

AMENDED IN ASSEMBLY APRIL 25, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1888

Introduced by Assembly Member Gatto

February 22, 2012

An act to amend Sections 1803.5, 1808.7, 11100, 12810.5, 42005, 42007, and 42007.1 of, to amend and repeal Section 41501 of, and to add Chapter 1.6 (commencing with Sections 11250) to Division 5 of, the Vehicle Code, relating to vehicles. An act to amend Section 42005 of, and to add Section 1808.10 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1888, as amended, Gatto. ~~Vehicles: commercial driver violator schools.~~ *Vehicles: commercial driver's licenses: traffic violator school.*

~~(1) Existing~~

Existing law provides for the licensing and administration by the Department of Motor Vehicles of traffic violator schools, operators, and instructors. Existing law authorizes 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 licensed school for traffic violators. The court is authorized to order that the conviction be held confidential, unless the person holds a commercial driver's license or the violation occurred in a commercial vehicle. The court is prohibited from ordering or permitting a person who holds a class A, class B, or commercial class C driver's license to complete a licensed traffic violator school. Existing law requires that no violation point count be assessed if the record of conviction is

confidential. *The driving privilege of a person whose driving record shows 6 or more points within specified timeframes is subject to suspension or revocation.* A violation of the Vehicle Code is a crime.

This bill would allow the court, after a deposit of ~~a~~ *the* specified fee or bail, a plea of guilty or no contest, or a conviction, to order or permit a person who holds a class A license, class B license, or commercial class C driver's license to attend a ~~commercial driver traffic~~ violator school *for a traffic offense while operating a vehicle requiring only a class C license, and not requiring a certificate, endorsement, or class M license.* The bill would specify ~~procedures for the confidentiality of~~ *that the record of conviction would not be confidential, would require that the record of conviction be disclosed to insurers for insurance underwriting and rating purposes, and would not count as a violation point for specified purposes.* ~~The bill would prohibit the point count for the violation from being added to the driver's record if the driver is licensed with a class A license, class B license, or commercial class C driver's license and is allowed to, and completes, a course of instruction at a licensed commercial driver violator school. The bill would require the department to add the violation point if the driver incurs a point violation within 12 months after the date the driver completes the course of instruction at a commercial driver violator school.~~

This bill would authorize the department to license commercial driver violator schools for commercial drivers holding a class A, class B, or commercial driver's class C license and to provide commercial driver safety instruction to other persons holding those licenses who elect to attend. ~~The bill would specify procedures for the department's licensing of commercial driver violator school owners and commercial driver violator school operators. The department would also be authorized to issue a license certificate to commercial driver violator school instructors who meet specified requirements, including having specified experience in law enforcement or commercial enforcement or training and satisfactory completion of an examination, as provided. The bill would require the department to provide a list of licensed commercial driver violator schools on its Internet Web site. The bill would authorize a traffic assistance program to also provide services, under contract with a court, to process commercial violators and would allow the department to use a traffic assistance program for monitoring of licensed commercial driver violator schools.~~

The bill would require the department to charge a fee, to be determined by the department, for certain commercial driver violator school program

~~activities and would require a single administrative fee to be assessed against, and collected by the court from, each driver who is allowed or ordered to attend commercial driver violator school to defray the cost of routine monitoring of commercial driver violator school instruction.~~

~~The bill would also require the clerk of the court to collect a specified fee from persons ordered or permitted to attend commercial driver violator school in the same manner as those persons ordered or permitted to attend traffic school.~~

~~Since a violation of the bill's requirements would be a crime, the bill would impose a state-mandated local program.~~

~~(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.~~

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

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

1 *SECTION 1. Section 1808.10 is added to the Vehicle Code, to*
2 *read:*

3 *1808.10. The record of the department relating to the first*
4 *proceeding and conviction for a driver licensed with a class A*
5 *license, class B license, or commercial class C driver's license in*
6 *any 12-month period who is allowed, for a traffic offense while*
7 *operating a vehicle requiring only a class C license, and not*
8 *requiring a certificate or endorsement, or a class M license, to*
9 *complete a course of instruction at a traffic violator school, is not*
10 *confidential and shall be disclosed for purposes of Title 49 of the*
11 *Code of Federal Regulations and to insurers by the department*
12 *for insurance underwriting and rating purposes.*

13 *SEC. 2. Section 42005 of the Vehicle Code is amended to read:*

14 42005. (a) Except as otherwise provided in this section, after
15 a deposit of the fee under Section 42007 or bail, a plea of guilty
16 or no contest, or a conviction, a court may order or permit a person
17 who holds a noncommercial class C, class M1, or class M2 driver's
18 license who pleads guilty or no contest or is convicted of a traffic
19 ~~violation~~ *offense to attend a traffic violator school licensed pursuant*
20 *to Chapter 1.5 (commencing with Section 11200) of Division 5.*

1 (b) Pursuant to ~~To the extent the court is in conformance with~~
2 Title 49 of the Code of Federal Regulations, the court may ~~not~~
3 order or permit a person who holds a class A, class B, or
4 commercial class C driver's license, to complete a *course of*
5 *instruction at a licensed traffic violator school, in lieu of*
6 ~~adjudicating any traffic offense or order that a conviction of a~~
7 ~~traffic offense by a person holding a class A, class B, or~~
8 ~~commercial class C driver's license be kept confidential if the~~
9 ~~person was operating a vehicle requiring only a class C license,~~
10 ~~and not requiring a certificate, endorsement, or a class M license.~~
11 *The court may not order that the record of conviction be kept*
12 *confidential. However, the conviction shall not be added to a*
13 *violation point count for purposes of Section 12810.5.*

14 (c) The court shall not order that a conviction of an offense be
15 kept confidential according to Section 1808.7 or permit a person,
16 regardless of the driver's license class, to complete a program at
17 a licensed traffic violator school in lieu of adjudicating an offense
18 if either of the following applies to the offense:

19 (1) It occurred in a commercial motor vehicle, as defined in
20 subdivision (b) of Section 15210.

21 (2) Is a violation of Section 20001, 20002, 23103, 23104, 23105,
22 23140, 23152, or 23153, or of Section 23103, as specified in
23 Section 23103.5.

