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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, *Gonzalez*, Lackey, Levine, Lopez, Maienschein,
Rodriguez, Santiago, and Waldron)

February 12, 2016

An act to amend Sections 9807, ~~9841~~, 9848, and 9882.14 of the Business and Professions Code, and 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 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 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 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 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. Under existing law, the amount of time the ignition interlock device is required to be installed is based upon the number of prior convictions suffered by the individual, as prescribed.

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, 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~~ *the vehicle, as ordered by the court, that is the vehicle* that he or she owns or operates. The bill 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, 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 Legislative Analyst's Office to issue a report to the Legislature by ~~June~~ *January 1, 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, 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.~~

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

35 ~~(4) Conduct constituting incompetence or negligence.~~

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

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

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

9 ~~(8) A violation of any order of the bureau made pursuant to this~~
10 ~~chapter.~~

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

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

23 ~~SEC. 3.~~

24 ~~SEC. 2.~~ Section 9848 of the Business and Professions Code is
25 amended to read:

26 9848. All proceedings to contest a citation or to deny
27 registration or suspend, revoke, or place on probation a registration
28 shall be conducted pursuant to Chapter 5 (commencing with
29 Section 11500) of Part 1 of Division 3 of Title 2 of the Government
30 Code.

31 ~~SEC. 4.~~

32 ~~SEC. 3.~~ Section 9882.14 of the Business and Professions Code
33 is amended to read:

34 9882.14. (a) The bureau shall cooperate with the Office of
35 Traffic Safety and adopt standards for the installation, maintenance,
36 and servicing of certified ignition interlock devices by automotive
37 repair dealers.

38 (b) The manufacturers of certified ignition interlock devices
39 shall comply with standards established by the bureau for the
40 installation of those ignition interlock devices.

1 (c) The bureau may charge manufacturers of certified interlock
2 ignition devices a fee to recover the cost of monitoring installation
3 standards.

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

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

13 ~~SEC. 5.~~

14 *SEC. 4.* Section 13352 of the Vehicle Code is amended to read:

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

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

1 described in subdivision (b) of Section 23542, the department shall
2 require that program in lieu of the program described in subdivision
3 (b) of Section 23538. For the purposes of this paragraph, enrollment
4 in, participation in, and completion of an approved program shall
5 occur subsequent to the date of the current violation. Credit shall
6 not be given to any program activities completed prior to the date
7 of the current violation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (i) 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 (ii) The initial 12 months of 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 (B) The person agrees, as a condition of the restriction, to
25 continue satisfactory participation in the program described in
26 subparagraph (A).

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

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

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

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

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

38 (5) Except as provided in this paragraph, upon a conviction or
39 finding of a violation of Section 23152 punishable under Section
40 23546, the privilege shall be revoked for a period of three years.

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

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

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

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

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

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

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

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

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

8 (G) An individual convicted of a violation of Section 23152
9 punishable under Section 23546 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 (H) The person pays all applicable reinstatement or reissue fees
18 and any restriction fee required by the department.

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

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

24 (6) Except as provided in this paragraph, upon a conviction or
25 finding of a violation of Section 23153 punishable under Section
26 23550.5 or 23566, the privilege shall be revoked for a period of
27 five years. The privilege may not be reinstated until the person
28 gives proof of financial responsibility and gives proof satisfactory
29 to the department of successful completion of a
30 driving-under-the-influence program licensed pursuant to Section
31 11836 of the Health and Safety Code as described in subdivision
32 (b) of Section 23568 of this code, or if available in the county of
33 the person’s residence or employment, a 30-month
34 driving-under-the-influence program licensed pursuant to Section
35 11836 of the Health and Safety Code, or a program specified in
36 Section 8001 of the Penal Code. For the purposes of this paragraph,
37 enrollment in, participation in, and completion of an approved
38 program shall be subsequent to the date of the current violation.
39 Credit shall not be given to any program activities completed prior
40 to the date of the current violation. The department shall advise

1 the person that after completion of 12 months of the revocation
2 period, which may include credit for a suspension period served
3 under subdivision (c) of Section 13353.3, he or she may apply to
4 the department for a restricted driver’s license if the person meets
5 all of the following requirements:

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

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

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

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

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

22 (D) The person agrees to maintain the functioning, certified
23 ignition interlock device as required under subdivision (g) of
24 Section 23575.

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

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

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

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

1 (7) Except as provided in this paragraph, upon a conviction or
2 finding of a violation of Section 23152 punishable under Section
3 23550 or 23550.5, or of a violation of Section 23153 punishable
4 under Section 23550.5, the privilege shall be revoked for a period
5 of four years. The privilege shall not be reinstated until the person
6 files proof of financial responsibility and gives proof satisfactory
7 to the department of successful completion of an 18-month
8 driving-under-the-influence program licensed pursuant to Section
9 11836 of the Health and Safety Code, if a 30-month program is
10 unavailable in the person's county of residence or employment,
11 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 after
20 completion of 12 months of the revocation period, which may
21 include credit for a suspension period served under subdivision
22 (c) of Section 13353.3, he or she may apply to the department for
23 a restricted driver's license if the person meets all of the following
24 requirements:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 ~~SEC. 6.~~

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

3 13352. (a) The department shall immediately suspend or
4 revoke the privilege of a person to operate a motor vehicle upon
5 the receipt of an abstract of the record of a court showing that the
6 person has been convicted of a violation of Section 23152 or 23153,
7 subdivision (a) of Section 23109, or Section 23109.1, or upon the
8 receipt of a report of a judge of the juvenile court, a juvenile traffic
9 hearing officer, or a referee of a juvenile court showing that the
10 person has been found to have committed a violation of Section
11 23152 or 23153, subdivision (a) of Section 23109, or Section
12 23109.1. If an offense specified in this section occurs in a vehicle
13 defined in Section 15210, the suspension or revocation specified
14 in this subdivision applies also to the noncommercial driving
15 privilege. The commercial driving privilege shall be disqualified
16 as specified in Sections 15300 to 15302, inclusive. For the purposes
17 of this section, suspension or revocation shall be as follows:

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

36 (2) Upon a conviction or finding of a violation of Section 23153
37 punishable under Section 23554, the privilege shall be suspended
38 for a period of one year. The privilege shall not be reinstated until
39 the person gives proof of financial responsibility and gives proof
40 satisfactory to the department of successful completion of a

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

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

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 complies with Section 23575.3, if applicable.

30 (D) The person agrees to maintain the functioning, certified
31 ignition interlock device as required under Section 23575.3, if
32 applicable.

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

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

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

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

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

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

21 (i) Proof of enrollment in an 18-month
22 driving-under-the-influence program licensed pursuant to Section
23 11836 of the Health and Safety Code if a 30-month program is
24 unavailable in the person's county of residence or employment.

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

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

32 (C) The person complies with Section 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) The person pays all reissue fees and any restriction fee
39 required by the department.

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

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

6 (4) Except as provided in this paragraph, upon a conviction or
7 finding of a violation of Section 23153 punishable under Section
8 23560, the privilege shall be revoked for a period of three years.
9 The privilege may not be reinstated until the person gives proof
10 of financial responsibility, and the person gives proof satisfactory
11 to the department of successful completion of a
12 driving-under-the-influence program licensed pursuant to Section
13 11836 of the Health and Safety Code, as described in paragraph
14 (4) of subdivision (b) of Section 23562 of this 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 if the
21 person meets all of the following requirements:

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

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

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

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

36 (C) The person complies with Section 23575.3, if applicable.

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

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

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

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

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

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

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

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

38 (ii) Proof of enrollment in a 30-month
39 driving-under-the-influence program licensed pursuant to Section

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

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

6 (C) The person complies with Section 23575.3, if applicable.

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

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

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

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

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

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

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

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

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

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

14 (ii) Proof of enrollment in 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 (B) The person agrees, as a condition of the restriction, to
19 continue satisfactory participation in the program described in
20 subparagraph (A).

