

Order to Adopt

Title 13, Division 1, Chapter 1

Article 2.5. Driving Under the Influence Program

§ 120.00. Purchase and Use of Notice of Completion Certificates.

(a) A Driving Under the Influence (DUI) Program provider shall use Notice of Completion Certificates, DL 101 (REV 1/2007), purchased from the department only for submission to the department for participants who have satisfactorily completed the course of instruction offered by the provider. Except as required by subdivision (g), a DUI Program provider shall not issue, sell, loan, or transfer the certificates to the program participant, any other DUI Program provider, person, or entity.

(b) The department shall charge a fee of \$3.00 per Notice of Completion Certificate.

(c) A DUI Program provider may purchase Notice of Completion Certificates in books of fifty (50) from the department's headquarters office. Requests to purchase completion certificates shall be mailed to:

DEPARTMENT OF MOTOR VEHICLES

FORMS AND ACCOUNTABLE ITEMS SECTION - MS G202

PO BOX 932382

SACRAMENTO, CALIFORNIA 94232-3820

(1) The request to purchase completion certificates shall be on a Request for DUI Program Forms, DL 101R (Rev. 12/2010), which shall be completed in full and shall contain the printed name and original signature of the program director or any employee authorized by the program director to order completion certificates. The DL 101R, is herein incorporated by reference.

(A) A DUI Program Director may authorize only one employee per licensed location to purchase or order DUI certificates and only two employees per licensed location to sign completed certificates by submitting a DUI Program Signatory Authority, DL 101S (Rev. 12/2010), which shall be completed in full and include the printed name and title of the employee, the effective date of the authorization, the employee's signature, and the DUI Program Director's printed name and signature. The DL 101S is herein incorporated by reference.

(B) A DUI Program Director may delete the authorization of an employee to purchase or order DUI certificates or to sign completed certificates by submitting, a DL 101S, which shall be completed in full and include the name of the deleted employee, the effective date of the deletion, and the printed name and signature of the DUI Program Director.

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(C) The DL 101S must be submitted at least five (5) days prior to the effective date of the employee authorization or deletion.

(2) The department shall mail the completion certificates only to the address of record for the DUI Program provider.

(A) Each DUI Program provider shall have only one address of record for each licensed location at a time, which shall be consistent with the mailing or site address given to the Department of Alcohol and Drug Programs and printed in the Directory of DUI Program Service Providers.

(B) Any changes to the DUI Program provider's address of record that occur between Directory update publications must be made, in writing, on the letterhead stationery of the DUI provider, signed by the DUI Program Director, and mailed to the Department of Alcohol and Drug Programs prior to requesting completion certificates at the new address.

(d) The DUI Program provider shall maintain the pink copy of the Notice of Receipt of DUI Program Certificates, ADM 518A(New 5/2002) issued by the department with each shipment of DUI certificates as proof of receipt of completion certificates as a business record for four years from the date the ADM 518A is issued. The Notice of Receipt of DUI Program Certificates, ADM 518A (New 5/2002) is herein incorporated by reference.

(1) The DUI program provider shall sign and mail back the white copy of the ADM 518A to the Department of Motor Vehicles' Forms and Accountable Items Section as evidence of receipt of the completion certificates.

(A) Until the department receives the white copy of the ADM 518A, the department will not authorize the acceptance of the completion certificates issued under that individual ADM 518A.

(B) If the department does not receive the copy of the signed ADM 518A from the DUI Program provider within eight weeks of the shipping date, the department may cancel the completion certificates shipped under the ADM 518A, and those completion certificates will not be accepted by the department.

(2) If the department cancels completion certificates pursuant to this section, no refund of the fees for the canceled certificates will be authorized.

(e) The department shall cancel any completion certificates for which the department received payment by check that is dishonored when presented for payment. The DUI Program provider shall surrender the canceled completion certificates to the department upon notification and demand for surrender.

(f) The department shall replace in full books of fifty (50), without a charge, those completion certificates which are damaged during the manufacturing and/or shipping process, or any completion certificates shipped, but not received as a full book of fifty (50).

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(1) If the DUI program provider chooses to request replacement of the completion certificates, the provider shall submit a DL 101R and shall complete it in full to include: a list of the numbers for the completion certificates for which replacement is requested, the reason for the replacement request, and a statement, signed under penalty of perjury under the laws of the State of California by the DUI program director or the authorized employee, that the information contained in the replacement request is true and correct.

(2) The DUI program provider shall retain the original certificate and all copies of the damaged completion certificates or those received individually as incomplete books in numerical sequence in the original book until they are destroyed pursuant to Section 9867 Subdivision (f) of Title 9, California Code of Regulations.

(g) When proof of completion of a DUI Program is required by the Vehicle Code, and the program participant completes all program requirements, the DUI Program provider shall complete the DMV copy of the DL 101 and submit it directly to the department. The program provider shall also submit the court copy of the DL 101 to court, and give the participant the participant copy. The department will only accept the completed original DMV copy from the program provider as acceptable proof of program completion.

(1) DUI Program providers may submit completed certificates by express mail to:

DEPARTMENT OF MOTOR VEHICLES
MANDATORY ACTIONS UNIT
2570 24TH STREET - MS J 233
SACRAMENTO, CALIFORNIA 95818

(2) DUI Program providers may submit completed certificates by regular mail to:

DEPARTMENT OF MOTOR VEHICLES
MANDATORY ACTIONS UNIT
PO BOX 942890
SACRAMENTO, CALIFORNIA 94290-0001

(3) DUI Program providers who have been authorized by the department to submit completion certificates via electronic medium may submit completion certificates electronically to the department as authorized.

