

ASSEMBLY BILL

No. 1302

Introduced by Assembly Member Simitian

February 21, 2003

An act to add Section 1808.11 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1302, as introduced, Simitian. Vehicles: traffic violations: confidentiality.

Existing law authorizes a court to order a person to attend traffic violator school or any other court-supervised program of traffic safety instruction in lieu of adjudicating certain violations of the Vehicle Code. The record of the Department of Motor Vehicles relating to the dismissal of a violation under these circumstances is confidential.

This bill would require the department to keep confidential all information regarding a conviction of an offense in a state, territory, or possession of the United States, or the District of Columbia, the Commonwealth of Puerto Rico, or the Dominion of Canada that, if committed in this state, would be a violation of the Vehicle Code, if the person provides proof of completion of a licensed traffic violator school that is satisfactory to the department and (1) has not, within 18 months, attended traffic violator school or any other court-supervised program of traffic safety instruction in lieu of adjudication of a violation of the code or of an out-of-state provision that, if committed in this state, would be a violation of the code; (2) does not apply for confidentiality for certain, listed crimes; and (3) applies to the department for confidentiality under these provisions and pays a specified fee.

The bill would require the department to charge a person requesting confidentiality under these provisions a fee in an amount determined by the department to be sufficient to cover its costs in administering these provisions.

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 1808.11 is added to the Vehicle Code,
2 to read:

3 1808.11. (a) The department shall keep confidential all
4 information regarding a conviction of an offense in a state,
5 territory, or possession of the United States, or the District of
6 Columbia, the Commonwealth of Puerto Rico, or the Dominion of
7 Canada that, if committed in this state, would be a violation of this
8 code, if the person provides proof of completion of a traffic
9 violator school licensed under Chapter 1.5 (commencing with
10 Section 11200) of Division 5 that is satisfactory to the department
11 and meets all of the following conditions:

12 (1) Within 18 months, has not attended traffic violator school
13 or any other court-supervised program of traffic safety instruction
14 in lieu of adjudication of a violation of this code.

15 (2) Within 18 months, has not attended traffic violator school
16 or any other court-supervised program of traffic safety instruction
17 in lieu of adjudication of an offense committed in any state,
18 territory, or possession of the United States, or the District of
19 Columbia, the Commonwealth of Puerto Rico, or the Dominion of
20 Canada that, if committed in this state, would be a violation of this
21 code.

22 (3) Does not apply for confidentiality for any of the following
23 crimes:

24 (A) Manslaughter or negligent homicide resulting from the
25 operation of a motor vehicle.

26 (B) An offense that would be a violation of Section 23103, as
27 specified in Section 23103.5, or of Section 23140, 23152, or
28 23153, or of Section 191.5 of, or of paragraph (3) of subdivision
29 (c) of Section 192 of the Penal Code, if committed in this state.

30 (C) A felony in the commission of which a motor vehicle was
31 used.



1 (D) Failure to stop and render aid at the scene of a traffic
2 accident for which the person was liable, if the accident resulted
3 in the death of, or bodily injury to, another person.

4 (4) Applies to the department for confidentiality under this
5 section and pays the fee imposed under subdivision (b).

6 (b) The department shall charge a person requesting
7 confidentiality under this section a fee in an amount determined by
8 the department to be sufficient to cover its costs in administering
9 this section.

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