

ASSEMBLY BILL

No. 2440

**Introduced by Assembly Member Shirley Horton
(Coauthors: Assembly Members Bates, La Suer, Plescia, and
Vargas)**

February 19, 2004

An act to amend Sections 23109 and 40000.15 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2440, as introduced, Shirley Horton. Vehicles: speed contests.

The existing Louis Friend Memorial Act makes it a crime for a person to engage in a motor vehicle speed contest on a highway. The act requires a person who is convicted of that crime for an offense that occurred within 5 years of the date of a prior offense constituting that crime that resulted in a conviction to be punished by imprisonment in the county jail for 4 days to 6 months and by a fine.

This bill would increase the punishment for that crime to imprisonment in the state prison, or in a county jail for 4 days to one year, and the fine. Because the bill would change the penalty for a crime, it 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.

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 23109 of the Vehicle Code is amended
2 to read:

3 23109. (a) No person ~~shall~~ may engage in ~~any a~~ motor
4 vehicle speed contest on a highway. As used in this section, a motor
5 vehicle speed contest includes a motor vehicle race against another
6 vehicle, a clock, or other timing device. For purposes of this
7 section, an event in which the time to cover a prescribed route of
8 more than 20 miles is measured, but where the vehicle does not
9 exceed the speed ~~limits~~ limit, is not a speed contest.

10 (b) No person ~~shall~~ may aid or abet in ~~any a~~ motor vehicle speed
11 contest on ~~any a~~ highway.

12 (c) No person ~~shall~~ may engage in ~~any a~~ motor vehicle
13 exhibition of speed on a highway, and no person ~~shall~~ may aid or
14 abet in ~~any a~~ motor vehicle exhibition of speed on ~~any a~~ highway.

15 (d) No person ~~shall~~ may for the purpose of facilitating or aiding
16 or as an incident to ~~any a~~ motor vehicle speed contest or exhibition
17 upon a highway in any manner obstruct or place ~~any a~~ barricade
18 or obstruction or assist or participate in placing ~~any a~~ barricade or
19 obstruction upon ~~any a~~ highway.

20 (e) ~~Any~~ A person convicted of a violation of subdivision (a)
21 shall be punished by imprisonment in the county jail for not less
22 than 24 hours nor more than 90 days or by a fine of not less than
23 three hundred fifty-five dollars (\$355) nor more than one thousand
24 dollars (\$1,000) or both that fine and imprisonment. The person's
25 privilege to operate a motor vehicle shall be subject to suspension
26 as provided in subdivision (a) of Section 13352. The person's
27 privilege to operate a motor vehicle may be restricted for 90 days
28 to six months to necessary travel to and from that person's place
29 of employment and, if driving a motor vehicle is necessary to
30 perform the duties of the person's employment, restricted to
31 driving in that person's scope of employment. This subdivision
32 does not interfere with the court's power to grant probation in a
33 suitable case.

34 (f) ~~Any~~ A person convicted of a violation of subdivision (a) for
35 an offense which occurred within five years of the date of a prior
36 offense which resulted in a conviction of a violation of subdivision
37 (a) shall be punished by imprisonment in the *state prison, or in a*
38 county jail for not less than four days nor more than ~~six months~~ *one*



1 *year*; and by a fine of not less than five hundred dollars (\$500) nor
2 more than one thousand dollars (\$1,000). Additionally, the
3 Department of Motor Vehicles shall either suspend the person's
4 privilege to operate a motor vehicle, as provided in subdivision (a)
5 of Section 13352, or the person's privilege to operate a motor
6 vehicle shall be restricted for six months to necessary travel to and
7 from that person's place of employment and, if driving a motor
8 vehicle is necessary to perform the duties of the person's
9 employment, restricted to driving in that person's scope of
10 employment. This subdivision does not interfere with the court's
11 power to grant probation in a suitable case.

12 (g) If the court grants probation to ~~any~~ a person punishable
13 under subdivision (f), in addition to the provisions of subdivision
14 (f) and any other terms and conditions imposed by the court, which
15 may include a fine, the court shall impose as a condition of
16 probation that the person be confined in the county jail for not less
17 than 48 hours nor more than six months. The person's privilege to
18 operate a motor vehicle shall also be suspended by the Department
19 of Motor Vehicles pursuant to subdivision (a) of Section 13352 or
20 shall be restricted pursuant to subdivision (f).

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

25 (i) ~~Any~~ A person who violates subdivision (b), (c), or (d) ~~of this~~
26 ~~section~~ shall upon conviction thereof be punished by
27 imprisonment in the county jail for not more than 90 days or by
28 fine of not more than five hundred dollars (\$500) or by both that
29 fine and imprisonment.

30 (j) If a person's privilege to operate a motor vehicle is restricted
31 by a court pursuant to this section, the court shall clearly mark the
32 restriction and the dates of the restriction on that person's driver's
33 license and promptly notify the Department of Motor Vehicles of
34 the terms of the restriction in a manner prescribed by the
35 department. The Department of Motor Vehicles shall place that
36 restriction in the person's records in the Department of Motor
37 Vehicles and enter the restriction on ~~any~~ a license subsequently
38 issued by the Department of Motor Vehicles to that person during
39 the period of the restriction.



1 (k) The court may order that ~~any~~ a person convicted under this
2 section, who is to be punished by imprisonment in the county jail,
3 be imprisoned on days other than days of regular employment of
4 the person, as determined by the court.

5 (l) This section shall be known and may be cited as the Louis
6 Friend Memorial Act.

7 SEC. 2. Section 40000.15 of the Vehicle Code is amended to
8 read:

9 40000.15. A violation of any of the following provisions ~~shall~~
10 ~~constitute~~ is a misdemeanor, and not an infraction:

11 ~~Sections~~

12 (a) Sections 23103 and 23104, relating to reckless driving.

13 (b) Subdivision (a) of Section 23109 punishable under
14 subdivision (e) of that section, or subdivision (b), (c), or (d) of
15 Section 23109, relating to speed contests or exhibitions.

16 ~~Subdivision~~

17 (c) Subdivision (a) of Section 23110, relating to throwing at
18 vehicles.

19 ~~Section~~

20 (d) Section 23152, relating to driving under the influence.

21 ~~Subdivision~~

22 (e) Subdivision (b) of Section 23222, relating to possession of
23 marijuana.

24 ~~Subdivision~~

25 (f) Subdivision (a) or (b) of Section 23224, relating to persons
26 under 21 years of age knowingly driving, or being a passenger in,
27 a motor vehicle carrying any alcoholic beverage.

28 ~~Section~~

29 (g) Section 23253, relating to officers on vehicular crossings.

30 ~~Section~~

31 (h) Section 23332, relating to trespassing.

32 ~~Section~~

33 (i) Section 24002.5, relating to unlawful operation of a farm
34 vehicle.

35 ~~Section~~

36 (j) Section 24011.3, relating to vehicle bumper strength
37 notices.

38 ~~Section~~

39 (k) Section 27150.1, relating to sale of exhaust systems.

40 ~~Section~~



1 (l) *Section 27362*, relating to child passenger seat restraints.

2 ~~Section~~

3 (m) *Section 28050*, relating to true mileage driven.

4 ~~Section~~

5 (n) *Section 28050.5*, relating to nonfunctional odometers.

6 ~~Section~~

7 (o) *Section 28051*, relating to resetting odometers.

8 ~~Section~~

9 (p) *Section 28051.5*, relating to devices to reset odometers.

10 ~~Subdivision~~

11 (q) *Subdivision (d)* of *Section 28150*, relating to possessing
12 four or more jamming devices.

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.