(h) The Vehicle Code requirements for a person to give, provide, or submit proof of completion of a DUI Program satisfactory to the department, shall be satisfied by a program participant when he or she completes all program requirements and signs the Notice of Completion Certificate (DL 101) or the Participant's Certification of DUI Program Enrollment or Completion, DL 804 (REV 1/2003) WWW, and the completed DL 101 is received by the department.

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(1) The DL 804 (REV 1/2003) WWW, shall be used only when the participant is unavoidably absent and therefore unavailable to sign the Completion Certificate (DL 101) at the time it is issued by the program provider as evidence of the participant's program completion. The Participant's Certification of DUI Program Enrollment or Completion, DL 804 (REV 1/2003) WWW, is herein incorporated by reference.

(2) The DL 804 shall be retained by the DUI Program provider for the period required by Section 9866 of Title 9, California Code of Regulations, and shall be made available to the department immediately upon request.

(3) If an electronic completion certificate is submitted from a DUI Program provider that the department has authorized to submit completion certificates electronically, the participant's original signature which attests under penalty of perjury that he or she has completed all required DUI Program components will be captured on a DL 804 and retained by the DUI Program provider for the period required by Section 9866 of Title 9, California Code of Regulations. This document shall be made available to the department immediately upon request.

(i) The department will only accept completion certificates that contain all the information requested on the completion certificates. Incomplete or illegible certificates received by the department will be retained by the department and a DUI Program provider who submits an incomplete or illegible certificate will be required to submit a fully completed and legible certificate in place of the incomplete or illegible certificate.

(j) The department will only accept from a DUI Program provider those completion certificates that the department has assigned and shipped to that DUI Program provider, or electronic completion certificates from those program providers that the department has authorized to submit completion certificates electronically.

~~(k) The department will not accept completion certificates that are submitted more than four years from the date they were issued by the program provider.~~

Note: Authority cited: Sections 1651 and 13353.45, Vehicle Code. Reference: Sections 1801, 1801.1, 13352, 13352.1, 13352.4, 13352.5, 13353.4 and 13353.45, Vehicle Code

§ 120.03. Notice of Non-Compliance.

A Driving Under the Influence (DUI) Program provider shall submit to the department a Notice of Non-Compliance, form DL 101A (Rev. 10/1999), which is hereby incorporated by reference, for participants who have failed to comply with the program requirements as specified in Section 9886 of Title 9, California Code of Regulations.

Note: Authority cited: Section 1651, Vehicle Code. Reference: Sections 1801, 1801.1, 13352, 13352.1, 13352.4, 13352.5, 13353.6, 13353.7, and 13353.75, Vehicle Code.

§ 124.92. Termination of Suspension or Revocation.

(a) A person applying for termination of a suspension or revocation pursuant to Section 13353.5 of the Vehicle Code shall complete an Application for Termination of Action ~~Section 13353.5 California Vehicle Code, DL 4006 (Rev. 11/2003)~~ (New 1/2019), which is hereby incorporated by reference. ~~The DL 4006 shall be completed to include:~~

- ~~(1) The full name and birthdate of the individual.~~
- ~~(2) The California driver license number or file number assigned by the department in the absence of a California driver license number.~~
- ~~(3) The current home and day telephone numbers, if available.~~
- ~~(4) The current residence and mailing address.~~
- ~~(5) A statement authorizing the department to cancel any California Driver License issued to the applicant if the applicant's suspension or revocation is terminated as requested.~~
- ~~(6) A statement, signed and dated under penalty of perjury under the laws of California, that the individual is a resident of a state other than California, has read and understood Section 12505 of the Vehicle Code, regarding residency requirements and Section 13353.5 of the Vehicle Code, regarding termination of suspension or revocation for nonresidents; and that the information provided on the application is true and correct.~~

(b) All applications submitted pursuant to subdivision (a) shall include documented proof of out-of-state residency. ~~Proof of out of state residency shall include one or more of the following documents in the name and current residence address of the applicant: An acceptable out-of-state residency document is:~~

- (1) Receipts for payment of resident tuition at a public institution of higher education or school records.
- ~~(2) Utility bills issued by a utility company. Home utility bill including cellular phone bill.~~
- (3) Documents issued by a licensing authority indicating a current application for a driver license in the state of residence.
- ~~(4) Tax records issued by a State or Federal agency.~~
- ~~(5) Home rental or leasing contracts, filing of homeowner's property tax exemption or homestead exemption certificate.~~
- ~~(4)~~(6) Official voter registration documents.
- ~~(5)~~(7) Official document issued by a governmental agency that can be used by the department to prove residency.
- (6) Rental or lease agreement with the signature of the owner/landlord and the tenant/resident.

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- (7) Deed or title to residential real property.
- (8) Mortgage bill.
- (9) Filing of homeowner's property tax exemption or homestead exemption certificate.
- (10) Medical document.
- (11) Employment document.
- (12) Insurance document, including medical, dental, vision, life, home, rental, and vehicle.
- (13) Change of Address Confirmation by the United States Postal Service.
- (14) Property tax bill or statement.
- (15) Faith based document that includes the name and address of the issuing organization.
- (16) Tax return documents.
- (17) Record of financial institution.
- (18) Court documents that list the applicant as a resident outside of California.

~~(e) Applicants who have received a prior termination of a suspension or revocation pursuant to Section 13353.5 of the Vehicle Code are not eligible to receive a subsequent termination of a suspension or revocation action pursuant to Vehicle Code Section 13353.5.~~

~~(d)~~(c) Upon receipt of the completed DL 4006 and ~~supporting out-of-state residency~~ documents, if the department determines that the driver meets the requirements of Section 13353.5 of the Vehicle Code, the suspension or revocation pursuant to Section 13352, 13352.1, or 13352.4 of the Vehicle Code may be terminated. Any other action against the driving privilege of the driver shall remain in full force until the driver meets the requirements for ending that action.

