

California's **NEW** Ignition Interlock Device Laws

January 2019



▶ California

Beginning January 1, 2019, new California laws go into effect statewide allowing any DUI offender the opportunity to enroll in an ignition interlock device (IID) program as an alternative to a mandatory license suspension.



▶ California

The DMV in 2010 established a pilot program effective until December 31, 2018 in the counties of Alameda, Los Angeles, Sacramento and Tulare generally requiring persons convicted of a DUI to install an IID.



▶ California

Beginning January 1, 2019, the new law establishes a statewide pilot program that focuses on individuals being eligible for an IID during their DMV suspension period and following court conviction for a DUI.



▶ California

In addition to the requirements outlined in this document, the court may also require a person to serve jail time, pay fines, serve probation, perform community service, undergo an alcohol assessment and/or have their vehicle impounded.



A person who is arrested for a DUI is subject to:

DMV
SUSPENSION
OF THEIR
LICENSE

&

COURT CONVICTION
RESULTING IN
SUSPENSION OF
THEIR DRIVER'S
LICENSE

Once Arrested for DUI:

An officer will take possession of the driver's license, serve notice of suspension of the driver's license, and issue a temporary driver's license for 30 days.



Important Differentiators:

IID Restricted License:

**ALLOWS THE
PERSON TO
DRIVE
ANYWHERE**

Restricted License:

**ALLOWS THE
PERSON TO ONLY
DRIVE TO, FROM OR
FOR WORK; OR TO
TREATMENT**

1st DUI BAC ≥ .08

- If the DMV determines the license should not be reinstated (NOTE: A person may request a DMV administrative hearing), the driver's license will be suspended at the end of the 30 day temporary license for up to 5 months for a first offense.
- A person will NOT be given credit for the period of DMV suspension time served with an IID toward their Court ordered suspension.
- Pertinent Forms: DL-107 (Enrollment in a DUI Program); DL-920 (IID Installation); DL-101 (DUI Program Completed); DL-922 (Ignition Interlock Removal).

*The Court may require an IID up to 3 years.

1 st DUI	To/From For Work or Treatment Only	Drive Anywhere	Initial Requirements:	Final Requirements:
	Restricted License	IID Restricted License		
DMV Requirements: Once the DMV determines the driver's license is suspended, a person has three options.				
1 Immediately apply for an IID Restricted License OR	N/A	4 months	IID SR-22 DUI Program All Fees Paid	IID Removed SR-22 DUI Program Complete All Fees Paid
2 Apply for a Restricted Driver's License following a 30 day hard suspension OR	5 months	N/A	SR-22 DUI Program All Fees Paid	SR-22 DUI Program Complete All Fees Paid
3 Person chooses not to drive and their license will be suspended for 4 months.	N/A	N/A	DUI Program	SR-22 DUI Program Complete All Fees Paid
Court Requirements: Upon Court conviction, the driver's license is suspended and one of the following three events will occur:				
1 The Court will order an IID, OR	N/A	6 months*	IID SR-22 DUI Program All Fees Paid	IID Removed SR-22 DUI Program Complete All Fees Paid
2 Court does not order an IID and person applies for an IID Restricted Driver's License, OR	N/A	6 months (10 months if BAC ≥ .20)	IID SR-22 DUI Program All Fees Paid	IID Removed SR-22 DUI Program Complete All Fees Paid
3 Court does not order an IID and person applies for a Restricted Driver's License.	1 year	N/A	SR-22 DUI Program All Fees Paid	SR-22 DUI Program Complete All Fees Paid



2+ DUIs BAC ≥ .08

Offense	Suspension Length	Restricted License	IID Restricted License	Initial Requirements:	Final Requirements:	
DMV Requirements: Once the DMV determines the driver's license is suspended, a person has two options.						
1 Person applies for an IID Restricted Driver's License for the 1 year suspension period.	Second	N/A	N/A	1 year	IID SR-22 DUI Program All Fees Paid	IID Removed SR-22 DUI Program Complete All Fees Paid
	Third					
	Fourth+					
2 Person chooses not to drive for the 1 year suspension period.	Second	1 year	N/A	N/A	DUI Program	SR-22 DUI Program Complete All Fees Paid
	Third					
	Fourth+					
Court Requirements: Upon court conviction, the driver's license is suspended and the person has 2-3 choices.						
1 The DMV will advise the person they may apply for an IID Restricted Driver's License, OR	Second	N/A	N/A	1 year*	IID SR-22 DUI Program All Fees Paid	IID Removed SR-22 DUI Program Complete All Fees Paid
	Third					
	Fourth+					
2 The DMV will advise the person that they may apply for a Restricted Driver's License after 1 year suspension, OR	Second Only	1 year	1 year	N/A	SR-22 DUI Program All Fees Paid	SR-22 DUI Program Complete All Fees Paid
	Third	2 years	N/A	N/A	DUI Program	SR-22 DUI Program Complete All Fees Paid
Fourth+	3 years					
3 Person chooses not to drive for the suspension period.	Second	4 years				
	Third	3 years				
	Fourth+	4 years				

