
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: AB 1830 **Hearing Date:** August 11, 2026
Author: Petrie-Norris
Version: August 5, 2026
Urgency: Yes **Fiscal:** Yes
Consultant: SJ

Subject: *Ignition interlock devices*

HISTORY

Source: SAFE California Roads Coalition

Prior Legislation: AB 366 (Petrie-Norris), Ch. 689, Stats. of 2025
AB 71 (Lackey), held in Assembly Appropriations, 2025
AB 2210 (Petrie-Norris), held in Assembly Appropriations, 2024
SB 1021 (Bradford), not heard in Assembly Public Safety, 2022
SB 421 (Bradford), held in Senate Appropriations, 2021
SB 545 (Hill), not heard in Assembly Public Safety, 2019
SB 1046 (Hill), Ch. 783, Stats. of 2016
SB 55 (Hill), held in Assembly Appropriations, 2013
SB 598 (Huff), Ch. 193, Stats. of 2009
AB 91 (Feuer), Ch. 217, Stats. of 2009
SB 1190 (Oropeza), Ch. 392, Stats. of 2008
SB 1388 (Torlakson), Ch. 404, Stats. of 2008

Support: AAA Northern California, Nevada & Utah; Advocates for Highway and Auto Safety; Alcohol Justice; American College of Surgeons, Southern California Chapter; Auto Club of Southern California; California Alcohol Policy Alliance; California Coalition for Women Prisoners; California Consortium of Addiction Programs and Professionals; California Professional Firefighters; City of Sunnyvale; Foundation for Advancing Alcohol Responsibility; Los Angeles County District Attorney's Office; Mothers Against Drunk Driving; Safety and Advocacy for Empowerment; Yolo County District Attorney

Opposition: ACLU California Action; California Attorneys for Criminal Justice; California Public Defenders Association; Courage California; Debt Free Justice California; Ella Baker Center for Human Rights; Justice2Jobs Coalition; La Defensa; Local 148 Los Angeles County Public Defender's Union; San Francisco Public Defender; Smart Justice California; Universidad Popular

Assembly Floor Vote: 74 - 0

PURPOSE

The purpose of this bill is to: 1) make the installation of an ignition interlock device (IID) mandatory upon conviction of a first driving under the influence (DUI) offense involving

alcohol; 2) adopt a mandatory IID/restricted license model for alcohol-involved DUI convictions; 3) require a 30-day (pre-conviction) administrative license suspension prior to applying for a restricted license for a DUI involving alcohol; 4) create a suspension/restricted license framework for drug-only DUI convictions; 5) reorganize and consolidate existing DUI-related statutes; and 6) repeal the existing statewide IID pilot program and other provisions of law made obsolete by the provisions of this bill.

Existing law makes it unlawful for any person who is under the influence of any alcoholic beverage to drive a vehicle. (Veh. Code, § 23152, subd. (a).)

Existing law makes it unlawful for a person who has 0.08 percent or more, by weight, of alcohol in their blood to drive a vehicle. (Veh. Code, § 23152, subd. (b).)

Existing law makes it unlawful for a person who has 0.04 percent or more, by weight, of alcohol in their blood to drive a commercial vehicle or to drive a motor vehicle when a passenger for hire is a passenger in the vehicle at the time of the offense. (Veh. Code, § 23152, subds. (d) & (e).)

Existing law makes it unlawful for a person who is addicted to the use of any drug to drive a vehicle. (Veh. Code, § 23152, subd. (c).)

Existing law makes it unlawful for a person who is under the influence of any drug to drive a vehicle. (Veh. Code, § 23152, subd. (f).)

Existing law makes it unlawful for a person who is under the combined influence of any alcoholic beverage and drug to drive a vehicle. (Veh. Code, § 23152, subd. (g).)

Existing law makes it unlawful for a person, while under the influence of any alcoholic beverage, to drive a vehicle and concurrently do any act forbidden by law, or neglect any duty imposed by law in driving the vehicle, which act or neglect proximately causes bodily injury to any person other than the driver. (Veh. Code, § 23153, subd. (a).)

Existing law makes it unlawful for a person, while having 0.08 percent or more, by weight, of alcohol in their blood to drive a vehicle and concurrently do any act forbidden by law, or neglect any duty imposed by law in driving the vehicle, which act or neglect proximately causes bodily injury to any person other than the driver. (Veh. Code, § 23153, subd. (b).)

Existing law makes it unlawful for a person, while having 0.04 percent or more, by weight, of alcohol in their blood to drive a commercial motor vehicle or drive a motor vehicle when a passenger for hire is a passenger in the vehicle at the time of the offense, and concurrently to do any act forbidden by law or neglect any duty imposed by law in driving the vehicle, which act or neglect proximately causes bodily injury to any person other than the driver. (Veh. Code, § 23153, subds. (d) & (e).)

Existing law makes it unlawful for a person, while under the influence of any drug, to drive a vehicle and concurrently do any act forbidden by law, or neglect any duty imposed by law in driving the vehicle, which act or neglect proximately causes bodily injury to any person other than the driver. (Veh. Code, § 23153, subd. (f).)

Existing law makes it unlawful for a person, while under the combined influence of any alcoholic beverage and drug, to drive a vehicle and concurrently do any act forbidden by law, or neglect

any duty imposed by law in driving the vehicle, which act or neglect proximately causes bodily injury to any person other than the driver. (Veh. Code, § 23153, subd. (g).)

Existing law provides that convictions for DUI, DUI causing bodily injury, and a “wet reckless” are considered prior convictions for purposes of DUI sentencing. (Veh. Code, § 23550.)

Existing law requires the DMV to immediately suspend the privilege of a person to operate a motor vehicle for any one of the following reasons:

- The person was driving a motor vehicle when the person had 0.08 percent or more, by weight, of alcohol in their blood.
- The person was under 21 years of age and had a blood-alcohol concentration (BAC) of 0.01 percent or greater, as measured by a preliminary alcohol screening test, or other chemical test.
- The person was driving a vehicle that requires a commercial driver’s license when the person had 0.04 percent or more, by weight, of alcohol in their blood.
- The person was driving a motor vehicle when on probation for a DUI and the person had 0.01 percent or more, by weight, of alcohol in their blood, as measured by a preliminary alcohol screening test or other chemical test. (Veh. Code, § 13353.2, subd. (a).)

Existing law requires the DMV to immediately suspend or revoke the driving privilege of a person who the department has reasonable cause to believe was in some manner involved in a crash while operating a motor vehicle under the following circumstances at the time of the crash:

- The person had 0.08 percent or more, by weight, of alcohol in their blood.
- They proximately caused the crash as a result of an act prohibited, or the neglect of any duty imposed, by law.
- The crash occurred within five years of the date of a vehicular manslaughter while intoxicated that resulted in a conviction. (Veh. Code, § 23594.)

Existing law outlines the following administrative (i.e., pre-conviction) license suspension timelines:

- 4 months for a first DUI.
- 1 year for a second or subsequent DUI. (Veh. Code, §§ 13353.2, 13353.3.)

Existing law prohibits the driving privilege from being restored, and a restricted or hardship permit to operate a motor vehicle from being issued, to a person during the specified suspension or revocation period, except as provided. Prohibits the driving privilege from being restored after a suspension or revocation until all applicable fees have been paid and the person submits proof of financial responsibility to the DMV. (Veh. Code, § 13353.4.)

Existing law generally allows a person subject to an administrative license suspension to apply for a restricted license if the person meets all the following requirements:

- The person satisfactorily provides proof of enrollment in licensed DUI program.
- The person installs a functioning, certified IID on any vehicle that the person operates and submits the “Verification of Installation” form.
- The person agrees to maintain the functioning, certified IID.

