

AMENDED IN SENATE JULY 6, 1999
AMENDED IN SENATE JUNE 23, 1999
AMENDED IN ASSEMBLY MAY 18, 1999
AMENDED IN ASSEMBLY APRIL 28, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 923

Introduced by Assembly Member Hertzberg

February 25, 1999

An act to amend Section 369b of, and to add Section 1463.12 to, the Penal Code, and to amend Section 42001 of, and to add Sections 21455.7, 42001.16 and 42007.4 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 923, as amended, Hertzberg. Railroad grade ~~stoppings~~ *crossings*.

(1) Under existing law, it is an infraction, punishable by a base fine of not exceeding \$100 for any person to drive a vehicle to the left side of the highway at railroad grade crossings, to fail to stop at a railroad or rail transit signal or grade crossing under specified conditions, or to operate certain vehicles and fail to stop those vehicles not less than 15 feet or more than 50 feet from the nearest rail of the track before traversing the railroad crossing. Existing law provides for increased fines for subsequent convictions of these infractions.

This bill would change the base fine for a violation of the above described provisions regarding driving on the left side of the highway at railroad grade crossings, failure to stop at a railroad or rail transit signal or grade crossing, or to operate certain vehicles and fail to stop those vehicles in the manner described above from the nearest rail of the track to a fine of \$100, to a fine not exceeding \$200, or to a fine not exceeding \$250 depending upon the number of prior convictions for a violation or violations of these offenses. The bill would make conforming changes.

(2) Under existing law, all fines and forfeitures imposed and collected for crimes, other than parking offenses, resulting from a filing in a court are required to be deposited with the county treasurer and distributed in accordance with a specified formula each month to the state, counties, and cities.

This bill would require, notwithstanding the specified distribution for fines, forfeitures, and assessments, that, for each conviction, as designated from fines, forfeitures, and assessments collected, of a violation of specified Vehicle Code provisions concerning failure to stop or driving on the left at railroad or rail transit signal or grade crossings, the first 30% be allocated by the county treasurer to a transit district or transportation commission *to be used only for public safety and public education purposes relating to railroad grade crossings*, if the offense occurred in an area where that transit district or transportation commission provides rail transportation, with the balance, or the entire amount if there is no such rail transportation, to be deposited by the county treasurer in accordance with the existing formula specified above. The bill would make a similar allocation of revenues derived from fees collected from persons required or permitted to attend traffic violator schools because of violations of these same offenses. By imposing additional administrative duties on counties, this bill would impose a state-mandated local program.

The bill would require the Department of Transportation to adopt rules and regulations prescribing uniform standards regarding the time after the warning signal begins at a railroad crossing at which traffic enforcement shall begin,



after public hearings and consultation with transit districts or transportation commissions, established under specified provisions of existing law, that provide rail transportation.

(3) 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 369b of the Penal Code is
2 amended to read:
3 369b. (a) This section shall only apply to counties
4 with a population greater than 500,000.
5 (b) The court may order any person convicted of a rail
6 transit related traffic violation, as listed in subdivision (c),
7 to attend a traffic school which offers, as a part of its
8 curriculum, a film developed or caused to be developed
9 by a transportation commission or authority on rail transit
10 safety.
11 (c) For a first offense, a court may, at its discretion,
12 order any person cited for any of the following violations
13 to attend a traffic school offering a rail transit safety film
14 prepared by a county transportation commission or
15 authority, pay an additional fine of up to one hundred
16 dollars (\$100), or both:
17 (1) Section 369g.
18 (2) Section 369i.
19 (3) Subdivision (c) of Section 21752 of the Vehicle
20 Code.



1 (d) For a second or subsequent violation as provided
2 in subdivision (c), a court shall order a person to pay an
3 additional fine of up to two hundred dollars (\$200) and to
4 attend a traffic school offering a rail safety film prepared
5 by a county transportation commission or authority.

6 (e) All fines collected according to this section shall be
7 distributed pursuant to Section 1463 of the Penal Code.

8 SEC. 2. Section 1463.12 is added to the Penal Code, to
9 read:

10 1463.12. Notwithstanding Sections 1463 and 1464 of
11 this code and Section 76000 of the Government Code,
12 moneys that are collected for a violation of subdivision (c)
13 of Section 21752 of the Vehicle Code, involving railroad
14 grade crossings, or Section 22451 or 22452 of the Vehicle
15 Code, and that are required to be deposited with the
16 county treasurer pursuant to Section 1463 of this code
17 shall be allocated as follows:

18 (a) If the offense occurred in an area where a transit
19 district or transportation commission established under
20 Division 12 (commencing with Section 130000) of the
21 Public Utilities Code provides rail transportation, the first
22 30 percent of the amount collected shall be allocated to
23 the general fund of that transit district or transportation
24 commission *to be used only for public safety and public*
25 *education purposes relating to railroad grade crossings.*

26 (b) The balance of the amount collected, or the entire
27 amount if there is no rail transportation provided in that
28 area by a transit district or transportation commission,
29 shall be deposited by the county treasurer under Section
30 1463.

31 SEC. 3. Section 21455.7 is added to the Vehicle Code,
32 to read:

33 21455.7. The Department of Transportation shall
34 adopt rules and regulations prescribing uniform
35 standards regarding the time after the warning signal
36 begins at a railroad crossing at which traffic enforcement
37 shall begin, after public hearings and consultation with
38 transit districts or transportation commissions,
39 established under Division 12 (commencing with Section



1 130000) of the Public Utilities Code, that provide rail
2 transportation.