24 (d) A person ordered to attend a traffic violator school pursuant
25 to subdivision (a) may choose the traffic violator school the person
26 will attend. The court shall provide to each person subject to that
27 order or referral the department's current list of licensed traffic
28 violator schools.

29 (e) A person who willfully fails to comply with a court order
30 to attend traffic violator school is guilty of a misdemeanor.

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

32 ~~SECTION 1. Section 1803.5 of the Vehicle Code, as added by~~
33 ~~Section 1.7 of Chapter 599 of the Statutes of 2010, is amended to~~
34 ~~read:~~

35 ~~1803.5. (a) In accordance with Section 41501 or subdivision~~
36 ~~(a) of Section 42005, if a person who receives a notice to appear~~
37 ~~at a court or board proceeding for a violation of any statute relating~~
38 ~~to the safe operation of vehicles is granted a continuance of the~~
39 ~~proceeding in consideration for completion of a program at a school~~
40 ~~for traffic violators, that results in a designation of the conviction~~

1 as confidential in consideration for that completion, the clerk of a
2 court or a hearing officer shall prepare an abstract of the record of
3 the 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) Except as required by Title 49 of the Code of Federal
11 Regulations, if a person holding a class A, class B, or commercial
12 class C driver's license who receives a notice to appear at a court
13 or board proceeding for a violation of any statute relating to the
14 safe operation of vehicles is granted a continuance of the
15 proceeding in consideration for completion of a course of
16 instruction at a licensed commercial driver violator school, that
17 results in a designation of the conviction as confidential in
18 consideration for that completion in accordance with Section 41501
19 or subdivision (b) of Section 42005, the clerk of a court or a hearing
20 officer shall prepare an abstract of the record of the court or board
21 proceeding that indicates that the person was convicted of the
22 violation and ordered to complete a course of instruction at a
23 commercial driver violator school, certify the abstract to be true
24 and correct, and cause the abstract to be forwarded to the
25 department at its office at Sacramento within five days after
26 receiving proof that the program was completed or the due date
27 to which the proceeding was continued, whichever comes first.

28 SEC. 2. Section 1808.7 of the Vehicle Code, as added by
29 Section 2.5 of Chapter 599 of the Statutes of 2010, is amended to
30 read:

31 1808.7. (a) The record of the department relating to the first
32 proceeding and conviction under subdivision (a) of Section 1803.5
33 in any 18-month period for completion of a traffic violator school
34 program is confidential, shall not be disclosed to any person, except
35 a court and as provided for in subdivision (b), and shall be used
36 only for statistical purposes by the department. A violation point
37 count shall not be assessed pursuant to Section 12810 if the
38 conviction is confidential pursuant to this subdivision.

1 ~~(b) Except as provided in subdivision (c), the record of a~~
2 ~~conviction described in subdivision (a) shall not be confidential if~~
3 ~~any of the following circumstances applies:~~

4 ~~(1) The person convicted holds a commercial driver's license~~
5 ~~as defined by Section 15210.~~

6 ~~(2) The person convicted holds a commercial driver's license~~
7 ~~in another state, in accordance with Part 383 of Title 49 of the~~
8 ~~Code of Federal Regulations.~~

9 ~~(3) The violation occurred in a commercial motor vehicle, as~~
10 ~~defined in subdivision (b) of Section 15210.~~

11 ~~(4) The conviction would result in a violation point count of~~
12 ~~more than one point pursuant to Section 12810.~~

13 ~~(e) Notwithstanding subdivisions (a) and (b), the record of the~~
14 ~~department relating to the first proceeding and conviction under~~
15 ~~subdivision (b) of Section 1803.5 for a driver licensed with a class~~
16 ~~A license, class B license, or commercial class C driver's license~~
17 ~~in any 12-month period who is allowed, for a violation, to complete~~
18 ~~the course of instruction at a commercial driver violator school~~
19 ~~licensed pursuant to Chapter 1.6 (commencing with Section 11250)~~
20 ~~of Division 5, shall only be disclosed for purposes of Title 49 of~~
21 ~~the Code of Federal Regulations and shall not otherwise be~~
22 ~~disclosed to any person, except a court. The violation point count~~
23 ~~shall be assessed only as provided in paragraph (3) of subdivision~~
24 ~~(b) of Section 12810.~~

25 ~~SEC. 3. Section 11100 of the Vehicle Code is amended to read:~~

26 ~~11100. (a) A person shall not own or operate a driving school~~
27 ~~or give driving instruction for compensation, unless a license~~
28 ~~therefor has been secured from the department.~~

29 ~~(b) This section does not apply to the ownership or operation~~
30 ~~of any school, or the giving of instruction, for the driving of~~
31 ~~motortrucks of three or more axles that are more than 6,000 pounds~~
32 ~~unladen weight.~~

33 ~~(c) This chapter does not apply to commercial driver violator~~
34 ~~school owners or operators or commercial driver violator school~~
35 ~~instructors, who are subject to Chapter 1.6 (commencing with~~
36 ~~Section 11250).~~

37 ~~SEC. 4. Chapter 1.6 (commencing with Section 11250) is added~~
38 ~~to Division 5 of the Vehicle Code, to read:~~

1 ~~CHAPTER 1.6. COMMERCIAL DRIVER VIOLATOR SCHOOLS~~

2
3 ~~11250. For purposes of this chapter, the following definitions~~
4 ~~shall apply:~~

5 ~~(a) “Commercial driver violator school” is a business that, for~~
6 ~~compensation, provides, or offers to provide, instruction in~~
7 ~~commercial driver safety, including, but not limited to, classroom~~
8 ~~commercial driver violator curricula, for persons referred by a~~
9 ~~court pursuant to subdivision (b) of Section 42005 or to other~~
10 ~~persons who elect to attend.~~

11 ~~(b) “Commercial driver violator school branch or classroom~~
12 ~~location” is any place where a commercial driver violator school~~
13 ~~conducts instruction or maintains records.~~

14 ~~(c) “Commercial driver violator school instructor” is any person~~
15 ~~who provides instruction to commercial driver violators on behalf~~
16 ~~of a commercial driver violator school.~~

