

**ASSEMBLY BILL**

**No. 2746**

---

---

**Introduced by Assembly Member Obernolte  
(Coauthors: Assembly Members Baker, Bigelow, Brown, Cooper,  
Dahle, Gallagher, Ting, and Wood)**

February 19, 2016

---

---

An act to amend Sections 1808.7, 1808.10, and 42007 of, and to repeal and amend Section 41501 of, the Vehicle Code, relating to traffic school.

LEGISLATIVE COUNSEL'S DIGEST

AB 2746, as introduced, Obernolte. Traffic school: intervals.

Under existing law, after a deposit of bail and bail forfeiture, a plea of guilty or no contest, or a conviction, a court may order a continuance of a 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 successful completion of a course of instruction at a licensed school for traffic violators, a licensed driving school, or any other court-approved program of driving instruction. Existing law requires the record of the Department of Motor Vehicles relating to the first proceeding and conviction in any 18-month period for completion of a traffic violator school program to be confidential, not be disclosed, except as specified, and to be used only for statistical purposes by the department.

This bill would reduce the applicable time period between convictions under the circumstances described above from 18 months to 12 months. The bill also would make various conforming and technical changes.

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. This act shall be known, and may be cited, as the  
2 California Educated Driver Act of 2016.

3 SEC. 2. Section 1808.7 of the Vehicle Code, as added by  
4 Section 2.5 of Chapter 599 of the Statutes of 2010, is amended to  
5 read:

6 1808.7. (a) The record of the department relating to the first  
7 proceeding and conviction under Section 1803.5 in any ~~18-month~~  
8 *12-month* period for completion of a traffic violator school program  
9 is confidential, shall not be disclosed to any person, except a court  
10 and as provided for in subdivision (b), and shall be used only for  
11 statistical purposes by the department. ~~No~~ A violation point count  
12 shall *not* be assessed pursuant to Section 12810 if the conviction  
13 is confidential.

14 (b) The record of a conviction described in subdivision (a) shall  
15 not be confidential if any of the following circumstances applies:

16 (1) The person convicted holds a commercial driver’s license,  
17 as defined by Section 15210.

18 (2) The person convicted holds a commercial driver’s license  
19 in another state, in accordance with Part 383 (*commencing with*  
20 *Section 383.1\_*) of Subchapter B of Chapter III of Subtitle B of  
21 Title 49 of the Code of Federal Regulations.

22 (3) The violation occurred in a commercial motor vehicle, as  
23 defined in subdivision (b) of Section 15210.

24 (4) The conviction would result in a violation point count of  
25 more than one point pursuant to Section 12810.

26 (c) This section shall become operative on July 1, 2011.

27 SEC. 3. Section 1808.10 of the Vehicle Code is amended to  
28 read:

29 1808.10. The record of the department relating to the first  
30 proceeding and conviction for a driver licensed with a class A  
31 license, class B license, or commercial class C driver’s license in  
32 any ~~18-month~~ *12-month* period who is allowed, for a traffic offense  
33 while operating a vehicle requiring only a class C or a class M  
34 license, to complete a course of instruction at a traffic violator  
35 school, is not confidential and shall be disclosed for purposes of  
36 Title 49 of the Code of Federal Regulations and to insurers by the  
37 department for insurance underwriting and rating purposes.

1 SEC. 4. Section 41501 of the Vehicle Code, as added by  
2 Section 12.5 of Chapter 216 of the Statutes of 2010, is repealed.

3 ~~41501. (a) After a deposit of bail and bail forfeiture, a plea of  
4 guilty or no contest, or a conviction, the court may order a  
5 continuance of a proceeding against a person, who receives a notice  
6 to appear in court for a violation of a statute relating to the safe  
7 operation of a vehicle, in consideration for successful completion  
8 of a course of instruction at a licensed school for traffic violators,  
9 a licensed driving school, or any other court-approved program of  
10 driving instruction, and pursuant to Section 1803.5 or 42005, the  
11 court may order that the conviction be held confidential by the  
12 department according to Section 1808.7.~~

13 ~~(b) Subdivision (a) does not apply to a person who receives a  
14 notice to appear as to, or is otherwise charged with, a violation of  
15 an offense described in subdivisions (a) to (e), inclusive, of Section  
16 12810.~~

17 ~~(c) This section shall become operative on July 1, 2011.~~

18 SEC. 5. Section 41501 of the Vehicle Code, as amended by  
19 Section 311 of Chapter 296 of the Statutes of 2011, is amended to  
20 read:

21 41501. (a) After a deposit of bail and bail forfeiture, a plea of  
22 guilty or no contest, or a conviction, the court may order a  
23 continuance of a proceeding against a person, who receives a notice  
24 to appear in court for a violation of a statute relating to the safe  
25 operation of a vehicle, in consideration for successful completion  
26 of a course of instruction at a licensed school for traffic violators,  
27 *a licensed driving school, or any other court-approved program*  
28 *of driving instruction*, and pursuant to Section 1803.5 or 42005,  
29 the court may order that the conviction be held confidential by the  
30 department in accordance with Section 1808.7. The court shall  
31 notify a person that only one conviction within ~~18~~ 12 months will  
32 be held confidential.

33 (b) Subdivision (a) does not apply to a person who receives a  
34 notice to appear as to, or is otherwise charged with, a violation of  
35 an offense described in subdivisions (a) to (e), inclusive, of Section  
36 12810.

37 (c) This section shall become operative on July 1, 2011.

