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## AB-71 Ignition interlock devices. (2025-2026)

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AMENDED IN ASSEMBLY MARCH 05, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

### ASSEMBLY BILL

NO. 71

Introduced by Assembly Member Lackey

December 11, 2024

An act to amend Sections 13352, 13352.1, 13352.4, 13353.3, 13353.4, 13353.5, 13353.6, 13353.75, 13386, 13390, 23103.5, 23247, 23573, 23575, 23575.3, 23576, and 23597 ~~of~~ *of, and to add and repeal Section 23575.6 of*, the Vehicle Code, relating to vehicles.

### LEGISLATIVE COUNSEL'S DIGEST

AB 71, as amended, Lackey. Ignition interlock devices.

Existing law, commencing January 1, 2019, made various changes to the law governing ignition interlock devices (IID), including, among other things, requiring 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 as ordered by the court, an IID on the vehicle they operate, provided however that installation of an IID is discretionary for a first offender, as specified; authorizing a person convicted of driving a motor vehicle under the influence, if all other requirements are satisfied, including the installation of an IID, to apply for a restricted driver's license without completing a period of license suspension or revocation; and requiring ignition interlock device manufacturers to be in compliance with specified provisions relating to payment for the costs of an ignition interlock device. Existing law makes these changes operative until January 1, 2026. On January 1, 2026, existing law, as it relates to these provisions, is generally reinstated to read as it read prior to January 1, 2019. Existing law makes it a crime to violate certain provisions relating to IIDs and motor vehicles equipped with IIDs.

This bill would extend the operation of these provisions until January 1, 2033, and would instead reinstate the law to how it read prior to ~~the~~ January 1, 2019, on January 1, 2033. By extending the application of a crime, the bill would impose a state-mandated local program.

*Existing law requires the Department of Motor Vehicles to report specified data to the Transportation Agency regarding the implementation and efficacy of the statewide ignition interlock device program described above and requires the agency to report the outcomes of the program to the Legislature no later than January 1, 2025.*

*This bill would similarly require the department to provide updated data regarding the continued implementation and efficacy of the program to the agency and require the agency to report updated program outcomes to the Legislature by no later than July 1, 2031. The bill would repeal these provisions on July 1, 2035.*

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 Local Program: yes

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## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 13352 of the Vehicle Code, as amended by Section 1 of Chapter 611 of the Statutes of 2021, is amended to read:

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

(1) (A) Except as provided in this subparagraph, or as required under Section 13352.1 or 13352.4, upon a conviction or finding of a violation of Section 23152 punishable under Section 23536, the privilege shall be suspended for a period of six months. The privilege shall not be reinstated until the person gives proof of financial responsibility and gives proof satisfactory to the department of successful completion of a driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code described in subdivision (b) of Section 23538 of this code. If the court, as authorized under paragraph (3) of subdivision (b) of Section 23646, elects to order a person to enroll in, participate in, and complete either program described in subdivision (b) of Section 23542, the department shall require that program in lieu of the program described in subdivision (b) of Section 23538. For the purposes of this paragraph, enrollment in, participation in, and completion of an approved program shall occur subsequent to the date of the current violation. Credit shall not be given to any program activities completed prior to the date of the current violation. Except when the court has ordered installation of a functioning, certified ignition interlock device pursuant to Section 23575.3, the department shall advise the person that they may apply to the department for a restricted driver's license if the person meets all of the following requirements:

(i) The underlying conviction was not only for the use of drugs, as defined in Section 312, at the time of the violation.

(ii) The person satisfactorily provides to the department, subsequent to the violation date of the current underlying conviction, enrollment in, or completion of, a driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, as described in subdivision (b) of Section 23538 of this code.

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

(iv) The person does both of the following:

(I) Submits the "Verification of Installation" form described in paragraph (2) of subdivision (g) of Section 13386.

(II) Agrees to maintain the functioning, certified ignition interlock device as required under subdivision (i).

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

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

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

(B) The restrictions described in this paragraph shall remain in effect for the period required in subdivision (e).

(2) (A) Except as provided in this paragraph, upon a conviction or finding of a violation of Section 23153 punishable under Section 23554, the privilege shall be suspended for a period of one year. The privilege shall not be reinstated until the person gives proof of financial responsibility and gives proof satisfactory to the department of successful completion of a driving-under-

the-influence program licensed pursuant to Section 11836 of the Health and Safety Code as described in subdivision (b) of Section 23556 of this code. If the court, as authorized under paragraph (3) of subdivision (b) of Section 23646, elects to order a person to enroll in, participate in, and complete either program described in subdivision (b) of Section 23542, the department shall require that program in lieu of the program described in Section 23556. For the purposes of this paragraph, enrollment in, participation in, and completion of an approved program shall occur subsequent to the date of the current violation. Credit shall not be given to any program activities completed prior to the date of the current violation. The department shall advise the person that they may apply to the department for a restricted driver's license if the person meets all of the following requirements:

(i) The underlying conviction was not only for the use of drugs, as defined in Section 312, at the time of the violation.

(ii) The person satisfactorily provides, subsequent to the violation date of the current underlying conviction, either of the following:

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

(II) Proof of enrollment in a program described in subdivision (b) of Section 23542, if the court has ordered the person to enroll in, participate in, and complete either program described in that section, in which case the person shall not be required to provide the proof described in subclause (I).

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

(iv) The person complies with Section 23575.3.

(v) The person does both of the following:

(I) Submits the "Verification of Installation" form described in paragraph (2) of subdivision (g) of Section 13386.

(II) Agrees to maintain the functioning, certified ignition interlock device as required under subdivision (i).

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

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

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

(B) The restriction shall remain in effect for the period required in subdivision (e).

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

(i) Completion of 12 months of the suspension period if the underlying conviction was only for the use of drugs, as defined in Section 312, at the time of the violation.

(ii) The person satisfactorily provides, subsequent to the violation date of the current underlying conviction, either of the following:

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

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

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

(iv) The person complies with Section 23575.3, if the underlying conviction involved the use of alcohol.

