

AMENDED IN ASSEMBLY MAY 12, 1999

AMENDED IN ASSEMBLY MAY 6, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1156

Introduced by Assembly Member Gallegos

February 25, 1999

An act to amend Section 12804.9 of, and to add Section 11712.7 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1156, as amended, Gallegos. ~~Motorcycle Safety~~ *The Adrian Millan Motorcycle Safety Act.*

(1) Existing law makes it unlawful for a licensed motor vehicle dealer to sell, offer for sale, or display any new motorcycle, among other vehicles, unless there is securely attached thereto a specified statement relating to price information.

This bill, *which would enact the "Adrian Millan Motorcycle Safety Act,"* would make it unlawful for a licensed motor vehicle dealer to sell or lease a motorcycle to any person without first verifying that the person has in his or her possession a class M1 driver's license or a class A, B, or C driver's license with a class M1 endorsement if, upon the purchase or lease of the motorcycle, the person intends to drive the motorcycle off the dealer's premises. Because a violation of this provision would be a crime, the bill would

impose a state-mandated local program by creating a new crime.

(2) Existing law prohibits any person under the age of 21 years from being issued a driver’s license or endorsement for operating a motorcycle or motorized bicycle unless the person provides evidence satisfactory to the Department of Motor Vehicles of completion of a motorcycle safety training program, as specified.

This bill would extend the age requirement to persons under the age of 25 years.

(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.

This bill would provide that no reimbursement is required by this act for a specified reason.

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. *This act shall be known, and may be*
2 *cited, as the “Adrian Millan Motorcycle Safety Act.”*

3 SEC. 2. *The Legislature finds and declares as follows:*

4 (a) *The Legislature recognizes the benefits of a*
5 *motorcycle safety program and the importance of*
6 *motorcycle-safety awareness for all Californians.*

7 (b) *The Legislature encourages the Department of*
8 *the California Highway Patrol and the Department of*
9 *Motor Vehicles to continue their public-awareness efforts*
10 *relative to the effectiveness and availability of the*
11 *motorcyclist safety program established under Article 2*
12 *(commencing with Section 2930) of Chapter 5 of Division*
13 *2 of the Vehicle Code. Further, the Legislature*
14 *encourages these departments to explore available*
15 *funding sources to expand their statewide*
16 *motorcycle-safety public-awareness campaign and to*
17 *jointly develop these public-safety awareness programs.*

18 SEC. 3. Section 11712.7 is added to the Vehicle Code,
19 to read:



1 11712.7. No dealer issued a license under this article
2 may sell or lease a motorcycle to any person without first
3 verifying that the person has in his or her possession a class
4 M1 driver's license or a class A, B, or C driver's license
5 with a class M1 endorsement if, upon the purchase or
6 lease of the motorcycle, that person intends to drive that
7 motorcycle off the dealer's premises.

8 ~~SEC. 2.—~~

9 *SEC. 4.* Section 12804.9 of the Vehicle Code, as
10 amended by Section 54.5 of Chapter 877 of the Statutes of
11 1998, is amended to read:

12 12804.9. (a) (1) The examination shall include all of
13 the following:

14 (A) A test of the applicant's knowledge and
15 understanding of the provisions of this code governing
16 the operation of vehicles upon the highways.

17 (B) A test of the applicant's ability to read and
18 understand simple English used in highway traffic and
19 directional signs.

20 (C) A test of the applicant's understanding of traffic
21 signs and signals, including the bikeway signs, markers,
22 and traffic control devices established by the Department
23 of Transportation.

24 (D) An actual demonstration of the applicant's ability
25 to exercise ordinary and reasonable control in operating
26 a motor vehicle by driving it under the supervision of an
27 examining officer. The applicant shall submit to an
28 examination appropriate to the type of motor vehicle or
29 combination of vehicles he or she desires a license to
30 drive, except that the department may waive the driving
31 test part of the examination for any applicant who
32 submits a license issued by another state, territory, or
33 possession of the United States, the District of Columbia,
34 or the Commonwealth of Puerto Rico if the department
35 verifies through any acknowledged national driver
36 record data source that there are no stops, holds, or other
37 impediments to its issuance. The examining officer may
38 request to see evidence of financial responsibility for the
39 vehicle prior to supervising the demonstration of the
40 applicant's ability to operate the vehicle. The examining



1 officer may refuse to examine an applicant who is unable
2 to provide proof of financial responsibility for the vehicle,
3 unless proof of financial responsibility is not required by
4 this code.

