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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, 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~~; *January 1, 2019*. Effective ~~July 1, 2018~~; *January 1, 2019*, and until January 1, ~~2025, 2026~~, 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~~, *January 1, 2019*, and until January 1, ~~2025, 2026~~, 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 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~~, *January 1, 2019*, and until January 1, ~~2025, 2026~~, 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~~, *January 1, 2019*, and until January 1, ~~2025, 2026~~, 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~~ *Transportation Agency* to issue a report to the Legislature by January 1, ~~2024, 2025~~, regarding the implementation and efficacy of these provisions. *The bill would reinstate current law as described above as of January 1, 2026.*

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~~, *January 1, 2019*, until January 1, ~~2025~~, *2026*, 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 9848 of the Business and Professions Code is
21 amended to read:

22 9848. All proceedings to contest a citation *for a violation of*
23 *subdivision (k) of Section 23575.3 of the Vehicle Code* or to deny
24 registration or suspend, revoke, or place on probation a registration
25 shall be conducted pursuant to Chapter 5 (commencing with
26 Section 11500) of Part 1 of Division 3 of Title 2 of the Government
27 Code.

28 SEC. 3. Section 9882.14 of the Business and Professions Code
29 is amended to read:

1 9882.14. (a) The bureau shall cooperate with the Office of
2 Traffic Safety and adopt standards for the installation, maintenance,
3 and servicing of certified ignition interlock devices by automotive
4 repair dealers.

5 (b) The manufacturers of certified ignition interlock devices
6 shall comply with standards established by the bureau for the
7 installation of those ignition interlock devices.

8 (c) The bureau may charge manufacturers of certified interlock
9 ignition devices a fee to recover the cost of monitoring installation
10 standards.

11 (d) (1) The director may issue a citation to, or suspend or revoke
12 the registration of, an automotive repair dealer who installs,
13 maintains, and services ignition interlock devices if the automotive
14 repair dealer is not in compliance with subdivision (k) of Section
15 23575.3 of the Vehicle Code.

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

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

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

36 (1) Except as required under Section 13352.1 or 13352.4, upon
37 a conviction or finding of a violation of Section 23152 punishable
38 under Section 23536, the privilege shall be suspended for a period
39 of six months. The privilege shall not be reinstated until the person
40 gives proof of financial responsibility and gives proof satisfactory

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

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

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

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

6 (A) Completion of 12 months of the suspension period, or
7 completion of 90 days of the suspension period if the underlying
8 conviction did not include the use of drugs as defined in Section
9 312 and the person was found to be only under the influence of an
10 alcoholic beverage at the time of the violation.

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

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

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

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

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

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

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

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

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

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

1 23560, the privilege shall be revoked for a period of three years.
2 The privilege may not be reinstated until the person gives proof
3 of financial responsibility, and the person gives proof satisfactory
4 to the department of successful completion of a
5 driving-under-the-influence program licensed pursuant to Section
6 11836 of the Health and Safety Code, as described in paragraph
7 (4) of subdivision (b) of Section 23562 of this code. For the
8 purposes of this paragraph, enrollment in, participation in, and
9 completion of an approved program shall occur subsequent to the
10 date of the current violation. Credit shall not be given to any
11 program activities completed prior to the date of the current
12 violation. The department shall advise the person that after the
13 completion of 12 months of the revocation period, which may
14 include credit for a suspension period served under subdivision
15 (c) of Section 13353.3, he or she may apply to the department for
16 a restricted driver's license if the person meets all of the following
17 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) The initial 12 months of 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) The initial 12 months of 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 submits the "Verification of Installation" form
33 described in paragraph (2) of subdivision (g) of Section 13386.

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

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

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

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

3 (5) Except as provided in this paragraph, upon a conviction or
4 finding of a violation of Section 23152 punishable under Section
5 23546, the privilege shall be revoked for a period of three years.
6 The privilege shall not be reinstated until the person files proof of
7 financial responsibility and gives proof satisfactory to the
8 department of successful completion of an 18-month
9 driving-under-the-influence program licensed pursuant to Section
10 11836 of the Health and Safety Code, as described in subdivision
11 (b) or (c) of Section 23548 of this 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, which
23 may include credit for a suspension period served under subdivision
24 (c) of Section 13353.3, if the person meets all of the following
25 requirements:

26 (A) Completion of 12 months of the suspension period, or
27 completion of six months of the suspension period if the underlying
28 conviction did not include the use of drugs as defined in Section
29 312 and the person was found to be only under the influence of an
30 alcoholic beverage at the time of the violation.

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

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

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

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

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

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

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

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

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

1 Section 8001 of the Penal Code. For the purposes of this paragraph,
2 enrollment in, participation in, and completion of an approved
3 program shall be subsequent to the date of the current violation.
4 Credit shall not be given to any program activities completed prior
5 to the date of the current violation. The department shall advise
6 the person that after completion of 12 months of the revocation
7 period, which may include credit for a suspension period served
8 under subdivision (c) of Section 13353.3, he or she may apply to
9 the department for a restricted driver's license if the person meets
10 all of the following requirements:

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

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

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

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

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

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

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

32 (F) An individual convicted of a violation of Section 23153
33 punishable under Section 23566 may also, at any time after
34 sentencing, petition the court for referral to an 18-month
35 driving-under-the-influence program licensed pursuant to Section
36 11836 of the Health and Safety Code, or, if available in the county
37 of the person's residence or employment, a 30-month
38 driving-under-the-influence program licensed pursuant to Section
39 11836 of the Health and Safety Code. Unless good cause is shown,
40 the court shall order the referral.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (b) For the purpose of paragraphs (2) to (9), inclusive, of
37 subdivision (a), the finding of the juvenile court judge, the juvenile
38 hearing officer, or the referee of a juvenile court of a commission
39 of a violation of Section 23152 or 23153, subdivision (a) of Section

1 23109, or Section 23109.1, as specified in subdivision (a) of this
2 section, is a conviction.

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

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

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

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

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

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

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

1 is not eligible for the restricted driver's license authorized under
2 paragraphs (3) to (7), inclusive, of subdivision (a).

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

7 *(h) This section shall remain in effect only until January 1, 2019,*
8 *and as of that date is repealed, unless a later enacted statute, that*
9 *is enacted before January 1, 2019, deletes or extends that date.*

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

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

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

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

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

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

26 (i) Proof of enrollment in 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 23556 of this code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (6) Except as provided in this paragraph, upon a conviction or
35 finding of a violation of Section 23153 punishable under Section
36 23550.5 or 23566, the privilege shall be revoked for a period of
37 five years. The privilege may not be reinstated until the person
38 gives proof of financial responsibility and gives proof satisfactory
39 to the department of successful completion of a
40 driving-under-the-influence program licensed pursuant to Section

1 11836 of the Health and Safety Code as described in subdivision
2 (b) of Section 23568, or if available in the county of the person's
3 residence or employment, a 30-month driving-under-the-influence
4 program licensed pursuant to Section 11836 of the Health and
5 Safety Code, or a program specified in Section 8001 of the Penal
6 Code. For the purposes of this paragraph, enrollment in,
7 participation in, and completion of an approved program shall be
8 subsequent to the date of the current violation. Credit shall not be
9 given to any program activities completed prior to the date of the
10 current violation. The department shall advise the person that he
11 or she may apply to the department for a restricted driver's license
12 if the person meets all of the following 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) Proof of enrollment in a 30-month
17 driving-under-the-influence program licensed pursuant to Section
18 11836 of the Health and Safety Code, if available in the county of
19 the person's residence or employment.

