

AMENDED IN SENATE JUNE 26, 2007

AMENDED IN ASSEMBLY MAY 14, 2007

AMENDED IN ASSEMBLY MAY 8, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 430

Introduced by Assembly Member Benoit

February 16, 2007

An act to amend Section 68152 of the Government Code, to amend Sections 488 and 670 of the Insurance Code, to amend Sections ~~1192.8~~, 1203.45, 1463.14, 1463.16, and 1463.17 of the Penal Code, and to amend Sections 11110, 11215, 12810, 13201, 13351, 13352, 14601, 21051, 23103, 23104, 40800, 40804, 41610, 42008.5, 42009, and 42010 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 430, as amended, Benoit. Vehicles: speed contests and reckless driving.

(1) Existing law requires persons convicted of either reckless driving, or of engaging in motor vehicle speed contests, that proximately cause one or more of various specified injuries to a person, other than the driver, to be punished by imprisonment in the state prison, or by imprisonment in a county jail for not less than 30 days nor more than 6 months, or by a specified fine, or by both the fine and imprisonment. Any violation of the Vehicle Code is a crime.

This bill would include one or both of those crimes within the scope of various existing statutes including, among others, provisions relating to time limits for destruction of court records; exceptions to requirements that insurance companies not raise premium rates where the insured or

applicant has been convicted of a traffic violation while driving an employer’s vehicle during the course and scope of employment; exceptions to requirements that insurance companies not cancel or refuse to renew commercial motor vehicle liability policies where employed drivers have been convicted of traffic violations while driving vehicles not owned or leased by the employer; ~~prohibiting plea bargaining~~; allocation of specified fines to certain programs; suspension or revocation of driver’s licenses; violation point counts and penalties; arrest procedures; and voluntary county amnesty programs.

(2) Because this bill would increase penalties for crimes and require additional duties on local governments, the bill would impose a state-mandated local program.

(3) 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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 68152 of the Government Code is
- 2 amended to read:
- 3 68152. The trial court clerk may destroy court records under
- 4 Section 68153 after notice of destruction and if there is no request
- 5 and order for transfer of the records, except the comprehensive
- 6 historical and sample superior court records preserved for research
- 7 under the California Rules of Court, when the following times
- 8 have expired after final disposition of the case in the categories
- 9 listed:
- 10 (a) Adoption: retain permanently.
- 11 (b) Change of name: retain permanently.
- 12 (c) Other civil actions and proceedings, as follows:
- 13 (1) Except as otherwise specified: 10 years.

- 1 (2) Where a party appears by a guardian ad litem: 10 years after
2 termination of the court's jurisdiction.
- 3 (3) Domestic violence: same period as duration of the restraining
4 or other orders and renewals, then retain the restraining or other
5 orders as a judgment; 60 days after expiration of the temporary
6 protective or temporary restraining order.
- 7 (4) Eminent domain: retain permanently.
- 8 (5) Family law, except as otherwise specified: 30 years.
- 9 (6) Harassment: same period as duration of the injunction and
10 renewals, then retain the injunction as a judgment; 60 days after
11 expiration of the temporary restraining order.
- 12 (7) Mental health (Lanterman Developmental Disabilities
13 Services Act and Lanterman-Petris-Short Act): 30 years.
- 14 (8) Paternity: retain permanently.
- 15 (9) Petition, except as otherwise specified: 10 years.
- 16 (10) Real property other than unlawful detainer: retain
17 permanently if the action affects title or an interest in real property.
- 18 (11) Small claims: 10 years.
- 19 (12) Unlawful detainer: one year if judgment is for possession
20 of the premises; 10 years if judgment is for money.
- 21 (d) Notwithstanding subdivision (c), any civil or small claims
22 case in the trial court:
 - 23 (1) Involuntarily dismissed by the court for delay in prosecution
24 or failure to comply with state or local rules: one year.
 - 25 (2) Voluntarily dismissed by a party without entry of judgment:
26 one year.
- 27 Notation of the dismissal shall be made on the civil index of
28 cases or on a separate dismissal index.
- 29 (e) Criminal.
 - 30 (1) Capital felony (murder with special circumstances where
31 the prosecution seeks the death penalty): retain permanently. If
32 the charge is disposed of by acquittal or a sentence less than death,
33 the case shall be reclassified.
 - 34 (2) Felony, except as otherwise specified: 75 years.
 - 35 (3) Felony, except capital felony, with court records from the
36 initial complaint through the preliminary hearing or plea and for
37 which the case file does not include final sentencing or other final
38 disposition of the case because the case was bound over to the
39 superior court: five years.
 - 40 (4) Misdemeanor, except as otherwise specified: five years.

- 1 (5) Misdemeanor alleging a violation of the Vehicle Code,
2 except as otherwise specified: three years.
- 3 (6) Misdemeanor alleging a violation of Section 23103, 23152,
4 or 23153 of the Vehicle Code: 10 years.
- 5 (7) Misdemeanor alleging a violation of Section 14601, 14601.1,
6 20002, 23104, 23105, 23109, or 23109.1 of the Vehicle Code: five
7 years.
- 8 (8) Misdemeanor alleging a marijuana violation under
9 subdivision (b), (c), (d), or (e) of Section 11357 of the Health and
10 Safety Code, or subdivision (b) of Section 11360 of the Health
11 and Safety Code in accordance with the procedure set forth in
12 Section 11361.5 of the Health and Safety Code: records shall be
13 destroyed two years from the date of conviction or from the date
14 of arrest if no conviction.
- 15 (9) Misdemeanor, infraction, or civil action alleging a violation
16 of the regulation and licensing of dogs under Sections 30951 to
17 30956, inclusive, of the Food and Agricultural Code or violation
18 of any other local ordinance: three years.
- 19 (10) Infraction, except as otherwise specified: three years.
- 20 (11) Parking infractions, including alleged violations under the
21 stopping, standing, and parking provisions set forth in Chapter 9
22 (commencing with Section 22500) of Division 11 of the Vehicle
23 Code: two years.
- 24 (12) Misdemeanor action resulting in a requirement that the
25 defendant register as a sex offender pursuant to Section 290 of the
26 Penal Code: 75 years. This paragraph shall apply to records relating
27 to a person convicted on or after September 20, 2006.
- 28 (f) Habeas corpus: same period as period for retention of the
29 records in the underlying case category.
- 30 (g) Juvenile.
- 31 (1) Dependent (Section 300 of the Welfare and Institutions
32 Code): upon reaching age 28 or on written request shall be released
33 to the juvenile five years after jurisdiction over the person has
34 terminated under subdivision (a) of Section 826 of the Welfare
35 and Institutions Code. Sealed records shall be destroyed upon court
36 order five years after the records have been sealed pursuant to
37 subdivision (c) of Section 389 of the Welfare and Institutions Code.
- 38 (2) Ward (Section 601 of the Welfare and Institutions Code):
39 upon reaching age 21 or on written request shall be released to the
40 juvenile five years after jurisdiction over the person has terminated

1 under subdivision (a) of Section 826 of the Welfare and Institutions
2 Code. Sealed records shall be destroyed upon court order five years
3 after the records have been sealed under subdivision (d) of Section
4 781 of the Welfare and Institutions Code.

5 (3) Ward (Section 602 of the Welfare and Institutions Code):
6 upon reaching age 38 under subdivision (a) of Section 826 of the
7 Welfare and Institutions Code. Sealed records shall be destroyed
8 upon court order when the subject of the record reaches the age
9 of 38 under subdivision (d) of Section 781 of the Welfare and
10 Institutions Code.

11 (4) Traffic and some nontraffic misdemeanors and infractions
12 (Section 601 of the Welfare and Institutions Code): upon reaching
13 age 21 or five years after jurisdiction over the person has terminated
14 under subdivision (c) of Section 826 of the Welfare and Institutions
15 Code. May be microfilmed or photocopied.

16 (5) Marijuana misdemeanor under subdivision (e) of Section
17 11357 of the Health and Safety Code in accordance with procedures
18 specified in subdivision (a) of Section 11361.5 of the Health and
19 Safety Code: upon reaching age 18 the records shall be destroyed.

20 (h) Probate.

21 (1) Conservatorship: 10 years after decree of termination.

22 (2) Guardianship: 10 years after the age of 18.

23 (3) Probate, including probated wills, except as otherwise
24 specified: retain permanently.

25 (i) Court records of the appellate division of the superior court:
26 five years.

27 (j) Other records.

28 (1) Applications in forma pauperis: any time after the disposition
29 of the underlying case.

30 (2) Arrest warrant: same period as period for retention of the
31 records in the underlying case category.

32 (3) Bench warrant: same period as period for retention of the
33 records in the underlying case category.

34 (4) Bond: three years after exoneration and release.

35 (5) Coroner's inquest report: same period as period for retention
36 of the records in the underlying case category; if no case, then
37 permanent.

38 (6) Court orders not associated with an underlying case, such
39 as orders for destruction of court records for telephone taps, or to
40 destroy drugs, and other miscellaneous court orders: three years.

