

Introduced by Senator LowenthalFebruary 24, 2006

An act to amend Sections 1808 and 24400 of, and to add Section 12810.6 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1586, as introduced, Lowenthal. Vehicles: department of motor vehicles records: public access: headlamps: inclement weather.

(1) Existing law requires the Department of Motor Vehicles to make available to the public, under certain circumstances, abstracts of convictions and accident reports required to be sent to the department in Sacramento, for 7 years where a violation is designated as 2 points, as specified, and for 3 years for accidents and all other violations.

This bill would extend the time that the department is required to make available to the public the abstracts of convictions, under specified sections prohibiting operation of a motor vehicle under the influence of drugs, alcohol, or both, from 7 to 10 years.

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

This bill would clarify and recast this offense to make clear it applies when the vehicle is being operated in the dark, or inclement weather, or both.

(3) Existing law requires any traffic conviction, involving the safe operation of a motor vehicle upon a highway, result in a violation point count.

This bill would exempt a person, convicted of operating a motor vehicle, without at least 2 specifically located and lighted headlamps,

during darkness, or inclement weather, or both, from a traffic violation point count.

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 of the Vehicle Code is amended to
2 read:

3 1808. (a) Except where a specific provision of law prohibits
4 the disclosure of records or information or provides for
5 confidentiality, all records of the department relating to the
6 registration of vehicles, other information contained on an
7 application for a driver's license, abstracts of convictions, and
8 abstracts of accident reports required to be sent to the department
9 in Sacramento, except for abstracts of accidents where, in the
10 opinion of a reporting officer, another individual was at fault,
11 shall be open to public inspection during office hours. All
12 abstracts of accident reports shall be available to law
13 enforcement agencies and courts of competent jurisdiction.

14 (b) The department shall make available or disclose abstracts
15 of convictions and abstracts of accident reports required to be
16 sent to the department in Sacramento, as described in subdivision
17 (a), if the date of the occurrence is not later than the following:

18 (1) *Ten years for a violation pursuant to Sections 23140,*
19 *23152, or 23153.*

20 (1) (2) Seven years for ~~any~~ a violation designated as two
21 points pursuant to Section 12810, *except as provided in*
22 *paragraph (1) of this subdivision.*

23 (2) (3) Three years for accidents and all other violations.

24 (c) The department shall make available or disclose
25 suspensions and revocations of the driving privilege while the
26 suspension or revocation is in effect and for three years following
27 termination of the action or reinstatement of the privilege, except
28 that driver's license suspension actions taken pursuant to
29 Sections 13202.6 and 13202.7, or Section 256 or 11350.6 of the
30 Welfare and Institutions Code shall be disclosed only during the
31 actual time period in which the suspension is in effect.

1 (d) The department shall not make available or disclose ~~any a~~
2 suspension or revocation that has been judicially set aside or
3 stayed.

4 (e) The department shall not make available or disclose
5 personal information about ~~any a~~ person unless the disclosure is
6 in compliance with the Driver's Privacy Protection Act of 1994
7 (18 U.S.C. Sec. 2721 et seq.). However, ~~any a~~ disclosure is
8 subject to the prohibition in paragraph (2) of subdivision (a) of
9 Section 12800.5.

10 (f) The department shall make available or disclose to the
11 courts and law enforcement agencies ~~any a~~ conviction of Section
12 23103, as specified in Section 23103.5, or ~~any a~~ conviction of
13 Section 23140, 23152, or 23153, or Section 655 of the Harbors
14 and Navigation Code, or paragraph (1) of subdivision (c) of
15 Section 192 of the Penal Code for a period of 10 years from the
16 date of the offense for the purpose of imposing penalties
17 mandated by this code, or by ~~any~~ other applicable provisions of
18 California law.

19 (g) The department shall make available or disclose to the
20 courts and law enforcement agencies ~~any a~~ conviction of Section
21 191.5, or paragraph (3) of subdivision (c) of Section 192 of the
22 Penal Code, punished as a felony, for the purpose of imposing
23 penalties mandated by Section 23550.5, or by ~~any~~ other
24 applicable provisions of California law.

25 SEC. 2. Section 12810.6 is added to the Vehicle Code, to
26 read:

27 12810.6. Notwithstanding any other provision of law, a
28 violation point shall not be given for a conviction of a violation
29 of Section 24400.

30 SEC. 3. Section 24400 of the Vehicle Code is amended to
31 read:

32 24400. (a) ~~During darkness and inclement weather, a A~~
33 motor vehicle, other than a motorcycle, shall be equipped with:

34 (1) ~~Equipped with~~ at least two ~~lighted~~ headlamps, with at least
35 one on each side of the front of the vehicle, and, except as to
36 vehicles registered prior to January 1, 1930, they shall be located
37 directly above or in advance of the front axle of the vehicle. The
38 headlamps and every light source in any headlamp unit shall be
39 located at a height of not more than 54 inches nor less than 22
40 inches.

1 (2) *Operated during darkness, or inclement weather, or both,*
2 *with at least two lighted headlamps that comply with paragraph*
3 *(1).*

4 (b) As used in *paragraph (2) of subdivision (a)*, “inclement
5 weather” is a weather condition that is either of the following:

6 (1) A condition that prevents a driver of a motor vehicle from
7 clearly discerning a person or another motor vehicle on the
8 highway from a distance of 1,000 feet.

9 (2) A condition requiring the windshield wipers to be in
10 continuous use due to rain, mist, snow, fog, or other precipitation
11 or atmospheric moisture.

12 ~~(e) This section shall become operative on July 1, 2005.~~