- If the DMV determines the license should not be reinstated (NOTE: A person may request a DMV administrative hearing), the driver's license will be suspended at the end of the 30 day temporary license for 1 year.
 - A person will be given credit for the period of DMV suspension time served with an IID toward their Court ordered suspension.
 - Pertinent Forms: DL-107 (Enrollment in a DUI Program); DL-920 (IID Installation); DL-101 (DUI Program Completed); DL-922 (Ignition Interlock Removal).
- *The Court may require an IID up to 3 years



	To/ From For Work or Treatment Only	Drive Anywhere	Initial Requirements:	Final Requirements:
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1st DUI with Bodily Injury

DMV Requirements: Once the DMV determines the driver's license is suspended, a person has three options.					
1	Immediately apply for an IID Restricted License OR	N/A	4 months	IID SR-22 DUI Program All Fees Paid	IID Removed SR-22 DUI Program Complete All Fees Paid
2	Apply for a Restricted Driver's License following a 30 day hard suspension OR	5 months	N/A	SR-22 DUI Program All Fees Paid	SR-22 DUI Program Complete All Fees Paid
3	Person chooses not to drive and their license will be suspended for 4 months.	N/A	N/A	DUI Program	SR-22 DUI Program Complete All Fees Paid
Court Requirements: Upon Court conviction, the driver's license is suspended a the person has 2 choices:					
1	DMV will advise the person they may apply for an IID Restricted Driver's License, OR	N/A	1 year*	IID SR-22 DUI Program All Fees Paid	IID Removed SR-22 DUI Program Complete All Fees Paid
2	Person chooses to not install an IID and their driver's license will be suspended for 1 year.	N/A	N/A	DUI Program	SR-22 DUI Program Complete All Fees Paid

1st DUI BAC ≥ .08 w/ Bodily Injury

- If the DMV determines the license should not be reinstated (NOTE: A person may request a DMV administrative hearing), the driver's license will be suspended at the end of the 30 day temporary license for up to 5 months for a first offense.
- A person will be given credit for the period of DMV suspension time served with an IID toward their Court ordered suspension.
- Pertinent Forms: DL-107 (Enrollment in a DUI Program); DL-920 (IID Installation); DL-101 (DUI Program Completed); DL-922 (Ignition Interlock Removal).

*The Court may require an IID up to 3 years



Drive Anywhere

2+ DUIs with Bodily Injury

	Offense	Suspension Length	IID Restricted License	Initial Requirements:	Final Requirements:
DMV Requirements: Once the DMV determines the driver's license is suspended, a person has two options.					
1 Person applies for an IID Restricted Driver's License for the 1 year suspension period.	Second	N/A	1 year	IID SR-22 DUI Program All Fees Paid	IID Removed SR-22 DUI Program Complete All Fees Paid
	Third+				
2 Person chooses not to drive for the 1 year suspension period.	Second	1 year	N/A	DUI Program	SR-22 DUI Program Complete All Fees Paid
	Third+				
Court Requirements: Upon notice of court conviction, the driver's license is suspended and the person has 2 choices.					
1 The DMV will advise the person they may apply for an IID Restricted Driver's License, OR	Second	N/A	2 years*	IID SR-22 DUI Program All Fees Paid	IID Removed SR-22 DUI Program Complete All Fees Paid
	Third+		3 years*		
2 Person chooses not to install an IID and their license will be suspended.	Second	2 years	N/A	DUI Program	SR-22 DUI Program Complete All Fees Paid
	Third+	3 years			

**2+ DUIs
BAC ≥ .08
w/ Bodily Injury**

- If the DMV determines the license should not be reinstated (NOTE: A person may request a DMV administrative hearing), the driver's license will be suspended at the end of the 30 day temporary license for up to 1 year.
- A person will be given credit for the period of DMV suspension time served with an IID toward their Court ordered suspension.
- A non-IID Restricted License option is not available in this scenario.
- Pertinent Forms: DL-107 (Enrollment in a DUI Program); DL-920 (IID Installation); DL-101 (DUI Program Completed); DL-922 (Ignition Interlock Removal).