- The person was 21 or older at the time the offense occurred and provides proof of financial responsibility.
- The person pays all applicable reinstatement or reissue fees. (Veh. Code, § 13353.6, subd. (a).)

Existing law provides that the person's license is restricted for the remaining period of the original suspension period outlined above. (Veh. Code, § 13353.6, subd. (b).)

Existing law requires that a person whose driving privilege has been administratively suspended, who is eligible for a restricted driver's license, and who installs a functioning, certified IID, receive credit toward the mandatory term the person is required to install an IID for a conviction of a violation arising out of the same occurrence that led to the person's driving privilege being suspended equal to the period of time the person installs an IID under the administrative process. (Veh. Code, § 13353.6, subd. (d).)

Existing law requires a person whose driving privilege is restricted by the DMV to arrange for each vehicle with a functioning, certified IID 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. Requires the installer to notify the DMV 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 IID. (Veh. Code, § 13353.6, subd. (f).)

Existing law defines the following terms:

- "Bypass" means failure to take any random retest, or 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.
- "Operates" includes operating a vehicle that is not owned by the person subject to the IID restriction.
- "Owned" means solely owned or owned in conjunction with another person or legal entity.
- "Random retest" means a breath test performed by the driver upon a certified IID at random intervals after the initial engine startup breath test and while the vehicle's motor is running.
- "Vehicle" does not include a motorcycle until the state certifies an IID that can be installed on a motorcycle. Prohibits a person subject to an IID restriction from operating a motorcycle for the duration of the IID restriction period. (Veh. Code, § 13353.6, subd. (g).)

Existing law generally allows a person subject to an administrative license suspension to apply for a restricted license limited to travel to and from the activities required by a licensed DUI program that the person is enrolled in as well as to and from and in the course of the person's employment. Requires the DMV to suspend the person's privilege to operate a motor vehicle for 30 days and then issue the person a restricted driver's license, as specified. (Veh. Code, § 13353.7.)

Existing law outlines a process by which a person subject to an administrative license suspension who has a prior DUI-related conviction may obtain a restricted license, including a requirement to install an IID. (Veh. Code, § 13353.75.)

Existing law requires the DMV to 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 DUI or DUI causing bodily injury. (Veh. Code, § 13352, subd. (a).)

Existing law outlines the following suspension and revocation periods for a person upon conviction of a DUI, and prohibits the driving privilege from being reinstated until the person submits proof of financial responsibility and successful completion of a DUI program, as specified:

- For a first DUI, 6-month license suspension.
- For a first DUI causing bodily injury, 1-year license suspension.
- For a DUI with one prior, 2-year license suspension.
- For a DUI causing bodily injury with one prior, 3-year license revocation.
- For a DUI with two priors, 3-year license revocation.
- For a DUI causing bodily injury with two priors or punishable as a felony, 5-year license revocation.
- For a DUI with three priors or punishable as a felony, 4-year license revocation. (Veh. Code, § 13352, subd. (a)(1)-(7).)

Existing law permits a person to apply for a restricted license following a DUI conviction if certain requirements are met, including installing an IID. Provides that the restricted driving privilege remains in effect until all reinstatement requirements are satisfied. (Veh. Code, § 13352, subds. (a) & (e).)

Existing law requires a person whose driving privilege is restricted to arrange for each vehicle with a functioning, certified IID 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. Requires the installer to notify the DMV 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. (Veh. Code, § 13352, subd. (i).)

Existing law requires the driving privilege to be suspended for 10 months when a person is convicted of DUI and whose BAC was 0.20 percent or more, by weight. Prohibits the privilege from being reinstated until the person gives proof of financial responsibility and successful completion of a DUI program. Permits a person to apply for a restricted license if certain requirements are met, including installing an IID. Provides that the restricted driving privilege remains in effect until all reinstatement requirements are satisfied. (Veh. Code, § 13352.1, subds. (a)-(d).)

Existing law requires the DMV to issue a restricted driver's license to a person whose driver's license was suspended for a first DUI, except when the court has ordered an IID installation, if the person meets specified requirements, including submitting proof of enrollment in a DUI program, submitting proof of financial responsibility, and paying all applicable and required reinstatement or reissue fees and any restriction fee. Provides that the restriction of the driving

privilege is 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 DUI program. (Veh. Code, § 13352.4.)

Existing law provides the following IID terms for a person required to install a functioning, certified IID upon conviction of a DUI involving alcohol:

- For a person convicted of a violation of DUI involving alcohol with no priors, the court may order an IID for up to six months.
- For a person convicted of a violation of DUI involving alcohol with one prior, the person is subject to a mandatory 12-month IID term.
- For a person convicted of a violation of DUI involving alcohol with two priors, the person is subject to a mandatory 24-month IID term.
- For a person convicted of a violation of DUI involving alcohol with three or more priors, the person is subject to a mandatory 36-month IID term. (Veh. Code, § 13353.75, subd. (h)(1).)

Existing law provides the following IID terms for a person required to install a functioning, certified IID upon conviction of a DUI involving alcohol and causing bodily injury:

- For a person convicted of a violation with no priors, the person is subject to a mandatory 12-month IID term.
- For a person convicted of a violation with one prior, the person is subject to a mandatory 24-month IID term.
- For a person convicted of a violation with two priors, the person is subject to a mandatory 36-month IID term.
- For a person convicted of a violation with one prior in the previous 10 years punishable as a felony, the person is subject to a mandatory 48-month IID term. (Veh. Code, § 13353.75, subd. (h)(2).)

Existing law requires the DMV to certify IIDs and publish a list of approved devices and outlines a process for doing so. (Veh. Code, § 13386, subs. (a), (c)-(g).)

Existing law requires the DMV to develop rules that require every IID manufacturer and manufacturer's agent certified to provide IIDs to provide a fee schedule to the DMV of the manufacturer's standard IID program costs, stating the standard charges for installation, service and maintenance, and removal of the manufacturer's device. Requires an IID manufacturer to agree to provide functioning, certified IIDs to DUI offenders at reduced costs when the offender is eligible for reduced costs. Provides that the failure of the manufacturer, its agents, or authorized installers to comply with the fee schedule specifying reduced fees for eligible offenders will result in suspension or revocation of the DMV's approval for the manufacturer to market IIDs in this state. (Veh. Code, § 13386, subd. (h).)

Existing law requires every IID manufacturer and manufacturer's agent certified by the DMV to provide IIDs to adopt the following fee schedule that provides for the payment of the costs of the certified IID by offenders in amounts commensurate with that person's income relative to the federal poverty level (FPL):

- A person with an income at 100 percent of the FPL or below and who provides income verification is responsible for 10 percent of the cost of the manufacturer's standard IID program costs, and any additional costs accrued by the person for noncompliance with program requirements.
- A person with an income at 101 to 200 percent of the FPL and who provides income verification is responsible for 25 percent of the cost of the manufacturer's standard IID program costs, and any additional costs accrued by the person for noncompliance with program requirements.
- A person with an income at 201 to 300 percent of the FPL and who provides income verification is responsible for 50 percent of the cost of the manufacturer's standard IID program costs, and any additional costs accrued by the person for noncompliance with program requirements.
- 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 IID program costs, and any additional costs accrued by the person for noncompliance with program requirements.
- A person with an income at 301 to 400 percent of the FPL and who provides income verification is responsible for 90 percent of the cost of the manufacturer's standard IID program costs, and any additional costs accrued by the person for noncompliance with program requirements.
- All other offenders are responsible for 100 percent of the cost of the IID.
- The manufacturer is responsible for the percentage of costs that the offender is not responsible. (Veh. Code, § 23575.3, subd. (k)(1).)

