

AMENDED IN SENATE AUGUST 3, 2010

AMENDED IN SENATE JUNE 10, 2010

AMENDED IN ASSEMBLY APRIL 14, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2144**

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**Introduced by Assembly Member Gilmore**

February 18, 2010

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An act to amend Sections ~~1803.5, 1808.7, 15200, 15300, 15302, 15306, 15308, 15311, 15311.1, 15312, 22526, and 41501~~ *of and 22526 of, and to amend, repeal, and add Sections 1803.5, 1808.7, and 41501 of*, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2144, as amended, Gilmore. Commercial motor vehicles: driver compliance.

(1) Existing law authorizes a court to order a person issued a notice to appear for a traffic violation to attend a traffic violator school licensed under certain provisions of the Vehicle Code, in lieu of adjudicating the traffic offense, and with the consent of the defendant, or after conviction of a traffic offense. A court may order a continuance against a person who receives a notice to appear in court for a violation of a statute relating to the safe operation of a vehicle, in consideration for attendance at a licensed school for traffic violators, a licensed driving school, or any other court-approved program of driving instruction. After that attendance, the court may dismiss the complaint and the record of the Department of Motor Vehicles relating to this proceeding and dismissal of the complaint is confidential.

~~This bill would delete all references to “complaint” and instead substitute a “traffic violator school conviction” for dismissal of the complaint and would provide that the department’s record of a traffic violator school conviction is not confidential if either of 2 conditions applies.~~

*This bill would revise and recast these provisions and, instead, would authorize the court, after a deposit of bail and bail forfeiture, a plea of guilty or no contest, or a conviction, to order a continuance of the proceeding against a person who receives a notice to appear in court for a violation of a statute relating to safe operation of a vehicle, in consideration for completion of a program at a school for traffic violators and order that the conviction be held confidential. The bill would prohibit the record of certain convictions from being confidential under these provisions. The bill would require that no violation point count be assessed if the record of conviction is confidential, unless other specified conditions apply.*

*The bill would require that these provisions become operative on July 1, 2011.*

(2) Existing law declares the intent of the Legislature to adopt those standards required of drivers by the Federal Highway Administration of the Department of Transportation, as set forth in the Commercial Motor Vehicle Safety Act of 1986 and to reduce or prevent commercial motor vehicle accidents, fatalities, and injuries by permitting drivers to hold only one license, disqualifying drivers for certain criminal offenses and serious traffic violations, and strengthening licensing and testing standards.

Existing law prohibits a driver of a commercial motor vehicle from operating a commercial motor vehicle for a period of one year if the driver is convicted of a first violation of, or for the rest of his or her life if convicted of more than one violation of, specified offenses.

This bill would update references to federal law and make technical, nonsubstantive changes to these provisions.

(3) Existing law prohibits a driver from operating a commercial motor vehicle for a period of 90 days, 180 days, one year, or 3 years if the person is convicted of a specified violation of an out-of-service order issued by an authorized employee of the Department of the California Highway Patrol or by a uniformed peace officer. A violation of these provisions is a crime.

This bill would increase the disqualification period of 90 days to 180 days, the 180-day period to 2 years, and the one-year period to 2 years.

The bill would also expand this prohibition to include out-of-service orders issued by the Secretary of the United States Department of Transportation or a peace officer or commercial vehicle inspector of any state, any province of Canada, the federal government of the United States, or Mexico. By expanding the scope of an existing crime, the bill would create a state-mandated local program.

(4) Existing law prohibits a driver from operating a commercial vehicle for a period of 60 days or 120 days if the driver is convicted of a serious traffic violation involving a noncommercial motor vehicle resulting in the revocation, cancellation, or suspension of the driver's license and the offense occurs within 3 years of a separate offense of a serious traffic violation or within 3 years of 2 or more separate offenses of serious traffic violations, respectively, that resulted in convictions.

This bill would eliminate the requirement that the conviction of the offense resulted in the revocation, cancellation, or suspension of the driver's license.

(5) Existing law provides that a driver who is convicted of violating an out-of-service order is subject to a civil penalty of not less than \$1,100 nor more than \$2,750. Existing law also provides that an employer that knowingly allows or requires an employee to operate a commercial motor vehicle in violation of an out-of-service order is, upon conviction, subject to a civil penalty of not less than \$2,750 nor more than \$11,000.

