

AMENDED IN ASSEMBLY JULY 7, 2015

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 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 bill would authorize, upon finding a violation of any mechanical requirements, an officer to issue a notice to correct, and require the correction to be made within 30 days of release of the vehicle from impoundment. The bill would also require the vehicle to be released before the 30th day if the legal owner who is not the registered owner, holds a security interest in the vehicle, presents foreclosure documents or an affidavit of repossession, and meets other specified conditions.~~

~~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.~~

~~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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

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.

1 (b) A person shall not aid or abet in any motor vehicle speed
2 contest on any highway.

3 (c) A person shall not engage in a motor vehicle exhibition of
4 speed on a highway, and a person shall not aid or abet in a motor
5 vehicle exhibition of speed on any highway.

6 (d) A person shall not, for the purpose of facilitating or aiding
7 or as an incident to any motor vehicle speed contest or exhibition
8 upon a highway, in any manner obstruct or place a barricade or
9 obstruction or assist or participate in placing a barricade or
10 obstruction upon any highway.

11 (e) (1) A person convicted of a violation of subdivision (a) shall
12 be punished by imprisonment in a county jail for not less than 24
13 hours nor more than 90 days or by a fine of not less than three
14 hundred fifty-five dollars (\$355) nor more than one thousand
15 dollars (\$1,000), or by both that fine and imprisonment. That
16 person shall also be required to perform 40 hours of community
17 service. The court may order the privilege to operate a motor
18 vehicle suspended for 90 days to six months, as provided in
19 paragraph (8) of subdivision (a) of Section 13352. The person's
20 privilege to operate a motor vehicle may be restricted for 90 days
21 to six months to necessary travel to and from that person's place
22 of employment and, if driving a motor vehicle is necessary to
23 perform the duties of the person's employment, restricted to driving
24 in that person's scope of employment. This subdivision does not
25 interfere with the court's power to grant probation in a suitable
26 case.

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

34 (f) (1) If a person is convicted of a violation of subdivision (a)
35 for an offense that occurred within five years of the date of a prior
36 offense that resulted in a conviction of a violation of subdivision
37 (a), that person shall be punished by imprisonment in a county jail
38 for not less than four days nor more than six months, and by a fine
39 of not less than five hundred dollars (\$500) nor more than one
40 thousand dollars (\$1,000).

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

8 (3) If the perpetration of the most recent offense within the
9 five-year period described in paragraph (1) proximately causes
10 serious bodily injury, as defined in paragraph (4) of subdivision
11 (f) of Section 243 of the Penal Code, to a person other than the
12 driver, a person convicted of that second violation shall be
13 imprisoned in the state prison, or in a county jail for not less than
14 30 days nor more than one year, and by a fine of not less than five
15 hundred dollars (\$500) nor more than one thousand dollars
16 (\$1,000).

17 (4) The court shall order the privilege to operate a motor vehicle
18 of a person convicted under paragraph (1), (2), or (3) suspended
19 for a period of six months, as provided in paragraph (9) of
20 subdivision (a) of Section 13352. In lieu of the suspension, the
21 person's privilege to operate a motor vehicle may be restricted for
22 six months to necessary travel to and from that person's place of
23 employment and, if driving a motor vehicle is necessary to perform
24 the duties of the person's employment, restricted to driving in that
25 person's scope of employment.

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

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

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

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

3 (B) If the court finds that the vehicle to be impounded is the
4 only means of transportation for other members of the defendant's
5 family and impounding the vehicle will result in an undue hardship
6 for the family, the court may decline to order the vehicle
7 impounded.

8 ~~(2) Except to drive the vehicle to a location to make repairs, a~~
9 ~~person shall not operate a vehicle that was impounded pursuant to~~
10 ~~paragraph (1) on any public highway or road if the impounded~~
11 ~~vehicle was also found to be in violation of a mechanical~~
12 ~~requirement of this code, or the vehicle is inspected pursuant to~~
13 ~~Section 2806 and found in violation of this code, without first~~
14 ~~correcting the violation as set forth in Sections 40610 and 40611.~~
15 ~~The correction shall be made within 30 days of the date the vehicle~~
16 ~~was released from impoundment.~~

17 *(2) If the impounded vehicle was found to be in violation of a*
18 *mechanical requirement of this code, or the vehicle is inspected*
19 *pursuant to Section 2806 and found in violation of this code, an*
20 *officer may, issue a notice to correct pursuant to Section 40303.5,*
21 *and correction of the violation as set forth in Sections 40610 and*
22 *40611 shall be made within 30 days of the date the vehicle was*
23 *released from impound. Upon correction, the violation issued*
24 *pursuant to 40303.5 shall be dismissed pursuant to Section 40522.*

25 *(3) A vehicle seized and impounded pursuant to paragraph (1)*
26 *shall be released to the legal owner of the vehicle, or the legal*
27 *owner's agent, on or before the 30th day of impoundment if all of*
28 *the following conditions are met:*

29 *(A) The legal owner is a motor vehicle dealer, bank, credit*
30 *union, acceptance corporation, or other licensed financial*
31 *institution legally operating in this state, or is another person, not*
32 *the registered owner, holding a security interest in the vehicle.*

33 *(B) The legal owner or the legal owner's agent pays all towing*
34 *and storage fees related to the impoundment of the vehicle. No*
35 *lien sale processing fees shall be charged to a legal owner who*
36 *redeems the vehicle on or before the 15th day of impoundment.*

37 *(C) The legal owner or the legal owner's agent presents*
38 *foreclosure documents or an affidavit of repossession for the*
39 *vehicle.*

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

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

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

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

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

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

36 *SEC. 2. If the Commission on State Mandates determines that*
37 *this act contains costs mandated by the state, reimbursement to*
38 *local agencies and school districts for those costs shall be made*

1 *pursuant to Part 7 (commencing with Section 17500) of Division*
2 *4 of Title 2 of the Government Code.*

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