Existing law requires the IID provider to verify the offender's income to determine the cost of the IID by verifying one of the following documents from the offender:

- The previous year's federal income tax return.
- The previous three months of weekly or monthly income statements.
- Employment Development Department verification of unemployment benefits. (Veh. Code, § 23575.3, subd. (k)(2).)

Existing law authorizes the Department of Consumer Affairs to impose a civil assessment not to exceed \$1,000 upon a manufacturer or manufacturer's agent certified to IIDs who fails to inform an offender about the reduced fee program or who fails to comply with the reduced fee schedule or income verification process. (Veh. Code, § 23575.3, subd. (l).)

Existing law establishes a statewide IID pilot program, which sunsets on January 1, 2033, that does the following:

- Requires a court to order the installation of an IID for repeat DUI offenders and any DUI causing bodily injury to another person, as follows:
 - For a period of one year for a person convicted of a DUI involving alcohol (or both alcohol and drugs) with one prior, or a first-time DUI causing bodily injury to another person;
 - For a period of two years for a person convicted of a DUI involving alcohol (or both alcohol and drugs) with two priors, or a DUI causing bodily injury to another person with one prior;

- For a period of three years for a person convicted of a DUI involving alcohol (or both alcohol and drugs) with three or more priors, a DUI causing bodily injury to another person with two priors, or a prior specified DUI conviction punishable as a felony. (Veh. Code, § 23575.3, subd. (h)(1)(B)-(D).)
- Authorizes the court to order the installation of an IID for a first-time DUI offender for a period not to exceed six months from the date of conviction, or allows the offender to apply for a restricted driver's license upon specified conditions. Specifies that only one of these sanctions may be imposed. (Veh. Code, § 23575.3, subd. (h)(1)(A).)

Existing law requires a person subject to an IID to arrange for each vehicle they operate to be equipped by a functioning, certified IID by a certified provider, provide proof of installation to the DMV, and pay a fee, determined by the DMV, sufficient to cover the costs of administration. (Veh. Code, § 23575.3, subs. (d) & (f).)

Existing law requires the DMV to 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 IID for the applicable term. (Veh. Code, § 23575.3, subd. (e).)

Existing law allows a person who is required to operate a motor vehicle in the course and scope of their employment (if the vehicle is owned by the employer) to operate that vehicle without installation of an IID if the employer has been notified by the person that the person's driving privilege has been restricted and if the person has proof of that notification in their possession. (Veh. Code, § 23576, subd. (a).)

Existing law authorizes a peace officer to arrest a person and seize their vehicle if the officer determines that the person was driving the vehicle while their driving privilege was suspended or revoked, driving a vehicle while their driving privilege is restricted and the vehicle is not equipped with an IID, or driving a vehicle without ever having been issued a driver's license. Provides that a seized vehicle is impounded for 30 days. (Veh. Code, § 14601.6.)

Existing law makes it a misdemeanor for a person to drive a motor vehicle at any time when that person's driving privilege is suspended or revoked for a DUI if the person so driving has knowledge of the suspension or revocation. Provides that a first conviction is punishable by imprisonment in the county jail for 10 days to six months and by a fine of \$300 to \$1,000, except as specified. Requires the court to require the person to install an IID for up to 3 years. (Veh. Code, §§ 14601.2; 23575, subd. (a).)

Existing law requires the DMV, upon receipt of the court's abstract of conviction for specified vehicle offenses (including driving a vehicle without an IID when required to do so), to inform the term for which the person is required to have an IID as well as other specified requirements the person with which the person must comply. (Veh. Code, § 23575.)

Existing law makes it unlawful to do any of the following, and specifies that the punishment is imprisonment in a county jail for not more than six months or by a fine of not more than \$5,000, or by both that fine and imprisonment:

- Knowingly rent, lease, or lend a motor vehicle to another person known to have had their driving privilege restricted unless the vehicle is equipped with a functioning, certified IID. Requires a person whose driving privilege is restricted to notify any other person who rents, leases, or loans a motor vehicle to them of the driving restriction.

- Request or solicit any other person (when the requester's driving privilege is restricted) to blow into an IID or to start a motor vehicle equipped with the device for the purpose of providing the person so restricted with an operable motor vehicle.
- Blow into an IID 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.
- Remove, bypass, or tamper with an IID.
- Operate any vehicle not equipped with a functioning IID when the driving privilege is restricted. (Veh. Code, § 23247, subd. (a)-(f).)

Existing law authorizes a court to order a 10-year license revocation if a person has been convicted of three or more DUIs or DUIs causing bodily injury, the last of which was punishable as a DUI or DUI causing bodily injury with two priors, a DUI with three or more priors, or as a DUI punished as a felony. (Veh. Code, § 23597, subd. (a).)

Existing law makes it unlawful for a person to engage in a motor vehicle speed contest on a highway or in an offstreet parking facility. Authorizes a court, upon conviction, to suspend the person's driving privilege. (Veh. Code, § 23109, subd. (a).)

This bill requires the DMV to immediately suspend the privilege of a person to operate a motor vehicle when the person was driving a motor vehicle when a passenger for hire was a passenger in the vehicle when the person had a 0.04 percent or more, by weight, of alcohol in their blood.

This bill requires a person subject to an administrative license suspension for a DUI involving alcohol to apply for a restricted license after a 30-day license suspension.

This bill eliminates the course of employment exception to the IID requirement in order to obtain a restricted license for purposes of an administrative license suspension.

This bill establishes the following license suspension timelines for a drug-only DUI conviction:

- For a first DUI, the privilege is suspended for 6 months.
- For a DUI causing bodily injury, the privilege is suspended for 12 months.
- For a second DUI, the privilege is suspended for 24 months.
- For a second DUI causing bodily injury, the privilege is suspended for 36 months.
- For a DUI with two priors, the privilege is suspended for 36 months.
- For a DUI causing bodily injury with two priors, the privilege is suspended for 48 months.
- For any DUI with three or more priors, the privilege is suspended for 60 months.

This bill requires that certain conditions are met for the driving privilege (suspended due to a drug-only DUI) to be reinstated. Requires that the person provide proof of financial responsibility to DMV, provide proof of successful completion of a licensed DUI program, as specified, and pay all reinstatement and reissue fees.

This bill allows a person subject to a license suspension for a drug-only DUI to apply for a restricted license if the person provides proof of financial responsibility to DMV, completes a minimum specified period of the suspension period, provides proof of enrollment or participation in a licensed DUI program, as specified, and pays all reinstatement and reissue fees.

This bill requires a DUI program that a person is required to be enrolled in to report any failure to participate in the program to the DMV. Outlines a process to request a review of the finding that the person has failed to comply with the program requirements to the Department of Health Care Services (DHCS). Requires DHCS to review the submission by the person and any other relevant documents or evidence and make a determination of whether the program's determination was appropriate. Requires DHCS to notify the person and the DUI program of their finding. Requires the DUI program to reenroll the person if DHCS determines the program's determination was not appropriate and to notify the DMV that the notification has been rescinded. Permits the DMV to reinstate any restricted license terminated as a result of the notification.

This bill requires, upon a conviction for a DUI involving alcohol, the driving privilege to be suspended. Prohibits the privilege from being reinstated until the person meets specified requirements, including maintaining a restricted license (which requires the installation of an IID) for a specified period of time. Provides the following restricted license periods:

- For a first DUI, restricted license for 6 months.
- For a first DUI causing bodily injury, restricted license for 12 months.
- For a DUI with one prior, restricted license for 24 months.
- For a DUI causing bodily injury with one prior, restricted license for 36 months.
- For a DUI with two priors, restricted license for 36 months.
- For a DUI causing bodily injury with two priors, restricted license for 48 months.
- For a DUI with three priors, restricted license for 60 months.
- For a first DUI with a BAC of .20 or higher, restricted license for 10 months.