This bill would increase the penalty for the driver to not less than \$2,500 for a first conviction and to \$5,000 for a second or subsequent conviction. The bill would increase the upper limit of the penalty for an employer to not more than \$25,000.

(6) Existing law prohibits a driver of a vehicle from entering a railroad or rail transit crossing, notwithstanding any official traffic control device or signal indication to proceed, unless there is sufficient space on the other side of the railroad or rail transit crossing to accommodate the vehicle driven or there is sufficient undercarriage clearance to cross the intersection without obstructing the through passage of a railway vehicle, including, but not limited to, a train, trolley, or city transit vehicle.

This bill would make technical, substantive changes in the organization of these provisions and make a conforming change to a related provision.

(7) *This bill would also include language in Section 41501 that the bill would add to the Vehicle Code, proposed by AB 2499, to become*

*operative only if AB 2499 and this bill are chaptered and become effective on or before January 1, 2011, and this bill is chaptered last.*

(7)

(8) 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.

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 1803.5 of the Vehicle Code is amended*  
2 *to read:*

3 1803.5. (a) In accordance with Section 41501 or 42005, the  
4 clerk of a court or hearing officer, when a person who receives a  
5 notice to appear at a court or board proceeding for a violation of  
6 any statute relating to the safe operation of vehicles is granted a  
7 continuance of the proceeding in consideration for ~~attendance~~  
8 *completion of a program* at a school for traffic violators, a licensed  
9 driving school, or any other court-approved program of driving  
10 instruction, and which results in a dismissal of the complaint in  
11 consideration for that ~~attendance completion~~, shall prepare an  
12 abstract of the record of the court or board proceeding, certify the  
13 abstract to be true and correct, and cause the abstract to be  
14 forwarded to the department at its office at Sacramento within 10  
15 days after the complaint is dismissed.

16 (b) This section shall become ~~operative on September 20, 2005~~  
17 *inoperative on July 1, 2011, and, as of January 1, 2012, is*  
18 *repealed, unless a later enacted statute that is enacted before*  
19 *January 1, 2012, deletes or extends the dates on which it becomes*  
20 *inoperative and is repealed.*

21 *SEC. 1.5. Section 1803.5 is added to the Vehicle Code, to read:*

22 1803.5. (a) In accordance with Section 41501 or 42005, the  
23 clerk of a court or hearing officer, when a person who receives a  
24 notice to appear at a court or board proceeding for a violation of  
25 any statute relating to the safe operation of vehicles is granted a  
26 continuance of the proceeding in consideration for *completion of*  
27 *a program at a school for traffic violators, that results in a*

1 *designation of the conviction as confidential in consideration for*  
2 *that completion, shall prepare an abstract of the record of the*  
3 *court or board proceeding that indicates that the person was*  
4 *convicted of the violation and ordered to complete a traffic violator*  
5 *program, certify the abstract to be true and correct, and cause the*  
6 *abstract to be forwarded to the department at its office at*  
7 *Sacramento within five days after receiving proof that the program*  
8 *was completed or the due date to which the proceeding was*  
9 *continued, whichever comes first.*

10 *(b) This section shall become operative on July 1, 2011.*

11 *SEC. 2. Section 1808.7 of the Vehicle Code is amended to read:*

12 *1808.7. (a) The record of the department relating to the first*  
13 *proceeding and dismissal under Section 1803.5 in any 18-month*  
14 *period for participation by a person in a licensed school for traffic*  
15 *violators, a licensed driving school, or any other court-approved*  
16 *program of driving instruction, is confidential, shall not be*  
17 *disclosed to any person, except a court, and shall be used only for*  
18 *statistical purposes by the department.*

19 *(b) This section shall become inoperative on July 1, 2011, and,*  
20 *as of January 1, 2012, is repealed, unless a later enacted statute*  
21 *that is enacted before January 1, 2012, deletes or extends the dates*  
22 *on which it becomes inoperative and is repealed.*