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

24 (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 complies with Section 23575.3, if applicable.

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

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

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

1 11836 of the Health and Safety Code. Unless good cause is shown,
2 the court shall order the referral.

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

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

10 (7) Except as provided in this paragraph, upon a conviction or
11 finding of a violation of Section 23152 punishable under Section
12 23550 or 23550.5, or of a violation of Section 23153 punishable
13 under Section 23550.5, the privilege shall be revoked for a period
14 of four years. The privilege shall not be reinstated until the person
15 files proof of financial responsibility and gives proof satisfactory
16 to the department of successful completion 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 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 23550 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 (8) Upon a conviction or finding of a violation of subdivision
- 29 (a) of Section 23109 that is punishable under subdivision (e) of
- 30 that section or Section 23109.1, the privilege shall be suspended
- 31 for a period of 90 days to six months, if ordered by the court. The
- 32 privilege shall not be reinstated until the person gives proof of
- 33 financial responsibility, as defined in Section 16430.
- 34 (9) Upon a conviction or finding of a violation of subdivision
- 35 (a) of Section 23109 that is punishable under subdivision (f) of
- 36 that section, the privilege shall be suspended for a period of six
- 37 months, if ordered by the court. The privilege shall not be reinstated
- 38 until the person gives proof of financial responsibility, as defined
- 39 in Section 16430.

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

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

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

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

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

34 (3) The department shall immediately suspend or revoke the
35 privilege to operate a motor vehicle of a person who, with respect
36 to an ignition interlock device installed pursuant to Section
37 23575.3, attempts to remove, bypass, or tamper with the device,
38 has the device removed prior to the termination date of the
39 restriction, or fails to comply with any requirement for the
40 maintenance or calibration of the device. The privilege shall remain

1 suspended or revoked for the remaining period of the originating
2 suspension or revocation and until all reinstatement requirements
3 in this section are satisfied, provided, however, that if the person
4 provides proof to the satisfaction of the department that the person
5 is in compliance with the restriction issued pursuant to this section,
6 the department may, in its discretion, restore the privilege to
7 operate a motor vehicle and reimpose the remaining term of the
8 restriction.

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

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

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

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

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

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

36 (j) This section shall become operative on ~~July 1, 2018~~. *January*
37 *1, 2019*.

38 (k) This section shall remain in effect only until January 1, ~~2025~~,
39 *2026*, and as of that date is repealed, unless a later enacted statute,

1 that is enacted before January 1, ~~2025~~, 2026, deletes or extends
2 that date.

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

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

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

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

1 satisfactory to the department of successful completion of a
2 driving-under-the-influence program licensed pursuant to Section
3 11836 of the Health and Safety Code as described in subdivision
4 (b) of Section 23556 of this code. If the court, as authorized under
5 paragraph (3) of subdivision (b) of Section 23646, elects to order
6 a person to enroll in, participate in, and complete either program
7 described in subdivision (b) of Section 23542, the department shall
8 require that program in lieu of the program described in Section
9 23556. For the purposes of this paragraph, enrollment,
10 participation, and completion of an approved program shall occur
11 subsequent to the date of the current violation. Credit shall not be
12 given to any program activities completed prior to the date of the
13 current violation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 11836 of the Health and Safety Code. Unless good cause is shown,
2 the court shall order the referral.

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

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

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

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

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

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

39 (ii) Completion of the initial 12 months of an 18-month
40 driving-under-the-influence program licensed pursuant to Section

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

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

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

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

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

12 (F) An individual convicted of a violation of Section 23153
13 punishable under Section 23566 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 restriction shall remain in effect for the period required
24 in subdivision (f) of Section 23575.

25 (7) Except as provided in this paragraph, upon a conviction or
26 finding of a violation of Section 23152 punishable under Section
27 23550 or 23550.5, or of a violation of Section 23153 punishable
28 under Section 23550.5, the privilege shall be revoked for a period
29 of four years. The privilege shall not be reinstated until the person
30 files proof of financial responsibility and gives proof satisfactory
31 to the department of successful completion of an 18-month
32 driving-under-the-influence program licensed pursuant to Section
33 11836 of the Health and Safety Code, if a 30-month program is
34 unavailable in the person’s county of residence or employment,
35 or, if available in the county of the person’s residence or
36 employment, a 30-month driving-under-the-influence program
37 licensed pursuant to Section 11836 of the Health and Safety Code,
38 or a program specified in Section 8001 of the Penal Code. For the
39 purposes of this paragraph, enrollment in, participation in, and
40 completion of an approved program shall occur subsequent to the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (e) For the purposes of the restriction conditions specified in
35 paragraphs (3) to (7), inclusive, of subdivision (a), the department
36 shall terminate the restriction imposed pursuant to this section and
37 shall suspend or revoke the person's driving privilege upon receipt
38 of notification from the driving-under-the-influence program that
39 the person has failed to comply with the program requirements.
40 The person's driving privilege shall remain suspended or revoked

1 for the remaining period of the original suspension or revocation
2 imposed under this section and until all reinstatement requirements
3 described in this section are met.

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

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

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

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

20 (h) This section shall become operative January 1, ~~2025~~: 2026.

21 SEC. 7. Section 13352.4 of the Vehicle Code is amended to
22 read:

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

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

30 (A) Enrollment in 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 23538 of this code.

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

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

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

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

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

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

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

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

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

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

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

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

14 *(i) This section shall remain in effect only until January 1, 2019,*
15 *and as of that date is repealed, unless a later enacted statute, that*
16 *is enacted before January 1, 2019, deletes or extends that date.*

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

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

23 (1) Submits proof satisfactory to the department of either of the
24 following:

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (h) This section shall become operative on ~~July 1, 2018~~. *January*
14 *1, 2019*.

15 (i) This section shall remain in effect only until January 1, ~~2025~~,
16 *2026*, and as of that date is repealed, unless a later enacted statute,
17 that is enacted before January 1, ~~2025~~, *2026*, deletes or extends
18 that date.

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

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

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

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

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

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

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

39 (b) The restriction of the driving privilege shall become effective
40 when the department receives all of the documents and fees

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

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

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

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

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

34 (g) The holder of a commercial driver's license who was
35 operating a commercial motor vehicle, as defined in Section 15210,
36 at the time of a violation that resulted in a suspension or revocation
37 of the person's noncommercial driving privilege under paragraph
38 (1) of subdivision (a) of Section 13352 or Section 13352.1 is not
39 eligible for the restricted driver's license authorized under this
40 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 operative January 1, ~~2025~~ 2026.

