

ASSEMBLY BILL

No. 134

Introduced by Assembly Member Blakeslee

January 20, 2009

An act to amend Sections 1803 and 12810 of, and to add Section 38304.1 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 134, as introduced, Blakeslee. Vehicles: off-highway motor vehicles.

(1) Existing law requires the operator of an off-highway motor vehicle to be able to reach and operate all controls necessary to safely operate the vehicle.

This bill would prohibit a parent or guardian of a child who is under 14 years of age, or an adult who is authorized by the parent or guardian to supervise that child, from granting permission to, or knowingly allowing, that child to operate an off-highway motor vehicle in a manner that violates the above-described requirement. By creating a new crime, the bill would impose a state-mandated local program. The bill would require a court, upon a 1st conviction, to impose a fine of \$125. The bill would also impose fines upon a 2nd or subsequent conviction.

(2) Existing law requires the clerk of a court in which a person was convicted of a violation of the Vehicle Code to prepare within 5 days after conviction and immediately forward to the Department of Motor Vehicles an abstract of the record of the court covering the case in which the person was so convicted.

This bill would expand the Vehicle Code violations that the clerk of a court is required to report to the department to include violations of special regulations with respect to operating a vehicle on public lands,

local ordinances prohibiting entry into mountain fire districts, proper supervision requirements for a child under 14 years of age operating an off-highway vehicle, and proper supervision requirements for a child under 14 years of age operating an all-terrain vehicle.

(3) Existing law establishes that specified convictions and violations under the Vehicle Code and traffic-related incidents count as points against a driver’s record for purposes of the suspension or revocation of the privilege to drive and that certain other violations do not result in a violation point count.

This bill would expand the list of violations that do not result in a violation point count to include violations of special regulations with respect to operating a vehicle on public lands, local ordinances prohibiting entry into mountain fire districts, proper supervision requirements for a child under 14 years of age operating an off-highway vehicle, and proper supervision requirements for a child under 14 years of age operating an all-terrain vehicle.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1803 of the Vehicle Code is amended to
2 read:
3 1803. (a) (1) The clerk of a court in which a person was
4 convicted of a violation of this code, was convicted of a violation
5 of subdivision (a), (b), (c), (d), (e), or (f) of Section 655 of the
6 Harbors and Navigation Code pertaining to a mechanically
7 propelled vessel but not to manipulating any water skis, an
8 aquaplane, or similar device, was convicted of a violation of
9 Section 655.2, 655.6, 658, or 658.5 of the Harbors and Navigation
10 Code, or a violation of subdivision (a) of Section 192.5 of the Penal
11 Code, was convicted of an offense involving use or possession of
12 controlled substances under Division 10 (commencing with Section
13 11000) of the Health and Safety Code, was convicted of a felony
14 offense when a commercial motor vehicle, as defined in subdivision

1 (b) of Section 15210, was involved in or incidental to the
2 commission of the offense, or was convicted of a violation of any
3 other statute relating to the safe operation of vehicles, shall prepare
4 within 5 days after conviction and immediately forward to the
5 department at its office at Sacramento an abstract of the record of
6 the court covering the case in which the person was so convicted.
7 If sentencing is not pronounced in conjunction with the conviction,
8 the abstract shall be forwarded to the department within 5 days
9 after sentencing and the abstract shall be certified by the person
10 so required to prepare it to be true and correct.

11 (2) For the purposes of this section, a forfeiture of bail shall be
12 equivalent to a conviction.

13 (b) The following violations are not required to be reported
14 under subdivision (a):

15 (1) Division 3.5 (commencing with Section 9840).

16 (2) Section 21113, with respect to parking violations.

17 (3) Chapter 9 (commencing with Section 22500) of Division
18 11, except Section 22526.

19 (4) Division 12 (commencing with Section 24000), except
20 Sections 24002, 24004, 24250, 24409, 24604, 24800, 25103,
21 26707, 27151, 27315, 27360, 27800, and 27801 and Chapter 3
22 (commencing with Section 26301).

23 (5) Division 15 (commencing with Section 35000), except
24 Chapter 5 (commencing with Section 35550).

25 (6) Violations for which a person was cited as a pedestrian or
26 while operating a bicycle or a motorized scooter.

27 (7) Division 16.5 (commencing with Section 38000), except
28 ~~Section~~ *Sections 38301, 38301.3, 38301.5, 38304.1, and 38504.1.*

29 (8) Subdivision (b) of Section 23221, subdivision (b) of Section
30 23223, subdivision (b) of Section 23225, and subdivision (b) of
31 Section 23226.

