

AMENDED IN ASSEMBLY JUNE 23, 2010

AMENDED IN SENATE MAY 13, 2010

AMENDED IN SENATE MAY 4, 2010

AMENDED IN SENATE APRIL 26, 2010

AMENDED IN SENATE APRIL 5, 2010

**SENATE BILL**

**No. 1475**

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**Introduced by Senator Simitian**

February 19, 2010

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An act to amend Sections 12804.9, 12810.3, 23123, 23123.5, and 23124 of, and to add Section 23124.5 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1475, as amended, Simitian. Vehicles: electronic wireless communications devices: prohibitions.

(1) Existing law requires the Department of Motor Vehicles to examine applicants for specific driver's licenses and requires that the examination include, among other things, a test of the applicant's knowledge and understanding of the provisions of the Vehicle Code governing the operation of vehicles upon the highways.

This bill would require the department to include a test of the applicant's understanding of the distractions and dangers of handheld cell phone use and text messaging while operating a motor vehicle.

(2) Existing law establishes that specified convictions and violations under the Vehicle Code and traffic-related incidents count as points against a driver's record for purposes of the suspension or revocation of the privilege to drive.

Under existing law, it is an infraction for any person to drive a motor vehicle while using a wireless telephone, unless that telephone is designed and configured to allow hands-free listening and talking operation, and is used in that manner while driving, except as otherwise provided. A person under 18 years of age is prohibited from driving a motor vehicle while using a wireless telephone, even if equipped with a hands-free device, or while using a mobile service device. *A point is not given for a violation of these provisions.*

*This bill would assess a violation point on a 2nd or subsequent violation of these provisions.*

~~Under~~

~~(3) Under existing law, a person is also prohibited from driving a motor vehicle while using an electronic wireless communications device to write, send, or read a text-based communication, except as specified.~~

~~This bill would require that this provision does not apply if the person is using a voice-operated, hands-free device.~~

~~A violation of these provision is an infraction and a violation point is not given for a violation of these provisions.~~

~~This bill would delete the exemption from the violation point count that would be given for a conviction of the 3 provisions specified above, except for a violation committed by a person riding a bicycle. The~~

~~The bill also would increase the base fines for a conviction under each of the first 2 provisions violation of any of the above described prohibitions involving driving a motor vehicle while using a wireless telephone or electronic wireless communications device from \$20 to \$50 and the fine for a 2nd or subsequent offense from \$50 to \$100 and, would also apply these those prohibitions to a person riding a bicycle. The bill would also increase the base fine for driving while using an electronic wireless communications device to write, send, or read a text-based communication from \$20 to \$50 for a first offense and from \$50 to \$100 for each subsequent offense and would apply this prohibition to a person riding a bicycle. The bill, and would also impose a total fine amount of \$20 for a first offense and \$50 for each subsequent offense for a violation of the above those prohibitions when the offense is committed while riding a bicycle. By expanding the scope of existing crimes, the bill would impose a state-mandated local program.~~

~~(3)~~

~~(4) Existing law prohibits a law enforcement officer from stopping a vehicle for the sole purpose of determining whether the driver is~~

violating the prohibition of driving a motor vehicle while using a wireless telephone.

This bill would delete that prohibition.

(4)

(5) Existing law requires that the base fines collected from violations of the Vehicle Code for crimes other than parking offenses are subject to distribution to specified funds of a state or local agency as set forth by statute or to the proper funds of a city or county, as applicable.

This bill would require the county treasurer to submit \$10 from each fine collected under ~~(2)~~ *above this provision for violating the above-described prohibitions involving driving a motor vehicle or riding a bicycle while using a wireless telephone or electronic wireless communications device* to the Controller, for deposit into the Distracted Driver Education Fund, which would be created in the State Treasury for an education program on the dangers of cell phone use and text messaging while driving, thereby imposing a state-mandated local program by imposing a new duty on local officials. The bill would require the Legislature, upon appropriation in the Budget Bill, to allocate this money to the Office of Traffic Safety in the Business, Transportation and Housing Agency for this purpose.

(5)

(6) 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 12804.9 of the Vehicle Code is amended  
2 to read:  
3 12804.9. (a) (1) The examination shall include all of the  
4 following:

1 (A) A test of the applicant's knowledge and understanding of  
2 the provisions of this code governing the operation of vehicles  
3 upon the highways.