7 SEC. 10. Section 13353.3 of the Vehicle Code is amended to
 8 read:

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

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

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

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

39 (B) The one-year suspension pursuant to subparagraph (A) shall
 40 terminate if the person has been convicted of a violation arising

1 out of the same occurrence and all of the following conditions are
2 met:

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

5 (ii) The person installs a functioning, certified ignition interlock
6 device as required in Section 13352 for that restricted driver’s
7 license.

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

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

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

25 (ii) The person agrees, as a condition of the restriction, to
26 continue satisfactory participation in the program described in
27 clause (i).

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

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

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

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

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

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

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

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

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

34 (iv) The department shall ~~terminate the restriction issued~~
35 ~~pursuant to this section and shall immediately~~ suspend the privilege
36 to operate a motor vehicle pursuant to subparagraph (A)
37 immediately upon receipt of notification from the installer that a
38 person has attempted to remove, bypass, or tamper with the ignition
39 interlock device, has removed the device prior to the termination
40 date of the restriction, or ~~fails three or more times~~ *has failed* to

1 comply with any requirement for the maintenance or calibration
2 of the ignition interlock device ordered pursuant to this section.
3 The privilege shall remain suspended for the remaining period of
4 the original suspension imposed pursuant to subparagraph ~~(A)~~.
5 *(A), except that if the person provides proof to the satisfaction of*
6 *the department that he or she is in compliance with the restriction*
7 *issued pursuant to this section, the department may, in its*
8 *discretion, restore the privilege to operate a motor vehicle and*
9 *reimpose the remaining term of the restriction.*

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

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

24 (d) For the purposes of this section, a conviction of an offense
25 in any state, territory, or possession of the United States, the
26 District of Columbia, the Commonwealth of Puerto Rico, or
27 Canada that, if committed in this state, would be a violation of
28 Section 23103, as specified in Section 23103.5, or Section 23140,
29 23152, or 23153, or Section 191.5 or subdivision (a) of Section
30 192.5 of the Penal Code, is a conviction of that particular section
31 of the Vehicle Code or Penal Code.

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

37 ~~(f) 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 (f) *This section shall remain in effect only until January 1, 2019,*
2 *and as of that date is repealed, unless a later enacted statute, that*
3 *is enacted before January 1, 2019, deletes or extends that date.*

4 SEC. 11. Section 13353.3 is added to the Vehicle Code, to
5 read:

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

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

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

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

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

- 1 (i) The person is eligible for a restricted driver’s license pursuant
2 to Section 13352.
- 3 (ii) The person installs a functioning, certified ignition interlock
4 device as required in Section 13352 for that restricted driver’s
5 license.
- 6 (iii) The person complies with all other applicable conditions
7 of Section 13352 for a restricted driver’s license.
- 8 (C) The one-year suspension pursuant to subparagraph (A) shall
9 terminate after completion of a 90-day suspension period, and the
10 person shall be eligible for a restricted license if the person has
11 been convicted of a violation of Section 23103, as specified in
12 Section 23103.5, arising out of the same occurrence, has no more
13 than two prior alcohol-related convictions within 10 years, as
14 specified pursuant to subparagraph (A), and all of the following
15 conditions are met:
- 16 (i) The person satisfactorily provides, subsequent to the
17 underlying violation date, proof satisfactory to the department of
18 enrollment in a nine-month driving-under-the-influence program
19 licensed pursuant to Chapter 9 (commencing with Section 11836)
20 of Part 2 of Division 10.5 of the Health and Safety Code that
21 consists of at least 60 hours of program activities, including
22 education, group counseling, and individual interview sessions.
- 23 (ii) The person agrees, as a condition of the restriction, to
24 continue satisfactory participation in the program described in
25 clause (i).
- 26 (iii) The person installs a functioning, certified ignition interlock
27 device and submits the “Verification of Installation” form described
28 in paragraph (2) of subdivision (g) of Section 13386.
- 29 (iv) The person agrees to maintain the ignition interlock device
30 as required under Section 23575.3.
- 31 (v) The person provides proof of financial responsibility, as
32 defined in Section 16430.
- 33 (vi) The person pays all license fees and any restriction fee
34 required by the department.
- 35 (vii) The person pays to the department a fee sufficient to cover
36 the costs of administration of this paragraph, as determined by the
37 department.
- 38 (D) The department shall advise those persons that are eligible
39 under subparagraph (C) that after completion of 90 days of the
40 suspension period, the person may apply to the department for a

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

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

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

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

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

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

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

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

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

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

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

32 (f) This section shall become operative on ~~July 1, 2018~~: *January*
33 *1, 2019*.

34 (g) This section shall remain in effect only until January 1, ~~2025~~,
35 *2026*, and as of that date is repealed, unless a later enacted statute,
36 that is enacted before January 1, ~~2025~~, *2026*, deletes or extends
37 that date.

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

1 13353.3. (a) An order of suspension of a person’s privilege to
2 operate a motor vehicle pursuant to Section 13353.2 shall become
3 effective 30 days after the person is served with the notice pursuant
4 to Section 13382 or 13388, or subdivision (b) of Section 13353.2.

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

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

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

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

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

37 (ii) The person installs a functioning, certified ignition interlock
38 device as required in Section 13352 for that restricted driver’s
39 license.

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

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

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

18 (ii) The person agrees, as a condition of the restriction, to
19 continue satisfactory participation in the program described in
20 clause (i).

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

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

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

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

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

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

38 (E) The restricted driving privilege shall become effective when
39 the department receives all of the documents and fees required
40 under subparagraph (C) and remain in effect for at least the

1 remaining period of the original suspension and until the person
2 provides satisfactory proof to the department of successful
3 completion of a driving-under-the-influence program licensed
4 pursuant to Section 11836 of the Health and Safety Code. The
5 restricted driving privilege shall be subject to the following
6 conditions:

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

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

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

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

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

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

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

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

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

30 (f) This section shall become operative January 1, ~~2025~~ 2026.

31 SEC. 13. Section 13353.4 of the Vehicle Code is amended to
32 read:

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

38 (b) The privilege to operate a motor vehicle shall not be restored
39 after a suspension or revocation pursuant to Section 13352, 13353,
40 13353.1, or 13353.2 until all applicable fees, including the fees

1 prescribed in Section 14905, have been paid and the person gives
 2 proof of financial responsibility, as defined in Section 16430, to
 3 the department.

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

8 *(c) This section shall remain in effect only until January 1, 2019,*
 9 *and as of that date is repealed, unless a later enacted statute, that*
 10 *is enacted before January 1, 2019, deletes or extends that date.*

11 SEC. 14. Section 13353.4 is added to the Vehicle Code, to
 12 read:

13 13353.4. (a) Except as provided in Section 13353.3, 13353.6,
 14 13353.7, or 13353.8, the driving privilege shall not be restored,
 15 and a restricted or hardship permit to operate a motor vehicle shall
 16 not be issued, to a person during the suspension or revocation
 17 period specified in Section 13353, 13353.1, or 13353.3.

