

AMENDED IN SENATE JULY 19, 2007

AMENDED IN ASSEMBLY JUNE 1, 2007

AMENDED IN ASSEMBLY MAY 16, 2007

AMENDED IN ASSEMBLY APRIL 30, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 678

Introduced by Assembly Members Gaines, Benoit, and Spitzer

February 21, 2007

An act to amend Section 13955 of the Government Code, to amend Sections ~~688 and 688.1~~ *668 and 668.1* of the Harbors and Navigation Code, to amend Section 1861.025 of the Insurance Code, to amend Sections 192.5, 193.7, 193.8, 977, 1192.8, and 3057 of the Penal Code, to amend Section 101.10 of the Streets and Highways Code, and to amend Sections 1803, 1808, 11110, 11215, 12810, 13202.5, 13350, 13350.5, 13351, 13352.6, 13353, 13353.1, 13353.3, 13353.7, 13353.8, 13954, 15300, 15302, 20001, 22651.10, 23502, 23550.5, 23558, 23592, 23596, 23612, 23620, 23626, and 40509.5 of the Vehicle Code, relating to crime.

LEGISLATIVE COUNSEL'S DIGEST

AB 678, as amended, Gaines. Crimes: vehicular manslaughter: fleeing the scene of an accident.

(1) Existing law requires that a person who flees the scene of the crime, upon conviction, be punished by an additional term of imprisonment of 5 years in the state prison after committing a violation of certain provisions relating to vehicular manslaughter, which includes manslaughter while operating a vessel. The additional term is only

imposed where the allegation is charged in the accusatory pleading and admitted by the defendant or found to be true by the trier of fact.

This bill would additionally include within the above mandatory 5-year enhancement the commission of vehicular manslaughter while either operating a vessel under the influence of alcohol or a drug and in the commission of an unlawful act, not amounting to a felony, and with gross negligence; or operating a vessel under the influence of alcohol or a drug and in the commission of a lawful act that might produce death, in an unlawful manner, and with gross negligence. Because this bill would impose additional duties on local prosecutors, the bill would create a state-mandated local program.

The bill would remove from the above mandatory 5-year enhancement the commission of vehicular manslaughter while either operating a vessel in the commission of an unlawful act, not amounting to a felony, and with gross negligence; or operating a vessel in the commission of a lawful act that might produce death, in an unlawful manner, and with gross negligence.

(2) Existing law defines “serious felony” to include vehicular manslaughter while driving a vehicle in connection with a vehicular collision, or any other vehicular accident, done for the purpose of presenting any false or fraudulent claim, where the collision or accident was knowingly caused for financial gain, and the collision or accident proximately resulted in the death of any person.

This bill would delete the above-described offense from the definition of “serious felony.”

(3) Existing law requires that a person convicted of vehicular manslaughter, vehicular manslaughter while intoxicated, or vehicular manslaughter in the operation of a vessel, or who has been previously convicted of those crimes, be subject to specified fines and penalties, including, but not limited to, suspension or revocation of his or her driver’s license, imprisonment, violation points, enhanced penalties, delayed driving privileges for minors, and removal and seizure of the person’s vehicle, where specified circumstances are present.

This bill would correct cross-references and make conforming technical changes to those provisions and other related provisions.

(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.

This bill would provide that no reimbursement is required by this act for a specified reason.

(5) *This bill would incorporate additional changes in Section 977 of the Penal Code proposed by SB 649, to be operative if SB 649 and this bill are both enacted and become effective on or before January 1, 2008, and this bill is enacted last.*

(6) *This bill would incorporate additional changes in Section 1803 of the Vehicle Code proposed by AB 421, to be operative if AB 421 and this bill are both enacted and become effective on or before January 1, 2008, and this bill is enacted last.*

(7) *This bill would incorporate additional changes in Section 11110 of the Vehicle Code proposed by AB 430, to be operative if AB 430 and this bill are both enacted and become effective on or before January 1, 2008, and this bill is enacted last.*

(8) *This bill would incorporate additional changes in Section 11215 of the Vehicle Code proposed by AB 430, to be operative if AB 430 and this bill are both enacted and become effective on or before January 1, 2008, and this bill is enacted last.*

(9) *This bill would incorporate additional changes in Section 12810 of the Vehicle Code proposed by AB 430, to be operative if AB 430 and this bill are both enacted and become effective on or before January 1, 2008, and this bill is enacted last.*

(10) *This bill would incorporate additional changes in Section 13351 of the Vehicle Code proposed by AB 430, to be operative if AB 430 and this bill are both enacted and become effective on or before January 1, 2008, and this bill is enacted last.*

(11) *This bill would incorporate additional changes in Section 13353.1 of the Vehicle Code proposed by AB 1165, to be operative if AB 1165 and this bill are both enacted and become effective on or before January 1, 2008, and this bill is enacted last.*

(12) *This bill would incorporate additional changes in Section 40509.5 of the Vehicle Code proposed by AB 1248, to be operative if AB 1248 and this bill are both enacted and become effective on or before January 1, 2008, and this bill is enacted last.*

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 13955 of the Government Code is
2 amended to read:

1 13955. Except as provided in Section 13956, a person shall be
2 eligible for compensation when all of the following requirements
3 are met:

4 (a) The person for whom compensation is being sought is any
5 of the following:

6 (1) A victim.

7 (2) A derivative victim.

8 (3) (A) A person who is entitled to reimbursement for funeral,
9 burial, or crime scene cleanup expenses pursuant to paragraph (9)
10 of subdivision (a) of Section 13957.

11 (B) This paragraph applies without respect to any felon status
12 of the victim.

13 (b) Either of the following conditions is met:

14 (1) The crime occurred within this state, whether or not the
15 victim is a resident of the state. This paragraph shall apply only
16 during those time periods during which the board determines that
17 federal funds are available to the state for the compensation of
18 victims of crime.

19 (2) Whether or not the crime occurred within the State of
20 California, the victim was any of the following:

21 (A) A resident of the state.

22 (B) A member of the military stationed in California.

23 (C) A family member living with a member of the military
24 stationed in this state.

25 (c) If compensation is being sought for a derivative victim, the
26 derivative victim is a resident of this state, or resident of another
27 state, who is any of the following:

28 (1) At the time of the crime was the parent, grandparent, sibling,
29 spouse, child, or grandchild of the victim.

30 (2) At the time of the crime was living in the household of the
31 victim.

32 (3) At the time of the crime was a person who had previously
33 lived in the household of the victim for a period of not less than
34 two years in a relationship substantially similar to a relationship
35 listed in paragraph (1).

36 (4) Is another family member of the victim, including, but not
37 limited to, the victim's fiancé or fiancée, and who witnessed the
38 crime.

39 (5) Is the primary caretaker of a minor victim, but was not the
40 primary caretaker at the time of the crime.

- 1 (d) The application is timely pursuant to Section 13953.
- 2 (e) (1) Except as provided in paragraph (2), the injury or death
3 was a direct result of a crime.
- 4 (2) Notwithstanding paragraph (1), no act involving the
5 operation of a motor vehicle, aircraft, or water vehicle that results
6 in injury or death constitutes a crime for the purposes of this
7 chapter, except when the injury or death from such an act was any
8 of the following:
- 9 (A) Intentionally inflicted through the use of a motor vehicle,
10 aircraft, or water vehicle.
- 11 (B) Caused by a driver who fails to stop at the scene of an
12 accident in violation of Section 20001 of the Vehicle Code.
- 13 (C) Caused by a person who is under the influence of any
14 alcoholic beverage or drug.
- 15 (D) Caused by a driver of a motor vehicle in the immediate act
16 of fleeing the scene of a crime in which he or she knowingly and
17 willingly participated.
- 18 (E) Caused by a person who commits vehicular manslaughter
19 in violation of subdivision (b) of Section 191.5, subdivision (c) of
20 Section 192, or Section 192.5 of the Penal Code.
- 21 (F) Caused by any party where a peace officer is operating a
22 motor vehicle in an effort to apprehend a suspect, and the suspect
23 is evading, fleeing, or otherwise attempting to elude the peace
24 officer.
- 25 (f) As a direct result of the crime, the victim or derivative victim
26 sustained one or more of the following:
- 27 (1) Physical injury. The board may presume a child who has
28 been the witness of a crime of domestic violence has sustained
29 physical injury. A child who resides in a home where a crime or
30 crimes of domestic violence have occurred may be presumed by
31 the board to have sustained physical injury, regardless of whether
32 the child has witnessed the crime.
- 33 (2) Emotional injury and a threat of physical injury.
- 34 (3) Emotional injury, where the crime was a violation of any of
35 the following provisions:
- 36 (A) Section 261, 262, 271, 273a, 273d, 285, 286, 288, 288a,
37 288.5, or 289, or subdivision (b) or (c) of Section 311.4, of the
38 Penal Code.

1 (B) Section 270 of the Penal Code, where the emotional injury
2 was a result of conduct other than a failure to pay child support,
3 and criminal charges were filed.

4 (C) Section 261.5 of the Penal Code, and criminal charges were
5 filed.

6 (D) Section 278 or 278.5 of the Penal Code, where the
7 deprivation of custody as described in those sections has endured
8 for 30 calendar days or more. For purposes of this paragraph, the
9 child, and not the nonoffending parent or other caretaker, shall be
10 deemed the victim.

11 (g) The injury or death has resulted or may result in pecuniary
12 loss within the scope of compensation pursuant to Sections 13957
13 to 13957.9, inclusive.

14 SEC. 2. Section 668 of the Harbors and Navigation Code is
15 amended to read:

16 668. (a) Any person who violates subdivision (c) of Section
17 652, Section 654, 654.05, 654.06, 655.7, 658.3, 659, 673, 674, or
18 754, or any regulations adopted pursuant thereto, or any regulation
19 adopted pursuant to Section 655.3 relating to vessel equipment
20 requirements, is guilty of an infraction, punishable by a fine of not
21 more than two hundred fifty dollars (\$250).