17 ~~(d) “Commercial driver violator school operator” is the person~~
18 ~~who directs and manages the operations of a commercial driver~~
19 ~~violator school. A “commercial driver violator school operator”~~
20 ~~may also be either the commercial driver violator school owner~~
21 ~~or another person designated by the commercial driver violator~~
22 ~~school owner to personally direct and manage the commercial~~
23 ~~driver violator school for the commercial driver violator school~~
24 ~~owner.~~

25 ~~(e) “Commercial driver violator school owner” is any natural~~
26 ~~person, association, or corporation that owns a commercial driver~~
27 ~~violator school.~~

28 ~~(f) “TAP” means a traffic assistance program, as specified in~~
29 ~~Section 11205.2, that agrees to provide services to court to process~~
30 ~~commercial driver violators, under contract with a court, or to~~
31 ~~assist in oversight activities pursuant to this chapter, under contract~~
32 ~~with the department, as specified in Section 11257.~~

33 ~~11251. (a) The department shall license commercial violator~~
34 ~~schools for commercial drivers holding a class A, class B, or~~
35 ~~commercial class C driver’s license, for purposes of Section~~
36 ~~41501.5 or 42005, and to provide commercial driver safety~~
37 ~~instruction to other persons holding a class A, class B, or~~
38 ~~commercial class C driver’s license who elect to attend. A person~~
39 ~~may not own or operate a commercial driver violator school or,~~
40 ~~except as provided in Section 11254, give instruction for~~

1 compensation in a commercial driver violator school without a
2 currently valid license issued by the department.

3 (b) A person who elects to attend a commercial driver violator
4 school shall receive from the school and shall sign a copy of the
5 following consumer disclosure statement prior to the payment of
6 the school fee and attending the school:

7
8 “Course content is limited to commercial driver violator curricula
9 approved by the Department of Motor Vehicles. Students in the
10 classroom include holders of class A, class B, and commercial
11 class C driver’s licenses and those commercial drivers who have
12 and those who have not been referred by a court. Instructor training,
13 business regulatory standards, and Vehicle Code requirements of
14 commercial driver violator schools are not equal to the training,
15 standards, and Vehicle Code requirements of licensed driving
16 schools.”

17
18 11252. (a) Except as provided in subdivision (c), a commercial
19 driver violator school owner shall meet all of the following criteria
20 before the department may issue a license for the commercial
21 driver violator school:

22 (1) Maintain an established place of business in this state that
23 is open to the public. An office or place of business of a
24 commercial driver violator school, including any commercial driver
25 violator school branch or classroom location, shall not be situated
26 within 500 feet of any court of law.

27 (2) Conform to the standards in the regulations adopted by the
28 department pursuant to this section and paragraph (6) of
29 subdivision (a) of Section 11253. In adopting the regulations, the
30 department shall consider those practices and instructional
31 programs that may reasonably foster the knowledge, skills, and
32 judgment necessary for compliance with commercial driver laws.
33 The standards may include, but are not limited to, school personnel,
34 equipment, curriculum, procedures for the testing and evaluation
35 of students, recordkeeping, and business practices.

36 (3) Procure and file with the department a bond of two thousand
37 dollars (\$2,000) executed by an admitted surety and conditioned
38 upon the applicant not practicing any fraud or making any
39 fraudulent representation which will cause a monetary loss to a

1 person taking instruction from the applicant or to the state or to
2 any local authority.

3 ~~(4) (A) Execute and file with the department an instrument~~
4 ~~designating the director as agent of the applicant for service of~~
5 ~~process, as provided in this paragraph, in an action commenced~~
6 ~~against the applicant arising out of a claim for damages suffered~~
7 ~~by any person by the applicant's violation of any provision of this~~
8 ~~code committed in relation to the specifications of the applicant's~~
9 ~~commercial driver violator school or any condition of the bond~~
10 ~~required by paragraph (3).~~

11 ~~(B) The applicant shall stipulate in the instrument that any~~
12 ~~process directed to the applicant, when personal service cannot be~~
13 ~~made in this state after due diligence, may be served instead upon~~
14 ~~the director or, in the director's absence from the department's~~
15 ~~principal offices, upon any employee in charge of the office of the~~
16 ~~director, and this substituted service is of the same effect as~~
17 ~~personal service on the applicant. The instrument shall further~~
18 ~~stipulate that the agency created by the designation shall continue~~
19 ~~during the period covered by the license issued pursuant to this~~
20 ~~section and so long thereafter as the applicant may be made to~~
21 ~~answer in damages for a violation of this code for which the surety~~
22 ~~may be made liable or any condition of the bond.~~

23 ~~(C) The instrument designating the director as agent for service~~
24 ~~of process shall be acknowledged by the applicant before a notary~~
25 ~~public.~~

26 ~~(D) If the director or an employee of the department, in lieu of~~
27 ~~the director, is served with a summons and complaint on behalf~~
28 ~~of the licensee, one copy of the summons and complaint shall be~~
29 ~~left with the director or in the director's office in Sacramento or~~
30 ~~mailed to the office of the director in Sacramento. A fee of five~~
31 ~~dollars (\$5) shall also be paid to the director or employee at the~~
32 ~~time of service of the copy of the summons and complaint, or shall~~
33 ~~be included with a summons and complaint served by mail.~~

34 ~~(E) The service on the director or department employee pursuant~~
35 ~~to this paragraph is sufficient service on the licensee if a notice of~~
36 ~~the service and a copy of the summons and complaint is, on the~~
37 ~~same day as the service or mailing of the summons and complaint,~~
38 ~~sent by registered mail by the plaintiff or his or her attorney to the~~
39 ~~licensee. A copy of the summons and complaint shall also be~~
40 ~~mailed by the plaintiff or plaintiffs attorney to the surety on the~~

1 licensee's bond at the address of the surety given in the bond,
2 postpaid and registered with request for return receipt.