(v) The person does both of the following:

(I) Submits the "Verification of Installation" form described in paragraph (2) of subdivision (g) of Section 13386.

(II) Agrees to maintain the functioning, certified ignition interlock device as required under subdivision (i).

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

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

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

(B) The restriction shall remain in effect for the period required in subdivision (e).

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

(i) Completion of 12 months of the suspension period if the underlying conviction was only for the use of drugs, as defined in Section 312, at the time of the violation.

(ii) The person satisfactorily provides, subsequent to the violation date of the current underlying conviction, either of the following:

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

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

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

(iv) The person complies with Section 23575.3, if the underlying conviction involved the use of alcohol.

(v) The person does both of the following:

(I) Submits the "Verification of Installation" form described in paragraph (2) of subdivision (g) of Section 13386.

(II) Agrees to maintain the functioning, certified ignition interlock device as required under subdivision (i).

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

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

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

(B) The restriction shall remain in effect for the period required in subdivision (e).

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

date of the current violation. The department shall advise the person that they may apply to the department for a restricted driver's license if the person meets all of the following requirements:

(i) Completion of 12 months of the suspension period if the underlying conviction was only for the use of drugs, as defined in Section 312, at the time of the violation.

(ii) The person satisfactorily provides, subsequent to the violation date of the current underlying conviction, either of the following:

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

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

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

(iv) The person complies with Section 23575.3, if the underlying conviction involved the use of alcohol.

(v) The person does both of the following:

(I) Submits the "Verification of Installation" form described in paragraph (2) of subdivision (g) of Section 13386.

(II) Agrees to maintain the functioning, certified ignition interlock device as required under Section 23575.3, if applicable.

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

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

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

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

(B) The restriction shall remain in effect for the period required in subdivision (e).

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

(i) Completion of 12 months of the suspension period if the underlying conviction was only for the use of drugs, as defined in Section 312, at the time of the violation.

(ii) The person satisfactorily provides, subsequent to the violation date of the current underlying conviction, either of the following:

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

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

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

(iv) The person complies with Section 23575.3, if the underlying conviction involved alcohol.

(v) The person does both of the following:

(I) Submits the "Verification of Installation" form described in paragraph (2) of subdivision (g) of Section 13386.

(II) Agrees to maintain the functioning, certified ignition interlock device as required under subdivision (i).

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

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

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

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

(B) The restriction shall remain in effect for the period required in subdivision (e).

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

(i) Completion of 12 months of the suspension period if the underlying conviction was only for the use of drugs, as defined in Section 312, at the time of the violation.

(ii) The person satisfactorily provides, subsequent to the violation date of the current underlying conviction, either of the following:

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

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

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

(iv) The person complies with Section 23575.3, if the underlying conviction involved alcohol.

(v) The person does both of the following:

(I) Submits the "Verification of Installation" form described in paragraph (2) of subdivision (g) of Section 13386.

(II) Agrees to maintain the functioning, certified ignition interlock device as required under subdivision (i).

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

(vii) An individual convicted of a violation of Section 23152 punishable under Section 23550 may also, at any time after sentencing, petition the court for referral to an 18-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, or, if available in the county of the person's residence or employment, a

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

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

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

(B) The restriction shall remain in effect for the period required in subdivision (e).

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

(B) Commencing July 1, 2025, upon a finding of a violation of subdivision (c) of Section 23109 for engaging in a motor vehicle exhibition of speed, as described in paragraph (2) of subdivision (i) of Section 23109, the privilege shall be suspended for a period of 90 days to six months, if ordered by the court. The privilege shall not be reinstated until the person gives proof of financial responsibility, as defined in Section 16430.

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

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

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

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

(e) (1) The restricted driving privilege shall become effective when the department receives all of the documents and fees required under paragraphs (1) to (7), inclusive, of subdivision (a) and, except as specified in paragraph (2) or (3), shall remain in effect until all reinstatement requirements are satisfied.

(2) For the purposes of the restriction conditions specified in paragraphs (1) to (7), inclusive, of subdivision (a), the department shall terminate the restriction imposed pursuant to this section and shall suspend or revoke the person's driving privilege upon receipt of notification from the driving-under-the-influence program that the person has failed to comply with the program requirements. The person's driving privilege shall remain suspended or revoked for the remaining period of the original suspension or revocation imposed under this section and until all reinstatement requirements described in this section are met.

(3) The department shall immediately suspend or revoke the privilege to operate a motor vehicle of a person who, with respect to an ignition interlock device installed pursuant to this section attempts to remove, bypass, or tamper with the device, has the device removed prior to the termination date of the restriction, or fails three or more times to comply with any requirement for the maintenance or calibration of the device. The privilege shall remain suspended or revoked for the remaining period of the originating suspension or revocation and until all reinstatement requirements in this section are satisfied, provided, however, that if the person provides proof to the satisfaction of the department that the person is in compliance with the restriction issued pursuant to this section, the department may, in its discretion, restore the privilege to operate a motor vehicle and reimpose the remaining term of the restriction.

(f) Notwithstanding the suspension periods specified in paragraphs (1) to (7), inclusive, of subdivision (a) or Section 13352.1, if the person maintains a functioning, certified ignition interlock device for the mandatory term required under Section 23575.3, inclusive of any term credit earned under Section 13353.6 or 13353.75, the department shall reinstate the person's privilege to operate a motor vehicle at the time the other reinstatement requirements are satisfied.

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

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

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

(h) (1) The holder of a commercial driver's license who was operating a motor vehicle other than a commercial vehicle, or a driver who was operating a commercial vehicle, as defined in Section 15210, at the time of the violation that resulted in the suspension of that person's driving privilege pursuant to this section is not eligible for the restricted driver's license authorized under paragraphs (1) to (7), inclusive, of subdivision (a).

(2) Notwithstanding paragraph (1), as authorized under this section, the department shall issue the person a noncommercial driver's license restricted in the same manner and subject to the same conditions and requirements as specified in paragraphs (1) to (7), inclusive, of subdivision (a).