21 (C) The person complies with Section 23575.3, if applicable.

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

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

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

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

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

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

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 he or she
22 may apply to the department for a restricted driver's license if the
23 person meets all of the following requirements:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 operate a motor vehicle and reimpose the remaining term of the
2 restriction.

3 (f) Notwithstanding the suspension periods specified in
4 paragraphs (1) to (7), inclusive, of subdivision (a) or Section
5 13352.1, if the person maintains a functioning, certified ignition
6 interlock device for the mandatory term required under Section
7 23575.3, inclusive of any term credit earned under Section 13353.6,
8 the department shall reinstate his or her privilege to operate a motor
9 vehicle at the time the other reinstatement requirements are
10 satisfied.

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

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

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

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

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

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

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

34 ~~SEC. 7.~~

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

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

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

11 (1) Except as required under Section 13352.1 or 13352.4, upon
12 a conviction or finding of a violation of Section 23152 punishable
13 under Section 23536, the privilege shall be suspended for a period
14 of six months. The privilege shall 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 described in subdivision (b)
19 of Section 23538 of this code. If the court, as authorized under
20 paragraph (3) of subdivision (b) of Section 23646, elects to order
21 a person to enroll in, participate in, and complete either program
22 described in subdivision (b) of Section 23542, the department shall
23 require that program in lieu of the program described in subdivision
24 (b) of Section 23538. For the purposes of this paragraph, enrollment
25 in, participation in, and completion of an approved program shall
26 occur subsequent to the date of the current violation. Credit shall
27 not be given to any program activities completed prior to the date
28 of the current violation.

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

1 23556. For the purposes of this paragraph, enrollment,
2 participation, and completion of an approved program shall occur
3 subsequent to the date of the current violation. Credit shall not be
4 given to any program activities completed prior to the date of the
5 current violation.

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

21 (A) Completion of 12 months of the suspension period, or
22 completion of 90 days of the suspension period if the underlying
23 conviction did not include the use of drugs as defined in Section
24 312 and the person was found to be only under the influence of an
25 alcoholic beverage at the time of the violation.

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

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

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

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

- 1 (D) The person submits the “Verification of Installation” form
- 2 described in paragraph (2) of subdivision (g) of Section 13386.
- 3 (E) The person agrees to maintain the ignition interlock device
- 4 as required under subdivision (g) of Section 23575.
- 5 (F) The person provides proof of financial responsibility, as
- 6 defined in Section 16430.
- 7 (G) The person pays all reissue fees and any restriction fee
- 8 required by the department.
- 9 (H) The person pays to the department a fee sufficient to cover
- 10 the costs of administration of this paragraph, as determined by the
- 11 department.
- 12 (I) The restriction shall remain in effect for the period required
- 13 in subdivision (f) of Section 23575.
- 14 (4) Except as provided in this paragraph, upon a conviction or
- 15 finding of a violation of Section 23153 punishable under Section
- 16 23560, the privilege shall be revoked for a period of three years.
- 17 The privilege may not be reinstated until the person gives proof
- 18 of financial responsibility, and the person gives proof satisfactory
- 19 to the department of successful completion of a
- 20 driving-under-the-influence program licensed pursuant to Section
- 21 11836 of the Health and Safety Code, as described in paragraph
- 22 (4) of subdivision (b) of Section 23562 of this code. For the
- 23 purposes of this paragraph, enrollment in, participation in, and
- 24 completion of an approved program shall occur subsequent to the
- 25 date of the current violation. Credit shall not be given to any
- 26 program activities completed prior to the date of the current
- 27 violation. The department shall advise the person that after the
- 28 completion of 12 months of the revocation period, which may
- 29 include credit for a suspension period served under subdivision
- 30 (c) of Section 13353.3, he or she may apply to the department for
- 31 a restricted driver’s license if the person meets all of the following
- 32 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) The initial 12 months of an 18-month
- 37 driving-under-the-influence program licensed pursuant to Section
- 38 11836 of the Health and Safety Code if a 30-month program is
- 39 unavailable in the person’s county of residence or employment.

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

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

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

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

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, which
38 may include credit for a suspension period served under subdivision
39 (c) of Section 13353.3, if the person meets all of the following
40 requirements:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (F) An individual convicted of a violation of Section 23153
6 punishable under Section 23566 may also, at any time after
7 sentencing, petition the court for referral to an 18-month
8 driving-under-the-influence program licensed pursuant to Section
9 11836 of the Health and Safety Code, or, if available in the county
10 of the person's residence or employment, a 30-month
11 driving-under-the-influence program licensed pursuant to Section
12 11836 of the Health and Safety Code. Unless good cause is shown,
13 the court shall order the referral.

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

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

18 (7) Except as provided in this paragraph, upon a conviction or
19 finding of a violation of Section 23152 punishable under Section
20 23550 or 23550.5, or of a violation of Section 23153 punishable
21 under Section 23550.5, the privilege shall be revoked for a period
22 of four years. The privilege shall not be reinstated until the person
23 files proof of financial responsibility and gives proof satisfactory
24 to the department of successful completion of 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 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 after
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) An individual convicted of a violation of Section 23152
24 punishable under Section 23550 may also, at any time after
25 sentencing, petition the court for referral to an 18-month
26 driving-under-the-influence program licensed pursuant to Section
27 11836 of the Health and Safety Code, or, if available in the county
28 of the person’s residence or employment, a 30-month
29 driving-under-the-influence program licensed pursuant to Section
30 11836 of the Health and Safety Code. Unless good cause is shown,
31 the court shall order the referral.

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

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

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

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

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

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

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

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

28 (e) For the purposes of the restriction conditions specified in
29 paragraphs (3) 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 (f) For the purposes of this section, completion of a program is
39 the following:

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

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

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

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

16 ~~SEC. 8.~~

17 *SEC. 7.* Section 13352.4 of the Vehicle Code is amended to
18 read:

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

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

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

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

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

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

38 (b) The restriction of the driving privilege shall become effective
39 when the department receives all of the documents and fees
40 required under subdivision (a) and shall remain in effect until the

1 final day of the original suspension imposed under paragraph (1)
2 of subdivision (a) of Section 13352 or Section 13352.1, or until
3 the date all reinstatement requirements described in Section 13352
4 or 13352.1 have been met, whichever date is later, and may include
5 credit for any suspension period served under subdivision (c) of
6 Section 13353.3.

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

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

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

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

33 (g) The holder of a commercial driver's license who was
34 operating a commercial motor vehicle, as defined in Section 15210,
35 at the time of a violation that resulted in a suspension or revocation
36 of the person's noncommercial driving privilege under paragraph
37 (1) of subdivision (a) of Section 13352 or Section 13352.1 is not
38 eligible for the restricted driver's license authorized under this
39 section.

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

6 (i) This section shall become inoperative on July 1, 2018, and,
7 as of January 1, 2019, is repealed, unless a later enacted statute,
8 that becomes operative on or before January 1, 2019, deletes or
9 extends the dates on which it becomes inoperative and is repealed.

10 ~~SEC. 9.~~

11 *SEC. 8.* Section 13352.4 is added to the Vehicle Code, to read:

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

17 (1) Submits proof satisfactory to the department of either of the
18 following:

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

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

27 (2) Complies with Section 23575.3, if applicable.

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

30 (4) Submits proof of financial responsibility, as defined in
31 Section 16430.

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

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

37 (b) The restriction of the driving privilege shall become effective
38 when the department receives all of the documents and fees
39 required under subdivision (a) and shall remain in effect until the

1 date all reinstatement requirements described in Section 13352 or
2 13352.1 have been met.

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

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

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

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

35 (f) The holder of a commercial driver's license who was
36 operating a commercial motor vehicle, as defined in Section 15210,
37 at the time of a violation that resulted in a suspension or revocation
38 of the person's noncommercial driving privilege under paragraph
39 (1) of subdivision (a) of Section 13352 or Section 13352.1 is not

1 eligible for the restricted driver’s license authorized under this
2 section.