1 (7) Court reporter notes: 10 years after the notes have been taken
2 in criminal and juvenile proceedings and five years after the notes
3 have been taken in all other proceedings, except notes reporting
4 proceedings in capital felony cases (murder with special
5 circumstances where the prosecution seeks the death penalty and
6 the sentence is death), including notes reporting the preliminary
7 hearing, which shall be retained permanently, unless the Supreme
8 Court on request of the court clerk authorizes the destruction.

9 (8) Electronic recordings made as the official record of the oral
10 proceedings under the California Rules of Court: any time after
11 final disposition of the case in infraction and misdemeanor
12 proceedings, 10 years in all other criminal proceedings, and five
13 years in all other proceedings.

14 (9) Electronic recordings not made as the official record of the
15 oral proceedings under the California Rules of Court: any time
16 either before or after final disposition of the case.

17 (10) Index, except as otherwise specified: retain permanently.

18 (11) Index for cases alleging traffic violations: same period as
19 period for retention of the records in the underlying case category.

20 (12) Judgments within the jurisdiction of the superior court
21 other than in a limited civil case, misdemeanor case, or infraction
22 case: retain permanently.

23 (13) Judgments in misdemeanor cases, infraction cases, and
24 limited civil cases: same period as period for retention of the
25 records in the underlying case category.

26 (14) Minutes: same period as period for retention of the records
27 in the underlying case category.

28 (15) Naturalization index: retain permanently.

29 (16) Ninety-day evaluation (under Section 1203.03 of the Penal
30 Code): same period as period for retention of the records in the
31 underlying case category, or period for completion or termination
32 of probation, whichever is longer.

33 (17) Register of actions or docket: same period as period for
34 retention of the records in the underlying case category, but in no
35 event less than 10 years for civil and small claims cases.

36 (18) Search warrant: 10 years, except search warrants issued in
37 connection with a capital felony case defined in paragraph (7),
38 which shall be retained permanently.

39 (k) Retention of the court records under this section shall be
40 extended as follows:

1 (1) By order of the court on its own motion, or on application
2 of a party or an interested member of the public for good cause
3 shown and on those terms as are just. A fee shall not be charged
4 for making the application.

5 (2) Upon application and order for renewal of the judgment to
6 the extended time for enforcing the judgment.

7 SEC. 2. Section 488 of the Insurance Code is amended to read:

8 488. No insurer shall, in issuing or renewing a private passenger
9 automobile insurance policy, increase the premium on that policy
10 for the reason that the insured or applicant for insurance has been
11 convicted for traffic violations committed while operating a motor
12 vehicle for compensation during the hours of his employment if,
13 with respect to a conviction, the employee or applicant has
14 submitted to the insurer a written declaration made by the employee
15 under penalty of perjury that the applicant or insured was, at that
16 time, operating a motor vehicle for compensation during the hours
17 of his or her employment. This section applies only to those
18 individuals whose specific duties include driving their employer's
19 motor vehicles or individuals who have authority in their name
20 from the Public Utilities Commission to operate as a highway
21 carrier and who are the registered owners or lease operators of the
22 motor vehicle used in the operation as a highway carrier.

23 This section does not apply to an insured or applicant for
24 insurance convicted of any of the following:

25 (a) Homicide or assault arising out of the operation of a motor
26 vehicle for compensation during the hours of employment.

27 (b) A violation while operating a motor vehicle for compensation
28 during the hours of employment of any of the following sections
29 or section subdivisions of the Vehicle Code:

30 (1) Subdivision (a) of Section 14601.

31 (2) Subdivision (a) of Section 14601.1.

32 (3) Subdivision (a) of Section 14601.2.

33 (4) Section 20001 or 20002.

34 (5) Subdivision (a) of Section 20008.

35 (6) Section 23103, 23104, 23105, 23152, or 23153.

36 (c) This section shall not apply to a person insured under the
37 California assigned risk plan prescribed by Article 4 (commencing
38 with Section 11620) of Chapter 1 of Part 3 of Division 2.

39 SEC. 3. Section 670 of the Insurance Code is amended to read:

1 670. (a) No admitted insurer licensed to issue motor vehicle
 2 liability policies, as defined in Section 16450 of the Vehicle Code,
 3 shall cancel, or refuse to renew, a motor vehicle liability insurance
 4 policy covering drivers hired to drive by a commercial business
 5 establishment nor execute the agreement specified in paragraph
 6 (1) of subdivision (d) of Section 11580.1 with respect to those
 7 drivers for the reason that those drivers have been convicted of
 8 violations of the Vehicle Code or the traffic laws of any subdivision
 9 of the state that were committed while operating private passenger
 10 vehicles not owned or leased by their employer.

11 (b) This section does not apply to drivers convicted of any of
 12 the following:

13 (1) Homicide or assault arising out of the operation of a private
 14 passenger motor vehicle.

15 (2) A violation while operating a private passenger motor vehicle
 16 of any of the following sections or section subdivisions of the
 17 Vehicle Code:

18 (A) Subdivision (a) of Section 14601.

19 (B) Subdivision (a) of Section 14601.1.

20 (C) Subdivision (a) of Section 14601.2.

21 (D) Section 20001 or 20002.

22 (E) Subdivision (a) of Section 20008.

23 (F) Section 23104 or 23105.

24 (G) Subdivision (c) of Section 23152.

25 (H) Section 23153.

26 (3) A violation, while operating a private passenger motor
 27 vehicle, of subdivision (a) or (b) of Section 23152 of the Vehicle
 28 Code punishable under Section 23540 or 23546 of the Vehicle
 29 Code.

30 ~~SEC. 4. Section 1192.8 of the Penal Code is amended to read:~~

31 ~~1192.8. (a) For purposes of subdivision (c) of Section 1192.7,~~
 32 ~~“serious felony” also means a violation of Section 191.5, paragraph~~
 33 ~~(1) or (3) of subdivision (c) of Section 192, paragraph (a) or (c)~~
 34 ~~of Section 192.5 of this code, Section 2800.3, subdivision (b) of~~
 35 ~~Section 23104, Section 23105, or Section 23153 of the Vehicle~~
 36 ~~Code, when any of these offenses involve the personal infliction~~
 37 ~~of great bodily injury on a person other than an accomplice, or the~~
 38 ~~personal use of a dangerous or deadly weapon, within the meaning~~
 39 ~~of paragraph (8) or (23) of subdivision (c) of Section 1192.7.~~

1 ~~(b) It is the intent of the Legislature, in enacting subdivision~~
2 ~~(a), to codify the court decisions of People v. Gonzales (1994) 29~~
3 ~~Cal.App.4th 1684, and People v. Bow (1993) 13 Cal.App.4th 1551,~~
4 ~~and to clarify that the crimes specified in subdivision (a) have~~
5 ~~always been, and continue to be, serious felonies within the~~
6 ~~meaning of subdivision (e) of Section 1192.7.~~

7 ~~SEC. 5.~~

8 *SEC. 4.* Section 1203.45 of the Penal Code is amended to read:

9 1203.45. (a) In a case in which a person was under the age of
10 18 years at the time of commission of a misdemeanor and is eligible
11 for, or has previously received, the relief provided by Section
12 1203.4 or 1203.4a, that person, in a proceeding under Section
13 1203.4 or 1203.4a, or a separate proceeding, may petition the court
14 for an order sealing the record of conviction and other official
15 records in the case, including records of arrests resulting in the
16 criminal proceeding and records relating to other offenses charged
17 in the accusatory pleading, whether defendant was acquitted or
18 charges were dismissed. If the court finds that the person was under
19 the age of 18 at the time of the commission of the misdemeanor,
20 and is eligible for relief under Section 1203.4 or 1203.4a or has
21 previously received that relief, it may issue its order granting the
22 relief prayed for. Thereafter the conviction, arrest, or other
23 proceeding shall be deemed not to have occurred, and the petitioner
24 may answer accordingly any question relating to their occurrence.

25 (b) This section applies to convictions that occurred before, as
26 well as those that occur after, the effective date of this section.

27 (c) This section shall not apply to offenses for which registration
28 is required under Section 290, to violations of Division 10
29 (commencing with Section 11000) of the Health and Safety Code,
30 or to misdemeanor violations of the Vehicle Code relating to
31 operation of a vehicle or of a local ordinance relating to operation,
32 standing, stopping, or parking of a motor vehicle.

33 (d) This section does not apply to a person convicted of more
34 than one offense, whether the second or additional convictions
35 occurred in the same action in which the conviction as to which
36 relief is sought occurred or in another action, except in the
37 following cases:

- 38 (1) One of the offenses includes the other or others.
39 (2) The other conviction or convictions were for the following:

1 (A) Misdemeanor violations of Chapters 1 (commencing with
2 Section 21000) to 9 (commencing with Section 22500), inclusive,
3 Chapter 12 (commencing with Section 23100), or Chapter 13
4 (commencing with Section 23250) of Division 11 of the Vehicle
5 Code, other than Section 23103, 23104, 23105, 23152, 23153, or
6 23220.

7 (B) Violation of a local ordinance relating to the operation,
8 stopping, standing, or parking of a motor vehicle.

9 (3) The other conviction or convictions consisted of any
10 combination of paragraphs (1) and (2).

11 (e) This section shall apply in a case in which a person was
12 under the age of 21 at the time of the commission of an offense as
13 to which this section is made applicable if that offense was
14 committed prior to March 7, 1973.

