

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1996

Introduced by Assembly Member Huber

February 23, 2012

An act to ~~amend~~ *add* Section ~~12810~~ of *12810.1* to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1996, as amended, Huber. Vehicles: driver's record: violation point counts.

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 and that certain other violations do not result in a violation point count. *Existing law assesses a point against the driver's record if the driver is deemed by the department to be responsible for a traffic accident.*

~~This bill would make a technical, nonsubstantive change in those provisions governing the allocation of point counts for specified violations of the Vehicle Code.~~

This bill would authorize a person whose driving record has been assessed a point based on responsibility for a traffic accident to request an administrative hearing with the department within one year of the assessment to contest the assessment.

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

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

1 SECTION 1. Section 12810.1 is added to the Vehicle Code, to
2 read:

3 12810.1. A person whose driving record has been assessed a
4 point pursuant to subdivision (g) of Section 12810 may, within one
5 year of the assessment of the point, request that the department
6 conduct an administrative hearing to contest the assessment of the
7 point against his or her driving record.

8 SECTION 1. ~~Section 12810 of the Vehicle Code is amended~~
9 ~~to read:~~

10 ~~12810. In determining the violation point count, the following~~
11 ~~shall apply:~~

12 ~~(a) A conviction of failure to stop in the event of an accident in~~
13 ~~violation of Section 20001 or 20002 shall be given a value of two~~
14 ~~points.~~

15 ~~(b) A conviction of a violation of Section 23152 or 23153 shall~~
16 ~~be given a value of two points.~~

17 ~~(c) A conviction of reckless driving shall be given a value of~~
18 ~~two points.~~

19 ~~(d) (1) A conviction of a violation of subdivision (b) of Section~~
20 ~~191.5 or subdivision (e) of Section 192 of the Penal Code, or of~~
21 ~~Section 2800.2 or 2800.3, subdivision (b) of Section 21651,~~
22 ~~subdivision (b) of Section 22348, subdivision (a) or (c) of Section~~
23 ~~23109, Section 23109.1, or Section 31602 of this code, shall be~~
24 ~~given a value of two points.~~

25 ~~(2) A conviction of a violation of subdivision (a) or (b) of~~
26 ~~Section 23140 shall be given a value of two points.~~

27 ~~(e) A conviction of a violation of Section 14601, 14601.1,~~
28 ~~14601.2, 14601.3, or 14601.5 shall be given a value of two points.~~

29 ~~(f) Except as provided in subdivision (i), any other traffic~~
30 ~~conviction that involves the safe operation of a motor vehicle upon~~
31 ~~the highway shall be given a value of one point.~~

32 ~~(g) A traffic accident in which the operator is deemed by the~~
33 ~~department to be responsible shall be given a value of one point.~~

34 ~~(h) A conviction of a violation of Section 27360 or 27360.5~~
35 ~~shall be given a value of one point.~~

36 ~~(i) (1) A violation of paragraph (1), (2), (3), or (5) of subdivision~~
37 ~~(b) of Section 40001 shall not result in a violation point count~~

1 being given to the driver if the driver is not the owner of the
2 vehicle.

3 (2) A conviction of a violation of paragraph (1) or (2) of
4 subdivision (b) of Section 12814.6, subdivision (a) of Section
5 21116, Section 21207.5, 21708, 21710, 21716, 23120, 24800, or
6 26707 shall not be given a violation point count.

7 (3) A violation of subdivision (d) of Section 21712 shall not
8 result in a violation point count.

9 (4) A violation of Section 23136 shall not result in a violation
10 point count.

11 (5) A violation of Section 38301, 38301.3, 38301.5, 38304.1,
12 or 38504.1 shall not result in a violation point count.

13 (j) A conviction for only one violation arising from one occasion
14 of arrest or citation shall be counted in determining the violation
15 point count for the purposes of this section.