22 (b) (1) Any person who violates Section 655.2, or any regulation
23 adopted pursuant thereto, or, except as provided in subdivision
24 (a), any regulation adopted pursuant to Section 655.3, is guilty of
25 a misdemeanor and shall be punished by a fine of not more than
26 one hundred dollars (\$100) or imprisonment in the county jail for
27 not more than five days, or by both that fine and imprisonment,
28 for each violation.

29 (2) Any person who violates subdivision (a) or (b) of Section
30 658 is guilty of a misdemeanor and shall be punished by a fine of
31 not more than two hundred dollars (\$200) for each violation.

32 (3) Any person who violates subdivision (d) of Section 652,
33 Section 652.5, subdivision (a) of Section 655, Section 655.05, 656,
34 or 656.1, subdivision (d) or (e) of Section 658, Section 663.6 or
35 665, or any rules and regulations adopted pursuant to subdivision
36 (b) or (c) of Section 660, is guilty of a misdemeanor and shall be
37 punished by a fine of not more than one thousand dollars (\$1,000)
38 or imprisonment in the county jail for not more than six months,
39 or by both that fine and imprisonment, for each violation.

1 (c) (1) Any person convicted of a violation of Section 656.2 or
2 656.3 shall be punished by a fine of not less than one thousand
3 dollars (\$1,000) or more than ten thousand dollars (\$10,000), or
4 by imprisonment in the state prison or in the county jail for not
5 more than one year, or by both that fine and imprisonment.

6 (2) In imposing the minimum fine required by this subdivision,
7 the court shall take into consideration the defendant's ability to
8 pay the fine and, in the interest of justice for reasons stated in the
9 record, may reduce the amount of that minimum fine to less than
10 the amount otherwise required by this subdivision.

11 (d) Any person convicted of a violation of Section 658.5 shall
12 be punished by a fine of not more than one hundred dollars (\$100).

13 (e) Any person convicted of a first violation of subdivision (b),
14 (c), (d), or (e) of Section 655, or of a violation of Section 655.4,
15 shall be punished by a fine of not more than one thousand dollars
16 (\$1,000) or imprisonment in the county jail for not more than six
17 months, or by both that fine and imprisonment. If probation is
18 granted, the court, as a condition of probation, may require the
19 person to participate in, and successfully complete, an alcohol or
20 drug education, training, or treatment program, in addition to
21 imposing any penalties required by this code. In order to enable
22 all persons to participate in licensed programs, every person
23 referred to a program licensed pursuant to Section 11836 of the
24 Health and Safety Code shall pay that program's costs
25 commensurate with that person's ability to pay as determined by
26 Section 11837.4 of the Health and Safety Code.

27 (f) Any person convicted of a second or subsequent violation
28 of subdivision (b), (c), (d), or (e) of Section 655 within seven years
29 of the first conviction of any of those subdivisions or subdivision
30 (f) of Section 655, or any person convicted of a violation of
31 subdivision (b), (c), (d), or (e) of Section 655 within seven years
32 of a separate conviction of subdivision (a) or (b) of Section 192.5
33 of the Penal Code, or a separate conviction of Section 23152 or
34 23153 of the Vehicle Code or Section 191.5 or subdivision (a) of
35 Section 192.5 of the Penal Code, when the separate conviction
36 resulted from the operation of a motor vehicle, shall be punished
37 by a fine of not more than one thousand dollars (\$1,000) or
38 imprisonment in the county jail for not more than one year, or by
39 both that fine and imprisonment. If probation is granted, the court,
40 as a condition of probation, may require the person to do either of

1 the following, if available in the county of the person's residence
2 or employment:

3 (1) Participate, for at least 18 months subsequent to the
4 underlying conviction and in a manner satisfactory to the court,
5 in a program licensed pursuant to Chapter 9 (commencing with
6 Section 11836) of Part 2 of Division 10.5 of the Health and Safety
7 Code, as designated by the court. In order to enable all required
8 persons to participate, each person shall pay the program costs
9 commensurate with the person's ability to pay as determined
10 pursuant to Section 11837.4 of the Health and Safety Code.

11 (2) Participate, for at least 30 months subsequent to the
12 underlying conviction and in a manner satisfactory to the court,
13 in a program licensed pursuant to Chapter 9 (commencing with
14 Section 11836) of Part 2 of Division 10.5 of the Health and Safety
15 Code. A person ordered to treatment pursuant to this paragraph
16 shall apply to the court or to a board of review, as designated by
17 the court, at the conclusion of the program to obtain the court's
18 order of satisfaction. Only upon the granting of that order of
19 satisfaction by the court may the program issue its certificate of
20 successful completion. A failure to obtain an order of satisfaction
21 at the conclusion of the program is a violation of probation. In
22 order to enable all required persons to participate, each person
23 shall pay the program costs commensurate with the person's ability
24 to pay as determined pursuant to Section 11837.4 of the Health
25 and Safety Code. No condition of probation required pursuant to
26 this paragraph is a basis for reducing any other probation
27 requirement.

28 (g) Any person convicted of a violation of subdivision (f) of
29 Section 655 shall be punished by imprisonment in the state prison,
30 or in the county jail for not less than 90 days or more than one
31 year, and by a fine of not less than two hundred fifty dollars (\$250)
32 or more than five thousand dollars (\$5,000). If probation is granted,
33 the court, as a condition of probation, may require the person to
34 participate in, and successfully complete, a program licensed
35 pursuant to Chapter 9 (commencing with Section 11836) of Part
36 2 of Division 10.5 of the Health and Safety Code, if available in
37 the person's county of residence or employment, as designated by
38 the court. In order to enable all required persons to participate,
39 each person shall pay the program costs commensurate with the

1 person's ability to pay as determined pursuant to Section 11837.4
2 of the Health and Safety Code.

3 (h) (1) If any person is convicted of a violation of subdivision
4 (f) of Section 655 within seven years of a separate conviction of
5 a violation of subdivision (b), (c), (d), or (e) of Section 655 and is
6 granted probation, the court shall impose as a condition of
7 probation that the person be confined in the county jail for not less
8 than five days or more than one year and pay a fine of not less than
9 two hundred fifty dollars (\$250) or more than five thousand dollars
10 (\$5,000).

11 (2) If any person is convicted of a violation of subdivision (f)
12 of Section 655 within seven years of a separate conviction of a
13 violation of subdivision (f) of Section 655, of subdivision (a) or
14 (b) of Section 192.5 of the Penal Code, or Section 23152 or 23153
15 of the Vehicle Code or Section 191.5 or subdivision (a) of Section
16 192.5 of the Penal Code, when the separate conviction resulted
17 from the operation of a motor vehicle, and is granted probation,
18 the court shall impose as a condition of probation that the person
19 be confined in the county jail for not less than 90 days or more
20 than one year, and pay a fine of not less than two hundred fifty
21 dollars (\$250) or more than five thousand dollars (\$5,000), and
22 the court, as a condition of probation, may order that the person
23 participate in a manner satisfactory to the court, in a program
24 licensed pursuant to Chapter 9 (commencing with Section 11836)
25 of Part 2 of Division 10.5 of the Health and Safety Code, if
26 available in the county of the person's residence or employment.
27 In order to enable all required persons to participate, each person
28 shall pay the program costs commensurate with the person's ability
29 to pay as determined pursuant to Section 11837.4 of the Health
30 and Safety Code.

31 (i) The court shall not absolve a person who is convicted of a
32 violation of subdivision (f) of Section 655 within seven years of
33 a separate conviction of a violation of subdivision (b), (c), (d), (e),
34 or (f) of Section 655, of subdivision (a) or (b) of Section 192.5 of
35 the Penal Code, or Section 23152 or 23153 of the Vehicle Code
36 or Section 191.5 or subdivision (a) of Section 192.5 of the Penal
37 Code, when the separate conviction resulted from the operation
38 of a motor vehicle, from the minimum time in confinement
39 provided in this section and a fine of at least two hundred fifty
40 dollars (\$250), except as provided in subdivision (h).

1 (j) Except in unusual cases where the interests of justice demand
2 an exception, the court shall not strike a separate conviction of an
3 offense under subdivision (b), (c), (d), (e), or (f) of Section 655 or
4 of subdivision (a) or (b) of Section 192.5 of the Penal Code, or
5 Section 23152 or 23153 of the Vehicle Code or Section 191.5 or
6 subdivision (a) of Section 192.5 of the Penal Code, when the
7 separate conviction resulted from the operation of a motor vehicle,
8 for purposes of sentencing in order to avoid imposing, as part of
9 the sentence or as a term of probation, the minimum time in
10 confinement and the minimum fine, as provided in this section.
11 When a separate conviction is stricken by the court for purposes
12 of sentencing, the court shall specify the reason or reasons for the
13 striking order. On appeal by the people from an order striking a
14 separate conviction, it shall be conclusively presumed that the
15 order was made only for the reasons specified in the order, and
16 the order shall be reversed if there is no substantial basis in the
17 record for any of those reasons.

18 (k) A person who flees the scene of the crime after committing
19 a violation of Section 191.5 or paragraph (1) of subdivision (c) of
20 Section 192 of the Penal Code shall be subject to subdivision (c)
21 of Section 20001 of the Vehicle Code.

22 (l) Any person who violates Section 654.3 is guilty of an
23 infraction punishable by a fine of not more than five hundred
24 dollars (\$500) for each separate violation.

25 SEC. 3. Section 668.1 of the Harbors and Navigation Code is
26 amended to read:

27 668.1. (a) Any person convicted of a violation of subdivision
28 (a), (b), (c), (d), (e), or (f) of Section 655, or of Section 655.2,
29 655.6, 655.7, 658, or 658.5, or of Section 191.5 or subdivision (a)
30 of Section 192.5 of the Penal Code, or of the federal rules of the
31 road and pilot rules, not including equipment requirements,
32 incorporated by reference in Section 6600.1 of Title 14 of the
33 California Code of Regulations, or found by a court to have
34 performed any of the acts described in Section 6697 of Title 14 of
35 the California Code of Regulations, pertaining to a mechanically
36 propelled vessel but not to manipulating any water skis, an
37 aquaplane, or similar device, when the conviction resulted from
38 the operation of a vessel, shall be ordered by the court to complete
39 and pass a boating safety course approved by the department
40 pursuant to Section 668.3.