This bill revises the fee schedule for reduced IID fees. Provides the following:

- A person with an income at 125 percent of the FPL or below and who provides income verification is responsible for 10 percent of the cost of the manufacturer's standard IID program costs, and any additional costs accrued by the person for noncompliance with program requirements.
- A person with an income at 126 to 225 percent of the FPL and who provides income verification is responsible for 25 percent of the cost of the manufacturer's standard IID program costs, and any additional costs accrued by the person for noncompliance with program requirements.
- A person with an income at 226 to 325 percent of the FPL and who provides income verification is responsible for 50 percent of the cost of the manufacturer's standard IID program costs, and any additional costs accrued by the person for noncompliance with program requirements.

This bill states that its provisions do not go into effect until January 1, 2031.

This bill makes other technical and conforming changes, including repealing existing provisions of law made obsolete by the provisions of this bill.

This bill contains an urgency clause.

COMMENTS

1. Need For This Bill

According to the author:

Every day, drunk drivers kill 37 people in the United States – one life every 39 minutes – and California is the epicenter of the crisis. Eight of the top ten cities with the worst DUI rates in the nation are here in California: Sacramento, Los Angeles, San Jose, Bakersfield, Fresno, San Diego, Long Beach, and Oakland.

According to the NHTSA, between 2019 and 2023, drunk driving fatalities in California increased by 40%, far outpacing the national average of 22%. These deaths are entirely preventable. Ignition interlock devices (IIDs) are one tool to prevent individuals who have consumed alcohol from operating a vehicle, and according to the Center for Disease Control, reduce repeat DUI offenses by 70%.

More than 34 states have laws requiring all individuals convicted of driving under the influence, including first-time offenders, to install an IID. Under current California law, only individuals with two-or-more DUI convictions are required to install an IID, as a condition of regaining a license.

A 2016, robust national study by the University of Pennsylvania concluded that requiring ignition interlocks for all drunk-driving convictions was associated with 15% fewer alcohol-involved crash deaths. In comparison, when given the sanction of a suspended license, the study found that more than half of convicted impaired driving offenders continue to drive. In 2016, the California DMV found that ignition interlocks are 74% more effective in reducing DUI recidivism than license suspension, alone, for first-time offenders during the first six months following a conviction.

In 2023 alone, IIDs prevented more than 30,500 attempts to drive drunk in California. Even with those prevented starts, California still experienced an increase in drunk driving fatalities between 2022 (31%) and 2023 (33%).

2. Most Recent Statewide DUI Statistics

According to the most recent annual report on DUIs published by the California DMV, there were 110,017 DUI arrests in 2021.¹ The number of total DUI arrests has steadily decreased since 2011 when approximately 180,000 DUI arrests were made.² The DUI arrest rate per 100,000 licensed drivers has also steadily declined during that timeframe.³ Of the total arrests made in 2021, 105,173 were for misdemeanors DUIs and 4,844 were for felony DUIs.⁴ Although the number of convictions for 2021 is not yet available, there were 68,582 DUI convictions in 2020,

¹ DMV, *32nd Annual Report of the California DUI Management Information System* (Oct. 2025), summary statistics & p. 12, available at <<https://www.dmv.ca.gov/portal/file/32nd-annual-report-dui-management-information-system-pdf>> [hereafter 2025 Annual Report].

² *Id.* at summary statistics.

³ *Id.* at pp. iii.

⁴ *Id.* at summary statistics.

notably lower than the total number of DUI convictions in 2019.⁵ For DUI arrests made in 2020, 74.7% of DUI convictions were for first-time DUIs, 19.2% for second-time DUIs, 4.6% for third-time DUIs, and 1.4% for fourth or subsequent DUIs.⁶ Of DUI convictions among those arrested in 2020, 8.1% were for driving under the influence of drugs.⁷

Regarding reoffense rates, the one-year DUI reoffense rate for first-time DUI offenders arrested in 2020 was 4.4% compared to 7.6% in 1990.⁸ The one-year reoffense rate for second DUI offenders was 6.1% compared to 9.7% in 1990.⁹ Long-term reoffense rates—those occurring over years following an initial DUI conviction—are higher among those with a greater number of DUI priors (within 10 years), among males, and among younger drivers.¹⁰

DUI Traffic Fatalities

Alcohol- and drug-impaired driving contribute significantly to traffic deaths and injuries in California. According to the California Office of Traffic Safety (OTS), 1,355 people were killed in alcohol-involved traffic crashes in 2023 in the state.¹¹ After a decade of increasing alcohol-involved crash fatalities, the latest data suggest this trend may be reversing. Like other fatal crashes, alcohol-involved crash fatalities decreased in the state 4.5 percent between 2022 and 2023.¹²

Alcohol- and drug-involved crash fatalities, which have historically comprised a significant portion of total crash fatalities, peaked at 2,065 in 2005, before declining to a multi-decade low of 1,416 in 2010.¹³ While DUI crash fatalities have steadily increased since then, DUI crash fatalities comprise an increasingly smaller proportion of total crash fatalities. In 2013, DUI crash fatalities were responsible for 54.7% of all crash fatalities.¹⁴ That percentage dropped to 41.7% in 2021—the lowest proportion of total crash fatalities since 2001.¹⁵

3. Administrative Sanctions Following DUI Arrest

When a person is arrested for DUI, the officer is required to serve a notice of order of suspension or revocation of the person's privilege to operate a motor vehicle on the arrested person and confiscate the person's driver's license. (Veh. Code, § 13382.) When taking possession of the person's driver's license, the officer must issue the person a temporary license on behalf of the DMV. (*Ibid.*) The temporary license is valid for 30 days. (*Ibid.*) A temporary license must contain a notice that the person may be able to regain driving privileges with the installation of an IID, that financial assistance may be available for that purpose, and a contact for obtaining more information regarding the ignition interlock program. (Veh. Code, § 13390.)

⁵ *Ibid.* The total number of DUI arrests and convictions significantly dropped between 2019 and 2020 which is largely attributed to the shutdown associated with the Covid-19 pandemic.

⁶ *Id.* at p. 30.

⁷ *Id.* p. iv.

⁸ 2025 Annual Report, *supra*, p. vi.

⁹ *Ibid.*

¹⁰ *Ibid.*

¹¹ OTS, *California's Annual Report Fiscal Year 2025* (Mar. 2026), p. 8 <https://www.ots.ca.gov/wp-content/uploads/sites/67/2026/03/FY_2025_Annual_Report_Final.pdf>; OTS, *California Traffic Safety Quick Stats* available at <<https://www.ots.ca.gov/ots-and-traffic-safety/score-card/>>.

¹² OTS, *Annual Report*, *supra*, at p. 8.

¹³ DMV, *DUI Summary Statistics* <<https://www.dmv.ca.gov/portal/dmv-research-reports/research-development-data-dashboards/dui-management-information-system-dashboards/dui-summary-statistics/>>.

¹⁴ *Ibid.*

¹⁵ *Ibid.*

The officer is required to immediately forward a copy of the completed notice of suspension or revocation along with any driver's license taken into possession with a sworn report to the DMV. (*Ibid.*) The sworn report must include of all information relevant to the enforcement action, including information that adequately identifies the person, a statement of the officer's grounds for belief that the person was driving impaired, a report of the results of any chemical tests that were conducted on the person or the circumstances constituting a refusal to submit to or complete the chemical testing, a copy of any notice to appear under which the person was released from custody, and a copy of the complaint filed with the court if available. (Veh. Code, § 13380.)

Following a DUI arrest, an immediate administrative action—known as Administrative Per Se (APS)—is taken by the DMV that is separate from the court process that is initiated when a district attorney files criminal charges. The purpose of the administrative process is to determine whether the person should retain driving privileges. Any sanctions imposed by the DMV under APS are independent of any criminal penalties imposed when a person is convicted of DUI.

