

AMENDED IN ASSEMBLY MAY 2, 2000  
AMENDED IN ASSEMBLY APRIL 24, 2000  
CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2733**

**Introduced by Assembly Member Wesson**

February 25, 2000

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An act to amend Section 51220.1 of the Education Code, to amend Section 417.3 of the Penal Code, and to ~~amend Section 40000.15 of, and to add Sections 13351.8,~~ amend Sections 11113 and 11219, and 40000.15 of, and to add Section 13551.8 and 13351.9 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2733, as amended, Wesson. Driving *education and offenses: road rage.*

(1) *Existing law includes automobile driver education among the areas of study in grades 7 to 12, inclusive. Existing law also specifies the topics to be covered in an automobile driver education course.*

*This bill would further require that automobile driver education contain a component examining driver attitude and motivation that focuses on the reduction of future driving violations, with particular emphasis on aggressive driving behavior and behavior commonly known as "road rage". Because this provision would impose new duties on school districts, it would constitute a state-mandated local program.*

(2) Existing law makes it a felony for a person who, except in self-defense, in the presence of any other person who is an occupant of a motor vehicle proceeding on a public street or highway, to draw or exhibit any firearm, whether loaded or unloaded in a threatening manner against another person in a way as to cause a reasonable person apprehension or fear of bodily harm.

This bill would make it a misdemeanor for any person in the presence of any other person who is an occupant of a motor vehicle to draw or exhibit any deadly weapon whatsoever, other than a firearm, in a threatening manner while proceeding on a public street or a highway so as to cause a reasonable person apprehension or fear of bodily injury. Because this would create a new crime, the bill would impose a state-mandated local program.

The bill would also require the Department of Motor Vehicles to suspend the driving privilege of a person convicted of the existing felony offense for ~~1~~ one year and to suspend the driving privilege of a person convicted of the proposed misdemeanor offense for 6 months commencing upon the release from confinement or imprisonment. Because clerks of the courts would be required by the bill to send abstracts of these convictions to the Department of Motor Vehicles, the bill would impose a state-mandated local program.

~~(2)~~

(3) *Existing law authorizes the Director of Motor Vehicles to prescribe rules and regulations regarding the conduct of courses offered at driving schools and traffic violator schools.*

*This bill would require the director, in connection with the issuance of rules and regulations relating to driving schools and traffic violator schools, to require, as a component of the curriculum, an examination of driver attitude and motivation that focuses on the reduction of future driving violations, with particular emphasis on aggressive driving behavior and behavior known as "road rage".*

(4) 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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 51220.1 of the Education Code is*  
2 *amended to read:*

3 51220.1. In addition to the requirements specified in  
4 subdivision (j) of Section 51220, automobile driver  
5 education shall be designed to develop a knowledge of  
6 the dangers involved in consuming alcohol or drugs in  
7 connection with the operation of a motor vehicle.  
8 *Automobile driver education shall also contain a*  
9 *component examining driver attitude and motivation*  
10 *that focuses on the reduction of future driving violations,*  
11 *with particular emphasis on aggressive driving behavior*  
12 *and behavior commonly known as "road rage."*

13 SEC. 2. Section 417.3 of the Penal Code is amended to  
14 read:

15 417.3. (a) Every person who, except in self-defense,  
16 in the presence of any other person who is an occupant  
17 of a motor vehicle proceeding on a public street or  
18 highway, draws or exhibits any firearm, whether loaded  
19 or unloaded, in a threatening manner against another  
20 person in such a way as to cause a reasonable person  
21 apprehension or fear of bodily harm is guilty of a felony  
22 punishable by imprisonment in the state prison for 16  
23 months or two or three years or by imprisonment for 16



1 months or two or three years and a three thousand dollar  
2 (\$3,000) fine.

3 (b) (1) Every person who, except in self-defense, in  
4 the presence of any other person who is an occupant of  
5 a motor vehicle proceeding on a public street or highway,  
6 draws or exhibits any deadly weapon whatsoever, other  
7 than a firearm, in a threatening manner against another  
8 person in such a way as to cause a reasonable person  
9 apprehension or fear of bodily harm is guilty of a  
10 misdemeanor, punishable by imprisonment in county jail  
11 for not less than two months.

12 (2) The clerk of the court shall send a duly certified  
13 abstract of the record of conviction pursuant to this  
14 section to the Department of Motor Vehicles.

15 (c) Nothing in this section shall preclude or prohibit  
16 prosecution under any other statute.

17 ~~SEC. 2.—~~

18 *SEC. 3. Section 11113 of the Vehicle Code is amended*  
19 *to read:*

20 11113. (a) The director may prescribe rules and  
21 regulations for driving schools regarding the conduct of  
22 courses of driver education and driver training, including  
23 curriculum, facilities, and equipment. The rules and  
24 regulations regarding curriculum shall require  
25 ~~information~~ *both of the following:*

26 (1) A *component* relating to the dangers involved in  
27 consuming alcohol or drugs in connection with the  
28 operation of a motor vehicle.