1 (b) Any person who has been ordered by the court to complete
2 and pass a boating safety course pursuant to this section shall
3 submit to the court proof of completion and passage of the course
4 within seven months of the time of his or her conviction. The proof
5 shall be in a form that has been approved by the department and
6 that provides for the ability to submit the form to the court through
7 the United States Postal Service. If the person who has been
8 required to complete and pass a boating safety course is under 18
9 years of age, the court may require that the person obtain parental
10 consent to enroll in the course. If the person does not complete
11 and pass the boating safety course, the court may extend the period
12 for completion or impose another penalty as prescribed by statute.

13 (c) The department shall adopt regulations to carry out this
14 section, including approval of boating safety education courses,
15 as specified in Section 668.3, prescribing the forms for proof of
16 completion and passage, approval of testing to indicate appropriate
17 mastery of the course subject matter, and setting forth any fees to
18 be charged to course participants, which fees shall not exceed the
19 expenses associated with providing the course.

20 SEC. 4. Section 1861.025 of the Insurance Code is amended
21 to read:

22 1861.025. A person is qualified to purchase a Good Driver
23 Discount policy if he or she meets all of the following criteria:

24 (a) He or she has been licensed to drive a motor vehicle for the
25 previous three years.

26 (b) During the previous three years, he or she has not done any
27 of the following:

28 (1) Had more than one violation point count determined as
29 provided by subdivision (a), (b), (c), (d), (e), (g), or (h) of Section
30 12810 of the Vehicle Code, but subject to the following
31 modifications:

32 (A) For the purposes of this section, the driver of a motor vehicle
33 involved in an accident for which he or she was principally at fault
34 that resulted only in damage to property shall receive one violation
35 point count, in addition to any other violation points that may be
36 imposed for this accident.

37 (B) If, under Section 488 or 488.5, an insurer is prohibited from
38 increasing the premium on a policy on account of a violation, that
39 violation shall not be included in determining the point count of
40 the person.

1 (C) If a violation is required to be reported under Section 1816
2 of the Vehicle Code, or under Section 784 of the Welfare and
3 Institutions Code, or any other provision requiring the reporting
4 of a violation by a minor, the violation shall be included for the
5 purposes of this section in determining the point count in the same
6 manner as is applicable to adult violations.

7 (2) Had more than one dismissal pursuant to Section 1803.5 of
8 the Vehicle Code that was not made confidential pursuant to
9 Section 1808.7 of the Vehicle Code, in the 36-month period for
10 violations that would have resulted in the imposition of more than
11 one violation point count under paragraph (1) if the complaint had
12 not been dismissed.

13 (3) Was the driver of a motor vehicle involved in an accident
14 that resulted in bodily injury or in the death of any person and was
15 principally at fault. The commissioner shall adopt regulations
16 setting guidelines to be used by insurers for the determination of
17 fault for the purposes of this paragraph and paragraph (1).

18 (c) During the period commencing on January 1, 1999, or the
19 date 10 years prior to the date of application for the issuance or
20 renewal of the Good Driver Discount policy, whichever is later,
21 and ending on the date of the application for the issuance or
22 renewal of the Good Driver Discount policy, he or she has not
23 been convicted of a violation of Section 23140, 23152, or 23153
24 of the Vehicle Code, a felony violation of Section 23550 or 23566,
25 or former Section 23175 or, as those sections read on January 1,
26 1999, of the Vehicle Code, or a violation of Section 191.5 or
27 subdivision (a) of Section 192.5 of the Penal Code.

28 (d) Any person who claims that he or she meets the criteria of
29 subdivisions (a), (b), and (c) based entirely or partially on a driver's
30 license and driving experience acquired anywhere other than in
31 the United States or Canada is rebuttably presumed to be qualified
32 to purchase a Good Driver Discount policy if he or she has been
33 licensed to drive in the United States or Canada for at least the
34 previous 18 months and meets the criteria of subdivisions (a), (b),
35 and (c) for that period.

36 SEC. 5. Section 192.5 of the Penal Code is amended to read:

37 192.5. Vehicular manslaughter pursuant to subdivision (b) of
38 Section 191.5 and subdivision (c) of Section 192 is the unlawful
39 killing of a human being without malice aforethought, and includes:

1 (a) Operating a vessel in violation of subdivision (b), (c), (d),
2 (e), or (f) of Section 655 of the Harbors and Navigation Code, and
3 in the commission of an unlawful act, not amounting to felony,
4 and with gross negligence; or operating a vessel in violation of
5 subdivision (b), (c), (d), (e), or (f) of Section 655 of the Harbors
6 and Navigation Code, and in the commission of a lawful act that
7 might produce death, in an unlawful manner, and with gross
8 negligence.

9 (b) Operating a vessel in violation of subdivision (b), (c), (d),
10 (e), or (f) of Section 655 of the Harbors and Navigation Code, and
11 in the commission of an unlawful act, not amounting to felony,
12 but without gross negligence; or operating a vessel in violation of
13 subdivision (b), (c), (d), (e), or (f) of Section 655 of the Harbors
14 and Navigation Code, and in the commission of a lawful act that
15 might produce death, in an unlawful manner, but without gross
16 negligence.

17 (c) Operating a vessel in the commission of an unlawful act,
18 not amounting to a felony, and with gross negligence; or operating
19 a vessel in the commission of a lawful act that might produce death,
20 in an unlawful manner, and with gross negligence.

21 (d) Operating a vessel in the commission of an unlawful act,
22 not amounting to a felony, but without gross negligence; or
23 operating a vessel in the commission of a lawful act that might
24 produce death, in an unlawful manner, but without gross
25 negligence.

26 (e) A person who flees the scene of the crime after committing
27 a violation of subdivision (a), (b), or (c), upon conviction, in
28 addition and consecutive to the punishment prescribed, shall be
29 punished by an additional term of imprisonment of five years in
30 the state prison. This additional term shall not be imposed unless
31 the allegation is charged in the accusatory pleading and admitted
32 by the defendant or found to be true by the trier of fact. The court
33 shall not strike a finding that brings a person within the provisions
34 of this subdivision or an allegation made pursuant to this
35 subdivision.

36 SEC. 6. Section 193.7 of the Penal Code is amended to read:

37 193.7. A person convicted of a violation of subdivision (b) of
38 Section 191.5 that occurred within seven years of two or more
39 separate violations of Section 23103, as specified in Section
40 23103.5, of, or Section 23152 or 23153 of, the Vehicle Code, or

1 any combination thereof, that resulted in convictions, shall be
2 designated as an habitual traffic offender subject to paragraph (3)
3 of subdivision (e) of Section 14601.3 of the Vehicle Code, for a
4 period of three years, subsequent to the conviction. The person
5 shall be advised of this designation pursuant to subdivision (b) of
6 Section 13350 of the Vehicle Code.

7 SEC. 7. Section 193.8 of the Penal Code is amended to read:

8 193.8. (a) An adult, who is the registered owner of a motor
9 vehicle or in possession of a motor vehicle, shall not relinquish
10 possession of the vehicle to a minor for the purpose of driving if
11 the following conditions exist:

12 (1) The adult owner or person in possession of the vehicle knew
13 or reasonably should have known that the minor was intoxicated
14 at the time possession was relinquished.

15 (2) A petition was sustained or the minor was convicted of a
16 violation of Section 23103 as specified in Section 23103.5, 23140,
17 23152, or 23153 of the Vehicle Code or a violation of Section
18 191.5 or subdivision (a) of Section 192.5.

19 (3) The minor does not otherwise have a lawful right to
20 possession of the vehicle.

21 (b) The offense described in subdivision (a) shall not apply to
22 commercial bailments, motor vehicle leases, or parking
23 arrangements, whether or not for compensation, provided by hotels,
24 motels, or food facilities for customers, guests, or other invitees
25 thereof. For purposes of this subdivision, hotel and motel shall
26 have the same meaning as in subdivision (b) of Section 25503.16
27 of the Business and Professions Code and food facility shall have
28 the same meaning as in Section 113785 of the Health and Safety
29 Code.

30 (c) If an adult is convicted of the offense described in
31 subdivision (a), that person shall be punished by a fine not
32 exceeding one thousand dollars (\$1,000), or by imprisonment in
33 a county jail not exceeding six months, or by both the fine and
34 imprisonment. An adult convicted of the offense described in
35 subdivision (a) shall not be subject to driver's license suspension
36 or revocation or attendance at a licensed alcohol or drug education
37 and counseling program for persons who drive under the influence.

38 SEC. 8. Section 977 of the Penal Code is amended to read:

39 977. (a) (1) In all cases in which the accused is charged with
40 a misdemeanor only, he or she may appear by counsel only, except

1 as provided in paragraphs (2) and (3). If the accused agrees, the
2 initial court appearance, arraignment, and plea may be by video,
3 as provided by subdivision (c).

4 (2) If the accused is charged with a misdemeanor offense
5 involving domestic violence, as defined in Section 6211 of the
6 Family Code, or a misdemeanor violation of Section 273.6, the
7 accused shall be present for arraignment and sentencing, and at
8 any time during the proceedings when ordered by the court for the
9 purpose of being informed of the conditions of a protective order
10 issued pursuant to Section 136.2.

11 (3) If the accused is charged with a misdemeanor offense
12 involving driving under the influence, in an appropriate case, the
13 court may order a defendant to be present for arraignment, at the
14 time of plea, or at sentencing. For purposes of this paragraph, a
15 misdemeanor offense involving driving under the influence shall
16 include a misdemeanor violation of any of the following:

17 (A) Subdivision (b) of Section 191.5.

18 (B) Section 23103 as specified in Section 23103.5 of the Vehicle
19 Code.

20 (C) Section 23152 of the Vehicle Code.

21 (D) Section 23153 of the Vehicle Code.

