

ASSEMBLY BILL

No. 1932

Introduced by Assembly Member Obernolte

February 12, 2016

An act to amend Section 42005 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1932, as introduced, Obernolte. Vehicles: 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, a plea of guilty or no contest, or a conviction, to order persons who hold a specified noncommercial driver's license, or certain persons who hold a specified commercial driver's license, to attend a licensed traffic violator school. Existing law prohibits a court from ordering that a conviction of an offense relating to the safe operation of a vehicle be kept confidential, from permitting avoidance of consideration of violation point counts, or from permitting a person to complete a traffic violator school program, in lieu of adjudicating an offense if the offense occurred in a commercial vehicle or is one of specified driving offenses.

This bill would make a technical, nonsubstantive change to the latter provision.

Vote: majority. Appropriation: no. Fiscal committee: no.

State-mandated local program: no.

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

1 SECTION 1. Section 42005 of the Vehicle Code is amended
2 to read:

3 42005. (a) Except as otherwise provided in this section, after
4 a deposit of the fee under Section 42007 or bail, a plea of guilty
5 or no contest, or a conviction, a court may order or permit a person
6 who holds a noncommercial class C, class M1, or class M2 driver's
7 license who pleads guilty or who pleads no contest or who is
8 convicted of a traffic offense to attend a traffic violator school
9 licensed pursuant to Chapter 1.5 (commencing with Section 11200)
10 of Division 5.

11 (b) To the extent the court is in conformance with Title 49 of
12 the Code of Federal Regulations, and except as otherwise provided
13 in this section, the court may, after deposit of the fee under Section
14 42007 or bail, order or permit a person who holds a class A, class
15 B, or commercial class C driver's license, who pleads guilty or no
16 contest or is convicted of a traffic offense, to complete a course
17 of instruction at a licensed traffic violator school if the person was
18 operating a vehicle requiring only a class C license, or a class M
19 license. The court may not order that the record of conviction be
20 kept confidential. However, the conviction shall not be added to
21 a violation point count for purposes of determining whether a
22 driver is presumed to be a negligent operator under Section
23 12810.5.

24 (c) The court shall not order that a conviction of an offense be
25 kept confidential according to Section 1808.7, order or permit
26 avoidance of consideration of violation point counts under
27 subdivision (b), or permit a person, regardless of the driver's
28 license class, to complete a program at a licensed traffic violator
29 school in lieu of adjudicating an offense if any of the following
30 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~~ It is a violation of Section 20001, 20002, 23103, 23104,
34 23105, 23140, 23152, or 23153, or of Section 23103, as specified
35 in Section 23103.5.

36 (3) It is a violation described in subdivision (d) or (e) of Section
37 12810.

1 (d) A person ordered to attend a traffic violator school pursuant
2 to subdivision (a) or (b) may choose the traffic violator school the
3 person will attend. The court shall provide to each person subject
4 to that order or referral the department's current list of licensed
5 traffic violator schools.

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

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