

AMENDED IN ASSEMBLY APRIL 2, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 770

Introduced by Assembly Member Nakano

February 22, 2001

An act to ~~amend Section 28090~~ *add and repeal Section 2407.5* of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 770, as amended, Nakano. Cellular telephones: *vehicles: study.*

(1) Existing law requires the Department of the California Highway Patrol to prepare and, on request, supply to police departments, coroners, sheriffs, and other suitable agencies or individuals, forms for accident reports required under the Vehicle Code, which reports shall call for sufficiently detailed information to disclose with reference to a traffic accident the cause, conditions then existing, and the persons and vehicles involved.

This bill would require any accident report prepared by a member of the Department of the California Highway Patrol or any other peace officer to include information as to whether a cellular telephone or other electronic device, as defined, was present in the vehicle or vehicles involved in the accident and whether the use of that device or devices is a known or suspected contributory factor to the cause of the accident.

The bill would require this information to be collected by local law enforcement agencies and transmitted to the department by April 1, 2002, and would require the department to provide this compiled information to the Department of Transportation.

The bill would require the Department of Transportation to study and make recommendations concerning the issue of driver distractions in connection with the use of cellular telephones and electronic devices placed and used in motor vehicles. The bill would require the Department of Transportation to develop recommendations for legislative or regulatory action to address these issues, to review and analyze existing studies and statistics relating to the use of cellular telephones and other electronic devices while driving, and to report to the Legislature and Governor by December 31, 2002, as specified.

Because the bill would increase the level of services imposed on local law enforcement agencies, the bill would create a state-mandated local program.

(2) The bill would remain in effect only until January 1, 2003, and as of that date, would be repealed unless a later enacted statute, deletes or extends that date.

(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.

~~Under existing law, every renter of a motor vehicle with cellular radio telephone equipment is required to provide the person who rents the motor vehicle with written operating instructions concerning the safe use of the equipment and to clearly label the equipment with operating instructions concerning the safe use of the equipment.~~

~~This bill would require that the instructions and label specify the safe use of the equipment while operating a motor vehicle.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~ yes.

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

1 SECTION 1. ~~Section 28090 of the Vehicle Code is amended~~
2



1 SECTION 1. *The Legislature finds and declares all of the*
2 *following:*

3 (a) *Cellular telephones and other electronic technologies are*
4 *rapidly becoming a significant concern with regard to highway*
5 *and traffic safety.*

6 (b) *The usage of cellular telephones and other electronic*
7 *devices will continue to proliferate in motor vehicles.*

8 (c) *Future motor vehicles will likely provide drivers with*
9 *concierge services, web-based information, online e-mail*
10 *capabilities, CD-ROM access, onscreen and audio navigation*
11 *technology, and a variety of other information and entertainment*
12 *services.*

13 (d) *In considering these emerging technologies, it is the intent*
14 *of the Legislature to focus on the potential safety implications*
15 *associated with driver distractions while using advanced*
16 *in-vehicle technologies that receive, transmit, or display various*
17 *types of information, including those that allow drivers to phone,*
18 *fax, obtain route guidance, view infrared images on a heads-up*
19 *display, and use the Internet and other electronic devices.*

20 SEC. 7. *Section 2407.5 is added to the Vehicle Code, to add:*

21 2407.5. (a) *Any accident report prepared by a member of the*
22 *Department of the California Highway Patrol or any other peace*
23 *officer shall include information as to whether a cellular telephone*
24 *or other electronic device was present in the vehicle or vehicle*
25 *involved in the accident and whether the use of that device or*
26 *devices is a known or suspected contributory factor to the cause of*
27 *the accident.*

28 (b) *Information described in subdivision (a) shall be collected*
29 *by local law enforcement agencies and transmitted to the*
30 *department on or before April 1, 2002.*

31 (c) *The department shall provide this compiled information,*
32 *including information from its own members, to the Department of*
33 *Transportation.*

34 (d) *Upon receipt of the compiled information, the Department*
35 *of Transportation shall study the data and make recommendations*
36 *concerning the issue of driver distractions in connection with the*
37 *use of cellular telephones and other electronic devices placed and*
38 *used in motor vehicles. The Department of Transportation shall*
39 *develop recommendations for legislative or regulatory action to*
40 *address these issues, and, as part of the study, the Department of*

1 Transportation shall review and analyze existing studies and
2 statistics relating to the use of cellular telephones and other
3 electronic devices while driving.

4 (e) As used in this section, electronic devices include, but are
5 not limited to, televisions, fax machines, navigation systems, and
6 computers.

7 (f) The Department of Transportation shall submit a report
8 regarding the study described in this section to the Governor and
9 Legislature, including any finding and recommendations, on or
10 before December 31, 2002.

11 (g) This section shall remain in effect only until January 1,
12 2003, and as of that date is repealed, unless a later enacted statute,
13 that is enacted before January 1, 2003, deletes or extends that date.

14 SEC. 3. Notwithstanding Section 17610 of the Government
15 Code, if the Commission on State Mandates determines that this
16 act contains costs mandated by the state, reimbursement to local
17 agencies and school districts for those costs shall be made
18 pursuant to Part 7 (commencing with Section 17500) of Division
19 4 of Title 2 of the Government Code. If the statewide cost of the
20 claim for reimbursement does not exceed one million dollars
21 (\$1,000,000), reimbursement shall be made from the State
22 Mandates Claims Fund.

23 to read:

24 ~~28090. Every renter of a motor vehicle with cellular radio
25 telephone equipment shall provide the person who rents the motor
26 vehicle with written operating instructions concerning the safe use
27 of the equipment while operating a motor vehicle. The equipment
28 shall also be clearly labeled with operating instructions concerning
29 the safe use of the equipment while operating a motor vehicle.~~