22 (b) (1) In all cases in which a felony is charged, the accused
23 shall be present at the arraignment, at the time of plea, during the
24 preliminary hearing, during those portions of the trial when
25 evidence is taken before the trier of fact, and at the time of the
26 imposition of sentence. The accused shall be personally present
27 at all other proceedings unless he or she shall, with leave of court,
28 execute in open court, a written waiver of his or her right to be
29 personally present, as provided by paragraph (2). If the accused
30 agrees, the initial court appearance, arraignment, and plea may be
31 by video, as provided by subdivision (c).

32 (2) The accused may execute a written waiver of his or her right
33 to be personally present, approved by his or her counsel, and the
34 waiver shall be filed with the court. However, the court may
35 specifically direct the defendant to be personally present at any
36 particular proceeding or portion thereof. The waiver shall be
37 substantially in the following form:

1 “Waiver of Defendant’s Personal Presence”

2
3 “The undersigned defendant, having been advised of his or her
4 right to be present at all stages of the proceedings, including, but
5 not limited to, presentation of and arguments on questions of fact
6 and law, and to be confronted by and cross-examine all witnesses,
7 hereby waives the right to be present at the hearing of any motion
8 or other proceeding in this cause. The undersigned defendant
9 hereby requests the court to proceed during every absence of the
10 defendant that the court may permit pursuant to this waiver, and
11 hereby agrees that his or her interest is represented at all times by
12 the presence of his or her attorney the same as if the defendant
13 were personally present in court, and further agrees that notice to
14 his or her attorney that his or her presence in court on a particular
15 day at a particular time is required is notice to the defendant of the
16 requirement of his or her appearance at that time and place.”

17 (c) The court may permit the initial court appearance and
18 arraignment in municipal or superior court of defendants held in
19 any state, county, or local facility within the county on felony or
20 misdemeanor charges, except for those defendants who were
21 indicted by a grand jury, to be conducted by two-way electronic
22 audiovideo communication between the defendant and the
23 courtroom in lieu of the physical presence of the defendant in the
24 courtroom. If the defendant is represented by counsel, the attorney
25 shall be present with the defendant at the initial court appearance
26 and arraignment, and may enter a plea during the arraignment.
27 However, if the defendant is represented by counsel at an initial
28 hearing in superior court in a felony case, and if the defendant does
29 not plead guilty or nolo contendere to any charge, the attorney
30 shall be present with the defendant or if the attorney is not present
31 with the defendant, the attorney shall be present in court during
32 the hearing. The defendant shall have the right to make his or her
33 plea while physically present in the courtroom if he or she so
34 requests. If the defendant decides not to exercise the right to be
35 physically present in the courtroom, he or she shall execute a
36 written waiver of that right. A judge may order a defendant’s
37 personal appearance in court for the initial court appearance and
38 arraignment. In a misdemeanor case, a judge may, pursuant to this
39 subdivision, accept a plea of guilty or no contest from a defendant
40 who is not physically in the courtroom. In a felony case, a judge

1 may, pursuant to this subdivision, accept a plea of guilty or no
2 contest from a defendant who is not physically in the courtroom
3 if the parties stipulate thereto.

4 (d) Notwithstanding subdivision (c), if the defendant is
5 represented by counsel, the attorney shall be present with the
6 defendant in any county exceeding 4,000,000 persons in
7 population.

8 *SEC. 8.5. Section 977 of the Penal Code is amended to read:*

9 977. (a) (1) In all cases in which the accused is charged with
10 a misdemeanor only, he or she may appear by counsel only, except
11 as provided in paragraphs (2) and (3). If the accused agrees, the
12 initial court appearance, arraignment, and plea may be by video,
13 as provided by subdivision (c).

14 (2) If the accused is charged with a misdemeanor offense
15 involving domestic violence, as defined in Section 6211 of the
16 Family Code, or a misdemeanor violation of Section 273.6, the
17 accused shall be present for arraignment and sentencing, and at
18 any time during the proceedings when ordered by the court for the
19 purpose of being informed of the conditions of a protective order
20 issued pursuant to Section 136.2.

21 (3) If the accused is charged with a misdemeanor offense
22 involving driving under the influence, in an appropriate case, the
23 court may order a defendant to be present for arraignment, at the
24 time of plea, or at sentencing. For purposes of this paragraph, a
25 misdemeanor offense involving driving under the influence shall
26 include a misdemeanor violation of any of the following:

27 (A) ~~Paragraph (3) of subdivision (c)~~ *Subdivision (b)* of Section
28 ~~192~~ 191.5.

29 (B) Section 23103 as specified in Section 23103.5 of the Vehicle
30 Code.

31 (C) Section 23152 of the Vehicle Code.

32 (D) Section 23153 of the Vehicle Code.

33 (b) (1) In all cases in which a felony is charged, the accused
34 shall be present at the arraignment, at the time of plea, during the
35 preliminary hearing, during those portions of the trial when
36 evidence is taken before the trier of fact, and at the time of the
37 imposition of sentence. The accused shall be personally present
38 at all other proceedings unless he or she shall, with leave of court,
39 execute in open court, a written waiver of his or her right to be
40 personally present, as provided by paragraph (2). If the accused

1 agrees, the initial court appearance, arraignment, and plea may be
2 by video, as provided by subdivision (c).

3 (2) The accused may execute a written waiver of his or her right
4 to be personally present, approved by his or her counsel, and the
5 waiver shall be filed with the court. However, the court may
6 specifically direct the defendant to be personally present at any
7 particular proceeding or portion thereof. The waiver shall be
8 substantially in the following form:

9
10 “Waiver of ~~Defendant’s~~ *Defendant’s* Personal Presence”

11
12 “The undersigned defendant, having been advised of his or her
13 right to be present at all stages of the proceedings, including, but
14 not limited to, presentation of and arguments on questions of fact
15 and law, and to be confronted by and cross-examine all witnesses,
16 hereby waives the right to be present at the hearing of any motion
17 or other proceeding in this cause. The undersigned defendant
18 hereby requests the court to proceed during every absence of the
19 defendant that the court may permit pursuant to this waiver, and
20 hereby agrees that his or her interest is represented at all times by
21 the presence of his or her attorney the same as if the defendant
22 were personally present in court, and further agrees that notice to
23 his or her attorney that his or her presence in court on a particular
24 day at a particular time is required is notice to the defendant of the
25 requirement of his or her appearance at that time and place.”

26 (c) The court may permit the initial court appearance and
27 arraignment ~~in municipal or superior court~~ of defendants held in
28 any state, county, or local facility within the county on felony or
29 misdemeanor charges, except for those defendants who were
30 indicted by a grand jury, to be conducted by two-way electronic
31 audiovideo communication between the defendant and the
32 courtroom in lieu of the physical presence of the defendant in the
33 courtroom. If the defendant is represented by counsel, the attorney
34 shall be present with the defendant at the initial court appearance
35 and arraignment, and may enter a plea during the arraignment.
36 However, if the defendant is represented by counsel at an ~~initial~~
37 ~~hearing in superior court~~ arraignment on an information in a felony
38 case, and if the defendant does not plead guilty or nolo contendere
39 to any charge, the attorney shall be present with the defendant or
40 if the attorney is not present with the defendant, the attorney shall

1 be present in court during the hearing. The defendant shall have
2 the right to make his or her plea while physically present in the
3 courtroom if he or she so requests. If the defendant decides not to
4 exercise the right to be physically present in the courtroom, he or
5 she shall execute a written waiver of that right. A judge may order
6 a defendant's personal appearance in court for the initial court
7 appearance and arraignment. In a misdemeanor case, a judge may,
8 pursuant to this subdivision, accept a plea of guilty or no contest
9 from a defendant who is not physically in the courtroom. In a
10 felony case, a judge may, pursuant to this subdivision, accept a
11 plea of guilty or no contest from a defendant who is not physically
12 in the courtroom if the parties stipulate thereto.

13 (d) Notwithstanding subdivision (c), if the defendant is
14 represented by counsel, the attorney shall be present with the
15 defendant in any county exceeding 4,000,000 persons in
16 population.

17 SEC. 9. Section 1192.8 of the Penal Code is amended to read:

18 1192.8. (a) For purposes of subdivision (c) of Section 1192.7,
19 "serious felony" also means any violation of Section 191.5,
20 paragraph (1) of subdivision (c) of Section 192, ~~paragraph~~
21 *subdivision* (a), (b), or (c) of Section 192.5 of this code, or Section
22 2800.3, subdivision (b) of Section 23104, or Section 23153 of the
23 Vehicle Code, when any of these offenses involve the personal
24 infliction of great bodily injury on any person other than an
25 accomplice, or the personal use of a dangerous or deadly weapon,
26 within the meaning of paragraph (8) or (23) of subdivision (c) of
27 Section 1192.7.

28 (b) It is the intent of the Legislature, in enacting subdivision
29 (a), to codify the court decisions of *People v. Gonzales*, 29 Cal.
30 App. 4th 1684, and *People v. Bow*, 13 Cal. App. 4th 1551, and to
31 clarify that the crimes specified in subdivision (a) have always
32 been, and continue to be, serious felonies within the meaning of
33 subdivision (c) of Section 1192.7.

34 SEC. 10. Section 3057 of the Penal Code is amended to read:

35 3057. (a) Confinement pursuant to a revocation of parole in
36 the absence of a new conviction and commitment to prison under
37 other provisions of law, shall not exceed 12 months, except as
38 provided in subdivision (c).

39 (b) Upon completion of confinement pursuant to parole
40 revocation without a new commitment to prison, the inmate shall

1 be released on parole for a period which shall not extend beyond
2 that portion of the maximum statutory period of parole specified
3 by Section 3000 which was unexpired at the time of each
4 revocation.