3 (F) ~~The director shall keep a record of all processes served~~
4 ~~pursuant to this paragraph showing the day and hour of service,~~
5 ~~and shall retain the documents served in the department's files.~~

6 (G) ~~If the licensee is served with process by service upon the~~
7 ~~director or a department employee in lieu of the director, the~~
8 ~~licensee has 30 days after that service within which to answer any~~
9 ~~complaint or other pleading filed in the cause. For purposes of~~
10 ~~venue, if the licensee is served with process by service upon the~~
11 ~~director or a department employee in lieu of the director, the service~~
12 ~~is considered to have been made upon the licensee in the county~~
13 ~~in which the licensee has or last had his or her established place~~
14 ~~of business.~~

15 (5) ~~Meet the requirements of Section 11253, relating to~~
16 ~~commercial driver violator school operators, if the owner is also~~
17 ~~the operator of the commercial driver violator school. If the owner~~
18 ~~is not the operator of the commercial driver violator school, the~~
19 ~~owner shall designate an operator who shall meet the requirements~~
20 ~~of Section 11253.~~

21 (6) ~~Provide the department with a written assurance that the~~
22 ~~school will comply with the applicable provisions of Subchapter~~
23 ~~H or III of the Americans with Disabilities Act of 1990 (42 U.S.C.~~
24 ~~Sec. 12101, et seq.) and any other federal and state laws prohibiting~~
25 ~~discrimination against individuals with disabilities. Compliance~~
26 ~~may include providing sign language interpreters or other~~
27 ~~accommodations for students with disabilities.~~

28 (b) ~~The qualifying requirements specified in subdivision (a)~~
29 ~~shall be met within one year from the date of application for a~~
30 ~~license, or a new application and fee is required.~~

31 (e) ~~Paragraphs (3) and (6) of subdivision (a) do not apply to~~
32 ~~public schools or other public agencies, which shall also not be~~
33 ~~required to post a cash deposit pursuant to Section 11203.~~

34 (d) ~~A notice approved by the department shall be posted in every~~
35 ~~commercial driver violator school, branch, and classroom location~~
36 ~~stating that any person involved in the offering of, or soliciting~~
37 ~~for, a completion certificate for attendance at a commercial driver~~
38 ~~violator school program in which the person does not attend or~~
39 ~~does not complete the minimum amount of instruction time~~

1 provided by subdivision (a) may be guilty of violating Section 134
2 of the Penal Code.

3 ~~11253. (a) The department shall license commercial driver~~
4 ~~violator school operators. A person shall not act as a commercial~~
5 ~~driver violator school operator without a currently valid license~~
6 ~~issued by the department. In order to qualify as a commercial driver~~
7 ~~violator school operator, a person shall meet all of the following~~
8 ~~criteria in order to be issued an operator's license:~~

9 ~~(1) Have not committed any act which, if the applicant were~~
10 ~~licensed as an operator, would be grounds for suspension or~~
11 ~~revocation of the license.~~

12 ~~(2) Within three attempts, pass an examination that the~~
13 ~~department requires on commercial driver laws, safe driving~~
14 ~~practices, teaching methods and techniques, regulations, and office~~
15 ~~procedures and recordkeeping.~~

16 ~~(3) Be 21 years of age or older.~~

17 ~~(4) Have provided not less than 300 hours of actual in-class~~
18 ~~instruction in one of the following manners:~~

19 ~~(A) Providing instruction at an established driving school~~
20 ~~licensed under Chapter 1 (commencing with Section 11100).~~

21 ~~(B) Providing instruction for an established commercial driving~~
22 ~~training and education program operated by a labor organization,~~
23 ~~trucking company, motor carrier association, or law enforcement~~
24 ~~agency.~~

25 ~~(C) Providing instruction as an instructor in a licensed~~
26 ~~commercial driver training program.~~

27 ~~(5) Have a classroom or classrooms approved by the department~~
28 ~~and the proper equipment necessary for giving instruction to~~
29 ~~commercial driver violators.~~

30 ~~(6) Have a lesson plan approved by the department that provides~~
31 ~~not less than the minimum instructional time of 16 hours specified~~
32 ~~in the plan. An approved lesson plan shall provide a minimum of~~
33 ~~960 minutes of instruction and provide the following subject areas~~
34 ~~with the following minimum instruction:~~

35 ~~(A) Welcome and Course Overview for 1 hour.~~

36 ~~(B) Speed Laws and Collisions for 1.5 hour.~~

37 ~~(C) Defensive Driving Skills for 1.5 hour.~~

38 ~~(D) Vehicle Condition/Pretrip Inspections for 2 hours.~~

39 ~~(E) Alcohol and Drugs for 1 hour.~~

40 ~~(F) Hazardous Materials Transportation for 1 hour.~~

- 1 ~~(G) Hours of Service for 3 hours.~~
- 2 ~~(H) Cargo Securement for 1 hour.~~
- 3 ~~(I) Driver’s License Requirements for 1 hour.~~
- 4 ~~(J) Commercial Driver’s License Suspensions and Sanctions~~
- 5 ~~for 1 hour.~~
- 6 ~~(K) Consequences of Noncompliance for 0.5 hour.~~
- 7 ~~(L) Written Examination for 1 hour.~~
- 8 ~~(M) Review Exam/Closing Comments for 0.5 hour.~~
- 9 ~~(b) All of the qualifying requirements specified in this section~~
- 10 ~~shall be met within one year from the date of application for the~~
- 11 ~~license or the application shall lapse. However, the applicant may~~
- 12 ~~thereafter submit a new application upon payment of the required~~
- 13 ~~fee.~~
- 14 ~~11254. (a) The department shall license commercial driver~~
- 15 ~~violation school instructors. Except as provided by this section, a~~
- 16 ~~person shall not act as a commercial driver violation school~~
- 17 ~~instructor without a currently valid instructor’s license issued by~~
- 18 ~~the department. An applicant for a license as a commercial driver~~
- 19 ~~violation school instructor shall meet all of the following~~
- 20 ~~requirements before the department may issue an instructor’s~~
- 21 ~~license:~~
- 22 ~~(1) Have a high school education.~~
- 23 ~~(2) Within three attempts, pass an examination, as required by~~
- 24 ~~the department, on commercial driving commercial driver laws,~~
- 25 ~~safe driving practices, operation of motor vehicles, and teaching~~
- 26 ~~methods and techniques.~~
- 27 ~~(3) Hold a currently valid California driver’s license that is not~~
- 28 ~~subject to probation pursuant to Section 14250 due to the applicant~~
- 29 ~~being a negligent operator within the meaning of Section 12810~~
- 30 ~~or 12810.5. The applicant’s driving record shall not have any~~
- 31 ~~outstanding notice for violating a written promise to appear in~~
- 32 ~~court or for willfully failing to pay a lawfully imposed fine, as~~
- 33 ~~provided in Section 40509.~~
- 34 ~~(4) Be 18 years of age or older.~~
- 35 ~~(5) Meet one of the following requirements:~~
- 36 ~~(A) No less than five years experience in commercial~~
- 37 ~~enforcement or training with the state or a city or county.~~
- 38 ~~(B) No less than five years experience in safety training for a~~
- 39 ~~company with a minimum of 25 drivers.~~