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

24 (c) ~~This section shall become operative on July 1, 2018.~~ *January*
 25 *1, 2019.*

26 (d) ~~This section shall remain in effect only until January 1, 2025,~~
 27 ~~2026, and as of that date is repealed, unless a later enacted statute,~~
 28 ~~that is enacted before January 1, 2025, 2026, deletes or extends~~
 29 ~~that date.~~

30 SEC. 15. Section 13353.4 is added to the Vehicle Code, to
 31 read:

32 13353.4. (a) Except as provided in Section 13353.3, 13353.7,
 33 or 13353.8, the driving privilege shall not be restored, and a
 34 restricted or hardship permit to operate a motor vehicle shall not
 35 be issued, to a person during the suspension or revocation period
 36 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 January 1, ~~2025~~ 2026.

4 SEC. 16. Section 13353.5 of the Vehicle Code is amended to
5 read:

6 13353.5. (a) If a person whose driving privilege is suspended
7 or revoked under Section 13352, former Section 13352.4, Section
8 13352.4, Section 13352.6, paragraph (1) of subdivision (g) of
9 Section 23247, or paragraph (2) of subdivision (f) of Section 23575
10 is a resident of another state at the time the mandatory period of
11 suspension or revocation expires, the department may terminate
12 the suspension or revocation, upon written application of the
13 person, for the purpose of allowing the person to apply for a license
14 in his or her state of residence. The application shall include, but
15 need not be limited to, evidence satisfactory to the department that
16 the applicant now resides in another state.

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

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

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

38 *(d) This section shall remain in effect only until January 1, 2019,
39 and as of that date is repealed, unless a later enacted statute, that
40 is enacted before January 1, 2019, deletes or extends that date.*

1 SEC. 17. Section 13353.5 is added to the Vehicle Code, to
2 read:

3 13353.5. (a) If a person whose driving privilege is suspended
4 or revoked under Section 13352, former Section 13352.4, Section
5 13352.4, Section 13352.6, paragraph (1) of subdivision (g) of
6 Section 23247, or paragraph (3) of subdivision (e) of Section 13352
7 is a resident of another state at the time the mandatory period of
8 suspension or revocation expires, the department may terminate
9 the suspension or revocation, upon written application of the
10 person, for the purpose of allowing the person to apply for a license
11 in his or her state of residence. The application shall include, but
12 need not be limited to, evidence satisfactory to the department that
13 the applicant now resides in another state.

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

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

31 (d) This section shall become operative on ~~July 1, 2018.~~ *January*
32 *1, 2019.*

33 (e) This section shall remain in effect only until January 1, ~~2025,~~
34 *2026*, and as of that date is repealed, unless a later enacted statute,
35 that is enacted before January 1, ~~2025,~~ *2026*, deletes or extends
36 that date.

37 SEC. 18. Section 13353.5 is added to the Vehicle Code, to
38 read:

39 13353.5. (a) If a person whose driving privilege is suspended
40 or revoked under Section 13352, former Section 13352.4, Section

1 13352.4, Section 13352.6, paragraph (1) of subdivision (g) of
2 Section 23247, or paragraph (2) of subdivision (f) of Section 23575
3 is a resident of another state at the time the mandatory period of
4 suspension or revocation expires, the department may terminate
5 the suspension or revocation, upon written application of the
6 person, for the purpose of allowing the person to apply for a license
7 in his or her state of residence. The application shall include, but
8 need not be limited to, evidence satisfactory to the department that
9 the applicant now resides in another state.

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

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

27 (d) This section shall become operative January 1, ~~2025~~ 2026.

28 SEC. 19. Section 13353.6 is added to the Vehicle Code, to
29 read:

30 13353.6. (a) Notwithstanding any other law, a person whose
31 driving privilege has been suspended under Section 13353.2 and
32 who is eligible for a restricted driver's license as provided for in
33 Section 13353.7 or 13353.75 may be eligible for a restricted
34 driver's license without serving any period of the suspension if
35 the person meets all of the eligibility requirements specified in
36 those sections and the person does both of the following:

37 (1) The person installs a functioning, certified ignition interlock
38 device on any vehicle that he or she own or operates and submits
39 the "Verification of Installation" form described in paragraph (2)
40 of subdivision (g) of Section 13386.

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

3 (b) A person whose driving privilege has been suspended under
4 Section 13353.2 may install a functioning, certified ignition
5 interlock device prior to the effective date specified in Section
6 13353.3. A person who installs a functioning, certified ignition
7 interlock device pursuant to this subdivision, meets all of the
8 eligibility requirements specified in Section 13353.7 or 13353.75
9 and complies with paragraphs (1) and (2) of subdivision (a) is
10 eligible for a restricted driver's license on the effective date
11 specified in Section 13353.3.

12 (c) The department shall terminate the restriction issued pursuant
13 to Section 13353.7 or 13353.75 and shall immediately reinstate
14 the suspension of the privilege to operate a motor vehicle upon
15 receipt of notification from the ignition interlock device installer
16 that a person has attempted to remove, bypass, or tamper with the
17 ignition interlock device, has removed the device prior to the
18 termination date of the restriction, or has failed to comply with
19 any requirement for the maintenance or calibration of the ignition
20 interlock device. The privilege shall remain suspended for the
21 remaining mandatory suspension period imposed pursuant to
22 Section 13353.3, provided, however, that if the person provides
23 proof to the satisfaction of the department that the person is in
24 compliance with the restriction issued pursuant to this section, the
25 department may, in its discretion, restore the privilege to operate
26 a motor vehicle and reimpose the remaining term of the restriction.

27 (d) Notwithstanding any other law, a person whose driving
28 privilege has been suspended under Section 13353.2, who is
29 eligible for a restricted driver's license as provided for in Section
30 13353.7 or 13353.75, and who installs a functioning, certified
31 ignition interlock device pursuant to this section or Section
32 13353.75, shall receive credit towards the mandatory term the
33 person is required to install a functioning, certified ignition
34 interlock device pursuant to Section 23575.3 for a conviction of
35 a violation arising out of the same occurrence that led to the
36 person's driving privilege being suspended pursuant to Section
37 13352.2 equal to the period of time the person installs a
38 functioning, certified ignition interlock device pursuant to this
39 section or Section 13353.75.

1 (e) This section shall become operative on ~~July 1, 2018.~~ *January*
2 *1, 2019.*

3 (f) This section shall remain in effect only until January 1, ~~2025,~~
4 *2026*, and as of that date is repealed, unless a later enacted statute,
5 that is enacted before January 1, ~~2025,~~ *2026*, deletes or extends
6 that date.

7 SEC. 20. Section 13353.75 is added to the Vehicle Code, to
8 read:

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

19 (1) (A) The person satisfactorily provides proof of enrollment
20 in a driving-under-the-influence program licensed under Section
21 11836 of the Health and Safety Code, as described in subdivision
22 (b) of Section 23538.