23 *SEC. 2.5. Section 1808.7 is added to the Vehicle Code, to read:*

24 *1808.7. (a) The record of the department relating to the first*  
25 *proceeding and conviction under Section 1803.5 in any 18-month*  
26 *period for completion of a traffic violator school program is*  
27 *confidential, shall not be disclosed to any person, except a court*  
28 *and as provided for in subdivision (b), and shall be used only for*  
29 *statistical purposes by the department. No violation point count*  
30 *shall be assessed pursuant to Section 12810 if the conviction is*  
31 *confidential.*

32 *(b) The record of a conviction described in subdivision (a) shall*  
33 *not be confidential if any of the following circumstances applies:*

34 *(1) The person convicted holds a commercial driver's license*  
35 *as defined by Section 15210.*

36 *(2) The person convicted holds a commercial driver's license*  
37 *in another state, in accordance with Part 383 of Title 49 of the*  
38 *Code of Federal Regulations.*

39 *(3) The violation occurred in a commercial motor vehicle, as*  
40 *defined in subdivision (b) of Section 15210.*

1 (4) *The conviction would result in a violation point count of*  
2 *more than one point pursuant to Section 12810.*

3 (c) *This section shall become operative on July 1, 2011.*

4 SECTION 1. ~~Section 1803.5 of the Vehicle Code is amended~~  
5 ~~to read:~~

6 ~~1803.5. In accordance with Section 41501 or 42005, when a~~  
7 ~~person who receives a notice to appear at a court or board~~  
8 ~~proceeding for a violation of any statute relating to the safe~~  
9 ~~operation of vehicles is granted a continuance of the proceeding~~  
10 ~~in consideration for attendance at a school for traffic violators, a~~  
11 ~~licensed driving school, or any other court-approved program of~~  
12 ~~driving instruction, which results in a traffic violator school~~  
13 ~~conviction in consideration for that attendance, the clerk of a court~~  
14 ~~or hearing officer shall prepare an abstract of the record of the~~  
15 ~~court or board proceeding, certify the abstract to be true and correct,~~  
16 ~~and cause the abstract to be forwarded to the department at its~~  
17 ~~office at Sacramento within 10 days after the traffic violator school~~  
18 ~~conviction is issued.~~

19 SEC. 2. ~~Section 1808.7 of the Vehicle Code is amended to~~  
20 ~~read:~~

21 ~~1808.7. (a) The record of the department relating to the first~~  
22 ~~proceeding and traffic violator school conviction under Section~~  
23 ~~1803.5 in any 18-month period for participation by a person in a~~  
24 ~~licensed school for traffic violators, a licensed driving school, or~~  
25 ~~any other court-approved program of driving instruction, is~~  
26 ~~confidential, shall not be disclosed to any person, except a court,~~  
27 ~~and shall be used only for statistical purposes by the department.~~

28 ~~(b) The record under subdivision (a) is not confidential if either~~  
29 ~~of the following applies:~~

30 ~~(1) The person holds a class A, class B, or commercial class C~~  
31 ~~driver's license.~~

32 ~~(2) The person is operating a commercial motor vehicle as~~  
33 ~~defined in subdivision (b) of Section 15210.~~

34 SEC. 3. Section 15200 of the Vehicle Code is amended to read:

35 15200. It is the intent of the Legislature, in enacting this  
36 chapter, to adopt those standards required of drivers by the Federal  
37 Motor Carrier Safety Administration of the United States  
38 Department of Transportation, as set forth in the federal Motor  
39 Carrier Safety Improvement Act of 1999 (Public Law 106-159)  
40 and to reduce or prevent commercial motor vehicle accidents,

1 fatalities, and injuries by permitting drivers to hold only one  
2 license, disqualifying drivers for certain criminal offenses and  
3 serious traffic violations, and strengthening licensing and testing  
4 standards. This act is a remedial law and shall be liberally construed  
5 to promote the public health, safety and welfare. To the extent that  
6 this chapter conflicts with general driver licensing provisions, this  
7 chapter shall prevail. Where this chapter is silent, the general driver  
8 licensing provisions shall apply. It is the further intent of the  
9 Legislature that this program be fee supported, and that the  
10 department fully recoup its costs within four years of the program's  
11 enactment.