5 (E) A test of the hearing and eyesight of the applicant,
6 and of other matters that may be necessary to determine
7 the applicant's mental and physical fitness to operate a
8 motor vehicle upon the highways, and whether any
9 grounds exist for refusal of a license under this code.

10 (2) The examination for a class A or class B license
11 under subdivision (b) shall also include a report of a
12 medical examination of the applicant given not more
13 than two years prior to the date of the application by a
14 health care professional. As used in this subdivision,
15 "health care professional" means a person who is
16 licensed, certified, or registered in accordance with
17 applicable state laws and regulations to practice medicine
18 and perform physical examinations in the United States
19 of America. Health care professionals are doctors of
20 medicine, doctors of osteopathy, physician assistants, and
21 advanced practice nurses, or doctors of chiropractic who
22 are clinically competent to perform the medical
23 examination presently required of motor carrier drivers
24 by the Federal Highway Administration. The report shall
25 be on a form approved by the department, the Federal
26 Highway Administration, or the Federal Aviation
27 Administration. In establishing the requirements,
28 consideration may be given to the standards presently
29 required of motor carrier drivers by the Federal Highway
30 Administration.

31 (3) Any physical defect of the applicant, which, in the
32 opinion of the department, is compensated for to ensure
33 safe driving ability, shall not prevent the issuance of a
34 license to the applicant.

35 (b) Beginning on January 1, 1989, in accordance with
36 the following classifications, any applicant for a driver's
37 license shall be required to submit to an examination
38 appropriate to the type of motor vehicle or combination
39 of vehicles the applicant desires a license to drive:

40 (1) Class A includes the following:



1 (A) Any combination of vehicles, if any vehicle being
2 towed has a gross vehicle weight rating of more than
3 10,000 pounds.

4 (B) Any vehicle towing more than one vehicle.

5 (C) Any trailer bus.

6 (D) The operation of all vehicles under class B and
7 class C.

8 (2) Class B includes the following:

9 (A) Any single vehicle with a gross vehicle weight
10 rating of more than 26,000 pounds.

11 (B) Any single vehicle with three or more axles,
12 except any three-axle vehicle weighing less than 6,000
13 pounds.

14 (C) Any bus except a trailer bus.

15 (D) Any farm labor vehicle.

16 (E) Any single vehicle with three or more axles or a
17 gross vehicle weight rating of more than 26,000 pounds
18 towing another vehicle with a gross vehicle weight rating
19 of 10,000 pounds or less.

20 (F) The operation of all vehicles covered under class
21 C.

22 (3) Class C includes the following:

23 (A) Any two-axle vehicle with a gross vehicle weight
24 rating of 26,000 pounds or less, including when the vehicle
25 is towing a trailer or semitrailer with a gross vehicle
26 weight rating of 10,000 pounds or less.

27 (B) Notwithstanding subparagraph (A), any two-axle
28 vehicle weighing 4,000 pounds or more unladen when
29 towing a trailer coach not exceeding 9,000 pounds gross.

30 (C) Any housecar.

31 (D) Any three-axle vehicle weighing 6,000 pounds or
32 less gross.

33 (E) Any housecar or vehicle towing another vehicle
34 with a gross vehicle weight rating of 10,000 pounds or less,
35 including when a tow dolly is used. No vehicle shall tow
36 another vehicle in violation of Section 21715.

37 (F) (i) Any two-axle vehicle weighing 4,000 pounds
38 or more unladen when towing either a trailer coach or a
39 fifth-wheel travel trailer not exceeding 10,000 pounds



1 gross vehicle weight rating, when the towing of the trailer
2 is not for compensation.

3 (ii) Any two-axle vehicle weighing 4,000 pounds or
4 more unladen when towing a fifth-wheel travel trailer
5 exceeding 10,000 pounds, but not exceeding 15,000
6 pounds, gross vehicle weight rating, when the towing of
7 the trailer is not for compensation, and if the person has
8 passed a specialized written examination provided by the
9 department relating to the knowledge of this code and
10 other safety aspects governing the towing of recreational
11 vehicles upon the highway.