(i) A person whose driving privilege is restricted by the Department of Motor Vehicles pursuant to this section shall arrange for each vehicle with a functioning, certified ignition interlock device to be serviced by the installer at least once every 60 days in order for the installer to recalibrate the device and monitor the operation of the device. The installer shall notify the department if the device is removed or indicates that the person has attempted to remove, bypass, or tamper with the device, or if the person fails three or more times to comply with any requirement for the maintenance or calibration of the ignition interlock device.

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

(k) For purposes of this section, "bypass" means either of the following:

(1) Failure to take any random retest.

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

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

(m) The restriction conditions specified in paragraphs (1) to (7), inclusive, of subdivision (a) shall apply only to a person who is convicted for a violation of Section 23152 or 23153 that occurred on or after January 1, 2019.

(n) This section shall become operative on January 1, 2019.

(o) This section shall remain in effect only until January 1, 2033, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2033, deletes or extends that date.

**SEC. 2.** Section 13352 of the Vehicle Code, as amended by Section 2 of Chapter 611 of the Statutes of 2021, is amended to read:

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) Except as provided in this paragraph, upon a conviction or finding of a violation of Section 23153 punishable under Section 23550.5 or 23566, the privilege shall be revoked for a period of five years. The privilege may not be reinstated until the person

gives proof of financial responsibility and gives proof satisfactory to the department of successful completion of a driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code as described in subdivision (b) of Section 23568 of this code, or if available in the county of the person's residence or employment, a 30-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, or a program specified in Section 8001 of the Penal Code. For the purposes of this paragraph, enrollment in, participation in, and completion of an approved program shall be subsequent to the date of the current violation. Credit shall not be given to any program activities completed prior to the date of the current violation. The department shall advise the person that after completion of 12 months of the revocation period, which may include credit for a suspension period served under subdivision (c) of Section 13353.3, they may apply to the department for a restricted driver's license if the person meets all of the following requirements:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) Upon a finding of a violation of subdivision (c) of Section 23109 for engaging in a motor vehicle exhibition of speed, as described in paragraph (2) of subdivision (i) of Section 23109, the privilege shall be suspended for a period of 90 days to six months, if ordered by the court. The privilege shall not be reinstated until the person gives proof of financial responsibility, as defined in Section 16430.

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

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

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

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

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

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

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

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

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

(h) This section shall become operative January 1, 2033.

**SEC. 3.** Section 13352.1 of the Vehicle Code, as added by Section 5 of Chapter 485 of the Statutes of 2017, is amended to read:

**13352.1.** (a) Pursuant to subdivision (a) of Section 13352 and except as required under subdivision (c) of this section or Section 13352.4, upon a conviction or finding of a violation of Section 23152 punishable under Section 23536, if the court refers the person to a program pursuant to paragraph (2) of subdivision (b) of Section 23538, the privilege shall be suspended for 10 months.

(b) The privilege may not be reinstated until the person gives proof of financial responsibility and gives proof satisfactory to the department of successful completion of a driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code described in subdivision (b) of Section 23538 of this code. For the purposes of this subdivision, enrollment, participation, and completion of an approved program shall be subsequent to the date of the current violation. Credit may not be given to any program activities completed prior to the date of the current violation.

(c) (1) Except when the court has ordered installation of a functioning, certified ignition interlock device pursuant to Section 23575.3, the department shall advise the person that he or she may apply to the department for a restricted driver's license if the person meets all of the following requirements:

(A) The underlying conviction was not only for the use of drugs, as defined in Section 312, at the time of the violation.

(B) The person satisfactorily provides to the department, subsequent to the violation date of the current underlying conviction, enrollment in, or completion of, a driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, as described in paragraph (2) of subdivision (b) of Section 23538 of this code.

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

(D) The person does both of the following:

(i) Submits the "Verification of Installation" form described in paragraph (2) of subdivision (g) of Section 13386.

(ii) Agrees to maintain the functioning, certified ignition interlock device as required under subdivision (e).

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

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

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

(2) The restriction shall remain in effect for the period required in subdivision (d).

(d) (1) The restricted driving privilege shall become effective when the department receives all of the documents and fees required under subdivision (c) and, except as specified in paragraph (2) or (3), shall remain in effect until all reinstatement requirements are satisfied.

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

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

(e) A person whose driving privilege is restricted by the department pursuant to this section shall arrange for each vehicle with a functioning, certified ignition interlock device to be serviced by the installer at least once every 60 days in order for the installer to recalibrate the device and monitor the operation of the device. The installer shall notify the Department of Motor Vehicles if the device is removed or indicates that the person has attempted to remove, bypass, or tamper with the device, or if the person fails three or more times to comply with any requirement for the maintenance or calibration of the ignition interlock device.

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

(2) Notwithstanding paragraph (1), as authorized under this section, the department shall issue the person a noncommercial driver's license restricted in the same manner and subject to the same conditions and requirements as specified in subdivision (c).

(g) For the purposes of this section, "bypass" means either of the following:

(1) Failure to take any random retest.

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

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

(i) The restriction conditions specified in this section shall apply only to a person who is convicted for a violation of Section 23152, as specified in subdivision (a), that occurred on or after January 1, 2019.

(j) This section shall become operative on January 1, 2019.

(k) This section shall remain in effect only until January 1, 2033, and as of that date is repealed.

**SEC. 4.** Section 13352.1 of the Vehicle Code, as added by Section 6 of Chapter 485 of the Statutes of 2017, is amended to read:

**13352.1.** (a) Pursuant to subdivision (a) of Section 13352 and except as required under Section 13352.4, upon a conviction or finding of a violation of Section 23152 punishable under Section 23536, if the court refers the person to a program pursuant to paragraph (2) of subdivision (b) of Section 23538, the privilege shall be suspended for 10 months.

