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FILED

OCT 28 2010

KIM TURNER, Court Executive Officer
MARIN COUNTY SUPERIOR COURT
By: K. Main, Deputy

8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF MARIN

11)	Case No. CV 1004825
12)	
13	Petitioner,)	ORDER GRANTING PETITION
14	vs.)	FOR WRIT OF MANDAMUS
15	CALIFORNIA STATE DEPARTMENT OF)	
16	MOTOR VEHICLES,)	
17	Respondent.)	

18 THE PETITION FOR REVIEW AND WRIT OF MANDAMUS IS GRANTED. THE
19 CALIFORNIA DEPARTMENT OF MOTOR VEHICLES IS DIRECTED TO ISSUE
20 PETITIONER AN IID-RESTRICTED LICENSE PURSUANT TO THE
21 REQUIREMENTS OF CALIFORNIA VEHICLE CODE, SECTION 13352(A)(3), AS
22 AMENDED EFFECTIVE JULY 1, 2010. THE COURT FINDS THIS CASE
23 GOVERNED BY THE PRINCIPLES EXPRESSED IN *IN RE ESTRADA* (1965) 63
24 CAL.2D 740, 744-745, AND *PEOPLE V. DURBIN* (1966) 64 CAL.2D 474, 478-479. THE
25 LEGISLATIVE HISTORY OF THE AMENDMENT AT ISSUE INDICATES IT WAS

1 INTENDED TO "PROVIDE ONE MORE TOOL TO *PROACTIVELY* FIGHT DRUNK
2 DRIVING" (EMPHASIS ADDED) BY PROVIDING INCENTIVES TO REPEAT
3 OFFENDERS TO INSTALL AN IID ON THEIR VEHICLES, WHICH STUDIES HAVE
4 SHOWN REDUCES RECIDIVISM BY AN ESTIMATED 75% AND ALCOHOLRELATED
5 FATALITIES BY SEVEN PERCENT. IN LINE WITH THE RATIONALE BEHIND *IN RE*
6 *ESTRADA*, BY SHORTENING THE PERIOD OF SUSPENSION AS A WAY TO
7 ENCOURAGE MORE REPEAT OFFENDERS TO INSTALL INTERLOCKS, THE
8 LEGISLATURE AS THEREBY INDICATED THAT IT BELIEVES THE FORMER LAW IS
9 TOO RESTRICTIVE AND/OR INEFFECTIVE AND, IMPLIEDLY, ITS INTENT TO HAVE
10 THE NEW LAW APPLY TO AS MANY PERSONS AS CONSTITUTIONALLY
11 PERMISSIBLE.

13 DATED: October 28, 2010

15 VERNA ADAMS
16 THE HONORABLE VERNA A. ADAMS
17 JUDGE OF THE SUPERIOR COURT

18 Approved As To Form:

19
20 *WTD*
21 _____
22 William T. Darden
23 Deputy Attorney General
24 Attorney for Department of Motor Vehicles
25