32 (c) If the court impounds a license, or orders a person to limit
33 his or her driving pursuant to subdivision (d) of Section 40508,
34 the court shall notify the department concerning the impoundment
35 or limitation on an abstract prepared pursuant to subdivision (a)
36 of this section or on a separate abstract, that shall be prepared
37 within 5 days after the impoundment or limitation was ordered
38 and immediately forwarded to the department at its office in
39 Sacramento.

1 (d) If the court determines that a prior judgment of conviction
2 of a violation of Section 23152 or 23153 is valid or is invalid on
3 constitutional grounds pursuant to Section 41403, the clerk of the
4 court in which the determination is made shall prepare an abstract
5 of that determination and forward it to the department in the same
6 manner as an abstract of record pursuant to subdivision (a).

7 (e) Within 5 days of an order terminating or revoking probation
8 under Section 23602, the clerk of the court in which the order
9 terminating or revoking probation was entered shall prepare and
10 immediately forward to the department at its office in Sacramento
11 an abstract of the record of the court order terminating or revoking
12 probation and any other order of the court to the department
13 required by law.

14 (f) This section shall become operative on October 1, 2008.

15 SEC. 2. Section 12810 of the Vehicle Code is amended to read:
16 12810. In determining the violation point count, the following
17 shall apply:

18 (a) A conviction of failure to stop in the event of an accident in
19 violation of Section 20001 or 20002 shall be given a value of two
20 points.

21 (b) A conviction of a violation of Section 23152 or 23153 shall
22 be given a value of two points.

23 (c) A conviction of reckless driving shall be given a value of
24 two points.

25 (d) (1) A conviction of a violation of subdivision (b) of Section
26 191.5 or subdivision (c) of Section 192 of the Penal Code, or of
27 Section 2800.2 or 2800.3, subdivision (b) of Section 21651,
28 subdivision (b) of Section 22348, subdivision (a) or (c) of Section
29 23109, Section 23109.1, or Section 31602 of this code, shall be
30 given a value of two points.

31 (2) A conviction of a violation of subdivision (a) or (b) of
32 Section 23140 shall be given a value of two points.

33 (e) A conviction of a violation of Section 14601, 14601.1,
34 14601.2, 14601.3, or 14601.5 shall be given a value of two points.

35 (f) Except as provided in subdivision (i), any other traffic
36 conviction involving the safe operation of a motor vehicle upon
37 the highway shall be given a value of one point.

38 (g) A traffic accident in which the operator is deemed by the
39 department to be responsible shall be given a value of one point.

1 (h) A conviction of a violation of Section 27360 or 27360.5
2 shall be given a value of one point.

3 (i) (1) A violation of paragraph (1), (2), (3), or (5) of subdivision
4 (b) of Section 40001 shall not result in a violation point count
5 being given to the driver if the driver is not the owner of the
6 vehicle.

7 (2) A conviction of a violation of paragraph (1) or (2) of
8 subdivision (b) of Section 12814.6, subdivision (a) of Section
9 21116, Section 21207.5, 21708, 21710, 21716, 23120, 24800, or
10 26707 shall not be given a violation point count.

11 (3) A violation of subdivision (d) of Section 21712 shall not
12 result in a violation point count.

13 (4) A violation of Section 23136 shall not result in a violation
14 point count.

15 (5) A violation of Section 38301, 38301.3, 38301.5, 38304.1,
16 or 38504.1 shall not result in a violation point count.

17 (j) A conviction for only one violation arising from one occasion
18 of arrest or citation shall be counted in determining the violation
19 point count for the purposes of this section.

20 SEC. 3. Section 38304.1 is added to the Vehicle Code, to read:

21 38304.1. (a) Neither a parent or guardian of a child who is
22 under 14 years of age, nor an adult who is authorized by the parent
23 or guardian to supervise that child, shall grant permission to, or
24 knowingly allow, that child to operate an off-highway motor
25 vehicle in a manner that violates Section 38304.

26 (b) A person convicted of a violation of subdivision (a) is
27 punishable as follows:

28 (1) For a first conviction, the court shall impose a fine of one
29 hundred twenty-five dollars (\$125).

30 (2) For a second conviction, a fine of not less than one hundred
31 twenty-five dollars (\$125) nor more than two hundred fifty dollars
32 (\$250).

33 (3) For a third or any subsequent conviction, a fine of not less
34 than two hundred fifty dollars (\$250) nor more than five hundred
35 dollars (\$500).

36 SEC. 4. No reimbursement is required by this act pursuant to
37 Section 6 of Article XIII B of the California Constitution because
38 the only costs that may be incurred by a local agency or school
39 district will be incurred because this act creates a new crime or
40 infraction, eliminates a crime or infraction, or changes the penalty

1 for a crime or infraction, within the meaning of Section 17556 of
2 the Government Code, or changes the definition of a crime within
3 the meaning of Section 6 of Article XIII B of the California
4 Constitution.

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