

AMENDED IN ASSEMBLY MARCH 30, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1854**

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**Introduced by Assembly Member Simitian**

January 29, 2004

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An act to amend Section 24400 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1854, as amended, Simitian. Motor vehicles: headlamps: inclement weather.

(1) Existing law requires, with limited exceptions, that, during darkness, a motor vehicle, other than a motorcycle, be equipped with at least 2 lighted headlamps.

This bill, additionally, would require a motor vehicle, other than a motorcycle, to be equipped with headlamps during inclement weather, as defined.

Because this would expand the scope of an existing crime, this bill would impose a state-mandated local program.

(2) 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 24400 of the Vehicle Code is amended  
2 to read:  
3 24400. (a) During darkness and inclement weather, a motor  
4 vehicle, other than a motorcycle, shall be equipped ~~and operated~~  
5 with at least two lighted headlamps, with at least one on each side  
6 of the front of the vehicle, and, except as to vehicles registered  
7 prior to January 1, 1930, they shall be located directly above or in  
8 advance of the front axle of the vehicle. The headlamps and every  
9 light source in any headlamp unit shall be located at a height of not  
10 more than 54 inches nor less than 22 inches.

11 (b) As used in subdivision (a), “inclement weather” is a  
12 weather condition rendering a driver’s visibility from ~~a~~ *either or*  
13 *both of the following:*

14 (1) A motor vehicle insufficient to clearly discern a person or  
15 another motor vehicle on the highway at a distance of 1,000 feet.

16 (2) A *condition requiring the windshield wipers to be in*  
17 *continuous use due to rain, mist, snow, or other precipitation or*  
18 *atmospheric moisture.*

19 SEC. 2. No reimbursement is required by this act pursuant to  
20 Section 6 of Article XIII B of the California Constitution because  
21 the only costs that may be incurred by a local agency or school  
22 district will be incurred because this act creates a new crime or  
23 infraction, eliminates a crime or infraction, or changes the penalty  
24 for a crime or infraction, within the meaning of Section 17556 of  
25 the Government Code, or changes the definition of a crime within  
26 the meaning of Section 6 of Article XIII B of the California  
27 Constitution.

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