

Assembly Bill No. 923

CHAPTER 841

An act to amend Section 369b of, and to add Section 1463.12 to, the Penal Code, to add Section 1201.1 to the Public Utilities Code, and to amend Section 42001 of, and to add Sections 42001.16 and 42007.4 to, the Vehicle Code, relating to vehicles.

[Approved by Governor October 8, 1999. Filed
with Secretary of State October 10, 1999.]

LEGISLATIVE COUNSEL'S DIGEST

AB 923, Hertzberg. Railroad grade 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.

Existing law authorizes a court in a county with a population greater than 500,000 to order any person convicted of the infractions specified above, relating to driving a vehicle to the left side of the highway at a railroad grade crossing or failing to stop at a railroad or rail transit signal or grade crossing under certain conditions, among other transit-related traffic violations, to attend a traffic school that offers, as part of its curriculum, a film on rail transit safety.

This bill would authorize a court in a county with a population greater than 500,000 to order any person to attend a traffic school that offers, as part of its curriculum, a film on rail transit safety when that person has been convicted of the infraction specified above, relating to operating certain vehicles and failing 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.

The 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, failing to stop at a railroad or rail transit signal or grade crossing, or operating certain vehicles and failing 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 of the fines, forfeitures, and assessments collected for convictions of the transit-related infractions specified above, the first 30% be allocated by the county treasurer to a transit district or transportation commission, if the offense occurred in an area where that transit district or transportation commission provides rail transportation, or, if there is no transit district or transportation commission providing rail transportation in the area where the offense occurred, that the first 30% of the amount collected to be allocated to the general fund of the county in which the offense occurred, to be used, in either case, only for public safety and public education purposes relating to railroad grade crossings, with the balance to be deposited by the county treasurer in accordance with the existing formula specified above. The bill would limit the amount expended for the specified public safety and public education purposes to the amount of fines, forfeitures, and assessments allocated pursuant to the above to the transit district, transportation commission, or county. 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 convictions of these same infractions. By imposing additional administrative duties on counties, this bill would impose a state-mandated local program.

The bill would require the Public Utilities Commission, in consultation with 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 and multicounty rail transit entities, 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.



The people of the State of California do enact as follows:

SECTION 1. Section 369b of the Penal Code is amended to read:

369b. (a) This section shall only apply to counties with a population greater than 500,000.

(b) The court may order any person convicted of a rail transit related traffic violation, as listed in subdivision (c), to attend a traffic school which offers, as a part of its curriculum, a film developed or caused to be developed by a transportation commission or authority on rail transit safety.

(c) For a first offense, a court may, at its discretion, order any person cited for any of the following violations to attend a traffic school offering a rail transit safety film prepared by a county transportation commission or authority, pay an additional fine of one hundred dollars (\$100), or both:

(1) Section 369g.

(2) Section 369i.

(3) Subdivision (c) of Section 21752 of the Vehicle Code, involving railroad grade crossings, or Section 22451 or 22452 of that code.

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

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

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

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

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

(b) If there is no transit district or transportation commission providing rail transportation in the area where the offense occurred, the first 30 percent of the amount collected shall be allocated to the general fund of the county in which the offense occurred, to be used only for public safety and public education purposes relating to railroad grade crossings.



(c) The balance of the amount collected shall be deposited by the county treasurer under Section 1463.

(d) A transit district, transportation commission, or a county that is allocated funds pursuant to subdivision (a) or (b) shall provide public safety and public education relating to railroad grade crossings only to the extent that those purposes are funded by the allocations provided pursuant to subdivision (a) or (b).

SEC. 3. Section 1201.1 is added to the Public Utilities Code, to read:

1201.1. The commission, in consultation with the Department of Transportation, shall 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 and multicounty rail transit entities established under Division 12 (commencing with Section 130000), that provide rail transportation.

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

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

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

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

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

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

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

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

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

(c) A pedestrian convicted of an infraction for a violation of this code or any local ordinance adopted pursuant to this code shall be punished by a fine not exceeding fifty dollars (\$50).



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

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

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

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

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

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

(b) In addition to the fine imposed pursuant to subdivision (a), a court, in a county in which Section 369b of the Penal Code applies, may require the person to attend a traffic school as described in Section 369b of the Penal Code.

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

42007.4. (a) Notwithstanding Section 42007, revenues derived from fees collected under Section 42007 from each person required or permitted to attend traffic violator school pursuant to Section 369b of the Penal Code as a result of a violation of subdivision (c) of Section 21752, involving railroad grade crossings, or Section 22451 or 22452 shall be allocated as follows:

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

(2) If there is no transit district or transportation commission providing rail transportation in the area where the offense occurred,



the first 30 percent of the amount collected shall be allocated to the general fund of the county in which the offense occurred, to be used only for public safety and public education purposes relating to railroad grade crossings.

(3) The balance of the amount collected shall be deposited by the county treasurer under Section 1463 of the Penal Code.

(4) A transit district, transportation commission, or a county that is allocated funds pursuant to paragraph (1) or (2) shall provide public safety and public education relating to railroad grade crossings only to the extent that those purposes are funded by the allocations provided pursuant to paragraph (1) or (2).

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

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