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

8 (h) This section shall become operative on July 1, 2018.

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

12 ~~SEC. 10.~~

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

14 13352.4. (a) Except as provided in subdivision (h), the
15 department shall issue a restricted driver’s license to a person
16 whose driver’s license was suspended under paragraph (1) of
17 subdivision (a) of Section 13352 or Section 13352.1, if the person
18 meets all of the following requirements:

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

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

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

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

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

33 (b) The restriction of the driving privilege shall become effective
34 when the department receives all of the documents and fees
35 required under subdivision (a) and shall remain in effect until the
36 final day of the original suspension imposed under paragraph (1)
37 of subdivision (a) of Section 13352 or Section 13352.1, or until
38 the date all reinstatement requirements described in Section 13352
39 or 13352.1 have been met, whichever date is later, and may include

1 credit for any suspension period served under subdivision (c) of
2 Section 13353.3.

3 (c) The restriction of the driving privilege shall be limited to
4 the hours necessary for driving to and from the person's place of
5 employment, driving during the course of employment, and driving
6 to and from activities required in the driving-under-the-influence
7 program.

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

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

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

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

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

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

2 ~~SEC. 11.~~

3 *SEC. 10.* Section 13353.3 of the Vehicle Code is amended to
4 read:

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

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

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

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

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

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

1 (ii) The person installs a functioning, certified ignition interlock
2 device as required in Section 13352 for that restricted driver's
3 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 a functioning, certified ignition interlock
25 device and submits the "Verification of Installation" form described
26 in paragraph (2) of subdivision (g) of Section 13386.

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

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 to comply with
36 any requirement for the maintenance or calibration of the ignition
37 interlock device ordered pursuant to this section. The privilege
38 shall remain suspended for the remaining period of the original
39 suspension imposed pursuant to subparagraph (A).

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

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

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

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

28 (f) This section shall become inoperative on July 1, 2018, and,
29 as of January 1, 2019, is repealed, unless a later enacted statute,
30 that becomes operative on or before January 1, 2019, deletes or
31 extends the dates on which it becomes inoperative and is repealed.

32 ~~SEC. 12.~~

33 *SEC. 11.* Section 13353.3 is added to the Vehicle Code, to
34 read:

35 13353.3. (a) An order of suspension of a person's privilege to
36 operate a motor vehicle pursuant to Section 13353.2 shall become
37 effective 30 days after the person is served with the notice pursuant
38 to Section 13382 or 13388, or subdivision (b) of Section 13353.2.

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

1 (1) If the person has not been convicted of a separate violation
2 of Section 23103, as specified in Section 23103.5, or Section
3 23140, 23152, or 23153, or Section 191.5 or subdivision (a) of
4 Section 192.5 of the Penal Code, the person has not been
5 administratively determined to have refused chemical testing
6 pursuant to Section 13353 or 13353.1 of this code, or the person
7 has not been administratively determined to have been driving
8 with an excessive concentration of alcohol pursuant to Section
9 13353.2 on a separate occasion, which offense or occurrence
10 occurred within 10 years of the occasion in question, the person's
11 privilege to operate a motor vehicle shall be suspended for four
12 months.

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

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

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

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

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

36 (C) The one-year suspension pursuant to subparagraph (A) shall
37 terminate after completion of a 90-day suspension period, and the
38 person shall be eligible for a restricted license if the person has
39 been convicted of a violation of Section 23103, as specified in
40 Section 23103.5, arising out of the same occurrence, has no more

1 than two prior alcohol-related convictions within 10 years, as
2 specified pursuant to subparagraph (A), and all of the following
3 conditions are met:

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

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

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

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

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

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

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

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

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

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

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

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

20 (iv) The department shall immediately suspend the privilege to
21 operate a motor vehicle pursuant to subparagraph (A) immediately
22 upon receipt of notification from the installer that a person has
23 attempted to remove, bypass, or tamper with the ignition interlock
24 device, has removed the device prior to the termination date of the
25 restriction, or has failed to comply with any requirement for the
26 maintenance or calibration of the ignition interlock device ordered
27 pursuant to this section. The privilege shall remain suspended for
28 the remaining period of the original suspension imposed pursuant
29 to subparagraph (A), provided, however, that if the person provides
30 proof to the satisfaction of the department that the person is in
31 compliance with the restriction issued pursuant to this section, the
32 department may, in its discretion, restore the privilege to operate
33 a motor vehicle and reimpose the remaining term of the restriction.

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

39 (c) If a person's privilege to operate a motor vehicle is
40 suspended pursuant to Section 13353.2 and the person is convicted

1 of a violation of Section 23152 or 23153, including, but not limited
2 to, a violation described in Section 23620, arising out of the same
3 occurrence, both the suspension under Section 13353.2 and the
4 suspension or revocation under Section 13352 shall be imposed,
5 except that the periods of suspension or revocation shall run
6 concurrently, and the total period of suspension or revocation shall
7 not exceed the longer of the two suspension or revocation 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 on July 1, 2018.

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

25 ~~SEC. 13.~~

26 *SEC. 12.* Section 13353.3 is added to the Vehicle Code, to
27 read:

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

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

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

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

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

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

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

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

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

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

37 (i) The person satisfactorily provides, subsequent to the
38 underlying violation date, proof satisfactory to the department of
39 enrollment in a nine-month driving-under-the-influence program
40 licensed pursuant to Chapter 9 (commencing with Section 11836)

1 of Part 2 of Division 10.5 of the Health and Safety Code that
2 consists of at least 60 hours of program activities, including
3 education, group counseling, and individual interview sessions.

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

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

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

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

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

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

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

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

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

39 (ii) For the purposes of this section, enrollment, participation,
40 and completion of an approved program shall occur subsequent

1 to the date of the current violation. Credit may not be given to a
2 program activity completed prior to the date of the current
3 violation.

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

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

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

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

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

1 Section 23103, as specified in Section 23103.5, or Section 23140,
2 23152, or 23153, or Section 191.5 or subdivision (a) of Section
3 192.5 of the Penal Code, is a conviction of that particular section
4 of the Vehicle Code or Penal Code.

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

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

11 ~~SEC. 14.~~

12 *SEC. 13.* Section 13353.4 of the Vehicle Code is amended to
13 read:

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

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

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

29 ~~SEC. 15.~~

30 *SEC. 14.* Section 13353.4 is added to the Vehicle Code, to
31 read:

32 13353.4. (a) Except as provided in Section 13353.3, 13353.6,
33 13353.7, or 13353.8, the driving privilege shall not be restored,
34 and a restricted or hardship permit to operate a motor vehicle shall
35 not be issued, to a person during the suspension or revocation
36 period specified in Section 13353, 13353.1, or 13353.3.

37 (b) The privilege to operate a motor vehicle shall not be restored
38 after a suspension or revocation pursuant to Section 13352, 13353,
39 13353.1, or 13353.2 until all applicable fees, including the fees
40 prescribed in Section 14905, have been paid and the person gives

1 proof of financial responsibility, as defined in Section 16430, to
2 the department.

3 (c) This section shall become operative on July 1, 2018.

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

7 ~~SEC. 16.~~

8 *SEC. 15.* Section 13353.4 is added to the Vehicle Code, to
9 read:

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

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

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

22 ~~SEC. 17.~~

23 *SEC. 16.* Section 13353.5 of the Vehicle Code is amended to
24 read:

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

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

1 grounds exist including, but not limited to, one or more subsequent
2 convictions for driving under the influence of alcohol or other
3 drugs that would support a refusal to issue a license. The
4 department may waive the three-year requirement if the person
5 provides the department with proof of financial responsibility, as
6 defined in Section 16430, and proof satisfactory to the department
7 of successful completion of a driving-under-the-influence program
8 described in Section 13352, and the driving-under-the-influence
9 program is of the length required under paragraphs (1) to (7),
10 inclusive, of subdivision (a) of Section 13352.