Note: Authority cited: Section 1651, Vehicle Code. Reference: Sections 516, 12505, 13352, 13352.4, 13353.4, 13353.5 and 15024, Vehicle Code.

§ 124.95. Restriction Fee.

~~Pursuant to Sections 13352, subdivisions (a)(3) through (a)(7), 13352.1 and 13352.5 of the Vehicle Code, a~~Notwithstanding any other law, an additional \$15 restriction fee is required to be paid upon initial application for a restricted driver license pursuant to Vehicle Code sections 13352(a)(1) through (a)(7), 13352.1, 13352.4, and 13352.5. ~~This fee is in addition to all other fees required by the Vehicle Code, and shall be paid prior to the issuance of a restricted driver license.~~

Note: Authority cited: Sections 1651, 13352, 13352.1, 13352.4, and 13352.5, Vehicle Code. Reference: Sections 13352, 13352.1, 13352.4 and 13352.5, Vehicle Code.

Article 2.55. California Ignition Interlock Device Program

§ 125.00. Definitions.

As used in this article, the following definitions shall apply:

- (a) “Ignition interlock device” 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 setpoint, while locking the ignition when the breath test results is at or above the alcohol setpoint.
- (b) The “alcohol setpoint” is the breath alcohol concentration at which the ignition interlock device is set to lock the ignition. The alcohol setpoint is the nominal lockpoint at which the ignition interlock device is set at the time of calibration. The lockout setting shall be at 0.03 percent breath alcohol concentration.
- (c) To “tamper” with an ignition interlock device, as used in Vehicle Code section 23575, means an overt, conscious attempt to alter, physically disable, or disconnect the ignition interlock device from its power source, and thereby allow a person with a breath alcohol concentration above the setpoint to start the engine. Examples of tampering with an ignition interlock device include, but are not limited to, the following:
 - (1) Altering the wiring of the vehicle which will allow the starting of the vehicle without blowing a passing test.
 - (2) Modifying the functionality of the breath unit.
 - (3) Altering, deleting, or modifying the electronic log.
- (d) “Manufacturer” means any individual, partnership, or corporation engaged in the manufacturing or assembling of ignition interlock devices.
- (e) An “authorized installer” is a designee of the manufacturer who is responsible for ensuring that the manufacturer's ignition interlock devices are properly installed, calibrated, serviced, and monitored; and is responsible for the completion of all required forms, and maintenance of all files.
- (f) “Participant file” is a tangible file used to retain and maintain all records and documents directly associated with, but not limited to, the installation, calibration, servicing, monitoring and removal of the ignition interlock device(s) related to a program participant.
- (g) “Electronic log” is a record of the vehicle use and interlock test results recorded by an ignition interlock device and shall mean the same as “interlock data logger” as contained in the federal model specifications for breath alcohol ignition interlock devices published by notice in the Federal Register, Vol. 78, No. 89, Wednesday, May 8, 2013, on pages 26849-26867.
- (h) “Hardcopy” shall mean a legible, printed copy.
- (i) “Pause of Restriction” means that expiration of the required term of restriction specified in Vehicle Code section 23700(a)(7)(A) is temporarily stopped when the department is notified that the participant has failed to maintain the device pursuant to Vehicle Code section 23700(a)(5).

(j) “Reset of Restriction” means the remainder of the original restriction term required pursuant to Vehicle Code section 23700(a)(7)(A) is re-imposed when the participant provides the department with the Verification of Installation, form DL 920 (~~Rev. 6/2014~~).

Note: Authority cited: Sections 1651, 23575 and 23700, Vehicle Code. Reference: Section 23700, Vehicle Code.

§ 125.02. Certification of Ignition Interlock Devices.

An ignition interlock device shall not be installed, or used as part of a program for driving under the influence offenders unless the model or type of device has been certified by the department in accordance with the requirements of this article.

(a) In addition to requirements that an ignition interlock device must meet specifications and guidelines adopted by the National Highway Traffic Safety Administration, as specified in Vehicle Code section 13386(e), all ignition interlock devices shall require the operator of a vehicle to submit a random retest as follows:

(1) The first retest shall occur at a randomly variable interval ranging from five to fifteen minutes after passing the initial breath test and starting the vehicle’s engine. Subsequent retests shall occur at a randomly variable interval ranging from fifteen to forty-five minutes from the previously requested retest for the duration of the travel.

(2) The device shall allow the operator of the vehicle five minutes to complete each retest.

(b) An individual, partnership, or corporation may apply to the department for certification of an ignition interlock device by submitting a completed application to the department. A separate application is required for each model or type of device. A completed application shall contain the following:

(1) Form DL 9, Application for Certification of Ignition Interlock Device (REV. 4/2000), which is hereby incorporated by reference.

(2) A detailed description of the device, including a photograph, drawing, or other graphic depiction of the device.

(3) Complete technical specifications describing the device's accuracy, reliability, security, data collection and recording, tamper detection, and environmental features.

(4) A complete and true copy of data from an independent, accredited (ISO/IEC 17025) laboratory demonstrating that the device meets or exceeds the minimum federal standards pursuant to Vehicle Code section 13386(d). For purposes of this article, the term “independent, accredited (ISO/IEC 17025) laboratory” shall be interpreted to include any of the following, provided the laboratory is properly equipped and staffed to conduct laboratory tests on ignition interlock devices to ensure they meet the accuracy requirements and specifications provided in Sections 1 and 2 of the model specifications for breath

alcohol ignition interlock devices as published as a Notice in the Federal Register, Vol. 78, No. 89, Wednesday, May 8, 2013, on pages 26849-26867: (A) A state-run laboratory;

(B) A private laboratory which can demonstrate its capability to carry out the required tests; or

(C) A laboratory certified by a state department of Public Health to conduct chemical tests.