(b) The privilege may not be reinstated until the person gives proof of financial responsibility and gives proof satisfactory to the department of successful completion of a driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code described in subdivision (b) of Section 23538 of this code. For the purposes of this subdivision, enrollment, participation, and completion of an approved program shall be subsequent to the date of the current violation. Credit may not be given to any program activities completed prior to the date of the current violation.

(c) This section shall become operative on January 1, 2033.

**SEC. 5.** Section 13352.4 of the Vehicle Code, as amended by Section 7 of Chapter 485 of the Statutes of 2017, is amended to read:

**13352.4.** (a) Except as provided in subdivision (h), or when the court has ordered installation of a functioning, certified ignition interlock device pursuant to Section 23575.3, the department shall issue a restricted driver's license to a person whose driver's license was suspended under paragraph (1) of subdivision (a) of Section 13352 or Section 13352.1, if the person meets all of the following requirements:

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

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

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

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

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

(b) The restriction of the driving privilege shall become effective when the department receives all of the documents and fees required under subdivision (a) and shall remain in effect for a period of 12 months and until the date all reinstatement requirements described in Section 13352 or 13352.1 have been met.

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

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

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

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

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

(2) Notwithstanding paragraph (1), as authorized under this section, the department shall issue the person a noncommercial driver's license restricted in the same manner and subject to the same conditions and requirements as specified in subdivision (a).

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

(i) This section shall become operative on January 1, 2019.

(j) This section shall remain in effect only until January 1, 2033, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2033, deletes or extends that date.

**SEC. 6.** Section 13352.4 of the Vehicle Code, as added by Section 9 of Chapter 783 of the Statutes of 2016, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) This section shall become operative January 1, 2033.

**SEC. 7.** Section 13353.3 of the Vehicle Code, as amended by Section 9 of Chapter 485 of the Statutes of 2017, is amended to read:

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

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

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

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

(i) The person is eligible for a restricted driver's license pursuant to Section 13352 or 13352.1.

(ii) The person installs a functioning, certified ignition interlock device as required in Section 13352 or 13352.1 for that restricted driver's license.

(iii) The person complies with all other applicable conditions of Section 13352 or 13352.1 for a restricted driver's license.

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

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

(i) The person is eligible for a restricted driver's license pursuant to Section 13352 or 13352.1.

(ii) The person installs a functioning, certified ignition interlock device as required in Section 13352 or 13352.1 for that restricted driver's license.



(iii) The person complies with all other applicable conditions of Section 13352 or 13352.1 for a restricted driver's license.

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

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

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

(e) This section shall become operative on January 1, 2019.

(f) This section shall remain in effect only until January 1, 2033, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2033, deletes or extends that date.

**SEC. 8.** Section 13353.3 of the Vehicle Code, as added by Section 12 of Chapter 783 of the Statutes of 2016, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) This section shall become operative January 1, 2033.

**SEC. 9.** Section 13353.4 of the Vehicle Code, as added by Section 14 of Chapter 783 of the Statutes of 2016, is amended to read:

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

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

(c) This section shall become operative on January 1, 2019.

(d) This section shall remain in effect only until January 1, 2033, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2033, deletes or extends that date.

**SEC. 10.** Section 13353.4 of the Vehicle Code, as added by Section 15 of Chapter 783 of the Statutes of 2016, is amended to read:

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

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

(c) This section shall become operative January 1, 2033.

**SEC. 11.** Section 13353.5 of the Vehicle Code, as amended by Section 11 of Chapter 485 of the Statutes of 2017, is amended to read:

**13353.5.** (a) If a person whose driving privilege is suspended or revoked under Section 13352, Section 13352.1, former Section 13352.4, Section 13352.4, Section 13352.6, paragraph (1) of subdivision (g) of Section 23247, or paragraph (3) of subdivision (e) of Section 13352 is a resident of another state at the time the mandatory period of suspension or revocation expires, the department may terminate the suspension or revocation, upon written application of the person, for the purpose of allowing the person to apply for a license in his or her state of residence. The application shall include, but need not be limited to, evidence satisfactory to the department that the applicant now resides in another state.

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

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

(d) This section shall become operative on January 1, 2019.

(e) This section shall remain in effect only until January 1, 2033, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2033, deletes or extends that date.

**SEC. 12.** Section 13353.5 of the Vehicle Code, as amended by Section 12 of Chapter 485 of the Statutes of 2017, is amended to read:

**13353.5.** (a) If a person whose driving privilege is suspended or revoked under Section 13352, Section 13352.1, former Section 13352.4, Section 13352.4, Section 13352.6, paragraph (1) of subdivision (g) of Section 23247, or paragraph (2) of subdivision (f) of Section 23575 is a resident of another state at the time the mandatory period of suspension or revocation expires, the department may terminate the suspension or revocation, upon written application of the person, for the purpose of allowing the person to apply for a license in his or her state of residence. The application shall include, but need not be limited to, evidence satisfactory to the department that the applicant now resides in another state.

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

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

(d) This section shall become operative January 1, 2033.

**SEC. 13.** Section 13353.6 of the Vehicle Code is amended to read:

**13353.6.** (a) Notwithstanding any other law, a person whose driving privilege has been suspended under Section 13353.2 and who has not been convicted of, or found to have committed, a separate violation of Section 23103, as specified in Section 23103.5, or Section 23140, 23152, or 23153, or Section 191.5 or subdivision (a) of Section 192.5 of the Penal Code, and if the person's privilege to operate a motor vehicle has not been suspended or revoked pursuant to Section 13353 or 13353.2 for an offense that occurred on a separate occasion within 10 years of the occasion in question, may apply to the department for a restricted driver's license on or after the effective date specified in Section 13353.3, if the person meets all of the following requirements:

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

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

(C) If a person who has been issued a restricted license under this section fails at any time to participate in the program, the department shall immediately terminate the restriction and reinstate the suspension of the privilege to operate a motor vehicle. The department shall give notice of the suspension under this paragraph in the same manner as prescribed in subdivision (b) of Section 13353.2 for the period specified in Section 13353.3, that is effective upon receipt by the person.

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

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

(3) The person agrees to maintain the functioning, certified ignition interlock device as required under subdivision (f).