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

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

17 ~~SEC. 18.~~

18 *SEC. 17.* Section 13353.5 is added to the Vehicle Code, to
19 read:

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

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

1 defined in Section 16430, and proof satisfactory to the department
2 of successful completion of a driving-under-the-influence program
3 described in Section 13352, and the driving-under-the-influence
4 program is of the length required under paragraphs (1) to (7),
5 inclusive, of subdivision (a) of Section 13352.

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

8 (d) This section shall become operative on July 1, 2018.

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

12 ~~SEC. 19.~~

13 *SEC. 18.* Section 13353.5 is added to the Vehicle Code, to
14 read:

15 13353.5. (a) If a person whose driving privilege is suspended
16 or revoked under Section 13352, former Section 13352.4, Section
17 13352.4, Section 13352.6, paragraph (1) of subdivision (g) of
18 Section 23247, or paragraph (2) of subdivision (f) of Section 23575
19 is a resident of another state at the time the mandatory period of
20 suspension or revocation expires, the department may terminate
21 the suspension or revocation, upon written application of the
22 person, for the purpose of allowing the person to apply for a license
23 in his or her state of residence. The application shall include, but
24 need not be limited to, evidence satisfactory to the department that
25 the applicant now resides in another state.

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

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

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

4 ~~SEC. 20.~~

5 *SEC. 19.* Section 13353.6 is added to the Vehicle Code, to
6 read:

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

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

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

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

29 (c) The department shall terminate the restriction issued pursuant
30 to Section 13353.7 or 13353.75 and shall immediately reinstate
31 the suspension of the privilege to operate a motor vehicle upon
32 receipt of notification from the ignition interlock device installer
33 that a person has attempted to remove, bypass, or tamper with the
34 ignition interlock device, has removed the device prior to the
35 termination date of the restriction, or has failed to comply with
36 any requirement for the maintenance or calibration of the ignition
37 interlock device. The privilege shall remain suspended for the
38 remaining mandatory suspension period imposed pursuant to
39 Section 13353.3, provided, however, that if the person provides
40 proof to the satisfaction of the department that the person is in

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

4 (d) Notwithstanding any other law, a person whose driving
5 privilege has been suspended under Section 13353.2, who is
6 eligible for a restricted driver's license as provided for in Section
7 13353.7 or 13353.75, and who installs a functioning, certified
8 ignition interlock device pursuant to this section or Section
9 13353.75, shall receive credit towards the mandatory term the
10 person is required to install a functioning, certified ignition
11 interlock device pursuant to Section 23575.3 for a conviction of
12 a violation arising out of the same occurrence that led to the
13 person's driving privilege being suspended pursuant to Section
14 13352.2 equal to the period of time the person installs a
15 functioning, certified ignition interlock device pursuant to this
16 section or Section 13353.75.

17 (e) This section shall become operative on July 1, 2018.

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

21 ~~SEC. 21.~~

22 *SEC. 20.* Section 13353.75 is added to the Vehicle Code, to
23 read:

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

34 (1) (A) The person satisfactorily provides proof of enrollment
35 in a driving-under-the-influence program licensed under Section
36 11836 of the Health and Safety Code, as described in subdivision
37 (b) of Section 23538.

38 (B) The program shall report any failure to participate in the
39 program to the department and shall certify successful completion
40 of the program to the department.

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

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

11 (3) The person has not been arrested subsequent to the offense
12 for which the person's driving privilege has been suspended under
13 Section 13353.2 for a violation of Section 23103, as specified in
14 Section 23103.5, or Section 23140, 23152, or 23153, or Section
15 191.5 or subdivision (a) of Section 192.5 of the Penal Code, and
16 the person's privilege to operate a motor vehicle has not been
17 suspended or revoked pursuant to Section 13353 or 13353.2 for
18 an offense that occurred on a separate occasion, notwithstanding
19 Section 13551.

20 (4) The person installs a functioning, certified ignition interlock
21 device on any vehicle that he or she owns or operates and submits
22 the "Verification of Installation" form described in paragraph (2)
23 of subdivision (g) of Section 13386.

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

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

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

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

1 (e) If the holder of a commercial driver’s license was operating
2 a motor vehicle, other than a commercial vehicle as defined in
3 Section 15210, at the time of the violation that resulted in the
4 suspension of that person’s driving privilege pursuant to Section
5 13353.2, the department shall, pursuant to this section, if the person
6 is otherwise eligible, issue the person a class C or class M driver’s
7 license restricted in the same manner and subject to the same
8 conditions as specified in subdivision (a).

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

12 ~~SEC. 22.~~

13 *SEC. 21.* Section 13386 of the Vehicle Code is amended to
14 read:

15 13386. (a) (1) The department shall certify or cause to be
16 certified ignition interlock devices required by Article 5
17 (commencing with Section 23575) of Chapter 2 of Division 11.5
18 and publish a list of approved devices.

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

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

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

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

1 on pages 11774 to 11787, inclusive, or the model specifications
2 for breath alcohol ignition interlock devices, as published by notice
3 in the Federal Register, Vol. 78, No. 89, Wednesday, May 8, 2013,
4 on pages 25489 to 26867, inclusive.

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

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

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

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

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

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

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

38 (g) The department shall ensure that standard forms and
39 procedures are developed for documenting decisions and

1 compliance and communicating results to relevant agencies. These
2 forms shall include all of the following:

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

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

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

22 (h) The department shall develop rules under which every
23 manufacturer and manufacturer’s agent certified by the department
24 to provide ignition interlock devices shall provide a fee schedule
25 to the department of the manufacturer’s standard ignition interlock
26 device program costs, stating the standard charges for installation,
27 service and maintenance, and removal of the manufacturer’s device,
28 and shall develop a form to be signed by an authorized
29 representative of the manufacturer pursuant to which the
30 manufacturer agrees to provide functioning, certified ignition
31 interlock devices to applicants at the costs described in subdivision
32 (k) of Section 23575.3. The form shall contain an acknowledgment
33 that the failure of the manufacturer, its agents, or authorized
34 installers to comply with subdivision (k) of Section 23575.3 shall
35 result in suspension or revocation of the department’s approval
36 for the manufacturer to market ignition interlock devices in this
37 state.

38 (i) A person who manufactures, installs, services, or repairs, or
39 otherwise deals in ignition interlock devices shall not disclose,
40 sell, or transfer to a third party any individually identifiable

1 information pertaining to individuals who are required by law to
2 install a functioning, certified ignition interlock device on a vehicle
3 that he or she owns or operates, except to the extent necessary to
4 confirm or deny that an individual has complied with ignition
5 interlock device installation and maintenance requirements.

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

9 ~~SEC. 23.~~

10 *SEC. 22.* Section 13386 is added to the Vehicle Code, to read:

11 13386. (a) (1) The department shall certify or cause to be
12 certified ignition interlock devices required by Article 5
13 (commencing with Section 23575) of Chapter 2 of Division 11.5
14 and publish a list of approved devices.

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

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

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

31 (ii) The denial of certification for an ignition interlock device
32 in another state was due to a failure of an ignition interlock device
33 to meet the standards adopted by the regulation set forth in clause
34 (i), specifically Sections 1 and 2 of the model specification for
35 breath alcohol ignition interlock devices, as published by notice
36 in the Federal Register, Vol. 57, No. 67, Tuesday, April 7, 1992,
37 on pages 11774 to 11787, inclusive, or the Model Specifications
38 for Breath Alcohol Ignition Interlock Devices, as published by
39 notice in the Federal Register, Vol. 78, No. 89, Wednesday, May
40 8, 2013, on pages 25489 to 26867, inclusive.

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

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

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

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

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

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

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

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

38 (1) An "Option to Install," to be sent by the department to repeat
39 offenders along with the mandatory order of suspension or
40 revocation. This shall include the alternatives available for early

1 license reinstatement with the installation of an ignition interlock
2 device and shall be accompanied by a toll-free telephone number
3 for each manufacturer of a certified ignition interlock device.
4 Information regarding approved installation locations shall be
5 provided to drivers by manufacturers with ignition interlock devices
6 that have been certified in accordance with this section.