12 The authority to operate combinations of vehicles
13 under this subparagraph shall be granted by
14 endorsement on a class C license upon completion of that
15 written examination.

16 (G) Any vehicle or combination of vehicles with a
17 gross combination weight rating or a gross vehicle weight
18 rating, as those terms are defined in subdivisions (g) and
19 (h), respectively, of Section 15210, of 26,000 pounds or
20 less, if all of the following conditions are met:

21 (i) Is operated by a farmer, an employee of a farmer,
22 or an instructor credentialed in agriculture as part of an
23 instructional program in agriculture at the high school,
24 community college, or university level.

25 (ii) Is used exclusively in the conduct of agricultural
26 operations.

27 (iii) Is not used in the capacity of a for-hire carrier or
28 for compensation.

29 (H) Any combination of vehicles with a gross
30 combination weight rating, as defined in subdivision (g)
31 of Section 15210, of 26,000 pounds or less when towing a
32 boat trailer under the following conditions:

33 (i) The combination of vehicles is used to transport a
34 boat for recreational purposes or to and from a place of
35 repair.

36 (ii) The combination of vehicles is not used in the
37 operations of a common or contract carrier or in the
38 course of any business endeavor.

39 (iii) The towing of the trailer is not for compensation.



1 (iv) The combination of vehicles and its load are not
2 of a size that requires a permit pursuant to Section 35780.

3 (I) Class C does not include any two-wheel motorcycle
4 or any two-wheel motor-driven cycle.

5 (4) Class M1. Any two-wheel motorcycle or
6 motor-driven cycle. Authority to operate vehicles
7 included in a class M1 license may be granted by
8 endorsement on a class A, B, or C license upon completion
9 of an appropriate examination.

10 (5) Class M2. Any motorized bicycle or moped, or any
11 bicycle with an attached motor, except a motorized
12 bicycle described in subdivision (b) of Section 406.
13 Authority to operate vehicles included in class M2 may be
14 granted by endorsement on a class A, B, or C license upon
15 completion of an appropriate examination. Persons
16 holding a class M1 license or endorsement may operate
17 vehicles included in class M2 without further
18 examination.

19 (c) No driver's license or driver certificate shall be
20 valid for operating any commercial motor vehicle, as
21 defined in subdivision (b) of Section 15210, any other
22 motor vehicle defined in paragraph (1) or (2) of
23 subdivision (b), or any other vehicle requiring a driver to
24 hold any driver certificate or any driver's license
25 endorsement under Section 15275, unless a medical
26 certificate approved by the department, the Federal
27 Highway Administration, or the Federal Aviation
28 Administration, that has been issued within two years of
29 the date of the operation of that vehicle, is within the
30 licensee's immediate possession, and a copy of the
31 medical examination report from which the certificate
32 was issued is on file with the department. Otherwise, the
33 license shall be valid only for operating class C vehicles
34 that are not commercial vehicles, as defined in
35 subdivision (b) of Section 15210, and for operating class
36 M1 or M2 vehicles, if so endorsed, that are not commercial
37 vehicles, as defined in subdivision (b) of Section 15210.

38 (d) A license or driver certificate issued prior to the
39 enactment of Chapter 7 (commencing with Section
40 15200) shall be valid to operate the class or type of



1 vehicles specified under the law in existence prior to that
2 enactment until the license or certificate expires or is
3 otherwise suspended, revoked, or canceled.

4 (e) The department may accept a certificate of
5 driving skill that is issued by an employer, authorized by
6 the department to issue a certificate under Section 15250,
7 of the applicant, in lieu of a driving test, on class A or B
8 applications, if the applicant has first qualified for a class
9 C license and has met the other examination
10 requirements for the license for which he or she is
11 applying. The certificate may be submitted as evidence
12 of the applicant's skill in the operation of the types of
13 equipment covered by the license for which he or she is
14 applying.

15 (f) The department may accept a certificate of
16 competence in lieu of a driving test on class M1 or M2
17 applications, when the certificate is issued by a law
18 enforcement agency for its officers who operate class M1
19 or M2 vehicles in their duties, if the applicant has met the
20 other examination requirements for the license for which
21 he or she is applying.