12 SEC. 4. Section 15300 of the Vehicle Code is amended to read:

13 15300. (a) A driver shall not operate a commercial motor  
14 vehicle for a period of one year if the driver is convicted of a first  
15 violation of any of the following:

16 (1) Subdivision (a), (b), or (c) of Section 23152 while operating  
17 a motor vehicle.

18 (2) Subdivision (d) of Section 23152.

19 (3) Subdivision (a) or (b) of Section 23153 while operating a  
20 motor vehicle.

21 (4) Subdivision (d) of Section 23153.

22 (5) Leaving the scene of an accident involving a motor vehicle  
23 operated by the driver.

24 (6) Using a motor vehicle to commit a felony, other than a felony  
25 described in Section 15304.

26 (7) Driving a commercial motor vehicle when the driver's  
27 commercial driver's license is revoked, suspended, or canceled  
28 based on the driver's operation of a commercial motor vehicle or  
29 when the driver is disqualified from operating a commercial motor  
30 vehicle based on the driver's operation of a commercial motor  
31 vehicle.

32 (8) Causing a fatality involving conduct defined pursuant to  
33 Section 191.5 of the Penal Code or subdivision (c) of Section 192  
34 of the Penal Code.

35 (9) While operating a motor vehicle, refuses to submit to, or  
36 fails to complete, a chemical test or tests in violation of Section  
37 23612.

38 (10) A violation of Section 2800.1, 2800.2, or 2800.3 that  
39 involves a commercial motor vehicle.

1 (b) If a violation listed in subdivision (a), or a violation listed  
2 in paragraph (2) of subdivision (a) of Section 13350 or Section  
3 13352 or 13357, occurred while transporting a hazardous material,  
4 the period specified in subdivision (a) shall be three years.

5 SEC. 5. Section 15302 of the Vehicle Code is amended to read:  
6 15302. A driver shall not operate a commercial motor vehicle  
7 for the rest of his or her life if convicted of more than one violation  
8 of any of the following:

9 (a) Subdivision (a), (b), or (c) of Section 23152 while operating  
10 a motor vehicle.

11 (b) Subdivision (d) of Section 23152.

12 (c) Subdivision (a) or (b) of Section 23153 while operating a  
13 motor vehicle.

14 (d) Subdivision (d) of Section 23153.

15 (e) Leaving the scene of an accident involving a motor vehicle  
16 operated by the driver.

17 (f) Using a motor vehicle to commit a felony, other than a felony  
18 described in Section 15304.

19 (g) Driving a commercial motor vehicle when the driver's  
20 commercial driver's license is revoked, suspended, or canceled  
21 based on the driver's operation of a commercial motor vehicle or  
22 when the driver is disqualified from operating a commercial motor  
23 vehicle based on the driver's operation of a commercial motor  
24 vehicle.

25 (h) Causing a fatality involving conduct defined pursuant to  
26 Section 191.5 of the Penal Code or in subdivision (c) of Section  
27 192 of the Penal Code.

28 (i) While operating a motor vehicle, refuses to submit to, or  
29 fails to complete, a chemical test or tests in violation of Section  
30 23612.

31 (j) A violation of Section 2800.1, 2800.2, or 2800.3 that involves  
32 a commercial motor vehicle.

33 (k) Any combination of the above violations or a violation listed  
34 in paragraph (2) of subdivision (a) of Section 13350 or Section  
35 13352 or 13357 that occurred while transporting a hazardous  
36 material.

37 SEC. 6. Section 15306 of the Vehicle Code is amended to read:

38 15306. A driver shall not operate a commercial motor vehicle  
39 for a period of 60 days if the person is convicted of a serious traffic  
40 violation involving a commercial or a noncommercial motor

1 vehicle and the offense occurred within three years of a separate  
2 offense of a serious traffic violation that resulted in a conviction.

3 SEC. 7. Section 15308 of the Vehicle Code is amended to read:

4 15308. (a) A driver shall not operate a commercial motor  
5 vehicle for a period of 120 days if the person is convicted of a  
6 serious traffic violation involving a commercial or noncommercial  
7 motor vehicle and the offense occurred within three years of two  
8 or more separate offenses of serious traffic violations that resulted  
9 in convictions.