(5) A certification on Form DL 28, Laboratory Report (Rev. 3/2014), signed by an authorized official of the laboratory which tested the device, that the device was tested by the laboratory indicated in accordance with the federal regulations and that the device was found to satisfy the requirements of Sections 1 and 2 of the model specifications for breath alcohol ignition interlock devices as published as a Notice in the Federal Register, Vol. 78, No. 89, Wednesday, May 8, 2013, on pages 26849-26867. The certification shall specify that the laboratory used properly maintained equipment, and trained personnel to conduct the tests, and that the test results are accurate. The form DL 28 is hereby incorporated by reference.

(6) A complete listing of all authorized installers' locations and their satellite locations that includes the name, Bureau of Automotive Repair or Bureau of Electronic Appliance Repair, Home Furnishings and Thermal_Insulation number, telephone number, contact name, and hours of operation.

(7) A copy of the instructions that will be provided to authorized installers, including complete instructions for installation, operation, service, repair, and removal of the device.

(8) A copy of the written instructions that will be provided to participants who have the device installed.

(9) A certificate from an insurance company that the manufacturer holds product liability insurance and that the department is named as an additional insured. The policy limit shall be a minimum of one million dollars (\$1,000,000). The liability insurance shall include coverage for manufacturing, defects in product design and materials, calibration, installation, and removal of devices. The certificate of insurance shall contain a statement that the insurance company will notify the department 30 days before cancellation of the insurance.

(10) A signed statement that the manufacturer shall indemnify and hold harmless the state of California, the department and its officers, employees and agents from all claims, demands, and actions, as a result of damage or injury to persons or property which may arise, directly or indirectly, out of any act or omission by the manufacturer relating to the installation, service, repair, use and removal of an ignition interlock device.

(11) A copy of the fee schedule or schedules adopted by a manufacturer and manufacturer's authorized installer pursuant to subdivision ~~(i)~~(h) of Section 13386 of the Vehicle Code.

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The fee schedule shall include provisions for the payment of the costs of the device by an applicant in amounts commensurate with the applicant's ability to pay. The fee schedule shall include the cost of all services provided, including standard charges for installation, service and maintenance, and removal of the devices, and any non-standard charges for service and maintenance of the devices.

(12) An imprint of the manufacturer's stamp. A manufacturer shall ensure that each authorized installer has the stamp of the manufacturer of the device, meaning a stamping tool, not an imprint.

(13) A manufacturer shall provide the department with a toll-free telephone number through which participants may be referred to the authorized installers.

(14) A completed and signed certification on the Random Retest Compliance Self-Certification, form OL 624 (New 5/2017), which is hereby incorporated by reference, that the ignition interlock device is in compliance with the random retest requirements as specified in subsection (b).

(15) A completed and signed Fee Schedule Acknowledgment, form OL 160 (New 1/2019), which is hereby incorporated by reference.

~~(15)~~(16) An application fee of \$100.00.

(c) The department may have the laboratory test results reviewed, at the manufacturer's expense, by an agency or individual outside the department, and of the department's choice, when such review is deemed necessary to determine whether or not a device meets the requirements for certification.

(d) The department may require that manufacturers install devices on vehicles approved by the department to field test the devices.

(e) The department shall certify, or refuse to certify, a device within 90 days of receipt of a complete application. The department shall notify the manufacturer within 10 days of receipt of the application if the application is incomplete and shall specify what information or documents are needed to complete the application.

(f) An applicant who has not received notification within the time periods specified may file an appeal with the Secretary of the California State Transportation Agency in accordance with Chapter 6 of Division 3 of Title 21 of the California Code of Regulations. If the Secretary finds that the department failed to provide the notification required within the time period specified without good cause, the department shall reimburse the applicant fully for all application fees paid.

Note: Authority cited: Sections 1651 and 13386, Vehicle Code. Reference: Sections 1652, 13386, ~~and~~ 23575, and 23575.3, Vehicle Code.

§ 125.12. Service and Maintenance of Ignition Interlock Devices.

(a) A manufacturer shall ensure that an authorized installer has the training and skills necessary to install, troubleshoot, check for proper operation of the device, screen the vehicle for acceptable condition, and complies with the following:

(1) Provides all participants with the following:

~~(A) A verification of installation report upon installation of an ignition interlock device. The installer shall submit verification forms under the following circumstances: completed Verification of Installation, form DL 920 (Rev. 1/2019), which is hereby incorporated by reference.~~

~~(i) When a participant is requesting a restricted driver license pursuant to Vehicle Code section 13352(a)(3) through (a)(7) or 13353.3(b)(2)(C), the installer shall complete an original Verification of Installation, form DL 920 (Rev 6/2014), which is hereby incorporated by reference.~~

~~(ii) When a court has ordered the installation of an ignition interlock device, the installer shall complete and submit a court-authorized verification of installation form to the court. The installer shall provide verification of installation to the department and must submit an original form DL 920 or a copy of the court-authorized verification of installation form. For purposes of this section, an original DL 920 will contain the green border around the form and will contain the manufacturer's stamp in the top left corner of the form. The manufacturer's stamp shall be an inked or embossed seal.~~

~~(iii) When the Department of Motor Vehicles has ordered the installation of an ignition interlock device, the installer shall complete and submit to the department a form DL 920.~~

(B) Written instructions on cleaning and caring for the device.

(C) Written instructions on types of vehicle malfunctions or repairs that may affect the device, and what to do when such repairs are necessary.

