the model*
24 *specifications for breath alcohol ignition interlock devices, as*
25 *published by notice in the Federal Register, Vol. 78, No. 89,*
26 *Wednesday, May 8, 2013, on pages 25489 to 26867, inclusive.*

27 (C) Failure to continue to meet certification requirements shall
28 result in suspension or revocation of certification of ignition
29 interlock devices.

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

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

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

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

10 (e) No model of ignition interlock device shall be certified unless
11 it meets the accuracy requirements and specifications provided in
12 the guidelines adopted by the National Highway Traffic Safety
13 Administration.

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

21 (g) The department shall ensure that standard forms and
22 procedures are developed for documenting decisions and
23 compliance and communicating results to relevant agencies. These
24 forms shall include all of the following:

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

35 (2) A "Verification of Installation" to be returned to the
36 department by the reinstating offender upon application for
37 reinstatement. Copies shall be provided for the manufacturer or
38 the manufacturer's agent.

39 (3) A "Notice of Noncompliance" and procedures to ensure
40 continued use of the ignition interlock device during the restriction

1 period and to ensure compliance with maintenance requirements.
 2 The maintenance period shall be standardized at 60 days to
 3 maximize monitoring checks for equipment tampering.

4 ~~Every~~ *The department shall develop rules under which every*
 5 *manufacturer and manufacturer's agent certified by the department*
 6 *to provide ignition interlock devices shall adopt fee schedules that*
 7 *provide for the payment of the costs of the device by applicants*
 8 *in amounts commensurate with the applicant's ability to pay.*
 9 *provide a fee schedule to the department of the manufacturer's*
 10 *standard ignition interlock device program costs, stating the*
 11 *standard charges for installation, service and maintenance, and*
 12 *removal of the manufacturer's device, and shall develop a form*
 13 *to be signed by an authorized representative of the manufacturer*
 14 *pursuant to which the manufacturer agrees to provide functioning,*
 15 *certified ignition interlock devices to applicants at the costs*
 16 *described in subdivision (k) of Section 23575.3. The form shall*
 17 *contain an acknowledgment that the failure of the manufacturer,*
 18 *its agents, or authorized installers to comply with subdivision (k)*
 19 *of Section 23575.3 shall result in suspension or revocation of the*
 20 *department's approval for the manufacturer to market ignition*
 21 *interlock devices in this state.*

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

30 (j) *This section shall remain in effect only until January 1, 2025,*
 31 *and as of that date is repealed, unless a later enacted statute, that*
 32 *is enacted before January 1, 2025, deletes or extends that date.*

33 *SEC. 23. Section 13386 is added to the Vehicle Code, to read:*
 34 *13386. (a) (1) The department shall certify or cause to be*
 35 *certified ignition interlock devices required by Article 5*
 36 *(commencing with Section 23575) of Chapter 2 of Division 11.5*
 37 *and publish a list of approved devices.*

38 (2) (A) *The department shall ensure that ignition interlock*
 39 *devices that have been certified according to the requirements of*
 40 *this section continue to meet certification requirements. The*

1 department may periodically require manufacturers to indicate in
2 writing whether the devices continue to meet certification
3 requirements.

4 (B) The department may use denial of certification, suspension
5 or revocation of certification, or decertification of an ignition
6 interlock device in another state as an indication that the
7 certification requirements are not met, if either of the following
8 apply:

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

14 (ii) The denial of certification for an ignition interlock device
15 in another state was due to a failure of an ignition interlock device
16 to meet the standards adopted by the regulation set forth in clause
17 (i), specifically Sections 1 and 2 of the model specification for
18 breath alcohol ignition interlock devices, as published by notice
19 in the Federal Register, Vol. 57, No. 67, Tuesday, April 7, 1992,
20 on pages 11774 to 11787, inclusive, or the Model Specifications
21 for Breath Alcohol Ignition Interlock Devices, as published by
22 notice in the Federal Register, Vol. 78, No. 89, Wednesday, May
23 8, 2013, on pages 25489 to 26867, inclusive.

24 (C) Failure to continue to meet certification requirements shall
25 result in suspension or revocation of certification of ignition
26 interlock devices.

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

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

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

37 (d) The department shall utilize information from an
38 independent, accredited (ISO/IEC 17025) laboratory to certify
39 ignition interlock devices of the manufacturer or manufacturer's
40 agent, in accordance with the guidelines. The cost of certification

1 shall be borne by the manufacturers of ignition interlock devices.
2 If the certification of a device is suspended or revoked, the
3 manufacturer of the device shall be responsible for, and shall bear
4 the cost of, the removal of the device and the replacement of a
5 certified device of the manufacturer or another manufacturer.

6 (e) A model of ignition interlock device shall not be certified
7 unless it meets the accuracy requirements and specifications
8 provided in the guidelines adopted by the National Highway Traffic
9 Safety Administration.

10 (f) All manufacturers of ignition interlock devices that meet the
11 requirements of subdivision (e) and are certified in a manner
12 approved by the department, who intend to sell the devices in this
13 state, first shall apply to the department on forms provided by that
14 department. The application shall be accompanied by a fee in an
15 amount not to exceed the amount necessary to cover the costs
16 incurred by the department in carrying out this section.

17 (g) The department shall ensure that standard forms and
18 procedures are developed for documenting decisions and
19 compliance and communicating results to relevant agencies. These
20 forms shall include all of the following:

21 (1) An “Option to Install,” to be sent by the department to repeat
22 offenders along with the mandatory order of suspension or
23 revocation. This shall include the alternatives available for early
24 license reinstatement with the installation of an ignition interlock
25 device and shall be accompanied by a toll-free telephone number
26 for each manufacturer of a certified ignition interlock device.
27 Information regarding approved installation locations shall be
28 provided to drivers by manufacturers with ignition interlock devices
29 that have been certified in accordance with this section.