10 (b) Notwithstanding Section 13366.5, the time period under  
11 subdivision (a) shall not commence until all existing suspensions  
12 or revocations of the commercial driving privilege have ended.

13 SEC. 8. Section 15311 of the Vehicle Code is amended to read:

14 15311. (a) A driver shall not operate a commercial motor  
15 vehicle for a period of 180 days if the person is convicted of a first  
16 violation of an out-of-service order under subdivision (b), (c), or  
17 (d) of Section 2800.

18 (b) A driver shall not operate a commercial motor vehicle for  
19 a period of two years if the person is convicted of violating an  
20 out-of-service order under subdivision (b), (c), or (d) of Section  
21 2800 while transporting hazardous materials required to be  
22 placarded or while operating a vehicle designed to transport 16 or  
23 more passengers, including the driver.

24 (c) A driver shall not operate a commercial motor vehicle for a  
25 period of two years if the person is convicted of a second violation  
26 of an out-of-service order under subdivision (b), (c), or (d) of  
27 Section 2800 during any 10-year period, arising from separate  
28 incidents.

29 (d) A driver shall not operate a commercial motor vehicle for  
30 a period of three years if the person is convicted of a second  
31 violation of an out-of-service order under subdivision (b), (c), or  
32 (d) of Section 2800 while transporting hazardous materials that  
33 are required to be placarded or while operating a vehicle designed  
34 to transport 16 or more passengers, including the driver.

35 (e) In addition to the disqualification period required in  
36 subdivision (a), (b), (c), or (d), a driver who is convicted of  
37 violating an out-of-service order under subdivision (b) of Section  
38 2800 is subject to a civil penalty of not less than two thousand five  
39 hundred dollars (\$2,500) for a first conviction, and a civil penalty

1 of five thousand dollars (\$5,000) for a second or subsequent  
2 conviction.

3 (f) A driver shall not operate a commercial motor vehicle for a  
4 period of three years if the person is convicted of a third or  
5 subsequent violation of an out-of-service order under subdivision  
6 (b), (c), or (d) of Section 2800 during any 10-year period, arising  
7 from separate incidents.

8 SEC. 9. Section 15311.1 of the Vehicle Code is amended to  
9 read:

10 15311.1. An employer that knowingly allows or requires an  
11 employee to operate a commercial motor vehicle in violation of  
12 an out-of-service order is, upon conviction, subject to a civil  
13 penalty of not less than two thousand seven hundred fifty dollars  
14 (\$2,750) nor more than twenty-five thousand dollars (\$25,000).

15 SEC. 10. Section 15312 of the Vehicle Code is amended to  
16 read:

17 15312. A driver may not operate a commercial motor vehicle  
18 for the following periods:

19 (a) Not less than 60 days if that person is convicted of a violation  
20 of subdivision (a) of Section 2800, or Section 21462, 22451, or  
21 22452, or subdivision (c) or (d) of Section 22526, involving a  
22 commercial motor vehicle and the violation occurred at a  
23 railroad-highway crossing.

24 (b) Not less than 120 days if that person is convicted of a  
25 violation of subdivision (a) of Section 2800, or Section 21462,  
26 22451, or 22452, or subdivision (c) or (d) of Section 22526,  
27 involving a commercial motor vehicle, and that violation occurred  
28 at a railroad-highway crossing, during any three-year period of a  
29 separate, prior offense of a railroad-highway grade crossing  
30 violation, that resulted in a conviction.

31 (c) Not less than one year if that person is convicted of a  
32 violation of subdivision (a) of Section 2800, or Section 21462,  
33 22451, or 22452, or subdivision (c) or (d) of Section 22526,  
34 involving a commercial motor vehicle, and that violation occurred  
35 at a railroad-highway crossing, at a railroad-highway grade  
36 crossing, during any three-year period of two or more prior offenses  
37 of a railroad-highway grade crossing violation, that resulted in  
38 convictions.

39 SEC. 11. Section 22526 of the Vehicle Code is amended to  
40 read:

1 22526. (a) Notwithstanding any official traffic control signal  
2 indication to proceed, a driver of a vehicle shall not enter an  
3 intersection or marked crosswalk unless there is sufficient space  
4 on the other side of the intersection or marked crosswalk to  
5 accommodate the vehicle driven without obstructing the through  
6 passage of vehicles from either side.