4 (B) A test of the applicant's ability to read and understand  
5 simple English used in highway traffic and directional signs.

6 (C) A test of the applicant's understanding of traffic signs and  
7 signals, including the bikeway signs, markers, and traffic control  
8 devices established by the Department of Transportation.

9 (D) A test of the applicant's understanding of the distractions  
10 and dangers of handheld cell phone use and text messaging while  
11 operating a motor vehicle.

12 (E) An actual demonstration of the applicant's ability to exercise  
13 ordinary and reasonable control in operating a motor vehicle by  
14 driving it under the supervision of an examining officer. The  
15 applicant shall submit to an examination appropriate to the type  
16 of motor vehicle or combination of vehicles he or she desires a  
17 license to drive, except that the department may waive the driving  
18 test part of the examination for any applicant who submits a license  
19 issued by another state, territory, or possession of the United States,  
20 the District of Columbia, or the Commonwealth of Puerto Rico if  
21 the department verifies through any acknowledged national driver  
22 record data source that there are no stops, holds, or other  
23 impediments to its issuance. The examining officer may request  
24 to see evidence of financial responsibility for the vehicle prior to  
25 supervising the demonstration of the applicant's ability to operate  
26 the vehicle. The examining officer may refuse to examine an  
27 applicant who is unable to provide proof of financial responsibility  
28 for the vehicle, unless proof of financial responsibility is not  
29 required by this code.

30 (F) A test of the hearing and eyesight of the applicant, and of  
31 other matters that may be necessary to determine the applicant's  
32 mental and physical fitness to operate a motor vehicle upon the  
33 highways, and whether any grounds exist for refusal of a license  
34 under this code.

35 (2) The examination for a class A or class B driver's license  
36 under subdivision (b) shall also include a report of a medical  
37 examination of the applicant given not more than two years prior  
38 to the date of the application by a health care professional. As used  
39 in this paragraph, "health care professional" means a person who  
40 is licensed, certified, or registered in accordance with applicable

1 state laws and regulations to practice medicine and perform  
2 physical examinations in the United States. Health care  
3 professionals are doctors of medicine, doctors of osteopathy,  
4 physician assistants, and registered advanced practice nurses, or  
5 doctors of chiropractic who are clinically competent to perform  
6 the medical examination presently required of motor carrier drivers  
7 by the federal Department of Transportation. The report shall be  
8 on a form approved by the department, the federal Department of  
9 Transportation, or the Federal Aviation Administration. In  
10 establishing the requirements, consideration may be given to the  
11 standards presently required of motor carrier drivers by the Federal  
12 Highway Administration.

13 (3) A physical defect of the applicant that, in the opinion of the  
14 department, is compensated for to ensure safe driving ability shall  
15 not prevent the issuance of a license to the applicant.

16 (b) In accordance with the following classifications, an applicant  
17 for a driver's license shall be required to submit to an examination  
18 appropriate to the type of motor vehicle or combination of vehicles  
19 the applicant desires a license to drive:

20 (1) Class A includes the following:

21 (A) A combination of vehicles, if a vehicle being towed has a  
22 gross vehicle weight rating of more than 10,000 pounds.

23 (B) A vehicle towing more than one vehicle.

24 (C) A trailer bus.

25 (D) The operation of all vehicles under class B and class C.

26 (2) Class B includes the following:

27 (A) A single vehicle with a gross vehicle weight rating of more  
28 than 26,000 pounds.

29 (B) A single vehicle with three or more axles, except any  
30 three-axle vehicle weighing less than 6,000 pounds.

31 (C) A bus except a trailer bus.

32 (D) A farm labor vehicle.

33 (E) A single vehicle with three or more axles or a gross vehicle  
34 weight rating of more than 26,000 pounds towing another vehicle  
35 with a gross vehicle weight rating of 10,000 pounds or less.

36 (F) A house car over 40 feet in length, excluding safety devices  
37 and safety bumpers.

38 (G) The operation of all vehicles covered under class C.

39 (3) Class C includes the following:

1 (A) A two-axle vehicle with a gross vehicle weight rating of  
2 26,000 pounds or less, including when the vehicle is towing a  
3 trailer or semitrailer with a gross vehicle weight rating of 10,000  
4 pounds or less.