23 (B) The program shall report any failure to participate in the
24 program to the department and shall certify successful completion
25 of the program to the department.

26 (C) If a person who has been issued a restricted license under
27 this section fails at any time to participate in the program, the
28 department shall suspend the restricted license immediately. The
29 department shall give notice of the suspension under this paragraph
30 in the same manner as prescribed in subdivision (b) of Section
31 13353.2 for the period specified in Section 13353.3, that is effective
32 upon receipt by the person.

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

36 (3) The person has not been arrested subsequent to the offense
37 for which the person's driving privilege has been suspended under
38 Section 13353.2 for a violation of Section 23103, as specified in
39 Section 23103.5, or Section 23140, 23152, or 23153, or Section
40 191.5 or subdivision (a) of Section 192.5 of the Penal Code, and

1 the person's privilege to operate a motor vehicle has not been
2 suspended or revoked pursuant to Section 13353 or 13353.2 for
3 an offense that occurred on a separate occasion, notwithstanding
4 Section 13551.

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

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

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

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

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

26 (e) If the holder of a commercial driver's license was operating
27 a motor vehicle, other than a commercial vehicle as defined in
28 Section 15210, at the time of the violation that resulted in the
29 suspension of that person's driving privilege pursuant to Section
30 13353.2, the department shall, pursuant to this section, if the person
31 is otherwise eligible, issue the person a class C or class M driver's
32 license restricted in the same manner and subject to the same
33 conditions as specified in subdivision (a).

34 (f) This section shall remain in effect only until January 1, ~~2025~~,
35 2026, and as of that date is repealed, unless a later enacted statute,
36 that is enacted before January 1, ~~2025~~, 2026, deletes or extends
37 that date.

38 SEC. 21. Section 13386 of the Vehicle Code is amended to
39 read:

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

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

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

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

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

31 (C) Failure to continue to meet certification requirements shall
32 result in suspension or revocation of certification of ignition
33 interlock devices.

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

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

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

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

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

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

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

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

38 (2) A "Verification of Installation" to be returned to the
39 department by the reinstating offender upon application for

1 reinstatement. Copies shall be provided for the manufacturer or
2 the manufacturer's agent.

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

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

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

32 (j) This section shall remain in effect only until January 1, ~~2025,~~
33 ~~2026,~~ and as of that date is repealed, unless a later enacted statute,
34 that is enacted before January 1, ~~2025,~~ ~~2026,~~ deletes or extends
35 that date.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (3) A "Notice of Noncompliance" and procedures to ensure
39 continued use of the ignition interlock device during the restriction
40 period and to ensure compliance with maintenance requirements.

1 The maintenance period shall be standardized at 60 days to
2 maximize monitoring checks for equipment tampering.

3 (h) Every manufacturer and manufacturer's agent certified by
4 the department to provide ignition interlock devices shall adopt
5 fee schedules that provide for the payment of the costs of the device
6 by applicants in amounts commensurate with the applicant's ability
7 to pay.

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

16 (j) This section shall become operative January 1, ~~2025~~, 2026.

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

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

24 (b) This section shall remain in effect only until January 1, ~~2025~~,
25 2026, and as of that date is repealed, unless a later enacted statute,
26 that is enacted before January 1, ~~2025~~, 2026, deletes or extends
27 that date.

28 SEC. 24. Section 23103.5 of the Vehicle Code is amended to
29 read:

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

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

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

13 (d) The court shall notify the Department of Motor Vehicles of
14 each conviction of Section 23103 that is required under this section
15 to be a prior offense for purposes of Section 23540, 23546, 23550,
16 23560, 23566, or 23622.

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

31 (f) (1) If the court places on probation a defendant convicted
32 of a violation of Section 23103 that is required under this section
33 to be a prior offense for purposes of Section 23540, 23546, 23550,
34 23560, 23566, or 23622, and that offense occurred within 10 years
35 of a separate conviction of a violation of Section 23103, as
36 specified in this section, or within 10 years of a conviction of a
37 violation of Section 23152 or 23153, the court shall order the
38 defendant to participate for nine months or longer, as ordered by
39 the court, in a program licensed under Chapter 9 (commencing
40 with Section 11836) of Part 2 of Division 10.5 of the Health and

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

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

7 (g) Commencing ~~July 1, 2018,~~ *January 1, 2019*, the court may
8 require a person convicted on or after ~~July 1, 2018,~~ *January 1,*
9 *2019*, of a violation of Section 23103, as described in this section,
10 to install a functioning, certified ignition interlock device on any
11 vehicle that the person ~~owns or~~ operates and prohibit that person
12 from operating a motor vehicle unless that vehicle is equipped
13 with a functioning, certified ignition interlock device. If the court
14 orders the ignition interlock device restriction, the term shall be
15 determined by the court for a period of at least three months, but
16 no longer than the term specified in Section 23575.3 that would
17 have applied to the defendant had he or she instead been convicted
18 of a violation of Section 23152, 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. A person
24 who is required to install a functioning, certified ignition interlock
25 device pursuant to this subdivision shall submit the "Verification
26 of Installation" form described in paragraph (2) of subdivision (g)
27 of Section 13386 and maintain the ignition interlock device as
28 required under subdivision (f) of Section 23575.3. The department
29 shall monitor the installation and maintenance of the ignition
30 interlock device installed pursuant to this subdivision.

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

35 (i) This section shall remain in effect only until January 1, ~~2025,~~
36 *2026*, and as of that date is repealed, unless a later enacted statute,
37 that is enacted before January 1, ~~2025,~~ *2026*, deletes or extends
38 that date.

39 SEC. 25. Section 23103.5 is added to the Vehicle Code, to
40 read:

1 23103.5. (a) If the prosecution agrees to a plea of guilty or
2 nolo contendere to a charge of a violation of Section 23103 in
3 satisfaction of, or as a substitute for, an original charge of a
4 violation of Section 23152, the prosecution shall state for the record
5 a factual basis for the satisfaction or substitution, including whether
6 or not there had been consumption of an alcoholic beverage or
7 ingestion or administration of a drug, or both, by the defendant in
8 connection with the offense. The statement shall set forth the facts
9 that show whether or not there was a consumption of an alcoholic
10 beverage or the ingestion or administration of a drug by the
11 defendant in connection with the offense.

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

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

24 (d) The court shall notify the Department of Motor Vehicles of
25 each conviction of Section 23103 that is required under this section
26 to be a prior offense for purposes of Section 23540, 23546, 23550,
27 23560, 23566, or 23622.

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

1 and the affirmative finding on the record, and may, in these cases,
2 exclude the educational component from the order.

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

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

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

23 (h) This section shall become operative January 1, ~~2025~~ 2026.

