

AMENDED IN SENATE JULY 3, 2001
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

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 *statewide, or any written notice to appear for a traffic violation involving the safe operation of a motor vehicle occurring in 3 specified counties*, 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 vehicle involved in the traffic 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 *affected* local law enforcement agencies and transmitted to the department by July 1, 2002, and would require the department to provide this compiled information to the ~~Office of Traffic Safety~~ *California Research Bureau*.

The bill would require the ~~Office of Traffic Safety~~ *California Research Bureau* 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 ~~Office of Traffic Safety~~ *bureau* 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 ~~on or before~~ *by* December 31, 2002.

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. 2. Section 2407.5 is added to the Vehicle Code, to read:

21 2407.5. (a) (1) Any accident report prepared by a member of
22 the Department of the California Highway Patrol or any other
23 peace officer shall include information as to whether a cellular
24 telephone or other electronic device was ~~present~~ *in use* in the
25 vehicle or vehicles involved in the accident and whether the use of
26 that device or devices is a known or suspected contributory factor
27 to the cause of the accident.

28 (2) *Any written notice to appear for a traffic violation involving*
29 *the safe operation of a motor vehicle upon a highway prepared by*
30 *a member of the Department of the California Highway Patrol or*
31 *any other peace officer with respect to a violation occurring in the*
32 *Counties of Alameda, San Diego, or Shasta shall include*
33 *information as to whether a cellular telephone or other electronic*
34 *device was in use in the vehicle involved in the violation and*
35 *whether the use of that device or devices is a known or suspected*
36 *contributory factor to the cause of the violation.*



1 (b) Information described in subdivision (a) shall be collected
2 by *affected* local law enforcement agencies and transmitted to the
3 department on or before July 1, 2002.

4 (c) The department shall provide this compiled information,
5 including information from its own members, to the ~~Office of~~
6 ~~Traffic Safety~~ *California Research Bureau*.

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

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

21 (f) The ~~Office of Traffic Safety~~ *California Research Bureau*
22 shall submit a report regarding the study described in this section
23 to the Governor and Legislature, including any findings and
24 recommendations, on or before December 31, 2002.

25 (g) This section shall remain in effect only until January 1,
26 2003, and as of that date is repealed, unless a later enacted statute,
27 that is enacted before January 1, 2003, deletes or extends that date.

28 SEC. 3. Notwithstanding Section 17610 of the Government
29 Code, if the Commission on State Mandates determines that this
30 act contains costs mandated by the state, reimbursement to local
31 agencies and school districts for those costs shall be made pursuant
32 to Part 7 (commencing with Section 17500) of Division 4 of Title
33 2 of the Government Code. If the statewide cost of the claim for
34 reimbursement does not exceed one million dollars (\$1,000,000),
35 reimbursement shall be made from the State Mandates Claims
36 Fund.

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