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

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

39 (h) Every manufacturer and manufacturer’s agent certified by
40 the department to provide ignition interlock devices shall adopt

1 *fee schedules that provide for the payment of the costs of the device*
2 *by applicants in amounts commensurate with the applicant's ability*
3 *to pay.*

4 (i) *A person who manufactures, installs, services, or repairs,*
5 *or otherwise deals in ignition interlock devices shall not disclose,*
6 *sell, or transfer to a third party any individually identifiable*
7 *information pertaining to individuals who are required by law to*
8 *install an ignition interlock device on a vehicle that he or she owns*
9 *or operates, except to the extent necessary to confirm or deny that*
10 *an individual has complied with ignition interlock device*
11 *installation and maintenance requirements.*

12 (j) *This section shall become operative January 1, 2025.*

13 SEC. 24. *Section 13390 is added to the Vehicle Code, to read:*

14 13390. (a) *A temporary license issued pursuant to Section*
15 *13382, 13388, or 13389 shall contain a notice that the person may*
16 *be able to regain driving privileges with the installation of an*
17 *ignition interlock device, that financial assistance may be available*
18 *for that purpose, and a contact for obtaining more information*
19 *regarding the ignition interlock program.*

20 (b) *This section shall remain in effect only until January 1, 2025,*
21 *and as of that date is repealed, unless a later enacted statute, that*
22 *is enacted before January 1, 2025, deletes or extends that date.*

23 ~~SEC. 16.~~

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

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

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

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

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

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

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

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

4 (g) ~~Beginning July 1, 2017, Commencing July 1, 2018,~~ the court
5 may require a person convicted *on or after July 1, 2018*, of a
6 violation of Section 23103, as described in this section, to install
7 a *functioning*, certified ignition interlock device on any vehicle
8 that the person owns or operates and prohibit that person from
9 operating a motor vehicle unless that vehicle is equipped with a
10 functioning, certified ignition interlock device. If the court orders
11 the ignition interlock device restriction, the term shall be
12 determined by the court for a period of at least three months, but
13 no longer than the term specified in Section 23575.3 that would
14 have applied to the defendant had he or she instead been convicted
15 of a violation of Section 23152, from the date of conviction. The
16 court shall notify the Department of Motor Vehicles, as specified
17 in subdivision (a) of Section 1803, of the terms of the restrictions
18 in accordance with subdivision (a) of Section 1804. The
19 Department of Motor Vehicles shall place the restriction in the
20 person’s records in the Department of Motor Vehicles. A person
21 who is required to install ~~an~~ *a functioning, certified* ignition
22 interlock device pursuant to this subdivision shall submit the
23 “Verification of Installation” form described in paragraph (2) of
24 subdivision (g) of Section 13386 and maintain the ignition interlock
25 device as required under subdivision (f) of Section 23575.3. The
26 department shall monitor the installation and maintenance of the
27 ignition interlock device installed pursuant to this subdivision.

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

32 (i) *This section shall remain in effect only until January 1, 2025,*
33 *and as of that date is repealed, unless a later enacted statute, that*
34 *is enacted before January 1, 2025, deletes or extends that date.*

35 SEC. 26. *Section 23103.5 is added to the Vehicle Code, to*
36 *read:*

37 23103.5. (a) *If the prosecution agrees to a plea of guilty or*
38 *nolo contendere to a charge of a violation of Section 23103 in*
39 *satisfaction of, or as a substitute for, an original charge of a*
40 *violation of Section 23152, the prosecution shall state for the*

1 *record a factual basis for the satisfaction or substitution, including*
2 *whether or not there had been consumption of an alcoholic*
3 *beverage or ingestion or administration of a drug, or both, by the*
4 *defendant in connection with the offense. The statement shall set*
5 *forth the facts that show whether or not there was a consumption*
6 *of an alcoholic beverage or the ingestion or administration of a*
7 *drug by the defendant in connection with the offense.*

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

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

20 *(d) The court shall notify the Department of Motor Vehicles of*
21 *each conviction of Section 23103 that is required under this section*
22 *to be a prior offense for purposes of Section 23540, 23546, 23550,*
23 *23560, 23566, or 23622.*

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

39 *(f) (1) If the court places on probation a defendant convicted*
40 *of a violation of Section 23103 that is required under this section*

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

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

15 (g) *The Department of Motor Vehicles shall include in its annual*
16 *report to the Legislature under Section 1821 an evaluation of the*
17 *effectiveness of the programs described in subdivisions (e) and (f)*
18 *as to treating persons convicted of violating Section 23103.*

19 (h) *This section shall become operative January 1, 2025.*

20 ~~SEC. 17:~~

21 *SEC. 27.* Section 23247 of the Vehicle Code is amended to
22 read:

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

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

38 (c) It is unlawful to blow into an ignition interlock device or to
39 start a motor vehicle equipped with the device for the purpose of

1 providing an operable motor vehicle to a person whose driving
2 privilege is restricted pursuant to Section 13352, 23575, or 23700.

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

5 (e) It is unlawful for any person whose driving privilege is
6 restricted pursuant to Section 13352, 23575, or 23700 to operate
7 any vehicle not equipped with a ~~functioning~~ *functioning, certified*
8 ignition interlock device.

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

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

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

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

36 (i) This section shall become inoperative on July 1, ~~2017, 2018,~~
37 and, as of January 1, ~~2018, 2019,~~ is repealed, unless a later enacted
38 statute, that becomes operative on or before January 1, ~~2018, 2019,~~
39 deletes or extends the dates on which it becomes inoperative and
40 is repealed.

1 ~~SEC. 18.~~

2 *SEC. 28.* Section 23247 is added to the Vehicle Code, to read:

3 23247. (a) It is unlawful for a person to knowingly rent, lease,
4 or lend a motor vehicle to another person known to have had his
5 or her driving privilege restricted as provided in Section 13352,
6 13352.4, 23575, 23575.3, or 23700, unless the vehicle is equipped
7 with a functioning, certified ignition interlock device. A person,
8 whose driving privilege is restricted pursuant to Section 13352,
9 13352.4, 23575, 23575.3, or 23700 shall notify any other person
10 who rents, leases, or loans a motor vehicle to him or her of the
11 driving restriction imposed under that section.