24 SEC. 26. Section 23247 of the Vehicle Code is amended to
25 read:

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

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

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

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

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

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

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

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

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

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

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

3 *(i) This section shall remain in effect only until January 1, 2019,*
4 *and as of that date is repealed, unless a later enacted statute, that*
5 *is enacted before January 1, 2019, deletes or extends that date.*

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

7 23247. (a) It is unlawful for a person to knowingly rent, lease,
8 or lend a motor vehicle to another person known to have had his
9 or her driving privilege restricted as provided in Section 13352,
10 13352.4, 23575, 23575.3, or 23700, unless the vehicle is equipped
11 with a functioning, certified ignition interlock device. A person,
12 whose driving privilege is restricted pursuant to Section 13352,
13 13352.4, 23575, 23575.3, or 23700 shall notify any other person
14 who rents, leases, or loans a motor vehicle to him or her of the
15 driving restriction imposed under that section.

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

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

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

29 (e) It is unlawful for any person whose driving privilege is
30 restricted pursuant to Section 13352, 13352.4, 23575, 23575.3, or
31 23700 to operate any vehicle not equipped with a functioning
32 ignition interlock device.

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

37 (g) (1) If any person whose driving privilege is restricted
38 pursuant to Section 13352 or 13352.4 is convicted of a violation
39 of subdivision (e), the court shall notify the Department of Motor
40 Vehicles, which shall immediately terminate the restriction and

1 shall suspend or revoke the person’s driving privilege for the
2 remaining period of the originating suspension or revocation and
3 until all reinstatement requirements in Section 13352 are met.

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

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

21 (i) This section shall become operative on ~~July 1, 2018~~. *January*
22 *1, 2019*.

23 (j) This section shall remain in effect only until January 1, ~~2025~~,
24 *2026*, and as of that date is repealed, unless a later enacted statute,
25 that is enacted before January 1, ~~2025~~, *2026*, deletes or extends
26 that date.

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

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

37 (b) It is unlawful for any person whose driving privilege is
38 restricted pursuant to Section 13352, 23575, or 23700 to request
39 or solicit any other person to blow into an ignition interlock device
40 or to start a motor vehicle equipped with the device for the purpose

1 of providing the person so restricted with an operable motor
2 vehicle.

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

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

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

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

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

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

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

40 (i) This section shall become operative January 1, ~~2025~~ 2026.

1 SEC. 29. Section 23573 of the Vehicle Code is amended to
2 read:

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

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

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

17 (1) Arrange for each vehicle ~~owned or~~ operated by the person
18 to be fitted with a functioning, certified ignition interlock device
19 by a certified ignition interlock device provider under Section
20 13386.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 *(n) This section shall remain in effect only until January 1, 2019,
39 and as of that date is repealed, unless a later enacted statute, that
40 is enacted before January 1, 2019, deletes or extends that date.*

1 SEC. 30. Section 23573 is added to the Vehicle Code, to read:
2 23573. (a) The Department of Motor Vehicles, upon receipt
3 of the court's abstract of conviction for a violation listed in
4 subdivision (j), shall inform the convicted person of the
5 requirements of this section and the term for which the person is
6 required to have a functioning, certified ignition interlock device
7 installed. The records of the department shall reflect the mandatory
8 use of the device for the term required and the time when the device
9 is required to be installed pursuant to this code.

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

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

16 (1) Arrange for each vehicle ~~owned or~~ operated by the person
17 to be fitted with a functioning, certified ignition interlock device
18 by a certified ignition interlock device provider under Section
19 13386.

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

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

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

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

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

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

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

7 (A) Within ~~60~~ 30 days of the notification, the person certifies
8 to the department all of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (n) This section shall become operative on ~~July 1, 2018~~. *January*
35 *1, 2019*.

36 (o) This section shall remain in effect only until January 1, ~~2025~~,
37 *2026*, and as of that date is repealed, unless a later enacted statute,
38 that is enacted before January 1, ~~2025~~, *2026*, deletes or extends
39 that date.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (n) This section shall become operative January 1, ~~2025~~ 2026.

35 SEC. 32. Section 23575 of the Vehicle Code is amended to
36 read:

37 23575. (a) (1) In addition to any other law, the court may
38 require that a person convicted of a first offense violation of
39 Section 23152 or 23153 install a functioning, certified ignition
40 interlock device on any vehicle that the person ~~owns or~~ operates

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

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

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

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

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

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

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

13 (f) (1) If a person is convicted of a violation of Section 23152
14 or 23153 and the offense occurred within 10 years of one or more
15 separate violations of Section 23152 or 23153 that resulted in a
16 conviction, or if a person is convicted of a violation of Section
17 23103, as specified in Section 23103.5, and is suspended for one
18 year under Section 13353.3, the person may apply to the
19 Department of Motor Vehicles for a restricted driver's license
20 pursuant to Section 13352 or 13353.3 that prohibits the person
21 from operating a motor vehicle unless that vehicle is equipped
22 with a functioning, certified ignition interlock device, certified
23 pursuant to Section 13386. The restriction shall remain in effect
24 for at least the remaining period of the original suspension or
25 revocation and until all reinstatement requirements in Section
26 13352 or 13353.4 are met.

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

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

4 (g) A person whose driving privilege is restricted by the
5 Department of Motor Vehicles pursuant to Section 13352 or
6 13353.3 shall arrange for each vehicle with a functioning, certified
7 ignition interlock device to be serviced by the installer at least
8 once every 60 days in order for the installer to recalibrate the device
9 and monitor the operation of the device. The installer shall notify
10 the Department of Motor Vehicles if the device is removed or
11 indicates that the person has attempted to remove, bypass, or
12 tamper with the device, or if the person ~~fails three or more times~~
13 *has failed* to comply with any requirement for the maintenance or
14 calibration of the ignition interlock device. There is no obligation
15 on the part of the installer to notify the department or the court if
16 the person has complied with all of the requirements of this section.

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

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

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

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

36 (l) This section does not restrict a court from requiring
37 installation of a functioning, certified ignition interlock device and
38 prohibiting operation of a motor vehicle unless that vehicle is
39 equipped with a functioning, certified ignition interlock device for
40 a person to whom subdivision (a) or (b) does not apply. The term

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

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

13 (n) (1) For the purposes of this section, “owned” means solely
14 owned or owned in conjunction with another person or legal entity.
15 For

16 (2) For purposes of this section, “operates” includes operating
17 a vehicle that is not owned by the person subject to this section.

18 (o) For the purposes of this section, “bypass” ~~includes, but is~~
19 ~~not limited to;~~ *means* either of the following:

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

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

26 (p) ~~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 (1) *Failure to take any random retest.*

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

34 (p) *The department shall adopt regulations specifying the*
35 *intervals between random retests.*

36 (q) *For purposes of this section, “random retest” means a*
37 *breath test performed by the driver upon a certified ignition*
38 *interlock device at random intervals after the initial engine startup*
39 *breath test and while the vehicle’s motor is running.*

1 (r) *This section shall remain in effect only until January 1, 2019,*
2 *and as of that date is repealed, unless a later enacted statute, that*
3 *is enacted before January 1, 2019, deletes or extends that date.*

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

5 23575. (a) The court shall require a person convicted of a
6 violation of Section 14601.2 to install a functioning, certified
7 ignition interlock device on any vehicle that the person ~~owns or~~
8 operates and prohibit the person from operating a motor vehicle
9 unless the vehicle is equipped with a functioning, certified ignition
10 interlock device. The term of the restriction shall be determined
11 by the court for a period not to exceed three years from the date
12 of conviction. The court shall notify the Department of Motor
13 Vehicles, as specified in subdivision (a) of Section 1803, of the
14 terms of the restrictions in accordance with subdivision (a) of
15 Section 1804. The Department of Motor Vehicles shall place the
16 restriction in the person's records in the Department of Motor
17 Vehicles.