5 (c) Notwithstanding the limitations in subdivision (a) and in
6 Section 3060.5 upon confinement pursuant to a parole revocation,
7 the parole authority may extend the confinement pursuant to parole
8 revocation for a maximum of an additional 12 months for
9 subsequent acts of misconduct committed by the parolee while
10 confined pursuant to that parole revocation. Upon a finding of
11 good cause to believe that a parolee has committed a subsequent
12 act of misconduct and utilizing procedures governing parole
13 revocation proceedings, the parole authority may extend the period
14 of confinement pursuant to parole revocation as follows: (1) not
15 more than 180 days for an act punishable as a felony, whether or
16 not prosecution is undertaken, (2) not more than 90 days for an
17 act punishable as a misdemeanor, whether or not prosecution is
18 undertaken, and (3) not more than 30 days for an act defined as a
19 serious disciplinary offense pursuant to subdivision (a) of Section
20 2932.

21 (d) (1) Except for parolees specified in paragraph (2), any
22 revocation period imposed under subdivision (a) may be reduced
23 in the same manner and to the same extent as a term of
24 imprisonment may be reduced by worktime credits under Section
25 2933. Worktime credit must be earned and may be forfeited
26 pursuant to the provisions of Section 2932.

27 Worktime credit forfeited shall not be restored.

28 (2) The following parolees shall not be eligible for credit under
29 this subdivision:

30 (A) Parolees who are sentenced under Section 1168 with a
31 maximum term of life imprisonment.

32 (B) Parolees who violated a condition of parole relating to
33 association with specified persons, entering prohibited areas,
34 attendance at parole outpatient clinics, or psychiatric attention.

35 (C) Parolees who were revoked for conduct described in, or that
36 could be prosecuted under any of the following sections, whether
37 or not prosecution is undertaken: Section 189, Section 191.5,
38 subdivision (a) of Section 192, subdivision (a) of Section 192.5,
39 Section 203, 207, 211, 215, 217.1, or 220, subdivision (b) of
40 Section 241, Section 244, paragraph (1) or (2) of subdivision (a)

1 of Section 245, paragraph (2) or (6) of subdivision (a) of Section
2 261, paragraph (1) or (4) of subdivision (a) of Section 262, Section
3 264.1, subdivision (c) or (d) of Section 286, Section 288,
4 subdivision (c) or (d) of Section 288a, subdivision (a) of Section
5 289, 347, or 404, subdivision (a) of Section 451, Section 12020,
6 12021, 12022, 12022.5, 12022.53, 12022.7, 12022.8, 12025, or
7 12560, or Section 664 for any attempt to engage in conduct
8 described in or that could be prosecuted under any of the
9 above-mentioned sections.

10 (D) Parolees who were revoked for any reason if they had been
11 granted parole after conviction of any of the offenses specified in
12 subparagraph (C).

13 (E) Parolees who the parole authority finds at a revocation
14 hearing to be unsuitable for reduction of the period of confinement
15 because of the circumstances and gravity of the parole violation,
16 or because of prior criminal history.

17 SEC. 11. Section 101.10 of the Streets and Highways Code is
18 amended to read:

19 101.10. (a) (1) The department shall design, construct, place,
20 and maintain, or cause to be designed, constructed, placed, and
21 maintained, along state highways, signs that read as follows:
22 “Please Don’t Drink and Drive,” followed by: “In Memory of
23 (victim’s name).” These signs shall be placed upon the state
24 highways in accordance with this section, placement guidelines
25 adopted by the department, and any applicable federal limitations
26 or conditions on highway signage, including location and spacing.
27 Signs may memorialize more than one victim. “Victim” for
28 purposes of this section means a person who was killed in a
29 vehicular accident, but does not include a party described in
30 paragraph (2) of subdivision (c).

31 (2) The department shall adopt program guidelines for the
32 application for and placement of signs authorized by this section,
33 including, but not limited to, the sign application and qualification
34 process, the procedure for the dedication of signs, and procedures
35 for the replacement or restoration of any signs that are damaged
36 or stolen.

37 (b) If the placement at the location of a vehicular accident is
38 safe and practical and the conditions of subdivisions (c) and (d)
39 are met, the department shall place a sign described in subdivision

1 (a) in close proximity to the location where the vehicular accident
 2 occurred.

3 (c) (1) A party to that accident was convicted of any of the
 4 following:

5 (A) Murder of the second degree under Section 187, and the
 6 violation was a direct result of driving a vehicle while in violation
 7 of Section 23152 or 23153 of the Vehicle Code.

8 (B) Gross vehicular manslaughter while intoxicated under
 9 subdivision (a) of Section 191.5 of the Penal Code.

10 (C) Vehicular manslaughter under subdivision (b) of Section
 11 191.5 of the Penal Code.

12 (2) A party to that accident operated a vehicle involved in the
 13 vehicular accident in violation of Section 23152 or 23153 of the
 14 Vehicle Code, but died in the accident or was not prosecuted
 15 because he or she is found mentally incompetent pursuant to
 16 Section 1367 of the Penal Code.

17 (d) (1) Upon the request of an immediate family member of
 18 the deceased victim involved in an accident occurring on and after
 19 January 1, 1991, and described in subdivision (b), the department
 20 shall place a sign in accordance with this section. A person who
 21 is not a member of the immediate family may also submit a request
 22 to have a sign placed under this section if that person also submits
 23 the written consent of an immediate family member. The
 24 department shall charge the requesting party a fee to cover the
 25 department’s cost in designing, constructing, placing, and
 26 maintaining that sign, and the department’s costs in administering
 27 this section. The sign shall be posted for seven years from the date
 28 of initial placement, or until the date the department determines
 29 that the condition of the sign has deteriorated to the point that it
 30 is no longer serviceable, whichever date is first.

31 (2) “Immediate family” means spouse, child, stepchild, brother,
 32 stepbrother, sister, stepsister, mother, stepmother, father, or
 33 stepfather.

34 (3) If there is any opposition to the placement of the memorial
 35 sign by a member of the immediate family, no sign shall be placed
 36 pursuant to this section.

37 SEC. 12. Section 1803 of the Vehicle Code is amended to read:

38 1803. (a) (1) The clerk of a court in which a person was
 39 convicted of a violation of this code, was convicted of a violation
 40 of subdivision (a), (b), (c), (d), (e), or (f) of Section 655 of the

1 Harbors and Navigation Code pertaining to a mechanically
2 propelled vessel but not to manipulating any water skis, an
3 aquaplane, or similar device, was convicted of a violation of
4 Section 655.2, 655.6, 658, or 658.5 of the Harbors and Navigation
5 Code, or a violation of subdivision (a) of Section 192.5 of the Penal
6 Code, was convicted of an offense involving use or possession of
7 controlled substances under Division 10 (commencing with Section
8 11000) of the Health and Safety Code, was convicted of a felony
9 offense when a commercial motor vehicle, as defined in subdivision
10 (b) of Section 15210, was involved in or incidental to the
11 commission of the offense, or was convicted of a violation of any
12 other statute relating to the safe operation of vehicles, shall prepare
13 within 10 days after conviction and immediately forward to the
14 department at its office at Sacramento an abstract of the record of
15 the court covering the case in which the person was so convicted.
16 If sentencing is not pronounced in conjunction with the conviction,
17 the abstract shall be forwarded to the department within 10 days
18 after sentencing and the abstract shall be certified by the person
19 so required to prepare it to be true and correct.

20 (2) For the purposes of this section, a forfeiture of bail shall be
21 equivalent to a conviction.

22 (b) The following violations are not required to be reported
23 under subdivision (a):

24 (1) Division 3.5 (commencing with Section 9840).

25 (2) Section 21113, with respect to parking violations.

26 (3) Chapter 9 (commencing with Section 22500) of Division
27 11, except Section 22526.

28 (4) Division 12 (commencing with Section 24000), except
29 Sections 24002, 24004, 24250, 24409, 24604, 24800, 25103,
30 26707, 27151, 27315, 27360, 27800, and 27801 and Chapter 3
31 (commencing with Section 26301).

32 (5) Division 15 (commencing with Section 35000), except
33 Chapter 5 (commencing with Section 35550).

34 (6) Violations for which a person was cited as a pedestrian or
35 while operating a bicycle or a motorized scooter.

36 (7) Division 16.5 (commencing with Section 38000), except
37 Section 38301.3.

38 (8) Subdivision (b) of Section 23221, subdivision (b) of Section
39 23223, subdivision (b) of Section 23225, and subdivision (b) of
40 Section 23226.

1 (c) If the court impounds a license, or orders a person to limit
 2 his or her driving pursuant to subdivision (d) of Section 40508,
 3 the court shall notify the department concerning the impoundment
 4 or limitation on an abstract prepared pursuant to subdivision (a)
 5 of this section or on a separate abstract, that shall be prepared
 6 within 10 days after the impoundment or limitation was ordered
 7 and immediately forwarded to the department at its office in
 8 Sacramento.

9 (d) If the court determines that a prior judgment of conviction
 10 of a violation of Section 23152 or 23153 is valid or is invalid on
 11 constitutional grounds pursuant to Section 41403, the clerk of the
 12 court in which the determination is made shall prepare an abstract
 13 of that determination and forward it to the department in the same
 14 manner as an abstract of record pursuant to subdivision (a).

15 (e) Within 10 days of an order terminating or revoking probation
 16 under Section 23602, the clerk of the court in which the order
 17 terminating or revoking probation was entered shall prepare and
 18 immediately forward to the department at its office in Sacramento
 19 an abstract of the record of the court order terminating or revoking
 20 probation and any other order of the court to the department
 21 required by law.

