

AMENDED IN ASSEMBLY MAY 28, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 194

Introduced by Assembly Member Longville

January 21, 1999

An act to amend Section 1803 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 194, as amended, Longville. Vehicles: offenses: court clerk: forwarding records.

(1) Under existing law, every court clerk is required to forward to the Department of Motor Vehicles an abstract of the record of any person convicted of a violation of the Vehicle Code. However, existing law provides certain exceptions to this requirement including convictions of the ~~offenses of drinking any alcoholic beverage in a motor vehicle or possessing or storing~~ *offense of keeping* an open alcoholic beverage container in a motor vehicle, as specified.

This bill would delete the above described ~~exceptions~~ *exception* from the reporting requirements, thereby requiring the clerks to report these additional convictions to the department, and thus imposing a state-mandated local program by increasing the duties imposed on court clerks.

(2) 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 1803 of the Vehicle Code is~~
2 ~~amended to read:~~
3 ~~1803. (a) Every clerk of a court in which a person was~~
4 ~~convicted of any violation of this code, was convicted of~~
5 ~~any violation of subdivision (a), (b), (c), (d), (e), or (f)~~
6 ~~of Section 655 pertaining to a mechanically propelled~~
7 ~~vessel but not to manipulating any water skis, an~~
8 ~~aquaplane, or similar device, was convicted of any~~
9 ~~violation of Section 655.2, 655.6, 658, or 658.5 of the~~
10 ~~Harbors and Navigation Code, or any violation of Section~~
11 ~~191.5 of the Penal Code when the conviction resulted~~
12 ~~from the operation of a vessel, was convicted of any~~
13 ~~offense involving use or possession of controlled~~
14 ~~substances under Division 10 (commencing with Section~~
15 ~~11000) of the Health and Safety Code, was convicted of~~
16 ~~any felony offense when a commercial motor vehicle, as~~
17 ~~defined in subdivision (b) of Section 15210, was involved~~
18 ~~in or incidental to the commission of the offense, or was~~
19 ~~convicted of any violation of any other statute relating to~~
20 ~~the safe operation of vehicles, shall prepare within 10 days~~
21 ~~after conviction and immediately forward to the~~
22 ~~department at its office at Sacramento an abstract of the~~
23 ~~record of the court covering the case in which the person~~
24 ~~was so convicted. If sentencing is not pronounced in~~
25 ~~conjunction with the conviction, the abstract shall be~~
26 ~~forwarded to the department within 10 days after~~



1 ~~sentencing and the abstract shall be certified by the~~
2 ~~person so required to prepare it to be true and correct.~~

3 ~~For the purposes of this section, a forfeiture of bail shall~~
4 ~~be equivalent to a conviction.~~

5 ~~(b) The following violations are not required to be~~
6 ~~reported under subdivision (a):~~

7 ~~(1) Division 3.5 (commencing with Section 9840).~~

8 ~~(2) Section 21113, with respect to parking violations.~~

9 ~~(3) Chapter 9 (commencing with Section 22500) of~~
10 ~~Division 11, except Section 22526.~~

11 ~~(4) Division 12 (commencing with Section 24000),~~
12 ~~except Sections 24002, 24004, 24250, 24409, 24604, 24800,~~
13 ~~25103, 26707, 27151, 27315, 27360, 27800, and 27801 and~~
14 ~~Chapter 3 (commencing with Section 26301).~~

15 ~~(5) Division 15 (commencing with Section 35000),~~
16 ~~except Chapter 5 (commencing with Section 35550).~~

17 ~~(6) Violations for which a person was cited as a~~
18 ~~pedestrian or while operating a bicycle.~~

19 ~~(7) Division 16.5 (commencing with Section 38000).~~

20 ~~(c) If the court impounds a license or orders a person~~
21 ~~to limit his or her driving pursuant to paragraph (2) of~~
22 ~~subdivision (a) of Section 23161, subdivision (b) of~~
23 ~~Section 23166, subdivision (b) of Section 23186, or~~
24 ~~subdivision (c) of Section 40508, the court shall notify the~~
25 ~~department concerning the impoundment or limitation~~
26 ~~on an abstract prepared pursuant to subdivision (a) of this~~
27 ~~section or on a separate abstract, which shall be prepared~~
28 ~~within 10 days after the impoundment or limitation was~~
29 ~~ordered and immediately forwarded to the department~~
30 ~~at its office in Sacramento.~~

31 ~~(d) If the court determines that a prior judgment of~~
32 ~~conviction of a violation of Section 23152 or 23153 is valid~~
33 ~~or is invalid on constitutional grounds pursuant to Section~~
34 ~~41403, the clerk of the court in which the determination~~
35 ~~is made shall prepare an abstract of that determination~~
36 ~~and forward it to the department in the same manner as~~
37 ~~an abstract of record pursuant to subdivision (a).~~