Upon receipt of the officer's sworn report, notice of suspension or revocation, and driver's license, the DMV will automatically conduct an administrative review that includes an examination of the officer's report, the suspension or revocation order, and any chemical test results. (Veh. Code, §§ 13353.2, 13557.) The DMV is required to suspend or revoke the driving privilege of a person arrested for DUI of alcohol or a combination of alcohol and drugs who: 1) takes a chemical test that shows a BAC of .08 or more, a BAC of .04 or more while driving a commercial vehicle, or a BAC of .01 or more while on probation for DUI; or 2) refuses to take or fails to complete a chemical test to determine their BAC. (Veh. Code, § 13353.2, subd. (a); 13353, subd. (a).)

If the person has a test result showing a BAC of 0.08 or higher, and it is the person's first DUI arrest, the person will receive a four-month license suspension. (Veh. Code, § 13353.3, subd. (b)(1).) If it is a second or subsequent DUI, the suspension period is one year. (Veh. Code, § 13353.3, subd. (b)(2).) As mentioned above, the person is issued a temporary license at the time of arrest which generally allows the person to drive for 30 days from that date. (Veh. Code, § 13353.3.) The suspension takes effect after that 30-day period. (*Ibid.*) The person has the right to request a hearing from the DMV within 10 days of receipt of the suspension or revocation order to challenge the suspension or revocation. (Veh. Code, § 14100.) If the review shows there is no basis for the suspension or revocation, the action will be set aside. (Veh. Code, § 13353.2.) If a driver is acquitted of DUI charges in court, a suspension or revocation will be reversed if the DMV determines that the court decision is, in fact, an acquittal. If a DUI charge is reduced to reckless driving in court, the driving privilege suspension is not affected.

Under current law, a person subject to an administrative license suspension is generally permitted to apply for a restricted license if the person meets all the following requirements:

- The person satisfactorily provides proof of enrollment in a licensed DUI program.
- The person installs a functioning, certified IID on any vehicle that the person operates and submits the "Verification of Installation" form.
- The person agrees to maintain the functioning, certified IID.
- The person was 21 or older at the time the offense occurred and provides proof of financial responsibility.

4. Criminal DUI Sanctions Following Conviction

Upon conviction of a DUI, a person can be sentenced to a period of incarceration, probation, fines, a DUI program, license suspension, and IID installation. The specific criminal penalties depend on the specific offense and the number of prior convictions.

Under current law, a DUI with no injury is punishable as follows:

- First DUI:
 - Imprisonment for four days to six months in county jail (two days must be continuous), or if given probation, possibly two days to six months in jail.
 - A fine of \$390 to \$1,000, plus penalty assessments.
 - An order to install a functioning, certified IID on any vehicle that person operates for up to six months (if offense involved alcohol), at the court's discretion.
 - Six-month license suspension or a 10-month suspension if probation is given and a 9-month DUI program is ordered; and,
 - In counties with approved programs, completion of a three-month (30-hour) DUI program, or a nine-month (60-hour) program if the person's BAC was .20% or more, or they refused to take a chemical test, if given probation. (Veh. Code, §§ 13352, subd. (a)(1); 13352.1, subd. (a); 23536, subds. (a) & (c); 23538, subds. (a) & (b); 23575.3, subd. (h)(1)(A)(i).)
- DUI with one prior:
 - Imprisonment for three months to one year in county jail, or if given probation, 10 days to one year, or four days to one year, as specified.
 - A fine of \$390 to \$1,000, plus penalty assessments.
 - One-year IID installation mandate (if offense involved alcohol).
 - Two-year license suspension.
 - Completion of an 18-month or 30-month DUI program, as specified, if given probation. (Veh. Code, §§ 13352, subd. (a)(3); 23540, subd. (a); 23542, subds. (a) & (b); 23575.3, subd. (h)(1)(B).)
- DUI with two priors:
 - Imprisonment for four months to one year in county jail, or 30 days to one year if given probation and ordered to complete a 30-month DUI program.
 - A fine of \$390 to \$1,000, plus penalty assessments.
 - Two-year IID installation mandate (if offense involved alcohol).
 - Three-year license revocation, and 3-year designation as a habitual traffic offender.
 - An 18 or 30-month DUI program, as specified, if given probation and at the court's discretion. (Veh. Code, §§ 13352, subd. (a)(5); 23546; 23548, subds. (a) & (b); 23575.3, subd. (h)(1)(C).)
 - 10-year license revocation if a person has been convicted of three or more DUIs or DUIs causing bodily injury, the last of which was punishable as a DUI or DUI causing bodily injury with two priors, a DUI with three or more priors, or as an wobblers because of a prior specified felony. (Veh. Code, § 23597, subd. (a).)

- DUI with three or more priors:
 - Imprisonment for six months to one year in jail, or as a jail-eligible felony by 16 months, or two or three years, or 30 days to one year if given probation and ordered to complete a 30-month DUI program.
 - A fine of \$390 to \$1,000, plus penalty assessments.
 - Three-year IID installation mandate (if the offense involved alcohol).
 - Four-year license revocation, and three-year designation as a habitual traffic offender.
 - An 18 or 30-month DUI program, as specified, if given probation and at the court's discretion. (Veh. Code, §§ 13352, subd. (a)(7); 23550; 23552, subds. (a) & (b); 23575.3, subd. (h)(1)(D).)

A DUI causing bodily injury is punishable as follows:

- First DUI causing bodily injury:
 - Imprisonment for three months to one year in county jail or 16 months, or two or three years in state prison, or if given probation, five days to one year in county jail.
 - A fine of \$390 to \$1,000, plus penalty assessments.
 - One-year IID installation mandate (if offense involved alcohol).
 - One-year license suspension.
 - In counties with approved programs, completion of a three-month (30-hour) DUI treatment program, or a nine-month (60-hour) program if the person's BAC was .20% or more or they refused to take a chemical test, if given probation. (Veh. Code, §§ 13352 subd. (a)(2), 23554; 23556, subds. (a) & (b); 23575.3, subd. (h)(2)(A).)
- DUI causing bodily injury with one prior:
 - Imprisonment for four months to one year in county jail or 16 months, or two or three years in state prison, or if given probation, four months in jail, or 30 days to one year in jail.
 - A fine of \$390 to \$5,000 fine, plus penalty assessments, or \$390 to \$1,000 if given probation as specified.
 - Two-year IID installation mandate (if offense involved alcohol).
 - Three-year license revocation.
 - An 18 or 30-month DUI program, as specified, if given probation and at the court's discretion. (Veh. Code, §§ 13352 subd. (a)(4); 23560; 23562, subds. (a) & (b); 23575.3, subd. (h)(2)(B).)
- DUI causing bodily injury with two or more priors:
 - Imprisonment in state prison by two, three, or four years, or if given probation, either a minimum of one year in county jail, or 30 days to one year in county jail if ordered to complete an 18 or 30-month DUI program.
 - A fine of \$1,015 to \$5,000, or \$390 to \$5,000 if given probation, and a requirement to make restitution or reparation.
 - Three-year IID installation mandate (if offense involved alcohol).
 - Five-year license revocation, and three-year designation as a habitual traffic offender.

- An 18- or 30-month DUI program, as specified, if given probation. (Veh. Code, §§ 13352 subd. (a)(6); 23566; 23568, subds. (a) & (b); 23575.3, subd. (h)(2)(C).)

