

AMENDED IN ASSEMBLY MAY 31, 2001  
AMENDED IN ASSEMBLY APRIL 25, 2001  
AMENDED IN ASSEMBLY MARCH 27, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 546**

**Introduced by Assembly Member Cohn**

February 21, 2001

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An act to amend Sections 1803.5, 11200, 41501, and 42005 of, and to add Chapter 1.7 (commencing with Section 11225) to Division 5 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 546, as amended, Cohn. Traffic violation schools.

(1) Existing law requires the Department of Motor Vehicles to license schools for traffic violators.

This bill would require the department, on or before January 1, 2003, to adopt regulations for the licensing of home study traffic violator schools, ~~as prescribed~~. The bill would authorize any home study traffic violator school approved by a court pursuant to specified existing law as of January 1, 2002, to continue to operate for a period of 12 months following the effective date of those regulations. The bill would require the Director of Motor Vehicles, on or before July 1, 2002, to appoint an advisory board, ~~as specified~~, to consult on the development and implementation of those regulations.

~~(2) Under existing law, a court is authorized to order a continuance of a proceeding against a person, who receives a notice to appear in court for a violation of any statute relating to the safe operation of a~~

~~vehicle, in consideration for attendance at a licensed school for traffic violators, a licensed driving school, or any other court approved program of driving instruction, and, after that attendance, the court may dismiss the complaint under specified conditions.~~

~~This bill would delete the authority to order the continuance in consideration for attendance at any other court approved program of driving instruction and would make corresponding deletions of references to the court approved programs of driving instructions.~~

~~(3) Existing law requires a court, when the court orders a person to attend a traffic violator school, to make available the current list of traffic violation schools published by the department.~~

~~The bill would provide that a court has no duty to provide a listing of eligible schools.~~

~~(4)~~

(2) The bill would provide that nothing in the bill is intended to limit the discretion of courts to contract with assistance programs for the processing of traffic violator completion certificates or other court-related administrative functions.

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

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

1 SECTION 1. Section 1803.5 of the Vehicle Code is amended  
2 to read:

3 1803.5. Every clerk of a court or hearing officer, when a  
4 person who receives a notice to appear at a court or board  
5 proceeding for a violation of any statute relating to the safe  
6 operation of vehicles is granted a continuance of the proceeding in  
7 consideration for attendance at a school for traffic violators, a  
8 licensed driving school and which results in a dismissal of the  
9 complaint in consideration for that attendance, shall prepare an  
10 abstract of the record of the court or board proceeding, certify the  
11 abstract to be true and correct, and cause the abstract to be  
12 forwarded to the department at its office at Sacramento within 10  
13 days after the complaint is dismissed.

14 SEC. 2. Section 11200 of the Vehicle Code is amended to  
15 read:

16 11200. The department shall license schools for traffic  
17 violators for purposes of Section 42005. No person shall own or



1 operate a traffic violator school or, except as provided in Section  
2 11206, give instruction for compensation in a traffic violator  
3 school without a currently valid license issued by the department.  
4 SEC. 3. Chapter 1.7 (commencing with Section 11225) is  
5 added to Division 5 of the Vehicle Code, to read:

6  
7 CHAPTER 1.7. HOME STUDY TRAFFIC VIOLATOR SCHOOLS  
8

9 11225. On or before January 1, 2003, the department shall  
10 adopt regulations for the licensing of home study traffic violator  
11 schools. The department shall design the regulations to ensure that  
12 the scope, quality, and accuracy of home study programs are  
13 reasonably comparable with classroom traffic violator schools  
14 licensed by the department, but shall recognize that home study  
15 programs feature educational approaches that are inherently  
16 different from the classroom environment, requiring separate  
17 regulatory provisions. The regulations, at a minimum, shall  
18 require all of the following:

19 (a) Home study traffic violator schools to provide services  
20 pursuant to curriculum criteria adopted by the department that  
21 ensures subject matter coverage comparable to classroom courses.

22 (b) Background checks and training provisions for home study  
23 owners or operators that substantially conform to requirements for  
24 classroom providers, provided that there may be no requirement  
25 that home study owners or operators possess any classroom  
26 training or experience.

27 (c) Home study courses to be divided into components, that  
28 require students to demonstrate mastery of one component before  
29 progressing to the next, in order to ensure that the total educational  
30 experience between home study courses and classroom courses is  
31 reasonably comparable, without rigid minimum time  
32 requirements that are inconsistent with the concept of self-paced  
33 study.