38 SEC. 6. Section 42007 of the Vehicle Code is amended to read:

39 42007. (a) (1) (A) The clerk of the court shall collect a fee  
40 from every person who is ordered or permitted to attend a traffic

1 violator school pursuant to Section 41501 or 42005 in an amount  
2 equal to the total bail set forth for the eligible offense on the  
3 uniform countywide bail schedule. As used in this subdivision,  
4 “total bail” means the amount established pursuant to Section  
5 1269b of the Penal Code in accordance with the Uniform Bail and  
6 Penalty Schedule adopted by the Judicial Council, including all  
7 assessments, surcharges, and penalty amounts. ~~Where~~ *If* multiple  
8 offenses are charged in a single notice to appear, the “total bail”  
9 is the amount applicable for the greater of the qualifying offenses.  
10 However, the court may determine a lesser fee under this  
11 subdivision upon a showing that the defendant is unable to pay  
12 the full amount.

13 ~~The~~

14 (B) *The* fee shall not include the cost, or any part thereof, of  
15 traffic safety instruction offered by a traffic violator school.

16 (2) The clerk may accept from a defendant who is ordered or  
17 permitted to attend traffic violator school a payment of at least 10  
18 percent of the fee required by paragraph (1) upon filing a written  
19 agreement by the defendant to pay the remainder of the fee  
20 according to an installment payment schedule of no more than 90  
21 days as agreed upon with the court. The Judicial Council shall  
22 prescribe the form of the agreement for payment of the fee in  
23 installments. When the defendant signs the Judicial Council form  
24 for payment of the fee in installments, the court shall continue the  
25 case to the date in the agreement to complete payment of the fee  
26 and submit the certificate of completion of traffic violator school  
27 to the court. The clerk shall collect a fee of up to thirty-five dollars  
28 (\$35) to cover administrative and clerical costs for processing an  
29 installment payment of the traffic violator school fee under this  
30 paragraph.

31 (3) If a defendant fails to make an installment payment of the  
32 fee according to an installment agreement, the court may convert  
33 the fee to bail, declare it forfeited, and report the forfeiture as a  
34 conviction under Section 1803. The court may also charge a failure  
35 to pay under Section 40508 and impose a civil assessment as  
36 provided in Section 1214.1 of the Penal Code or issue an arrest  
37 warrant for a failure to pay. For the purposes of reporting a  
38 conviction under this subdivision to the department under Section  
39 1803, the date that the court declares the bail forfeited shall be  
40 reported as the date of conviction.

1 (b) Revenues derived from the fee collected under this section  
2 shall be deposited in accordance with Section 68084 of the  
3 Government Code in the general fund of the county and, as may  
4 be applicable, distributed as follows:

5 (1) In any county in which a fund is established pursuant to  
6 Section 76100 or 76101 of the Government Code, the sum of one  
7 dollar (\$1) for each fund so established shall be deposited with the  
8 county treasurer and placed in that fund.

9 (2) In any county that has established a Maddy Emergency  
10 Medical Services Fund pursuant to Section 1797.98a of the Health  
11 and Safety Code, an amount equal to the sum of each two dollars  
12 (\$2) for every seven dollars (\$7) that would have been collected  
13 pursuant to Section 76000 of the Government Code and,  
14 commencing January 1, 2009, an amount equal to the sum of each  
15 two dollars (\$2) for every ten dollars (\$10) that would have been  
16 collected pursuant to Section 76000.5 of the Government Code  
17 with respect to those counties to which that section is applicable  
18 shall be deposited in that fund. Nothing in the act that added this  
19 paragraph shall be interpreted in a manner that would result in  
20 either of the following:

21 (A) The utilization of penalty assessment funds that had been  
22 set aside, on or before January 1, 2000, to finance debt service on  
23 a capital facility that existed before January 1, 2000.

24 (B) The reduction of the availability of penalty assessment  
25 revenues that had been pledged, on or before January 1, 2000, as  
26 a means of financing a facility ~~which~~ *that* was approved by a  
27 county board of supervisors, but on January 1, 2000, is not under  
28 construction.

29 (3) The amount of the fee that is attributable to Section 70372  
30 of the Government Code shall be transferred pursuant to  
31 subdivision (f) of that section.

32 (c) For fees resulting from city arrests, an amount equal to the  
33 amount of base fines that would have been deposited in the treasury  
34 of the appropriate city pursuant to paragraph (3) of subdivision  
35 (b) of Section 1463.001 of the Penal Code shall be deposited in  
36 the treasury of the appropriate city.

37 (d) The clerk of the court, in a county that offers traffic school  
38 shall include in any courtesy notice mailed to a defendant for an  
39 offense that qualifies for traffic school attendance the following  
40 statement:

1  
2 NOTICE: If you are eligible and decide not to attend traffic  
3 school your automobile insurance may be adversely affected. For  
4 drivers with a noncommercial driver’s license, one conviction in  
5 any ~~18-month~~ *12-month* period will be held confidential and not  
6 show on your driving record if you complete a traffic violator  
7 school program. For drivers with a commercial driver’s license,  
8 one conviction in any ~~18-month~~ *12-month* period will show on  
9 your driving record without a violation point if you complete a  
10 traffic violator school program.

11  
12 (e) Notwithstanding any other ~~provision of~~ law, a county that  
13 has established a Maddy Emergency Medical Services Fund  
14 pursuant to Section 1797.98a of the Health and Safety Code shall  
15 not be held liable for having deposited into the fund, prior to  
16 January 1, 2009, an amount equal to two dollars (\$2) for every ten  
17 dollars (\$10) that would have been collected pursuant to Section  
18 76000.5 of the Government Code from revenues derived from  
19 traffic violator school fees collected pursuant to this section.

O