

ASSEMBLY BILL

No. 248

Introduced by Assembly Member Gaines

February 1, 2007

An act to amend Section 40000.15 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 248, as introduced, Gaines. Vehicles: violations: punishment.

Under existing law, a violation related to a motor vehicle speed contest is generally punishable as a misdemeanor. However, if a person is convicted of engaging in a motor vehicle speed contest for an offense that occurred within 5 years of the date of a prior offense that resulted in a conviction for engaging in a motor vehicle speed contest, and the most recent offense proximately caused serious bodily injury to a person other than the driver, the 2nd violation is punishable as a misdemeanor or a felony.

Under existing law, a violation related to reckless driving is also generally punishable as a misdemeanor. However, if a person is convicted of reckless driving that proximately causes great bodily injury to a person other than the driver, and the person has previously been convicted of one of specified violations, the reckless driving violation is punishable as a misdemeanor or a felony.

Unless otherwise specified, a violation of the Vehicle Code is generally an infraction. The Vehicle Code generally lists those violations that are misdemeanors and not infractions.

This bill would clarify in the list that lists a violation related to a motor vehicle speed contest as a misdemeanor, that under the exception described above, the violation is punishable as a misdemeanor or a

felony. The bill would do the same with respect to the violation related to reckless driving that is punishable as a misdemeanor or a felony.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

- 1 SECTION 1. Section 40000.15 of the Vehicle Code is amended
- 2 to read:
- 3 40000.15. A violation of any of the following provisions shall
- 4 constitute a misdemeanor, and not an infraction:
- 5 Subdivision (g), (j), (k), (l), or (m) of Section 22658, relating to
- 6 unlawfully towed or stored vehicles.
- 7 Sections 23103 and 23104, relating to reckless driving, *except*
- 8 *for a violation punishable pursuant to subdivision (b) of Section*
- 9 *23104, which may be a misdemeanor or a felony.*
- 10 Section 23109, relating to speed contests or exhibitions, *except*
- 11 *for a violation punishable pursuant to paragraph (3) of subdivision*
- 12 *(f) of that section, which may be a misdemeanor or a felony.*
- 13 Subdivision (a) of Section 23110, relating to throwing at vehicles.
- 14 Section 23152, relating to driving under the influence.
- 15 Subdivision (b) of Section 23222, relating to possession of
- 16 marijuana.
- 17 Subdivision (a) or (b) of Section 23224, relating to persons under
- 18 21 years of age knowingly driving, or being a passenger in, a motor
- 19 vehicle carrying any alcoholic beverage.
- 20 Section 23253, relating to directions on toll highways or
- 21 vehicular crossings.
- 22 Section 23332, relating to trespassing.
- 23 Section 24002.5, relating to unlawful operation of a farm vehicle.
- 24 Section 24011.3, relating to vehicle bumper strength notices.
- 25 Section 27150.1, relating to sale of exhaust systems.
- 26 Section 27362, relating to child passenger seat restraints.
- 27 Section 28050, relating to true mileage driven.
- 28 Section 28050.5, relating to nonfunctional odometers.
- 29 Section 28051, relating to resetting odometers.
- 30 Section 28051.5, relating to devices to reset odometers.

- 1 Subdivision (d) of Section 28150, relating to possessing four or
- 2 more jamming devices.

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