

CONCURRENCE IN SENATE AMENDMENTS

AB 366 (Petrie-Norris and Ransom)

As Amended August 29, 2025

Majority vote

SUMMARY

Extends the sunset of the ignition interlock device ("IID") pilot program currently in place, from January 1, 2026, to January 1, 2033.

Senate Amendments

Delete the previous contents of the bill, and instead, extend the sunset of the IID pilot program currently in place, from January 1, 2026, to January 1, 2033.

COMMENTS

As passed by the Assembly: This bill removes the discretion of courts to determine if a first-time DUI offender must install an IID on every vehicle they operate, and makes permanent certain provisions of the IID pilot program currently in place.

Major Provisions:

- 1) Removes the discretion of courts to make an individualized determination of whether a person convicted of a first-time DUI offense that involved alcohol or both drugs and alcohol and did not cause bodily injury to another person must install an IID, by requiring courts to order such persons to install, maintain, and service an IID for up to six months on every vehicle they operate.
- 2) Makes permanent certain provisions of the IID pilot program created by SB 1046 (Hill), Chapter 783, Statutes of 2016, which required courts, from January 1, 2019 to January 1, 2026, to order the installation of IIDs for repeat DUI offenders and DUIs causing bodily injury to another person, where the conviction involved alcohol or both alcohol and drugs, as follows:
 - a) For a period of one year for a person convicted of a DUI with one prior¹, or a first-time DUI causing bodily injury to another person;
 - b) 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;
 - c) 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; or,

¹ For purposes of this analysis and unless otherwise specified, a "prior" means a separate DUI conviction under Vehicle Code sections 23152 (DUI), 23153 (DUI causing bodily injury), or a "wet reckless" conviction under 23103.5 (plea to reckless driving in satisfaction of an original DUI charge) that occurred within 10 years of the current violation.

- d) For a period of four years for a person convicted of a DUI causing bodily injury to another person with one prior punishable as a specified felony.
- 3) Requires every manufacturer certified by the DMV to provide IIDs to adopt the following fee schedule that provides for the payment of the costs of the IID, the administration of the program, installation of the device, service, maintenance and recalibration of the device, and any other costs associated with the device by persons subject to this chapter in amounts commensurate with that person's income relative to the federal poverty level, as defined, as follows:
- a) A person with an income at 125% of the federal poverty level or below is responsible for 10% 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.
 - b) A person with an income at 126% to 225%, inclusive, of the federal poverty level 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.
 - c) A person with an income at 226% to 325%, inclusive, of the federal poverty level 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.
 - d) A person who is receiving CalFresh benefits and who provides proof of those benefits to the manufacturer or manufacturer's agent or authorized installer is responsible for 50% of the costs associated with the IID, and any additional costs accrued by the person for noncompliance with program requirements.
 - e) A person with an income at 326% to 425%, inclusive, of the federal poverty level 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.
 - f) Makes all other persons responsible for 100% of the costs associated with the IID.
 - g) Makes the manufacturer responsible for the percentage of costs that the person ordered to install an IID is not responsible for, as specified.
 - h) Requires the IID provider to verify the income of the person ordered to install an IID to determine the costs associated with the IID by verifying any of the following documents from the person:
 - i) The previous year's state or federal income tax return.
 - ii) The previous three months of weekly or monthly income statements.
 - iii) Employment Development Department verification of unemployment benefits.
 - i) Provides that at any point during which an IID is installed and in use, an individual shall be permitted to apply for reduced costs, and shall be credited for any previously paid costs that were in excess of the above fee schedule, as specified. An individual shall also be permitted to apply for reduced costs based on a change of income.