Most DUI offenders receive more than one type of sanction upon conviction. The most frequently imposed court sanction for all convicted DUI offenders in 2020 was probation (94.3%).¹⁶ The least frequently imposed court sanction was an IID (14.9%).¹⁷ Roughly 76 percent of people convicted are sentenced to some jail time, and among first DUI offenders arrested in 2020, 69.8% had some jail time imposed as a sanction.¹⁸ Approximately 88.6 percent of all people convicted of DUI are ordered to complete a state-approved DUI education program.¹⁹ Of the 50,187 first-time DUI offenders convicted in 2020, 9,674 (19.3%) installed an IID either by court order or voluntarily.²⁰

5. Background on IIDs

An IID is “a device designed to allow a vehicle ignition switch to start the engine when the breath alcohol concentration test result is below the alcohol set point, while locking the ignition when the breath test results is at or above the alcohol setpoint.” (Cal. Code Regs., tit. 13, § 125.00, subd. (a).) After installation, the IID requires the driver to provide a breath sample before the engine will start. If the IID detects alcohol on the driver’s breath, the engine will not start. (DMV, *Ignition Interlock Devices*, available at <<https://www.dmv.ca.gov/portal/driver-education-and-safety/educational-materials/fast-facts/ignition-interlock-devices-ffdl-31/>>.) A person operating a vehicle with an IID is subject to retesting while driving, known as “rolling” testing. The first re-test must occur at a random interval ranging from five to 15 minutes after passing the first test, while subsequent retests must occur at random intervals ranging from 15 to 45 minutes from the prior test. (Cal. Code Regs., tit. 13, § 125.02, subd. (a)(1).)

Fees associated with IIDs

Under current law, an IID manufacturer must be certified with the DMV in order for its devices to be used in vehicles in the state. Individual devices must also be certified for use in the state. There are several fees associated with an IID: an installation fee, a monthly fee to lease the device, regular calibration fees, service fees, and a removal fee. One provider noted the following as typical fees on its website (although this specific provider uses a monthly flat fee instead):

The average cost of an ignition interlock device in California ranges from \$70 to \$150 per month for the device lease alone. Most providers add separate fees for installation (\$75 to \$150), calibration visits (\$50 to \$100 every 30 to 60 days), removal (\$50 to \$100), and service calls.²¹

Every IID manufacturer and manufacturer’s agent certified to provide IIDs must provide a fee schedule to the DMV of the manufacturer’s IID program costs, including the standard charges for installation, service and maintenance, and removal of the manufacturer’s device. IIDs must be provided to a DUI offender at reduced costs if the offender is eligible for reduced costs.

¹⁶ 2025 Annual Report, *supra*, pp. v & 32.

¹⁷ *Ibid.*

¹⁸ *Ibid.*

¹⁹ *Ibid.*

²⁰ *Id.* at p. 36.

²¹ BACtrack, *Frequently Asked Questions* available at <<https://drive.bactrack.com/#faq>>.

Failure of the manufacturer, its agents, or authorized IID installers to comply with the reduced fee schedule for eligible offenders will result in suspension or revocation of the DMV's approval for the manufacturer to market IIDs in the state. (Veh. Code, § 13386, subd. (h).)

Every IID manufacturer and manufacturer's agent certified by the DMV to provide IIDs must adopt the fee schedule codified in Vehicle Code section 23575.3 which delineates fees commensurate with an offender's income relative to the federal poverty level (FPL). For example, a person with an income at 100 percent of the FPL or below is responsible for 10 percent of the cost of the manufacturer's standard IID program costs. A person with an income at 101 to 200 percent of the FPL is responsible for 25 percent of the cost of the manufacturer's standard IID program costs. A person with an income at 201 to 300 percent of the FPL is responsible for 50 percent of the cost of the manufacturer's standard IID program costs. Additionally, 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 IID program costs. Finally, a person with an income at 301 to 400 percent of the FPL and who provides income verification is responsible for 90 percent of the cost of the manufacturer's standard IID program costs. All other offenders are responsible for the full cost of the IID. DUI offenders eligible for reduced IID costs are responsible for any additional costs accrued for noncompliance with program requirements. Notably, the IID manufacturer is responsible for the percentage of costs that the offender is not responsible. (Veh. Code, § 23575.3, subd. (k)(1).)

The IID provider must verify the offender's income to determine the cost of the IID by verifying one of the following documents from the offender: the previous year's federal income tax return. the previous three months of weekly or monthly income statements; or verification of unemployment benefits. (Veh. Code, § 23575.3, subd. (k)(2).) The Department of Consumer Affairs may impose a civil assessment up to \$1,000 upon a manufacturer or manufacturer's agent certified to provide IIDs who fails to inform an offender about the reduced fee program or who fails to comply with the reduced fee schedule or income verification process. (Veh. Code, § 23575.3, subd. (l).)

Safety concerns related to rolling re-retests

A person with an IID is repeatedly required to retest while driving to ensure the continued absence of alcohol in their system. When it is time for the person to retest, the device will notify the person. Failure to retest may result in alarms or other notifications such as the horn honking. A review of accident reports and lawsuits associated with IIDs by *The New York Times* in 2019 found that the re-test requirement contributed to many crashes, including fatal accidents:

A review ... turned up dozens of examples of collisions in which the devices played a role. A Pennsylvania driver trying to complete a test blew so hard that he blacked out and crashed into a tree, nearly severing his left hand. Another in rural New Hampshire struck a telephone pole. And in California, a man attempting a rolling retest on a busy highway crossed the dividing line and hit another car, badly injuring a woman and killing her husband....

One driver told local police that he had reached for his beeping interlock, missed a curve in the road and "woke up to someone saying he had been in an accident."

Two drivers rear-ended stopped cars during rolling retests. A fourth driver hit a sheriff's vehicle. A fifth veered off the road and into a field, where he hit a calf.²²

The concern that IID re-testing may contribute to distracted driving has similarly been echoed by federal regulators.²³ According to *The New York Times*:

When regulatory warnings about rolling tests have come up, Interlock companies have pushed back.

In 2006, the National Highway Traffic Safety Administration, the federal regulator in charge of setting vehicle safety equipment standards, began revising its 14-year-old guidelines for how interlock devices should work. A 2010 draft of the document said the agency “does not intend” that users perform rolling retests and said they should be performed while stopped on the side of the road.

The interlock industry and others objected, arguing that rolling retests were safe and that, in any case, it was impractical to expect drivers to pull over. ...

The regulator backed down. In its final guidance, published in 2013, it wrote that it was “very concerned about distracted driving” but would not specify how retests should be conducted. The agency also said that was “more appropriately a function for states and local jurisdictions.”²⁴

6. AB 91 Four-County Pilot Program

AB 91 (Feuer), Chapter 217, Statutes of 2009, established a four-county pilot program which required first-time and repeat DUI offenders to install IIDs, upon conviction, in order to obtain a restricted driver's license. The pilot operated from 2010 to 2016. The DMV conducted two studies evaluating this pilot program. The first was a general deterrent study that found the program did “not appear to be associated with a reduction in the number of first-time and repeat DUI convictions in pilot counties” and “was not found to have a general deterrent effect on the occurrence of DUI convictions in designated pilot counties.”²⁵ The second study was a specific deterrent study, which found that pilot participants, including first-time offenders, had lower DUI recidivism rates than other DUI offenders.²⁶ However, for first-time offenders, these differences diminished over time.²⁷ Second, the study found that obtaining an IID-restricted license was associated with a substantial increase in subsequent crashes compared to DUI offenders whose licenses remained suspended or revoked.²⁸ Of significance, this higher crash risk for first and second-time DUI offenders increased over time relative to those with a suspended license.²⁹ As a result, the DMV found that the benefits of IIDs “are potentially

²² St. Cowley et al., *The Unforeseen Dangers of a Device that Curbs Drunk Driving* (Nov. 10, 2021) available at <<https://www.nytimes.com/2019/12/23/business/drunk-driving-interlock-crash.html>>.