*The Court may require an IID up to 3 years



1st Wet Reckless Driving

To/ From For Work or Treatment Only

Drive Anywhere

1st Wet Reckless Driving

	Restricted License	IID Restricted License	Initial Requirements:	Final Requirements:
DMV Requirements: Once the DMV determines the driver's license is suspended, a person has three options.				
1 Immediately apply for an IID Restricted License OR	N/A	4 months	IID SR-22 DUI Program All Fees Paid	IID Removed SR-22 DUI Program Complete All Fees Paid
2 Apply for a Restricted Driver's License following a 30 day hard suspension OR	5 months	N/A	SR-22 DUI Program All Fees Paid	SR-22 DUI Program Complete All Fees Paid
3 Person chooses not to drive and their license will be suspended for 4 months.	N/A	N/A	DUI Program	SR-22 DUI Program Complete All Fees Paid
Court Requirements: Upon Court conviction, the driver's license is suspended and the following may occur:				
The Court may order an IID	N/A	3-6 months*	IID SR-22 DUI Program All Fees Paid	IID Removed SR-22 DUI Program Complete All Fees Paid

- Wet Reckless Driving is a DUI charge reduced to reckless driving that involved alcohol.
- If the DMV determines the license should not be reinstated (NOTE: A person may request a DMV administrative hearing), the driver's license will be suspended at the end of the 30 day temporary license for up to 5 months for a first offense.
- A person will be given credit for the period of DMV suspension time served with an IID toward their Court ordered suspension.
- Pertinent Forms: DL-107 (Enrollment in a DUI Program); DL-920 (IID Installation); DL-101 (DUI Program Completed); DL-922 (Ignition Interlock Removal).

*The Court may require an IID up to 3 years



2+ Wet Reckless Driving

Drive Anywhere

2+ Wet Reckless Driving		Offense	Suspension Length	IID Restricted License	Initial Requirements:	Final Requirements:
DMV Requirements: Once the DMV determines the driver's license is suspended, a person has two options.						
1 Person applies for an IID Restricted Driver's License for the 1 year suspension period, OR	Second	N/A	1 year	IID SR-22 DUI Program All Fees Paid	IID Removed SR-22 DUI Program Complete All Fees Paid	
	Third					
	Fourth+					
2 Person chooses not to drive for the 1 year suspension period.	Second	1 year	N/A	DUI Program	SR-22 DUI Program Complete All Fees Paid	
	Third					
	Fourth+					
Court Requirements: Upon court conviction, the driver's license is suspended and the following may occur:						
The court may order an IID.	Second	N/A	3-12 months*	IID SR-22 DUI Program All Fees Paid	IID Removed SR-22 DUI Program Complete All Fees Paid	
	Third		3-24 months*			
	Fourth+		3-36 months*			

- Wet Reckless Driving is a DUI charge reduced to reckless driving that involved alcohol.
- If the DMV determines the license should not be reinstated (NOTE: A person may request a DMV administrative hearing), the driver's license will be suspended at the end of the 30 day temporary license for 1 year.
- A person will be given credit for the period of DMV suspension time served with an IID toward their Court ordered suspension.
- A non-IID Restricted License option is not available in this scenario.
- Pertinent Forms: DL-107 (Enrollment in a DUI Program); DL-920 (IID Installation); DL-101 (DUI Program Completed); DL-922 (Ignition Interlock Removal).

*The Court may require an IID up to 3 years



1st DUI Refuse/Fail to Complete Test
To/ From For Work or Treatment Only
Drive Anywhere

	Suspension Length	Restricted License	IID Restricted License	Initial Requirements:	Final Requirements:
DMV Requirements:					
The DMV will immediately suspend the driver's license	1 year	N/A	N/A	DUI Program	SR-22 DUI Program Complete All Fees Paid
Court Requirements: Upon court conviction, the driver's license is suspended and one of the following three events will occur:					
1 The court will order an IID, OR	N/A	N/A	6 months*	IID SR-22 DUI Program All Fees Paid	IID Removed SR-22 DUI Program Complete All Fees Paid
2 Court does not order an IID and person applies for an IID Restricted Driver's License, OR	N/A	N/A	6 months* (10 months if BAC ≥ .20)	IID SR-22 DUI Program All Fees Paid	IID Removed SR-22 DUI Program Complete All Fees Paid
3 Court does not order an IID and person applies for a Restricted Driver's License.	N/A	1 year	N/A	SR-22 DUI Program All Fees Paid	SR-22 DUI Program Complete All Fees Paid

