
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: AB 366 **Hearing Date:** July 15, 2025
Author: Petrie-Norris
Version: May 23, 2025
Urgency: No **Fiscal:** Yes
Consultant: SU

Subject: *Ignition interlock devices*

HISTORY

Source: Author

Prior Legislation: 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 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, California Chapters; Arcadia Police Officers' Association; Automobile Club of Southern California; Brea Police Association; Burbank Police Officers' Association; California Alcohol Policy Alliance; California Association of Highway Patrolmen; California Association of School Police Chiefs; California Coalition of School Safety Professionals; California Contract Cities Association; California Medical Association; California Narcotic Officers' Association; California New Car Dealers Association; California Police Chiefs Association; California Professional Firefighters; California Reserve Peace Officers Association; City of Norwalk; Claremont Police Officers Association; Corona Police Officers Association; Culver City Police Officers' Association; Families for Safe Streets USA; Fullerton Police Officers' Association; Los Angeles County Professional Peace Officers Association; Los Angeles School Police Management Association; Los Angeles School Police Officers Association; Mothers Against Drunk Driving; Murrieta Police Officers' Association; National Safety Council; National Transportation Safety Board; Newport Beach Police Association; Palos Verdes Police Officers Association; Placer County Deputy Sheriffs' Association; Pomona Police Officers' Association; Responsibility.org; Riverside Police Officers Association; Riverside Sheriffs' Association; Safe California Roads; Safety and Advocacy for Empowerment; Streets for All; Yolo County District Attorney

Opposition: ACLU California Action; California Public Defenders Association; Debt Free Justice California; Ella Baker Center for Human Rights; Initiate Justice; LA Defensia; Local 148 LA County Public Defenders Union; Western Center on Law & Poverty, INC.; 1 Individual

Assembly Floor Vote:

78 - 0

PURPOSE

The purpose of this bill is to require all first-time offenders convicted of driving under the influence (DUI) to install an ignition interlock device (IID) on their vehicles.

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

Existing law makes it unlawful for any person, while having 0.08 percent or more, by weight, of alcohol in their blood to drive a vehicle. (Veh. Code, § 23512, subd. (b).)

Existing law provides that a person convicted of a first-time DUI offense shall be punished for not less than 96 hours nor more than six months in jail, and by a fine of not less than \$390 nor more \$1,000, and shall receive a six-month driver's license suspension which cannot be reinstated until showing proof of completion of a DUI program, and applicable fines and penalty assessments. (Veh. Code, §§ 23536 & 13352 subd. (a)(1).)

Existing law provides that that a person who is convicted of a first DUI and granted probation is subject to the following additional conditions:

- A period of probation not less than three nor more than five years;
- A requirement that the person shall not drive a vehicle with any measurable amount of alcohol in their blood; and,
- A requirement that obligation of spending the minimum time of 48 hours in confinement, if any, or of paying the minimum fine imposed by law is imposed is imposed. (Veh. Code, §§ 23538 & 23600.)

Existing law provides that a first DUI causing injury is punishable by 90 days to one year in county jail, or 16 months, 2 or 3 years state prison, a specified DUI program, and and by a fine of not less than \$390 nor more \$1,000. A one-year driver's license suspension also applies. (Veh. Code, §§ 23554 & 13352 subd. (a)(2).)

Existing law requires the Department of Motor Vehicles (DMV), if the court orders the installation of an IID, 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 an IID for the applicable term. (Veh. Code, § 23575.3, subd. (h)(1)(A)(i).)

Existing law establishes an IID pilot program through January 1, 2026, which 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 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. 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, subds. (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 requires IID manufacturers to adopt a fee schedule under which the manufacturer will absorb part of the costs for the IID based on the defendant's income, relative to the federal poverty level. (Veh. Code, § 23575.3, subd. (k).)

Existing law sunsets the IID pilot project on January 1, 2026. (Veh. Code, § 23575.3, subd. (r).)

Existing law specifies that upon the expiration of the IID pilot program, and beginning January 1, 2026, a court may order a person convicted of their first DUI offense, or a DUI offense involving bodily injury, to install an IID on any vehicle that the person operates for a term of up to three years. The court shall give heightened consideration to ordering an IID for a first offense violator with 0.15% blood alcohol content (BAC), with two or more prior moving traffic violations, or persons who refused a chemical test at arrest. (Veh. Code, § 23575, subd. (a)(1).)

This bill eliminates judicial discretion to determine if a person convicted of a first-time DUI must install an IID, and instead requires all first-time DUI offenders to install an IID for up to six months on every vehicle they operate.