5 (B) Notwithstanding subparagraph (A), a two-axle vehicle  
6 weighing 4,000 pounds or more unladen when towing a trailer  
7 coach not exceeding 9,000 pounds gross.

8 (C) A house car of 40 feet in length or less.

9 (D) A three-axle vehicle weighing 6,000 pounds gross or less.

10 (E) A house car of 40 feet in length or less or vehicle towing  
11 another vehicle with a gross vehicle weight rating of 10,000 pounds  
12 or less, including when a tow dolly is used. A person driving a  
13 vehicle may not tow another vehicle in violation of Section 21715.

14 (F) (i) A two-axle vehicle weighing 4,000 pounds or more  
15 unladen when towing either a trailer coach or a fifth-wheel travel  
16 trailer not exceeding 10,000 pounds gross vehicle weight rating,  
17 when the towing of the trailer is not for compensation.

18 (ii) A two-axle vehicle weighing 4,000 pounds or more unladen  
19 when towing a fifth-wheel travel trailer exceeding 10,000 pounds,  
20 but not exceeding 15,000 pounds, gross vehicle weight rating,  
21 when the towing of the trailer is not for compensation, and if the  
22 person has passed a specialized written examination provided by  
23 the department relating to the knowledge of this code and other  
24 safety aspects governing the towing of recreational vehicles upon  
25 the highway.

26 (iii) The authority to operate combinations of vehicles under  
27 this subparagraph may be granted by endorsement on a class C  
28 license upon completion of that written examination.

29 (G) A vehicle or combination of vehicles with a gross  
30 combination weight rating or a gross vehicle weight rating, as  
31 those terms are defined in subdivisions (j) and (k), respectively,  
32 of Section 15210, of 26,000 pounds or less, if all of the following  
33 conditions are met:

34 (i) Is operated by a farmer, an employee of a farmer, or an  
35 instructor credentialed in agriculture as part of an instructional  
36 program in agriculture at the high school, community college, or  
37 university level.

38 (ii) Is used exclusively in the conduct of agricultural operations.

39 (iii) Is not used in the capacity of a for-hire carrier or for  
40 compensation.

1 (H) A motorized scooter.

2 (I) Class C does not include a two-wheel motorcycle or a  
3 two-wheel motor-driven cycle.

4 (4) Class M1. A two-wheel motorcycle or a motor-driven cycle.  
5 Authority to operate a vehicle included in a class M1 license may  
6 be granted by endorsement on a class A, B, or C license upon  
7 completion of an appropriate examination.

8 (5) (A) Class M2 includes the following:

9 (i) A motorized bicycle or moped, or a bicycle with an attached  
10 motor, except a motorized bicycle described in subdivision (b) of  
11 Section 406.

12 (ii) A motorized scooter.

13 (B) Authority to operate vehicles included in class M2 may be  
14 granted by endorsement on a class A, B, or C license upon  
15 completion of an appropriate examination, except that no  
16 endorsement is required for a motorized scooter. Persons holding  
17 a class M1 license or endorsement may operate vehicles included  
18 in class M2 without further examination.

19 (c) A driver's license or driver certificate is not valid for  
20 operating a commercial motor vehicle, as defined in subdivision  
21 (b) of Section 15210, any other motor vehicle defined in paragraph  
22 (1) or (2) of subdivision (b), or any other vehicle requiring a driver  
23 to hold any driver certificate or any driver's license endorsement  
24 under Section 15275, unless a medical certificate approved by the  
25 department, the federal Department of Transportation, or the  
26 Federal Aviation Administration, that has been issued within two  
27 years of the date of the operation of that vehicle, is within the  
28 licensee's immediate possession, and a copy of the medical  
29 examination report from which the certificate was issued is on file  
30 with the department. Otherwise, the license is valid only for  
31 operating class C vehicles that are not commercial vehicles, as  
32 defined in subdivision (b) of Section 15210, and for operating class  
33 M1 or M2 vehicles, if so endorsed, that are not commercial  
34 vehicles, as defined in subdivision (b) of Section 15210.

35 (d) A license or driver certificate issued prior to the enactment  
36 of Chapter 7 (commencing with Section 15200) is valid to operate  
37 the class or type of vehicles specified under the law in existence  
38 prior to that enactment until the license or certificate expires or is  
39 otherwise suspended, revoked, or canceled.

