

AMENDED IN SENATE JUNE 20, 2012

AMENDED IN ASSEMBLY MAY 22, 2012

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 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's licenses: traffic violator school.

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 *the* 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 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 traffic violator school for a traffic offense while operating a vehicle requiring only a class C or class M license. The bill would specify that the record of conviction *in any 18-month period* 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~~ *determining whether a driver is presumed to be a negligent operator, unless a specified condition applies to the offense.*

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

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

1 SECTION 1. Section 1808.10 is added to the Vehicle Code,
2 to 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~~ *18-month* period who is allowed, for a traffic offense
7 while operating a vehicle requiring only a class C or a class M
8 license, to complete a course of instruction at a traffic violator
9 school, is not confidential and shall be disclosed for purposes of
10 Title 49 of the Code of Federal Regulations and to insurers by the
11 department for insurance underwriting and rating purposes.

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

13 42005. (a) Except as otherwise provided in this section, after
14 a deposit of the fee under Section 42007 or bail, a plea of guilty
15 or no contest, or a conviction, a court may order or permit a person
16 who holds a noncommercial class C, class M1, or class M2 driver’s
17 license who pleads guilty or no contest or is convicted of a traffic
18 offense to attend a traffic violator school licensed pursuant to
19 Chapter 1.5 (commencing with Section 11200) of Division 5.

20 (b) To the extent the court is in conformance with Title 49 of
21 the Code of Federal Regulations, *and except as otherwise provided*
22 *in this section*, the court may, *after deposit of the fee under Section*

1 42007 or bail, order or permit a person who holds a class A, class
2 B, or commercial class C driver's license, *who pleads guilty or no*
3 *contest or is convicted of a traffic offense*, to complete a course of
4 instruction at a licensed traffic violator school if the person was
5 operating a vehicle requiring only a class C license, or a class M
6 license. The court may not order that the record of conviction be
7 kept confidential. However, the conviction shall not be added to
8 a violation point count for purposes of *determining whether a*
9 *driver is presumed to be a negligent operator under Section*
10 *12810.5.*

11 (c) The court shall not order that a conviction of an offense be
12 kept confidential according to Section 1808.7, *order or permit*
13 *avoidance of consideration of violation point counts under*
14 *subdivision (b)*, or permit a person, regardless of the driver's license
15 class, to complete a program at a licensed traffic violator school
16 in lieu of adjudicating an offense if ~~either~~ *any* of the following
17 applies to the offense:

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

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

23 (3) *It is a violation described in subdivision (d) or (e) of Section*
24 *12810.*

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

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

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