12 (b) It is unlawful for any person whose driving privilege is
13 restricted pursuant to Section 13352, 13352.4, 23575, 23575.3, or
14 23700 to request or solicit any other person to blow into an ignition
15 interlock device or to start a motor vehicle equipped with the device
16 for the purpose of providing the person so restricted with an
17 operable motor vehicle.

18 (c) It is unlawful to blow into an ignition interlock device or to
19 start a motor vehicle equipped with the device for the purpose of
20 providing an operable motor vehicle to a person whose driving
21 privilege is restricted pursuant to Section 13352, 13352.4, 23575,
22 23575.3, or 23700.

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

25 (e) It is unlawful for any person whose driving privilege is
26 restricted pursuant to Section 13352, 13352.4, 23575, 23575.3, or
27 23700 to operate any vehicle not equipped with a functioning
28 ignition interlock device.

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

33 (g) (1) If any person whose driving privilege is restricted
34 pursuant to Section 13352 or 13352.4 is convicted of a violation
35 of subdivision (e), the court shall notify the Department of Motor
36 Vehicles, which shall immediately terminate the restriction and
37 shall suspend or revoke the person's driving privilege for the
38 remaining period of the originating suspension or revocation and
39 until all reinstatement requirements in Section 13352 are met.

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

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

18 (i) This section shall become operative on July 1, ~~2017~~ 2018.

19 (j) *This section shall remain in effect only until January 1, 2025,*
20 *and as of that date is repealed, unless a later enacted statute, that*
21 *is enacted before January 1, 2025, deletes or extends that date.*

22 SEC. 29. Section 23247 is added to the Vehicle Code, to read:

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

32 (b) *It is unlawful for any person whose driving privilege is*
33 *restricted pursuant to Section 13352, 23575, or 23700 to request*
34 *or solicit any other person to blow into an ignition interlock device*
35 *or to start a motor vehicle equipped with the device for the purpose*
36 *of providing the person so restricted with an operable motor*
37 *vehicle.*

38 (c) *It is unlawful to blow into an ignition interlock device or to*
39 *start a motor vehicle equipped with the device for the purpose of*

1 *providing an operable motor vehicle to a person whose driving*
2 *privilege is restricted pursuant to Section 13352, 23575, or 23700.*

3 *(d) It is unlawful to remove, bypass, or tamper with, an ignition*
4 *interlock device.*

5 *(e) It is unlawful for any person whose driving privilege is*
6 *restricted pursuant to Section 13352, 23575, or 23700 to operate*
7 *any vehicle not equipped with a functioning, certified ignition*
8 *interlock device.*

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

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

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

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

36 *(i) This section shall become operative January 1, 2025.*

37 ~~SEC. 19.~~

38 *SEC. 30.* Section 23573 of the Vehicle Code is amended to
39 read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (i) A person who is required under subdivision (c) to install ~~an~~
35 *a functioning, certified* ignition interlock device who willfully fails
36 to install the ignition interlock device within the time period
37 required under subdivision (c) is guilty of a misdemeanor and shall
38 be punished by imprisonment in a county jail for not more than
39 six months or by a fine of not more than five thousand dollars
40 (\$5,000), or by both that fine and imprisonment.

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

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

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

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

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

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

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

34 (n) This section shall become inoperative on July 1, ~~2017~~, 2018,
35 and, as of January 1, ~~2018~~, 2019, is repealed, unless a later enacted
36 statute, that becomes operative on or before January 1, ~~2018~~, 2019,
37 deletes or extends the dates on which it becomes inoperative and
38 is repealed.

39 ~~SEC. 20.~~

40 *SEC. 31.* Section 23573 is added to the Vehicle Code, to read:

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

9 (b) The department shall advise the person that installation of
10 ~~an~~ a *functioning, certified* ignition interlock device on a vehicle
11 does not allow the person to drive without a valid driver’s license.

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

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

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

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

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

29 (e) (1) A person who is notified by the department pursuant to
30 subdivision (a) shall arrange for each vehicle with an ignition
31 interlock device to be serviced by the installer at least once every
32 ~~45~~ 60 days in order for the installer to recalibrate and monitor the
33 operation of the device.

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

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

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

7 (A) Within ~~45~~ 60 days of the notification, the person certifies
8 to the department all of the following:

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

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

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

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

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

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

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

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

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

34 (i) A person who is required under subdivision (c) to install ~~an~~
35 a *functioning, certified* ignition interlock device who willfully fails
36 to install the ignition interlock device within the time period
37 required under subdivision (c) is guilty of a misdemeanor and shall
38 be punished by imprisonment in a county jail for not more than
39 six months or by a fine of not more than five thousand dollars
40 (\$5,000), or by both that fine and imprisonment.

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

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

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

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

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

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

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

34 (n) This section shall become operative on July 1, ~~2017~~ 2018.

35 (o) *This section shall remain in effect only until January 1, 2025,*
36 *and as of that date is repealed, unless a later enacted statute, that*
37 *is enacted before January 1, 2025, deletes or extends that date.*

38 SEC. 32. Section 23573 is added to the Vehicle Code, to read:

39 23573. (a) *The Department of Motor Vehicles, upon receipt*
40 *of the court's abstract of conviction for a violation listed in*

1 subdivision (j), shall inform the convicted person of the
2 requirements of this section and the term for which the person is
3 required to have a functioning, certified ignition interlock device
4 installed. The records of the department shall reflect the mandatory
5 use of the device for the term required and the time when the device
6 is required to be installed pursuant to this code.