1 (e) The department may accept a certificate of driving skill that  
2 is issued by an employer, authorized by the department to issue a  
3 certificate under Section 15250, of the applicant, in lieu of a driving  
4 test, on class A or B applications, if the applicant has first qualified  
5 for a class C license and has met the other examination  
6 requirements for the license for which he or she is applying. The  
7 certificate may be submitted as evidence of the applicant's skill  
8 in the operation of the types of equipment covered by the license  
9 for which he or she is applying.

10 (f) The department may accept a certificate of competence in  
11 lieu of a driving test on class M1 or M2 applications, when the  
12 certificate is issued by a law enforcement agency for its officers  
13 who operate class M1 or M2 vehicles in their duties, if the applicant  
14 has met the other examination requirements for the license for  
15 which he or she is applying.

16 (g) The department may accept a certificate of satisfactory  
17 completion of a novice motorcyclist training program approved  
18 by the commissioner pursuant to Section 2932 in lieu of a driving  
19 test on class M1 or M2 applications, if the applicant has met the  
20 other examination requirements for the license for which he or she  
21 is applying. The department shall review and approve the written  
22 and driving test used by a program to determine whether the  
23 program may issue a certificate of completion.

24 (h) Notwithstanding subdivision (b), a person holding a valid  
25 California driver's license of any class may operate a short-term  
26 rental motorized bicycle without taking any special examination  
27 for the operation of a motorized bicycle, and without having a  
28 class M2 endorsement on that license. As used in this subdivision,  
29 "short-term" means 48 hours or less.

30 (i) A person under 21 years of age shall not be issued a class  
31 M1 or M2 license or endorsement unless he or she provides  
32 evidence satisfactory to the department of completion of a  
33 motorcycle safety training program that is operated pursuant to  
34 Article 2 (commencing with Section 2930) of Chapter 5 of Division  
35 2.

36 (j) A driver of a vanpool vehicle may operate with a class C  
37 license but shall possess evidence of a medical examination  
38 required for a class B license when operating vanpool vehicles. In  
39 order to be eligible to drive the vanpool vehicle, the driver shall  
40 keep in the vanpool vehicle a statement, signed under penalty of



1 perjury, that he or she has not been convicted of reckless driving,  
2 drunk driving, or a hit-and-run offense in the last five years.

3 (k) A class M license issued between January 1, 1989, and  
4 December 31, 1992, shall permit the holder to operate any  
5 motorcycle, motor-driven cycle, or motorized bicycle until the  
6 expiration of the license.

7 SEC. 2. Section 12810.3 of the Vehicle Code is amended to  
8 read:

9 12810.3. Notwithstanding subdivision (f) of Section 12810, a  
10 ~~violation point shall not be given for a conviction of a violation~~  
11 ~~of subdivision (a) of Section 23123, subdivision (a) of Section~~  
12 ~~23123.5, or subdivision (b) of Section 23124, if the violation was~~  
13 ~~committed by a person riding a bicycle~~ *violation point shall only*  
14 *be given for a second or subsequent conviction of a violation of*  
15 *subdivision (a) of Section 23123 or subdivision (a) of Section*  
16 *23123.5.*

17 SEC. 3. Section 23123 of the Vehicle Code, as amended by  
18 Section 2 of Chapter 214 of the Statutes of 2007, is amended to  
19 read:

20 23123. (a) (1) A person shall not drive a motor vehicle while  
21 using a wireless telephone unless that telephone is specifically  
22 designed and configured to allow hands-free listening and talking,  
23 and is used in that manner while riding or driving.

24 (2) A person shall not ride a bicycle while using a wireless  
25 telephone unless that telephone is specifically designed and  
26 configured to allow hands-free listening and talking, and is used  
27 in that manner while riding the bicycle.

28 (b) (1) A violation of paragraph (1) of subdivision (a) is an  
29 infraction punishable by a base fine of fifty dollars (\$50) for a first  
30 offense and one hundred dollars (\$100) for each subsequent  
31 offense.