1 ~~(C) No less than five years experience in providing safety~~
2 ~~training to labor organizations, commercial drivers, or associations,~~
3 ~~or any other training experience that is equivalent or superior to~~
4 ~~these requirements as determined by the department.~~

5 ~~(D) A combination of no less than five years experience,~~
6 ~~combined, of the activities specified in subparagraphs (A), (B),~~
7 ~~and (C),~~

8 ~~(6) Comply with a Department of Justice background check.~~

9 ~~(b) All of the qualifying requirements specified by this section~~
10 ~~shall be met within one year from the date of application for a~~
11 ~~license or the application shall lapse. However, the applicant may~~
12 ~~thereafter submit a new application upon payment of the requisite~~
13 ~~fee.~~

14 ~~(e) A license issued pursuant to this section is not required to~~
15 ~~provide instruction to commercial violators in a public school or~~
16 ~~other public educational institution by a person holding a valid~~
17 ~~teaching credential with satisfactory training or experience in the~~
18 ~~subject area, as determined by the department.~~

19 ~~11255. (a) The department shall issue licenses to commercial~~
20 ~~driver violator school owners and commercial driver violator school~~
21 ~~operators in accordance with this section.~~

22 ~~(b) The term of the license shall be for a period of one year from~~
23 ~~the date of issue unless canceled, suspended, or revoked by the~~
24 ~~department. The license shall be renewed annually.~~

25 ~~(e) The department shall require compliance with Section 11252~~
26 ~~for renewal of the license of a commercial driver violator school~~
27 ~~owner. The department shall require compliance with Section~~
28 ~~11253 for renewal of the license of a commercial driver violator~~
29 ~~school operator.~~

30 ~~11256. (a) The department shall provide a list of licensed~~
31 ~~commercial driver violator schools on its Internet Web site. For~~
32 ~~each licensed school, the list shall indicate the modalities of~~
33 ~~instruction offered and specify the cities where classroom~~
34 ~~instruction is offered. The sequential listing of licensed schools~~
35 ~~shall be randomized daily.~~

36 ~~(b) When a court or traffic assistance program (TAP) provides~~
37 ~~a hard copy list of licensed commercial violator schools to a~~
38 ~~commercial violator, the court or TAP shall provide only a current~~
39 ~~date-stamped list downloaded from the department's Internet Web~~
40 ~~site. The hard copy list shall be as current as practicable, but in no~~

1 event shall a list be distributed with a date stamp that is more than
2 60 days old.

3 ~~(e) The department shall develop a Web-based database that~~
4 ~~will enable the department, the courts, and commercial driver~~
5 ~~violation schools to monitor, report, and track participation and~~
6 ~~course completion. Commercial driver violation schools shall update~~
7 ~~course information within three business days of class completion~~
8 ~~and provide to the courts class completion information on a daily~~
9 ~~basis.~~

10 ~~11257. (a) A traffic assistance program (TAP) established~~
11 ~~pursuant to Section 11205.2 may also provides services, under~~
12 ~~contract with a court, to process commercial violators or, under~~
13 ~~contract with the department, to assist in oversight activities.~~

14 ~~(b) A court may use a TAP to assist the court in performing~~
15 ~~services related to the processing of commercial violators. As used~~
16 ~~in this section, “services” means those services relating to the~~
17 ~~processing of commercial infraction cases at, and for, the court,~~
18 ~~including printing and providing to the court and commercial~~
19 ~~violators hard copy county-specific lists printed from the~~
20 ~~department’s Internet Web site, administratively assisting~~
21 ~~commercial violators, and any other lawful activity relating to the~~
22 ~~administration of the court’s commercial infraction caseload.~~

23 ~~(c) The court may charge a commercial violator a fee to defray~~
24 ~~the costs incurred by a TAP for commercial case administration~~
25 ~~services provided to the court pursuant to subdivision (b). The~~
26 ~~court may delegate collection of the fee to the TAP. Fees shall be~~
27 ~~approved and regulated by the court. The fee shall not exceed the~~
28 ~~actual costs incurred by the TAP for the activities authorized under~~
29 ~~subdivision (b).~~

30 ~~11258. The department may use a traffic assistance program~~
31 ~~established pursuant to Section 11205.2, for monitoring of licensed~~
32 ~~commercial driver violation schools, including, but not limited to,~~
33 ~~audits, inspections, review and examination of business records,~~
34 ~~class records, business practices, the content of the program of~~
35 ~~instruction set forth in the lesson plan, or curriculum of a licensee.~~
36 ~~Inspection includes, but is not limited to, the review of the business~~
37 ~~office, branch office, and applicable classroom facilities of a~~
38 ~~licensee. Monitoring includes onsite review of actual presentation~~
39 ~~of the commercial safety instruction provided in a classroom and~~

1 any other activity deemed necessary to ensure high-quality
2 education of commercial violators.

3 11259. Each applicant for a license as a commercial driver
4 violator school owner, commercial driver violator school operator,
5 or commercial driver violator school instructor shall submit an
6 application to the department on the forms prescribed by the
7 department. The applicant shall provide the department with any
8 information concerning the applicant's character, honesty, integrity,
9 and reputation which the department may consider necessary.

10 11260. (a) The department shall issue a license certificate to
11 each commercial driver violator school instructor when it is
12 satisfied that he or she has met the qualifications required under
13 this chapter. The original instructor license and any license renewed
14 pursuant to subdivisions (b) and (c) shall be valid for a period of
15 three years from the date of issuance unless canceled, suspended,
16 or revoked by the department.