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

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

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

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

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

30 ~~SEC. 24.~~

31 *SEC. 23.* Section 13390 is added to the Vehicle Code, to read:

32 13390. (a) A temporary license issued pursuant to Section
33 13382, 13388, or 13389 shall contain a notice that the person may
34 be able to regain driving privileges with the installation of an
35 ignition interlock device, that financial assistance may be available
36 for that purpose, and a contact for obtaining more information
37 regarding the ignition interlock program.

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

1 ~~SEC. 25.~~

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

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

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

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

27 (d) The court shall notify the Department of Motor Vehicles of
28 each conviction 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.

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

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

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

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

21 (g) Commencing July 1, 2018, the court may require a person
22 convicted on or after July 1, 2018, of a violation of Section 23103,
23 as described in this section, to install a functioning, certified
24 ignition interlock device on any vehicle that the person owns or
25 operates and prohibit that person from operating a motor vehicle
26 unless that vehicle is equipped with a functioning, certified ignition
27 interlock device. If the court orders the ignition interlock device
28 restriction, the term shall be determined by the court for a period
29 of at least three months, but no longer than the term specified in
30 Section 23575.3 that would have applied to the defendant had he
31 or she instead been convicted of a violation of Section 23152, from
32 the date of conviction. The court shall notify the Department of
33 Motor Vehicles, as specified in subdivision (a) of Section 1803,
34 of the terms of the restrictions in accordance with subdivision (a)
35 of Section 1804. The Department of Motor Vehicles shall place
36 the restriction in the person's records in the Department of Motor
37 Vehicles. A person who is required to install a functioning, certified
38 ignition interlock device pursuant to this subdivision shall submit
39 the "Verification of Installation" form described in paragraph (2)
40 of subdivision (g) of Section 13386 and maintain the ignition

1 interlock device as required under subdivision (f) of Section
2 23575.3. The department shall monitor the installation and
3 maintenance of the ignition interlock device installed pursuant to
4 this subdivision.

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

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

12 ~~SEC. 26.~~

13 *SEC. 25.* Section 23103.5 is added to the Vehicle Code, to
14 read:

15 23103.5. (a) If the prosecution agrees to a plea of guilty or
16 nolo contendere to a charge of a violation of Section 23103 in
17 satisfaction of, or as a substitute for, an original charge of a
18 violation of Section 23152, the prosecution shall state for the record
19 a factual basis for the satisfaction or substitution, including whether
20 or not there had been consumption of an alcoholic beverage or
21 ingestion or administration of a drug, or both, by the defendant in
22 connection with the offense. The statement shall set forth the facts
23 that show whether or not there was a consumption of an alcoholic
24 beverage or the ingestion or administration of a drug by the
25 defendant in connection with the offense.

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

30 (c) If the court accepts the defendant's plea of guilty or nolo
31 contendere to a charge of a violation of Section 23103 and the
32 prosecutor's statement under subdivision (a) states that there was
33 consumption of an alcoholic beverage or the ingestion or
34 administration of a drug by the defendant in connection with the
35 offense, the resulting conviction shall be a prior offense for the
36 purposes of Section 23540, 23546, 23550, 23560, 23566, or 23622,
37 as specified in those sections.

38 (d) The court shall notify the Department of Motor Vehicles of
39 each conviction 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.

3 (e) Except as provided in paragraph (1) of subdivision (f), if the
4 court places the defendant on probation for a conviction of Section
5 23103 that is required under this section to be a prior offense for
6 purposes of Section 23540, 23546, 23550, 23560, 23566, or 23622,
7 the court shall order the defendant to enroll in an alcohol and drug
8 education program licensed under Chapter 9 (commencing with
9 Section 11836) of Part 2 of Division 10.5 of the Health and Safety
10 Code and complete, at a minimum, the educational component of
11 that program, as a condition of probation. If compelling
12 circumstances exist that mitigate against including the education
13 component in the order, the court may make an affirmative finding
14 to that effect. The court shall state the compelling circumstances
15 and the affirmative finding on the record, and may, in these cases,
16 exclude the educational component from the order.

17 (f) (1) If the court places on probation a defendant convicted
18 of a violation of Section 23103 that is required under this section
19 to be a prior offense for purposes of Section 23540, 23546, 23550,
20 23560, 23566, or 23622, and that offense occurred within 10 years
21 of a separate conviction of a violation of Section 23103, as
22 specified in this section, or within 10 years of a conviction of a
23 violation of Section 23152 or 23153, the court shall order the
24 defendant to participate for nine months or longer, as ordered by
25 the court, in a program licensed under Chapter 9 (commencing
26 with Section 11836) of Part 2 of Division 10.5 of the Health and
27 Safety Code that consists of at least 60 hours of program activities,
28 including education, group counseling, and individual interview
29 sessions.

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

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

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

38 ~~SEC. 27.~~

39 *SEC. 26.* Section 23247 of the Vehicle Code is amended to
40 read:

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

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

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

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

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

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

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

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

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

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

17 ~~SEC. 28.~~

18 *SEC. 27.* Section 23247 is added to the Vehicle Code, to read:

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

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

34 (c) It is unlawful to blow into an ignition interlock device or to
35 start a motor vehicle equipped with the device for the purpose of
36 providing an operable motor vehicle to a person whose driving
37 privilege is restricted pursuant to Section 13352, 13352.4, 23575,
38 23575.3, or 23700.

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

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

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

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

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

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

33 (i) This section shall become operative on July 1, 2018.

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

37 ~~SEC. 29.~~

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

39 23247. (a) It is unlawful for a person to knowingly rent, lease,
40 or lend a motor vehicle to another person known to have had his

1 or her driving privilege restricted as provided in Section 13352,
2 23575, or 23700, unless the vehicle is equipped with a functioning,
3 certified ignition interlock device. A person, whose driving
4 privilege is restricted pursuant to Section 13352, 23575, or 23700
5 shall notify any other person who rents, leases, or loans a motor
6 vehicle to him or her of the driving restriction imposed under that
7 section.

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

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

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

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

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

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

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

39 (h) Notwithstanding any other law, if a vehicle in which a
40 functioning, certified ignition interlock device has been installed

1 is impounded, the manufacturer or installer of the device shall
2 have the right to remove the device from the vehicle during normal
3 business hours. No charge shall be imposed for the removal of the
4 device nor shall the manufacturer or installer be liable for any
5 removal, towing, impoundment, storage, release, or administrative
6 costs or penalties associated with the impoundment. Upon request,
7 the person seeking to remove the device shall present
8 documentation to justify removal of the device from the vehicle.
9 Any damage to the vehicle resulting from the removal of the device
10 is the responsibility of the person removing it.

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

12 ~~SEC. 30.~~

13 *SEC. 29.* Section 23573 of the Vehicle Code is amended to
14 read:

15 23573. (a) The Department of Motor Vehicles, upon receipt
16 of the court’s abstract of conviction for a violation listed in
17 subdivision (j), shall inform the convicted person of the
18 requirements of this section and the term for which the person is
19 required to have a functioning, certified ignition interlock device
20 installed. The records of the department shall reflect the mandatory
21 use of the device for the term required and the time when the device
22 is required to be installed pursuant to this code.

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

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

29 (1) Arrange for each vehicle owned or operated by the person
30 to be fitted with a functioning, certified ignition interlock device
31 by a certified ignition interlock device provider under Section
32 13386.

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

36 (3) Pay to the department a fee sufficient to cover the costs of
37 administration of this section, including startup costs, as determined
38 by the department.

39 (d) The department shall place a restriction on the driver’s
40 license record of the convicted person that states the driver is

1 restricted to driving only vehicles equipped with a functioning,
2 certified ignition interlock device.