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

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

(5) The person pays all applicable reinstatement or reissue fees.

(b) The restriction under this section shall remain in effect for the remaining period of the original suspension period under Section 13353.3.

(c) The department shall terminate the restriction issued pursuant to this section and shall immediately reinstate the suspension of the privilege to operate a motor vehicle upon receipt of notification from the ignition interlock device installer that a person has

attempted to remove, bypass, or tamper with the ignition interlock device, has removed the device prior to the termination date of the restriction, or fails three or more times to comply with any requirement for the maintenance or calibration of the ignition interlock device. The privilege shall remain suspended for the remaining mandatory suspension period imposed pursuant to Section 13353.3, provided, however, that if the person provides proof to the satisfaction of the department that the person is in compliance with the restriction issued pursuant to this section, the department may, in its discretion, restore the privilege to operate a motor vehicle and reimpose the remaining term of the restriction.

(d) Notwithstanding any other law, a person whose driving privilege has been suspended under Section 13353.2, who is eligible for a restricted driver's license as provided for in this section, and who installs a functioning, certified ignition interlock device pursuant to this section, shall receive credit towards the mandatory term the person is required to install a functioning, certified ignition interlock device pursuant to Section 23575.3 for a conviction of a violation arising out of the same occurrence that led to the person's driving privilege being suspended pursuant to Section 13352 equal to the period of time the person installs a functioning, certified ignition interlock device pursuant to this section or Section 13353.75.

(e) (1) The holder of a commercial driver's license who was operating a motor vehicle other than a commercial vehicle, or a driver who was operating a commercial vehicle, as defined in Section 15210, at the time of the violation that resulted in the suspension of that person's driving privilege pursuant to Section 13353.2 is not eligible for the restricted driver's license authorized under this section.

(2) Notwithstanding paragraph (1), as authorized under this section, the department shall issue the person a noncommercial driver's license restricted in the same manner and subject to the same conditions and requirements as specified in subdivision (a).

(f) A person whose driving privilege is restricted by the department pursuant to this section shall arrange for each vehicle with a functioning, certified ignition interlock device to be serviced by the installer at least once every 60 days in order for the installer to recalibrate the device and monitor the operation of the device. The installer shall notify the department if the device is removed or indicates that the person has attempted to remove, bypass, or tamper with the device, or if the person fails three or more times to comply with any requirement for the maintenance or calibration of the ignition interlock device.

(g) For the purposes of this section, the following definitions apply:

(1) "Bypass" means either of the following:

(A) Failure to take any random retest.

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

(2) "Operates" includes operating a vehicle that is not owned by the person subject to this section.

(3) "Owned" means solely owned or owned in conjunction with another person or legal entity.

(4) "Random retest" means a breath test performed by the driver upon a certified ignition interlock device at random intervals after the initial engine startup breath test and while the vehicle's motor is running.

(5) "Vehicle" does not include a motorcycle until the state certifies an ignition interlock device that can be installed on a motorcycle. A person subject to an ignition interlock device restriction shall not operate a motorcycle for the duration of the ignition interlock device restriction period.

(h) Notwithstanding subdivisions (a) and (b), and upon a conviction under Section 23152 or 23153 for the current offense, the department shall suspend or revoke the person's privilege to operate a motor vehicle under Section 13352 or 13352.1.

(i) The restriction conditions specified in this section shall apply only to a person who is suspended under Section 13353.2 for a violation that occurred on or after January 1, 2019.

(j) This section shall become operative on January 1, 2019.

(k) This section shall remain in effect only until January 1, 2033, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2033, deletes or extends that date.

**SEC. 14.** Section 13353.75 of the Vehicle Code is amended to read:

**13353.75.** (a) Subject to subdivision (d), a person whose driving privilege has been suspended under Section 13353.2, and who has been previously convicted of, or found to have committed, a separate violation of Section 23103, as specified in Section 23103.5, or Section 23140, 23152, or 23153, or Section 191.5 or subdivision (a) of Section 192.5 of the Penal Code, or whose

privilege to operate a motor vehicle has been suspended or revoked pursuant to Section 13353 or 13353.2 for an offense that occurred on a separate occasion within 10 years of the occasion in question may apply to the department for a restricted driver's license on or after the effective date specified in Section 13353.3, if the person meets all of the following requirements:

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

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

(C) If a person who has been issued a restricted license under this section fails at any time to participate in the program, the department shall immediately terminate the restriction and reinstate the suspension of the privilege to operate a motor vehicle. The department shall give notice of the suspension under this paragraph in the same manner as prescribed in subdivision (b) of Section 13353.2 for the period specified in Section 13353.3, that is effective upon receipt by the person.

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

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

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

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

(4) The person agrees to maintain the functioning, certified ignition interlock device as required under subdivision (g).

(5) The person pays all applicable reinstatement or reissue fees.

(b) The restriction shall remain in effect for the remaining period of the original suspension period under Section 13353.3.

(c) Notwithstanding subdivisions (a) and (b), and upon a conviction under Section 23152 or 23153 for the current offense, the department shall suspend or revoke the person's privilege to operate a motor vehicle under Section 13352 or 13352.1.

(d) (1) The holder of a commercial driver's license who was operating a motor vehicle other than a commercial vehicle, or a driver who was operating a commercial vehicle, as defined in Section 15210, at the time of the violation that resulted in the suspension of that person's driving privilege pursuant to Section 13353.2 is not eligible for the restricted driver's license authorized under this section.

(2) Notwithstanding paragraph (1), as authorized under this section, the department shall issue the person a noncommercial driver's license restricted in the same manner and subject to the same conditions and requirements as specified in subdivision (a).