17 (b) Every application for the renewal of a commercial driver
18 violator school instructor license may be made by the licensee
19 prior to the expiration date of the license by presenting to the
20 department a completed application on a form provided by the
21 department. In no event shall a commercial driver violator school
22 instructor renew the license after the date of expiration.

23 (c) The department shall require all of the following for the
24 renewal of an instructor's license:

25 (1) Compliance with Section 11254.

26 (2) Satisfactory completion of an examination as provided in
27 Section 11254 at least once during each succeeding three-year
28 period after the initial issuance of the license. However, in lieu of
29 examination for renewal of the license, the department may accept
30 submission by the licensee of evidence of continuing professional
31 education.

32 (d) When, in its judgment, the public interest so requires, the
33 department may issue a probationary license subject to special
34 conditions to be observed by the licensee in the exercise of the
35 privilege granted. The conditions to be attached to the license shall
36 be such as may, in the judgment of the department, be in the public
37 interest and suitable to the qualifications of the applicant, as
38 disclosed by the application and investigation by the department
39 of the information contained therein.

1 11261. ~~(a) The department shall charge a fee, to be determined~~
2 ~~by the department, for the following commercial driver violator~~
3 ~~school program activities:~~

4 ~~(1) Original issuance of a commercial driver violator school~~
5 ~~owner, operator, instructor, and branch or classroom location~~
6 ~~license.~~

7 ~~(2) Renewal of a commercial driver violator school owner,~~
8 ~~operator, instructor, and branch or classroom location license.~~

9 ~~(3) Issuance of a duplicate or corrected commercial driver~~
10 ~~violator school owner, operator, instructor, and branch or classroom~~
11 ~~location license.~~

12 ~~(4) Transfer of an operator or instructor license from one~~
13 ~~commercial driver violator school to another.~~

14 ~~(5) Approval of curriculum, based on the instructional modality~~
15 ~~of the curriculum.~~

16 ~~(6) Fees for administering the examinations pursuant to Section~~
17 ~~11254.~~

18 ~~(b) The fees authorized under subdivision (a) shall be sufficient~~
19 ~~to defray the actual cost to the department to administer the~~
20 ~~commercial driver violator school program, except for routine~~
21 ~~monitoring of instruction.~~

22 ~~(c) A single administrative fee shall be assessed against, and~~
23 ~~collected by the court pursuant to Section 42007.1 from, each~~
24 ~~driver who is allowed or ordered to attend commercial driver~~
25 ~~violator school. Included in this fee shall be an amount determined~~
26 ~~by the department to be sufficient to defray the cost of routine~~
27 ~~monitoring of commercial driver violator school instruction.~~

28 11262. ~~The provisions of Sections 11209, 11210, 11211, 11212,~~
29 ~~11213, 11214, 11215, 11215.5, 11215.7, 11216, 11216.2, 11216.5,~~
30 ~~11217, 11217.5, 11218, 11219.5, 11220, and 11222, shall apply~~
31 ~~to the regulation of commercial driver violator schools pursuant~~
32 ~~to this chapter, except that for purposes of the implementation of~~
33 ~~those sections the following shall apply:~~

34 ~~(a) Any reference to “traffic violator school” shall be deemed~~
35 ~~to mean “commercial driver violator school.”~~

36 ~~(b) Any reference to “traffic violator school owner” shall be~~
37 ~~deemed to mean “commercial driver violator school owner.”~~

38 ~~(c) Any reference to “traffic violator school operator” shall be~~
39 ~~deemed to mean “commercial driver violator school operator.”~~

1 ~~(d) Any reference to “traffic violator school instructor” shall be~~
2 ~~deemed to mean “commercial driver violator school instructor.”~~

3 ~~(e) Any reference to “chapter” shall be deemed to mean this~~
4 ~~chapter.~~

5 ~~SEC. 5. Section 12810.5 of the Vehicle Code is amended to~~
6 ~~read:~~

7 ~~12810.5. (a) Except as otherwise provided in subdivision (b),~~
8 ~~a person whose driving record shows a violation point count of~~
9 ~~four or more points in 12 months, six or more points in 24 months,~~
10 ~~or eight or more points in 36 months shall be prima facie presumed~~
11 ~~to be a negligent operator of a motor vehicle. In applying this~~
12 ~~subdivision to a driver, if the person requests and appears at a~~
13 ~~hearing conducted by the department, the department shall give~~
14 ~~due consideration to the amount of use or mileage traveled in the~~
15 ~~operation of a motor vehicle.~~

16 ~~(b) (1) A class A or class B licensed driver, except persons~~
17 ~~holding certificates pursuant to Section 12517, 12519, 12523,~~
18 ~~12523.5, or 12527, or an endorsement issued pursuant to paragraph~~
19 ~~(2) or (5) of subdivision (a) of Section 15278, who is presumed to~~
20 ~~be a negligent operator pursuant to subdivision (a), and who~~
21 ~~requests and appears at a hearing and is found to have a driving~~
22 ~~record violation point count of six or more points in 12 months,~~
23 ~~eight or more points in 24 months, or 10 or more points in 36~~
24 ~~months is presumed to be a prima facie negligent operator.~~
25 ~~However, the higher point count does not apply if the department~~
26 ~~reasonably determines that four or more points in 12 months, six~~
27 ~~or more points in 24 months, or eight or more points in 36 months~~
28 ~~are attributable to the driver’s operation of a vehicle requiring only~~
29 ~~a class C license, and not requiring a certificate or endorsement,~~
30 ~~or a class M license.~~

31 ~~(2) For purposes of this subdivision, each point assigned~~
32 ~~pursuant to Section 12810 shall be valued at one and one-half times~~
33 ~~the value otherwise required by that section for each violation~~
34 ~~reasonably determined by the department to be attributable to the~~
35 ~~driver’s operation of a vehicle requiring a class A or class B license,~~
36 ~~or requiring a certificate or endorsement described in this section.~~

37 ~~(3) Except as otherwise provided in this code, a driver licensed~~
38 ~~with a class A license, class B license, or commercial class C~~
39 ~~driver’s license who is allowed, for a violation, to complete, and~~
40 ~~who completes, the 16-hour course of instruction at a commercial~~

1 driver violator school licensed pursuant to Chapter 1.6
2 (commencing with Section 11250) of Division 5, shall not have
3 the point count for that violation added to the driver's record.
4 However, if the driver incurs a point violation within 12 months
5 after the date the driver completes the course of instruction at the
6 commercial driver violator school, the department shall add the
7 points for the violation onto the driver's record. If the driver does
8 not incur any point violation within that 12-month period, the point
9 count for the violation shall remain off the driving record.

