

Assembly Bill No. 3004

CHAPTER 832

An act relating to vehicles.

[Approved by Governor September 30, 2006. Filed with
Secretary of State September 30, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

AB 3004, Houston. Vehicles: enforcement.

Existing law requires, except in certain specified circumstances, a traffic officer on duty for the exclusive or main purpose of enforcing laws related to traffic accidents and rules of the road, to wear a full distinctive uniform, and to use a motor vehicle that is painted a distinctive color, as specified by the Commissioner of the California Highway Patrol.

This bill would express the intent of the Legislature that the Commissioner of the California Highway Patrol should amend a particular regulation regarding distinctively painted motor vehicles, including patrol vehicles and motorcycles, used by police and traffic officers in order to address a particular concern occurring in Alameda County.

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

SECTION 1. (a) It is the intent of the Legislature that the Commissioner of the California Highway Patrol should amend Section 1141 of Title 13 of the California Code of Regulations regarding distinctively painted motor vehicles, including patrol vehicles and motorcycles, used by police and traffic officers to accomplish the enforcement of Sections 23152 and 23153 of the Vehicle Code. There is a current emergency in the County of Alameda regarding the use of distinctively marked patrol vehicles and motorcycles. The dark blue painted patrol vehicles and motorcycles currently used by the Alameda County Sheriff's Office do not meet the specifications of Section 1141 of Title 13 of the California Code of Regulations. Local courts have indicated that they will consider dismissing driving under the influence charges if the defense raises the issue regarding the color of these motor vehicles. It is the intent of the Legislature to ensure that all distinctively painted patrol vehicles and motorcycles used by police and traffic officers in Alameda County, as well as other jurisdictions, are authorized to enforce Sections 23152 and 23153 of the Vehicle Code. Nothing in this section is intended to diminish the ability of the public to identify these vehicles as law enforcement patrol vehicles and motorcycles.

(b) Regulations to address the concerns expressed in subdivision (a) should be adopted by the Commissioner of the California Highway Patrol in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The adoption of an amendment to Section 1141 of Title 13 of the California Code of Regulations, as an emergency regulation, is necessary to address an emergency and shall be considered by the Office of Administrative Law to be necessary for the immediate preservation of the public peace, health, safety, and general welfare.