38 ~~(e) Within 10 days of an order terminating or revoking~~
39 ~~probation under Section 23167, 23187, or 23207, the clerk~~
40 ~~of the court in which the order terminating or revoking~~



1 ~~probation was entered, shall prepare and immediately~~
2 ~~forward to the department at its office in Sacramento an~~
3 ~~abstract of the record of the court order terminating or~~
4 ~~revoking probation and any other order of the court to~~
5 ~~the department required by law.~~

6 *SECTION 1. Section 1803 of the Vehicle Code is*
7 *amended to read:*

8 1803. (a) Every clerk of a court in which a person was
9 convicted of any violation of this code, was convicted of
10 any violation of subdivision (a), (b), (c), (d), (e), or (f)
11 of Section 655 of the Harbors and Navigation Code
12 pertaining to a mechanically propelled vessel but not to
13 manipulating any water skis, an aquaplane, or similar
14 device, was convicted of any violation of Section 655.2,
15 655.6, 658, or 658.5 of the Harbors and Navigation Code,
16 or any violation of Section 191.5 of the Penal Code when
17 the conviction resulted from the operation of a vessel, was
18 convicted of any offense involving use or possession of
19 controlled substances under Division 10 (commencing
20 with Section 11000) of the Health and Safety Code, was
21 convicted of any felony offense when a commercial motor
22 vehicle, as defined in subdivision (b) of Section 15210, was
23 involved in or incidental to the commission of the offense,
24 or was convicted of any violation of any other statute
25 relating to the safe operation of vehicles, shall prepare
26 within 10 days after conviction and immediately forward
27 to the department at its office at Sacramento an abstract
28 of the record of the court covering the case in which the
29 person was so convicted. If sentencing is not pronounced
30 in conjunction with the conviction, the abstract shall be
31 forwarded to the department within 10 days after
32 sentencing and the abstract shall be certified by the
33 person so required to prepare it to be true and correct.

34 For the purposes of this section, a forfeiture of bail shall
35 be equivalent to a conviction.

36 (b) The following violations are not required to be
37 reported under subdivision (a):

38 (1) Division 3.5 (commencing with Section 9840).

39 (2) Section 21113, with respect to parking violations.



1 (3) Chapter 9 (commencing with Section 22500) of
2 Division 11, except Section 22526.

3 (4) Division 12 (commencing with Section 24000),
4 except Sections 24002, 24004, 24250, 24409, 24604, 24800,
5 25103, 26707, 27151, 27315, 27360, 27800, and 27801 and
6 Chapter 3 (commencing with Section 26301).

7 (5) Division 15 (commencing with Section 35000),
8 except Chapter 5 (commencing with Section 35550).

9 (6) Violations for which a person was cited as a
10 pedestrian or while operating a bicycle.

11 (7) Division 16.5 (commencing with Section 38000).

12 (8) Sections 23221, 23223, ~~23225~~, and 23226.

13 (c) If the court impounds a license, or orders a person
14 to limit his or her driving pursuant to paragraph (2) of
15 subdivision (a) of Section 23161, subdivision (b) of
16 Section 23166, subdivision (b) of Section 23186, or
17 subdivision (d) of Section 40508, the court shall notify the
18 department concerning the impoundment or limitation
19 on an abstract prepared pursuant to subdivision (a) of this
20 section or on a separate abstract, which shall be prepared
21 within 10 days after the impoundment or limitation was
22 ordered and immediately forwarded to the department
23 at its office in Sacramento.

24 (d) If the court determines that a prior judgment of
25 conviction of a violation of Section 23152 or 23153 is valid
26 or is invalid on constitutional grounds pursuant to Section
27 41403, the clerk of the court in which the determination
28 is made shall prepare an abstract of that determination
29 and forward it to the department in the same manner as
30 an abstract of record pursuant to subdivision (a).

31 (e) Within 10 days of an order terminating or revoking
32 probation under Section 23207, the clerk of the court in
33 which the order terminating or revoking probation was
34 entered, shall prepare and immediately forward to the
35 department at its office in Sacramento an abstract of the
36 record of the court order terminating or revoking
37 probation and any other order of the court to the
38 department required by law.

39 SEC. 2. Notwithstanding Section 17610 of the
40 Government Code, if the Commission on State Mandates



1 determines that this act contains costs mandated by the
2 state, reimbursement to local agencies and school
3 districts for those costs shall be made pursuant to Part 7
4 (commencing with Section 17500) of Division 4 of Title
5 2 of the Government Code. If the statewide cost of the
6 claim for reimbursement does not exceed one million
7 dollars (\$1,000,000), reimbursement shall be made from
8 the State Mandates Claims Fund.

O