15 (f) In an action or proceeding based upon defamation, a court,
16 upon a showing of good cause, may order the records sealed under
17 this section to be opened and admitted into evidence. The records
18 shall be confidential and shall be available for inspection only by
19 the court, jury, parties, counsel for the parties, and any other person
20 who is authorized by the court to inspect them. Upon the judgment
21 in the action or proceeding becoming final, the court shall order
22 the records sealed.

23 (g) A person who petitions for an order sealing a record under
24 this section may be required to reimburse the court for the actual
25 cost of services rendered, whether or not the petition is granted
26 and the records are sealed or expunged, at a rate to be determined
27 by the court not to exceed one hundred twenty dollars (\$120), and
28 to reimburse the county for the actual cost of services rendered,
29 whether or not the petition is granted and the records are sealed
30 or expunged, at a rate to be determined by the county board of
31 supervisors not to exceed one hundred twenty dollars (\$120), and
32 to reimburse any city for the actual cost of services rendered,
33 whether or not the petition is granted and the records are sealed
34 or expunged, at a rate to be determined by the city council not to
35 exceed one hundred twenty dollars (\$120). Ability to make this
36 reimbursement shall be determined by the court using the standards
37 set forth in paragraph (2) of subdivision (g) of Section 987.8 and
38 shall not be a prerequisite to a person's eligibility under this
39 section. The court may order reimbursement in a case in which
40 the petitioner appears to have the ability to pay, without undue

1 hardship, all or any portion of the cost for services established
2 pursuant to this subdivision.

3 ~~SEC. 6.~~

4 *SEC. 5.* Section 1463.14 of the Penal Code is amended to read:

5 1463.14. (a) Notwithstanding the provisions of Section 1463,
6 of the moneys deposited with the county treasurer pursuant to
7 Section 1463, fifty dollars (\$50) of each fine collected for each
8 conviction of a violation of Section 23103, 23104, 23105, 23152,
9 or 23153 of the Vehicle Code shall be deposited in a special
10 account that shall be used exclusively to pay for the cost of
11 performing for the county, or a city or special district within the
12 county, analysis of blood, breath or urine for alcohol content or
13 for the presence of drugs, or for services related to that testing.
14 The sum shall not exceed the reasonable cost of providing the
15 services for which the sum is intended.

16 On November 1 of each year, the treasurer of each county shall
17 determine those moneys in the special account that were not
18 expended during the preceding fiscal year, and shall transfer those
19 moneys into the general fund of the county. The board of
20 supervisors may, by resolution, assign the treasurer's duty to
21 determine the amount of money that was not expended to the
22 auditor or another county officer. The county may retain an amount
23 of that money equal to its administrative cost incurred pursuant to
24 this section, and shall distribute the remainder pursuant to Section
25 1463. If the account becomes exhausted, the public entity ordering
26 a test performed pursuant to this subdivision shall bear the costs
27 of the test.

28 (b) The board of supervisors of a county may, by resolution,
29 authorize an additional penalty upon each defendant convicted of
30 a violation of Section 23152 or 23153 of the Vehicle Code, of an
31 amount equal to the cost of testing for alcohol content, less the
32 fifty dollars (\$50) deposited as provided in subdivision (a). The
33 additional penalty authorized by this subdivision shall be imposed
34 only in those instances where the defendant has the ability to pay,
35 but in no case shall the defendant be ordered to pay a penalty in
36 excess of fifty dollars (\$50). The penalty authorized shall be
37 deposited directly with the county, or city or special district within
38 the county, that performed the test, in the special account described
39 in subdivision (a), and shall not be the basis for an additional

1 assessment pursuant to Section 1464, or Chapter 12 (commencing
2 with Section 76010) of Title 8 of the Government Code.

3 For purposes of this subdivision, “ability to pay” means the
4 overall capability of the defendant to pay the additional penalty
5 authorized by this subdivision, taking into consideration all of the
6 following:

7 (1) Present financial obligations, including family support
8 obligations, and fines, penalties, and other obligations to the court.

9 (2) Reasonably discernible future financial position over the
10 next 12 months.

11 (3) Any other factor or factors that may bear upon the
12 defendant’s financial ability to pay the additional penalty.

13 (c) The Department of Justice shall promulgate rules and
14 regulations to implement the provisions of this section.

15 ~~SEC. 7.~~

16 *SEC. 6.* Section 1463.16 of the Penal Code is amended to read:

17 1463.16. (a) Notwithstanding Section 1203.1 or 1463, fifty
18 dollars (\$50) of each fine collected for each conviction of a
19 violation of Section 23103, 23104, 23105, 23152, or 23153 of the
20 Vehicle Code shall be deposited with the county treasurer in a
21 special account for exclusive allocation by the county for the
22 county’s alcoholism program, with approval of the board of
23 supervisors, for alcohol programs and services for the general
24 population. These funds shall be allocated through the local
25 planning process pursuant to specific provision in the county
26 alcohol program plan that is submitted to the State Department of
27 Alcohol and Drug Programs. Programs shall be certified by the
28 Department of Alcohol and Drug Programs or have made
29 application for certification to be eligible for funding under this
30 section. The county shall implement the intent and procedures of
31 subdivision (b) of Section 11812 of the Health and Safety Code
32 while distributing funds under this section.

33 (b) In a county of the 1st, 2nd, 3rd, 15th, 19th, 20th, or 24th
34 class, notwithstanding Section 1463, of the moneys deposited with
35 the county treasurer pursuant to Section 1463, fifty dollars (\$50)
36 for each conviction of a violation of Section 23103, 23104, 23105,
37 23152, or 23153 of the Vehicle Code shall be deposited in a special
38 account for exclusive allocation by the administrator of the
39 county’s alcoholism program, with approval of the board of
40 supervisors, for alcohol programs and services for the general

1 population. These funds shall be allocated through the local
2 planning process pursuant to a specific provision in the county
3 plan that is submitted to the State Department of Alcohol and Drug
4 Programs. For those services for which standards have been
5 developed and certification is available, programs shall be certified
6 by the State Department of Alcohol and Drug Programs or shall
7 apply for certification to be eligible for funding under this section.
8 The county alcohol administrator shall implement the intent and
9 procedures of subdivision (b) of Section 11812 of the Health and
10 Safety Code while distributing funds under this section.

11 (c) The Board of Supervisors of Contra Costa County may, by
12 resolution, authorize the imposition of a fifty dollar (\$50)
13 assessment by the court upon each defendant convicted of a
14 violation of Section 23152 or 23153 of the Vehicle Code for
15 deposit in the account from which the fifty dollar (\$50) distribution
16 specified in subdivision (a) is deducted.

17 (d) It is the specific intent of the Legislature that funds expended
18 under this part shall be used for ongoing alcoholism program
19 services as well as for contracts with private nonprofit
20 organizations to upgrade facilities to meet state certification and
21 state licensing standards and federal nondiscrimination regulations
22 relating to accessibility for handicapped persons.

23 (e) Counties may retain up to 5 percent of the funds collected
24 to offset administrative costs of collection and disbursement.

25 ~~SEC. 8.~~

26 *SEC. 7.* Section 1463.17 of the Penal Code is amended to read:

27 1463.17. (a) In a county of the 19th class, notwithstanding
28 any other provision of this chapter, of the moneys deposited with
29 the county treasurer pursuant to Section 1463, fifty dollars (\$50)
30 for each conviction of a violation of Section 23103, 23104, 23105,
31 23152, or 23153 of the Vehicle Code shall be deposited in a special
32 account to be used exclusively to pay the cost incurred by the
33 county or a city or special district within the county, with approval
34 of the board of supervisors, for performing analysis of blood,
35 breath, or urine for alcohol content or for the presence of drugs,
36 or for services related to the testing.

37 (b) The application of this section shall not reduce the county's
38 remittance to the state specified in paragraph (2) of subdivision
39 (b) of Section 77201 of, and paragraph (2) of subdivision (b) of,
40 Section 77201.1 of the Government Code.

1 ~~SEC. 9.~~

2 SEC. 8. Section 11110 of the Vehicle Code is amended to read:

3 11110. (a) The department, after notice and hearing, may
4 suspend or revoke a license issued under this chapter if any of the
5 following occur:

6 (1) The department finds and determines that the licensee fails
7 to meet the requirements to receive or hold a license under this
8 chapter.

9 (2) The licensee fails to keep the records required by this
10 chapter.

11 (3) The licensee (A) permits fraud or engages in fraudulent
12 practices either with reference to an applicant for a driver's license
13 or an all-terrain vehicle safety certificate or the department, or (B)
14 induces or countenances fraud or fraudulent practices on the part
15 of an applicant.

16 (4) The licensee fails to comply with this chapter or regulation
17 or requirement of the department adopted pursuant thereto.

18 (5) The licensee represents himself or herself as an agent or
19 employee of the department or uses advertising designed to create
20 the impression, or that would reasonably have the effect of leading
21 persons to believe, that the licensee is in fact an employee or
22 representative of the department; or the licensee makes an
23 advertisement, in any manner or by any means, that is untrue or
24 misleading and that is known, or which by the exercise of
25 reasonable care should be known, to be untrue or misleading.