²³ National Highway Traffic Safety Administration, *Model Specifications for Breath Alcohol Ignition Interlock Devices (BAIIDs)* (May 8, 2013), p. 26852, available at <<https://www.federalregister.gov/documents/2013/05/08/2013-10940/model-specifications-for-breath-alcohol-ignition-interlock-devices-baiids>>.

²⁴ St. Cowley et al., *supra*.

²⁵ DMV, *General Deterrent Evaluation of the Ignition Interlock Pilot Program in California* (Jan. 2015), pp. viii-ix, available at <<https://www.dmv.ca.gov/portal/file/general-deterrent-evaluation-of-the-ignition-interlock-pilot-program-in-california/>>.

²⁶ DMV, *Specific Deterrent Evaluation of the Ignition Interlock Pilot Program in California* (Jun. 17, 2016), p. xiv, available at <<https://www.dmv.ca.gov/portal/uploads/2021/12/s5-251.pdf>>.

²⁷ *Ibid.*

²⁸ *Id.* at xv.

²⁹ *Ibid.*

marginalized by the greater safety toll of an increased propensity for traffic crash involvement.”³⁰

7. Statewide IID Pilot Program

The DMV is currently operating a statewide IID pilot program for all repeat DUI offenders and all injury-involved DUI offenders. The statewide IID pilot program was established via SB 1046 (Hill), Chapter 783, Statutes of 2016, which was an extension and expansion of the AB 91 pilot program.

Under the statewide IID pilot program, a court may order a defendant convicted of their first DUI offense to install an IID on their vehicle for up to six months and prohibit them from operating a vehicle without an IID. If a defendant is convicted of a second or subsequent DUI offense, the court is required to order the defendant to install an IID in their vehicle. The length of required IID installation depends on how many prior DUI convictions a defendant has and the gravity of the offense. The pilot program’s sunset date was extended to January 1, 2033 by AB 366 (Petrie-Norris), Chapter 689, Statutes of 2025.

The evidence of the effectiveness of requiring IID installation for first-time DUI offenders has been mixed. The California State Transportation Agency (CalSTA) submitted a report to the Legislature evaluating the current pilot program in December of 2024. In the report, researchers determined the pilot’s “overall effects” on recidivism were “small,” in part due to the low rate of installation of IIDs statewide.³¹ However, the researchers found:

- Installing an IID within two years of arrest reduces recidivism rates, whether measured by future DUI arrests, crashes, or crashes involving injury.
- The effect of installing an IID on future DUI arrests is greatest for people arrested for the first time. The effects on crashes and crashes with injury are largest for people with prior DUI convictions.
- The impacts of [the pilot] on overall statewide recidivism rates, although in the desired direction, are modest. Increasing IID installation rates among those arrested for a DUI would increase the effectiveness of policy requiring IID installations.³²

The researchers anticipate that “higher rates of installation would correspond with higher recidivism reductions statewide.”³³

8. Major Provisions

All provisions of this bill have a delayed implementation date of January 1, 2031, meaning that all changes to existing law will go into effect on that date.

Changes to administrative license suspensions

This bill requires a person subject to an administrative license suspension for a DUI involving alcohol to apply for a restricted license after a 30-day license suspension. This bill also

³⁰ *Ibid.*

³¹ CalSTA, *An Evaluation of an Expansion of the Use of Ignition Interlock Devices through California Senate Bill 1046* (Dec. 31, 2024), p. 28 <https://calsta.ca.gov/-/media/calsta-media/documents/ignition_interlock_evaluation-11-a11y.pdf>

³² *Id.* at p. 27.

³³ *Id.* at p. 29.

eliminates the course of employment exception to the IID requirement in order to obtain a restricted license for purposes of an administrative license suspension.

Creation of a drug-only DUI license suspension framework

This bill creates two new code sections pertaining solely to drug-only DUI license suspensions. Specifically, this bill establishes the following license suspension timelines for a drug-only DUI conviction:

- For a first DUI, the privilege is suspended for 6 months.
- For a DUI causing bodily injury, the privilege is suspended for 12 months.
- For a second DUI, the privilege is suspended for 24 months.
- For a second DUI causing bodily injury, the privilege is suspended for 36 months.
- For a DUI with two priors, the privilege is suspended for 36 months.
- For a DUI causing bodily injury with two priors, the privilege is suspended for 48 months.
- For any DUI with three or more priors, the privilege is suspended for 60 months.

This bill requires that certain conditions are met for the driving privilege (suspended due to a drug-only DUI) to be reinstated. Specifically, the person is required to provide proof of financial responsibility to DMV, provide proof of successful completion of a licensed DUI program, as specified, and pay all reinstatement and reissue fees. This bill allows a person subject to a license suspension for a drug-only DUI to apply for a restricted license if the person provides proof of financial responsibility to DMV, completes a minimum specified period of the suspension period, provides proof of enrollment or participation in a licensed DUI program, as specified, and pays all reinstatement and reissue fees.

Mandatory restricted license/IID upon conviction

This bill requires, upon a conviction for a DUI involving alcohol, the driving privilege to be suspended. The bill prohibits the privilege from being reinstated until the person meets specified requirements, including maintaining a restricted license (which requires the installation of an IID) for a specified period of time. The bill outlines the following restricted license periods:

- For a first DUI, restricted license for 6 months.
- For a first DUI causing bodily injury, restricted license for 12 months.
- For a DUI with one prior, restricted license for 24 months.
- For a DUI causing bodily injury with one prior, restricted license for 36 months.
- For a DUI with two priors, restricted license for 36 months.
- For a DUI causing bodily injury with two priors, restricted license for 48 months.
- For a DUI with three priors, restricted license for 60 months.
- For a first DUI with a BAC of .20 or higher, restricted license for 10 months.

As stated above, obtaining a restricted license requires an IID installation. The effect is that the bill lengthens the IID terms for repeat offenders as compared to existing law. Specifically, a second DUI is currently subject to a 1-year IID term, and under this bill, the person would be required to have a restricted license (including an IID) for 2 years. A third DUI is currently subject to a 2-year IID term, and under this bill, the person would be required to have a restricted

license (including an IID) for 3 years. A fourth or subsequent DUI is currently subject to a 3-year IID term, and this bill requires a restricted license (and IID installation) for 5 years.

Revised IID fee schedule

This bill revises the fee schedule for reduced IID fees by raising the thresholds for which a person would be eligible for those reduced IID fees. The bill specifically provides the following:

- A person with an income at 125 percent of the FPL or below and who provides income verification is responsible for 10 percent of the cost of the manufacturer's standard IID program costs, and any additional costs accrued by the person for noncompliance with program requirements.
- A person with an income at 126 to 225 percent of the FPL and who provides income verification is responsible for 25 percent of the cost of the manufacturer's standard IID program costs, and any additional costs accrued by the person for noncompliance with program requirements.
- A person with an income at 226 to 325 percent of the FPL and who provides income verification is responsible for 50 percent of the cost of the manufacturer's standard IID program costs, and any additional costs accrued by the person for noncompliance with program requirements.

Other changes

This bill makes several other less significant changes, many of which are technical and conforming changes, including repealing existing provisions of law made obsolete by the provisions of this bill.

9. Considerations

The 2016 report on the AB 91 pilot program as well as other research suggest that crashes will increase to some extent as a result of an IID mandate for first-time offenders.