22 (g) The department may accept a certificate of
23 satisfactory completion of a novice motorcyclist training
24 program approved by the commissioner pursuant to
25 Section 2932 in lieu of a driving test on class M1 or M2
26 applications, if the applicant has met the other
27 examination requirements for the license for which he or
28 she is applying. The department shall review and approve
29 the written and driving test used by a program to
30 determine whether the program may issue a certificate
31 of completion.

32 (h) Notwithstanding subdivision (b), any person
33 holding a valid California driver's license of any class may
34 operate a short-term rental motorized bicycle without
35 taking any special examination for the operation of a
36 motorized bicycle, and without having a class M2
37 endorsement on that license. As used in this paragraph,
38 "short-term" means 48 hours or less.

39 (i) No person under the age of 25 years may be issued
40 a class M1 or M2 license or endorsement unless he or she



1 provides evidence satisfactory to the department of
2 completion of a motorcycle safety training program that
3 is operated pursuant to Article 2 (commencing with
4 Section 2930) of Chapter 5 of Division 2.

5 (j) Drivers of vanpool vehicles may operate with class
6 C licenses but shall possess evidence of a medical
7 examination required for a class B license when operating
8 vanpool vehicles. In order to be eligible to drive the
9 vanpool vehicle, the driver shall keep in the vanpool
10 vehicle a statement, signed under penalty of perjury, that
11 he or she has not been convicted of reckless driving,
12 drunk driving, or a hit-and-run offense in the last five
13 years.

14 (k) A class M license issued between January 1, 1989,
15 and December 31, 1992, shall permit the holder to operate
16 any motorcycle, motor-driven cycle, or motorized bicycle
17 until the expiration of the license.

18 (l) This section shall remain in effect only until
19 January 1, 2001, and as of that date is repealed, unless a
20 later enacted statute, that is enacted before January 1,
21 2001, deletes or extends that date.

22 **SEC. 3.—**

23 *SEC. 5.* Section 12804.9 of the Vehicle Code, as
24 amended by Section 55 of Chapter 877 of the Statutes of
25 ~~1988~~ 1998, is amended to read:

26 12804.9. (a) (1) The examination shall include all of
27 the following:

28 (A) A test of the applicant's knowledge and
29 understanding of the provisions of this code governing
30 the operation of vehicles upon the highways.

31 (B) A test of the applicant's ability to read and
32 understand simple English used in highway traffic and
33 directional signs.

34 (C) A test of the applicant's understanding of traffic
35 signs and signals, including the bikeway signs, markers,
36 and traffic control devices established by the Department
37 of Transportation.

38 (D) An actual demonstration of the applicant's ability
39 to exercise ordinary and reasonable control in operating
40 a motor vehicle by driving it under the supervision of an



1 examining officer. The applicant shall submit to an
2 examination appropriate to the type of motor vehicle or
3 combination of vehicles he or she desires a license to
4 drive, except that the department may waive the driving
5 test part of the examination for any applicant who
6 submits a license issued by another state, territory, or
7 possession of the United States, the District of Columbia,
8 or the Commonwealth of Puerto Rico if the department
9 verifies through an acknowledged national driver record
10 data source that there are no stops, holds, or other
11 impediments to its issuance. The examining officer may
12 request to see evidence of financial responsibility for the
13 vehicle prior to supervising the demonstration of the
14 applicant's ability to operate the vehicle. The examining
15 officer may refuse to examine an applicant who is unable
16 to provide proof of financial responsibility for the vehicle,
17 unless proof of financial responsibility is not required by
18 this code.

19 (E) A test of the hearing and eyesight of the applicant,
20 and of other matters that may be necessary to determine
21 the applicant's mental and physical fitness to operate a
22 motor vehicle upon the highways, and whether any
23 ground exists for refusal of a license under this code.

24 (2) The examination for a class A or class B license
25 under subdivision (b) shall also include a report of a
26 medical examination of the applicant given not more
27 than two years prior to the date of the application by a
28 health care professional. As used in this subdivision,
29 "health care professional" means a person who is
30 licensed, certified, or registered in accordance with
31 applicable state laws and regulations to practice medicine
32 and perform physical examinations in the United States
33 of America. Health care professionals are doctors of
34 medicine, doctors of osteopathy, physician assistants, and
35 advanced practice nurses, or doctors of chiropractic who
36 are clinically competent to perform the medical
37 examination presently required of motor carrier drivers
38 by the Federal Highway Administration. The report shall
39 be on a form approved by the department, the Federal
40 Highway Administration, or the Federal Aviation



1 Administration. In establishing the requirements,
2 consideration may be given to the standards presently
3 required of motor carrier drivers by the Federal Highway
4 Administration.