29 (2) A *component examining driver attitude and*  
30 *motivation that focuses on the reduction of future driving*  
31 *violations, with particular emphasis on aggressive driving*  
32 *behavior and behavior commonly known as “road rage.”*

33 (b) The director may also prescribe rules and  
34 regulations for the conduct of driving instructor training  
35 courses required by Sections 11102.5 and 11104, including  
36 curriculum, facilities, and equipment. The department  
37 shall monitor instruction given by driving schools.

38 *SEC. 4. Section 11219 of the Vehicle Code is amended*  
39 *to read:*



1 11219. The director may prescribe rules and  
2 regulations for traffic violator schools regarding the  
3 conduct of courses of education including curriculum,  
4 facilities, and equipment. *The curriculum shall include,*  
5 *but not be limited to, a component examining driver*  
6 *attitude and motivation that focuses on the reduction of*  
7 *future driving violations, with particular emphasis on*  
8 *aggressive driving behavior and behavior commonly*  
9 *known as “road rage.”* The director may also prescribe  
10 rules and regulations for the conduct of instructor  
11 training courses.

12 *SEC. 5.* Section 13351.8 is added to the Vehicle Code,  
13 to read:

14 13351.8. Upon receipt of a duly certified abstract of  
15 the record of any court showing that a person has been  
16 convicted of a felony for a violation of subdivision (a) of  
17 Section 417.3 of the Penal Code on or after January 1, 2001,  
18 the department shall suspend the person’s driving  
19 privilege for one year commencing upon the person’s  
20 release from confinement or imprisonment.

21 ~~SEC. 3.—~~

22 *SEC. 6.* Section 13351.9 is added to the Vehicle Code,  
23 to read:

24 13351.9. Upon receipt of a duly certified abstract of  
25 the record of any court showing that a person has been  
26 convicted of a misdemeanor for a violation of subdivision  
27 (b) of Section 417.3 of the Penal Code, the department  
28 shall suspend the person’s driving privilege for six months  
29 commencing upon the person’s release from  
30 confinement.

31 ~~SEC. 4.—~~

32 *SEC. 7.* Section 40000.15 of the Vehicle Code is  
33 amended to read:

34 40000.15. A violation of any of the following provisions  
35 shall constitute a misdemeanor, and not an infraction:

36 Sections 23103 and 23104, relating to reckless driving.

37 Section 23109, relating to speed contests or exhibitions.

38 Subdivision (a) of Section 23110, relating to throwing  
39 at vehicles.

40 Section 23152, relating to driving under the influence.



1 Subdivision (b) of Section 23222, relating to possession  
2 of marijuana.  
3 Subdivision (a) or (b) of Section 23224, relating to  
4 persons under 21 years of age knowingly driving, or being  
5 a passenger in, a motor vehicle carrying any alcoholic  
6 beverage.  
7 Section 23253, relating to officers on vehicular  
8 crossings.  
9 Section 23332, relating to trespassing.  
10 Section 24011.3, relating to vehicle bumper strength  
11 notices.  
12 Section 27150.1, relating to sale of exhaust systems.  
13 Section 27362, relating to child passenger seat  
14 restraints.  
15 Section 28050, relating to true mileage driven.  
16 Section 28050.5, relating to nonfunctional odometers.  
17 Section 28051, relating to resetting odometers.  
18 Section 28051.5, relating to devices to reset odometers.  
19 Subdivision (d) of Section 28150, relating to possessing  
20 four or more jamming devices.  
21 ~~SEC. 5.—~~  
22 *SEC. 8.* No reimbursement is required by this act  
23 pursuant to Section 6 of Article XIII B of the California  
24 Constitution for certain costs that may be incurred by a  
25 local agency or school district because in that regard this  
26 act creates a new crime or infraction, eliminates a crime  
27 or infraction, or changes the penalty for a crime or  
28 infraction, within the meaning of Section 17556 of the  
29 Government Code, or changes the definition of a crime  
30 within the meaning of Section 6 of Article XIII B of the  
31 California Constitution.  
32 However, notwithstanding Section 17610 of the  
33 Government Code, if the Commission on State Mandates  
34 determines that this act contains other costs mandated by  
35 the state, reimbursement to local agencies and school  
36 districts for those costs shall be made pursuant to Part 7  
37 (commencing with Section 17500) of Division 4 of Title  
38 2 of the Government Code. If the statewide cost of the  
39 claim for reimbursement does not exceed one million



1 dollars (\$1,000,000), reimbursement shall be made from  
2 the State Mandates Claims Fund.

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