

AMENDED IN ASSEMBLY MARCH 9, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1951

Introduced by Assembly Member Ammiano

February 17, 2010

An act to ~~amend Section 13385 of~~ *add Section 23106* to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1951, as amended, Ammiano. Vehicles: ~~driver's license application form; signed declaration; misdemeanor; collision; pedestrian and bicyclist.~~

(1) *Under existing law, a person who operates a vehicle in willful or wanton disregard for the safety of persons or property is guilty of a misdemeanor. Existing law specifies punishment for a person found guilty of this offense.*

This bill would provide that a person operating a motor vehicle in a grossly negligent manner resulting in a collision of the motor vehicle with a pedestrian or bicyclist is guilty of a misdemeanor. The bill would specify the punishment for a person convicted of violating this provision and would require the accused to be present in all court proceedings related to the prosecution of the violation.

(2) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law requires that all application forms for driver's licenses or driver's license renewal notices include a requirement that the applicant sign a specified declaration as a condition of licensure in the same language as the application or renewal notice. The signed declaration requires that the applicant acknowledge that being under the influence of alcohol or drugs, or both, impairs the ability to safely operate a motor vehicle, is extremely dangerous to human life, and that if he or she drives while under the influence of alcohol or drugs, or both, and as a result, a person is killed, the applicant can be charged with murder.~~

~~This bill would require the applicant to sign an additional declaration regarding the dangers of careless driving or driving in a manner that endangers or would be likely to endanger any person or property.~~

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

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

- 1 SECTION 1. Section 23106 is added to the Vehicle Code, to
- 2 read:
- 3 23106. (a) A person operating a motor vehicle upon a highway
- 4 in a grossly negligent manner resulting in a collision of the motor
- 5 vehicle with a pedestrian or bicyclist causing an injury to the
- 6 pedestrian or bicyclist is guilty of a misdemeanor.
- 7 (b) A person convicted of violating subdivision (a) shall be
- 8 punished by a fine of not more than one thousand dollars (\$1,000)
- 9 and shall be required to complete a course of instruction at a
- 10 licensed traffic violator school.
- 11 (c) A person accused of violating subdivision (a) shall be present
- 12 in all court proceedings related to the prosecution of the violation.
- 13 SEC. 2. No reimbursement is required by this act pursuant to
- 14 Section 6 of Article XIII B of the California Constitution because
- 15 the only costs that may be incurred by a local agency or school
- 16 district will be incurred because this act creates a new crime or
- 17 infraction, eliminates a crime or infraction, or changes the penalty
- 18 for a crime or infraction, within the meaning of Section 17556 of
- 19 the Government Code, or changes the definition of a crime within
- 20 the meaning of Section 6 of Article XIII B of the California
- 21 Constitution.

1 SECTION 1. ~~Section 13385 of the Vehicle Code is amended~~
2 ~~to read:~~

3 13385. ~~(a) All application forms for driver's licenses or~~
4 ~~driver's license renewal notices shall include a requirement that~~
5 ~~the applicant sign the following declarations as a condition of~~
6 ~~licensure:~~

7 "I am hereby advised that being under the influence of alcohol
8 or drugs, or both, impairs the ability to safely operate a motor
9 vehicle. Therefore, it is extremely dangerous to human life to drive
10 while under the influence of alcohol or drugs, or both. If I drive
11 while under the influence of alcohol or drugs, or both, and as a
12 result, a person is killed, I can be charged with murder."

13 "I am hereby advised that careless driving or driving in a manner
14 that endangers or would be likely to endanger any person or
15 property is extremely dangerous to human life. If I drive in such
16 a careless manner and a person is injured I can be charged with
17 assault or battery and if a person is killed, with manslaughter."

18 (b) ~~On all application forms for driver's licenses or driver's~~
19 ~~license renewal notices printed by the department, in English or a~~
20 ~~language other than English, the department shall include the~~
21 ~~declaration in the same language as the application or renewal~~
22 ~~notice.~~

23 (c) ~~The department is not, incident to this section, required to~~
24 ~~maintain, copy, or store any information other than that to be~~
25 ~~incorporated into the standard application form.~~