3 (e) (1) A person who is notified by the department pursuant to
4 subdivision (a) shall arrange for each vehicle with an ignition
5 interlock device to be serviced by the installer at least once every
6 60 days in order for the installer to recalibrate and monitor the
7 operation of the device.

8 (2) The installer shall notify the department if the device is
9 removed or indicates that the person has attempted to remove,
10 bypass, or tamper with the device, or if the person fails three or
11 more times to comply with any requirement for the maintenance
12 or calibration of the ignition interlock device.

13 (f) The department shall monitor the installation and
14 maintenance of the ignition interlock device installed pursuant to
15 subdivision (a).

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

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

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

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

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

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

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

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

36 (C) The person complies with this section immediately upon
37 commencing ownership or operation of a vehicle subject to the
38 required installation of a functioning, certified ignition interlock
39 device.

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

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

7 (i) A person who is required under subdivision (c) to install a
8 functioning, certified ignition interlock device who willfully fails
9 to install the ignition interlock device within the time period
10 required under subdivision (c) is guilty of a misdemeanor and shall
11 be punished by imprisonment in a county jail for not more than
12 six months or by a fine of not more than five thousand dollars
13 (\$5,000), or by both that fine and imprisonment.

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

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

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

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

39 (k) The department shall notify the court if a person subject to
40 this section has failed to show proof of installation within 30 days

1 of the department informing the person he or she is required to
2 install a functioning, certified ignition interlock device.

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

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

7 (n) This section shall become inoperative on July 1, 2018, and,
8 as of January 1, 2019, is repealed, unless a later enacted statute,
9 that becomes operative on or before January 1, 2019, deletes or
10 extends the dates on which it becomes inoperative and is repealed.

11 ~~SEC. 31.~~

12 *SEC. 30.* Section 23573 is added to the Vehicle Code, to read:

13 23573. (a) The Department of Motor Vehicles, upon receipt
14 of the court’s abstract of conviction for a violation listed in
15 subdivision (j), shall inform the convicted person of the
16 requirements of this section and the term for which the person is
17 required to have a functioning, certified ignition interlock device
18 installed. The records of the department shall reflect the mandatory
19 use of the device for the term required and the time when the device
20 is required to be installed pursuant to this code.

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

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

27 (1) Arrange for each vehicle owned or operated by the person
28 to be fitted with a functioning, certified ignition interlock device
29 by a certified ignition interlock device provider under Section
30 13386.

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

34 (3) Pay to the department a fee sufficient to cover the costs of
35 administration of this section, including startup costs, as determined
36 by the department.

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

1 (e) (1) A person who is notified by the department pursuant to
2 subdivision (a) shall arrange for each vehicle with an ignition
3 interlock device to be serviced by the installer at least once every
4 60 days in order for the installer to recalibrate and monitor the
5 operation of the device.

6 (2) The installer shall notify the department if the device is
7 removed or indicates that the person has attempted to remove,
8 bypass, or tamper with the device, or if the person fails three or
9 more times to comply with any requirement for the maintenance
10 or calibration of the ignition interlock device.

11 (f) The department shall monitor the installation and
12 maintenance of the functioning, certified ignition interlock device
13 installed pursuant to subdivision (a).

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

17 (A) Within 60 days of the notification, the person certifies to
18 the department all of the following:

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

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

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

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

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

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

34 (C) The person complies with this section immediately upon
35 commencing ownership or operation of a vehicle subject to the
36 required installation of a functioning, certified ignition interlock
37 device.

38 (2) A person who has been granted an exemption pursuant to
39 this subdivision and who subsequently drives a vehicle in violation

1 of the exemption is subject to the penalties of subdivision (i) in
2 addition to any other applicable penalties in law.

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

5 (i) A person who is required under subdivision (c) to install a
6 functioning, certified ignition interlock device who willfully fails
7 to install the ignition interlock device within the time period
8 required under subdivision (c) is guilty of a misdemeanor and shall
9 be punished by imprisonment in a county jail for not more than
10 six months or by a fine of not more than five thousand dollars
11 (\$5,000), or by both that fine and imprisonment.

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

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

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

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

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

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

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

5 (n) This section shall become operative on July 1, 2018.

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

9 ~~SEC. 32.~~

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

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

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

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

25 (1) Arrange for each vehicle owned or operated by the person
26 to be fitted with a functioning, certified ignition interlock device
27 by a certified ignition interlock device provider under Section
28 13386.

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

32 (3) Pay to the department a fee sufficient to cover the costs of
33 administration of this section, including startup costs, as determined
34 by the department.

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

39 (e) (1) A person who is notified by the department pursuant to
40 subdivision (a) shall arrange for each vehicle with an ignition

1 interlock device to be serviced by the installer at least once every
2 60 days in order for the installer to recalibrate and monitor the
3 operation of the device.

4 (2) The installer shall notify the department if the device is
5 removed or indicates that the person has attempted to remove,
6 bypass, or tamper with the device, or if the person fails three or
7 more times to comply with any requirement for the maintenance
8 or calibration of the ignition interlock device.

9 (f) The department shall monitor the installation and
10 maintenance of the ignition interlock device installed pursuant to
11 subdivision (a).

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

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

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

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

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

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

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

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

32 (C) The person complies with this section immediately upon
33 commencing ownership or operation of a vehicle subject to the
34 required installation of a functioning, certified ignition interlock
35 device.

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

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

3 (i) A person who is required under subdivision (c) to install a
4 functioning, certified ignition interlock device who willfully fails
5 to install the ignition interlock device within the time period
6 required under subdivision (c) is guilty of a misdemeanor and shall
7 be punished by imprisonment in a county jail for not more than
8 six months or by a fine of not more than five thousand dollars
9 (\$5,000), or by both that fine and imprisonment.

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

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

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

27 (3) Upon a conviction of a violation of Section 14601.2,
28 14601.4, or 14601.5 subsequent to three or more prior convictions
29 of a violation of Section 23103.5, 23152, or 23153, within a
30 10-year period, or two or more prior convictions of Section
31 14601.2, 14601.4, or 14601.5, within a 10-year period, the person
32 shall immediately install a functioning, certified ignition interlock
33 device, pursuant to this section, in all vehicles owned or operated
34 by that person for a term of three years.

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

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

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

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

4 ~~SEC. 33.~~

5 *SEC. 32.* Section 23575 of the Vehicle Code is amended to
6 read:

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

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

37 (b) The court shall include on the abstract of conviction or
38 violation submitted to the Department of Motor Vehicles under
39 Section 1803 or 1816 the requirement and term for the use of a
40 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 device
14 and monitor the operation of the device. The installer shall notify
15 the Department of Motor Vehicles if the device is removed or
16 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 is
35 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
9 subdivision (a) of Section 1803, of the terms of the restrictions in
10 accordance with subdivision (a) of Section 1804. The Department
11 of Motor Vehicles shall place the restriction in the person's records
12 in the Department of Motor Vehicles.

13 (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 vehicle
21 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 inoperative on July 1, 2018, and,
31 as of January 1, 2019, is repealed, unless a later enacted statute,
32 that becomes operative on or before January 1, 2019, deletes or
33 extends the dates on which it becomes inoperative and is repealed.

34 ~~SEC. 34.~~

35 *SEC. 33.* Section 23575 is added to the Vehicle Code, to read:

36 23575. (a) The court shall require a person convicted of a
37 violation of Section 14601.2 to install a functioning, certified
38 ignition interlock device on any vehicle that the person owns or
39 operates and prohibit the person from operating a motor vehicle
40 unless the vehicle is equipped with a functioning, certified ignition

1 interlock device. The term of the restriction shall be determined
2 by the court for a period not to exceed three years from the date
3 of conviction. The court shall notify the Department of Motor
4 Vehicles, as specified in subdivision (a) of Section 1803, of the
5 terms of the restrictions in accordance with subdivision (a) of
6 Section 1804. The Department of Motor Vehicles shall place the
7 restriction in the person's records in the Department of Motor
8 Vehicles.

