
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair

2017 - 2018 Regular

Bill No: SB 611 **Hearing Date:** April 4, 2017
Author: Hill
Version: February 17, 2017
Urgency: No **Fiscal:** Yes
Consultant: MK

Subject: *Driving Under the Influence: Ignition Interlock Device*

HISTORY

Source: DMV

Prior Legislation: SB 1046 (Hill) Chapter 783, Stats 2016

Support: The Association for Los Angeles Deputy Sheriffs; Association of Deputy District Attorneys; California Association of Code Enforcement Officers; California College and University Police Chiefs Association; California Narcotic Officers Association; California Police Chiefs Association; Crime Victims United; Los Angeles County Professional Peace Officers Association; Los Angeles Police Protective League; Riverside Sheriffs' Association

Opposition: California Attorneys for Criminal Justice

PURPOSE

The purpose of this bill is to make technical changes to the existing law requiring the installation of an Ignition Interlock Device (IID) when a person is convicted of DUI so that the law can be properly implemented.

Existing law creates a pilot project from January 1, 2019 to January 1, 2026 which requires a driving under the influence (DUI) offender to install an ignition interlock device (IID) on his or her vehicle for a specified period of time in order to get a restricted license or to reinstate his or her license and to remove the required suspension time before a person can get a restricted license. (Vehicle Code §§ 13352, 13352.4, 13353.3, 13353.6, 13353.75, 23573, 23575.3, 23597)

This bill makes a number of technical changes to make it possible for the Department of Motor Vehicles to fully implement California's statewide DUI IID pilot program.

COMMENTS

1. Need for This Bill

This bill is a technical cleanup to last year's SB 1046 to allow the DMV to properly implement California's statewide DUI ignition interlock pilot program.

2. IID Should not Apply to Drug Only Offenders

Drug-only driving under the influence (DUI) offenders convicted under Vehicle Code §§23152/23153 would be subject to mandatory ignition interlock device (IID) installation. Effective 7/1/18,

AB 2687 (Achadjian, Ch. 765, Stats. 2016) realigns the drug-only DUI violations currently in subdivision (e) and places them under subdivision (f) of VC §§23152 and 23153, thus requiring drug-only offenders to install and maintain an IID under the provisions of SB 1046. Conversely, based on this realignment, passenger-for-hire DUI offenders with a BAC of 0.04% or more convicted under subdivision (e) would *not* be subject to mandatory IID provisions, nor would DUI offenders convicted of violations involving a combination of alcohol and a drug under new subdivision (g).

Instead, by correcting the referenced sections and adding appropriate sections this bill will clearly require individuals convicted of alcohol-related DUI offenses (Vehicle Code §§23152a, b, d, f, and 23153a, b, d, f) to install and maintain an IID for a specified period of time, depending on the amount of priors that are present on the driver record.

3. Wrong Effective Date for DMV Rules and Sanctions

Existing law provides that 1/1/17, this section requires DMV to develop rules under which each IID manufacturer and manufacturer's agent provides a fee schedule of its standard IID program costs, and to develop a form to be signed by an IID manufacturer's representative as an acknowledgement that program costs will be provided as described in Vehicle Code §23575.3. However, Vehicle Code §23575.3 does not take effect until 1/1/19.

This bill will repeal this section and add a new section with a 1/1/19 operative date that requires DMV to create these rules and forms for the new IID pilot program.

Also, existing law provides that effective 1/1/17, this section requires DMV to modify the Officer's Statement (DS 367, DS 367M) form to provide Administrative Per Se (APS) offenders, both age 21 and over and those under age 21, with information on the option to obtain an IID-restricted DL, if eligible. However, APS offenders (age 21 and over only) are not eligible to receive this restriction until 1/1/19.

This bill will repeal this section and add a new section with a 1/1/19 operative date that would require DMV to modify the DS 367 to provide APS offenders (age 21 and over only) with information regarding the option to install an IID.

5. Clarify First Time DUI IID Sanctions

Existing law does not specify what type of restriction is intended for first-time DUI offenders (Vehicle Code §23152) under sub-clause (ii), making it unclear how DMV would denote the restriction on a driver record. Additionally, the language must specify if the court or DMV is responsible for administering these restriction options, or what the requirements are, if any, for adding these restrictions.

This bill clarifies the restriction options for a first-time DUI offender convicted of VC §23152 including retaining the court discretion to order IID installation for 6 months and fixing the to and from treatment/ to and from employment language.

6. Clarify “prior”

In existing law the new provisions define “priors” in a manner that is inconsistent with existing DUI statutes. This would result in unintended consequences. For example, this would allow any prior DUI offense, including violations more than 10 years old, to be used to determine a person’s IID restriction term even though it would not be used to determine the related DL sanction. Additionally, the provisions specify violations that are not used as a prior for purposes of imposing DUI-related DL sanctions under existing law, and omit other violations that are considered a prior under existing law.

This bill adds language to establish consistency and uniformity for purposes of imposing DL sanctions and determining IID restriction periods by amending the language in Vehicle Code 23575.3(h)(3) to define prior as a violation that occurred within 10 years of the current violation, in accordance with existing law prior to the enactment of the IID program.

7. Inconsistencies Regarding IID Installers

Existing law required Vehicle Code §§23575.3(f)(2) requires IID installers to notify DMV upon three or more failures to comply with the IID maintenance and calibration requirements. However, other provisions pertaining to optional IID installation require IID installers to notify DMV following any failure to comply with the requirement for the maintenance or calibration of the IID.

This bill establishes consistency among all provisions pertaining to a person’s failure to comply with the IID maintenance and calibration requirements

In existing law language has been added to all other provisions pertaining to IID non-compliance, except one, to authorize DMV to re-impose an IID restriction if the person provides proof that he/she is again in compliance with the IID restriction requirements.) Provisions that allow offenders to regain IID restrictions include Vehicle Code §§: 13352(e)(3); 13353.3(b)(2)(e)(iv) 13353.6(c); 23573(e)(2); 23575(f)(2); 23597(c)(3))

This bill establishes consistency among all provisions by allowing individuals to come back into compliance and regain their IID restrictions

9. Other Drafting Errors

This bill also fixes a number of drafting errors or incorrect references and makes a number of conforming changes.

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