(D) Written and hands-on training on the use of the device after it is installed in the vehicle for the participant and all persons who operate the vehicle.

(E) A 24-hour emergency phone number that may be used to request assistance in the event of failure of the device or vehicle problems related to operation of the device. The assistance provided by the authorized installer shall include technical information, tow service, or road service. The device shall be made functional within 48 hours of the call for assistance, or the device shall be replaced.

(2) Follows the manufacturer's specifications for service and repair of an ignition interlock device.

- (A) Services the device in intervals not to exceed 60 days.
- (B) Service shall include, but not be limited to, physical inspection of the device and vehicle for tampering, calibration of the device, and monitoring of the data contained within the device's memory.
- (C) Each time a device is serviced, downloads all the data recorded in the device's memory. The electronic log shall specify the corresponding device or participant file identification number (that when accessed will clearly specify the corresponding device), the date the download occurred and can be either a hardcopy or an electronic copy. If an electronic copy is used it shall be electronically maintained and a hardcopy shall be provided upon request. The downloaded data shall also contain a summary report that includes each incident the breath alcohol level was at or above the alcohol setpoint, any attempts to bypass or tamper with the device and shall specify the corresponding device or participant file identification number, and date the download occurred.
- (D) Each time a device is serviced, a hardcopy of the summary report shall be included in the participant's file.
- (E) Each time a device is serviced, a hardcopy of the calibration results shall be included in the participant's file.
- (F) If an installed device is replaced with another device, the event shall be documented. The documentation shall specify each device and the documentation shall be included in the participant's file.
- ~~(G) If a participant fails to return the vehicle for recalibration within 60 days, and does not contact the installer to reschedule the appointment for service, the installer shall schedule another appointment within seven days of the missed appointment. The installer shall notify the participant of the new appointment by mail and by telephone, if possible. If the participant fails to keep the second appointment, and does not contact the installer to reschedule the appointment, the installer shall schedule a third appointment within seven days of the missed appointment. The installer shall notify the participant of the new appointment by mail and by telephone, if possible. If the participant fails to keep the third appointment, the installer shall report the participant's non-compliance to the department on the Notice of Non-Compliance, form DL-921 (Rev. 8/2013), pursuant to Section 125.18 of this article.~~
- ~~(H) If the participant is unable to return the vehicle for recalibration within 60 days due to military service, a family death, or similar event beyond the control of the participant, and the participant can document the event to the satisfaction of the installer prior to non-compliance being reported to the department by the installer, the installer may extend the time for recalibration as appropriate. A copy of the documentation shall be included in the participant's file. If the participant fails to~~

return the vehicle for recalibration as scheduled, the installer shall ~~follow the procedure in subdivision (G) to determine non-compliance. complete and submit a~~ Notice of Non-Compliance Ignition Interlock, form DL 921 (Rev. 1/2019), which is hereby incorporated by reference.

(3) Conducts physical tamper inspections every time the device is serviced, or given routine inspection, maintenance, or repair, or is replaced.

(A) A tamper inspection shall include checking the device for proper operation of tamper detection capabilities. If tampering is detected, the inspection shall also include installation wiring connection and tamper seals.

(B) Documenting evidence of tampering shall include photographing the damage, an electronic log hardcopy, or completing a comprehensive incident report or other written documentation. If originals of such evidence are sent to a court or the department, copies shall be included in the participant's file.

(C) The installer shall report any evidence of attempts to bypass or circumvent the device or of physical tampering to the appropriate court or the department within three working days. When reporting such evidence to the department, the installer shall complete the form DL 921 pursuant to Section 125.18 of this article.

(D) After the evidence of tampering has been recorded or photographed, and reported to the appropriate court or the department, the installer shall restore the system and its tamper seals, or equivalents, and all other components to their original condition to prevent further abuse.

(E) If a participant fails to maintain the device pursuant to Section 23573 or 23575 of the Vehicle Code, the installer shall report non-compliance to the appropriate court or the department as required by statute, within three working days.

(F) When reporting non-compliance to the court personnel or the Department of Motor Vehicles, the installer shall follow procedures and forms provided by the appropriate court and the Department of Motor Vehicles and a copy shall be included in the participant's file.

(b) Whenever a device is removed, a manufacturer shall ensure that the vehicle is restored to its original condition by the authorized installer. When reporting the removal to the court personnel, the installer shall follow procedures and forms provided by the appropriate court and a copy shall be included in the participant's file or an Ignition Interlock Notice of Removal, form DL 922 ~~(Rev. 4/2012)~~ (Rev. 1/2019), which is hereby incorporated by reference, shall be submitted to the department pursuant to Section 125.20 of this article, ~~shall be sent to the department, within three working days after removal of a device.~~

(c) A manufacturer shall be responsible for providing continuing service by an authorized installer during the period the device is installed, without interruption, when an authorized installer is

replaced with another affiliated authorized installer or replaced with another authorized installer affiliated with another manufacturer.

(1) The manufacturer shall obtain all participant files from an authorized installer being replaced, and shall provide the participant files to the new installer.

(2) The manufacturer shall ensure that each participant with an existing, installed device is able to obtain the required service within a similar distance or less from the participant's residence or place of business. If there are installed devices for which authorized service is no longer accessible, such devices shall be replaced by the manufacturer, at no cost to the participant, with a device from another manufacturer's authorized installer located at a similar distance or less from the participant's residence or place of business.

(3) The manufacturer shall make every effort to notify all participants of a change of the authorized installer or replacement of the device 30 days before the change or replacement will occur. When the manufacturer is unable to notify participants 30 days prior to the change or replacement, the manufacturer shall notify all participants of the change as soon as possible.

