

AMENDED IN ASSEMBLY MAY 16, 2001

AMENDED IN ASSEMBLY APRIL 30, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 415**

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**Introduced by Assembly Member Runner**

February 20, 2001

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An act to amend Sections 53153 and 53158 of, and to add Section 53152.3 to, the Government Code, relating to emergency services.

LEGISLATIVE COUNSEL'S DIGEST

AB 415, as amended, Runner. Emergency services: liability.

Existing law imposes upon any person who is under the influence of alcohol or any drug, or the combined influence of the alcohol and drug, whose negligent operation of a motor vehicle, boat or vessel, or civil aircraft caused by that influence proximately causes an incident that results in the emergency response, and upon any person whose intentionally wrongful conduct proximately causes any incident that results in an emergency response, liability, not to exceed \$1,000 per incident, for the expense of an emergency response by a public agency.

Under existing law it is a crime for any person who, while operating a motor vehicle and with the intent to evade, willfully flees or otherwise attempts to elude a pursuing peace officer's motor vehicle, if certain conditions exist. Additionally, it is a crime if a person flees or attempts to elude a pursuing peace ~~office~~ *officer* and the pursued vehicle is driven in a willful or wanton disregard for the safety of persons or property. It is also a crime whenever willful flight or attempt to elude a pursuing peace officer causes death or serious bodily injury to any person.

This bill would impose liability, not to exceed \$2,000 per incident, upon any person who is convicted of violating any of the above described provisions and whose actions proximately cause any incident that results in an emergency response, for the expense of the emergency response by a public agency. The bill would require the public agency that made the arrest leading to a conviction to coordinate the cost recovery with other public agencies involved in the emergency response.

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

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

1 SECTION 1. Section 53152.3 is added to the Government  
2 Code, to read:

3 53152.3. (a) Any person who is convicted of violating  
4 subdivision (a) of Section 2800.1 of, or Section 2800.2 or 2800.3  
5 of, the Vehicle Code and whose actions proximately cause any  
6 incident that results in an emergency response shall be liable for  
7 the expense of the emergency response by a public agency.  
8 Notwithstanding Section 53155, in no event shall a person's  
9 liability under this section for the expense of an emergency  
10 response exceed two thousand dollars (\$2,000) for a particular  
11 incident. *In determining the extent of this liability, a court shall*  
12 *consider the person's ability to pay.*

13 (b) If cost recovery is sought pursuant to subdivision (a), the  
14 public agency that arrested a person who is convicted of violating  
15 subdivision (a) of Section 2800.1, or Section 2800.2 or 2800.3 of,  
16 the Vehicle Code, shall coordinate the cost recovery with other  
17 public agencies involved in the emergency response.

18 SEC. 2. Section 53153 of the Government Code is amended  
19 to read:

20 53153. For purposes of this article, a person is under the  
21 influence of an alcoholic beverage or any drug, or the combined  
22 influence of an alcoholic beverage and any drug, when as a result  
23 of drinking an alcoholic beverage or using a drug, or both, his or  
24 her physical or mental abilities are impaired to a degree that he or  
25 she no longer has the ability to operate a motor vehicle, boat or  
26 vessel, or aircraft with the caution characteristic of a sober person  
27 of ordinary prudence under the same or similar circumstances. For



1 purposes of this article, the presumptions described in Sections  
2 23152 and 23610 of the Vehicle Code shall apply.

3 SEC. 3. Section 53158 of the Government Code is amended  
4 to read:

5 53158. It is not the intent of the Legislature, in enacting this  
6 article, to occupy the field of recovery of the expense of an  
7 emergency response by a public agency, nor is it the intent of the  
8 Legislature to preempt local regulations or to otherwise limit the  
9 remedies available to any public agency to recover the expenses  
10 of an emergency response to any incident not involving persons  
11 who operate a motor vehicle, a boat or vessel, or a civil aircraft  
12 while under the influence of an alcoholic beverage or any drug, or  
13 the combined influence of an alcoholic beverage and any drug, or  
14 to any incident not involving a person convicted of violating  
15 subdivision (a) of Section 2800.1 of, or Section 2800.2 or 2800.3  
16 of the Vehicle Code. It is the intent of the Legislature that the  
17 recovery of the expenses of an emergency response under this  
18 chapter shall supplement and shall not supplant any other  
19 provisions of law relating to the recovery of those expenses.