- 4) Requires an IID provider to post conspicuously on its internet website and contracts, the fee schedule information established above, and prior to an individual's execution of a contract for an IID, the provider shall also give verbal notification of the fee schedule and how to apply for reduced costs.
- 5) Requires installation service and repair providers to post conspicuously in their place of business and verbally inform a person of the fee schedule information established above, prior to installation and servicing of the device.
- 6) Clarifies that the requirement that an individual who is required to install an IID must arrange for each vehicle with an IID to be serviced by an installer every 60 days in order for the installer to recalibrate and monitor the operation of the device, is subject to the fee schedule described above.
- 7) Requires a copy of the above fee schedule information to also be provided to an individual together with the court order requiring the installation of an IID.
- 8) Requires the DMV to publish and share such fee schedule information, as follows:
 - a) Requires the DMV to post the fee schedule information described above on its internet website.
 - b) Requires the DMV to include the fee schedule information described above in any mailed notice of revocation or suspension that notifies an individual of the requirement to install an IID.
- 9) Requires the DMV to annually report to the Legislature the following information:
 - a) The number of first time DUI offenders with no priors, as specified, who were required to have an IID installed as a result of the IID program established by this bill, who killed or injured anyone in a crash while they were operating a vehicle under the influence of alcohol.
 - b) The number of first time DUI offenders with no priors, as specified, who were required to have an IID installed as a result of the IID program established by this bill, who killed or injured anyone in a crash while they were operating a vehicle and were not under the influence of alcohol.
 - c) The number of first time DUI offenders with no priors, as specified, who were required to have an IID installed as a result of the IID program established by this bill, who were convicted of specified offenses including a DUI, a DUI where the person is under 21 years of age, a DUI causing bodily injury to another person, a "wet reckless" offense, gross vehicular manslaughter while intoxicated, vehicular manslaughter while intoxicated, or vehicular manslaughter, during the term in which the person was required to have the IID installed.

According to the Author

"Every day, drunk drivers kill 37 people in the United States, that's one life lost every 39 minutes. In August, a study showed that California is at the epicenter of the DUI crisis in the

United States, with eight of the 10 cities with the worst DUI rates in the nation. These cities are: Sacramento, Los Angeles, San Jose, Bakersfield, Fresno, San Diego, Long Beach, and Oakland.

"Deaths because of drunk drivers have gone up by 53% in California over the past five years. These aren't just statistics; they represent lives lost, families devastated, and communities impacted.

"Current law in California requires Judges to order Ignition Interlock Devices (IIDs) only for all repeat (2nd or more) offenders. This is despite the fact that, a California DMV study from 2016 found that ignition interlocks are 74% more effective in reducing DUI recidivism than license suspension alone for first offenders during the first six months after conviction. In addition, 35 other states plus Washington D.C. require IIDs for all offenders.

"AB 366 will align California's laws with these other states and require that first time DUI offenders be required to install an Ignition Interlock Device on their vehicle for a period of six months. This is an important step in our fight against drunk driving and will help keep our roads safe."

Arguments in Support

No longer applicable.

Arguments in Opposition

No longer applicable.

FISCAL COMMENTS

According to the Senate Appropriations Committee, "Unknown, costs to the DMV (Motor Vehicle Account (MVA)), likely in the low hundreds of thousands of dollars. DMV costs will include a modification of its IT systems to allow the existing pilot program to continue operating, plus costs for data extraction, technical review, and other additional workload for the required report to the Legislature. In addition, the DMV will incur ongoing costs, likely in the low millions of dollars annually, to continue to operate the pilot program until January 1, 2033.

"According to the Legislative Analyst's Office (LAO), the MVA—the main funding source for the DMV—is expected to fully exhaust its reserves and become insolvent in fiscal year 2025 26. The LAO further warns that the MVA, absent corrective action, such as revenue increases or spending reductions, will experience a negative fund balance of \$1.4 billion in fiscal year 2028 29."

VOTES:

ASM PUBLIC SAFETY: 9-0-0

YES: Schultz, Alanis, Mark González, Bonta, Harabedian, Lackey, Nguyen, Ramos, Sharp-Collins

ASM APPROPRIATIONS: 11-0-4

YES: Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache

ABS, ABST OR NV: Sanchez, Dixon, Ta, Tangipa

ASSEMBLY FLOOR: 78-0-1

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

ABS, ABST OR NV: Bryan

UPDATED

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CONSULTANT: Ilan Zur / PUB. S. / (916) 319-3744

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