7 (b) The department shall advise the person that installation of
8 a functioning, certified ignition interlock device on a vehicle does
9 not allow the person to drive without a valid driver's license.

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

13 (1) Arrange for each vehicle owned or operated by the person
14 to be fitted with a functioning, certified ignition interlock device
15 by a certified ignition interlock device provider under Section
16 13386.

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

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

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

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

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

37 (f) The department shall monitor the installation and
38 maintenance of the ignition interlock device installed pursuant to
39 subdivision (a).

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

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

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

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

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

13 (iv) The person acknowledges that he or she is only allowed to
14 drive a vehicle that is fitted with a functioning, certified ignition
15 interlock device and that he or she is required to have a valid
16 driver's license before he or she can drive.

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

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

21 (C) The person complies with this section immediately upon
22 commencing ownership or operation of a vehicle subject to the
23 required installation of a functioning, certified ignition interlock
24 device.

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

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

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

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

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

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

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

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

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

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

31 (n) This section shall become operative January 1, 2025.

32 ~~SEC. 21.~~

33 ~~SEC. 33.~~ Section 23575 of the Vehicle Code is amended to
34 read:

35 23575. (a) (1) In addition to any other law, the court may
36 require that a person convicted of a first offense violation of
37 Section 23152 or 23153 install a *functioning*, certified ignition
38 interlock device on any vehicle that the person owns or operates
39 and prohibit that person from operating a motor vehicle unless that
40 vehicle is equipped with a functioning, certified ignition interlock

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

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

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

31 (c) The court shall advise the person that installation of ~~an~~ a
32 *functioning, certified* ignition interlock device on a vehicle does
33 not allow the person to drive without a valid driver's license.

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

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

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

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

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

37 (g) A person whose driving privilege is restricted by the
38 Department of Motor Vehicles pursuant to Section 13352 or
39 13353.3 shall arrange for each vehicle with ~~an~~ *a functioning,*
40 *certified* ignition interlock device to be serviced by the installer at

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

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

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

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

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

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

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

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

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

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

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

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

20 (p) This section shall become inoperative on July 1, ~~2017~~, *2018*,
21 and, as of January 1, ~~2018~~, *2019*, is repealed, unless a later enacted
22 statute, that becomes operative on or before January 1, ~~2018~~, *2019*,
23 deletes or extends the dates on which it becomes inoperative and
24 is repealed.

25 ~~SEC. 22.~~

26 *SEC. 34.* Section 23575 is added to the Vehicle Code, to read:

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

1 (b) The court shall include on the abstract of conviction or
2 violation submitted to the Department of Motor Vehicles under
3 Section 1803 or 1816 the requirement and term for the use of a
4 *functioning, certified* ignition interlock device. The records of the
5 department shall reflect mandatory use of the device for the term
6 ordered by the court.

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

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

22 (e) The court shall monitor the installation and maintenance of
23 ~~an~~ a *functioning, certified* ignition interlock device restriction
24 ordered pursuant to subdivision (a) or (i). If a person fails to
25 comply with the court order, the court shall give notice of the fact
26 to the department pursuant to Section 40509.1.

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

29 (g) Pursuant to this section, an out-of-state resident who
30 otherwise would qualify for an ignition interlock device restricted
31 license in California shall be prohibited from operating a motor
32 vehicle in California unless that vehicle is equipped with a
33 ~~functioning~~ *functioning, certified* ignition interlock device. An
34 ignition interlock device is not required to be installed on any
35 vehicle owned by the defendant that is not driven in California.

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

39 (i) This section does not restrict a court from requiring
40 installation of ~~an~~ a *functioning, certified* ignition interlock device

1 and prohibiting operation of a motor vehicle unless that vehicle is
2 equipped with a functioning, certified ignition interlock device for
3 a person to whom subdivision (a) does not apply. The term of the
4 restriction shall be determined by the court for a period not to
5 exceed three years from the date of conviction. The court shall
6 notify the Department of Motor Vehicles, as specified in
7 subdivision (a) of Section 1803, of the terms of the restrictions in
8 accordance with subdivision (a) of Section 1804. The Department
9 of Motor Vehicles shall place the restriction in the person's records
10 in the Department of Motor Vehicles.

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

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

20 (l) For the purposes of this section, "bypass" ~~includes, but is~~
21 ~~not limited to, means~~ either of the following:

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

24 ~~(2) An incidence of failing or not taking the ignition interlock~~
25 ~~device rolling retest, when not followed by an incidence of passing~~
26 ~~the ignition interlock rolling retest prior to turning off the vehicle's~~
27 ~~engine.~~

28 (1) *Failure to take any random retest.*

29 (2) *Failure to pass any random retest with a blood alcohol*
30 *concentration not exceeding 0.03 percent, by weight of alcohol,*
31 *in the person's blood.*

32 (m) *The department shall adopt regulations specifying the*
33 *intervals between random retests.*

34 (n) *For purposes of this section, "random retest" means a*
35 *breath test performed by a certified ignition interlock device at*
36 *random intervals after the initial engine startup breath test and*
37 *while the vehicle's motor is running.*

38 ~~(m)~~

39 (o) This section shall become operative on July 1, ~~2017.~~ 2018.

1

(p) This section shall remain in effect only until January 1, 2025,
2 and as of that date is repealed, unless a later enacted statute, that
3 is enacted before January 1, 2025, deletes or extends that date.

4 SEC. 35. Section 23575 is added to the Vehicle Code, to read:

5 23575. (a) (1) In addition to any other law, the court may
6 require that a person convicted of a first offense violation of
7 Section 23152 or 23153 install a functioning, certified ignition
8 interlock device on any vehicle that the person owns or operates
9 and prohibit that person from operating a motor vehicle unless
10 that vehicle is equipped with a functioning, certified ignition
11 interlock device. The court shall give heightened consideration to
12 applying this sanction to a first offense violator with 0.15 percent
13 or more, by weight, of alcohol in his or her blood at arrest, or with
14 two or more prior moving traffic violations, or to persons who
15 refused the chemical tests at arrest. If the court orders the ignition
16 interlock device restriction, the term shall be determined by the
17 court for a period not to exceed three years from the date of
18 conviction. The court shall notify the Department of Motor
19 Vehicles, as specified in subdivision (a) of Section 1803, of the
20 terms of the restrictions in accordance with subdivision (a) of
21 Section 1804. The Department of Motor Vehicles shall place the
22 restriction in the person's records in the Department of Motor
23 Vehicles.