(e) The department shall terminate the restriction issued pursuant to this section and shall immediately reinstate the suspension of the privilege to operate a motor vehicle upon receipt of notification from the ignition interlock device installer that a person has attempted to remove, bypass, or tamper with the ignition interlock device, has removed the device prior to the termination date of the restriction, or fails three or more times to comply with any requirement for the maintenance or calibration of the ignition interlock device. The privilege shall remain suspended for the remaining mandatory suspension period imposed pursuant to Section 13353.3. However, if the person provides proof to the satisfaction of the department that the person is in compliance with the restriction issued pursuant to this section, the department may, in its discretion, restore the privilege to operate a motor vehicle and reimpose the remaining term of the restriction.

(f) Notwithstanding any other law, a person whose driving privilege has been suspended under Section 13353.2, who is eligible for a restricted driver's license as provided for in this section, and who installs a functioning, certified ignition interlock device pursuant to this section, shall receive credit toward the mandatory term the person is required to install a functioning, certified ignition interlock device pursuant to Section 23575.3 for a conviction of a violation arising out of the same occurrence that led to the person's driving privilege being suspended pursuant to Section 13352 or 13352.1 equal to the period of time the person installs a functioning, certified ignition interlock device pursuant to this section or Section 13353.75.

(g) A person whose driving privilege is restricted by the department pursuant to this section shall arrange for each vehicle with a functioning, certified ignition interlock device to be serviced by the installer at least once every 60 days in order for the installer to recalibrate the device and monitor the operation of the device. The installer shall notify the department if the device is removed or indicates that the person has attempted to remove, bypass, or tamper with the device, or if the person fails three or more times to comply with any requirement for the maintenance or calibration of the ignition interlock device.

(h) For the purposes of this section, the following definitions apply:

(1) "Bypass" means either of the following:

(A) Failure to take any random retest.

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

(2) "Operates" includes operating a vehicle that is not owned by the person subject to this section.

(3) "Owned" means solely owned or owned in conjunction with another person or legal entity.

(4) "Random retest" means a breath test performed by the driver upon a certified ignition interlock device at random intervals after the initial engine startup breath test and while the vehicle's motor is running.

(5) "Vehicle" does not include a motorcycle until the state certifies an ignition interlock device that can be installed on a motorcycle. A person subject to an ignition interlock device restriction shall not operate a motorcycle for the duration of the ignition interlock device restriction period.

(i) The restriction conditions specified in this section shall apply only to a person who is suspended under Section 13353.2 for a violation that occurred on or after January 1, 2019.

(j) This section shall become operative January 1, 2019.

(k) This section shall remain in effect only until January 1, 2033, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2033, deletes or extends that date.

**SEC. 15.** Section 13386 of the Vehicle Code, as added by Section 16 of Chapter 485 of the Statutes of 2017, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(j) This section shall become operative on January 1, 2019.

(k) This section shall remain in effect only until January 1, 2033, and as of that date is repealed.

**SEC. 16.** Section 13386 of the Vehicle Code, as added by Section 22 of Chapter 783 of the Statutes of 2016, is amended to read:

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) A person who manufactures, installs, services, or repairs, or otherwise deals in ignition interlock devices shall not disclose, sell, or transfer to a third party any individually identifiable information pertaining to individuals who are required by law to install an

ignition interlock device on a vehicle that he or she owns or operates, except to the extent necessary to confirm or deny that an individual has complied with ignition interlock device installation and maintenance requirements.

(j) This section shall become operative January 1, 2033.

**SEC. 17.** Section 13390 of the Vehicle Code is amended to read:

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

(b) This section shall become operative on January 1, 2019.

(c) This section shall remain in effect only until January 1, 2033, and as of that date is repealed.

**SEC. 18.** Section 23103.5 of the Vehicle Code, as amended by Section 24 of Chapter 783 of the Statutes of 2016, is amended to read:

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

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

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

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

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

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

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

(g) Commencing January 1, 2019, the court may require a person convicted on or after January 1, 2019, of a violation of Section 23103, as described in this section, to install a functioning, certified ignition interlock device on any vehicle that the person operates and prohibit that person from operating a motor vehicle unless that vehicle is equipped with a functioning, certified ignition interlock device. If the court orders the ignition interlock device restriction, the term shall be determined by the court for a period of at least three months, but no longer than the term specified in Section 23575.3 that would have applied to the defendant had he or she instead been convicted of a violation of Section 23152, from the date of conviction. The court shall notify the Department of Motor Vehicles, as specified in subdivision (a) of Section 1803, of the terms of the restrictions in accordance with

subdivision (a) of Section 1804. The Department of Motor Vehicles shall place the restriction in the person's records in the Department of Motor Vehicles. A person who is required to install a functioning, certified ignition interlock device pursuant to this subdivision shall submit the "Verification of Installation" form described in paragraph (2) of subdivision (g) of Section 13386 and maintain the ignition interlock device as required under subdivision (f) of Section 23575.3. The department shall monitor the installation and maintenance of the ignition interlock device installed pursuant to this subdivision.

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

(i) This section shall remain in effect only until January 1, 2033, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2033, deletes or extends that date.

**SEC. 19.** Section 23103.5 of the Vehicle Code, as added by Section 25 of Chapter 783 of the Statutes of 2016, is amended to read:

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

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

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

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

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

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

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

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

(h) This section shall become operative January 1, 2033.

**SEC. 20.** Section 23247 of the Vehicle Code, as amended by Section 21 of Chapter 485 of the Statutes of 2017, is amended to read:

**23247.** (a) It is unlawful for a person to knowingly rent, lease, or lend a motor vehicle to another person known to have had his or her driving privilege restricted as provided in Section 13352, 13352.1, 13353.6, 13353.75, 23575, 23575.3, or 23700, unless the

vehicle is equipped with a functioning, certified ignition interlock device. A person, whose driving privilege is restricted pursuant to Section 13352, 13352.1, 13353.6, 13353.75, 23575, 23575.3, or 23700 shall notify any other person who rents, leases, or loans a motor vehicle to him or her of the driving restriction imposed under that section.

(b) It is unlawful for any person whose driving privilege is restricted pursuant to Section 13352, 13352.1, 13353.6, 13353.75, 23575, 23575.3, or 23700 to request or solicit any other person to blow into an ignition interlock device or to start a motor vehicle equipped with the device for the purpose of providing the person so restricted with an operable motor vehicle.