3 SEC. 4. Section 42001 of the Vehicle Code is amended
4 to read:

5 42001. (a) Except as provided in Section 42000.5,
6 42001.1, 42001.2, 42001.3, 42001.5, 42001.7, 42001.8, 42001.9,
7 42001.11, 42001.12, 42001.14, 42001.15, or Section 42001.16
8 or subdivision (b) or (c) of this section, or Article 2
9 (commencing with Section 42030), every person
10 convicted of an infraction for a violation of this code or of
11 any local ordinance adopted pursuant to this code shall be
12 punished as follows:

13 (1) By a fine not exceeding one hundred dollars
14 (\$100).

15 (2) For a second infraction occurring within one year
16 of a prior infraction which resulted in a conviction, a fine
17 not exceeding two hundred dollars (\$200).

18 (3) For a third or any subsequent infraction occurring
19 within one year of two or more prior infractions which
20 resulted in convictions, a fine not exceeding two hundred
21 fifty dollars (\$250).

22 (b) Every person convicted of a misdemeanor
23 violation of Section 2800, 2801, or 2803, insofar as they
24 affect failure to stop and submit to inspection of
25 equipment or for an unsafe condition endangering any
26 person, shall be punished as follows:

27 (1) By a fine not exceeding fifty dollars (\$50) or
28 imprisonment in the county jail not exceeding five days.

29 (2) For a second conviction within a period of one
30 year, a fine not exceeding one hundred dollars (\$100) or
31 imprisonment in the county jail not exceeding 10 days, or
32 both that fine and imprisonment.

33 (3) For a third or any subsequent conviction within a
34 period of one year, a fine not exceeding five hundred
35 dollars (\$500) or imprisonment in the county jail not
36 exceeding six months, or both that fine and
37 imprisonment.

38 (c) A pedestrian convicted of an infraction for a
39 violation of this code or any local ordinance adopted



1 pursuant to this code shall be punished by a fine not
2 exceeding fifty dollars (\$50).

3 (d) Notwithstanding any other provision of law, any
4 local public entity that employs peace officers, as
5 designated under Chapter 4.5 (commencing with Section
6 830) of Title 3 of Part 2 of the Penal Code, the California
7 State University, and the University of California may, by
8 ordinance or resolution, establish a schedule of fines
9 applicable to infractions committed by bicyclists within
10 its jurisdiction. Any fine, including all penalty assessments
11 and court costs, established pursuant to this subdivision
12 shall not exceed the maximum fine, including penalty
13 assessment and court costs, otherwise authorized by this
14 code for that violation. If a bicycle fine schedule is
15 adopted, it shall be used by the courts having jurisdiction
16 over the area within which the ordinance or resolution is
17 applicable instead of the fines, including penalty
18 assessments and court costs, otherwise applicable under
19 this code.

20 SEC. 5. Section 42001.16 is added to the Vehicle Code,
21 to read:

22 42001.16. (a) Every person convicted of an infraction
23 for a violation of subdivision (c) of Section 21752,
24 involving railroad grade crossings, or Section 22451 or
25 22452 shall be punished as follows:

26 (1) For the first infraction, by a fine of one hundred
27 dollars (\$100).

28 (2) For a second infraction of any of the offenses
29 described in this subdivision occurring within one year of
30 a prior infraction that resulted in a conviction, by a fine
31 not exceeding two hundred dollars (\$200).

32 (3) For a third or any subsequent infraction of any of
33 the offenses described in this subdivision occurring
34 within one year of two or more prior infractions that
35 resulted in convictions, by a fine not exceeding two
36 hundred fifty dollars (\$250).

37 (b) In addition to the fine imposed pursuant to
38 subdivision (a), a court, in a county in which Section 369b
39 of the Penal Code applies, may require the person to



1 attend a traffic school as described in Section 369b of the
2 Penal Code.

3 SEC. 6. Section 42007.4 is added to the Vehicle Code,
4 to read:

5 42007.4. (a) Notwithstanding *Section* 42007,
6 revenues derived from fees collected under Section 42007
7 from each person required or permitted to attend traffic
8 violator school pursuant to Section 369b of the Penal Code
9 as a result of a violation of Section 22451 shall be allocated
10 as follows:

11 (1) If the offense occurred in an area where a transit
12 district or transportation commission established under
13 Division 12 (commencing with Section 130000) of the
14 Public Utilities Code provides rail transportation, the first
15 30 percent of the amount collected shall be allocated to
16 the general fund of that transit district or transportation
17 commission *to be used only for public safety and public*
18 *education purposes relating to railroad grade crossings.*

19 (2) The balance of the amount collected, or the entire
20 amount if there is no rail transportation provided in that
21 area by a transit district or transportation commission,
22 shall be deposited by the county treasurer under Section
23 1463 of the Penal Code.

24 (b) This section does not apply to the additional
25 twenty-four dollars (\$24) collected under subdivision (a)
26 of Section 42007.1.

27 SEC. 7. Notwithstanding Section 17610 of the
28 Government Code, if the Commission on State Mandates
29 determines that this act contains costs mandated by the
30 state, reimbursement to local agencies and school
31 districts for those costs shall be made pursuant to Part 7
32 (commencing with Section 17500) of Division 4 of Title
33 2 of the Government Code. If the statewide cost of the
34 claim for reimbursement does not exceed one million
35 dollars (\$1,000,000), reimbursement shall be made from
36 the State Mandates Claims Fund.

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