

AMENDED IN SENATE MAY 6, 2015
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, *subject to specified exceptions*. 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, *and would require that the violation be corrected within 30 days of the release of the vehicle from impoundment*. A violation of ~~this provision~~ *these provisions* 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

1 person shall also be required to perform 40 hours of community
2 service. The court may order the privilege to operate a motor
3 vehicle suspended for 90 days to six months, as provided in
4 paragraph (8) of subdivision (a) of Section 13352. The person's
5 privilege to operate a motor vehicle may be restricted for 90 days
6 to six months to necessary travel to and from that person's place
7 of employment and, if driving a motor vehicle is necessary to
8 perform the duties of the person's employment, restricted to driving
9 in that person's scope of employment. This subdivision does not
10 interfere with the court's power to grant probation in a suitable
11 case.

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

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

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

33 (3) If the perpetration of the most recent offense within the
34 five-year period described in paragraph (1) proximately causes
35 serious bodily injury, as defined in paragraph (4) of subdivision
36 (f) of Section 243 of the Penal Code, to a person other than the
37 driver, a person convicted of that second violation shall be
38 imprisoned in the state prison, or in a county jail for not less than
39 30 days nor more than one year, and by a fine of not less than five

1 hundred dollars (\$500) nor more than one thousand dollars
2 (\$1,000).

3 (4) The court shall order the privilege to operate a motor vehicle
4 of a person convicted under paragraph (1), (2), or (3) suspended
5 for a period of six months, as provided in paragraph (9) of
6 subdivision (a) of Section 13352. In lieu of the suspension, the
7 person's privilege to operate a motor vehicle may be restricted for
8 six months to necessary travel to and from that person's place of
9 employment and, if driving a motor vehicle is necessary to perform
10 the duties of the person's employment, restricted to driving in that
11 person's scope of employment.

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

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

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

27 (A) *The 30-day period shall be reduced by the number of days,*
28 *if any, the vehicle was impounded pursuant to Section 23109.2.*

29 (B) *If the court finds that the vehicle to be impounded is the*
30 *only means of transportation for other members of the defendant's*
31 *family and impounding the vehicle will result in an undue hardship*
32 *for the family, the court may decline to order the vehicle*
33 *impounded.*

34 (2) ~~A~~ *Except to drive the vehicle to a location to make repairs,*
35 *a person shall not operate a vehicle that was impounded pursuant*
36 *to paragraph (1) on any public highway or road if the impounded*
37 *vehicle was also found to be in violation of a mechanical*
38 *requirement of this code, or the vehicle is inspected pursuant to*
39 *Section 2806 and found in violation of this code, without first*
40 *correcting the violation as set forth in Sections 40610 and 40611.*

1 *The correction shall be made within 30 days of the date the vehicle*
2 *was released from impoundment.*

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

8 (j) If a person's privilege to operate a motor vehicle is restricted
9 by a court pursuant to this section, the court shall clearly mark the
10 restriction and the dates of the restriction on that person's driver's
11 license and promptly notify the Department of Motor Vehicles of
12 the terms of the restriction in a manner prescribed by the
13 department. The Department of Motor Vehicles shall place that
14 restriction in the person's records in the Department of Motor
15 Vehicles and enter the restriction on a license subsequently issued
16 by the Department of Motor Vehicles to that person during the
17 period of the restriction.

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

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

24 SEC. 2. No reimbursement is required by this act pursuant to
25 Section 6 of Article XIII B of the California Constitution for certain
26 costs that may be incurred by a local agency or school district
27 because, in that regard, this act creates a new crime or infraction,
28 eliminates a crime or infraction, or changes the penalty for a crime
29 or infraction, within the meaning of Section 17556 of the
30 Government Code, or changes the definition of a crime within the
31 meaning of Section 6 of Article XIII B of the California
32 Constitution.

33 However, if the Commission on State Mandates determines that
34 this act contains other costs mandated by the state, reimbursement
35 to local agencies and school districts for those costs shall be made
36 pursuant to Part 7 (commencing with Section 17500) of Division
37 4 of Title 2 of the Government Code.