(4) The removal of the device shall be recorded on a form DL 922 pursuant to Section 125.20. Section II of the form DL 922 is not applicable for this type of removal. The installation of the new manufacturer's device shall be recorded on a form DL 920 pursuant to Section 125.16. To substantiate that no break in service has occurred, copies of the form DL 920 and form DL 922 shall be submitted to the department together.

(d) A manufacturer shall be responsible for providing continuing service by an authorized installer during the period the device is installed, without interruption, when the participant elects to transfer to an affiliated authorized installer or to another authorized installer affiliated with another manufacturer.

(1) The participant's file shall be transferred pursuant to the procedures described in Section 125.12(c)(1).

(2) The device removal and installation shall be recorded and reported pursuant to the procedures described in Section 125.12(c)(4).

Note: Authority cited: Section 1651, Vehicle Code. Reference: Sections 13353.3, 13386, 23573 and 23575(g), Vehicle Code.

§ 125.16. Verification of Installation.

~~(a) Unless the participant is ordered by the court to install an Ignition Interlock Device, upon application for a restricted driver license pursuant to Vehicle Code section 13352(a)(3) through (a)(9), the participant shall submit the \$15 fee specified in Section 124.95 of Title 13 of the California Code of Regulations and a form DL 920. This fee and form is in addition to all other application requirements.~~

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~~(b)(a)~~ In addition to any other application requirements, an applicant for an ignition interlock device restricted driver's license shall submit a form DL 920, and the applicable administrative service fee as defined in Section 127.02 of this Article.

~~(1) Pursuant to Vehicle Code section 13352 (a)(3) and (a)(5) a participant shall submit a form DL 920 and a \$45 administrative service fee.~~

~~(2) Pursuant to Vehicle Code section 13353.3(b)(2)(C), a participant shall submit a form DL 920 and a \$40 administrative service fee.~~

~~(c) If an ignition interlock device is ordered by the court, the participant shall submit an original form DL 920 or the court ordered verification of installation form to the department.~~

~~(d) The form DL 920, may contain the date of the next monitor check.~~

~~(e)(b)~~ A manufacturer shall account for each form DL 920, issued to the manufacturer. If any unused forms become lost, stolen, or misplaced the manufacturer shall immediately notify local law enforcement and provide written notification to the department.

~~(f) Completed copies of the form DL 920, shall be distributed as follows:~~

~~(1) The original completed form DL 920, shall be submitted to the department at a local field office, or mailed to the Department of Motor Vehicles, Mandatory Actions Unit, Mail Station J233, P.O. Box 942890, Sacramento, California, 94290-0001.~~

~~(2) One copy each shall be provided to the driver, the authorized installer of the device to include in the participant's file, and the manufacturer of the device or the manufacturer's agent, if applicable.~~

Note: Authority cited: Sections 1651, 13352, 13352.1 and 13386, Vehicle Code. Reference: Sections 1652, 13352, 13352.1, 13353.3, 13386 and 23573, Vehicle Code.

§ 125.18. Notice of Non-Compliance.

(a) An installer shall submit to the department within three working days a ~~Notice of Non-Compliance, form DL 921 (Rev. 8/2013), which is hereby incorporated by reference,~~ if an ignition interlock 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 requirement for the maintenance or calibration of the ignition interlock device,~~ or if the participant fails to comply with any requirements for the maintenance or calibration of the ignition interlock device within 60 days of the previous service appointment, ~~pursuant to Vehicle Code section 23573(e)(2), 23575(g), or 23700(a)(5)(B).~~

~~(b) Completed copies of the form DL 921, shall be distributed as follows:~~

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~~(1) The installer shall submit the original completed form DL 921 to the department. The installer may mail the form to the Department of Motor Vehicles Mandatory Actions Unit, Mail Station J233, P. O. Box 942890, Sacramento, California, 94290 0001.~~

~~(2) One copy each shall be provided to the driver, the authorized installer to include in the participant's file, and the manufacturer of the device or the manufacturer's agent, if applicable.~~

Note: Authority cited: Sections 1651, 23573 and 23575, Vehicle Code. Reference: Sections 1652, 13386 and 23575, Vehicle Code.

§ 125.20. Notice of Removal.

(a) An installer shall submit to the department within three working days a form DL 922 when the installer removes an ignition interlock device, ~~pursuant to Section 125.12(b) of this article.~~

~~(b) When an installer removes a device from a participant's vehicle and reinstalls the device into another vehicle operated by the same participant, the removal and reinstallation is to be recorded by completing Section II "Removal/Installation Information."~~

~~(1) The first segment of Section II identifies the vehicle make, year, license plate number and vehicle identification number of the vehicle from which the device is being removed.~~

~~(2) The second segment of Section II identifies the vehicle make, year, license plate number, and vehicle identification number of the vehicle in which the device is being reinstalled and also includes the date of installation, and the date of the next monitor check.~~

~~(c)~~(b) A manufacturer shall account for each form DL 922 issued to the manufacturer. If any unused forms become lost, stolen, or misplaced the manufacturer shall immediately notify local law enforcement and provide written notification to the department.

~~(d) Completed copies of the form DL 922 shall be distributed as follows:~~

~~(1) The installer shall submit the original completed form DL 922 to the department. The installer may mail the completed form to the Department of Motor Vehicles Mandatory Actions Unit, Mail Station J233, P. O. Box 942890, Sacramento, California, 94290 0001.~~

~~(2) One copy each shall be provided to the driver, the authorized installer of the device to include in the participant's file, and the manufacturer of the device or the manufacturer's agent, if applicable.~~

Note: Authority cited: Section 1651, Vehicle Code. Reference: Sections 1652, 13386 and 23575(g), Vehicle Code.

§ 125.21. Installation and Removal Request.