(c) It is unlawful to blow into an ignition interlock device or to start a motor vehicle equipped with the device for the purpose of providing an operable motor vehicle to a person whose driving privilege is restricted pursuant to Section 13352, 13352.1, 13353.6, 13353.75, 23575, 23575.3, or 23700.

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

(e) It is unlawful for any person whose driving privilege is restricted pursuant to Section 13352, 13352.1, 13353.6, 13353.75, 23575, 23575.3, or 23700 to operate any vehicle not equipped with a functioning ignition interlock device.

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

(g) (1) If any person whose driving privilege is restricted pursuant to Section 13352, 13352.1, 13353.6, or 13353.75 is convicted of a violation of subdivision (e), the court shall notify the Department of Motor Vehicles, which shall immediately terminate the restriction and shall suspend or revoke the person's driving privilege for the remaining period of the originating suspension or revocation and until all reinstatement requirements in Section 13352 or 13353.3 are met.

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

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

(i) This section shall become operative on January 1, 2019.

(j) This section shall remain in effect only until January 1, 2033, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2033, deletes or extends that date.

**SEC. 21.** Section 23247 of the Vehicle Code, as added by Section 28 of Chapter 783 of the Statutes of 2016, is amended to read:

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

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

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

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

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

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

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

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

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

(i) This section shall become operative January 1, 2033.

**SEC. 22.** Section 23573 of the Vehicle Code, as amended by Section 23 of Chapter 485 of the Statutes of 2017, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

(i) The person does not own a vehicle.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(n) This section shall become operative on January 1, 2019.

(o) This section shall remain in effect only until January 1, 2033, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2033, deletes or extends that date.

**SEC. 23.** Section 23573 of the Vehicle Code, as amended by Section 24 of Chapter 485 of the Statutes of 2017, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

(i) The person does not own a vehicle.

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

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

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

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

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

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

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

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

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

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

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

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

(3) Upon a conviction of a violation of Section 14601.2, 14601.4, or 14601.5 subsequent to three or more prior convictions of a violation of Section 23103.5, 23152, or 23153, within a 10-year period, or two or more prior convictions of Section 14601.2,

14601.4, or 14601.5, within a 10-year period, the person shall immediately install a functioning, certified ignition interlock device, pursuant to this section, in all vehicles operated by that person for a term of three years.

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

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

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

(n) This section shall become operative January 1, 2033.

**SEC. 24.** Section 23575 of the Vehicle Code, as amended by Section 26 of Chapter 485 of the Statutes of 2017, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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



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

(1) Failure to take any random retest.

(2) Failure to pass any random retest with a breath alcohol concentration not exceeding 0.03 percent breath alcohol concentration.

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

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

(o) This section shall become operative on January 1, 2019.

(p) This section shall remain in effect only until January 1, 2033, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2033, deletes or extends that date.

**SEC. 25.** Section 23575 of the Vehicle Code, as amended by Section 27 of Chapter 485 of the Statutes of 2017, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(o) For the purposes of this section, "bypass" means either of the following:

(1) Failure to take any random retest.

(2) Failure to pass a random retest with a breath alcohol concentration not exceeding 0.03 percent breath alcohol concentration.

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

(q) This section shall become operative January 1, 2033.

**SEC. 26.** Section 23575.3 of the Vehicle Code is amended to read:

**23575.3.** (a) In addition to any other requirement imposed by law, a court shall notify a person convicted of a violation listed in subdivision (h) that he or she is required to install a functioning, certified ignition interlock device on any vehicle that the person

operates and that he or she is prohibited from operating a motor vehicle unless that vehicle is equipped with a functioning, certified ignition interlock device in accordance with this section.

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

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

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

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

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

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

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

(A) The person does not own a vehicle.

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

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

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

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

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

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

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

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

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

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

(1) A person convicted of a violation of subdivision (a), (b), (d), (e), or (g) of Section 23152 shall be required to do the following, as applicable:

(A) Upon a conviction with no priors, punishable under Section 23536, only one of the following may occur:

(i) The court may order installation of a functioning, certified ignition interlock device on any vehicle that the person operates and prohibit that person from operating a motor vehicle unless that vehicle is equipped with a functioning,

certified ignition interlock device. If the court orders the ignition interlock device restriction, the term shall be determined by the court for a period not to exceed six months from the date of conviction. The court shall notify the department of the conviction as specified in subdivision (a) of Section 1803 or Section 1816, and shall specify the terms of the ignition interlock device restriction in accordance with subdivision (a) of Section 1804. The department shall place the restriction on the driver's license record of the person that states the driver is restricted to driving only vehicles equipped with a functioning, certified ignition interlock device for the applicable term.

(ii) The person may apply to the department for a restriction of the driving privilege under Section 13352.4.

(iii) The person may apply to the department for a restriction of the driving privilege under paragraph (1) of subdivision (a) of Section 13352 or subdivision (c) of Section 13352.1.

(B) Upon a conviction with one prior, punishable under Section 23540, the person shall install a functioning, certified ignition interlock device in the vehicle, as ordered by the court, that is operated by that person for a mandatory term of 12 months.

(C) Upon a conviction with two priors, punishable under Section 23546, the person shall install a functioning, certified ignition interlock device in the vehicle, as ordered by the court, that is operated by that person for a mandatory term of 24 months.

(D) Upon a conviction with three or more priors punishable under Section 23550, or a conviction punishable under Section 23550.5, the person shall install a functioning, certified ignition interlock device in the vehicle, as ordered by the court, that is operated by that person for a mandatory term of 36 months.

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

(A) Upon a conviction with no priors, punishable under Section 23554, the person shall install a functioning, certified ignition interlock device in the vehicle, as ordered by the court, that is operated by that person for a mandatory term of 12 months.

(B) Upon a conviction with one prior, punishable under Section 23560, the person shall install a functioning, certified ignition interlock device in the vehicle, as ordered by the court, that is operated by that person for a mandatory term of 24 months.