26 (6) The licensee, or an employee or agent of the licensee, solicits
27 driver training or instruction or all-terrain vehicle safety instruction
28 in, or within 200 feet of, an office of the department.

29 (7) The licensee is convicted of violating Section 14606, 20001,
30 20002, 20003, 20004, 20006, 20008, 23103, 23104, 23105, 23152,
31 or 23153 of this code or subdivision (c) of Section 192 of the Penal
32 Code. A conviction, after a plea of nolo contendere, is a conviction
33 within the meaning of this paragraph.

34 (8) The licensee teaches, or permits a student to be taught, the
35 specific tests administered by the department through use of the
36 department's forms or testing facilities.

37 (9) The licensee conducts training, or permits training by an
38 employee, in an unsafe manner or contrary to safe driving practices.

39 (10) The licensed school owner or licensed driving school
40 operator teaches, or permits an employee to teach, driving

1 instruction or all-terrain vehicle safety instruction without a valid
2 instructor's license.

3 (11) The licensed school owner does not have in effect a bond
4 as required by Section 11102.

5 (12) The licensee permits the use of the license by any other
6 person for the purpose of permitting that person to engage in the
7 ownership or operation of a school or in the giving of driving
8 instruction or all-terrain vehicle safety instruction for
9 compensation.

10 (13) The licensee holds a secondary teaching credential and
11 explicitly or implicitly recruits or attempts to recruit a pupil who
12 is enrolled in a junior or senior high school to be a customer for a
13 business licensed pursuant to this article that is owned by the
14 licensee or for which the licensee is an employee.

15 (b) In the interest of the public's safety, as determined by the
16 department, the department may immediately suspend the license
17 of a licensee for an alleged violation under this chapter and shall
18 conduct a hearing of the alleged violation within 30 days of the
19 suspension.

20 ~~SEC. 10.~~

21 *SEC. 9.* Section 11215 of the Vehicle Code is amended to read:
22 11215. The department, after notice and hearing, may suspend
23 or revoke a license issued under this chapter if any of the following
24 circumstances exist:

25 (a) The department finds and determines that the licensee ceases
26 to meet any requirement to obtain a license under this chapter.

27 (b) The holder fails to comply with, or otherwise violates, a
28 provision of this chapter or a regulation or requirement of the
29 department adopted pursuant to this chapter.

30 (c) The licensee engages in fraudulent practices with respect to
31 its activities licensed under this chapter or induces or fails to
32 promptly report to the department any known fraud or fraudulent
33 practices on the part of an employee of the traffic violator school.

34 (d) The licensee represents himself or herself as an agent or
35 employee of the department or uses advertising designed to create
36 the impression, or that would reasonably have the effect of leading
37 persons to believe that the licensee was in fact an employee or
38 representative of the department, or whenever the licensee
39 advertises, in any manner or means any statement that is untrue

1 or misleading and that is known, or that by the exercise of
2 reasonable care should be known, to be untrue or misleading.

3 (e) The licensee or an employee or agent of the licensee collects
4 fees for or preregisters a person in traffic violator school or solicits
5 traffic violator school instruction in an office of the department or
6 in any court or within 500 feet of any court.

7 (f) The licensee is convicted of violating Section 20001, 20002,
8 20003, 20004, 20006, 20008, 23103, 23104, 23105, 23152, or
9 23153 of this code or Section 192 of the Penal Code. A conviction
10 after a plea of nolo contendere is a conviction within the meaning
11 of this section.

12 (g) The traffic violator school owner teaches, or permits an
13 employee to teach, traffic safety instruction without a valid
14 instructor’s license.

15 (h) The traffic violator school owner does not have in effect a
16 bond as provided in paragraph (3) of subdivision (a) of Section
17 11202 or a deposit in lieu of the bond, as specified in Section
18 11203.

19 ~~SEC. 11.~~

20 *SEC. 10.* Section 12810 of the Vehicle Code is amended to
21 read:

22 12810. In determining the violation point count, the following
23 shall apply:

24 (a) A conviction of failure to stop in the event of an accident in
25 violation of Section 20001 or 20002 shall be given a value of two
26 points.

27 (b) A conviction of a violation of Section 23152 or 23153 shall
28 be given a value of two points.

29 (c) A conviction of reckless driving shall be given a value of
30 two points.

31 (d) (1) A conviction of a violation of subdivision (c) of Section
32 192 of the Penal Code, or of Section 2800.2 or 2800.3, subdivision
33 (b) of Section 21651, subdivision (b) of Section 22348, subdivision
34 (a) or (c) of Section 23109, Section 23109.1, or Section 31602 of
35 this code, shall be given a value of two points.

36 (2) A conviction of a violation of subdivision (a) or (b) of
37 Section 23140 shall be given a value of two points.

38 (e) A conviction of a violation of Section 14601, 14601.1,
39 14601.2, 14601.3, or 14601.5 shall be given a value of two points.

1 (f) Except as provided in subdivision (i), any other traffic
2 conviction involving the safe operation of a motor vehicle upon
3 the highway shall be given a value of one point.

4 (g) A traffic accident in which the operator is deemed by the
5 department to be responsible shall be given a value of one point.

6 (h) A conviction of a violation of Section 27360 or 27360.5
7 shall be given a value of one point.

8 (i) (1) A violation of paragraph (1), (2), (3), or (5) of subdivision
9 (b) of Section 40001 shall not result in a violation point count
10 being given to the driver if the driver is not the owner of the
11 vehicle.

12 (2) A conviction of a violation of paragraph (1) or (2) of
13 subdivision (b) of Section 12814.6, subdivision (a) of Section
14 21116, Section 21207.5, 21708, 21710, 21716, 23120, 24800, or
15 26707 shall not be given a violation point count.

16 (3) A violation of subdivision (d) of Section 21712 shall not
17 result in a violation point count.

18 (4) A violation of Section 23136 shall not result in a violation
19 point count.

20 (5) A violation of Section 38301.3 shall not result in a violation
21 point count.

22 (j) A conviction for only one violation arising from one occasion
23 of arrest or citation shall be counted in determining the violation
24 point count for the purposes of this section.

25 ~~SEC. 12.~~

26 *SEC. 11.* Section 13201 of the Vehicle Code is amended to
27 read:

28 13201. A court may suspend, for not more than six months,
29 the privilege of a person to operate a motor vehicle upon conviction
30 of any of the following offenses:

31 (a) Failure of the driver of a vehicle involved in an accident to
32 stop or otherwise comply with Section 20002.

33 (b) Reckless driving proximately causing bodily injury to a
34 person under Section 23104 or 23105.

35 (c) Failure of the driver of a vehicle to stop at a railway grade
36 crossing as required by Section 22452.

37 (d) Evading a peace officer in violation of Section 2800.1 or
38 2800.2, or in violation of Section 2800.3 if the person's license is
39 not revoked for that violation pursuant to paragraph (3) of
40 subdivision (a) of Section 13351.

1 (e) (1) Knowingly causing or participating in a vehicular
2 collision, or any other vehicular accident, for the purpose of
3 presenting or causing to be presented any false or fraudulent
4 insurance claim.

5 (2) In lieu of suspending a person's driving privilege pursuant
6 to paragraph (1), the court may order the privilege to operate a
7 motor vehicle restricted to necessary travel to and from that
8 person's place of employment for not more than six months. If
9 driving a motor vehicle is necessary to perform the duties of the
10 person's employment, the court may restrict the driving privilege
11 to allow driving in that person's scope of employment. Whenever
12 a person's driving privilege is restricted pursuant to this paragraph,
13 the person shall be required to maintain proof of financial
14 responsibility.

15 ~~SEC. 13.~~

16 *SEC. 12.* Section 13351 of the Vehicle Code is amended to
17 read:

18 13351. (a) The department immediately shall revoke the
19 privilege of a person to drive a motor vehicle upon receipt of a
20 duly certified abstract of the record of any court showing that the
21 person has been convicted of any of the following crimes or
22 offenses:

23 (1) Manslaughter resulting from the operation of a motor vehicle,
24 except when convicted under paragraph (2) of subdivision (c) of
25 Section 192 of the Penal Code.

26 (2) Conviction of three or more violations of Section 20001,
27 20002, 23103, 23104, or 23105 within a period of 12 months from
28 the time of the first offense to the third or subsequent offense, or
29 a combination of three or more convictions of violations within
30 the same period.

31 (3) Violation of Section 191.5 of the Penal Code or of Section
32 2800.3 causing serious bodily injury resulting in a serious
33 impairment of physical condition, including, but not limited to,
34 loss of consciousness, concussion, serious bone fracture, protracted
35 loss or impairment of function of any bodily member or organ,
36 and serious disfigurement.

37 (b) The department shall not reinstate the privilege revoked
38 under subdivision (a) until the expiration of three years after the
39 date of revocation and until the person whose privilege was revoked
40 gives proof of financial responsibility, as defined in Section 16430.