Given that the bill's mandate that all first-time DUI offenders install an IID upon conviction would impact tens of thousands of individuals annually, the Committee and author may wish to consider whether aspects of current law or elements of this bill should be modified. For example, this bill proposes to make changes to the existing reduced fee schedules for IIDs to be more generous to DUI offenders (e.g., increasing the income threshold at which a person is eligible for reduced fees). Are these income thresholds sufficient? The opposition has raised concerns that not all IID-related fees (apart from noncompliance fees) are covered. Should existing law be amended to more clearly outline the fees subject to reduced costs?

In light of the concerns raised by the opposition regarding some IID installers' non-compliance with existing law as it relates to notifying DUI offenders about the reduced fee schedule or complying with the reduced fee schedule, should the state's enforcement mechanisms be strengthened? According to the Bureau of Automotive Repair (BAR), which oversees automotive repair shops including those that elect to offer services pertaining to IIDs, enforcement of state law is largely driven by consumer complaints. BAR indicated that a very small percentage of annual consumer complaints were for IID-related services. Is the average consumer aware of the existing complaint process? Does the information offenders receive about

an IID, reduced fee schedule, etc. include information about the process to file a complaint related to an IID installer/service provider? If not, should it? Is there anything that the state should do to further incentivize IID installers' compliance with state law?

As introduced, AB 1830 had a reporting requirement designed to help inform future policymaking discussions related to first-time DUIs by requiring the DMV to collect and report specified data. It is this Committee's understanding that the author intends to amend the bill to include some version of this reporting requirement. However, due to the timing of this hearing and subsequent policy and fiscal committee hearings, those amendments cannot be taken in this committee.

10. Argument in Support

The Automobile Club of Southern California and AAA Northern California, Nevada & Utah write:

California experienced more than 4,000 fatalities in 2023, which included nearly 1,600 alcohol-involved incidents. This means nearly one-third of all statewide fatalities were attributable to drinking and driving. There have been significant improvements since the mid-1980s when annual fatalities from alcohol-impaired driving reached a peak in the state at around 2,700. However, the number of such fatalities plateaued at too high of an amount in the mid-1990s and has since been steady at around 1,200 per year in California. Most agree that the death toll is too high. According to the AAA Foundation for Traffic Safety (AAAFTS), 94% of people surveyed think driving after drinking is a very or extremely dangerous action. In addition, it is important to keep in mind that impaired driving is an underlying factor for other highly dangerous traffic offenses as well, like extreme speeding, aggressive driving, and wrong way driving. AAA research shows that the odds of being a wrong-way driver increases as blood alcohol content (BAC) levels rises. This study found 60% of nearly 3,000 wrong-way drivers involved in fatal collisions had a BAC .08 or higher.

... Thirty-one states plus Washington, D.C. have all-offender ignition interlocks laws that apply to everyone. ... California's IID laws are far less protective than most state and federal policies and recommendations from traffic safety experts.

Since the passage of AB91 (Feuer, 2009), California has been experimenting with variations of IID requirements. The current program *requires* all repeat and injury-involved DUI offenders to install IIDs for a time-period ranging from one to four years, depending on the number of prior DUI convictions. However, the courts still have discretion to impose an IID upon first-time non-injury DUI offenders. Nearly 74% of all DUI convictions statewide in 2019 were for first offenses but, on average, courts ordered IIDs in only 8.4% of those cases. Not only were IIDs the least used court-sanction used by judges, but it varied widely in how it was applied from court-to-court and perhaps judge-to-judge. For instance, courts in 11 counties (including Los Angeles) never ordered first time DUI offenders to install IIDs whereas Sonoma required it in 72.5% of first convictions.

...

Researchers are regularly looking at how IIDs can be more effective in reducing recidivism long-term after their removal, especially when combined with other sanctions such as treatment, education, and monitoring that address underlying behavioral issues. However, existing evidence shows that IIDs can reduce recidivism up to 70% among first time, repeat, and high-risk offenders while installed. IIDs are not a perfect solution but, based on decades of studies, they have been shown to have an immediate and beneficial impact in preventing alcohol-involved driving crashes while installed. The potential benefit of an all-offender IID law in preventing loss of life or harm is especially profound for California. In 2019, over 70% of alcohol impaired drivers in fatal/injury causing crashes had 1 or more prior DUI convictions.

AB 1830 closes a critical gap in California's efforts to deter impaired driving and reduce alcohol-involved fatalities. By requiring ignition interlock devices for all DUI offenders, California would join 31 other states with all-offender IID laws—an approach shown by the Insurance Institute for Highway Safety to reduce fatal crashes by up to 26 percent.

11. Argument in Opposition

According to the San Francisco Public Defender's Office:

Assembly Bill 1830 ... proposes an overhaul of the state's DUI penalty system utilizing a broad punishment framework that contradicts available evidence about reducing vehicular fatalities, and broadly increases likelihood that a person with a first DUI conviction will never be able to reinstate their license. Specifically, we oppose AB 1830 because it would create a statewide program that mandates the installation of an IID for all DUI convictions and exacerbates financial harm on low-income communities with numerous new fees and costs.

We appreciate the member's intent to make California's roads safer. However, we will only support evidence-based fatality reduction measures that can be implemented successfully and equitably. ...

[T]his bill ... chooses to confront the complicated DUI problem in this state through an expansive, one-size fits all approach to DUIs *after* occurrence. AB 1830 removes judicial discretion and automatically imposes burdensome IID requirements on every Californian convicted of DUI, regardless of BAC or the presence or absence of physical harm. By mandating IID installation, AB 1830 fails to account for a wide spectrum of behavior and eliminates alternative solutions for addressing DUI convictions. ...

Current research demonstrates that IID use and DUI penalties should be narrowly tailored based on judicial discretion. This data demonstrates why a one-size-fits-all mandate is not sound policy and will take away valuable resources from empirical solutions that have a demonstrative impact on vehicular safety. We favor an approach where IIDs are available and encouraged where there are clear indicators of elevated risk, guided by judicial discretion and informed criteria. California should pair any program with strong oversight of IID installers,

transparent complaint processes, safeguards against device malfunctions and dangerous rolling rechecks, and strict privacy limits on data collection, retention, and use.

As testified by Dr. Julia Griswold during the Senate Joint Committee on DUIs, a statewide interlock program is only effective when we eliminate the barriers to program uptake. As currently drafted, AB 1830 would make IIDs completely inaccessible for the vast majority of people with DUI convictions, thereby compromising the implementation of the program. IIDs involve a range of costs, including installation, maintenance, and removal that can total thousands of dollars. Additionally, missed payments or maintenance based on poverty can impose additional financial penalties, jail time, and lost wages. If these financial burdens were eliminated, AB 1830 would not impose insurmountable financial barriers on low-income Californians and promote a broader uptake of the devices overall. ...

If the state requires IIDs, it should fully fund the cost, enforce clear vendor standards, and ensure that inability to pay never leads to extended sanctions or loss of driving privileges. IIDs cost Californians \$1,000 or more per year, including: a \$75 installation fee, \$75-100 per month in maintenance fees, and a removal fee, typically costing \$50-150. With Californian's already in an affordability crisis, charging low-income households for IID expenses is unsustainable and only exacerbates economic harm. ... Additionally, members of our coalition report this pay scale is chronically underused in assessing IID payments. And, when people cannot afford IID installation or maintenance, or navigate the many requirements and administrative burdens imposed by AB 1830, their licenses will be suspended indefinitely.

Often, poverty alone can result in IID violations for missed payments and "missed calibrations." These violations will lead to alternative sanctions, like extended IID requirements, fines, license suspension, and sometimes jail. Each of these additional penalties offers no public safety benefit, costs the state money, and exacerbates economic harm on individuals. Imposing additional monetary sanctions on people unable to pay them both burdens the State and individuals. Because the cost of collecting these fines can exceed the revenue they generate, imposing additional penalties is counterproductive fiscal policy, especially since fines offer little to no deterrent effect on traffic violations.

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