This bill makes the following provisions of the IID pilot program which orders the installation of IIDs for repeat DUI offenders and DUIs causing bodily injury permanent:

- For a period of one year for a person convicted of a DUI 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 with two priors, or a DUI causing bodily injury to another person with one prior; and,
- For a period of three years for a person convicted of a DUI 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.

This bill clarifies that the fees associated with an IID include not only payment of the costs of the certified IID device, but also the administration of the program, installation of the device, service, maintenance, and recalibration of the device every 60 days, and any other costs associated with the device.

This bill requires IID manufacturers to modify the fee schedule under which the manufacturer will absorb part of the costs for the IID based on the defendant's income, relative to the federal poverty level as follows:

- A person with an income at 125% of the federal poverty level or below (rather than the current 100%) is responsible for 10% of the costs associated with the IID, and the IID provider is responsible for absorbing the cost that is not paid by the person.
- A person with an income at 126 to 225%, inclusive, of the federal poverty level (rather than the current 101 to 200%) is responsible for 25% of the costs associated with the IID, and the IID provider is responsible for absorbing the cost of the IID that is not paid by the person.
- A person with an income at 226 to 325%, inclusive, of the federal poverty level (rather than the current 201 to 300%) is responsible for 50% of the costs associated with the IID, and the IID provider is responsible for absorbing the cost of the IID that is not paid by the person.
- A person with an income at 326 to 425%, inclusive, of the federal poverty level (rather than the current 301 to 400%) and who provides income verification, as specified, is responsible for 90% of the costs associated with the IID, and any additional costs accrued by the person for noncompliance with program requirements.
- All other persons are responsible for 100% of the costs associated with the IID.

This bill allows an individual to apply for reduced costs and shall be credited for any previously paid costs that were in excess of the fee schedule at any point during which the device is installed and in use. An individual shall also be permitted to apply for reduced costs based on a change of income.

This bill requires IID providers and service and repair providers to post information related to costs conspicuously and to verbally inform a person of the fee schedule information, prior to installation and servicing of the device.

This bill requires the DMV to publish fee schedule information.

This bill requires the DMV to annually report specified information about the IID program to the Legislature, including specified data about vehicle crashes involving first-time DUI offenders ordered to install an IID, and how many of those crashes did not involve alcohol.

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. 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/> (last viewed July 4, 2025).)

3. DUI Sanctions

According to the 2022 annual report to the Legislature on DUIs published by the DMV in 2023, in 2020 there were close to 96,000 DUI arrests in California. While this is less than half the number of DUI arrests made in 2010, when almost 196,000 people were arrested, the number is still quite high. Of these, 96,000 arrests, close to 92,000 were for misdemeanors DUIs and the rest were for felony DUIs. The number of convictions for 2020 is not yet available, but in 2019, there were roughly 88,000 DUI convictions. Among convicted DUI offenders arrested in 2019, 72.8% were first time offenders and 27.2% were repeat offenders. 5.6% of DUI convictions among those arrested in 2019 were driving under the influence of drugs. (See *2022 Annual Report of the California DUI Management Information System*, April 2023, summary statistics & p. iv.)

Most DUI offenders receive more than one type of sanction. The most frequently imposed court sanction for all convicted DUI offenders in 2019 was probation (95.9%). The least frequently imposed court sanction was an IID (15.9%). Seventy four percent of people convicted are sentenced to some jail time, and among first DUI offenders arrested in 2019, 66.3% has some jail time imposed as a sanction. Ninety-one percent of all people convicted of DUI are ordered to complete a state-approved DUI education program. (2022 Annual Report, *supra*, at pp. v & 32.)

The percentage of convicted DUI offenders arrested in 2019 who were sanctioned to install an ignition interlock device (IID) saw a year-to-year increase of 71%, going from 9.3% to 15.9%. Similarly, the percentage who installed an IID subsequent to their arrest (23.7%) increased by 41% compared to convicted DUI offenders arrested in 2018 (16.8%). Both of these increases were most likely related to the January 1, 2019 implementation of SB 1046 (Hill), which made IID installation either optional or mandatory for all persons convicted of an alcohol-related DUI offense (depending on the specific type of DUI offense and the number of prior DUI violations) and allowed DUI offenders who install an IID to apply for a restricted driver license without serving any period of license suspension or revocation. (2022 Annual Report, *supra*, p. v.)