1 ~~SEC. 14.~~

2 *SEC. 13.* Section 13352 of the Vehicle Code is amended to
3 read:

4 13352. (a) The department shall immediately suspend or
5 revoke the privilege of a person to operate a motor vehicle upon
6 the receipt of an abstract of the record of a court showing that the
7 person has been convicted of a violation of Section 23152 or 23153,
8 subdivision (a) of Section 23109, or Section 23109.1, or upon the
9 receipt of a report of a judge of the juvenile court, a juvenile traffic
10 hearing officer, or a referee of a juvenile court showing that the
11 person has been found to have committed a violation of Section
12 23152 or 23153 or subdivision (a) of Section 23109 or Section
13 23109.1. If an offense specified in this section occurs in a vehicle
14 defined in Section 15210, the suspension or revocation specified
15 below shall apply to the noncommercial driving privilege. The
16 commercial driving privilege shall be disqualified as specified in
17 Sections 15300 to 15302, inclusive. For the purposes of this
18 section, suspension or revocation shall be as follows:

19 (1) Except as required under Section 13352.1 or Section
20 13352.4, upon a conviction or finding of a violation of Section
21 23152 punishable under Section 23536, the privilege shall be
22 suspended for a period of six months.

23 The privilege may not be reinstated until the person gives proof
24 of financial responsibility and gives proof satisfactory to the
25 department of successful completion of a
26 driving-under-the-influence program licensed pursuant to Section
27 11836 of the Health and Safety Code described in subdivision (b)
28 of Section 23538. If the court, as authorized under paragraph (3)
29 of subdivision (b) of Section 23646, elects to order a person to
30 enroll, participate and complete either program described in
31 subdivision (b) of Section 23542, the department shall require that
32 program in lieu of the program described in subdivision (b) of
33 Section 23538. For the purposes of this paragraph, enrollment,
34 participation, and completion of an approved program shall be
35 subsequent to the date of the current violation. Credit may not be
36 given to any program activities completed prior to the date of the
37 current violation.

38 (2) Upon a conviction or finding of a violation of Section 23153
39 punishable under Section 23554, the privilege shall be suspended
40 for a period of one year. The privilege may not be reinstated until

1 the person gives proof of financial responsibility and gives proof
2 satisfactory to the department of successful completion of a
3 driving-under-the-influence program licensed pursuant to Section
4 11836 of the Health and Safety Code as described in subdivision
5 (b) of Section 23556. If the court, as authorized under paragraph
6 (3) of subdivision (b) of Section 23646, elects to order a person
7 to enroll, participate, and complete either program described in
8 subdivision (b) of Section 23542, the department shall require that
9 program in lieu of the program described in Section 23556. For
10 the purposes of this paragraph, enrollment, participation, and
11 completion of an approved program shall be subsequent to the date
12 of the current violation. Credit may not be given to any program
13 activities completed prior to the date of the current violation.

14 (3) Except as provided in Section 13352.5, upon a conviction
15 or finding of a violation of Section 23152 punishable under Section
16 23540, the privilege shall be suspended for two years. The privilege
17 may not be reinstated until the person gives proof of financial
18 responsibility and gives proof satisfactory to the department of
19 successful completion of a driving-under-the-influence program
20 licensed pursuant to Section 11836 of the Health and Safety Code
21 as described in subdivision (b) of Section 23542. For the purposes
22 of this paragraph, enrollment, participation, and completion of an
23 approved program shall be subsequent to the date of the current
24 violation. Credit shall not be given to any program activities
25 completed prior to the date of the current violation. The department
26 shall advise the person that after completion of 12 months of the
27 suspension period, which may include credit for a suspension
28 period served under subdivision (c) of Section 13353.3, the person
29 may apply to the department for a restricted driver's license, subject
30 to the following conditions:

31 (A) The person has satisfactorily provided, subsequent to the
32 violation date of the current underlying conviction, either of the
33 following:

34 (i) Proof of enrollment in an 18-month
35 driving-under-the-influence program licensed pursuant to Section
36 11836 of the Health and Safety Code.

37 (ii) Proof of enrollment in a 30-month
38 driving-under-the-influence program licensed pursuant to Section
39 11836 of the Health and Safety Code, if available in the county of
40 the person's residence or employment.

1 (B) The person agrees, as a condition of the restriction, to
2 continue satisfactory participation in the program described in
3 subparagraph (A).

4 (C) The person submits the “Verification of Installation” form
5 described in paragraph (2) of subdivision (g) of Section 13386.

6 (D) The person agrees to maintain the ignition interlock device
7 as required under subdivision (g) of Section 23575.

8 (E) The person provides proof of financial responsibility, as
9 defined in Section 16430.

10 (F) The person pays all administrative fees or reissue fees and
11 any restriction fee required by the department.

12 (G) The restriction shall remain in effect for the period required
13 in subdivision (f) of Section 23575.

14 (4) Except as provided in this paragraph, upon a conviction or
15 finding of a violation of Section 23153 punishable under Section
16 23560, the privilege shall be revoked for a period of three years.
17 The privilege may not be reinstated until the person gives proof
18 of financial responsibility, and the person gives proof satisfactory
19 to the department of successful completion of a
20 driving-under-the-influence program licensed pursuant to Section
21 11836 of the Health and Safety Code, as described in paragraph
22 (4) of subdivision (b) of Section 23562. For the purposes of this
23 paragraph, enrollment, participation, and completion of an
24 approved program shall be subsequent to the date of the current
25 violation. Credit shall not be given to any program activities
26 completed prior to the date of the current violation. The department
27 shall advise the person that after the completion of 12 months of
28 the revocation period, which may include credit for a suspension
29 period served under subdivision (c) of Section 13353.3, the person
30 may apply to the department for a restricted driver’s license, subject
31 to the following conditions:

32 (A) The person has satisfactorily completed, subsequent to the
33 violation date of the current underlying conviction, either of the
34 following:

35 (i) The initial 12 months of an 18-month
36 driving-under-the-influence program licensed pursuant to Section
37 11836 of the Health and Safety Code.

38 (ii) The initial 12 months of a 30-month
39 driving-under-the-influence program licensed pursuant to Section
40 11836 of the Health and Safety Code, if available in the county of

1 the person's residence or employment, and the person agrees, as
2 a condition of the restriction, to continue satisfactory participation
3 in that 30-month program.

4 (B) The person submits the "Verification of Installation" form
5 described in paragraph (2) of subdivision (g) of Section 13386.

6 (C) The person agrees to maintain the ignition interlock device
7 as required under subdivision (g) of Section 23575.

8 (D) The person provides proof of financial responsibility, as
9 defined in Section 16430.

10 (E) The person pays all applicable reinstatement or reissue fees
11 and any restriction fee required by the department.

12 (F) The restriction shall remain in effect for the period required
13 in subdivision (f) of Section 23575.

14 (5) Except as provided in this paragraph, upon a conviction or
15 finding of a violation of Section 23152 punishable under Section
16 23546, the privilege shall be revoked for a period of three years.
17 The privilege may not be reinstated until the person files proof of
18 financial responsibility and gives proof satisfactory to the
19 department of successful completion of one of the following
20 programs: an 18-month driving-under-the-influence program
21 licensed pursuant to Section 11836 of the Health and Safety Code,
22 as described in subdivision (b) or (c) of Section 23548, or, if
23 available in the county of the person's residence or employment,
24 a 30-month driving-under-the-influence program licensed pursuant
25 to Section 11836 of the Health and Safety Code, or a program
26 specified in Section 8001 of the Penal Code. For the purposes of
27 this paragraph, enrollment, participation, and completion of an
28 approved program shall be subsequent to the date of the current
29 violation. Credit shall not be given to any program activities
30 completed prior to the date of the current violation. The department
31 shall advise the person that after completion of 12 months of the
32 revocation period, which may include credit for a suspension period
33 served under subdivision (c) of Section 13353.3, the person may
34 apply to the department for a restricted driver's license, subject to
35 the following conditions:

36 (A) The person has satisfactorily completed, subsequent to the
37 violation date of the current underlying conviction, either of the
38 following:

1 (i) The initial 12 months of an 18-month
2 driving-under-the-influence program licensed pursuant to Section
3 11836 of the Health and Safety Code.

4 (ii) The initial 12 months of a 30-month
5 driving-under-the-influence program licensed pursuant to Section
6 11836 of the Health and Safety Code, if available in the county of
7 the person's residence or employment, and the person agrees, as
8 a condition of the restriction, to continue satisfactory participation
9 in the 30-month driving-under-the-influence program.

10 (B) The person submits the "Verification of Installation" form
11 described in paragraph (2) of subdivision (g) of Section 13386.

12 (C) The person agrees to maintain the ignition interlock device
13 as required under subdivision (g) of Section 23575.

14 (D) The person provides proof of financial responsibility, as
15 defined in Section 16430.

16 (E) An individual convicted of a violation of Section 23152
17 punishable under Section 23546 may also, at any time after
18 sentencing, petition the court for referral to an 18-month
19 driving-under-the-influence program licensed pursuant to Section
20 11836 of the Health and Safety Code, or, if available in the county
21 of the person's residence or employment, a 30-month
22 driving-under-the-influence program licensed pursuant to Section
23 11836 of the Health and Safety Code. Unless good cause is shown,
24 the court shall order the referral.

25 (F) The person pays all applicable reinstatement or reissue fees
26 and any restriction fee required by the department.