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

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

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

38 (e) The court shall monitor the installation and maintenance of
39 a functioning, certified ignition interlock device restriction ordered
40 pursuant to subdivision (a) or (i). If a person fails to comply with

1 the court order, the court shall give notice of the fact to the
2 department pursuant to Section 40509.1.

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

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

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

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

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

32 (k) (1) For the purposes of this section, "owned" means solely
33 owned or owned in conjunction with another person or legal entity.

34 ~~For~~

35 (2) For purposes of this section, "operates" includes operating
36 a vehicle that is not owned by the person subject to this section.

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

39 (1) Failure to take any random retest.

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

4 (m) The department shall adopt regulations specifying the
5 intervals between random retests.

6 (n) For purposes of this section, "random retest" means a breath
7 test performed by *the driver upon* a certified ignition interlock
8 device at random intervals after the initial engine startup breath
9 test and while the vehicle's motor is running.

10 (o) This section shall become operative on ~~July 1, 2018~~. *January*
11 *1, 2019*.

12 (p) This section shall remain in effect only until January 1, ~~2025~~,
13 ~~2026~~, and as of that date is repealed, unless a later enacted statute,
14 that is enacted before January 1, ~~2025~~, ~~2026~~, deletes or extends
15 that date.

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

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

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

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

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

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

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

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

33 (f) (1) If a person is convicted of a violation of Section 23152
34 or 23153 and the offense occurred within 10 years of one or more
35 separate violations of Section 23152 or 23153 that resulted in a
36 conviction, or if a person is convicted of a violation of Section
37 23103, as specified in Section 23103.5, and is suspended for one
38 year under Section 13353.3, the person may apply to the
39 Department of Motor Vehicles for a restricted driver's license
40 pursuant to Section 13352 or 13353.3 that prohibits the person

1 from operating a motor vehicle unless that vehicle is equipped
2 with a functioning, certified ignition interlock device, certified
3 pursuant to Section 13386. The restriction shall remain in effect
4 for at least the remaining period of the original suspension or
5 revocation and until all reinstatement requirements in Section
6 13352 or 13353.4 are met.

7 (2) Pursuant to subdivision (g), the Department of Motor
8 Vehicles shall immediately terminate the restriction issued pursuant
9 to Section 13352 or 13353.3 and shall immediately suspend or
10 revoke the privilege to operate a motor vehicle of a person who
11 attempts to remove, bypass, or tamper with the device, who has
12 the device removed prior to the termination date of the restriction,
13 or who ~~fails three or more times~~ *has failed* to comply with any
14 requirement for the maintenance or calibration of the ignition
15 interlock device ordered pursuant to Section 13352 or 13353.3.
16 The privilege shall remain suspended or revoked for the remaining
17 period of the originating suspension or revocation and until all
18 reinstatement requirements in Section 13352 or 13353.4 are ~~met~~.
19 *met, except that if the person provides proof to the satisfaction of*
20 *the department that he or she is in compliance with the restriction*
21 *issued pursuant to this section, the department may, in its*
22 *discretion, restore the privilege to operate a motor vehicle and*
23 *reimpose the remaining term of the restriction.*

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

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

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

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

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

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

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

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

33 (n) (1) For the purposes of this section, "owned" means solely
34 owned or owned in conjunction with another person or legal entity.

35 ~~For~~

36 (2) For purposes of this section, "operates" includes operating
37 a vehicle that is not owned by the person subject to this section.

38 (o) For the purposes of this section, "bypass" ~~includes, but is~~
39 ~~not limited to,~~ *means* either of the following:

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

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

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

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

11 *(p) For purposes of this section, "random retest" means a*
 12 *breath test performed by the driver upon a certified ignition*
 13 *interlock device at random intervals after the initial engine startup*
 14 *breath test and while the vehicle's motor is running.*

15 ~~(p)~~

16 *(q) This section shall become operative January 1, 2025. 2026.*

17 SEC. 35. Section 23575.3 is added to the Vehicle Code, to
 18 read:

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

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

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

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

39 (A) Arrange for each vehicle ~~owned or~~ operated by the person
 40 to be equipped with a functioning, certified ignition interlock

1 device by a certified ignition interlock device provider under
2 Section 13386.

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

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

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

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

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

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

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

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

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

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

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

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

6 (g) The department shall monitor the installation and
7 maintenance of the ignition interlock device installed pursuant to
8 subdivision (d).

9 (h) A person is required to install a functioning, certified ignition
10 interlock device pursuant to this section for the applicable term,
11 as follows:

12 (1) A person convicted of a violation of subdivision (a), (b),
13 (d), or (f) of Section 23152 shall be required to ~~install a functioning,~~
14 ~~certified ignition interlock device, as follows:~~ *do the following, as*
15 *applicable:*

16 (A) Upon a conviction with no priors, ~~unless the court finds it~~
17 ~~would not be in the best interests of justice to do so, and enters~~
18 ~~that finding on the record, the person shall install a functioning,~~
19 ~~certified ignition interlock device in the vehicle, as ordered by the~~
20 ~~court, that is owned or operated by that person for a mandatory~~
21 ~~term of six months. the court may order the installation of a~~
22 *functioning, certified ignition interlock device for a term of six*
23 *months or the person may do either of the following:*

24 (i) *Install a functioning, certified ignition interlock device in*
25 *any vehicle operated by that person for a mandatory term of six*
26 *months. The person shall not operate a vehicle that does not have*
27 *a functioning, certified ignition interlock device installed during*
28 *that six month term.*

29 (ii) *Drive with a restricted license for a minimum of one year,*
30 *with a minimum of 8 months postconviction. The person may install*
31 *a functioning, certified ignition interlock device at any time during*
32 *the restricted license period and, upon notification of the*
33 *Department of Motor Vehicles, drive with an unrestricted license*
34 *for a mandatory term of six months pursuant to clause (i).*

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

39 (C) Upon a conviction with two priors, the person shall install
40 a functioning, certified ignition interlock device in the vehicle, as

1 ordered by the court, that is ~~owned or~~ operated by that person for
2 a mandatory term of 24 months.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (E) A person with an income at 301 to 400 percent of the federal
39 poverty level and who provides income verification pursuant to
40 paragraph (2) is responsible for 90 percent of the cost of the

1 manufacturer's standard ignition interlock device program costs,
2 and any additional costs accrued by the person for noncompliance
3 with program requirements.

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

6 (G) The manufacturer is responsible for the percentage of costs
7 that the offender is not responsible for pursuant to subparagraphs
8 (A) through (E), inclusive.