5 (3) Any physical defect of the applicant, which, in the
6 opinion of the department, is compensated for to ensure
7 safe driving ability, shall not prevent the issuance of a
8 license to the applicant.

9 (b) Beginning on January 1, 1989, in accordance with
10 the following classifications, any applicant for a driver's
11 license shall be required to submit to an examination
12 appropriate to the type of motor vehicle or combination
13 of vehicles the applicant desires a license to drive:

14 (1) Class A includes the following:

15 (A) Any combination of vehicles, if any vehicle being
16 towed has a gross vehicle weight rating of more than
17 10,000 pounds.

18 (B) Any vehicle towing more than one vehicle.

19 (C) Any trailer bus.

20 (D) The operation of all vehicles under class B and
21 class C.

22 (2) Class B includes the following:

23 (A) Any single vehicle with a gross vehicle weight
24 rating of more than 26,000 pounds.

25 (B) Any single vehicle with three or more axles,
26 except any three-axle vehicle weighing less than 6,000
27 pounds.

28 (C) Any bus except a trailer bus.

29 (D) Any farm labor vehicle.

30 (E) Any single vehicle with three or more axles or a
31 gross vehicle weight rating of more than 26,000 pounds
32 towing another vehicle with a gross vehicle weight rating
33 of 10,000 pounds or less.

34 (F) The operation of all vehicles covered under class
35 C.

36 (3) Class C includes the following:

37 (A) Any two-axle vehicle with a gross vehicle weight
38 rating of 26,000 pounds or less, including when the vehicle
39 is towing a trailer or semitrailer with a gross vehicle
40 weight rating of 10,000 pounds or less.



1 (B) Notwithstanding subparagraph (A), any two-axle
2 vehicle weighing 4,000 pounds or more unladen when
3 towing a trailer coach not exceeding 9,000 pounds gross.

4 (C) Any housecar.

5 (D) Any three-axle vehicle weighing 6,000 pounds or
6 less gross.

7 (E) Any housecar or vehicle towing another vehicle
8 with a gross vehicle weight rating of 10,000 pounds or less,
9 including when a tow dolly is used. No vehicle shall tow
10 another vehicle in violation of Section 21715.

11 (F) (i) Any two-axle vehicle weighing 4,000 pounds
12 or more unladen when towing either a trailer coach or a
13 fifth-wheel travel trailer not exceeding 10,000 pounds
14 gross vehicle weight rating, when the towing of the trailer
15 is not for compensation.

16 (ii) Any two-axle vehicle weighing 4,000 pounds or
17 more unladen when towing a fifth-wheel travel trailer
18 exceeding 10,000 pounds, but not exceeding 15,000
19 pounds, gross vehicle weight rating, when the towing of
20 the trailer is not for compensation, and if the person has
21 passed a specialized written examination provided by the
22 department relating to the knowledge of this code and
23 other safety aspects governing the towing of recreational
24 vehicles upon the highway. The authority to operate
25 combinations of vehicles under this subparagraph shall be
26 granted by endorsement on a class C license upon
27 completion of that written examination.

28 (G) Class C does not include any two-wheel
29 motorcycle or any two-wheel motor-driven cycle.

30 (4) Class M1. Any two-wheel motorcycle or
31 motor-driven cycle. Authority to operate vehicles
32 included in a class M1 license may be granted by
33 endorsement on a class A, B, or C license upon completion
34 of an appropriate examination.

35 (5) Class M2. Any motorized bicycle or moped, or any
36 bicycle with an attached motor, except a motorized
37 bicycle described in subdivision (b) of Section 406.
38 Authority to operate vehicles included in class M2 may be
39 granted by endorsement on a class A, B, or C license upon
40 completion of an appropriate examination. Persons



1 holding a class M1 license or endorsement may operate
2 vehicles included in class M2 without further
3 examination.