22 *SEC. 12.5. Section 1803 of the Vehicle Code is amended to*
 23 *read:*

24 1803. (a) (1) The clerk of a court in which a person was
 25 convicted of ~~any~~ a violation of this code, was convicted of ~~any~~ a
 26 violation of subdivision (a), (b), (c), (d), (e), or (f) of Section 655
 27 of the Harbors and Navigation Code pertaining to a mechanically
 28 propelled vessel but not to manipulating any water skis, an
 29 aquaplane, or similar device, was convicted of ~~any~~ a violation of
 30 Section 655.2, 655.6, 658, or 658.5 of the Harbors and Navigation
 31 Code, or ~~any~~ a violation of *subdivision (a) of Section 191.5 192.5*
 32 *of the Penal Code when the conviction resulted from the operation*
 33 *of a vessel*, was convicted of ~~any~~ an offense involving use or
 34 possession of controlled substances under Division 10
 35 (commencing with Section 11000) of the Health and Safety Code,
 36 was convicted of ~~any~~ a felony offense when a commercial motor
 37 vehicle, as defined in subdivision (b) of Section 15210, was
 38 involved in or incidental to the commission of the offense, or was
 39 convicted of ~~any~~ a violation of any other statute relating to the
 40 safe operation of vehicles, shall prepare within 10 days after

1 conviction and immediately forward to the department at its office
2 at Sacramento an abstract of the record of the court covering the
3 case in which the person was so convicted. If sentencing is not
4 pronounced in conjunction with the conviction, the abstract shall
5 be forwarded to the department within 10 days after sentencing
6 and the abstract shall be certified by the person so required to
7 prepare it to be true and correct.

8 ~~For~~

9 (2) *For* the purposes of this section, a forfeiture of bail shall be
10 equivalent to a conviction.

11 (b) The following violations are not required to be reported
12 under subdivision (a):

13 (1) Division 3.5 (commencing with Section 9840).

14 (2) Section 21113, with respect to parking violations.

15 (3) Chapter 9 (commencing with Section 22500) of Division
16 11, except Section 22526.

17 (4) Division 12 (commencing with Section 24000), except
18 Sections 24002, 24004, 24250, 24409, 24604, 24800, 25103,
19 26707, 27151, 27315, 27360, 27800, and 27801 and Chapter 3
20 (commencing with Section 26301).

21 (5) Division 15 (commencing with Section 35000), except
22 Chapter 5 (commencing with Section 35550).

23 (6) Violations for which a person was cited as a pedestrian or
24 while operating a bicycle or a motorized scooter.

25 (7) Division 16.5 (commencing with Section 38000), except
26 Section 38301.3.

27 (8) Subdivision (b) of Section 23221, subdivision (b) of Section
28 23223, subdivision (b) of Section 23225, and subdivision (b) of
29 Section 23226.

30 (c) If the court impounds a license, or orders a person to limit
31 his or her driving pursuant to subdivision (d) of Section 40508,
32 the court shall notify the department concerning the impoundment
33 or limitation on an abstract prepared pursuant to subdivision (a)
34 of this section or on a separate abstract, ~~which~~ *that* shall be
35 prepared within 10 days after the impoundment or limitation was
36 ordered and immediately forwarded to the department at its office
37 in Sacramento.

38 (d) If the court determines that a prior judgment of conviction
39 of a violation of Section 23152 or 23153 is valid or is invalid on
40 constitutional grounds pursuant to Section 41403, the clerk of the

1 court in which the determination is made shall prepare an abstract
2 of that determination and forward it to the department in the same
3 manner as an abstract of record pursuant to subdivision (a).

4 (e) Within 10 days of an order terminating or revoking probation
5 under Section 23602, the clerk of the court in which the order
6 terminating or revoking probation was entered shall prepare and
7 immediately forward to the department at its office in Sacramento
8 an abstract of the record of the court order terminating or revoking
9 probation and any other order of the court to the department
10 required by law.

11 (f) *This section shall remain in effect only until October 1, 2008,*
12 *and as of that date is repealed, unless a later enacted statute, that*
13 *is enacted before October 1, 2008, deletes or extends that date.*

14 SEC. 13. Section 1808 of the Vehicle Code is amended to read:

15 1808. (a) Except where a specific provision of law prohibits
16 the disclosure of records or information or provides for
17 confidentiality, all records of the department relating to the
18 registration of vehicles, other information contained on an
19 application for a driver's license, abstracts of convictions, and
20 abstracts of accident reports required to be sent to the department
21 in Sacramento, except for abstracts of accidents where, in the
22 opinion of a reporting officer, another individual was at fault, shall
23 be open to public inspection during office hours. All abstracts of
24 accident reports shall be available to law enforcement agencies
25 and courts of competent jurisdiction.

26 (b) The department shall make available or disclose abstracts
27 of convictions and abstracts of accident reports required to be sent
28 to the department in Sacramento, as described in subdivision (a),
29 if the date of the occurrence is not later than the following:

30 (1) Ten years for a violation pursuant to Section 23140, 23152,
31 or 23153.

32 (2) Seven years for a violation designated as two points pursuant
33 to Section 12810, except as provided in paragraph (1) of this
34 subdivision.

35 (3) Three years for accidents and all other violations.

36 (c) The department shall make available or disclose suspensions
37 and revocations of the driving privilege while the suspension or
38 revocation is in effect and for three years following termination
39 of the action or reinstatement of the privilege, except that driver's
40 license suspension actions taken pursuant to Sections 13202.6 and

1 13202.7, or Section 256 or 11350.6 of the Welfare and Institutions
2 Code shall be disclosed only during the actual time period in which
3 the suspension is in effect.

4 (d) The department shall not make available or disclose a
5 suspension or revocation that has been judicially set aside or stayed.

6 (e) The department shall not make available or disclose personal
7 information about a person unless the disclosure is in compliance
8 with the Driver's Privacy Protection Act of 1994 (18 U.S.C. Sec.
9 2721 et seq.). However, a disclosure is subject to the prohibition
10 in paragraph (2) of subdivision (a) of Section 12800.5.

11 (f) The department shall make available or disclose to the courts
12 and law enforcement agencies a conviction of Section 23103, as
13 specified in Section 23103.5, or a conviction of Section 23140,
14 23152, or 23153, or Section 655 of the Harbors and Navigation
15 Code, or paragraph (1) of subdivision (c) of Section 192 of the
16 Penal Code for a period of 10 years from the date of the offense
17 for the purpose of imposing penalties mandated by this code, or
18 by other applicable provisions of California law.

19 (g) The department shall make available or disclose to the courts
20 and law enforcement agencies a conviction of Section 191.5, or
21 subdivision (a) of Section 192.5 of the Penal Code, punished as a
22 felony, for the purpose of imposing penalties mandated by Section
23 23550.5, or by other applicable provisions of California law.

24 SEC. 14. Section 11110 of the Vehicle Code is amended to
25 read:

26 11110. (a) The department, after notice and hearing, may
27 suspend or revoke a license issued under this chapter if any of the
28 following ~~occur~~ *occurs*:

29 (1) The department finds and determines that the licensee fails
30 to meet the requirements to receive or hold a license under this
31 chapter.

32 (2) The licensee fails to keep the records required by this
33 chapter.

34 (3) The licensee (A) permits fraud or engages in fraudulent
35 practices either with reference to an applicant for a driver's license
36 or an all-terrain vehicle safety certificate ~~or from~~ the department,
37 or (B) induces or countenances fraud or fraudulent practices on
38 the part of an applicant.

39 (4) The licensee fails to comply with this chapter or regulation
40 or requirement of the department adopted pursuant thereto.

1 (5) The licensee represents himself or herself as an agent or
2 employee of the department or uses advertising designed to create
3 the impression, or that would reasonably have the effect of leading
4 persons to believe, that the licensee is in fact an employee or
5 representative of the department; or the licensee makes an
6 advertisement, in any manner or by any means, that is untrue or
7 misleading and that is known, or that by the exercise of reasonable
8 care should be known, to be untrue or misleading.

9 (6) The licensee, or an employee or agent of the licensee, solicits
10 driver training or instruction or all-terrain vehicle safety instruction
11 in, or within 200 feet of, an office of the department.

12 (7) The licensee is convicted of violating Section 14606, 20001,
13 20002, 20003, 20004, 20006, 20008, 23103, 23104, 23152, or
14 23153 of this code or subdivision (b) of Section 191.5 or
15 subdivision (c) of Section 192 of the Penal Code. A conviction,
16 after a plea of nolo contendere, is a conviction within the meaning
17 of this paragraph.

18 (8) The licensee teaches, or permits a student to be taught, the
19 specific tests administered by the department through use of the
20 department's forms or testing facilities.

21 (9) The licensee conducts training, or permits training by an
22 employee, in an unsafe manner or contrary to safe driving practices.

23 (10) The licensed school owner or licensed driving school
24 operator teaches, or permits an employee to teach, driving
25 instruction or all-terrain vehicle safety instruction without a valid
26 instructor's license.

27 (11) The licensed school owner does not have in effect a bond
28 as required by Section 11102.

29 (12) The licensee permits the use of the license by any other
30 person for the purpose of permitting that person to engage in the
31 ownership or operation of a school or in the giving of driving
32 instruction or all-terrain vehicle safety instruction for
33 compensation.

34 (13) The licensee holds a secondary teaching credential and
35 explicitly or implicitly recruits or attempts to recruit a pupil who
36 is enrolled in a junior or senior high school to be a customer for a
37 business licensed pursuant to this article that is owned by the
38 licensee or for which the licensee is an employee.

39 (b) In the interest of the public's safety, as determined by the
40 department, the department may immediately suspend the license

1 of a licensee for ~~any~~ *an* alleged violation under this chapter and
2 shall conduct a hearing of the alleged violation within 30 days of
3 the suspension.

4 *SEC. 14.5. Section 11110 of the Vehicle Code is amended to*
5 *read:*

6 11110. (a) The department, after notice and hearing, may
7 suspend or revoke ~~any~~ *a* license issued under this chapter if any
8 of the following ~~occur~~ *occurs*:

9 (1) The department finds and determines that the licensee fails
10 to meet the requirements to receive or hold a license under this
11 chapter.

12 (2) The licensee fails to keep the records required by this
13 chapter.

14 (3) The licensee (A) permits fraud or engages in fraudulent
15 practices either with reference to an applicant for a driver's license
16 or an all-terrain vehicle safety certificate ~~or~~ *from* the department,
17 or (B) induces or countenances fraud or fraudulent practices on
18 the part of ~~any~~ *an* applicant.

19 (4) The licensee fails to comply with this chapter or regulation
20 or requirement of the department adopted pursuant thereto.

