

AMENDED IN SENATE APRIL 16, 2015

SENATE BILL

No. 510

Introduced by Senator Hall
(Coauthor: Senator Beall)

February 26, 2015

An act to amend Section 23109 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 510, as amended, Hall. Speed contests: impounded vehicles.

Existing law makes it a crime to engage in a motor vehicle speed contest on a highway. Existing law provides that if a person is convicted of engaging in a motor vehicle speed contest on a highway and the vehicle used in the violation is registered to that person, the vehicle may be impounded at the registered owner's expense for not less than one day nor more than 30 days.

This bill would instead require a vehicle to be impounded pursuant to these provisions for 30 days. By imposing new requirements on local agencies, the bill would create a state-mandated local program. The bill also would prohibit the operation of an impounded vehicle without first correcting any violations *if the impounded vehicle is found to be in violation of any mechanical requirements or if mechanical violations are found upon inspection*. A violation of this provision would be punishable by imprisonment for not more than 90 days, by a fine of not more than \$500, or by both that fine and imprisonment. 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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 23109 of the Vehicle Code is amended
2 to read:
3 23109. (a) A person shall not engage in a motor vehicle speed
4 contest on a highway. As used in this section, a motor vehicle
5 speed contest includes a motor vehicle race against another vehicle,
6 a clock, or other timing device. For purposes of this section, an
7 event in which the time to cover a prescribed route of more than
8 20 miles is measured, but the vehicle does not exceed the speed
9 limits, is not a speed contest.
10 (b) A person shall not aid or abet in any motor vehicle speed
11 contest on any highway.
12 (c) A person shall not engage in a motor vehicle exhibition of
13 speed on a highway, and a person shall not aid or abet in a motor
14 vehicle exhibition of speed on any highway.
15 (d) A person shall not, for the purpose of facilitating or aiding
16 or as an incident to any motor vehicle speed contest or exhibition
17 upon a highway, in any manner obstruct or place a barricade or
18 obstruction or assist or participate in placing a barricade or
19 obstruction upon any highway.
20 (e) (1) A person convicted of a violation of subdivision (a) shall
21 be punished by imprisonment in a county jail for not less than 24
22 hours nor more than 90 days or by a fine of not less than three
23 hundred fifty-five dollars (\$355) nor more than one thousand
24 dollars (\$1,000), or by both that fine and imprisonment. That
25 person shall also be required to perform 40 hours of community
26 service. The court may order the privilege to operate a motor
27 vehicle suspended for 90 days to six months, as provided in
28 paragraph (8) of subdivision (a) of Section 13352. The person's
29 privilege to operate a motor vehicle may be restricted for 90 days

1 to six months to necessary travel to and from that person's place
2 of employment and, if driving a motor vehicle is necessary to
3 perform the duties of the person's employment, restricted to driving
4 in that person's scope of employment. This subdivision does not
5 interfere with the court's power to grant probation in a suitable
6 case.

7 (2) If a person is convicted of a violation of subdivision (a) and
8 that violation proximately causes bodily injury to a person other
9 than the driver, the person convicted shall be punished by
10 imprisonment in a county jail for not less than 30 days nor more
11 than six months or by a fine of not less than five hundred dollars
12 (\$500) nor more than one thousand dollars (\$1,000), or by both
13 that fine and imprisonment.

14 (f) (1) If a person is convicted of a violation of subdivision (a)
15 for an offense that occurred within five years of the date of a prior
16 offense that resulted in a conviction of a violation of subdivision
17 (a), that person shall be punished by imprisonment in a county jail
18 for not less than four days nor more than six months, and by a fine
19 of not less than five hundred dollars (\$500) nor more than one
20 thousand dollars (\$1,000).

21 (2) If the perpetration of the most recent offense within the
22 five-year period described in paragraph (1) proximately causes
23 bodily injury to a person other than the driver, a person convicted
24 of that second violation shall be imprisoned in a county jail for
25 not less than 30 days nor more than six months and by a fine of
26 not less than five hundred dollars (\$500) nor more than one
27 thousand dollars (\$1,000).