10 (e) The department may require a negligent operator whose
11 driving privilege is suspended or revoked pursuant to this section
12 to submit proof of financial responsibility, as defined in Section
13 16430, on or before the date of reinstatement following the
14 suspension or revocation. The proof of financial responsibility
15 shall be maintained with the department for three years following
16 that date of reinstatement.

17 SEC. 6. Section 41501 of the Vehicle Code, as added by
18 Section 12.5 of Chapter 216 of the Statutes of 2010, is amended
19 to read:

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

31 (b) Subdivision (a) does not apply to a person who receives a
32 notice to appear as to, or is otherwise charged with, a violation of
33 an offense described in subdivisions (a) to (e), inclusive, of Section
34 12810.

35 SEC. 7. Section 41501 of the Vehicle Code, as amended by
36 Section 311 of Chapter 296 of the Statutes of 2011, is repealed.

37 SEC. 8. Section 42005 of the Vehicle Code is amended to read:

38 42005. (a) Except as otherwise provided in subdivision (b),
39 after a deposit of the fee under Section 42007 or bail, a plea of
40 guilty or no contest, or a conviction, a court may order or permit

1 a person who holds a noncommercial class C, class M1, or class
2 M2 driver's license who pleads guilty or no contest or is convicted
3 of a traffic violation to attend a traffic violator school licensed
4 pursuant to Chapter 1.5 (commencing with Section 11200) of
5 Division 5.

6 (b) (1) Pursuant to Title 49 of the Code of Federal Regulations,
7 the court may not order or permit a person who holds a class A,
8 class B, or commercial class C driver's license to complete a
9 licensed traffic violator school, in lieu of adjudicating any traffic
10 offense or order that a conviction of a traffic offense by a person
11 holding a class A, class B, or commercial class C driver's license
12 be kept confidential.

13 (2) (A) Notwithstanding paragraph (1), after a deposit of the
14 fee under Section 42007 or bail, a plea of guilty or no contest, or
15 a conviction, a court may order or permit a driver licensed with a
16 class A license, class B license, or commercial class C driver's
17 license who pleads guilty or no contest or is convicted of a traffic
18 violation to attend a commercial driver violator school licensed
19 pursuant to Chapter 1.6 (commencing with Section 11250) of
20 Division 5.

21 (B) The court may order that a conviction of a traffic offense
22 by a person holding a class A, class B, or commercial class C
23 driver's license be kept confidential, but if it does so, the court
24 shall require this confidentiality only in conformance with Title
25 49 of the Code of Federal Regulations.

26 (c) The court shall not order that a conviction of an offense be
27 kept confidential according to Section 1808.7 or permit a person,
28 regardless of the driver's license class, to complete a program at
29 a licensed traffic violator school in lieu of adjudicating an offense
30 if either of the following applies to the offense:

31 (1) It occurred in a commercial motor vehicle, as defined in
32 subdivision (b) of Section 15210.

33 (2) Is a violation of Section 20001, 20002, 23103, 23104, 23105,
34 23140, 23152, or 23153, or of Section 23103, as specified in
35 Section 23103.5.

36 (d) A person ordered to attend a traffic violator school pursuant
37 to subdivision (a) may choose the traffic violator school the person
38 will attend. The court shall provide to each person subject to that
39 order or referral the department's current list of licensed traffic
40 violator schools.

1 (e) ~~A person who willfully fails to comply with a court order~~
2 ~~to attend traffic violator school or commercial driver violator~~
3 ~~school is guilty of a misdemeanor.~~

4 SEC. 9. ~~Section 42007 of the Vehicle Code is amended to read:~~

5 42007. (a) (1) ~~The clerk of the court shall collect a fee from~~
6 ~~every person who is ordered or permitted to attend a traffic violator~~
7 ~~school or commercial driver violator school pursuant to Section~~
8 ~~41501 or 42005 in an amount equal to the total bail set forth for~~
9 ~~the eligible offense on the uniform countywide bail schedule. As~~
10 ~~used in this subdivision, “total bail” means the amount established~~
11 ~~pursuant to Section 1269b of the Penal Code in accordance with~~
12 ~~the Uniform Bail and Penalty Schedule adopted by the Judicial~~
13 ~~Council, including all assessments, surcharges, and penalty~~
14 ~~amounts. If multiple offenses are charged in a single notice to~~
15 ~~appear, the “total bail” is the amount applicable for the greater of~~
16 ~~the qualifying offenses. However, the court may determine a lesser~~
17 ~~fee under this subdivision upon a showing that the defendant is~~
18 ~~unable to pay the full amount.~~

19 ~~The fee shall not include the cost, or any part thereof, of traffic~~
20 ~~safety instruction offered by a traffic violator school or commercial~~
21 ~~driver violator school.~~

22 (2) ~~The clerk may accept from a defendant who is ordered or~~
23 ~~permitted to attend traffic violator school or commercial driver~~
24 ~~violator school a payment of at least 10 percent of the fee required~~
25 ~~by paragraph (1) upon filing a written agreement by the defendant~~
26 ~~to pay the remainder of the fee according to an installment payment~~
27 ~~schedule of no more than 90 days as agreed upon with the court.~~
28 ~~The Judicial Council shall prescribe the form of the agreement for~~
29 ~~payment of the fee in installments. When the defendant signs the~~
30 ~~Judicial Council form for payment of the fee in installments, the~~
31 ~~court shall continue the case to the date in the agreement to~~
32 ~~complete payment of the fee and submit the certificate of~~
33 ~~completion of traffic violator school or commercial driver violator~~
34 ~~school to the court. The clerk shall collect a fee of up to thirty-five~~
35 ~~dollars (\$35) to cover administrative and clerical costs for~~
36 ~~processing an installment payment of the traffic violator school or~~
37 ~~commercial driver violator school fee under this paragraph.~~

38 (3) ~~If a defendant fails to make an installment payment of the~~
39 ~~fee according to an installment agreement, the court may convert~~
40 ~~the fee to bail, declare it forfeited, and report the forfeiture as a~~

1 conviction under Section 1803. The court may also charge a failure
2 to pay under Section 40508 and impose a civil assessment as
3 provided in Section 1214.1 of the Penal Code or issue an arrest
4 warrant for a failure to pay. For the purposes of reporting a
5 conviction under this subdivision to the department under Section
6 1803, the date that the court declares the bail forfeited shall be
7 reported as the date of conviction.