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

13 (A) The previous year's federal income tax return.

14 (B) The previous three months of weekly or monthly income
15 statements.

16 (C) Employment Development Department verification of
17 unemployment benefits.

18 (l) The Department of Consumer Affairs may impose a civil
19 assessment not to exceed one thousand dollars (\$1,000) upon a
20 manufacturer or manufacturer's agent certified to provide ignition
21 interlock devices who fails to inform an offender subject to this
22 chapter of the provisions of subdivision (k), or who fails to comply
23 with the provisions of subdivision (k).

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

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

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

33 (p) This section shall become operative on ~~July 1, 2018~~. *January*
34 *1, 2019*.

35 (q) This section shall remain in effect only until January 1, ~~2025~~,
36 *2026*, and as of that date is repealed, unless a later enacted statute,
37 that is enacted before January 1, ~~2025~~, *2026*, deletes or extends
38 that date.

39 SEC. 36. Section 23575.5 is added to the Vehicle Code, to
40 read:

1 23575.5. (a) On or before March 1, ~~2023~~, 2024, the Department
2 of Motor Vehicles shall report data to the ~~Legislative Analyst's~~
3 ~~Office Transportation Agency~~ regarding the implementation and
4 efficacy of the program enacted by the act that added this section.

5 (b) The data described in subdivision (a) shall, at a minimum,
6 include all of the following:

7 (1) The number of individuals who were required to have a
8 functioning, certified ignition interlock device installed as a result
9 of the program who killed or injured anyone in an accident while
10 he or she was operating a vehicle under the influence of alcohol.

11 (2) The number of individuals who were required to have a
12 functioning, certified ignition interlock device installed as a result
13 of the program who were convicted of an alcohol-related violation
14 of Section 23103, as specified in Section 23103.5, or Section
15 23140, 23152, or 23153, or Section 191.5 or subdivision (a) of
16 Section 192.5 of the Penal Code during the term in which the
17 person was required to have the ignition interlock device installed.

18 (3) The number of injuries and deaths resulting from
19 alcohol-related motor vehicle accidents between ~~July 1, 2018~~,
20 *January 1, 2019*, and January 1, ~~2023~~, 2024, inclusive, and during
21 periods of similar duration prior to the implementation of the
22 program.

23 (4) The number of individuals who have been convicted more
24 than one time for driving under the influence of alcohol between
25 ~~July 1, 2018~~, *January 1, 2019*, and January 1, ~~2023~~, 2024,
26 inclusive, and periods of similar duration prior to the
27 implementation of the program.

28 (5) Any other information requested by the ~~Legislative Analyst's~~
29 ~~Office Transportation Agency~~ to assess the effectiveness of the
30 statewide ignition interlock device requirement in reducing
31 recidivism for driving-under-the-influence violations.

32 (c) *The Transportation Agency may contract with educational*
33 *institutions to obtain and analyze the data required by this section.*

34 (e)

35 (d) The ~~Legislative Analyst's Office Transportation Agency~~
36 shall assess the program based on the data provided pursuant to
37 subdivision (b) and shall report to the Legislature on the outcomes
38 of the program no later than January 1, ~~2024~~. 2025.

39 (d)

1 (e) The report described in subdivision (a) shall be submitted
2 in compliance with Section 9795 of the Government Code.

3 ~~(e)~~

4 (f) (1) This section shall become operative on ~~July 1, 2018.~~
5 *January 1, 2019.*

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

12 23576. (a) Notwithstanding Sections 23575 and 23700, if a
13 person is required to operate a motor vehicle in the course and
14 scope of his or her employment and if the vehicle is owned by the
15 employer, the person may operate that vehicle without installation
16 of a functioning, certified ignition interlock device if the employer
17 has been notified by the person that the person's driving privilege
18 has been restricted pursuant to Section 23575 or 23700 and if the
19 person has proof of that notification in his or her possession, or if
20 the notice, or a facsimile copy thereof, is with the vehicle.

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

25 ~~(e) 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 (c) *This section shall remain in effect only until January 1, 2019,*
30 *and as of that date is repealed, unless a later enacted statute, that*
31 *is enacted before January 1, 2019, deletes or extends that date.*

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

33 23576. (a) Notwithstanding Sections 23575, 23575.3, and
34 23700, if a person is required to operate a motor vehicle in the
35 course and scope of his or her employment and if the vehicle is
36 owned by the employer, the person may operate that vehicle
37 without installation of a functioning, certified approved ignition
38 interlock device if the employer has been notified by the person
39 that the person's driving privilege has been restricted pursuant to
40 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.~~ *January*
8 *1, 2019.*

9 (d) This section shall remain in effect only until January 1, ~~2025,~~
10 *2026*, and as of that date is repealed, unless a later enacted statute,
11 that is enacted before January 1, ~~2025, 2026~~, deletes or extends
12 that date.

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

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

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

27 (c) This section shall become operative January 1, ~~2025.~~ *2026.*

28

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 *(d) This section shall remain in effect only until January 1, 2019,*
13 *and as of that date is repealed, unless a later enacted statute, that*
14 *is enacted before January 1, 2019, deletes or extends that date.*

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

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

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

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

37 (c) (1) Five years from the date of the last conviction of a
38 violation of Section 23152 or 23153, a person whose license was
39 revoked pursuant to subdivision (a) may apply to the department
40 to have his or her privilege to operate a motor vehicle reinstated,

1 subject to the condition that the person submits the “Verification
2 of Installation” form described in paragraph (2) of subdivision (g)
3 of Section 13386 and agrees to maintain a functioning, certified
4 ignition interlock device as required under subdivision (f) of
5 Section 23575.3. Notwithstanding Chapter 5 (commencing with
6 Section 23700) or Section 23575.3, the ignition interlock device
7 shall remain on the person’s motor vehicle for two years following
8 the reinstatement of the person’s driving privilege pursuant to this
9 section.

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

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

16 (B) The person successfully completed a
17 driving-under-the-influence program, licensed pursuant to Section
18 11836 of the Health and Safety Code, following the date of the
19 last conviction of a violation of Section 23152 or 23153 of this
20 code.

21 (C) The person was not convicted of violating Section 14601,
22 14601.1, 14601.2, 14601.4, or 14601.5 during the driver’s license
23 revocation period.

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

37 (d) This section shall become operative on ~~July 1, 2018~~. *January*
38 *1, 2019*.

39 (e) This section shall remain in effect only until January 1, ~~2025~~,
40 *2026*, and as of that date is repealed, unless a later enacted statute,

1 that is enacted before January 1, ~~2025~~, 2026, deletes or extends
2 that date.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (d) This section shall become operative January 1, ~~2025~~. 2026.

22
23 SEC. 43. Section 23702 of the Vehicle Code is amended to
24 read:

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

30 *23702. This chapter shall remain in effect only until January*
31 *1, 2019, and as of that date is repealed, unless a later enacted*
32 *statute, that is enacted before January 1, 2019, deletes or extends*
33 *that date.*

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

- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.

O