(a) An installer shall verify eligibility with the department prior to installing or removing an ignition interlock device by one or more of the following methods:

(1) Contact the Mandatory Actions Unit using the telephone number provided by the department.

(2) Submit an Ignition Interlock Device (IID) Installation & Removal Request, form DL 925 (Rev. 1/2019), which is hereby incorporated by reference, and fax to the number provided on the form.

Note: Authority cited: Section 1651, Vehicle Code. Reference: Sections 13352, 13352.1, 13353.6, 13353.75, 23573, 23575, and 23575.3, Vehicle Code.

§ 125.22. Notice to Employers Regarding an Ignition Interlock Restriction.

(a) The department shall provide to any requesting participant a Notice to Employers, Ignition Interlock Restriction, form DL 923 (NEW 11/99)(Rev. 1/2019), which is hereby incorporated by reference.

(b) The participant shall provide an original Notice to Employers, Ignition Interlock Restriction, form DL 923 (NEW 11/99), which is hereby incorporated by reference, to any employer who owns a vehicle that the participant must operate during the course of employment, and keep a copy of the Notice to Employers Ignition Interlock Restriction DL 923 in his or her possession or with the vehicle operated. The Notice to Employers, Ignition Interlock Restriction, form DL 923 (NEW 11/99), allows the participant to operate the employer's vehicle without an ignition interlock device.

Note: Authority cited: Sections 1651 and 23576, Vehicle Code. Reference: Sections 1652 and 23576, Vehicle Code.

§ 127.00. Ignition Interlock Device Restriction for Pilot Program (Veh. Code § 23700).

The requirement of a person to participate in this pilot program is based upon the location of the county where the person was convicted.

(a) Pursuant to Vehicle Code section 23700, a person convicted of Vehicle Code section 23152 or 23153, in the county of Alameda, Los Angeles, Sacramento or Tulare, shall be required to install an ignition interlock device for the term required by Vehicle Code section 23700(a)(7).

(b) Upon receipt of notification from a court located in the county of Alameda, Los Angeles, Sacramento or Tulare of a conviction of Vehicle Code section 23152 or 23153, the department shall require the participant to install an ignition interlock device, certified pursuant to Section

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125.02 of this article, prior to reinstatement of the driving privilege, unless the participant meets all the exemptions provided in Vehicle Code section 23700(a)(8).

(c) Upon reinstatement of the driving privilege, the participant's driver license will be restricted to operating vehicles with an ignition interlock device for the term required in Vehicle Code section 23700(a)(7)(A) or (B).

(d) Prior to reinstatement of the driver license, the participant shall submit a form DL 920.

(e) A \$45 administrative service fee is required pursuant to Vehicle Code section 23700(a)(3)(C).

(f) This section does not apply to violations occurring on or after January 1, 2019.

Note: Authority cited: Sections 1651 and 23700, Vehicle Code. Reference: Sections 23152, 23153 and 23700, Vehicle Code.

§ 127.02. Administrative Fees.

(a) Pursuant to Vehicle Code section 23700(a)(3)(C), a \$45 administrative fee is required for participation in this pilot program for a conviction of Vehicle Code section 23152 or 23153. This section shall only apply to violations occurring on or after July 1, 2010 through December 31, 2018.

(b) Pursuant to Vehicle Code section 13352(a)(3)(F) and (5)(F), a \$45 administrative fee is required for a participant convicted of Vehicle Code section 23152 or 23153 who agrees to maintain an ignition interlock device pursuant to Vehicle Code section 13352(a)(3) or (5). This section shall only apply to violations occurring on or after July 1, 2010 through December 31, 2018.

(c) Pursuant to Vehicle Code section 13353.3(b)(2)(C), a \$40 administrative fee is required for a participant convicted of Vehicle Code section 23103, as specified in Vehicle Code section 23103.5, who agrees to maintain an ignition interlock device pursuant to Vehicle Code section 13352. This section shall only apply to violations occurring on or after January 1, 2012 through December 31, 2018.

(d) Pursuant to Vehicle Code sections 13352(a)(1)(A)(vii), (a)(2)(A)(viii), (a)(3)(A)(viii), (a)(4)(A)(viii), (a)(5)(A)(ix), (a)(6)(A)(ix), (a)(7)(A)(ix), and 13352.1(c)(1)(G), a ninety-five dollar (\$95) administrative fee is required for a participant convicted of Vehicle Code section 23152 or 23153 who applies to the department for a restricted driver's license pursuant to Vehicle Code sections 13352(a)(1) through (a)(7), and 13352.1(c). This subsection shall only apply to violations occurring on or after January 1, 2019.

(e) Pursuant to Vehicle Code section 23575.3(d)(1)(C), an eight dollar (\$8) administrative fee is required for participation in the pilot program for a conviction of Vehicle Code section 23152(a), (b), (d), (e), or (g), or Vehicle Code section 23153(a), (b), (d), (e), or (g). This subsection shall only apply to violations occurring on or after January 1, 2019.

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Note: Authority cited: Sections 1651, 13352, 13352.1, 23575.3, and 23700, Vehicle Code. Reference: Sections 13352, 13352.1, ~~13353.3~~ 23575.3, and 23700, Vehicle Code.

§ 127.04. Exemption from Ignition Interlock Device Requirements for Pilot Program (Veh. Code § 23700).

(a) If the participant meets all the requirements for an exemption from the ignition interlock device requirement as provided in Vehicle Code section 23700, he or she shall submit an Exemption for Ignition Interlock Device (IID), form DL 4055B (NEW 7/2010), which is hereby incorporated by reference, to the department no later than 30 days from mail date of the notification of the requirement to install the IID. The original completed form DL 4055B (NEW 7/2010), shall be submitted to the department at a local public field office, or mailed to the Department of Motor Vehicles, Mandatory Actions Unit, Mail Station J233, P.O. Box 942890, Sacramento, California, 94290-0001.

