

AMENDED IN ASSEMBLY APRIL 9, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2398

Introduced by Assembly Member Levine

February 21, 2014

An act to *amend Section 13355 of*, and to add Sections 12810.6, 21071, and 42001.21 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2398, as amended, Levine. Vehicles: pedestrians and bicyclists.

Existing law provides that a driver who violates specified offenses of the rules of the road that are punishable as an infraction, and as a result of that violation proximately causes bodily injury or great bodily injury to another person is guilty of the public offense of unsafe operation of a motor vehicle with bodily injury or great bodily injury. Existing law provides that a person who is convicted under these provisions is punishable for a violation involving bodily injury by a fine of \$70 and for a violation involving great bodily injury by a fine of \$95. Existing law establishes that specified convictions and violations under the Vehicle Code and traffic-related incidents count as violation points against a driver's record for purposes of suspension or revocation of the privilege to drive.

This bill would additionally provide, notwithstanding any other law, that a driver who violates the offenses described above and, as a result of that violation, proximately causes bodily injury or great bodily injury to a vulnerable road user, as defined, is guilty of the public offense of unsafe operation of a motor vehicle with bodily injury or great bodily injury. The bill would make a person who is convicted under these provisions punishable by a fine of not less than ~~\$145~~ \$220 and not more

than \$1,000. *The bill would also require, upon a conviction under those provisions that occurred within 3 years of a prior conviction under those provisions, the person’s privilege to operate a motor vehicle to be suspended for a period of 6 months, or the privilege to be restricted for 6 months to necessary travel to and from the person’s place of employment and, if driving a motor vehicle is necessary to perform the duties of the person’s employment, to be restricted to driving within the person’s scope of employment.* The bill would assign a violation point for a conviction under these provisions. By creating a new crime, this bill would impose a state-mandated local program.

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.

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

1 SECTION 1. Section 12810.6 is added to the Vehicle Code,
2 to read:

3 12810.6. A conviction of a violation of Section 21071 shall be
4 given a value of one violation point.

5 *SEC. 2. Section 13355 of the Vehicle Code is amended to read:*

6 13355. The department shall immediately suspend the privilege
7 of any person to operate a motor vehicle upon receipt of a duly
8 certified abstract of the record of any court showing that the person
9 has been convicted of a violation of *Section 21071, or of*
10 *subdivision (b) of Section 22348, or upon a receipt of a report of*
11 *a judge of a juvenile court, a juvenile hearing officer, or a referee*
12 *of a juvenile court showing that the person has been found to have*
13 *committed a violation of Section 21071 or of subdivision (b) of*
14 *Section 22348 under the following conditions and for the periods,*
15 *as follows:*

16 (a) *Upon a conviction under Section 21071 that occurred within*
17 *three years of a prior conviction under Section 21071, or upon a*
18 *conviction or finding of an offense under subdivision (b) of Section*
19 *22348 that occurred within three years of a prior offense resulting*
20 *in a conviction of an offense under subdivision (b) of Section*

1 22348, the privilege shall be suspended for a period of six months,
2 or the privilege shall be restricted for six months to necessary travel
3 to and from the person’s place of employment and, if driving a
4 motor vehicle is necessary to perform the duties of the person’s
5 employment, restricted to driving within the person’s scope of
6 employment.

7 (b) Upon a conviction or finding of an offense under subdivision
8 (b) of Section 22348 that occurred within five years of two or more
9 prior offenses resulting in convictions of offenses under subdivision
10 (b) of Section 22348, the privilege shall be suspended for a period
11 of one year, or the privilege shall be restricted for one year to
12 necessary travel to and from the person’s place of employment
13 and, if driving a motor vehicle is necessary to perform the duties
14 of the person’s employment, restricted to driving within the
15 person’s scope of employment.

16 ~~SEC. 2.~~

17 *SEC. 3.* Section 21071 is added to the Vehicle Code, to read:

18 21071. (a) Notwithstanding any other law, a driver who
19 violates any provision of this division that is punishable as an
20 infraction and, as a result of that violation, proximately causes
21 bodily injury or great bodily injury, as defined in Section 12022.7
22 of the Penal Code, to a vulnerable road user, is guilty of the public
23 offense of unsafe operation of a motor vehicle with bodily injury
24 or great bodily injury. That violation is punishable as an infraction
25 pursuant to Section 42001.21.

26 (b) For purposes of this section, “vulnerable road user” means:

27 (1) A pedestrian, including a highway construction and
28 maintenance worker ~~or skater~~.

29 (2) A person on horseback.

30 (3) A person operating equipment other than a motor vehicle,
31 including, but not limited to, a bicycle, in-line skates, roller skates,
32 scooter, or skateboard.

33 (4) A person operating or using a farm tractor.

34 ~~SEC. 3.~~

35 *SEC. 4.* Section 42001.21 is added to the Vehicle Code, to
36 read:

37 42001.21. Notwithstanding any other law, a person convicted
38 of a violation of Section 21071 is punishable by a fine of not less
39 than ~~one hundred forty-five dollars (\$145)~~ *two hundred twenty*
40 *dollars (\$220)* and not more than one thousand dollars (\$1,000).

1 ~~SEC. 4.~~
2 *SEC. 5.* No reimbursement is required by this act pursuant to
3 Section 6 of Article XIII B of the California Constitution because
4 the only costs that may be incurred by a local agency or school
5 district will be incurred because this act creates a new crime or
6 infraction, eliminates a crime or infraction, or changes the penalty
7 for a crime or infraction, within the meaning of Section 17556 of
8 the Government Code, or changes the definition of a crime within
9 the meaning of Section 6 of Article XIII B of the California
10 Constitution.

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