

AMENDED IN SENATE AUGUST 31, 2000
AMENDED IN SENATE JUNE 26, 2000
AMENDED IN ASSEMBLY JANUARY 3, 2000
AMENDED IN ASSEMBLY SEPTEMBER 3, 1999
AMENDED IN ASSEMBLY MAY 6, 1999
AMENDED IN ASSEMBLY MARCH 18, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 46

**Introduced by Assembly Members *Member Florez and
Ashburn***

December 7, 1998

An act to to add Section 90.2 to the Streets and Highways Code, and to amend Section 42005 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 46, as amended, Florez. State highways.

Existing law provides that the Department of Transportation has full possession and control of all state highways.

This bill would require the department to create a list, by July 1, ~~2001~~, 2002, and by January 1 each year thereafter, of state highways with serious accident, as defined, rates above the statewide average and to distribute the list to state courts that hear traffic violations.

Under existing law, a court may order any person convicted of a traffic violation to attend a traffic violator school with certain exceptions.

This bill would preclude a traffic violator from attending traffic violator school as a substitute for adjudication if the violation was related to speeding in a double fine zone on a state highway with an accident rate above the statewide average. To the extent that this would increase the level of services required by the courts, 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

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 90.2 is added to the Streets and
- 2 Highways Code, to read:
- 3 90.2. (a) The department shall develop a list of state
- 4 highways that have serious accident rates *30 percent*
- 5 above the statewide average, as determined by the
- 6 department, by July 1, ~~2001~~ 2002, and provide that list to
- 7 every state court that hears traffic violations.
- 8 (b) The department shall update the list developed in
- 9 subdivision (a) by January 1 of each year.
- 10 (c) For the purposes of this section, a “serious
- 11 accident” is an accident that results in a fatality or a
- 12 serious bodily injury, as defined in paragraph (4) of
- 13 subdivision (f) of Section 243 of the Penal Code.



1 SEC. 2. Section 42005 of the Vehicle Code is amended
2 to read:

3 42005. (a) The court may order any person convicted
4 of a traffic violation to attend a traffic violator school
5 licensed pursuant to Chapter 1.5 (commencing with
6 Section 11200) of Division 5.

7 (b) In lieu of adjudicating a traffic offense, and with
8 the consent of the defendant, or after conviction of a
9 traffic offense, the court may order any person issued a
10 notice to appear for a traffic violation to attend a traffic
11 violator school licensed pursuant to Chapter 1.5
12 (commencing with Section 11200) of Division 5.

13 (c) Except as otherwise provided in subdivision (d),
14 any person so ordered may choose the traffic violator
15 school the person will attend. The court shall make
16 available to each person subject to such an order the
17 current list of traffic violator schools published by the
18 department pursuant to Section 11205.

19 (d) In those counties where, prior to January 1, 1985,
20 one or more individual courts, or the county acting on
21 behalf of one or more individual courts, contracted for the
22 provision of traffic safety instructional services to traffic
23 violators referred by the court pursuant to a pretrial
24 diversion program, the courts may restrict referrals
25 under this section to those schools for traffic violators or
26 licensed driving schools which are under contract with
27 the court or with the county to provide traffic safety
28 instructional services for persons referred pursuant to
29 subdivision (a).

30 (e) A county described in Section 28023 of the
31 Government Code may continue to provide the program
32 authorized by this section in accordance with the
33 provisions of current and future contracts as may be
34 amended and approved by the individual courts within
35 that county and the county shall be exempt from state
36 regulations relative to maximum classroom attendance.

37 (f) Notwithstanding subdivision (b), a court may not
38 order a person to attend traffic violator school in lieu of
39 adjudicating an offense if the person was issued a notice
40 to appear for a serious traffic violation, as defined in



1 subdivision (i) of Section 15210, that occurred in a
2 commercial motor vehicle, as defined in subdivision (b)
3 of Section 15210.

4 (g) Any person who willfully fails to comply with a
5 court order to attend traffic violator school is guilty of a
6 misdemeanor.

7 (h) Notwithstanding subdivision (b), a court may not
8 order a person to attend traffic violator school in lieu of
9 adjudicating an offense if the person violates paragraph
10 (2) or (5) of subdivision (b) of Section 42010 on a state
11 highway with a serious accident rate above the statewide
12 average, as determined under Section 90.2 of the Streets
13 and Highways Code.

14 SEC. 3. Notwithstanding Section 17610 of the
15 Government Code, if the Commission on State Mandates
16 determines that this act contains costs mandated by the
17 state, reimbursement to local agencies and school
18 districts for those costs shall be made pursuant to Part 7
19 (commencing with Section 17500) of Division 4 of Title
20 2 of the Government Code. If the statewide cost of the
21 claim for reimbursement does not exceed one million
22 dollars (\$1,000,000), reimbursement shall be made from
23 the State Mandates Claims Fund.

