

AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1932

Introduced by Assembly Member Obernolte

February 12, 2016

An act to ~~amend Section 42005 of~~ *add Section 42005.2 to* the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1932, as amended, 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, a court adjudicating a traffic offense~~, after a deposit of bail, a plea of guilty or no contest, or a conviction, to order *or permit* 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 authorizes the court to continue a proceeding against that person in consideration of successful completion of a course of instruction at the 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~~ *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.~~ *authorize a person who is ordered or permitted to complete a course of instruction at a licensed traffic violator school under the*

circumstances described above as a result of an offense committed while operating a motorcycle to instead complete an advanced-level motorcyclist safety training course, as specified.

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 42005.2 is added to the Vehicle Code, to
2 read:

3 42005.2. A person ordered or permitted to complete a course
4 of instruction at a licensed traffic violator school pursuant to
5 Section 41501 or 42005 as a result of an offense committed while
6 operating a motorcycle may instead complete an advanced-level
7 motorcyclist safety training course established pursuant to Article
8 2 (commencing with Section 2930) of Chapter 5 of Division 2. The
9 person’s completion of that training course constitutes completion
10 of a course of instruction at a licensed traffic violator school for
11 the purposes of this code.

12 SECTION 1. ~~Section 42005 of the Vehicle Code is amended~~
13 ~~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 who pleads no contest or who is~~
19 ~~convicted of a traffic offense to attend a traffic violator school~~
20 ~~licensed pursuant to Chapter 1.5 (commencing with Section 11200)~~
21 ~~of Division 5.~~

22 ~~(b) To the extent the court is in conformance with Title 49 of~~
23 ~~the Code of Federal Regulations, and except as otherwise provided~~
24 ~~in this section, the court may, after deposit of the fee under Section~~
25 ~~42007 or bail, order or permit a person who holds a class A, class~~
26 ~~B, or commercial class C driver’s license, who pleads guilty or no~~
27 ~~contest or is convicted of a traffic offense, to complete a course~~
28 ~~of instruction at a licensed traffic violator school if the person was~~
29 ~~operating a vehicle requiring only a class C license, or a class M~~
30 ~~license. The court may not order that the record of conviction be~~
31 ~~kept confidential. However, the conviction shall not be added to~~
32 ~~a violation point count for purposes of determining whether a~~

1 driver is presumed to be a negligent operator under Section
2 12810.5.

3 (e) ~~The court shall not order that a conviction of an offense be~~
4 ~~kept confidential according to Section 1808.7, order or permit~~
5 ~~avoidance of consideration of violation point counts under~~
6 ~~subdivision (b), or permit a person, regardless of the driver's~~
7 ~~license class, to complete a program at a licensed traffic violator~~
8 ~~school in lieu of adjudicating an offense if any of the following~~
9 ~~applies to the offense:~~

10 (1) ~~It occurred in a commercial motor vehicle, as defined in~~
11 ~~subdivision (b) of Section 15210.~~

12 (2) ~~It is a violation of Section 20001, 20002, 23103, 23104,~~
13 ~~23105, 23140, 23152, or 23153, or of Section 23103, as specified~~
14 ~~in Section 23103.5.~~

15 (3) ~~It is a violation described in subdivision (d) or (e) of Section~~
16 ~~12810.~~

17 (d) ~~A person ordered to attend a traffic violator school pursuant~~
18 ~~to subdivision (a) or (b) may choose the traffic violator school the~~
19 ~~person will attend. The court shall provide to each person subject~~
20 ~~to that order or referral the department's current list of licensed~~
21 ~~traffic violator schools.~~

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