

AMENDED IN SENATE MAY 20, 2002

AMENDED IN SENATE MAY 8, 2002

AMENDED IN SENATE JULY 16, 2001

AMENDED IN ASSEMBLY APRIL 23, 2001

CALIFORNIA LEGISLATURE—2001-02 REGULAR SESSION

ASSEMBLY BILL

No. 1726

Introduced by Assembly Member Reyes

March 22, 2001

~~An act to amend Section 23109 of, and to add Section 23109.7 to, An act to add Section 1463.31 to the Penal Code, and to add Section 23109.6 to the Vehicle Code, relating to speed contests.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1726, as amended, Reyes. Vehicles: speed contests.

Existing law prohibits engaging in any motor vehicle speed contest, which includes a race against another vehicle, a clock, or other timing device. ~~Existing law provides that a violator's driving privileges shall either be suspended for a specified period or restricted for 90 days to 6 months to necessary employment-related travel.~~

~~This bill would provide that a violator's license may either be suspended for a specified period or restricted for a period of 10 months to one year to necessary employment-related travel.~~

~~Existing law also prohibits aiding or abetting in any motor vehicle speed contest or exhibition of speed. A violation of this provision is punishable by imprisonment in a county jail for a period of not more than 90 days or by a fine of not more than \$500, or both.~~

~~This bill would instead provide that any person who aids, abets, or is knowingly present at a motor vehicle speed contest or speed exhibition is guilty of an infraction punishable by a fine of not more than \$75 for a first conviction, \$100 for a 2nd conviction, and \$150 for a 3rd and any subsequent conviction. The bill would allow a violator's driving privileges to be restricted for a period of 6 months to one year to necessary employment related travel. In the case of a violator who does not possess a valid driver's license, it would delay his or her eligibility to receive a license. By expanding the scope of an existing crime, this bill would impose a state-mandated local program.~~

~~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.~~

~~This bill would require the California Highway Patrol to institute and maintain a toll-free telephone number system to facilitate public reporting of speed contests.~~

~~Existing law provides that a person convicted of participating in a speed contest is punishable by imprisonment or a fine, or both. Existing law requires all fines and forfeitures collected for crimes to be distributed in accordance with specified procedures.~~

~~This bill would provide that \$50 of each fine collected for engaging in a speed contest shall be used to establish, maintain, and promote the toll-free telephone number system. It would further provide that the board of supervisors of a county may authorize a \$50 penalty, in addition to any other fine or penalty, for participating in an illegal speed contest.~~

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

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

- 1 ~~SECTION 1. Section 23109 of the Vehicle Code is amended~~
- 2 ~~to~~
- 3 ~~SECTION 1. Section 1463.31 is added to the Penal Code, to~~
- 4 ~~read:~~
- 5 ~~1463.31. (a) Notwithstanding Section 1463, of the moneys~~
- 6 ~~deposited with the county treasurer pursuant to Section 1463, fifty~~



1 dollars (\$50) of each fine collected for each conviction of a
2 violation of Section 23109 of the Vehicle Code shall be deposited
3 in a special account in the state treasury to be used exclusively
4 upon appropriation by the Legislature to pay for the cost of
5 establishing, maintaining, and promoting the toll-free telephone
6 number system described in Section 23109.6 of the Vehicle Code.
7 The funds in this account shall not exceed the reasonable cost of
8 providing the services for which the funds are intended.

9 (b) Notwithstanding any other provision of law, the board of
10 supervisors of a county may, by resolution, authorize a penalty of
11 fifty dollars (\$50), in addition to any other fine or penalty, for each
12 violation of Section 23109 of the Vehicle Code. The funds shall be
13 deposited in a special account to be used exclusively to recoup the
14 cost of enforcing the provisions of Section 23109.