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

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

1 department shall reflect mandatory use of the device for the term
2 ordered by the court.

3 (c) The court shall advise the person that installation of a
4 functioning, certified ignition interlock device on a vehicle does
5 not allow the person to drive without a valid driver's license.

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

18 (e) The court shall monitor the installation and maintenance of
19 a functioning, certified ignition interlock device restriction ordered
20 pursuant to subdivision (a) or (l). If a person fails to comply with
21 the court order, the court shall give notice of the fact to the
22 department pursuant to Section 40509.1.

23 (f) (1) If a person is convicted of a violation of Section 23152
24 or 23153 and the offense occurred within 10 years of one or more
25 separate violations of Section 23152 or 23153 that resulted in a
26 conviction, or if a person is convicted of a violation of Section
27 23103, as specified in Section 23103.5, and is suspended for one
28 year under Section 13353.3, the person may apply to the
29 Department of Motor Vehicles for a restricted driver's license
30 pursuant to Section 13352 or 13353.3 that prohibits the person
31 from operating a motor vehicle unless that vehicle is equipped
32 with a functioning, certified ignition interlock device, certified
33 pursuant to Section 13386. The restriction shall remain in effect
34 for at least the remaining period of the original suspension or
35 revocation and until all reinstatement requirements in Section
36 13352 or 13353.4 are met.

37 (2) Pursuant to subdivision (g), the Department of Motor
38 Vehicles shall immediately terminate the restriction issued pursuant
39 to Section 13352 or 13353.3 and shall immediately suspend or
40 revoke the privilege to operate a motor vehicle of a person who

1 *attempts to remove, bypass, or tamper with the device, who has*
2 *the device removed prior to the termination date of the restriction,*
3 *or who fails three or more times to comply with any requirement*
4 *for the maintenance or calibration of the ignition interlock device*
5 *ordered pursuant to Section 13352 or 13353.3. The privilege shall*
6 *remain suspended or revoked for the remaining period of the*
7 *originating suspension or revocation and until all reinstatement*
8 *requirements in Section 13352 or 13353.4 are met.*

9 (g) *A person whose driving privilege is restricted by the*
10 *Department of Motor Vehicles pursuant to Section 13352 or*
11 *13353.3 shall arrange for each vehicle with a functioning, certified*
12 *ignition interlock device to be serviced by the installer at least*
13 *once every 60 days in order for the installer to recalibrate the*
14 *device and monitor the operation of the device. The installer shall*
15 *notify the Department of Motor Vehicles if the device is removed*
16 *or indicates that the person has attempted to remove, bypass, or*
17 *tamper with the device, or if the person fails three or more times*
18 *to comply with any requirement for the maintenance or calibration*
19 *of the ignition interlock device. There is no obligation on the part*
20 *of the installer to notify the department or the court if the person*
21 *has complied with all of the requirements of this section.*

22 (h) *Nothing in this section permits a person to drive without a*
23 *valid driver's license.*

24 (i) *The Department of Motor Vehicles shall include information*
25 *along with the order of suspension or revocation for repeat*
26 *offenders informing them that after a specified period of suspension*
27 *or revocation has been completed, the person may either install a*
28 *functioning, certified ignition interlock device on any vehicle that*
29 *the person owns or operates or remain with a suspended or revoked*
30 *driver's license.*

31 (j) *Pursuant to this section, an out-of-state resident who*
32 *otherwise would qualify for a functioning, certified ignition*
33 *interlock device restricted license in California shall be prohibited*
34 *from operating a motor vehicle in California unless that vehicle*
35 *is equipped with a functioning, certified ignition interlock device.*
36 *An ignition interlock device is not required to be installed on any*
37 *vehicle owned by the defendant that is not driven in California.*

38 (k) *If a medical problem does not permit a person to breathe*
39 *with sufficient strength to activate the device, that person shall*
40 *only have the suspension option.*

1 (l) This section does not restrict a court from requiring
2 installation of a functioning, certified ignition interlock device and
3 prohibiting operation of a motor vehicle unless that vehicle is
4 equipped with a functioning, certified ignition interlock device for
5 a person to whom subdivision (a) or (b) does not apply. The term
6 of the restriction shall be determined by the court for a period not
7 to exceed three years from the date of conviction. The court shall
8 notify the Department of Motor Vehicles, as specified in subdivision
9 (a) of Section 1803, of the terms of the restrictions in accordance
10 with subdivision (a) of Section 1804. The Department of Motor
11 Vehicles shall place the restriction in the person's records in the
12 Department of Motor Vehicles.

13 (m) 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. Any 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 (n) For the purposes of this section, "owned" means solely
19 owned or owned in conjunction with another person or legal entity.
20 For purposes of this section, "operates" includes operating a
21 vehicle that is not owned by the person subject to this section.

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

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

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

30 (p) This section shall become operative January 1, 2025.

31 ~~SEC. 23.~~

32 SEC. 36. Section 23575.3 is added to the Vehicle Code, to
33 read:

34 23575.3. (a) In addition to any other requirement imposed by
35 law, a court shall notify a person convicted of a violation listed in
36 subdivision (h) that he or she is required to install a *functioning*,
37 certified ignition interlock device on any vehicle that the person
38 owns or operates and that he or she is prohibited from operating
39 a motor vehicle unless that vehicle is equipped with a functioning,
40 certified ignition interlock device in accordance with this section.