(C) Upon a conviction with two priors, punishable under Section 23550 or 23566, the person shall install a functioning, certified ignition interlock device in the vehicle, as ordered by the court, that is operated by that person for a mandatory term of 36 months.

(D) Upon a conviction with one prior punishable under Section 23550.5, the person shall install a functioning, certified ignition interlock device in the vehicle, as ordered by the court, that is operated by that person for a mandatory term of 48 months.

(3) For the purposes of paragraphs (1) and (2), "prior" means a conviction for a separate violation of Section 23103, as specified in Section 23103.5, or Section 23152 or 23153, subdivision (a) or (b) of Section 191.5 of, or subdivision (a) of Section 192.5 of, the Penal Code, or subdivision (b), (c), (d), (e), or (f) of Section 655 of the Harbors and Navigation Code, that occurred within 10 years of the current violation.

(4) The terms prescribed in this subdivision shall begin once a person has complied with subparagraph (B) of paragraph (1) of subdivision (d) and either upon the reinstatement of the privilege to drive pursuant to Section 13352 or the issuance of a restricted driver's license pursuant to Section 13352. A person shall receive credit for any period in which he or she had a restricted driver's license issued pursuant to Section 13353.6 or 13353.75.

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

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

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

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

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

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

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

(E) A person with an income at 301 to 400 percent of the federal poverty level and who provides income verification pursuant to paragraph (2) is responsible for 90 percent of the cost of the manufacturer's standard ignition interlock device program costs, and any additional costs accrued by the person for noncompliance with program requirements.

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

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

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

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

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

(C) Employment Development Department verification of unemployment benefits.

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

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

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

(o) For the purposes of this section, the following definitions apply:

(1) "Bypass" means either of the following:

(A) Failure to take any random retest.

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

(2) "Operates" includes operating a vehicle that is not owned by the person subject to this section.

(3) "Owned" means solely owned or owned in conjunction with another person or legal entity.

(4) "Random retest" means a breath test performed by the driver upon a certified ignition interlock device at random intervals after the initial engine startup breath test and while the vehicle's motor is running.

(5) "Vehicle" does not include a motorcycle until the state certifies an ignition interlock device that can be installed on a motorcycle. A person subject to an ignition interlock device restriction shall not operate a motorcycle for the duration of the ignition interlock device restriction period.

(p) The requirements of this section shall apply only to a person who is convicted for a violation of Section 23152 or 23153 that occurred on or after January 1, 2019.

(q) This section shall become operative on January 1, 2019.

(r) This section shall remain in effect only until January 1, 2033, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2033, deletes or extends that date.

**SEC. 27.** *Section 23575.6 is added to the Vehicle Code, to read:*

**23575.6.** (a) On or before July 1, 2030, the Department of Motor Vehicles shall report updated data to the Transportation Agency regarding the continued implementation and efficacy of the statewide ignition interlock device program extended by the act that added this section for the period covering January 1, 2026, to January 1, 2030, inclusive.

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

(1) The number of individuals who were required to have a functioning, certified ignition interlock device installed as a result of the program who killed or injured anyone in a crash while they were operating a vehicle under the influence of alcohol.

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

(3) The number of injuries and deaths resulting from alcohol-related motor vehicle crashes during the reporting period and during periods of similar duration prior to the implementation of the program.

(4) The number of individuals who have been convicted more than one time for driving under the influence of alcohol during the reporting period and during periods of similar duration prior to the implementation of the program.

(5) Any other information requested by the Transportation Agency to assess the continued effectiveness of the statewide ignition interlock device requirement in reducing recidivism for driving-under-the-influence violations.

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

(d) The Transportation Agency shall conduct a revised assessment of the program based on the data provided pursuant to subdivision (b) and shall report to the Legislature on the updated outcomes of the program by no later than July 1, 2031.

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

(f) This section is repealed as of July 1, 2035, unless a later enacted statute, that becomes operative on or before July 1, 2035, deletes or extends the dates on which it becomes inoperative and is repealed.

**SEC. 27. SEC. 28.** Section 23576 of the Vehicle Code, as amended by Section 29 of Chapter 485 of the Statutes of 2017, is amended to read:

**23576.** (a) Notwithstanding Sections 13352, 13352.1, 13353.6, 13353.75, 23573, 23575, 23575.3, and 23700, if a person is required to operate a motor vehicle in the course and scope of his or her employment and if the vehicle is owned by the employer, the person may operate that vehicle without installation of a functioning, certified approved ignition interlock device if the employer has been notified by the person that the person's driving privilege has been restricted pursuant to Section 13352, 13352.1, 13353.6, 13353.75, 23573, 23575, 23575.3, or 23700 and if the person has proof of that notification in his or her possession, or if the notice, or a facsimile copy thereof, is with the vehicle.

(b) A motor vehicle owned by a business entity that is all or partly owned or controlled by a person otherwise subject to Section 13352, 13352.1, 13353.6, 13353.75, 23573, 23575, 23575.3, or 23700, is not a motor vehicle owned by the employer subject to the exemption in subdivision (a).

(c) This section shall become operative on January 1, 2019.

(d) This section shall remain in effect only until January 1, 2033, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2033, deletes or extends that date.

**SEC. 28. SEC. 29.** Section 23576 of the Vehicle Code, as added by Section 39 of Chapter 783 of the Statutes of 2016, is amended to read:

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

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

(c) This section shall become operative January 1, 2033.

~~SEC. 29.~~**SEC. 30.** Section 23597 of the Vehicle Code, as amended by Section 30 of Chapter 485 of the Statutes of 2017, is amended to read:

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

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

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

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

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

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

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

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

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

(d) This section shall become operative on January 1, 2019.

(e) This section shall remain in effect only until January 1, 2033, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2033, deletes or extends that date.

~~SEC. 30.~~**SEC. 31.** Section 23597 of the Vehicle Code, as added by Section 42 of Chapter 783 of the Statutes of 2016, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) This section shall become operative January 1, 2033.

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