27 (G) The restriction shall remain in effect for the period required
28 in subdivision (f) of Section 23575.

29 (6) Except as provided in this paragraph, upon a conviction or
30 finding of a violation of Section 23153 punishable under Section
31 23550.5 or 23566, the privilege shall be revoked for a period of
32 five years. The privilege may not be reinstated until the person
33 gives proof of financial responsibility and proof satisfactory to the
34 department of successful completion of one of the following
35 programs: an 18-month driving-under-the-influence program
36 licensed pursuant to Section 11836 of the Health and Safety Code,
37 as described in subdivision (b) of Section 23568 or, if available in
38 the county of the person's residence or employment, a 30-month
39 driving-under-the-influence program licensed pursuant to Section
40 11836 of the Health and Safety Code, or a program specified in

1 Section 8001 of the Penal Code. For the purposes of this paragraph,
2 enrollment, participation, and completion of an approved program
3 shall be subsequent to the date of the current violation. Credit shall
4 not be given to any program activities completed prior to the date
5 of the current violation. The department shall advise the person
6 that after the completion of 12 months of the revocation period,
7 which may include credit for a suspension period served under
8 subdivision (c) of Section 13353.3, the person may apply to the
9 department for a restricted driver's license, subject to the following
10 conditions:

11 (A) The person has satisfactorily completed, subsequent to the
12 violation date of the current underlying conviction, either of the
13 following:

14 (i) The initial 12 months of a 30-month
15 driving-under-the-influence program licensed pursuant to Section
16 11836 of the Health and Safety Code, if available in the county of
17 the person's residence or employment, and the person agrees, as
18 a condition of the restriction, to continue satisfactory participation
19 in the 30-month driving-under-the-influence program.

20 (ii) The initial 12 months of an 18-month
21 driving-under-the-influence program licensed pursuant to Section
22 11836 of the Health and Safety Code, if a 30-month program is
23 unavailable in the person's county of residence or employment.

24 (B) The person submits the "Verification of Installation" form
25 described in paragraph (2) of subdivision (g) of Section 13386.

26 (C) The person agrees to maintain the ignition interlock device
27 as required under subdivision (g) of Section 23575.

28 (D) The person provides proof of financial responsibility, as
29 defined in Section 16430.

30 (E) An individual convicted of a violation of Section 23153
31 punishable under Section 23566 may also, at any time after
32 sentencing, petition the court for referral to an 18-month
33 driving-under-the-influence program or, if available in the county
34 of the person's residence or employment, a 30-month
35 driving-under-the-influence program licensed pursuant to Section
36 11836 of the Health and Safety Code. Unless good cause is shown,
37 the court shall order the referral.

38 (F) The person pays all applicable reinstatement or reissue fees
39 and any restriction fee required by the department.

1 (G) The restriction shall remain in effect for the period required
2 in subdivision (f) of Section 23575.

3 (7) Except as provided in this paragraph, upon a conviction or
4 finding of a violation of Section 23152 punishable under Section
5 23550 or 23550.5, or Section 23153 punishable under Section
6 23550.5 the privilege shall be revoked for a period of four years.
7 The privilege may not be reinstated until the person gives proof
8 of financial responsibility and proof satisfactory to the department
9 of successful completion of one of the following programs: an
10 18-month driving-under-the-influence program licensed pursuant
11 to Section 11836 of the Health and Safety Code, or, if available
12 in the county of the person's residence or employment, a 30-month
13 driving-under-the-influence program licensed pursuant to Section
14 11836 of the Health and Safety Code, or a program specified in
15 Section 8001 of the Penal Code. For the purposes of this paragraph,
16 enrollment, participation, and completion of an approved program
17 shall be subsequent to the date of the current violation. Credit shall
18 not be given to any program activities completed prior to the date
19 of the current violation. The department shall advise the person
20 that after the completion of 12 months of the revocation period,
21 which may include credit for a suspension period served under
22 subdivision (c) of Section 13353.3, the person may apply to the
23 department for a restricted driver's license, subject to the following
24 conditions:

25 (A) The person has satisfactorily completed, subsequent to the
26 violation date of the current underlying conviction, either of the
27 following:

28 (i) The initial 12 months of an 18-month
29 driving-under-the-influence program licensed pursuant to Section
30 11836 of the Health and Safety Code.

31 (ii) The initial 12 months of a 30-month
32 driving-under-the-influence program licensed pursuant to Section
33 11836 of the Health and Safety Code, if available in the county of
34 the person's residence or employment, and the person agrees, as
35 a condition of the restriction, to continue satisfactory participation
36 in the 30-month driving-under-the-influence program.

37 (B) The person submits the "Verification of Installation" form
38 described in paragraph (2) of subdivision (g) of Section 13386.

39 (C) The person agrees to maintain the ignition interlock device
40 as required under subdivision (g) of Section 23575.

1 (D) The person provides proof of financial responsibility, as
2 defined in Section 16430.

3 (E) An individual convicted of a violation of Section 23152
4 punishable under Section 23550 may also, at any time after
5 sentencing, petition the court for referral to an 18-month
6 driving-under-the-influence program or, if available in the county
7 of the person's residence or employment, a 30-month
8 driving-under-the-influence program licensed pursuant to Section
9 11836 of the Health and Safety Code. Unless good cause is shown,
10 the court shall order the referral.

11 (F) The person pays all applicable reinstatement or reissue fees
12 and any restriction fee required by the department.

13 (G) The restriction shall remain in effect for the period required
14 in subdivision (f) of Section 23575.

15 (8) Upon a conviction or finding of a violation of subdivision
16 (a) of Section 23109 or Section 23109.1 that is punishable under
17 subdivision (e) of that section, the privilege shall be suspended for
18 a period of 90 days to six months, if ordered by the court. The
19 privilege may not be reinstated until the person gives proof of
20 financial responsibility, as defined in Section 16430.

21 (9) Upon a conviction or finding of a violation of subdivision
22 (a) of Section 23109 that is punishable under subdivision (f) of
23 that section, the privilege shall be suspended for a period of six
24 months, if ordered by the court. The privilege may not be reinstated
25 until the person gives proof of financial responsibility, as defined
26 in Section 16430.

27 (b) For the purpose of paragraphs (2) to (9), inclusive, of
28 subdivision (a), the finding of the juvenile court judge, the juvenile
29 hearing officer, or the referee of a juvenile court of a commission
30 of a violation of Section 23152 or 23153 or subdivision (a) of
31 Section 23109 or *Section* 23109.1, as specified in subdivision (a)
32 of this section, is a conviction.

33 (c) A judge of a juvenile court, juvenile hearing officer, or
34 referee of a juvenile court shall immediately report the findings
35 specified in subdivision (a) to the department.

36 (d) A conviction of an offense in a state, territory, or possession
37 of the United States, the District of Columbia, the Commonwealth
38 of Puerto Rico, or Canada that, if committed in this state, would
39 be a violation of Section 23152, is a conviction of Section 23152
40 for the purposes of this section, and a conviction of an offense

1 that, if committed in this state, would be a violation of Section
2 23153, is a conviction of Section 23153 for the purposes of this
3 section. The department shall suspend or revoke the privilege to
4 operate a motor vehicle pursuant to this section upon receiving
5 notice of that conviction.

6 (e) For the purposes of the restriction conditions specified in
7 paragraphs (3) to (7), inclusive, of subdivision (a), the department
8 shall terminate the restriction imposed pursuant to this section and
9 shall suspend or revoke the person's driving privilege upon receipt
10 of notification from the driving-under-the-influence program that
11 the person has failed to comply with the program requirements.
12 The person's driving privilege shall remain suspended or revoked
13 for the remaining period of the original suspension or revocation
14 imposed under this section and until all reinstatement requirements
15 described in this section are met.

16 (f) For the purposes of this section, completion of a program is
17 the following:

18 (1) Satisfactory completion of all program requirements
19 approved pursuant to program licensure, as evidenced by a
20 certificate of completion issued, under penalty of perjury, by the
21 licensed program.

22 (2) Certification, under penalty of perjury, by the director of a
23 program specified in Section 8001 of the Penal Code, that the
24 person has completed a program specified in Section 8001 of the
25 Penal Code.

26 (g) The holder of a commercial driver's license who was
27 operating a commercial motor vehicle, as defined in Section 15210,
28 at the time of a violation that resulted in a suspension or revocation
29 of the person's noncommercial driving privilege under this section
30 is not eligible for the restricted driver's license authorized under
31 paragraphs (3) to (7), inclusive, of subdivision (a).

32 ~~SEC. 15.~~

33 *SEC. 14.* Section 14601 of the Vehicle Code is amended to
34 read:

35 14601. (a) No person shall drive a motor vehicle at any time
36 when that person's driving privilege is suspended or revoked for
37 reckless driving in violation of Section 23103, 23104, or 23105,
38 any reason listed in subdivision (a) or (c) of Section 12806
39 authorizing the department to refuse to issue a license, negligent
40 or incompetent operation of a motor vehicle as prescribed in

1 subdivision (e) of Section 12809, or negligent operation as
2 prescribed in Section 12810.5, if the person so driving has
3 knowledge of the suspension or revocation. Knowledge shall be
4 conclusively presumed if mailed notice has been given by the
5 department to the person pursuant to Section 13106. The
6 presumption established by this subdivision is a presumption
7 affecting the burden of proof.