15 (c) On November 1 of each year, the treasurer of each county
16 shall determine those moneys in the special accounts established
17 pursuant to subdivisions (a) and (b) that were not expended during
18 the preceding fiscal year, and shall transfer those moneys into the
19 general fund of the county. The county may retain an amount of
20 that money equal to its administrative cost incurred pursuant to
21 this section, and shall distribute the remainder pursuant to Section
22 1463.

23 SEC. 2. Section 23109.6 is added to the Vehicle Code, to read:
24 23109.6. The department shall institute and maintain a
25 toll-free telephone number system to facilitate public reporting of
26 violations of Section 23109.

27 read:

28 ~~23109. (a) No person shall engage in any motor vehicle speed~~
29 ~~contest on a highway. As used in this section, a motor vehicle speed~~
30 ~~contest includes a motor vehicle race against another vehicle, a~~
31 ~~clock, or other timing device. For purposes of this section, an event~~
32 ~~in which the time to cover a prescribed route of more than 20 miles~~
33 ~~is measured, but where the vehicle does not exceed the speed~~
34 ~~limits, is not a speed contest.~~

35 ~~(b) No person shall engage in any motor vehicle exhibition of~~
36 ~~speed on a highway.~~

37 ~~(c) No person shall for the purpose of facilitating or aiding or~~
38 ~~as an incident to any motor vehicle speed contest or exhibition~~
39 ~~upon a highway in any manner obstruct or place any barricade or~~



1 ~~obstruction or assist or participate in placing any barricade or~~
2 ~~obstruction upon any highway.~~

3 ~~(d) Any person convicted of a violation of subdivision (a) shall~~
4 ~~be punished by imprisonment in the county jail for not less than 24~~
5 ~~hours nor more than 90 days or by a fine of not less than three~~
6 ~~hundred fifty-five dollars (\$355) nor more than one thousand~~
7 ~~dollars (\$1,000) or both that fine and imprisonment. The person's~~
8 ~~privilege to operate a motor vehicle shall be subject to suspension~~
9 ~~as provided in subdivision (a) of Section 13352. The person's~~
10 ~~privilege to operate a motor vehicle may be restricted for a period~~
11 ~~of 10 months to one year to necessary travel to and from that~~
12 ~~person's place of employment and, if driving a motor vehicle is~~
13 ~~necessary to perform the duties of the person's employment,~~
14 ~~restricted to driving in that person's scope of employment. This~~
15 ~~subdivision does not interfere with the court's power to grant~~
16 ~~probation in a suitable case.~~

17 ~~(e) Any person convicted of a violation of subdivision (a) for~~
18 ~~an offense which occurred within five years of the date of a prior~~
19 ~~offense which resulted in a conviction of a violation of subdivision~~
20 ~~(a) shall be punished by imprisonment in the county jail for not less~~
21 ~~than four days nor more than six months and by a fine of not less~~
22 ~~than five hundred dollars (\$500) nor more than one thousand~~
23 ~~dollars (\$1,000). Additionally, the Department of Motor Vehicles~~
24 ~~shall either suspend the person's privilege to operate a motor~~
25 ~~vehicle, as provided in subdivision (a) of Section 13352, or the~~
26 ~~person's privilege to operate a motor vehicle shall be restricted for~~
27 ~~a period of 10 months to one year to necessary travel to and from~~
28 ~~that person's place of employment and, if driving a motor vehicle~~
29 ~~is necessary to perform the duties of the person's employment,~~
30 ~~restricted to driving in that person's scope of employment. This~~
31 ~~subdivision does not interfere with the court's power to grant~~
32 ~~probation in a suitable case.~~

33 ~~(f) If the court grants probation to any person punishable under~~
34 ~~subdivision (f), in addition to the provisions of subdivision (f) and~~
35 ~~any other terms and conditions imposed by the court, which may~~
36 ~~include a fine, the court shall impose as a condition of probation~~
37 ~~that the person be confined in the county jail for not less than 48~~
38 ~~hours nor more than six months. The person's privilege to operate~~
39 ~~a motor vehicle shall also be suspended by the Department of~~