Of the 64,122 first time DUI offenders convicted in 2019, 13,349 installed an IID either by court order or voluntarily. (2022 Annual Report, *supra*, p. 36.)

4. IID Pilot Program

The DMV is currently operating a statewide IID pilot program for all repeat DUI offenders and all injury-involved driving under the influence (DUI) offenders. Under the 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 how serious the offenses are. The pilot program is set to expire on January 1, 2026.

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. (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 [last visited July 6, 2025].) However, as summarized by CalSTA, 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. (*Id.* at p. 27.)

The researchers anticipate that “higher rates of installation would correspond with higher recidivism reductions statewide.” (*Id.* at p. 29.)

This bill makes permanent aspects of the current IID pilot program. This bill also requires, rather than authorizes, the use of IIDs for all first-time DUI offenders regardless of whether the DUI involved alcohol, drugs, or a combination of both. Assuming *arguendo* that judicial discretion should be eliminated in determining whether an IID should be imposed for a first-time DUI offender, should this bill at least require that alcohol was involved in the offense?

5. Financial Incentive for IID Manufacturers and Financial Impact for Offenders

According to *The New York Times*:

The annual cost of having a device is typically \$1,000 or more. That has created a lucrative industry. Smart Start, based in Texas, estimated its interlock revenue last year at \$150 million — nearly double its revenue from four years ago — according to its chief executive. Dräger, a German company that is among the leading manufacturers of breathalyzer machines, now makes twice as much money from interlocks in the United States as it does from its

traditional breath-test business. Private equity firms looking to cash in have bought several interlock makers, including Smart Start, and are circling others.

(St. Cowley et al., *The Unforeseen Dangers of a Device that Curbs Drunk Driving*, N.Y. Times, Nov. 10, 2021, available at: <https://www.nytimes.com/2019/12/23/business/drun-driving-interlock-crash.html> [last visited July 4, 2025].) The IID industry has grown significantly in recent years as many states have adopted IID mandates for all DUI offenses with support from manufacturers.

Mandating IIDs for first-time DUIs in California will significantly increase the demand for this technology. Based on the figures noted above in the most recently available DMV report, IID providers can expect to have about 50,000 more mandated users. The cost of installing an IID in California is \$99-\$116 a month. (See e.g. Intoxalock Ignition Interlock Website, <https://www.intoxalock.com/state-requirements/california/pricing> [last visited July 5, 2025].) Moreover, IIDs are required to be installed on every vehicle an offender operates, including vehicles to which they may have access. (Veh. Code, § 23575.3, subd. (o)(2).) So, the costs of an IID would double in any household with two people and two cars.

Of course, there are other financial costs associated with a DUI conviction. There are penalty assessments and fees assessed on the base fine for a crime. Assuming a defendant was fined \$1,000 as the maximum fine for a criminal offense, the following penalty assessments would be imposed under the Penal Code and the California Government Code¹:

Penal Code 1464 assessment:	\$10 for every \$10	\$1,000
Penal Code 1465.7 surcharge:	20% surcharge	\$200
Penal Code 1465.8 assessment:	\$40 fee per offense	\$40
Government Code 70372 assessment:	\$5 for every \$10	\$500
Government Code 76000 assessment:	\$7 for every \$10	\$700
Government Code 76000.5 assessment:	\$2 for every \$10	\$200
Government Code 76104.6 assessment:	\$1 for every \$10	\$100
Government Code 76104.7 assessment:	\$4 for every \$10	\$400

Based on these calculations, the total payment owed if the court imposed the maximum fine of \$1,000 would be \$4,140. Even if the minimum fine of \$390 is imposed, the total fine would be \$1,674.

This amount does not include the cost of the required DUI program, lasting either three or nine months depending on the person's blood alcohol level. (Veh. Code, § 23538, subd. (b).) A three-months DUI program generally costs between \$500 and \$900, while a nine-month program can cost upwards of \$1,500. (See Department of Health Care Services, Driving Under the Influence Program Fees, <https://www.dhcs.ca.gov/individuals/Pages/DUI-Program-Fees.aspx> [last visited July 5, 2025].) In addition, to obtain a restricted license with an IID, there are additional DMV fees associated with reissuing the license. Finally there are DMV administrative fees of \$103 associated with the IID. (See DMV Website, Statewide IID Pilot Program FAQs, <https://www.dmv.ca.gov/portal/driver-education-and-safety/dmv-safety-guidelines-actions/driving-under-the-influence/statewide-ignition-interlock-device-pilot-program/> [last

¹ Government Code 70373 also contains an assessment of \$30 per each felony, but that may be inapplicable here if the offense is charged as a misdemeanor.

visited July 5, 2025].) As most recently amended on May 23, 2025, the DMV administrative fees are no longer subject to sliding scale based on the defendant's ability to pay.

