

Date of Hearing: July 13, 2015

ASSEMBLY COMMITTEE ON TRANSPORTATION  
Jim Frazier, Chair  
SB 61 (Hill) – As Amended April 7, 2015

**SENATE VOTE:** 40-0

**SUBJECT:** Driving under the influence: ignition interlock device.

**SUMMARY:** Extends the existing Department of Motor Vehicle's (DMV) Ignition Interlock Device (IID) pilot project to July 1, 2017.

**EXISTING LAW:**

- 1) Provides that it is 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.
- 2) Provides that it is unlawful for any person to drive a vehicle, while having 0.08% or more, by weight, of alcohol (BAC) in his or her blood.
- 3) Provides that a person convicted of driving under the influence of alcohol (DUI) for the first time may apply for a restricted license if specific requirements are met and all applicable fees are paid.
- 4) Authorizes the court to require a person convicted of a first-time DUI, as specified, to install an IID on any vehicle that person operates and to further prohibit the operation of any vehicle without an installed IID. Additionally, directs the court to give heightened consideration of this requirement to a first-time violator convicted of a DUI with a BAC of .15% or greater.
- 5) Provides that a second or subsequent DUI offender can get his or her license reinstated earlier if he or she agrees to install an IID along with his or her enrollment in the required program, proof of insurance, and payment of specified fees.
- 6) Creates an IID pilot project in Alameda, Los Angeles, Sacramento and Tulare Counties requiring a person convicted of a DUI to install an IID for 5 months upon a first offense, 12 months for a second offense, 24 months for a third offense and for 36 months for a fourth or subsequent offense. Requires the IID pilot project to end on January 1, 2016.
- 7) Requires DMV to report to the Legislature regarding the effectiveness of the IID pilot project to reduce the number of first-time violations and repeat DUI offenses.

**FISCAL EFFECT:** Unknown

**COMMENTS:** AB 91 (Feuer), Chapter 217, Statutes of 2009, created an IID pilot project in four counties which mandates the use of an IID for all, including first-time, DUI offenders. AB 91 required DMV to provide a report to the Legislature by January 2015 regarding the effectiveness of the pilot project in reducing the number of first-time violations and repeat offenses in the specified counties.

The rationale for a pilot project was to see what impact a mandatory IID program has on recidivism amongst motorists within the state. While the effectiveness of IIDs has been studied by a number of organizations, the results have been mixed because in many cases, states began mandating IIDs at the same time they strengthened other sanctions. As a result, it has been difficult for researchers to determine if an IID mandate is an effective deterrent in reducing DUI recidivism without also factoring in other sanctions at the same time.

California has had a complex group of sanctions including high fines, jail time, licensing sanctions, mandatory drinker-driver treatment programs and optional IID policies in place since the mid-1980's. AB 91 was enacted to allow DMV to evaluate how best a mandatory IID system should work if implemented statewide. By evaluating four counties, the counties without the mandatory programs act like a control group for the researchers at DMV. DMV would then issue a report to the Legislature to provide direction on the appropriate policy changes, if necessary, are to be made to help reduce DUI recidivism in California.

In January of this year, DMV released their report on the pilot project with the report finding that even though IID installation rates increased dramatically in the pilot counties to include 42.4% of all DUI offenders combined (compared to 2.1% during the pre-pilot period), the study found that there were no differences in the rates of DUI convictions in the pilot counties among first, second, and third-or-more DUI offenders during the pilot program as compared to the pre-pilot program. As a result, the pilot project showed no "general deterrent" effect of requiring the installation of an IID by all offenders. Thus, requiring the installation did not result in fewer DUI's in the pilot counties.

However, by the report's January 2015 due date, DMV was not able to gather sufficient data to fully assess the overall effectiveness that an IID mandate has on motorists in participating counties. SB 61 extends the pilot project until July 1, 2017, to give time for the DMV to complete a full assessment of the pilot program. The author notes that extending the program for one and a half years will allow DMV to complete this assessment and provide the Legislature with time to review and determine if and how to move forward with a statewide mandatory IID program.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

Advocates for Highway and Auto Safety  
Alameda County District Attorney's Office  
Alameda County Sheriff's Office  
American Nurses Association/California  
California Association of Highway Patrolmen  
California State Sheriffs' Association  
County of San Diego  
Crime Victims United of California  
Emergency Nurses Association, California State Council  
Los Angeles County District Attorney's Office  
Mothers Against Drunk Driving  
National Football League  
National Safety Council  
National Transportation Safety Board

Peace Officers Research Association of California  
Tulare County Board of Supervisors

**Opposition**

None on file

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