(b) This section does not apply to violations occurring on or after January 1, 2019.

Note: Authority cited: Sections 1651 and 23700, Vehicle Code. Reference: Section 23700, Vehicle Code.

§ 127.08. Reset of Ignition Interlock Restriction Term for Pilot Program (Veh. Code § 23700).

(a) Pursuant to Vehicle Code section 23700(a)(10), a person who fails to comply with the required term of the ignition interlock device requirement shall have the duration of the required restriction term paused until the participant provides the department with a form DL 920. The restriction shall then be re-imposed for the remainder of the original term of the restriction.

(b) This section does not apply to violations occurring on or after January 1, 2019.

Note: Authority cited: Sections 1651 and 23700, Vehicle Code. Reference: Section 23700, Vehicle Code.

§ 127.10. Term of Restriction for Pilot Program (Veh. Code § 23700).

(a) A person is required to install an ignition interlock device for the term specified in Vehicle Code section 23700(a)(7)(A) or (B) upon eligibility for issuance of a driver license. The restriction does not lapse until the participant has provided proof of installation of the device as required by Section 126.00 of this article. Expiration of the restriction shall be paused if the participant fails to maintain or to install the device pursuant to Vehicle Code section 23575.

(b) This section does not apply to violations occurring on or after January 1, 2019.

Note: Authority cited: Sections 1651 and 23700, Vehicle Code. Reference: Sections 23575 and 23700, Vehicle Code.

§ 128.00. Ignition Interlock Device Restriction.

(a) A person convicted of Vehicle Code section 23152(a), (b), (d), (e), or (g), or of Vehicle Code section 23153(a), (b), (d), (e), or (g), whose violation occurred on or after January 1, 2019, is required to install an ignition interlock device that has been certified by the department, provide a form DL 920, and pay any applicable administrative service fees, as specified in Section 127.02 of this Article.

(b) A person is not subject to the requirements specified in subsection (a) if they meet the exemption requirements specified in Section 128.01 of this Article.

(c) Credit shall not be applied towards the term specified in Vehicle Code section 23575.3(h)(1) or (h)(2) if the participant's driving privilege is suspended or revoked as a result of one of the following:

(1) Receipt by the department of a form DL 921.

(2) Receipt by the department of a form DL 922, prior to the termination date of the restriction.

(3) Receipt by the department of a form DL 101A, pursuant to Section 120.03 of Article 2.5, Title 13, California Code of Regulations.

Note: Authority cited: Sections 1651 and 23575.3, Vehicle Code. Reference: Sections 13353.6, 13353.75, 23152, 23153, and 23575.3, Vehicle Code.

§ 128.01. Exemption from Ignition Interlock Device Requirements.

(a) To apply for an exemption from the ignition interlock device requirements under Vehicle Code section 23575.3, the person shall submit an Ignition Interlock Device (IID) Exemption Request, form DL 4062 (New 1/2019), which is hereby incorporated by reference, except as specified in subsection (a)(3). A person may apply for an exemption from the requirements specified in Section 128.00 of this Article if one or more of the following conditions exist:

(1) The person does not own or have access to a vehicle.

(2) The person is an out-of-state resident and owns a vehicle that is not driven in California.

(A) To request an exemption from the ignition interlock device requirements under subsection (a)(2), the person shall include at least one acceptable out-of-state residency document when submitting the form DL 4062. An acceptable out-of-state residency document is:

1. Receipts for payment of resident tuition at a public institution of higher education or school records.

2. Home utility bill including cellular phone bill.

3. Documents issued by a licensing authority indicating a current application for a driver license in the state of residence.
4. Official voter registration documents.
5. Official document issued by a governmental agency that can be used by the department to prove residency.
6. Rental or lease agreement with the signature of the owner/landlord and the tenant/resident.
7. Deed or title to residential real property.
8. Mortgage bill.
9. Filing of homeowner's property tax exemption or homestead exemption certificate.
10. Medical document.
11. Employment document.
12. Insurance document, including medical, dental, vision, life, home, rental, and vehicle.
13. Change of Address Confirmation by the United States Postal Service.
14. Property tax bill or statement.
15. Faith based document that includes the name and address of the issuing organization.
16. Tax return documents.
17. Record of financial institution.
18. Court documents that list the applicant as a resident outside of California.

(3) A medical condition prohibits the person from breathing with sufficient strength to activate an ignition interlock device.

(A) To request a medical exemption from the ignition interlock device requirements under Vehicle Code section 23575.3, the person shall mail one or more of the following to the Department of Motor Vehicles, Mandatory Actions Unit:

1. An original completed Ignition Interlock Device (IID) Medical Exemption Request, form DL 4063 (New 1/2019), which is hereby incorporated by reference.

2. An original document from the person's medical provider indicating that the person cannot breathe with sufficient strength to activate an ignition interlock device, which must also include the medical provider's license or certificate number and signature.

Note: Authority cited: Sections 1651, 23575, and 23575.3, Vehicle Code. Reference: Sections 23573 and 23575.3, Vehicle Code.

§ 128.02. Re-Impose Ignition Interlock Device Restriction Term.

The department shall accept a form DL 920 for purposes of re-imposing a participant's restricted driving privilege following suspension or revocation based on receipt of a form DL 921 or receipt of a form DL 922 prior to the termination date of the restriction.

Note: Authority cited: Sections 1651, 13352, 13353.6, and 13353.75, Vehicle Code. Reference: Sections 13352, 13353.6, and 13353.75, Vehicle Code.