8 (b) Revenues derived from the fee collected under this section
9 shall be deposited in accordance with Section 68084 of the
10 Government Code in the general fund of the county and, as may
11 be applicable, distributed as follows:

12 (1) In any county in which a fund is established pursuant to
13 Section 76100 or 76101 of the Government Code, the sum of one
14 dollar (\$1) for each fund so established shall be deposited with the
15 county treasurer and placed in that fund.

16 (2) In any county that has established a Maddy Emergency
17 Medical Services Fund pursuant to Section 1797.98a of the Health
18 and Safety Code, an amount equal to the sum of each two dollars
19 (\$2) for every seven dollars (\$7) that would have been collected
20 pursuant to Section 76000 of the Government Code and,
21 commencing January 1, 2009, an amount equal to the sum of each
22 two dollars (\$2) for every ten dollars (\$10) that would have been
23 collected pursuant to Section 76000.5 of the Government Code
24 with respect to those counties to which that section is applicable
25 shall be deposited in that fund. Nothing in the act that added this
26 paragraph shall be interpreted in a manner that would result in
27 either of the following:

28 (A) The utilization of penalty assessment funds that had been
29 set aside, on or before January 1, 2000, to finance debt service on
30 a capital facility that existed before January 1, 2000.

31 (B) The reduction of the availability of penalty assessment
32 revenues that had been pledged, on or before January 1, 2000, as
33 a means of financing a facility which was approved by a county
34 board of supervisors, but on January 1, 2000, is not under
35 construction.

36 (3) The amount of the fee that is attributable to Section 70372
37 of the Government Code shall be transferred pursuant to
38 subdivision (f) of that section.

39 (e) For fees resulting from city arrests, an amount equal to the
40 amount of base fines that would have been deposited in the treasury

1 of the appropriate city pursuant to paragraph (3) of subdivision
 2 (b) of Section 1463.001 of the Penal Code shall be deposited in
 3 the treasury of the appropriate city.

4 (d) The clerk of the court, in a county that offers traffic school
 5 shall include in any courtesy notice mailed to a defendant for an
 6 offense that qualifies for traffic school attendance the following
 7 statement:

8
 9 NOTICE: If you are eligible and decide not to attend traffic
 10 school your automobile insurance may be adversely affected. One
 11 conviction in any 18-month period will be held confidential and
 12 not show on your driving record if you complete a traffic violator
 13 school program.

14
 15 (e) The clerk of the court, in a county that offers commercial
 16 driver violator schools, shall include in any courtesy notice mailed
 17 to a defendant for an offense that qualifies for commercial driver
 18 violator school attendance the following statement:

19
 20 NOTICE: If you are eligible and decide not to attend commercial
 21 driver violator school your insurance may be adversely affected.
 22 One conviction in any 12-month period may be held confidential
 23 and not show on your driving record, except to the extent required
 24 under federal law, if you complete a commercial driver violator
 25 school program.

26
 27 (f) Notwithstanding any other law, a county that has established
 28 a Maddy Emergency Medical Services Fund pursuant to Section
 29 1797.98a of the Health and Safety Code shall not be held liable
 30 for having deposited into the fund, prior to January 1, 2009, an
 31 amount equal to two dollars (\$2) for every ten dollars (\$10) that
 32 would have been collected pursuant to Section 76000.5 of the
 33 Government Code from revenues derived from traffic violator
 34 school fees collected pursuant to this section.

35 SEC. 10. Section 42007.1 of the Vehicle Code is amended to
 36 read:

37 42007.1. (a) The amount collected by the clerk pursuant to
 38 subdivision (a) of Section 42007 shall be in an amount equal to
 39 the total bail set forth for the eligible offense on the uniform
 40 countywide bail schedule plus a forty-nine-dollar (\$49) fee, and a

1 fee determined by the department to be sufficient to defray the
2 cost of routine monitoring of traffic violator school instruction
3 pursuant to subdivision (c) of Section 11208 or the fee determined
4 by the department to be sufficient to defray the cost of routine
5 monitoring of commercial driver violator school instruction
6 pursuant to subdivision (c) of Section 11261, and a fee, if any,
7 established by the court pursuant to subdivision (c) of Section
8 11205.2 or subdivision (c) of Section 11257 to defray the costs
9 incurred by a traffic assistance program.

10 (b) Notwithstanding subdivision (b) of Section 42007, the
11 revenue from the forty-nine-dollar (\$49) fee collected under this
12 section shall be deposited in the county general fund. Fifty-one
13 percent of the amount collected under this section and deposited
14 into the county general fund shall be transmitted therefrom monthly
15 to the Controller for deposit in the Immediate and Critical Needs
16 Account of the State Court Facilities Construction Fund,
17 established in Section 70371.5 of the Government Code.

18 (c) The fee assessed pursuant to subdivision (c) of Section 11208
19 shall be allocated to the department to defray the costs of
20 monitoring traffic violator school instruction.

21 (d) The fees assessed pursuant to subdivision (c) of Section
22 11261 shall be allocated to the department to defray the costs of
23 monitoring commercial driver violator school instruction.

24 SEC. 11. No reimbursement is required by this act pursuant to
25 Section 6 of Article XIII B of the California Constitution because
26 the only costs that may be incurred by a local agency or school
27 district will be incurred because this act creates a new crime or
28 infraction, eliminates a crime or infraction, or changes the penalty
29 for a crime or infraction, within the meaning of Section 17556 of
30 the Government Code, or changes the definition of a crime within
31 the meaning of Section 6 of Article XIII B of the California
32 Constitution.