7 (b) A driver of a vehicle which is making a turn at an  
8 intersection who is facing a steady circular yellow or yellow arrow  
9 signal shall not enter the intersection or marked crosswalk unless  
10 there is sufficient space on the other side of the intersection or  
11 marked crosswalk to accommodate the vehicle driven without  
12 obstructing the through passage of vehicles from either side.

13 (c) A driver of a vehicle shall not enter a railroad or rail transit  
14 crossing, notwithstanding any official traffic control device or  
15 signal indication to proceed, unless there is sufficient undercarriage  
16 clearance to cross the intersection without obstructing the through  
17 passage of a railway vehicle, including, but not limited to, a train,  
18 trolley, or city transit vehicle.

19 (d) A driver of a vehicle shall not enter a railroad or rail transit  
20 crossing, notwithstanding any official traffic control device or  
21 signal indication to proceed, unless there is sufficient space on the  
22 other side of the railroad or rail transit crossing to accommodate  
23 the vehicle driven and any railway vehicle, including, but not  
24 limited to, a train, trolley, or city transit vehicle.

25 (e) A local authority may post appropriate signs at the entrance  
26 to intersections indicating the prohibition in subdivisions (a), (b),  
27 and (c).

28 (f) A violation of this section is not a violation of a law relating  
29 to the safe operation of vehicles and is the following:

30 (1) A stopping violation when a notice to appear has been issued  
31 by a peace officer described in Section 830.1, 830.2, or 830.33 of  
32 the Penal Code.

33 (2) A parking violation when a notice of parking violation is  
34 issued by a person, other than a peace officer described in  
35 paragraph (1), who is authorized to enforce parking statutes and  
36 regulations.

37 (g) This section shall be known and may be cited as the  
38 Anti-Gridlock Act of 1987.

39 ~~SEC. 12. Section 41501 of the Vehicle Code is amended to~~  
40 ~~read:~~

1     ~~41501. (a) The court may order a continuance of a proceeding~~  
 2 ~~against a person, who receives a notice to appear in court for a~~  
 3 ~~violation of a statute relating to the safe operation of a vehicle, in~~  
 4 ~~consideration for attendance at a licensed school for traffic~~  
 5 ~~violators, a licensed driving school, or any other court-approved~~  
 6 ~~program of driving instruction, and, after that attendance and~~  
 7 ~~pursuant to Section 1803.5 or 42005, the court may issue a traffic~~  
 8 ~~violation school conviction under the following conditions:~~

9     ~~(1) If the offense is alleged to have been committed within 12~~  
 10 ~~months of another offense that was issued a traffic violator school~~  
 11 ~~conviction under this section, the court may order the continuance~~  
 12 ~~and, after the attendance, issue a traffic violator school conviction.~~  
 13 ~~The court may order attendance at a licensed school for traffic~~  
 14 ~~violators that offers a program of at least 12 hours of instruction.~~

15     ~~(2) If the offense is not alleged to have occurred within 18~~  
 16 ~~months of another offense that was issued a traffic violator school~~  
 17 ~~conviction under this section, the court may order the continuance~~  
 18 ~~and, after the attendance, issue a traffic violator school conviction~~  
 19 ~~if the attendance is at any of the types of schools or programs that~~  
 20 ~~the court directed pursuant to Section 42005 at the time of ordering~~  
 21 ~~the continuance.~~

22     ~~(b) Subdivision (a) does not apply to a person who receives a~~  
 23 ~~notice to appear as to, or is otherwise charged with, a violation of~~  
 24 ~~an offense described in subdivisions (a) to (e), inclusive, of Section~~  
 25 ~~12810.~~

26     ~~SEC. 12. Section 41501 of the Vehicle Code is amended to~~  
 27 ~~read:~~

28     41501. (a) The court may order a continuance of a proceeding  
 29 against a person, who receives a notice to appear in court for a  
 30 violation of a statute relating to the safe operation of a vehicle, in  
 31 consideration for attendance at a licensed school for traffic  
 32 violators, a licensed driving school, or any other court-approved  
 33 program of driving instruction, and, after that attendance and  
 34 pursuant to Section 1803.5 or 42005, the court may dismiss the  
 35 complaint under the following conditions:

36     (1) If the offense is alleged to have been committed within 12  
 37 months of another offense that was dismissed under this section,  
 38 the court may order the continuance and, after the attendance,  
 39 dismiss the complaint. The court may order attendance at a licensed

1 school for traffic violators that offers a program of at least 12 hours  
2 of instruction.

