



OFF-HIGHWAY MOTOR VEHICLE INFORMATION BULLETIN FOR CALIFORNIA LAW ENFORCEMENT



Volume 19

November 25, 2019

Number 1

APPLICABILITY OF Department of Motor Vehicles (DMV) LAW ENFORCEMENT MEMORANDUM (LEM) 19-11 NEW IGNITION INTERLOCK DEVICE (IID) RESTRICTIONS FOR OFF-HIGHWAY VEHICLES

On June 20, 2019 the Law Enforcement and Emergency Services (LEES) Division of California State Parks shared Department of DMV Law Enforcement Memo 19-11 with field staff. Off-Highway Motor Vehicle Recreation (OHMVR) Division staff wanted to clarify that new Ignition Interlock Device restrictions established in LEM 19-11 do apply to Off-Highway Vehicles being used on public lands.

While a driver's license is generally not required for operation of a motor vehicle when it does not occur upon a highway or off-street parking facility. However, violation of driver's license restrictions under §14601.2 **ARE** applicable to off-highway vehicles upon lands described in §38001, to restrictions that expressly apply. Because the restricted license requires that the applicant must install a device "on any vehicle the person operates," this would also apply to the person's off-highway vehicle(s). This is because the restrictions are pursuant to enforcement under §14601.2, not §12500.

Background:

- According to CVC §12500, a driver's license is required prior to driving a motor vehicle upon a highway, but this is not applicable on lands described in §38001.
- However, pursuant to CVC §14601.2(a), a person with a suspended or revoked DL for a conviction of 23152 or 23153 shall not drive a motor vehicle, or in accordance with subdivision (b), drive a motor vehicle in violation of license restrictions.
- Pursuant to subdivision (j) this applies to the operation of an off-highway vehicle on lands described in §38001.

As stated in LEM, the new legislation requires the DMV to institute a program that allows individuals who have been suspended or revoked to apply for reinstatement of a restricted driver's license.

- As reinstated, a restricted license is not equivalent to the status of suspended or revoked, and is otherwise valid.
 - Violation of terms is subject to §14601.2 and subsequently applicable "off-highway", as referenced above.
- The participating driver must agree to and adhere to the terms and conditions of restricted operation of that license.
 - Pursuant to §23575 the court shall require a person convicted of 14601.2 to install a functioning, certified ignition interlock device on any vehicle that the person operates

and prohibit the person from operating a motor vehicle unless the vehicle is equipped with a functioning, certified ignition interlock device.

- The program is not eligible for operation of a motorcycle until devices are available (§23575(j)). “Any person subject to an ignition interlock device restriction shall not operate motorcycle for the duration of the restriction period.”
- Pursuant to §23247(a), a person subject to IID restrictions shall notify any other person who rents, leases or loans a motor vehicle of their restrictions, and it is unlawful to knowingly furnish an unequipped vehicle.

For further information contact Mark Hada at the OHMVR Division HQ at 916-327-5734.