1 (b) The Department of Motor Vehicles, upon receipt of the
2 court’s abstract of conviction for a violation listed in subdivision
3 (h), shall inform the convicted person of the requirements of this
4 section, including the term for which the person is required to have
5 a certified ignition interlock device installed. The records of the
6 department shall reflect the mandatory use of the device for the
7 term required and the time when the device is required to be
8 installed by this code.

9 (c) The department shall advise the person that installation of
10 ~~an~~ *a functioning, certified* ignition interlock device on a vehicle
11 does not allow the person to drive without a valid driver’s license.

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

14 (A) Arrange for each vehicle owned or operated by the person
15 to be equipped with a ~~functioning~~ *functioning, certified* ignition
16 interlock device by a certified ignition interlock device provider
17 under Section 13386.

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

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

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

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

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

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

35 (D) The person acknowledges that he or she is only allowed to
36 drive a vehicle that is equipped with a ~~functioning~~ *functioning,*
37 *certified* ignition interlock device.

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

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

4 (e) In addition to any other restrictions the department places
5 on the driver's license record of the convicted person when the
6 person is issued a restricted driver's license pursuant to Section
7 13352 or 13352.4, the department shall place a restriction on the
8 driver's license record of the person that states the driver is
9 restricted to driving only vehicles equipped with a *functioning*,
10 certified ignition interlock device for the applicable term.

11 (f) (1) A person who is notified by the department pursuant to
12 subdivision (b) shall arrange for each vehicle with ~~an~~ a *functioning*,
13 *certified* ignition interlock device to be serviced by the installer at
14 least once every 60 days in order for the installer to recalibrate and
15 monitor the operation of the device.

16 (2) The installer shall notify the department if the device is
17 removed or indicates that the person has attempted to remove,
18 bypass, or tamper with the device, or if the person fails three or
19 more times to comply with any requirement for the maintenance
20 or calibration of the ignition interlock device.

21 (g) The department shall monitor the installation and
22 maintenance of the ignition interlock device installed pursuant to
23 subdivision (d).

24 (h) A person is required to install ~~an~~ a *functioning*, *certified*
25 ignition interlock device pursuant to this section for the applicable
26 term, as follows:

27 (1) A person convicted of a violation of subdivision (a), (b),
28 (d), or (f) of Section 23152 shall be required to install ~~an~~ a
29 *functioning*, *certified* ignition interlock device, as follows:

30 (A) Upon a conviction with no priors, the person shall install
31 ~~an~~ a *functioning*, *certified* ignition interlock device in all vehicles
32 owned or operated by that person for a mandatory term of six
33 months.

34 (B) Upon a conviction with one prior, the person shall install
35 ~~an~~ a *functioning*, *certified* ignition interlock device in all vehicles
36 owned or operated by that person for a mandatory term of 12
37 months.

38 (C) Upon a conviction with two priors, the person shall install
39 ~~an~~ a *functioning*, *certified* ignition interlock device in all vehicles

1 owned or operated by that person for a mandatory term of 24
2 months.

3 (D) Upon a conviction with three or more priors, the person
4 shall install ~~an~~ *a functioning, certified* ignition interlock device in
5 all vehicles owned or operated by that person for a mandatory term
6 of 36 months.

7 (2) A person convicted of a violation of subdivision (a), (b),
8 (d), or (f) of Section 23153 shall install ~~an~~ *a functioning, certified*
9 ignition interlock device, as follows:

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

14 (B) Upon a conviction with one prior, the person shall install
15 ~~an~~ *a functioning, certified* ignition interlock device in all vehicles
16 owned or operated by that person for a mandatory term of 24
17 months.

18 (C) Upon a conviction with two priors, the person shall install
19 ~~an~~ *a functioning, certified* ignition interlock device in all vehicles
20 owned or operated by that person for a mandatory term of 36
21 months.

22 (D) Upon a conviction with three or more priors, the person
23 shall install ~~an~~ *a functioning, certified* ignition interlock device in
24 all vehicles owned or operated by that person for a mandatory term
25 of 48 months.

26 (3) For the purposes of paragraphs (1) and (2), “prior” means
27 a conviction for a violation of Section 23103, as specified in
28 Section 23103.5, or Section 23140, 23152, or 23153, or Section
29 191.5 or subdivision (a) of Section 192.5 of the Penal Code.

30 (4) The terms prescribed in this subdivision shall begin once a
31 person has complied with subparagraph (B) of paragraph (1) of
32 subdivision (d) and either upon the reinstatement of the privilege
33 to drive pursuant to Section 13352 or the issuance of a restricted
34 driver’s license pursuant to Section 13352 or 13352.4. A person
35 shall receive credit for any period in which he or she had a
36 restricted driver’s license issued pursuant to Section 13353.3 or
37 13353.7 and he or she was in compliance with Section 13353.6.

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

1 (j) If a person fails to comply with any of the requirements
2 regarding ignition interlock devices, the period in which the person
3 was not in compliance shall not be credited towards the mandatory
4 term for which the ignition interlock device is required to be
5 installed.

