

AMENDED IN SENATE JUNE 20, 2006

AMENDED IN SENATE JUNE 5, 2006

AMENDED IN ASSEMBLY APRIL 20, 2006

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CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2755**

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**Introduced by Assembly Member Blakeslee**

February 24, 2006

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An act to add Sections 38504.1 and 38504.2 to the Vehicle Code, relating to all-terrain vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2755, as amended, Blakeslee. All-terrain vehicles: operating violations.

(1) Existing law prohibits a person under 14 years of age from operating an all-terrain vehicle on public lands of this state unless that person satisfies specified safety conditions and, in addition, is accompanied by and under the direct supervision of a parent or guardian, or is accompanied by and under the direct supervision of an adult who is authorized by the parent or guardian to provide that supervision. Existing law makes a violation of the above an infraction punishable by a specified fine.

This bill would prohibit a parent or guardian of a child who is under 14 years of age and ~~a person~~ *an adult* who is authorized by the parent or guardian to supervise that child, from granting permission to, or knowingly allowing, that child to operate an all-terrain vehicle in a manner that violates the above described prohibition, thereby

imposing a state-mandated local program by creating a new crime. The bill would require a court, upon a 1st conviction, to either impose a fine of \$125 or order the person to take or retake and complete an all-terrain vehicle safety training course, and would authorize the court to order the child to also attend and complete that course, as specified. The person or child who is so ordered would be required, upon completion of the course, to provide the court with a copy of the all-terrain vehicles safety certificate issued as a result of that completion. The bill would impose fines upon a 2nd or subsequent conviction.

(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 38504.1 is added to the Vehicle Code,  
2 to read:

3 38504.1. (a) Neither a parent or guardian of a child who is  
4 under 14 years of age, nor ~~a person~~ *an adult* who is authorized by  
5 the parent or guardian to supervise that child shall grant  
6 permission to, or knowingly allow, that child to operate an  
7 all-terrain vehicle in a manner that violates Section 38504.

8 (b) A person convicted of a violation of subdivision (a) is  
9 punishable as follows:

10 (1) For a first conviction, the court shall either impose a fine  
11 of one hundred twenty-five dollars (\$125) or order the person to  
12 take or retake and complete an all-terrain vehicle safety training  
13 course pursuant to Section 38501. If ordered to take or retake and  
14 complete the safety training course, the person shall provide the  
15 court a copy of the all-terrain vehicles safety certificate issued as  
16 a result of that completion.

17 (2) For a second conviction, a fine of not less than one  
18 hundred twenty-five dollars (\$125) nor more than two hundred  
19 fifty dollars (\$250).

1 (3) For a third or any subsequent conviction, a fine of not less  
2 than two hundred fifty dollars (\$250) nor more than five hundred  
3 dollars (\$500).

4 SEC. 2. Section 38504.2 is added to the Vehicle Code, to  
5 read:

6 38504.2. If a person under 14 years of age was not properly  
7 supervised or accompanied in accordance with Section 38504,  
8 and the parent or guardian of that child or the adult who was  
9 authorized by the parent or guardian to supervise or accompany  
10 that child is in violation of Section 38504.1, upon a conviction  
11 pursuant to Section 38504, the court may order that child to  
12 attend and complete the all-terrain vehicle safety training course  
13 accompanied by the person who violated Section 38504.1. If so  
14 ordered, the child under 14 years of age shall provide the court a  
15 copy of the all-terrain vehicles safety certificate issued as a result  
16 of that completion.

17 SEC. 3. No reimbursement is required by this act pursuant to  
18 Section 6 of Article XIII B of the California Constitution because  
19 the only costs that may be incurred by a local agency or school  
20 district will be incurred because this act creates a new crime or  
21 infraction, eliminates a crime or infraction, or changes the  
22 penalty for a crime or infraction, within the meaning of Section  
23 17556 of the Government Code, or changes the definition of a  
24 crime within the meaning of Section 6 of Article XIII B of the  
25 California Constitution.