
Introduced by Senator Benoit

February 25, 2009

An act to amend Section 23109 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 332, as introduced, Benoit. Vehicles: motor vehicle speed contests.

Existing law prohibits a person from engaging in, or aiding or abetting, a motor vehicle speed contest on a highway. Existing law prohibits a person from engaging in, or aiding or abetting, a motor vehicle exhibition of speed on a highway. Existing law also prohibits a person, for purposes of facilitating or aiding, or as an incident to, a motor vehicle speed contest or exhibition on a highway, from obstructing or placing a barricade or obstruction, or assisting or participating in placing a barricade or obstruction, on a highway.

This bill would make technical, nonsubstantive changes to those provisions.

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

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

- 1 SECTION 1. Section 23109 of the Vehicle Code is amended
- 2 to read:
- 3 23109. (a) A person shall not engage in a motor vehicle speed
- 4 contest on a highway. As used in this section, a motor vehicle
- 5 speed contest includes a motor vehicle race against another vehicle,
- 6 a clock, or other timing device. For purposes of this section, an
- 7 event in which the time to cover a prescribed route of more than

1 20 miles is measured, but where the vehicle does not exceed the
2 speed limits, is not a speed contest.

3 (b) A person shall not aid or abet in ~~any~~ a motor vehicle speed
4 contest on ~~any~~ a highway.

5 (c) A person shall not engage in a motor vehicle exhibition of
6 speed on a highway, and a person shall not aid or abet in a motor
7 vehicle exhibition of speed on ~~any~~ a highway.

8 (d) A person shall not, for the purpose of facilitating or aiding
9 or as an incident to ~~any~~ a motor vehicle speed contest or exhibition
10 upon a highway, in any manner obstruct or place a barricade or
11 obstruction or assist or participate in placing a barricade or
12 obstruction upon ~~any~~ a highway.

13 (e) (1) A person convicted of a violation of subdivision (a) shall
14 be punished by imprisonment in a county jail for not less than 24
15 hours nor more than 90 days or by a fine of not less than three
16 hundred fifty-five dollars (\$355) nor more than one thousand
17 dollars (\$1,000), or by both that fine and imprisonment. That
18 person shall also be required to perform 40 hours of community
19 service. The court may order the privilege to operate a motor
20 vehicle suspended for 90 days to six months, as provided in
21 paragraph (8) of subdivision (a) of Section 13352. The person's
22 privilege to operate a motor vehicle may be restricted for 90 days
23 to six months to necessary travel to and from that person's place
24 of employment and, if driving a motor vehicle is necessary to
25 perform the duties of the person's employment, restricted to driving
26 in that person's scope of employment. This subdivision does not
27 interfere with the court's power to grant probation in a suitable
28 case.

29 (2) If a person is convicted of a violation of subdivision (a) and
30 that violation proximately causes bodily injury to a person other
31 than the driver, the person convicted shall be punished by
32 imprisonment in a county jail for not less than 30 days nor more
33 than six months or by a fine of not less than five hundred dollars
34 (\$500) nor more than one thousand dollars (\$1,000), or by both
35 that fine and imprisonment.

36 (f) (1) If a person is convicted of a violation of subdivision (a)
37 for an offense that occurred within five years of the date of a prior
38 offense that resulted in a conviction of a violation of subdivision
39 (a), that person shall be punished by imprisonment in a county jail
40 for not less than four days nor more than six months, and by a fine

1 of not less than five hundred dollars (\$500) nor more than one
2 thousand dollars (\$1,000).

3 (2) If the perpetration of the most recent offense within the
4 five-year period described in paragraph (1) proximately causes
5 bodily injury to a person other than the driver, a person convicted
6 of that second violation shall be imprisoned in a county jail for
7 not less than 30 days nor more than six months and by a fine of
8 not less than five hundred dollars (\$500) nor more than one
9 thousand dollars (\$1,000).

10 (3) If the perpetration of the most recent offense within the
11 five-year period described in paragraph (1) proximately causes
12 serious bodily injury, as defined in paragraph (4) of subdivision
13 (f) of Section 243 of the Penal Code, to a person other than the
14 driver, a person convicted of that second violation shall be
15 imprisoned in the state prison, or in a county jail for not less than
16 30 days nor more than one year, and by a fine of not less than five
17 hundred dollars (\$500) nor more than one thousand dollars
18 (\$1,000).

19 (4) The court shall order the privilege to operate a motor vehicle
20 of a person convicted under paragraph (1), (2), or (3) suspended
21 for a period of six months, as provided in paragraph (9) of
22 subdivision (a) of Section 13352. In lieu of the suspension, the
23 person's privilege to operate a motor vehicle may be restricted for
24 six months to necessary travel to and from that person's place of
25 employment and, if driving a motor vehicle is necessary to perform
26 the duties of the person's employment, restricted to driving in that
27 person's scope of employment.

28 (5) This subdivision does not interfere with the court's power
29 to grant probation in a suitable case.

30 (g) If the court grants probation to a person subject to
31 punishment under subdivision (f), in addition to subdivision (f)
32 and any other terms and conditions imposed by the court, which
33 may include a fine, the court shall impose as a condition of
34 probation that the person be confined in a county jail for not less
35 than 48 hours nor more than six months. The court shall order the
36 person's privilege to operate a motor vehicle to be suspended for
37 a period of six months, as provided in paragraph (9) of subdivision
38 (a) of Section 13352 or restricted pursuant to subdivision (f).

39 (h) If a person is convicted of a violation of subdivision (a) and
40 the vehicle used in the violation is registered to that person, the

1 vehicle may be impounded at the registered owner's expense for
2 not less than one day nor more than 30 days.

3 (i) A person who violates subdivision (b), (c), or (d) shall upon
4 conviction of that violation be punished by imprisonment in a
5 county jail for not more than 90 days, by a fine of not more than
6 five hundred dollars (\$500), or by both that fine and imprisonment.

7 (j) If a person's privilege to operate a motor vehicle is restricted
8 by a court pursuant to this section, the court shall clearly mark the
9 restriction and the dates of the restriction on that person's driver's
10 license and promptly notify the Department of Motor Vehicles of
11 the terms of the restriction in a manner prescribed by the
12 department. The Department of Motor Vehicles shall place that
13 restriction in the person's records in the Department of Motor
14 Vehicles and enter the restriction on a license subsequently issued
15 by the Department of Motor Vehicles to that person during the
16 period of the restriction.

17 (k) The court may order that a person convicted under this
18 section, who is to be punished by imprisonment in a county jail,
19 be imprisoned on days other than days of regular employment of
20 the person, as determined by the court.

21 (l) This section shall be known, and may be cited, as the Louis
22 Friend Memorial Act.