1 ~~Motor Vehicles pursuant to subdivision (a) of Section 13352 or~~
2 ~~shall be restricted pursuant to subdivision (f).~~

3 ~~(g) If any person is convicted of a violation of subdivision (a)~~
4 ~~and the vehicle used in the violation is registered to that person, the~~
5 ~~vehicle may be impounded at the registered owner's expense for~~
6 ~~not less than one day nor more than 30 days.~~

7 ~~(h) Any person who violates subdivision (b), (c), or (d) of this~~
8 ~~section shall upon conviction thereof be punished by~~
9 ~~imprisonment in the county jail for not more than 90 days or by~~
10 ~~fine of not more than five hundred dollars (\$500) or by both that~~
11 ~~fine and imprisonment.~~

12 ~~(i) If a person's privilege to operate a motor vehicle is restricted~~
13 ~~by a court pursuant to this section, the court shall clearly mark the~~
14 ~~restriction and the dates of the restriction on that person's driver's~~
15 ~~license and promptly notify the Department of Motor Vehicles of~~
16 ~~the terms of the restriction in a manner prescribed by the~~
17 ~~department. The Department of Motor Vehicles shall place that~~
18 ~~restriction in the person's records in the Department of Motor~~
19 ~~Vehicles and enter the restriction on any license subsequently~~
20 ~~issued by the Department of Motor Vehicles to that person during~~
21 ~~the period of the restriction.~~

22 ~~(j) The court may order that any person convicted under this~~
23 ~~section, who is to be punished by imprisonment in the county jail,~~
24 ~~be imprisoned on days other than days of regular employment of~~
25 ~~the person, as determined by the court.~~

26 ~~(k) This section shall be known and may be cited as the Louis~~
27 ~~Friend Memorial Act.~~

28 ~~SEC. 2.—Section 23109.7 is added to the Vehicle Code, to read:~~

29 ~~23109.7. (a) Any person who aids, abets, or is knowingly~~
30 ~~present at an illegal motor vehicle speed contest or speed~~
31 ~~exhibition on a highway is guilty of an infraction. A violation of~~
32 ~~this section shall be punished as follows:~~

33 ~~(1) For a first conviction, a fine of not more than seventy-five~~
34 ~~dollars (\$75).~~

35 ~~(2) For a second conviction, a fine of not more than one~~
36 ~~hundred dollars (\$100).~~

37 ~~(3) For a third or any subsequent conviction, a fine of not more~~
38 ~~than one hundred fifty dollars (\$150).~~

39 ~~(c) Any person convicted of a violation of subdivision (a) shall~~
40 ~~be subject to a suspension as provided in subdivision (a) of Section~~



1 ~~13352. The person's privilege to operate a motor vehicle may be~~
2 ~~restricted for six months to one year to necessary travel to and from~~
3 ~~the person's place of employment and, if driving a motor vehicle~~
4 ~~is necessary to perform the duties of the person's employment,~~
5 ~~restricted to driving in that person's scope of employment.~~
6 ~~(d) Any person convicted of a violation of subdivision (a) who~~
7 ~~is under 16 years of age shall not be eligible to receive a California~~
8 ~~driver's license until reaching 17 years of age.~~
9 ~~(e) Any person convicted of a violation of subdivision (a) who~~
10 ~~is 16 years of age or over but who does not possess a valid~~
11 ~~California driver's license shall not be eligible to receive a license~~
12 ~~until one year after the date of the last conviction.~~
13 ~~SEC. 3.— No reimbursement is required by this act pursuant to~~
14 ~~Section 6 of Article XIII B of the California Constitution because~~
15 ~~the only costs that may be incurred by a local agency or school~~
16 ~~district will be incurred because this act creates a new crime or~~
17 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
18 ~~for a crime or infraction, within the meaning of Section 17556 of~~
19 ~~the Government Code, or changes the definition of a crime within~~
20 ~~the meaning of Section 6 of Article XIII B of the California~~
21 ~~Constitution.~~