21 (5) The licensee represents himself or herself as an agent or
22 employee of the department or uses advertising designed to create
23 the impression, or that would reasonably have the effect of leading
24 persons to believe, that the licensee is in fact an employee or
25 representative of the department; or the licensee makes an
26 advertisement, in any manner or by any means, ~~which~~ *that* is untrue
27 or misleading and that is known, or ~~which~~ *that* by the exercise of
28 reasonable care should be known, to be untrue or misleading.

29 (6) The licensee, or ~~any~~ *an* employee or agent of the licensee,
30 solicits driver training or instruction or all-terrain vehicle safety
31 instruction in, or within 200 feet of, an office of the department.

32 (7) The licensee is convicted of violating Section 14606, 20001,
33 20002, 20003, 20004, 20006, 20008, 23103, 23104, *23105*, 23152,
34 or 23153 of this code or subdivision (b) of Section 191.5 or
35 subdivision (c) of Section 192 of the Penal Code. A conviction,
36 after a plea of nolo contendere, is a conviction within the meaning
37 of this paragraph.

38 (8) The licensee teaches, or permits a student to be taught, the
39 specific tests administered by the department through use of the
40 department's forms or testing facilities.

1 (9) The licensee conducts training, or permits training by ~~any~~
2 *an* employee, in an unsafe manner or contrary to safe driving
3 practices.

4 (10) The licensed school owner or licensed driving school
5 operator teaches, or permits an employee to teach, driving
6 instruction or all-terrain vehicle safety instruction without a valid
7 instructor's license.

8 (11) The licensed school owner does not have in effect a bond
9 as required by Section 11102.

10 (12) The licensee permits the use of the license by any other
11 person for the purpose of permitting that person to engage in the
12 ownership or operation of a school or in the giving of driving
13 instruction or all-terrain vehicle safety instruction for
14 compensation.

15 (13) The licensee holds a secondary teaching credential and
16 explicitly or implicitly recruits or attempts to recruit a pupil who
17 is enrolled in a junior or senior high school to be a customer for
18 ~~any~~ *a* business licensed pursuant to this article that is owned by
19 the licensee or for which the licensee is an employee.

20 (b) In the interest of the public's safety, as determined by the
21 department, the department may immediately suspend the license
22 of ~~any~~ *a* licensee for ~~any~~ *an* alleged violation under this chapter
23 and shall conduct a hearing of the alleged violation within 30 days
24 of the suspension.

25 SEC. 15. Section 11215 of the Vehicle Code is amended to
26 read:

27 11215. The department, after notice and hearing, may suspend
28 or revoke a license issued under this chapter if any of the following
29 circumstances exist:

30 (a) The department finds and determines that the licensee ceases
31 to meet any requirement to obtain a license under this chapter.

32 (b) The holder fails to comply with, or otherwise violates, a
33 provision of this chapter or a regulation or requirement of the
34 department adopted pursuant to this chapter.

35 (c) The licensee engages in fraudulent practices with respect to
36 its activities licensed under this chapter or induces or fails to
37 promptly report to the department any known fraud or fraudulent
38 practices on the part of an employee of the traffic violator school.

39 (d) The licensee represents himself or herself as an agent or
40 employee of the department or uses advertising designed to create

1 the impression, or that would reasonably have the effect of leading
2 persons to believe that the licensee was in fact an employee or
3 representative of the department, or whenever the licensee
4 advertises, in any manner or means, a statement that is untrue or
5 misleading and that is known, or that by the exercise of reasonable
6 care should be known, to be untrue or misleading.

7 (e) The licensee or ~~a~~ *an* employee or agent of the licensee
8 collects fees for or preregisters a person in traffic violator school
9 or solicits traffic violator school instruction in an office of the
10 department or in a court or within 500 feet of a court.

11 (f) The licensee is convicted of violating Section 20001, 20002,
12 20003, 20004, 20006, 20008, 23103, 23104, 23152, or 23153 of
13 this code or subdivision (b) of Section 191.5 or Section 192 of the
14 Penal Code. A conviction after a plea of nolo contendere is a
15 conviction within the meaning of this section.

16 (g) The traffic violator school owner teaches, or permits an
17 employee to teach, traffic safety instruction without a valid
18 instructor's license.

19 (h) The traffic violator school owner does not have in effect a
20 bond as provided in paragraph (3) of subdivision (a) of Section
21 11202 or a deposit in lieu of the bond, as specified in Section
22 11203.

23 *SEC. 15.5. Section 11215 of the Vehicle Code is amended to*
24 *read:*

25 11215. The department, after notice and hearing, may suspend
26 or revoke ~~any~~ *a* license issued under this chapter if any of the
27 following circumstances exist:

28 (a) The department finds and determines that the licensee ceases
29 to meet any requirement to obtain a license under this chapter.

30 (b) The holder fails to comply with, or otherwise violates, ~~any~~
31 *a* provision of this chapter or ~~any~~ *a* regulation or requirement of
32 the department adopted pursuant to this chapter.

33 (c) The licensee engages in fraudulent practices with respect to
34 its activities licensed under this chapter or induces or fails to
35 promptly report to the department any known fraud or fraudulent
36 practices on the part of ~~any~~ *an* employee of the traffic violator
37 school.

38 (d) The licensee represents himself or herself as an agent or
39 employee of the department or uses advertising designed to create
40 the impression, or ~~which~~ *that* would reasonably have the effect of

1 leading persons to believe that the licensee was in fact an employee
 2 or representative of the department, or whenever the licensee
 3 advertises, in any manner or means ~~any~~, a statement ~~which~~ that is
 4 untrue or misleading and ~~which~~ that is known, or ~~which~~ that by
 5 the exercise of reasonable care should be known, to be untrue or
 6 misleading.

7 (e) The licensee or ~~any~~ an employee or agent of the licensee
 8 collects fees for or preregisters ~~any~~ a person in traffic violator
 9 school or solicits traffic violator school instruction in an office of
 10 the department or in ~~any~~ a court or within 500 feet of ~~any~~ a court.

11 (f) The licensee is convicted of violating Section 20001, 20002,
 12 20003, 20004, 20006, 20008, 23103, 23104, 23105, 23152, or
 13 23153 of this code or *subdivision (b) of Section 191.5 or Section*
 14 *192 of the Penal Code*. A conviction after a plea of nolo contendere
 15 is a conviction within the meaning of this section.

16 (g) The traffic violator school owner teaches, or permits an
 17 employee to teach, traffic safety instruction without a valid
 18 instructor's license.

19 (h) The traffic violator school owner does not have in effect a
 20 bond as provided in paragraph (3) of subdivision (a) of Section
 21 11202 or a deposit in lieu of the bond, as specified in Section
 22 11203.

23 SEC. 16. Section 12810 of the Vehicle Code is amended to
 24 read:

25 12810. In determining the violation point count, the following
 26 shall apply:

27 (a) A conviction of failure to stop in the event of an accident in
 28 violation of Section 20001 or 20002 shall be given a value of two
 29 points.

30 (b) A conviction of a violation of Section 23152 or 23153 shall
 31 be given a value of two points.

32 (c) A conviction of reckless driving shall be given a value of
 33 two points.

34 (d) (1) A conviction of a violation of subdivision (b) of Section
 35 191.5 or subdivision (c) of Section 192 of the Penal Code, or of
 36 Section 2800.2 or 2800.3, subdivision (b) of Section 21651,
 37 subdivision (b) of Section 22348, subdivision (a) or (c) of Section
 38 23109, or Section 31602 of this code, shall be given a value of two
 39 points.

1 (2) A conviction of a violation of subdivision (a) or (b) of
2 Section 23140 shall be given a value of two points.

3 (e) A conviction of a violation of Section 14601, 14601.1,
4 14601.2, 14601.3, or 14601.5 shall be given a value of two points.

5 (f) Except as provided in subdivision (i), any other traffic
6 conviction involving the safe operation of a motor vehicle upon
7 the highway shall be given a value of one point.

8 (g) A traffic accident in which the operator is deemed by the
9 department to be responsible shall be given a value of one point.

10 (h) A conviction of a violation of Section 27360 or 27360.5
11 shall be given a value of one point.

12 (i) (1) A violation of paragraph (1), (2), (3), or (5) of subdivision
13 (b) of Section 40001 shall not result in a violation point count
14 being given to the driver if the driver is not the owner of the
15 vehicle.

16 (2) A conviction of a violation of paragraph (1) or (2) of
17 subdivision (b) of Section 12814.6, subdivision (a) of Section
18 21116, Section 21207.5, 21708, 21710, 21716, 23120, 24800, or
19 26707 shall not be given a violation point count.

20 (3) A violation of subdivision (d) of Section 21712 shall not
21 result in a violation point count.

22 (4) A violation of Section 23136 shall not result in a violation
23 point count.

24 (5) A violation of Section 38301.3 shall not result in a violation
25 point count.

26 (j) A conviction for only one violation arising from one occasion
27 of arrest or citation shall be counted in determining the violation
28 point count for the purposes of this section.

29 *SEC. 16.5. Section 12810 of the Vehicle Code is amended to*
30 *read:*

31 12810. In determining the violation point count, the following
32 shall apply:

33 (a) A conviction of failure to stop in the event of an accident in
34 violation of Section 20001 or 20002 shall be given a value of two
35 points.

36 (b) A conviction of a violation of Section 23152 or 23153 shall
37 be given a value of two points.

38 (c) A conviction of reckless driving shall be given a value of
39 two points.

1 (d) (1) A conviction of a violation of subdivision (b) of Section
2 191.5 or subdivision (c) of Section 192 of the Penal Code, or of
3 Section 2800.2 or 2800.3, subdivision (b) of Section 21651,
4 subdivision (b) of Section 22348, subdivision (a) or (c) of Section
5 23109, Section 23109.1, or Section 31602 of this code, shall be
6 given a value of two points.

7 (2) A conviction of a violation of subdivision (a) or (b) of
8 Section 23140 shall be given a value of two points.

9 (e) A conviction of a violation of Section 14601, 14601.1,
10 14601.2, 14601.3, or 14601.5 shall be given a value of two points.