In light of the fact that IID providers are significantly increasing their market base, should the sliding scale based on the defendant's ability to pay be further adjusted and should DMV administrative fees continue to be subject to the sliding scale based on indigency?

6. Argument in Support

According to Mothers Against Drunk Driving:

AB 366 ... would improve the drunk driving law by making California the 36th state to require ignition interlocks for all first-time convicted drunk drivers for six months. California's current law is limited to repeat offenders and first-time offenders who cause an injury crash. This law sunsets at the end of 2025.

Drunk driving remains a problem California. Since 2019, according to the National Highway Traffic Safety Administration (NHTSA), drunk driving deaths in California have increased 40% resulting in 1,355 preventable deaths in 2023.

Research in other states demonstrates that laws like AB 366 will stop drunk driving and save lives. According to a 2018 report from Insurance Institute for Highway Safety, laws like AB 366 reduce drunk driving deaths by 16%....

Interlocks are already working to stop drunk driving in California, but the law is not reaching every eligible drunk driver. Over the past 16 years, interlocks have prevented over 398,169 attempts to drive drunk in California. Can you imagine how many more attempts to drive drunk will be stopped by enacting an all-offender interlock law with AB 366?

Interlocks are more effective than license suspension. According to the Centers for Disease Control and Prevention (CDC), ignition interlocks reduce repeat drunk driving offenses by 67%. An ignition interlock is more effective than license suspension alone, because up to 75% of convicted drunk drivers continue to drive on a suspended license. License suspension without the use of an interlock is a mere "hope for the best" approach to prevent drunk driving.

7. Argument in Opposition

According to the American Civil Liberties Union California Action:

The American Civil Liberties California Action respectfully opposes AB 366, which converts a discretionary rule into a judicial mandate, requiring judges—in all cases involving a first Driving Under the Influence (DUI) conviction—to order the installation of an Ignition Interlock Device (IID). In making this change, the bill fails to address the financial and logistical barriers that drivers with low incomes will encounter to comply. The costs associated with this bill are untenable, especially given expected budget shortfalls.

The financial consequences of a DUI conviction are considerable and are disproportionately burdensome for drivers with low incomes. Furthermore, DUI convictions and the consequences that follow are unequally levied on Black and Brown drivers. In addition to the standard penalty fines, drivers face the even more burdensome costs of DUI class fees, high-cost insurance premiums, DMV licensing fees, and other charges – up to \$18,000 total. This bill would add the cost of an ignition interlock device to this list for all first-time convictions. For drivers with low incomes who are trying to comply with their legal obligations, the cumulative financial costs often prevent them from meeting these obligations and leave them with an indefinitely suspended license.

Because of both the racial disparities in convictions as well as the racial wealth gap, this system results in a form of racialized wealth extraction. Importantly, the public safety impact of mandatory IIDs is questionable. A recent study by the DMV on the impact of AB 91 (Feuer, 2009) that created a pilot for mandatory installation of IIDs found that “mandatory ignition interlock installation did not reduce county-wide DUI recidivism below that of comparison counties.” The inequities of AB 366’s mandate will disproportionately impact financially disadvantaged and marginalized communities of color. Without a license, individuals face decreased employment opportunities and obstacles in caring for family members or getting to medical appointments. Individuals who have no other choice but to drive face additional consequences for driving on a suspended license - not because they want to violate the law, but simply because they cannot afford to comply. Without addressing the financial and logistical barriers, the result will be two different systems: one for higher income drivers who can easily pay to comply with the heightened consequences and one for lower income drivers who cannot afford to pay them and therefore will have longer suspensions and bear collateral economic and criminal consequences.

Notably, current law’s sliding scale for ignition interlock devices is also inadequate. The current scale does not provide for sufficient reductions, especially given the cumulative costs a driver convicted of a DUI is required to pay. Further, current law does not make clear that all costs of the device are subject to the fee reduction, including the regular maintenance and calibration cost charged by installers, so some drivers encounter unexpected additional costs.

Imposing additional consequences without accounting for the financial and logistical barriers of these consequences will undermine the public safety goals of the bill, cause economic hardship, and inevitably result in drivers with low incomes shouldering a different and more severe punishment than individuals who can afford the mandatory IID device in addition to the other fines and fees imposed for a DUI.

– END –