1st DUI Refuse / Fail to Complete Test

- If the DMV determines the license should not be reinstated (NOTE: A person may request a DMV administrative hearing), the driver's license will be suspended at the end of the 30 day temporary license for 1 year.
- A person will be given credit for the period of DMV suspension time served toward their Court ordered suspension.
- Pertinent Forms: DL-107 (Enrollment in a DUI Program); DL-920 (IID Installation); DL-101 (DUI Program Completed); DL-922 (Ignition Interlock Removal).

*The Court may require an IID up to 3 years



To/ From For Work or Treatment Only

Drive Anywhere

2+ DUI Refuse/Fail to Complete Test

	Offense	Suspension Length	Restricted License	IID Restricted License	Initial Requirements:	Initial Requirements:
DMV Requirements:						
The DMV will immediately suspend the driver's license	Second	2 years	N/A	N/A	DUI Program	SR-22 DUI Program Complete All Fees Paid
	Third	3 years				
	Fourth+	3 years				
Court Requirements: Upon court conviction, the driver's license is suspended and the person has 2-3 choices.						
1 The DMV will advise the person they may apply for an IID Restricted Driver's License, OR	Second	N/A	N/A	1 year*	IID SR-22 DUI Program All Fees Paid	IID Removed SR-22 DUI Program Complete All Fees Paid
	Third			2 years*		
	Fourth+			3 years		
2 The DMV will advise the person that they may apply for a Restricted Driver's License after 1 year suspension, OR	Second Only	1 year	1 year	N/A	SR-22 DUI Program All Fees Paid	SR-22 DUI Program Complete All Fees Paid
3 Person chooses not to drive for the suspension period.	Second	2 years	N/A	N/A	DUI Program	SR-22 DUI Program Complete All Fees Paid
	Third	3 years				
	Fourth+	4 years				

2+ DUI Refuse / Fail to Complete Test

- If the DMV determines the license should not be reinstated (NOTE: A person may request a DMV administrative hearing), the driver's license will be suspended at the end of the 30 day temporary license for up to 3 years.
- A person will be given credit for the period of DMV suspension time served toward their Court ordered suspension.
- Pertinent Forms: DL-107 (Enrollment in a DUI Program); DL-920 (IID Installation); DL-101 (DUI Program Completed); DL-922 (Ignition Interlock Removal).

*The Court may require an IID up to 3 years



Drive Anywhere

1+ DUI Refuse / Fail to Complete Test with Bodily Injury

1+ DUI Refuse / Fail to Complete Test with Bodily Injury

	Offense	Suspension Length	IID Restricted License	Initial Requirements:	Final Requirements:
DMV Requirements:					
The DMV will immediately suspend the driver's license	First	1 year	N/A	DUI Program	SR-22 DUI Program Complete All Fees Paid
	Second	2 years			
	Third+	3 years			
Court Requirements: Upon notice of court conviction, the driver's license is suspended and the person has 2 choices.					
1 The DMV will advise the person they may apply for an IID Restricted Driver's License, OR	First	N/A	1 year*	IID SR-22 DUI Program All Fees Paid	IID Removed SR-22 DUI Program Complete All Fees Paid
	Second		2 years*		
	Third+		3 years		
2 Person chooses not to drive for the suspension period.	First	1 year	N/A	DUI Program	SR-22 DUI Program Complete All Fees Paid
	Second	2 years			
	Third+	3 years			

- If the DMV determines the license should not be reinstated (NOTE: A person may request a DMV administrative hearing), the driver's license will be suspended at the end of the 30 day temporary license for up to 3 years.
- A person will be given credit for the period of DMV suspension time served toward their Court ordered suspension.
- A non-IID Restricted License option is not available in this scenario.
- Pertinent Forms: DL-107 (Enrollment in a DUI Program); DL-920 (IID Installation); DL-101 (DUI Program Completed); DL-922 (Ignition Interlock Removal).

*The Court may require an IID up to 3 years



Can a person who is charged with refusal still opt for an IID restricted drivers license to drive immediately?