32 (2) A violation of paragraph (2) of subdivision (a) is an  
33 infraction punishable by a total fine of twenty dollars (\$20) for a  
34 first offense and fifty dollars (\$50) for each subsequent offense.  
35 The fines imposed for a first or subsequent offense shall be the  
36 total amount collected and, notwithstanding any other provision  
37 of law, no other penalties, assessments, surcharges, fees, or any  
38 other charge shall be imposed.

39 (c) This section does not apply to a person using a wireless  
40 telephone for emergency purposes, including, but not limited to,

1 an emergency call to a law enforcement agency, health care  
2 provider, fire department, or other emergency services agency or  
3 entity.

4 (d) This section does not apply to an emergency services  
5 professional using a wireless telephone while operating an  
6 authorized emergency vehicle, as defined in Section 165, in the  
7 course and scope of his or her duties.

8 (e) This section does not apply to a person when using a digital  
9 two-way radio that utilizes a wireless telephone that operates by  
10 depressing a push-to-talk feature and does not require immediate  
11 proximity to the ear of the user, and the person is driving one of  
12 the following vehicles:

13 (1) (A) A motor truck, as defined in Section 410, or a truck  
14 tractor, as defined in Section 655, that requires either a commercial  
15 class A or class B driver's license to operate.

16 (B) The exemption under subparagraph (A) does not apply to  
17 a person driving a pickup truck, as defined in Section 471.

18 (2) An implement of husbandry that is listed or described in  
19 Chapter 1 (commencing with Section 36000) of Division 16.

20 (3) A farm vehicle that is exempt from registration and displays  
21 an identification plate as specified in Section 5014 and is listed in  
22 Section 36101.

23 (4) A commercial vehicle, as defined in Section 260, that is  
24 registered to a farmer and driven by the farmer or an employee of  
25 the farmer, and is used in conducting commercial agricultural  
26 operations, including, but not limited to, transporting agricultural  
27 products, farm machinery, or farm supplies to, or from, a farm.

28 (5) A tow truck, as defined in Section 615.

29 (f) This section does not apply to a person driving a schoolbus  
30 or transit vehicle that is subject to Section 23125.

31 (g) This section does not apply to a person while riding a bicycle  
32 or driving a motor vehicle on private property.

33 (h) This section shall become operative on July 1, 2008, and  
34 shall remain in effect only until July 1, 2011, and, as of July 1,  
35 2011, is repealed.

36 SEC. 4. Section 23123 of the Vehicle Code, as amended by  
37 Section 3 of Chapter 214 of the Statutes of 2007, is amended to  
38 read:

39 23123. (a) (1) A person shall not drive a motor vehicle while  
40 using a wireless telephone unless that telephone is specifically

1 designed and configured to allow hands-free listening and talking,  
2 and is used in that manner while driving.

3 (2) A person shall not ride a bicycle while using a wireless  
4 telephone unless that telephone is specifically designed and  
5 configured to allow hands-free listening and talking, and is used  
6 in that manner while riding the bicycle.

7 (b) (1) A violation of paragraph (1) of subdivision (a) is an  
8 infraction punishable by a base fine of fifty dollars (\$50) for a first  
9 offense and one hundred dollars (\$100) for each subsequent  
10 offense.

11 (2) A violation of paragraph (2) of subdivision (a) is an  
12 infraction punishable by a total fine of twenty dollars (\$20) for a  
13 first offense and fifty dollars (\$50) for each subsequent offense.  
14 The fines imposed for a first or subsequent offense shall be the  
15 total amount collected and, notwithstanding any other provision  
16 of law, no other penalties, assessments, surcharges, fees, or any  
17 other charge shall be imposed.

18 (c) This section does not apply to a person using a wireless  
19 telephone for emergency purposes, including, but not limited to,  
20 an emergency call to a law enforcement agency, health care  
21 provider, fire department, or other emergency services agency or  
22 entity.

23 (d) This section does not apply to an emergency services  
24 professional using a wireless telephone while operating an  
25 authorized emergency vehicle, as defined in Section 165, in the  
26 course and scope of his or her duties.

27 (e) This section does not apply to a person driving a schoolbus  
28 or transit vehicle that is subject to Section 23125.

29 (f) This section does not apply to a person while riding a bicycle  
30 or driving a motor vehicle on private property.

31 (g) This section shall become operative on July 1, 2011.