8 (b) A person convicted under this section shall be punished as
9 follows:

10 (1) Upon a first conviction, by imprisonment in a county jail
11 for not less than five days or more than six months and by a fine
12 of not less than three hundred dollars (\$300) or more than one
13 thousand dollars (\$1,000).

14 (2) If the offense occurred within five years of a prior offense
15 that resulted in a conviction of a violation of this section or Section
16 14601.1, 14601.2, or 14601.5, by imprisonment in a county jail
17 for not less than 10 days or more than one year and by a fine of
18 not less than five hundred dollars (\$500) or more than two thousand
19 dollars (\$2,000).

20 (c) If the offense occurred within five years of a prior offense
21 that resulted in a conviction of a violation of this section or Section
22 14601.1, 14601.2, or 14601.5, and is granted probation, the court
23 shall impose as a condition of probation that the person be confined
24 in a county jail for at least 10 days.

25 (d) Nothing in this section prohibits a person from driving a
26 motor vehicle, that is owned or utilized by the person's employer,
27 during the course of employment on private property that is owned
28 or utilized by the employer, except an offstreet parking facility as
29 defined in subdivision (c) of Section 12500.

30 (e) When the prosecution agrees to a plea of guilty or nolo
31 contendere to a charge of a violation of this section in satisfaction
32 of, or as a substitute for, an original charge of a violation of Section
33 14601.2, and the court accepts that plea, except, in the interest of
34 justice, when the court finds it would be inappropriate, the court
35 shall, pursuant to Section 23575, require the person convicted, in
36 addition to any other requirements, to install a certified ignition
37 interlock device on any vehicle that the person owns or operates
38 for a period not to exceed three years.

39 (f) This section also applies to the operation of an off-highway
40 motor vehicle on those lands to which the Chappie-Z'berg

1 Off-Highway Motor Vehicle Law of 1971 (Division 16.5
2 (commencing with Section 38000)) applies as to off-highway
3 motor vehicles, as described in Section 38001.

4 ~~SEC. 16.~~

5 *SEC. 15.* Section 21051 of the Vehicle Code is amended to
6 read:

7 21051. The following sections apply to trolley coaches:

8 (a) Sections 1800, 4000, 4001, 4002, 4003, 4006, 4009, 4150,
9 4151, 4152, 4153, 4155, 4156, 4158, 4166, 4300 to 4309, inclusive,
10 4450 to 4454, inclusive, 4457, 4458, 4459, 4460, 4600 to 4610,
11 inclusive, 4750, 4751, 4850, 4851, 4852, 4853, 5000, 5200 to
12 5205, inclusive, 5904, 6052, 8801, 9254, and 40001 with respect
13 to 4000, relating to original and renewal of registration.

14 (b) Sections 9250, 9265, 9400, 9406, 9407, 9408, 9550, 9552,
15 9553, 9554, 9800 to 9808, inclusive, 14901, 42230 to 42233,
16 inclusive, relating to registration and other fees.

17 (c) Sections 2800, 10851, 10852, 10853, 20001 to 20009,
18 inclusive, 21052, 21053, 21054, 21450 to 21457, inclusive, 21461,
19 21650, 21651, 21658, 21659, 21700, 21701, 21702, 21703, 21709,
20 21712, 21750, 21753, 21754, 21755, 21800, 21801, 21802, 21806,
21 21950, 21951, 22106, 22107, 22108, 22109, 22350, 22351, 22352,
22 22400, 22450 to 22453, inclusive, 23103, 23104, 23105, 23110,
23 23152, 23153, 40831, 42002 with respect to 10852 and 10853,
24 and 42004, relating to traffic laws.

25 (d) Sections 26706, 26707, and 26708, relating to equipment.

26 (e) Sections 17301, 17302, 17303, 21461, 35000, 35100, 35101,
27 35105, 35106, 35111, 35550, 35551, 35750, 35751, 35753, 40000.1
28 to 40000.25, inclusive, 40001, 40003, and 42031, relating to the
29 size, weight, and loading of vehicles.

30 ~~SEC. 17.~~

31 *SEC. 16.* Section 23103 of the Vehicle Code is amended to
32 read:

33 23103. (a) A person who drives a vehicle upon a highway in
34 willful or wanton disregard for the safety of persons or property
35 is guilty of reckless driving.

36 (b) A person who drives a vehicle in an offstreet parking
37 facility, as defined in subdivision (c) of Section 12500, in willful
38 or wanton disregard for the safety of persons or property is guilty
39 of reckless driving.

1 (c) Persons convicted of the offense of reckless driving shall be
 2 punished by imprisonment in a county jail for not less than five
 3 days nor more than 90 days or by a fine of not less than one
 4 hundred forty-five dollars (\$145) nor more than one thousand
 5 dollars (\$1,000), or by both that fine and imprisonment, except as
 6 provided in Section 23104 or 23105.

7 ~~SEC. 18.~~

8 *SEC. 17.* Section 23104 of the Vehicle Code is amended to
 9 read:

10 23104. (a) Except as provided in subdivision (b), whenever
 11 reckless driving of a vehicle proximately causes bodily injury to
 12 a person other than the driver, the person driving the vehicle shall,
 13 upon conviction thereof, be punished by imprisonment in the
 14 county jail for not less than 30 days nor more than six months or
 15 by a fine of not less than two hundred twenty dollars (\$220) nor
 16 more than one thousand dollars (\$1,000), or by both the fine and
 17 imprisonment.

18 (b) A person convicted of reckless driving that proximately
 19 causes great bodily injury, as defined in Section 12022.7 of the
 20 Penal Code, to a person other than the driver, who previously has
 21 been convicted of a violation of Section 23103, 23104, 23105,
 22 23109, 23109.1, 23152, or 23153, shall be punished by
 23 imprisonment in the state prison, by imprisonment in the county
 24 jail for not less than 30 days nor more than six months or by a fine
 25 of not less than two hundred twenty dollars (\$220) nor more than
 26 one thousand dollars (\$1,000) or by both the fine and
 27 imprisonment.

28 ~~SEC. 19.~~

29 *SEC. 18.* Section 40800 of the Vehicle Code is amended to
 30 read:

31 40800. (a) A traffic officer on duty for the exclusive or main
 32 purpose of enforcing the provisions of Division 10 (commencing
 33 with Section 20000) or 11 (commencing with Section 21000) shall
 34 wear a full distinctive uniform, and if the officer while on duty
 35 uses a motor vehicle, it must be painted a distinctive color specified
 36 by the commissioner.

37 (b) This section does not apply to an officer assigned exclusively
 38 to the duty of investigating and securing evidence in reference to
 39 the theft of a vehicle or failure of a person to stop in the event of
 40 an accident or violation of Section 23109 or 23109.1 or in reference

1 to a felony charge, or to an officer engaged in serving a warrant
2 when the officer is not engaged in patrolling the highways for the
3 purpose of enforcing the traffic laws.

4 ~~SEC. 20.~~

5 *SEC. 19.* Section 40804 of the Vehicle Code is amended to
6 read:

7 40804. (a) In any prosecution under this code upon a charge
8 involving the speed of a vehicle, an officer or other person shall
9 be incompetent as a witness if the testimony is based upon or
10 obtained from or by the maintenance or use of a speed trap.

11 (b) An officer arresting, or participating or assisting in the arrest
12 of, a person so charged while on duty for the exclusive or main
13 purpose of enforcing the provisions of Divisions 10 (commencing
14 with Section 20000) and 11 (commencing with Section 21000) is
15 incompetent as a witness if at the time of that arrest he was not
16 wearing a distinctive uniform, or was using a motor vehicle not
17 painted the distinctive color specified by the commissioner.

18 (c) This section does not apply to an officer assigned exclusively
19 to the duty of investigating and securing evidence in reference to
20 the theft of a vehicle or failure of a person to stop in the event of
21 an accident or violation of Section 23109 or 23109.1 or in reference
22 to a felony charge or to an officer engaged in serving a warrant
23 when the officer is not engaged in patrolling the highways for the
24 purpose of enforcing the traffic laws.

25 ~~SEC. 21.~~

26 *SEC. 20.* Section 41610 of the Vehicle Code is amended to
27 read:

28 41610. (a) Whenever a person who is in custody enters a guilty
29 plea to an infraction or misdemeanor under this code and there is
30 outstanding any warrant of arrest for a violation of this code or a
31 local ordinance adopted pursuant to this code that is filed in any
32 court within the same county, the defendant may elect to enter a
33 guilty plea to any of these charged offenses of which the court has
34 a record, except offenses specified in subdivision (b). The court
35 shall sentence the defendant for each of the offenses for which a
36 guilty plea has been entered pursuant to this section, and shall
37 notify the appropriate court or department in each affected judicial
38 district of the disposition. After receiving that notice of disposition,
39 the court in which each complaint was filed shall prepare and

1 transmit to the department any certification required by applicable
2 provisions of Section 40509 as if the court had heard the case.