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

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

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

29 (e) The court shall monitor the installation and maintenance of
30 a functioning, certified ignition interlock device restriction ordered
31 pursuant to subdivision (a) or (i). If a person fails to comply with
32 the court order, the court shall give notice of the fact to the
33 department pursuant to Section 40509.1.

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

36 (g) Pursuant to this section, an out-of-state resident who
37 otherwise would qualify for an ignition interlock device restricted
38 license in California shall be prohibited from operating a motor
39 vehicle in California unless that vehicle is equipped with a
40 functioning, certified ignition interlock device. An ignition

1 interlock device is not required to be installed on any vehicle
2 owned by the defendant that is not driven in California.

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

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

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

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

27 (l) For the purposes of this section, "bypass" means either of
28 the following:

29 (1) Failure to take any random retest.

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

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

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

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

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

6 23575. (a) (1) In addition to any other law, the court may
7 require that a person convicted of a first offense violation of
8 Section 23152 or 23153 install a functioning, certified ignition
9 interlock device on any vehicle that the person owns or operates
10 and prohibit that person from operating a motor vehicle unless that
11 vehicle is equipped with a functioning, certified ignition interlock
12 device. The court shall give heightened consideration to applying
13 this sanction to a first offense violator with 0.15 percent or more,
14 by weight, of alcohol in his or her blood at arrest, or with two or
15 more prior moving traffic violations, or to persons who refused
16 the chemical tests at arrest. If the court orders the ignition interlock
17 device restriction, the term shall be determined by the court for a
18 period not to exceed three years from the date of conviction. The
19 court shall notify the Department of Motor Vehicles, as specified
20 in subdivision (a) of Section 1803, of the terms of the restrictions
21 in accordance with subdivision (a) of Section 1804. The
22 Department of Motor Vehicles shall place the restriction in the
23 person's records in the Department of Motor 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 device
14 and monitor the operation of the device. The installer shall notify
15 the Department of Motor Vehicles if the device is removed or
16 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 is
35 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
9 subdivision (a) of Section 1803, of the terms of the restrictions in
10 accordance with subdivision (a) of Section 1804. The Department
11 of Motor Vehicles shall place the restriction in the person's records
12 in the Department of Motor Vehicles.

13 (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 vehicle
21 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. 36.~~

32 *SEC. 35.* 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 a functioning, certified ignition interlock device on a vehicle does
11 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, certified ignition interlock
16 device by a certified ignition interlock device provider under
17 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, certified ignition
37 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 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 a functioning, certified ignition
25 interlock device pursuant to this section for the applicable term,
26 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 a functioning,
29 certified ignition interlock device, as follows:

30 (A) Upon a conviction with no priors, *unless the court finds it*
31 *would not be in the best interests of justice to do so, and enters*
32 *that finding on the record*, the person shall install a functioning,
33 certified ignition interlock device ~~in all vehicles~~ *the vehicle, as*
34 *ordered by the court, that is owned or operated by that person for*
35 *a mandatory term of six months.*

36 (B) Upon a conviction with one prior, the person shall install a
37 functioning, certified ignition interlock device ~~in all vehicles~~ *the*
38 *vehicle, as ordered by the court, that is owned or operated by that*
39 *person for a mandatory term of 12 months.*

1 (C) Upon a conviction with two priors, the person shall install
2 a functioning, certified ignition interlock device in ~~all vehicles~~ *the*
3 *vehicle, as ordered by the court, that is* owned or operated by that
4 person for a mandatory term of 24 months.

5 (D) Upon a conviction with three or more priors, the person
6 shall install a functioning, certified ignition interlock device in ~~all~~
7 ~~vehicles~~ *the vehicle, as ordered by the court, that is* owned or
8 operated by that person for a mandatory term of 36 months.

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

12 (A) Upon a conviction with no priors, the person shall install a
13 functioning, certified ignition interlock device in ~~all vehicles~~ *the*
14 *vehicle, as ordered by the court, that is* owned or operated by that
15 person for a mandatory term of 12 months.

16 (B) Upon a conviction with one prior, the person shall install a
17 functioning, certified ignition interlock device in ~~all vehicles~~ *the*
18 *vehicle, as ordered by the court, that is* owned or operated by that
19 person for a mandatory term of 24 months.

20 (C) Upon a conviction with two priors, the person shall install
21 a functioning, certified ignition interlock device in ~~all vehicles~~ *the*
22 *vehicle, as ordered by the court, that is* owned or operated by that
23 person for a mandatory term of 36 months.

24 (D) Upon a conviction with three or more priors, the person
25 shall install a functioning, certified ignition interlock device in ~~all~~
26 ~~vehicles~~ *the vehicle, as ordered by the court, that is* owned or
27 operated by that person for a mandatory term of 48 months.

28 (3) For the purposes of paragraphs (1) and (2), “prior” means
29 a conviction for a violation of Section 23103, as specified in
30 Section 23103.5, or Section 23140, 23152, or 23153, or Section
31 191.5 or subdivision (a) of Section 192.5 of the Penal Code.

32 (4) The terms prescribed in this subdivision shall begin once a
33 person has complied with subparagraph (B) of paragraph (1) of
34 subdivision (d) and either upon the reinstatement of the privilege
35 to drive pursuant to Section 13352 or the issuance of a restricted
36 driver’s license pursuant to Section 13352 or 13352.4. A person
37 shall receive credit for any period in which he or she had a
38 restricted driver’s license issued pursuant to Section 13353.3 or
39 13353.7 and he or she was in compliance with Section 13353.6.

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

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

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

16 (A) A person with an income at 100 percent of the federal
17 poverty level or below and who provides income verification
18 pursuant to paragraph (2) is responsible for 10 percent of the cost
19 of the manufacturer's standard ignition interlock device program
20 costs, and any additional costs accrued by the person for
21 noncompliance with program requirements.

22 (B) A person with an income at 101 to 200 percent of the federal
23 poverty level and who provides income verification pursuant to
24 paragraph (2) is responsible for 25 percent of the cost of the
25 manufacturer's standard ignition interlock device program costs,
26 and any additional costs accrued by the person for noncompliance
27 with program requirements.

28 (C) A person with an income at 201 to 300 percent of the federal
29 poverty level and who provides income verification pursuant to
30 paragraph (2) is responsible for 50 percent of the cost of the
31 manufacturer's standard ignition interlock device program costs,
32 and any additional costs accrued by the person for noncompliance
33 with program requirements.

34 (D) A person who is receiving CalFresh benefits and who
35 provides proof of those benefits to the manufacturer or
36 manufacturer's agent or authorized installer is responsible for 50
37 percent of the cost of the manufacturer's standard ignition interlock
38 device program costs, and any additional costs accrued by the
39 person for noncompliance with program requirements.

- 1 (E) A person with an income at 301 to 400 percent of the federal
2 poverty level and who provides income verification pursuant to
3 paragraph (2) is responsible for 90 percent of the cost of the
4 manufacturer’s standard ignition interlock device program costs,
5 and any additional costs accrued by the person for noncompliance
6 with program requirements.
- 7 (F) All other offenders are responsible for 100 percent of the
8 cost of the ignition interlock device.
- 9 (G) The manufacturer is responsible for the percentage of costs
10 that the offender is not responsible for pursuant to subparagraphs
11 (A) through (E), inclusive.
- 12 (2) The ignition interlock device provider shall verify the
13 offender’s income to determine the cost of the ignition interlock
14 device pursuant to this subdivision by verifying one of the
15 following documents from the offender:
 - 16 (A) The previous year’s federal income tax return.
 - 17 (B) The previous three months of weekly or monthly income
18 statements.
 - 19 (C) Employment Development Department verification of
20 unemployment benefits.
 - 21 (l) The Department of Consumer Affairs may impose a civil
22 assessment not to exceed one thousand dollars (\$1,000) upon a
23 manufacturer or manufacturer’s agent certified to provide ignition
24 interlock devices who fails to inform an offender subject to this
25 chapter of the provisions of subdivision (k), or who fails to comply
26 with the provisions of subdivision (k).
 - 27 (m) This section does not permit a person to drive without a
28 valid driver’s license.
 - 29 (n) The requirements of this section are in addition to any other
30 requirements of law.
 - 31 (o) For the purposes of this section, “vehicle” does not include
32 a motorcycle until the state certifies an ignition interlock device
33 that can be installed on a motorcycle. A person subject to an
34 ignition interlock device restriction shall not operate a motorcycle
35 for the duration of the ignition interlock device restriction period.
 - 36 (p) This section shall become operative on July 1, 2018.
 - 37 (q) 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. 37.~~

2 *SEC. 36.* Section 23575.5 is added to the Vehicle Code, to
3 read:

4 23575.5. (a) On or before ~~January 1, 2024,~~ *the March 1, 2023,*
5 *the Department of Motor Vehicles shall report data to the*
6 *Legislative Analyst's Office* ~~shall report to the Legislature~~
7 regarding the implementation and efficacy of the program enacted
8 by the act that added this section.