32 SEC. 5. Section 23123.5 of the Vehicle Code is amended to  
33 read:

34 23123.5. (a) (1) A person shall not drive a motor vehicle while  
35 using an electronic wireless communications device to write, send,  
36 or read a text-based communication, *unless the person is using a*  
37 *voice-operated, hands-free device.*

38 (2) A person shall not ride a bicycle while using an electronic  
39 wireless communications device to write, send, or read a text-based  
40 communication.

1 (b) As used in this section, “write, send, or read a text-based  
2 communication” means using an electronic wireless  
3 communications device to manually communicate with any person  
4 using a text-based communication, including, but not limited to,  
5 communications referred to as a text message, instant message, or  
6 electronic mail.

7 (c) For purposes of this section, a person shall not be deemed  
8 to be writing, reading, or sending a text-based communication if  
9 the person reads, selects, or enters a telephone number or name in  
10 an electronic wireless communications device for the purpose of  
11 making or receiving a telephone call.

12 (d) (1) A violation of paragraph (1) of subdivision (a) is an  
13 infraction punishable by a base fine of fifty dollars (\$50) for a first  
14 offense and one hundred dollars (\$100) for each subsequent  
15 offense.

16 (2) A violation of paragraph (2) of subdivision (a) is an  
17 infraction punishable by a total fine of twenty dollars (\$20) for a  
18 first offense and fifty dollars (\$50) for each subsequent offense.  
19 The fines imposed for a first or subsequent offense shall be the  
20 total amount collected and, notwithstanding any other provision  
21 of law, no other penalties, assessments, surcharges, fees, or any  
22 other charge shall be imposed.

23 (e) This section does not apply to an emergency services  
24 professional using an electronic wireless communications device  
25 while operating an authorized emergency vehicle, as defined in  
26 Section 165, in the course and scope of his or her duties.

27 SEC. 6. Section 23124 of the Vehicle Code is amended to read:

28 23124. (a) This section applies to a person under 18 years of  
29 age.

30 (b) Notwithstanding Section 23123, a person described in  
31 subdivision (a) shall not drive a motor vehicle while using a  
32 wireless telephone, even if equipped with a hands-free device, or  
33 while using a mobile service device.

34 (c) A violation of this section is an infraction punishable by a  
35 base fine of fifty dollars (\$50) for a first offense and one hundred  
36 dollars (\$100) for each subsequent offense.

37 (d) This section does not apply to a person using a wireless  
38 telephone or a mobile service device for emergency purposes,  
39 including, but not limited to, an emergency call to a law

1 enforcement agency, health care provider, fire department, or other  
2 emergency services agency or entity.

3 (e) For purposes of this section, “mobile service device”  
4 includes, but is not limited to, a broadband personal communication  
5 device, specialized mobile radio device, handheld device or laptop  
6 computer with mobile data access, pager, and two-way messaging  
7 device.

8 SEC. 7. Section 23124.5 is added to the Vehicle Code, to read:

9 23124.5. Notwithstanding Section 1463 of the Penal Code,  
10 the county treasurer shall submit to the Controller ten dollars (\$10)  
11 from each fine collected under Sections 23123, 23123.5, and  
12 23124. The Controller shall deposit that amount into the Distracted  
13 Driver Education Fund, which is hereby created in the State  
14 Treasury for an education program on the dangers of cell phone  
15 use and text messaging while driving. The Legislature, upon  
16 appropriation in the Budget Bill, shall allocate this money to the  
17 Office of Traffic Safety in the Business, Transportation and  
18 Housing Agency for this purpose.

19 SEC. 8. No reimbursement is required by this act pursuant to  
20 Section 6 of Article XIII B of the California Constitution for certain  
21 costs that may be incurred by a local agency or school district  
22 because, in that regard, this act creates a new crime or infraction,  
23 eliminates a crime or infraction, or changes the penalty for a crime  
24 or infraction, within the meaning of Section 17556 of the  
25 Government Code, or changes the definition of a crime within the  
26 meaning of Section 6 of Article XIII B of the California  
27 Constitution.

28 However, if the Commission on State Mandates determines that  
29 this act contains other costs mandated by the state, reimbursement  
30 to local agencies and school districts for those costs shall be made  
31 pursuant to Part 7 (commencing with Section 17500) of Division  
32 4 of Title 2 of the Government Code.

O