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

14 (A) A person with an income at 100 percent of the federal
15 poverty level ~~and below or below and who provides income~~
16 ~~verification pursuant to paragraph (2) is responsible for 10 percent~~
17 ~~of the cost of the ignition interlock device. The ignition interlock~~
18 ~~device provider is responsible for absorbing the cost of the ignition~~
19 ~~interlock device that is not paid by the person. manufacturer's~~
20 ~~standard ignition interlock device program costs, and any~~
21 ~~additional costs accrued by the person for noncompliance with~~
22 ~~program requirements.~~

23 (B) A person with an income at 101 to 200 percent of the federal
24 poverty level ~~and who provides income verification pursuant to~~
25 ~~paragraph (2) is responsible for 25 percent of the cost of the~~
26 ~~ignition interlock device. The ignition interlock device provider~~
27 ~~is responsible for absorbing the cost of the ignition interlock device~~
28 ~~that is not paid by the person. manufacturer's standard ignition~~
29 ~~interlock device program costs, and any additional costs accrued~~
30 ~~by the person for noncompliance with program requirements.~~

31 (C) A person with an income at 201 to 300 percent of the federal
32 poverty level ~~and who provides income verification pursuant to~~
33 ~~paragraph (2) is responsible for 50 percent of the cost of the~~
34 ~~ignition interlock device. The ignition interlock device provider~~
35 ~~is responsible for absorbing the cost of the ignition interlock device~~
36 ~~that is not paid by the person. manufacturer's standard ignition~~
37 ~~interlock device program costs, and any additional costs accrued~~
38 ~~by the person for noncompliance with program requirements.~~

39 (D) A person who is receiving CalFresh benefits and who
40 provides proof of those benefits to the manufacturer or

1 *manufacturer's agent or authorized installer is responsible for 50*
2 *percent of the cost of the manufacturer's standard ignition interlock*
3 *device program costs, and any additional costs accrued by the*
4 *person for noncompliance with program requirements.*

5 ~~(D)~~

6 (E) A person with an income at 301 to 400 percent of the federal
7 poverty level *and who provides income verification pursuant to*
8 *paragraph (2) is responsible for 90 percent of the cost of the*
9 ~~ignition interlock device. The ignition interlock device provider~~
10 ~~is responsible for absorbing the cost of the ignition interlock device~~
11 ~~that is not paid by the person. manufacturer's standard ignition~~
12 ~~interlock device program costs, and any additional costs accrued~~
13 ~~by the person for noncompliance with program requirements.~~

14 ~~(E)~~

15 (F) All other offenders are responsible for 100 percent of the
16 cost of the ignition interlock device.

17 (G) *The manufacturer is responsible for the percentage of costs*
18 *that the offender is not responsible for pursuant to subparagraphs*
19 *(A) through (E), inclusive.*

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

22 ~~(3)~~

23 (2) The ignition interlock device provider shall verify the
24 offender's income to determine the cost of the ignition interlock
25 device pursuant to this subdivision by verifying ~~either one~~ of the
26 following documents from the offender:

27 (A) ~~Current~~ *The previous year's federal income tax return.*

28 (B) ~~Three~~ *The previous three months of weekly or monthly*
29 *income statements.*

30 (C) *Employment Development Department verification of*
31 *unemployment benefits.*

32 (l) *The Department of Consumer Affairs may impose a civil*
33 *assessment not to exceed one thousand dollars (\$1,000) upon a*
34 *manufacturer or manufacturer's agent certified to provide ignition*
35 *interlock devices who fails to inform an offender subject to this*
36 *chapter of the provisions of subdivision (k), or who fails to comply*
37 *with the provisions of subdivision (k).*

38 ~~(t)~~

39 (m) This section does not permit a person to drive without a
40 valid driver's license.

1 ~~(m)~~

2 (n) The requirements of this section are in addition to any other
3 requirements of law.

4 ~~(n)~~

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

10 ~~(o)~~

11 (p) This section shall become operative on July 1, ~~2017~~, 2018.

12 (q) *This section shall remain in effect only until January 1, 2025,*
13 *and as of that date is repealed, unless a later enacted statute, that*
14 *is enacted before January 1, 2025, deletes or extends that date.*

15 ~~SEC. 24.~~

16 SEC. 37. Section 23575.5 is added to the Vehicle Code, to
17 read:

18 23575.5. (a) On or before ~~June 1, 2021~~, the Department of
19 ~~Motor Vehicles~~ *January 1, 2024*, the Legislative Analyst’s Office
20 shall report to the Legislature regarding the implementation and
21 efficacy of the program enacted by the act that added this section.

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

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

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

35 (3) A comparison of the number of injuries and deaths resulting
36 from alcohol-related motor vehicle accidents between July 1, ~~2017~~,
37 *2018*, and January 1, ~~2021~~, *2023*, inclusive, and during periods of
38 similar duration prior to the implementation of the program.

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

1 alcohol between July 1, ~~2017~~, 2018, and January 1, ~~2021~~, 2023,
2 inclusive, and periods of similar duration prior to the
3 implementation of the program.

4 (5) *The effectiveness of the statewide ignition interlock device*
5 *requirement in reducing recidivism for driving-under-the-influence*
6 *violations.*

7 (c) *The Legislative Analyst's Office is authorized to collect*
8 *information for this report from state and local government*
9 *agencies.*

10 (e)

11 (d) The report described in subdivision (a) shall be submitted
12 in compliance with Section 9795 of the Government Code.

13 (d)

14 (e) (1) This section shall become operative on July 1, ~~2017~~.
15 2018.

16 (2) ~~Pursuant to Section 10231.5 of the Government Code, this~~
17 ~~section shall become inoperative on June 1, 2025, and, as of This~~
18 ~~section is repealed as of January 1, 2026, is repealed, 2029, unless~~
19 a later enacted statute, that becomes operative on or before January
20 1, ~~2026~~, 2029, deletes or extends the dates on which it becomes
21 inoperative and is repealed.

22 ~~SEC. 25.~~

23 SEC. 38. Section 23576 of the Vehicle Code is amended to
24 read:

25 23576. (a) Notwithstanding Sections 23575 and 23700, if a
26 person is required to operate a motor vehicle in the course and
27 scope of his or her employment and if the vehicle is owned by the
28 employer, the person may operate that vehicle without installation
29 of ~~an approved~~ a *functioning, certified* ignition interlock device if
30 the employer has been notified by the person that the person's
31 driving privilege has been restricted pursuant to Section 23575 or
32 23700 and if the person has proof of that notification in his or her
33 possession, or if the notice, or a facsimile copy thereof, is with the
34 vehicle.