3 (b) Subdivision (a) does not authorize entry of a guilty plea as
4 specified in that subdivision to an offense for which a notice of
5 parking violation has been issued, nor to any offense specified in
6 Section 14601.2, 14601.3, 20002, 23103, 23104, 23105, 23152,
7 or 23153, subdivision (a) of Section 14601, or subdivision (a) of
8 Section 14601.1.

9 ~~SEC. 22.~~

10 *SEC. 21.* Section 42008.5 of the Vehicle Code is amended to
11 read:

12 42008.5. (a) A county may establish a one-time amnesty
13 program for fines and bail that have been delinquent for not less
14 than six months as of the date upon which the program commences
15 and were imposed for an infraction or misdemeanor violation of
16 this code, except parking violations of this code and violations of
17 Section 23103, 23104, 23105, 23152, or 23153.

18 (b) A person owing a fine or bail that is eligible for amnesty
19 under the program may pay to the superior or juvenile court the
20 amount scheduled by the court, that shall be accepted by the court
21 in full satisfaction of the delinquent fine or bail and shall be either
22 of the following:

23 (1) Seventy percent of the total fine or bail.

24 (2) The amount of one hundred dollars (\$100) for an infraction
25 or five hundred dollars (\$500) for a misdemeanor.

26 (c) The amnesty program shall be implemented by the courts
27 of the county on a one-time basis and conducted in accordance
28 with Judicial Council guidelines for a period of not less than 120
29 days. The program shall operate not longer than six months from
30 the date the court initiates the program.

31 (d) No criminal action shall be brought against a person for a
32 delinquent fine or bail paid under the amnesty program and no
33 other additional penalties, except as provided in Section 1214.1
34 of the Penal Code, shall be assessed for the late payment of the
35 fine or bail made under the amnesty program.

36 (e) Notwithstanding Section 1463 of the Penal Code, the total
37 amount of funds collected by the courts pursuant to the amnesty
38 program shall be deposited in the county treasury until 150 percent
39 of the cost of operating the program, excluding capital
40 expenditures, have been so deposited. Thereafter, 37 percent of

1 the amount of the delinquent fines and bail deposited in the county
2 treasury shall be distributed by the county pursuant to Section 1464
3 of the Penal Code, 26 percent of the amount deposited shall be
4 distributed by the county pursuant to Article 2 (commencing with
5 Section 76100) of Chapter 12 of Title 8 of the Government Code,
6 and the remaining 37 percent of the amount deposited shall be
7 retained by the county.

8 (f) The deposit of fines and bails in the county treasury as
9 described in subdivision (e) is limited to the amnesty program
10 described in this section, and it is the intent of the Legislature that
11 it shall not be considered a precedent with respect to affecting
12 programs that receive funding pursuant to Section 1463 of the
13 Penal Code.

14 (g) Each county participating in the program shall file, not later
15 than six months after the termination of the program, a written
16 report with the Assembly Committee on Judiciary and the Senate
17 Committee on Judiciary. The report shall summarize the amount
18 of money collected, operating costs of the program, distribution
19 of funds collected, and when possible, how the funds were
20 expended.

21 ~~SEC. 23.~~

22 *SEC. 22.* Section 42009 of the Vehicle Code is amended to
23 read:

24 42009. (a) For an offense specified in subdivision (b),
25 committed by the driver of a vehicle within a highway construction
26 or maintenance area, during any time when traffic is regulated or
27 restricted through or around that area pursuant to Section 21367,
28 when the highway construction or maintenance is actually being
29 performed in the area by workers acting in their official capacity,
30 the fine, in a misdemeanor case, shall be double the amount
31 otherwise prescribed. In an infraction case, the fine shall be one
32 category higher than the penalty otherwise prescribed by the
33 uniform traffic penalty schedule established pursuant to Section
34 40310.

35 (b) A violation of any of the following provisions is an offense
36 that is subject to subdivision (a):

37 (1) Section 21367, relating to regulation of traffic at a
38 construction site.

39 (2) Article 3 (commencing with Section 21450) of Chapter 2
40 of Division 11, relating to obedience to traffic devices.

- 1 (3) Chapter 3 (commencing with Section 21650) of Division
2 11, relating to driving, overtaking, and passing.
- 3 (4) Chapter 4 (commencing with Section 21800) of Division
4 11, relating to yielding the right-of-way.
- 5 (5) Chapter 6 (commencing with Section 22100) of Division
6 11, relating to turning and stopping and turn signals.
- 7 (6) Chapter 7 (commencing with Section 22348) of Division
8 11, relating to speed limits.
- 9 (7) Chapter 8 (commencing with Section 22450) of Division
10 11, relating to special traffic stops.
- 11 (8) Section 23103, relating to reckless driving.
- 12 (9) Section 23104 or 23105, relating to reckless driving that
13 results in bodily injury to another.
- 14 (10) Section 23109 or 23109.1, relating to speed contests.
- 15 (11) Section 23152, relating to driving under the influence of
16 alcohol or a controlled substance, or a violation of Section 23103,
17 as specified in Section 23103.5, relating to alcohol-related reckless
18 driving.
- 19 (12) Section 23153, relating to driving under the influence of
20 alcohol or a controlled substance, that results in bodily injury to
21 another.
- 22 (13) Section 23220, relating to drinking while driving.
- 23 (14) Section 23221, relating to drinking in a motor vehicle while
24 on the highway.
- 25 (15) Section 23222, relating to driving while possessing an open
26 alcoholic beverage container.
- 27 (16) Section 23223, relating to being in a vehicle on the highway
28 while possessing an open alcoholic beverage container.
- 29 (17) Section 23224, relating to being a driver or passenger under
30 the age of 21 possessing an open alcoholic beverage container.
- 31 (18) Section 23225, relating to being the owner or driver of a
32 vehicle in which there is an open alcoholic beverage container.
- 33 (19) Section 23226, relating to being a passenger in a vehicle
34 in which there is an open alcoholic beverage container.
- 35 (c) This section applies only when construction or maintenance
36 work is actually being performed by workers, and there are work
37 zone traffic control devices, traffic controls or warning signs, or
38 any combination of those, to notify motorists and pedestrians of
39 construction or maintenance workers in the area.

1 ~~SEC. 24.~~

2 *SEC. 23.* Section 42010 of the Vehicle Code is amended to
3 read:

4 42010. (a) For any offense specified in subdivision (b) that is
5 committed by the driver of a vehicle within an area that has been
6 designated as a Safety Enhancement-Double Fine Zone pursuant
7 to Section 97 and following of the Streets and Highways Code,
8 the fine, in a misdemeanor case, shall be double the amount
9 otherwise prescribed, and, in an infraction case, the fine shall be
10 one category higher than the penalty otherwise prescribed by the
11 uniform traffic penalty schedule established pursuant to Section
12 40310.

13 (b) A violation of any of the following provisions is an offense
14 that is subject to subdivision (a):

15 (1) Chapter 3 (commencing with Section 21650) of Division
16 11, relating to driving, overtaking, and passing.

17 (2) Chapter 7 (commencing with Section 22348) of Division
18 11, relating to speed limits.

19 (3) Section 23103, relating to reckless driving.

20 (4) Section 23104 or 23105, relating to reckless driving that
21 results in bodily injury to another.

22 (5) Section 23109 or 23109.1, relating to speed contests.

23 (6) Section 23152, relating to driving under the influence of
24 alcohol or a controlled substance, or a violation of Section 23103,
25 as specified in Section 23103.5, relating to alcohol-related reckless
26 driving.

27 (7) Section 23153, relating to driving under the influence of
28 alcohol or a controlled substance, which results in bodily injury
29 to another.

30 (8) Section 23220, relating to drinking while driving.

31 (9) Section 23221, relating to drinking in a motor vehicle while
32 on the highway.

33 (10) Section 23222, relating to driving while possessing an open
34 alcoholic beverage container.

35 (11) Section 23223, relating to being in a vehicle on the highway
36 while possessing an open alcoholic beverage container.

37 (12) Section 23224, relating to being a driver or passenger under
38 21 years of age possessing an open alcoholic beverage container.

39 (13) Section 23225, relating to being the owner or driver of a
40 vehicle in which there is an open alcoholic beverage container.

1 (14) Section 23226, relating to being a passenger in a vehicle
2 in which there is an open alcoholic beverage container.

3 (c) This section applies only when traffic controls or warning
4 signs have been placed pursuant to Section 97 or 97.1 of the Streets
5 and Highways Code.

6 (d) (1) Notwithstanding any other provision of law, the
7 enhanced fine imposed pursuant to this section shall be based only
8 on the base fine imposed for the underlying offense and shall not
9 include any other enhancements imposed pursuant to law.

10 (2) Notwithstanding any other provision of law, any additional
11 penalty, forfeiture, or assessment imposed by any other statute
12 shall be based on the amount of the base fine before enhancement
13 or doubling and shall not be based on the amount of the enhanced
14 fine imposed pursuant to this section.

15 ~~SEC. 25.~~

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

25 However, if the Commission on State Mandates determines that
26 this act contains other costs mandated by the state, reimbursement
27 to local agencies and school districts for those costs shall be made
28 pursuant to Part 7 (commencing with Section 17500) of Division
29 4 of Title 2 of the Government Code.