

Occupational Licensing Industry News OLIN 2012-01

Early Reinstatement With IID Installation for Wet Reckless W/Priors

New Legislation

Effective January 1, 2012, new legislation amends *California Vehicle Code (CVC)* §13353.3 to allow individuals convicted of up to two "wet reckless" (CVC §23103, disposition code "R") violations to end their one-year Administrative Per Se (APS) driver license suspension after 90 days and apply for a restriction, if certain requirements are met. Requirements include installation of a certified ignition interlock device (IID) on vehicles they own or operate.

Notification

The Department of Motor Vehicles (DMV) will notify all eligible offenders convicted of a wet-reckless offense of the early reinstatement option and provide them with the contact information for all IID manufacturers currently authorized in California.

Requirements

Eligible drivers **must** provide DMV all of the following to reinstate their driving privilege and obtain an IID-restricted driver license:

- Verification of Installation Ignition Interlock (DL 920, REV. 11/2010) (sample attached).
- Proof of Financial Responsibility (SR 22).
- Proof of Enrollment Certificate (DL 107) or Notice of Completion Certificate (DL 101) of an approved nine-month alcohol treatment program (enrollment, participation, and completion of the program shall be subsequent to the current violation).
- \$40 administrative service fee (ASF), \$15 optional restriction fee, and all applicable reissue fees.

Upon receipt of all required documents and fees, DMV will reinstate the APS suspension action and update an IID restriction. The IID restriction will remain in effect until the original suspension period ends **and** until proof of completion of a DUI program (9 months or longer) has been provided.

IID Non-compliance

The *California Code of Regulations* require installers to submit an Ignition Interlock Notice of Removal (DL 922) form to DMV within three working days of removing an IID from a vehicle and a Notice of Non-Compliance Ignition Interlock (DL 921) within three working days if the device indicates that the participant has attempted to remove, bypass, or tamper with the device, or if the participant fails three or more times to comply with any maintenance or calibration requirements.

DMV will immediately terminate the restriction and suspend the driving privilege upon receipt of notification (DL 921 or DL 922) from the IID installer that a customer failed to comply or removed the IID early with any of the IID program requirements. The remainder of the original APS suspension period will be imposed.

Requirements, *continued*

DUI Program Non-compliance

DMV will immediately terminate the restriction and suspend the driver's driving privilege upon receipt of Notice of Non-Compliance (DL 101A) from the DUI program provider indicating the person has failed to comply with the program requirements.

The remainder of the original APS suspension period will be imposed.

Driver Eligibility

To check a driver's eligibility for IID installation or removal, IID installers can use existing inquiry procedures by faxing a completed Ignition Interlock Device (IID) Installation & Removal Request (DL 925, REV. 3/2011) (sample attached) to the Mandatory Actions Unit (MAU) at (916) 657-9042 (this fax line is for IID installers only) or by calling the IID installer dedicated telephone number.

Future Revision of the DL 920 Form

The DL 920 will be revised in the future to reflect the new required \$40 ASF for wet-reckless offenders that take advantage of early reinstatement. Until then, installers should utilize the current DL 920 for these customers.

Background

Under current laws, driving under the influence (DUI) offenders (alcohol-only, no drugs) with a prior DUI-related conviction have the option to end their one-year APS suspension after 90 days by participating in the IID program. However, individuals convicted of a wet-reckless with one or two prior alcohol-related offenses do not have the same option, even though a wet-reckless is considered a less serious offense. The provisions of the new legislation are intended to correct this inequity.

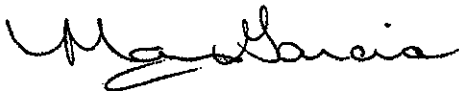
Distribution

Notification that this memo is available online at www.dmv.ca.gov/pubs/olin was made via California DMV's Automated E-mail Alert Service in January 2012 to the following:

- Ignition Interlock Device Program Providers

Contact

IID installers may contact the Driver Licensing MAU at (916) 657-6525 for information regarding this program.



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Attachments (2)