28 (3) If the perpetration of the most recent offense within the
29 five-year period described in paragraph (1) proximately causes
30 serious bodily injury, as defined in paragraph (4) of subdivision
31 (f) of Section 243 of the Penal Code, to a person other than the
32 driver, a person convicted of that second violation shall be
33 imprisoned in the state prison, or in a county jail for not less than
34 30 days nor more than one year, and by a fine of not less than five
35 hundred dollars (\$500) nor more than one thousand dollars
36 (\$1,000).

37 (4) The court shall order the privilege to operate a motor vehicle
38 of a person convicted under paragraph (1), (2), or (3) suspended
39 for a period of six months, as provided in paragraph (9) of
40 subdivision (a) of Section 13352. In lieu of the suspension, the

1 person's privilege to operate a motor vehicle may be restricted for
2 six months to necessary travel to and from that person's place of
3 employment and, if driving a motor vehicle is necessary to perform
4 the duties of the person's employment, restricted to driving in that
5 person's scope of employment.

6 (5) This subdivision does not interfere with the court's power
7 to grant probation in a suitable case.

8 (g) If the court grants probation to a person subject to
9 punishment under subdivision (f), in addition to subdivision (f)
10 and any other terms and conditions imposed by the court, which
11 may include a fine, the court shall impose as a condition of
12 probation that the person be confined in a county jail for not less
13 than 48 hours nor more than six months. The court shall order the
14 person's privilege to operate a motor vehicle to be suspended for
15 a period of six months, as provided in paragraph (9) of subdivision
16 (a) of Section 13352 or restricted pursuant to subdivision (f).

17 (h) (1) If a person is convicted of a violation of subdivision (a)
18 and the vehicle used in the violation is registered to that person,
19 the vehicle shall be impounded at the registered owner's expense
20 for 30 days.

21 (2) A person shall not operate a vehicle impounded pursuant to
22 paragraph (1) on any public highway or road if *the impounded*
23 *vehicle was also found to be in violation of a mechanical*
24 *requirement of this code, or* the vehicle is inspected pursuant to
25 Section 2806 and found in violation of this code, without first
26 correcting the ~~violation~~ *violation as set forth in Sections 40610*
27 *and 40611.*

28 (i) A person who violates subdivision (b), (c), or (d), or
29 paragraph (2) of subdivision (h), shall upon conviction of that
30 violation be punished by imprisonment in a county jail for not
31 more than 90 days, by a fine of not more than five hundred dollars
32 (\$500), or by both that fine and imprisonment.

33 (j) If a person's privilege to operate a motor vehicle is restricted
34 by a court pursuant to this section, the court shall clearly mark the
35 restriction and the dates of the restriction on that person's driver's
36 license and promptly notify the Department of Motor Vehicles of
37 the terms of the restriction in a manner prescribed by the
38 department. The Department of Motor Vehicles shall place that
39 restriction in the person's records in the Department of Motor
40 Vehicles and enter the restriction on a license subsequently issued

1 by the Department of Motor Vehicles to that person during the
2 period of the restriction.

3 (k) The court may order that a person convicted under this
4 section, who is to be punished by imprisonment in a county jail,
5 be imprisoned on days other than days of regular employment of
6 the person, as determined by the court.

7 (l) This section shall be known and may be cited as the Louis
8 Friend Memorial Act.

9 SEC. 2. No reimbursement is required by this act pursuant to
10 Section 6 of Article XIII B of the California Constitution for certain
11 costs that may be incurred by a local agency or school district
12 because, in that regard, this act creates a new crime or infraction,
13 eliminates a crime or infraction, or changes the penalty for a crime
14 or infraction, within the meaning of Section 17556 of the
15 Government Code, or changes the definition of a crime within the
16 meaning of Section 6 of Article XIII B of the California
17 Constitution.

18 However, if the Commission on State Mandates determines that
19 this act contains other costs mandated by the state, reimbursement
20 to local agencies and school districts for those costs shall be made
21 pursuant to Part 7 (commencing with Section 17500) of Division
22 4 of Title 2 of the Government Code.