4 (c) No driver's license or driver certificate shall be
5 valid for operating any commercial motor vehicle, as
6 defined in subdivision (b) of Section 15210, any other
7 motor vehicle defined in paragraph (1) or (2) of
8 subdivision (b), or any other vehicle requiring a driver to
9 hold any driver certificate or any driver's license
10 endorsement under Section 15275, unless a medical
11 certificate approved by the department, the Federal
12 Highway Administration, or the Federal Aviation
13 Administration, that has been issued within two years of
14 the date of the operation of that vehicle, is within the
15 licensee's immediate possession, and a copy of the
16 medical examination report from which the certificate
17 was issued is on file with the department. Otherwise the
18 license shall be valid only for operating class C vehicles
19 that are not commercial vehicles, as defined in
20 subdivision (b) of Section 15210, and for operating class
21 M1 or M2 vehicles, if so endorsed, that are not commercial
22 vehicles, as defined in subdivision (b) of Section 15210.

23 (d) A license or driver certificate issued prior to the
24 enactment of Chapter 7 (commencing with Section
25 15200) shall be valid to operate the class or type of
26 vehicles specified under the law in existence prior to that
27 enactment until the license or certificate expires or is
28 otherwise suspended, revoked, or canceled.

29 (e) The department may accept a certificate of
30 driving skill that is issued by an employer, authorized by
31 the department to issue a certificate under Section 15250,
32 of the applicant, in lieu of a driving test, on class A or B
33 applications, if the applicant has first qualified for a class
34 C license and has met the other examination
35 requirements for the license for which he or she is
36 applying. The certificate may be submitted as evidence
37 of the applicant's skill in the operation of the types of
38 equipment covered by the license for which he or she is
39 applying.



1 (f) The department may accept a certificate of
2 competence in lieu of a driving test on class M1 or M2
3 applications, when the certificate is issued by a law
4 enforcement agency for its officers who operate class M1
5 or M2 vehicles in their duties, if the applicant has met the
6 other examination requirements for the license for which
7 he or she is applying.

8 (g) The department may accept a certificate of
9 satisfactory completion of a novice motorcyclist training
10 program approved by the commissioner pursuant to
11 Section 2932 in lieu of a driving test on class M1 or M2
12 applications, if the applicant has met the other
13 examination requirements for the license for which he or
14 she is applying. The department shall review and approve
15 the written and driving test used by a program to
16 determine whether the program may issue a certificate
17 of completion.

18 (h) Notwithstanding subdivision (b), any person
19 holding a valid California driver's license of any class may
20 operate a short-term rental motorized bicycle without
21 taking any special examination for the operation of a
22 motorized bicycle, and without having a class M2
23 endorsement on that license. As used in this paragraph,
24 "short-term" means 48 hours or less.

25 (i) No person under the age of 25 years may be issued
26 a class M1 or M2 license or endorsement unless he or she
27 provides evidence satisfactory to the department of
28 completion of a motorcycle safety training program that
29 is operated pursuant to Article 2 (commencing with
30 Section 2930) of Chapter 5 of Division 2.

31 (j) Drivers of vanpool vehicles may operate with class
32 C licenses but shall possess evidence of a medical
33 examination required for a class B license when operating
34 vanpool vehicles. In order to be eligible to drive the
35 vanpool vehicle, the driver shall keep in the vanpool
36 vehicle a statement, signed under penalty of perjury, that
37 he or she has not been convicted of reckless driving,
38 drunk driving, or a hit-and-run offense in the last five
39 years.



1 (k) A class M license issued between January 1, 1989,
2 and December 31, 1992, shall permit the holder to operate
3 any motorcycle, motor-driven cycle, or motorized bicycle
4 until the expiration of the license.

5 (l) This section shall become operative on January 1,
6 2001.

7 ~~SEC. 4.—~~

8 SEC. 6. No reimbursement is required by this act
9 pursuant to Section 6 of Article XIII B of the California
10 Constitution because the only costs that may be incurred
11 by a local agency or school district will be incurred
12 because this act creates a new crime or infraction,
13 eliminates a crime or infraction, or changes the penalty
14 for a crime or infraction, within the meaning of Section
15 17556 of the Government Code, or changes the definition
16 of a crime within the meaning of Section 6 of Article
17 XIII B of the California Constitution.