9 (b) ~~The report data~~ described in subdivision (a) shall, at a
10 minimum, include all of the following:

11 (1) ~~Whether anyone who was~~ *The number of individuals who*
12 *were* required to have a functioning, certified ignition interlock
13 device installed as a result of the program *who* killed or injured
14 anyone in an accident while he or she was operating a vehicle
15 under the influence of alcohol.

16 (2) ~~Whether anyone who was~~ *The number of individuals who*
17 *were* required to have a functioning, certified ignition interlock
18 device installed as a result of the program ~~was~~ *who were* convicted
19 of an alcohol-related violation of Section 23103, as specified in
20 Section 23103.5, or Section 23140, 23152, or 23153, or Section
21 191.5 or subdivision (a) of Section 192.5 of the Penal Code during
22 the term in which the person was required to have the ignition
23 interlock device installed.

24 (3) ~~A comparison of the~~ *The number of injuries and deaths*
25 *resulting from alcohol-related motor vehicle accidents between*
26 *July 1, 2018, and January 1, 2023, inclusive, and during periods*
27 *of similar duration prior to the implementation of the program.*

28 (4) ~~A comparison of the~~ *The number of individuals who have*
29 *been convicted more than one time for driving under the influence*
30 *of alcohol between July 1, 2018, and January 1, 2023, inclusive,*
31 *and periods of similar duration prior to the implementation of the*
32 *program.*

33 (5) ~~The~~ *Any other information requested by the Legislative*
34 *Analyst's Office to assess the effectiveness of the statewide ignition*
35 *interlock device requirement in reducing recidivism for*
36 *driving-under-the-influence violations.*

37 (c) ~~The Legislative Analyst's Office is authorized to collect~~
38 *information for this report from state and local government*
39 *agencies. shall assess the program based on the data provided*

1 *pursuant to subdivision (b) and shall report to the Legislature on*
2 *the outcomes of the program no later than January 1, 2024.*

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

5 (e) (1) This section shall become operative on July 1, 2018.

6 (2) This section is repealed as of January 1, 2029, unless a later
7 enacted statute, that becomes operative on or before January 1,
8 2029, deletes or extends the dates on which it becomes inoperative
9 and is repealed.

10 ~~SEC. 38.~~

11 *SEC. 37.* Section 23576 of the Vehicle Code is amended to
12 read:

13 23576. (a) Notwithstanding Sections 23575 and 23700, if a
14 person is required to operate a motor vehicle in the course and
15 scope of his or her employment and if the vehicle is owned by the
16 employer, the person may operate that vehicle without installation
17 of a functioning, certified ignition interlock device if the employer
18 has been notified by the person that the person's driving privilege
19 has been restricted pursuant to Section 23575 or 23700 and if the
20 person has proof of that notification in his or her possession, or if
21 the notice, or a facsimile copy thereof, is with the vehicle.

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

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

30 ~~SEC. 39.~~

31 *SEC. 38.* Section 23576 is added to the Vehicle Code, to read:

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

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

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

7 (c) This section shall become operative on July 1, 2018.

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

11 ~~SEC. 40.~~

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

13 23576. (a) Notwithstanding Sections 23575 and 23700, if a
14 person is required to operate a motor vehicle in the course and
15 scope of his or her employment and if the vehicle is owned by the
16 employer, the person may operate that vehicle without installation
17 of a functioning, certified ignition interlock device if the employer
18 has been notified by the person that the person's driving privilege
19 has been restricted pursuant to Section 23575 or 23700 and if the
20 person has proof of that notification in his or her possession, or if
21 the notice, or a facsimile copy thereof, is with the vehicle.

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

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

27 ~~SEC. 41.~~

28 *SEC. 40.* Section 23597 of the Vehicle Code is amended to
29 read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (d) This section shall become inoperative on July 1, 2018, and,
8 as of January 1, 2019, is repealed, unless a later enacted statute,
9 that becomes operative on or before January 1, 2019, deletes or
10 extends the dates on which it becomes inoperative and is repealed.

11 ~~SEC. 42.~~

12 *SEC. 41.* Section 23597 is added to the Vehicle Code, to read:

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

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

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

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

1 ignition interlock device as required under subdivision (f) of
2 Section 23575.3. Notwithstanding Chapter 5 (commencing with
3 Section 23700) or Section 23575.3, the ignition interlock device
4 shall remain on the person's motor vehicle for two years following
5 the reinstatement of the person's driving privilege pursuant to this
6 section.

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

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

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

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 revoke the privilege to
22 operate a motor vehicle of a person who attempts to remove,
23 bypass, or tamper with the device, who has the device removed
24 prior to the termination date of the restriction, or who fails to
25 comply with any requirement for the maintenance or calibration
26 of the ignition interlock device. The privilege shall remain revoked
27 for the remaining period of the original revocation and until all
28 reinstatement requirements are met, provided, however, that if the
29 person provides proof to the satisfaction of the department that the
30 person is in compliance with the restriction issued pursuant to this
31 section, the department may, in its discretion, restore the privilege
32 to operate a motor vehicle and reimpose the remaining term of the
33 restriction.

34 (d) This section shall become operative on July 1, 2018.

35 (e) 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. 43.~~

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

1 23597. (a) Notwithstanding Sections 13202.5, 13203, and
2 13352, a court may order a 10-year revocation of the driver's
3 license of a person who has been convicted of three or more
4 separate violations of Section 23152 or 23153, the last of which
5 is punishable under Section 23546, 23550, 23550.5, or 23566.
6 When making this order, the court shall consider all of the
7 following:

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

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

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

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

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

1 (B) The person successfully completed a
2 driving-under-the-influence program, licensed pursuant to Section
3 11836 of the Health and Safety Code, following the date of the
4 last conviction of a violation of Section 23152 or 23153.

5 (C) The person was not convicted of violating Section 14601,
6 14601.1, 14601.2, 14601.4, or 14601.5 during the driver's license
7 revocation period.

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

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

19 ~~SEC. 44.~~

20 *SEC. 43.* Section 23702 of the Vehicle Code is amended to
21 read:

22 23702. This chapter shall become inoperative on July 1, 2018,
23 and, as of January 1, 2019, is repealed, unless a later enacted
24 statute, that becomes operative on or before January 1, 2019,
25 deletes or extends the dates on which it becomes inoperative and
26 is repealed.

27 ~~SEC. 45.~~

28 *SEC. 44.* No reimbursement is required by this act pursuant to
29 Section 6 of Article XIII B of the California Constitution because
30 the only costs that may be incurred by a local agency or school
31 district will be incurred because this act creates a new crime or
32 infraction, eliminates a crime or infraction, or changes the penalty
33 for a crime or infraction, within the meaning of Section 17556 of
34 the Government Code, or changes the definition of a crime within
35 the meaning of Section 6 of Article XIII B of the California
36 Constitution.