

AMENDED IN ASSEMBLY MARCH 30, 2006

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 3004

Introduced by Assembly Member Houston

February 24, 2006

An act to amend Sections 1817~~and~~, 23111, and 40800 of the Vehicle Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 3004, as amended, Houston. ~~Highways: flaming or glowing substance~~ *Crimes*.

(1) Existing law prohibits a person in a vehicle and a pedestrian from throwing or discharging from, or upon, a road or highway or adjoining area, public or private, a lighted or nonlighted cigarette, cigar, match, or other flaming or glowing substance.

~~(2) This~~

This bill would make the above prohibition applicable to any person, thereby expanding the scope of an existing crime and imposing a state-mandated local program.

The bill would make a corresponding, clarification change in a related provision.

(2) Existing law requires, except for certain specified circumstances, a traffic officer on duty for the exclusive or main purpose of enforcing laws related to traffic accidents and rules of the road to wear a full distinctive uniform and to use a motor vehicle that is painted a distinctive color as specified by the Commissioner of the California Highway Patrol.

This bill would exempt an officer assigned exclusively to the duty of investigating and securing evidence in reference to a violation related

to driving while under the influence of an alcoholic beverage, a drug, or a combination of an alcoholic beverage and drug from those requirements.

(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. Section 1817 of the Vehicle Code is amended to
2 read:

3 1817. Written allegations received by the department from
4 members of the public identifying a motor vehicle or other
5 vehicle by license plate number from which a flaming or glowing
6 substance was thrown, or discharged, including an alleged
7 violation of Section 23111, shall be forwarded to the Department
8 of Forestry and Fire Protection together with information as to
9 the identity of the registered owner of the vehicle as shown by
10 the records of the department.

11 SEC. 2. Section 23111 of the Vehicle Code is amended to
12 read:

13 23111. A person shall not throw or discharge from, or upon,
14 a road or highway or adjoining area, public or private, a lighted
15 or nonlighted cigarette, cigar, match, or other flaming or glowing
16 substance. This section shall be known as the Paul Buzzo Act.

17 SEC. 3. Section 40800 of the Vehicle Code is amended to
18 read:

19 40800. Every traffic officer on duty for the exclusive or main
20 purpose of enforcing the provisions of Division 10 or 11 of this
21 code shall wear a full distinctive uniform, and if the officer while
22 so on duty uses a motor vehicle, it must be painted a distinctive
23 color specified by the commissioner.

24 This section does not apply to an officer assigned exclusively
25 to the duty of investigating and securing evidence in reference to
26 any theft of a vehicle, or failure of a person to stop in the event of

1 an accident, or violation of Section 23109 *or* 23152, or in
2 reference to any felony charge, or to any officer engaged in
3 serving ~~any~~ a warrant when the officer is not engaged in
4 patrolling the highways for the purpose of enforcing the traffic
5 laws.

6 ~~SEC. 3.~~

7 *SEC. 4.* No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution because
9 the only costs that may be incurred by a local agency or school
10 district will be incurred because this act creates a new crime or
11 infraction, eliminates a crime or infraction, or changes the
12 penalty for a crime or infraction, within the meaning of Section
13 17556 of the Government Code, or changes the definition of a
14 crime within the meaning of Section 6 of Article XIII B of the
15 California Constitution.