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

39 (c) This section shall become inoperative on July 1, ~~2017~~, 2018,
40 and, as of January 1, ~~2018~~, 2019, is repealed, unless a later enacted

1 statute, that becomes operative on or before January 1, ~~2017~~, 2019,
2 deletes or extends the dates on which it becomes inoperative and
3 is repealed.

4 ~~SEC. 26.~~

5 *SEC. 39.* Section 23576 is added to the Vehicle Code, to read:

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

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

20 (c) This section shall become operative on July 1, ~~2017~~, 2018.

21 (d) *This section shall remain in effect only until January 1, 2025,*
22 *and as of that date is repealed, unless a later enacted statute, that*
23 *is enacted before January 1, 2025, deletes or extends that date.*

24 *SEC. 40.* Section 23576 is added to the Vehicle Code, to read:

25 23576. (a) Notwithstanding Sections 23575 and 23700, if a
26 person is required to operate a motor vehicle in the course and
27 scope of his or her employment and if the vehicle is owned by the
28 employer, the person may operate that vehicle without installation
29 of *a functioning, certified* ignition interlock device if the employer
30 has been notified by the person that the person's driving privilege
31 has been restricted pursuant to Section 23575 or 23700 and if the
32 person has proof of that notification in his or her possession, or
33 if the notice, or a facsimile copy thereof, is with the vehicle.

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

38 (c) *This section shall become operative January 1, 2025.*

1 ~~SEC. 27.~~

2 *SEC. 41.* Section 23597 of the Vehicle Code is amended to
3 read:

4 23597. (a) Notwithstanding Sections 13202.5, 13203, and
5 13352, a court may order a 10-year revocation of the driver's
6 license of a person who has been convicted of three or more
7 separate violations of Section 23152 or 23153, the last of which
8 is punishable under Section 23546, 23550, 23550.5, or 23566.
9 When making this order, the court shall consider all of the
10 following:

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

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

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

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

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

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

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

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

21 (d) This section shall become inoperative on July 1, ~~2017~~, 2018,
22 and, as of January 1, ~~2018~~, 2019, is repealed, unless a later enacted
23 statute, that becomes operative on or before January 1, ~~2018~~, 2019,
24 deletes or extends the dates on which it becomes inoperative and
25 is repealed.

26 ~~SEC. 28:~~

27 *SEC. 42.* Section 23597 is added to the Vehicle Code, to read:

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

- 35 (1) The person’s level of remorse for the acts.
- 36 (2) The period of time that has elapsed since the person’s
37 previous convictions.
- 38 (3) The person’s blood-alcohol level at the time of the violation.
- 39 (4) The person’s participation in an alcohol treatment program.
- 40 (5) The person’s risk to traffic or public safety.

1 (6) The person's ability to install a *functioning*, certified ignition
2 interlock device in each motor vehicle that he or she owns or
3 operates.

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

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

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

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

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

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

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

1 fails ~~three or more times~~ to comply with any requirement for the
2 maintenance or calibration of the ignition interlock device. The
3 privilege shall remain revoked for the remaining period of the
4 original revocation and until all reinstatement requirements are
5 ~~met~~. *met, provided, however, that if the person provides proof to*
6 *the satisfaction of the department that the person is in compliance*
7 *with the restriction issued pursuant to this section, the department*
8 *may, in its discretion, restore the privilege to operate a motor*
9 *vehicle and reimpose the remaining term of the restriction.*

10 (d) This section shall become operative on July 1, ~~2017~~. 2018.

11 (e) *This section shall remain in effect only until January 1, 2025,*
12 *and as of that date is repealed, unless a later enacted statute, that*
13 *is enacted before January 1, 2025, deletes or extends that date.*

14 SEC. 43. Section 23597 is added to the Vehicle Code, to read:

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

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

23 (2) *The period of time that has elapsed since the person's*
24 *previous convictions.*

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

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

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

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

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

35 (c) (1) *Five years from the date of the last conviction of a*
36 *violation of Section 23152 or 23153, a person whose license was*
37 *revoked pursuant to subdivision (a) may apply to the department*
38 *to have his or her privilege to operate a motor vehicle reinstated,*
39 *subject to the condition that the person submits the "Verification*
40 *of Installation" form described in paragraph (2) of subdivision*

1 (g) of Section 13386 and agrees to maintain the ignition interlock
2 device as required under subdivision (g) of Section 23575.
3 Notwithstanding Chapter 5 (commencing with Section 23700) or
4 subdivision (f) of Section 23575, the ignition interlock device shall
5 remain on the person's motor vehicle for two years following the
6 reinstatement of the person's driving privilege pursuant to this
7 section.

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

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

14 (B) The person successfully completed a
15 driving-under-the-influence program, licensed pursuant to Section
16 11836 of the Health and Safety Code, following the date of the last
17 conviction of a violation of Section 23152 or 23153.

18 (C) The person was not convicted of violating Section 14601,
19 14601.1, 14601.2, 14601.4, or 14601.5 during the driver's license
20 revocation period.

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

31 (d) This section shall become operative January 1, 2025.

32 SEC. 44. Section 23702 of the Vehicle Code is amended to
33 read:

34 23702. This chapter shall become inoperative on July 1, ~~2017,~~
35 2018, and, as of January 1, ~~2018,~~ 2019, is repealed, unless a later
36 enacted statute, that becomes operative on or before January 1,
37 ~~2018,~~ 2019, deletes or extends the dates on which it becomes
38 inoperative and is repealed.

1 ~~SEC. 29.~~
2 *SEC. 45.* No reimbursement is required by this act pursuant to
3 Section 6 of Article XIII B of the California Constitution because
4 the only costs that may be incurred by a local agency or school
5 district will be incurred because this act creates a new crime or
6 infraction, eliminates a crime or infraction, or changes the penalty
7 for a crime or infraction, within the meaning of Section 17556 of
8 the Government Code, or changes the definition of a crime within
9 the meaning of Section 6 of Article XIII B of the California
10 Constitution.