No. Upon arrest a temporary license will be issued for 30 days. Depending on the number of offenses, the DMV may determine at the end of the 30 days the license will be suspended for 1 to 3 years. Upon conviction, the license may be also suspended and they may be ordered to install an IID for 6 months to 3 years.

If the court does not order an IID, the person has the choice to install an IID from 6 months to 3 years depending on the offense. A person will be given credit for the period of DMV suspension time served toward their court ordered suspension time.

Is a person required to request a DMV hearing?

No. Upon arrest, a person will be issued a temporary driver's license for 30 days. The DMV will serve the person with notice of order of suspension and the person has the right to request an administrative hearing within 10 days of receipt. If after hearing the DMV sustains the order of suspension, the person has the right within 30 days of the notice to petition for review of the order in court.



May a person install an IID during the 30 day temporary driver's license?

Yes. A person does not have to wait until the end of their 30 day period to install an IID. However, to receive DMV credit, the person must provide the DMV with the following.

- Proof of enrollment in a DUI program (DMV Form DL -107)
- Provide proof of SR-22
- Proof of IID installation (DMV Form DL-920)
- Paid all fees required by the DMV



▶ California

Does a person who installs an IID during the DMV suspension period receive credit for the IID upon court conviction?

Yes and No.

No, if the person is charged with a 1st DUI with a BAC \geq .08.

Yes, for all other offenses, if the person applies for an IID and meets all of the application criteria the person will receive credit.



What is wet reckless driving and how does it impact the DMV suspension period?

Wet reckless is a DUI charge that can be reduced to reckless driving that involved alcohol as a reduced plea arrangement in court. At the time of arrest, the DMV would not be aware of this reduced plea arrangement and therefore the DMV would suspend the person's license on the basis of the DUI offense at the time of the arrest.

▶ California

Once a person has a valid IID restricted license, what is considered failure to comply with program requirements and how is the IID restricted license restored?

The manufacturer/installer must file with the DMV a Notice of Non-Compliance Ignition Interlock (DMV Form DL 921) if the IID indicates the person has attempted any of the following.

- Bypass (i.e., failure to take or pass a random retest with a BAC \gt .03)
- Tampering
- Removal
- 3 or more missed service appointments
- Failure to service the IID within 60 day intervals

If a person fails to comply with requirements, the period in which the person is not in compliance is not be credited towards the term for which the IID is required to be installed. Their driving privileges will remain suspended for the rest of the original suspension or until all reinstatement requirements are met. At that time the person will be able to operate under their restricted license for the rest of their original suspension.



What is the scope of the new laws that take effect January 1, 2019?

The requirements of the new laws that take effect January 1, 2019 will impact all drivers arrested on or after January 1, 2019.



For a 1st DUI BAC \geq .08, is it the Judge's discretion to order an IID?

Once convicted for a 1st DUI with a BAC \geq .08, the Judge will suspend driving privileges for 6 months and may order an IID. Should the judge not order an IID for 6 months has the following choices.

- Person chooses to install an IID for 6 months (i.e., 10 months if BAC \geq .020) and drives anywhere, or
- Person chooses a restricted license for 1 year and is limited to driving to, from, and during work and driving to and from their DUI treatment program, or
- The person chooses to not drive for 6 months

Can a person operate a commercial vehicle after being arrested for a DUI?

Yes and No.

Regardless of whether the DUI offense occurred in a commercial or non-commercial vehicle, the person may apply for an IID restricted non-commercial driver's license (i.e., 4 months 1st DUI and 12 months 2nd and subsequent DUI). The person will not be eligible for an IID restricted commercial driver's license.

Upon court conviction for a first offense related to alcohol, a person cannot operate a commercial vehicle for 1 to 3 years. If convicted by the court of more than one violation related to alcohol, the person will not operate a commercial vehicle for the rest of the person's life. The person must notify their employer within 30 days of the court conviction.

What is an employee's responsibility to notify their employer that their driving privilege has been restricted by the DMV or the court?

If an employee is required to operate a vehicle for his/her employment and the vehicle is owned by the employer, the employee to operate the vehicle must provide the employer with Notice to Employers Ignition Interlock Restriction (DMV Form DL 923) and the person must carry a copy of the Notice while driving the employer's vehicle.

EXCEPTION: If the business is totally or partially owned or controlled by a person whose driving privileges have been restricted by the DMV or court, the person must drive the company vehicle with an IID.



ANY QUESTIONS?

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