

AMENDED IN ASSEMBLY MAY 31, 2001  
AMENDED IN ASSEMBLY APRIL 16, 2001  
AMENDED IN ASSEMBLY APRIL 2, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 770**

**Introduced by Assembly Member Nakano**  
*(Coauthor: Assembly Member Cedillo)*

February 22, 2001

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An act to 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 ~~or any written notice to appear for a traffic violation involving the safe operation of a motor vehicle~~ 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 ~~or was present in the vehicle involved in the violation~~ and whether the use of that

device or devices is a known or suspected contributory factor to the cause of the accident ~~or violation~~.

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

The bill would require the ~~Department of Transportation~~ *Office of Traffic Safety* 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~~ *Office of Traffic Safety* 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~~ *on or before* 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.

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. 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.~~

21 *SEC. 2.* Section 2407.5 is added to the Vehicle Code, to add  
22 *read:*

23 2407.5. (a) Any accident report ~~or any written notice to~~  
24 ~~appear for a traffic violation involving the safe operation of a~~  
25 ~~motor vehicle upon a highway~~ prepared by a member of the  
26 Department of the California Highway Patrol or any other peace  
27 officer shall include information as to whether a cellular telephone  
28 or other electronic device was present in the vehicle or ~~vehicle~~  
29 ~~involved in the accident or was present in the vehicle involved in~~  
30 ~~the violation~~ *vehicles involved in the accident* and whether the use  
31 of that device or devices is a known or suspected contributory  
32 factor to the cause of the accident ~~or violation.~~

33 (b) Information described in subdivision (a) shall be collected  
34 by local law enforcement agencies and transmitted to the  
35 department on or before ~~April~~ *July 1, 2002.*

36 (c) The department shall provide this compiled information,  
37 including information from its own members, to the ~~Department~~  
38 ~~of Transportation.~~ *Office of Traffic Safety.*



1 (d) Upon receipt of the compiled information, the Department  
 2 of Transportation shall study the data and make recommendations  
 3 concerning the issue of driver distractions in connection with the  
 4 use of cellular telephones and other electronic devices placed and  
 5 used in motor vehicles. The ~~Department of Transportation~~ *Office*  
 6 *of Traffic Safety* shall develop recommendations for legislative or  
 7 regulatory action to address these issues, and, as part of the study,  
 8 the ~~Department of Transportation~~ *Office of Traffic Safety* shall  
 9 review and analyze existing studies and statistics relating to the use  
 10 of cellular telephones and other electronic devices while driving.

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

14 (f) The ~~Department of Transportation~~ *Office of Traffic Safety*  
 15 shall submit a report regarding the study described in this section  
 16 to the Governor and Legislature, including any ~~finding~~ *findings*  
 17 and recommendations, on or before December 31, 2002.

18 (g) This section shall remain in effect only until January 1,  
 19 2003, and as of that date is repealed, unless a later enacted statute,  
 20 that is enacted before January 1, 2003, deletes or extends that date.

21 SEC. 3. Notwithstanding Section 17610 of the Government  
 22 Code, if the Commission on State Mandates determines that this  
 23 act contains costs mandated by the state, reimbursement to local  
 24 agencies and school districts for those costs shall be made pursuant  
 25 to Part 7 (commencing with Section 17500) of Division 4 of Title  
 26 2 of the Government Code. If the statewide cost of the claim for  
 27 reimbursement does not exceed one million dollars (\$1,000,000),  
 28 reimbursement shall be made from the State Mandates Claims  
 29 Fund.

