

AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

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.~~ *An act to add Section 311.2 to the Public Utilities Code, relating to the Public Utilities Commission.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2746, as amended, Obernolte. ~~Traffic school: intervals.~~ *Public Utilities Commission: contracts: electronic submissions.*

Under existing law, the Public Utilities Commission has regulatory authority over public utilities and can establish its own procedures, subject to statutory limitations or directions and constitutional requirements of due process. The Public Utilities Act requires the commission to establish procedures to permit the submission of informal complaints through electronic means.

This bill would require the commission to adopt procedures authorizing the submittal of electronic signatures and documents by all parties on contracts involving the commission.

~~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. Section 311.2 is added to the Public Utilities~~
2 ~~Code, to read:~~

3 ~~311.2. The commission shall adopt procedures authorizing the~~
4 ~~submittal of electronic signatures and documents by all parties on~~
5 ~~contracts involving the commission.~~

6 ~~SECTION 1. This act shall be known, and may be cited, as the~~
7 ~~California Educated Driver Act of 2016.~~

8 ~~SEC. 2. Section 1808.7 of the Vehicle Code, as added by~~
9 ~~Section 2.5 of Chapter 599 of the Statutes of 2010, is amended to~~
10 ~~read:~~

11 ~~1808.7.—(a) The record of the department relating to the first~~
12 ~~proceeding and conviction under Section 1803.5 in any 12-month~~
13 ~~period for completion of a traffic violator school program is~~
14 ~~confidential, shall not be disclosed to any person, except a court~~
15 ~~and as provided for in subdivision (b), and shall be used only for~~
16 ~~statistical purposes by the department. A violation point count~~
17 ~~shall not be assessed pursuant to Section 12810 if the conviction~~
18 ~~is confidential.~~

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

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

23 ~~(2) The person convicted holds a commercial driver’s license~~
24 ~~in another state, in accordance with Part 383 (commencing with~~

1 ~~Section 383.1~~ of Subchapter B of Chapter III of Subtitle B of
2 Title 49 of the Code of Federal Regulations.

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

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

7 ~~(e) This section shall become operative on July 1, 2011.~~

8 ~~SEC. 3. Section 1808.10 of the Vehicle Code is amended to~~
9 ~~read:~~

10 ~~1808.10. The record of the department relating to the first~~
11 ~~proceeding and conviction for a driver licensed with a class A~~
12 ~~license, class B license, or commercial class C driver's license in~~
13 ~~any 12-month period who is allowed, for a traffic offense while~~
14 ~~operating a vehicle requiring only a class C or a class M license,~~
15 ~~to complete a course of instruction at a traffic violator school, is~~
16 ~~not confidential and shall be disclosed for purposes of Title 49 of~~
17 ~~the Code of Federal Regulations and to insurers by the department~~
18 ~~for insurance underwriting and rating purposes.~~

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

21 ~~SEC. 5. Section 41501 of the Vehicle Code, as amended by~~
22 ~~Section 311 of Chapter 296 of the Statutes of 2011, is amended to~~
23 ~~read:~~

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

36 ~~(b) Subdivision (a) does not apply to a person who receives a~~
37 ~~notice to appear as to, or is otherwise charged with, a violation of~~
38 ~~an offense described in subdivisions (a) to (e), inclusive, of Section~~
39 ~~12810.~~

40 ~~(e) This section shall become operative on July 1, 2011.~~

1 ~~SEC. 6. Section 42007 of the Vehicle Code is amended to read:~~
2 ~~42007. (a) (1) (A) The clerk of the court shall collect a fee~~
3 ~~from every person who is ordered or permitted to attend a traffic~~
4 ~~violation school pursuant to Section 41501 or 42005 in an amount~~
5 ~~equal to the total bail set forth for the eligible offense on the~~
6 ~~uniform countywide bail schedule. As used in this subdivision,~~
7 ~~“total bail” means the amount established pursuant to Section~~
8 ~~1269b of the Penal Code in accordance with the Uniform Bail and~~
9 ~~Penalty Schedule adopted by the Judicial Council, including all~~
10 ~~assessments, surcharges, and penalty amounts. If multiple offenses~~
11 ~~are charged in a single notice to appear, the “total bail” is the~~
12 ~~amount applicable for the greater of the qualifying offenses.~~
13 ~~However, the court may determine a lesser fee under this~~
14 ~~subdivision upon a showing that the defendant is unable to pay~~
15 ~~the full amount.~~

16 ~~(B) The fee shall not include the cost, or any part thereof, of~~
17 ~~traffic safety instruction offered by a traffic violation school.~~

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

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

1 1803, the date that the court declares the bail forfeited shall be
2 reported as the date of conviction.

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

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

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

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

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

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

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

38 (d) ~~The clerk of the court, in a county that offers traffic school~~
39 ~~shall include in any courtesy notice mailed to a defendant for an~~

1 offense that qualifies for traffic school attendance the following
2 statement:

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

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