3 (2) If the offense is not alleged to have occurred within 18  
4 months of another offense that was dismissed under this section,  
5 the court may order the continuance and, after the attendance,  
6 dismiss the complaint if the attendance is at any of the types of  
7 schools or programs that the court directed pursuant to Section  
8 42005 at the time of ordering the continuance.

9 (b) Subdivision (a) does not apply to a person who receives a  
10 notice to appear as to, or is otherwise charged with, a violation of  
11 an offense described in subdivisions (a) to (e), inclusive, of Section  
12 12810.

13 (c) *This section shall become inoperative on July 1, 2011, and,*  
14 *as of January 1, 2012, is repealed, unless a later enacted statute,*  
15 *that becomes operative on or before January 1, 2012, deletes or*  
16 *extends the dates on which it becomes inoperative and is repealed.*

17 *SEC. 12.5. Section 41501 is added to the Vehicle Code, to*  
18 *read:*

19 *41501. (a) After a deposit of bail and bail forfeiture, a plea*  
20 *of guilty or no contest, or a conviction, the court may order a*  
21 *continuance of a proceeding against a person, who receives a*  
22 *notice to appear in court for a violation of a statute relating to the*  
23 *safe operation of a vehicle, in consideration for successful*  
24 *completion of a course of instruction at a licensed school for traffic*  
25 *violators, a licensed driving school, or any other court-approved*  
26 *program of driving instruction, and pursuant to Section 1803.5 or*  
27 *42005, the court may order that the conviction be held confidential*  
28 *by the department according to Section 1808.7.*

29 (b) *Subdivision (a) does not apply to a person who receives a*  
30 *notice to appear as to, or is otherwise charged with, a violation*  
31 *of an offense described in subdivisions (a) to (e), inclusive, of*  
32 *Section 12810.*

33 (c) *This section shall become operative on July 1, 2011.*

34 *SEC. 12.7. Section 41501 is added to the Vehicle Code, to*  
35 *read:*

36 *41501. (a) After a deposit of bail and bail forfeiture, a plea*  
37 *of guilty or no contest, or a conviction, the court may order a*  
38 *continuance of a proceeding against a person, who receives a*  
39 *notice to appear in court for a violation of a statute relating to the*  
40 *safe operation of a vehicle, in consideration for successful*

1 completion of a course of instruction at a licensed school for traffic  
2 violators and pursuant to Section 1803.5 or 42005, the court may  
3 order that the conviction be held confidential by the department  
4 according to Section 1808.7. The court shall notify a person that  
5 only one conviction within 18 months will be held confidential.

6 (b) Subdivision (a) does not apply to a person who receives a  
7 notice to appear as to, or is otherwise charged with, a violation  
8 of an offense described in subdivisions (a) to (e), inclusive, of  
9 Section 12810.

10 (c) This section shall become operative on July 1, 2011.

11 SEC. 13. Section 12.7 of this bill adds Section 41501 to the  
12 Vehicle Code and includes language proposed by this bill and AB  
13 2499. It shall only become operative if (1) both bills are enacted  
14 and become effective on or before January 1, 2011, (2) each bill  
15 adds Section 41501 to the Vehicle Code, and (3) this bill is enacted  
16 after AB 2499, in which case Section 12.5 of this bill shall not  
17 become operative.

18 ~~SEC. 13.~~

19 SEC. 14. No reimbursement is required by this act pursuant to  
20 Section 6 of Article XIII B of the California Constitution because  
21 the only costs that may be incurred by a local agency or school  
22 district will be incurred because this act creates a new crime or  
23 infraction, eliminates a crime or infraction, or changes the penalty  
24 for a crime or infraction, within the meaning of Section 17556 of  
25 the Government Code, or changes the definition of a crime within  
26 the meaning of Section 6 of Article XIII B of the California  
27 Constitution.