34 (d) That students in home study programs successfully pass an  
35 exit examination administered by the home study course provider,  
36 with questions selected randomly from a pool maintained by the  
37 provider, to ensure the integrity of the final examination.

38 (e) That home study course providers include within programs  
39 features designed to verify with reasonable certainty the identity  
40 of the person taking the course and completing the final

1 examination, and additionally require students to indicate under  
2 penalty of perjury that they personally completed the course.

3 (f) That home study course providers forward completion  
4 certificates issued by the department directly to courts for  
5 processing by courts or their designated agents.

6 (g) That home study course providers provide technical  
7 support to students, and maintain as a principal place of business  
8 a physical location in this state to permit contact by students and  
9 monitoring by the department.

10 11226. Any home study traffic violator school approved by a  
11 court pursuant to Section 1803.5 as of January 1, 2002, may  
12 continue to operate for a period of 12 months following the  
13 effective date of regulations established pursuant to Section  
14 11225.

15 11227. On or before July 1, 2002, the director shall appoint an  
16 advisory board, consisting of individuals who represent a  
17 cross-section of traffic violator school modalities, to consult on the  
18 development and implementation of regulations adopted pursuant  
19 to Section 11225.

20 ~~SEC. 4. Section 41501 of the Vehicle Code is amended to~~  
21 ~~read:~~

22 ~~41501. The court may order a continuance of a proceeding~~  
23 ~~against a person, who receives a notice to appear in court for a~~  
24 ~~violation of any statute relating to the safe operation of a vehicle,~~  
25 ~~in consideration for attendance at a licensed school for traffic~~  
26 ~~violators or a licensed driving school, and, after that attendance,~~  
27 ~~the court may dismiss the complaint under the following~~  
28 ~~conditions:~~

29 ~~(a) If the offense is alleged to have been committed within 12~~  
30 ~~months of another offense that was dismissed under this section,~~  
31 ~~the court may order the continuance and, after the attendance,~~  
32 ~~dismiss the complaint. The court may order attendance at a~~  
33 ~~licensed school for traffic violators that offers a program of at least~~  
34 ~~12 hours of instruction.~~

35 ~~(b) If the offense is not alleged to have occurred within 18~~  
36 ~~months of another offense that was dismissed under this section,~~  
37 ~~the court may order the continuance and, after the attendance,~~  
38 ~~dismiss the complaint if the attendance is at any of the types of~~  
39 ~~schools or programs that the court directed pursuant to Section~~  
40 ~~42005 at the time of ordering the continuance.~~



1 ~~SEC. 5. Section 42005 of the Vehicle Code is amended to~~  
2 ~~read:~~

3 ~~42005. (a) The court may order any person convicted of a~~  
4 ~~traffic violation to attend a traffic violator school licensed pursuant~~  
5 ~~to Chapter 1.5 (commencing with Section 11200) of Division 5.~~

6 ~~(b) In lieu of adjudicating a traffic offense, and with the consent~~  
7 ~~of the defendant, or after conviction of a traffic offense, the court~~  
8 ~~may order any person issued a notice to appear for a traffic~~  
9 ~~violation to attend a traffic violator school licensed pursuant to~~  
10 ~~Chapter 1.5 (commencing with Section 11200) of Division 5.~~

11 ~~(c) Any person so ordered may choose the traffic violator~~  
12 ~~school the person will attend.~~

13 ~~(d) Notwithstanding subdivision (b), a court may not order a~~  
14 ~~person to attend traffic violator school in lieu of adjudicating an~~  
15 ~~offense if the person was issued a notice to appear for a serious~~  
16 ~~traffic violation, as defined in subdivision (i) of Section 15210,~~  
17 ~~that occurred in a commercial motor vehicle, as defined in~~  
18 ~~subdivision (b) of Section 15210.~~

19 ~~(e) Any person who willfully fails to comply with a court order~~  
20 ~~to attend traffic violator school is guilty of a misdemeanor.~~

21 ~~SEC. 6.—~~

22 *SEC. 4.* Nothing in this act is intended to limit the discretion  
23 of courts to contract with assistance programs for the processing  
24 of traffic violator completion certificates or other court-related  
25 administrative functions.