11 (f) Except as provided in subdivision (i), any other traffic
12 conviction involving the safe operation of a motor vehicle upon
13 the highway shall be given a value of one point.

14 (g) A traffic accident in which the operator is deemed by the
15 department to be responsible shall be given a value of one point.

16 (h) A conviction of a violation of Section 27360 or 27360.5
17 shall be given a value of one point.

18 (i) (1) A violation of paragraph (1), (2), (3), or (5) of subdivision
19 (b) of Section 40001 shall not result in a violation point count
20 being given to the driver if the driver is not the owner of the
21 vehicle.

22 (2) A conviction of a violation of paragraph (1) or (2) of
23 subdivision (b) of Section 12814.6, subdivision (a) of Section
24 21116, Section 21207.5, 21708, 21710, 21716, 23120, 24800, or
25 26707 shall not be given a violation point count.

26 (3) A violation of subdivision (d) of Section 21712 shall not
27 result in a violation point count.

28 (4) A violation of Section 23136 shall not result in a violation
29 point count.

30 (5) A violation of Section 38301.3 shall not result in a violation
31 point count.

32 (j) A conviction for only one violation arising from one occasion
33 of arrest or citation shall be counted in determining the violation
34 point count for the purposes of this section.

35 SEC. 17. Section 13202.5 of the Vehicle Code is amended to
36 read:

37 13202.5. (a) For each conviction of a person for an offense
38 specified in subdivision (d), committed while the person was under
39 the age of 21 years, but 13 years of age or older, the court shall
40 suspend the person's driving privilege for one year. If the person

1 convicted does not yet have the privilege to drive, the court shall
2 order the department to delay issuing the privilege to drive for one
3 year subsequent to the time the person becomes legally eligible to
4 drive. However, if there is no further conviction for an offense
5 specified in subdivision (d) in a 12-month period after the
6 conviction, the court, upon petition of the person affected, may
7 modify the order imposing the delay of the privilege. For each
8 successive offense, the court shall suspend the person's driving
9 privilege for those possessing a license or delay the eligibility for
10 those not in possession of a license at the time of their conviction
11 for one additional year.

12 As used in this section, the term "conviction" includes the
13 findings in juvenile proceedings specified in Section 13105.

14 (b) Whenever the court suspends driving privileges pursuant to
15 subdivision (a), the court in which the conviction is had shall
16 require all driver's licenses held by the person to be surrendered
17 to the court. The court shall within 10 days following the conviction
18 transmit a certified abstract of the conviction, together with any
19 driver's licenses surrendered, to the department.

20 (c) (1) After a court has issued an order suspending or delaying
21 driving privileges pursuant to subdivision (a), the court, upon
22 petition of the person affected, may review the order and may
23 impose restrictions on the person's privilege to drive based upon
24 a showing of a critical need to drive.

25 (2) As used in this section, "critical need to drive" means the
26 circumstances that are required to be shown for the issuance of a
27 junior permit pursuant to Section 12513.

28 (3) The restriction shall remain in effect for the balance of the
29 period of suspension or restriction in this section. The court shall
30 notify the department of any modification within 10 days of the
31 order of modification.

32 (d) This section applies to violations involving controlled
33 substances or alcohol contained in the following provisions:

34 (1) Article 7 (commencing with Section 4110) of Chapter 9 of
35 Division 2 of, and Sections 25658, 25658.5, 25661, and 25662 of,
36 the Business and Professions Code.

37 (2) Division 10 (commencing with Section 11000) of the Health
38 and Safety Code.

39 (3) Section 191.5, subdivision (a) or (b) of Section 192.5, and
40 subdivision (f) of Section 647 of the Penal Code.

1 (4) Section 23103 when subject to Section 23103.5, Section
2 23140, and Article 2 (commencing with Section 23152) of Chapter
3 12 of Division 11 of this code.

4 (e) Suspension, restriction, or delay of driving privileges
5 pursuant to this section shall be in addition to any penalty imposed
6 upon conviction of a violation specified in subdivision (d).

7 SEC. 18. Section 13350 of the Vehicle Code is amended to
8 read:

9 13350. (a) The department immediately shall revoke the
10 privilege of a person to drive a motor vehicle upon receipt of a
11 duly certified abstract of the record of a court showing that the
12 person has been convicted of any of the following crimes or
13 offenses:

14 (1) Failure of the driver of a vehicle involved in an accident
15 resulting in injury or death to a person to stop or otherwise comply
16 with Section 20001.

17 (2) A felony in the commission of which a motor vehicle is
18 used, except as provided in Section 13351, 13352, or 13357.

19 (3) Reckless driving causing bodily injury.

20 (b) If a person is convicted of a violation of Section 23152
21 punishable under Section 23546, 23550, or 23550.5, or a violation
22 of Section 23153 punishable under Section 23550.5 or 23566,
23 including a violation of subdivision (b) of Section 191.5 of the
24 Penal Code as provided in Section 193.7 of that code, the court
25 shall, at the time of surrender of the driver's license or temporary
26 permit, require the defendant to sign an affidavit in a form provided
27 by the department acknowledging his or her understanding of the
28 revocation required by paragraph (5), (6), or (7) of subdivision (a)
29 of Section 13352, and an acknowledgment of his or her designation
30 as a habitual traffic offender. A copy of this affidavit shall be
31 transmitted, with the license or temporary permit, to the department
32 within the prescribed 10 days.

33 (c) The department shall not reinstate the privilege revoked
34 under subdivision (a) until the expiration of one year after the date
35 of revocation and until the person whose privilege was revoked
36 gives proof of financial responsibility as defined in Section 16430.

37 SEC. 19. Section 13350.5 of the Vehicle Code is amended to
38 read:

39 13350.5. Notwithstanding Section 13350, for the purposes of
40 this article, conviction of a violation of subdivision (b) of Section

1 191.5 of the Penal Code is a conviction of a violation of Section
2 23153.

3 SEC. 20. Section 13351 of the Vehicle Code is amended to
4 read:

5 13351. (a) The department immediately shall revoke the
6 privilege of a person to drive a motor vehicle upon receipt of a
7 duly certified abstract of the record of a court showing that the
8 person has been convicted of any of the following crimes or
9 offenses:

10 (1) Manslaughter resulting from the operation of a motor vehicle,
11 except when convicted under paragraph (2) of subdivision (c) of
12 Section 192 of the Penal Code.

13 (2) Conviction of three or more violations of Section 20001,
14 20002, 23103, or 23104 within a period of 12 months from the
15 time of the first offense to the third or subsequent offense, or a
16 combination of three or more convictions of violations within the
17 same period.

18 (3) Violation of subdivision (a) of Section 191.5 or subdivision
19 (a) of Section 192.5 of the Penal Code or of Section 2800.3 causing
20 serious bodily injury resulting in a serious impairment of physical
21 condition, including, but not limited to, loss of consciousness,
22 concussion, serious bone fracture, protracted loss or impairment
23 of function of a bodily member or organ, and serious disfigurement.

24 (b) The department shall not reinstate the privilege revoked
25 under subdivision (a) until the expiration of three years after the
26 date of revocation and until the person whose privilege was revoked
27 gives proof of financial responsibility, as defined in Section 16430.

28 SEC. 20.5. *Section 13351 of the Vehicle Code is amended to*
29 *read:*

30 13351. (a) The department immediately shall revoke the
31 privilege of ~~any a~~ person to drive a motor vehicle upon receipt of
32 a duly certified abstract of the record of ~~any a~~ court showing that
33 the person has been convicted of any of the following crimes or
34 offenses:

35 (1) Manslaughter resulting from the operation of a motor vehicle,
36 except when convicted under paragraph (2) of subdivision (c) of
37 Section 192 of the Penal Code.

38 (2) Conviction of three or more violations of Section 20001,
39 20002, 23103, ~~or 23104~~ 23104, *or 23105* within a period of 12
40 months from the time of the first offense to the third or subsequent

1 offense, or a combination of three or more convictions of violations
2 within the same period.

3 (3) Violation of *subdivision (a) of Section 191.5 or subdivision*
4 *(a) of Section 192.5* of the Penal Code or of Section 2800.3 causing
5 serious bodily injury resulting in a serious impairment of physical
6 condition, including, but not limited to, loss of consciousness,
7 concussion, serious bone fracture, protracted loss or impairment
8 of function of any bodily member or organ, and serious
9 disfigurement.

10 (b) The department shall not reinstate the privilege revoked
11 under subdivision (a) until the expiration of three years after the
12 date of revocation and until the person whose privilege was revoked
13 gives proof of financial responsibility, as defined in Section 16430.

14 SEC. 21. Section 13352.6 of the Vehicle Code is amended to
15 read:

16 13352.6. (a) The department shall immediately suspend the
17 driving privilege of a person who is 18 years of age or older and
18 is convicted of a violation of Section 23140, upon the receipt of a
19 duly certified abstract of the record of a court showing that
20 conviction. The privilege may not be reinstated until the person
21 provides the department with proof of financial responsibility and
22 until proof satisfactory to the department, of successful completion
23 of a driving-under-the-influence program licensed under Section
24 11836 of the Health and Safety Code has been received in the
25 department's headquarters. That attendance shall be as follows:

26 (1) If, within 10 years of the current violation of Section 23140,
27 the person has not been convicted of a separate violation of Section
28 23140, 23152, or 23153, or of Section 23103, with a plea of guilty
29 under Section 23103.5, or of Section 655 of the Harbors and
30 Navigation Code, or of Section 191.5 of, or subdivision (a) of
31 Section 192.5 of, the Penal Code, the person shall complete, at a
32 minimum, the education component of that licensed
33 driving-under-the-influence program.

34 (2) If the person does not meet the requirements of paragraph
35 (1), the person shall complete, at a minimum, the program
36 described in paragraph (1) of subdivision (c) of Section 11837 of
37 the Health and Safety Code.

38 (b) For the purposes of this section, enrollment, participation,
39 and completion of the program shall be subsequent to the date of
40 the current violation. Credit for enrollment, participation, or

1 completion may not be given for any program activities completed
2 prior to the date of the current violation.

3 SEC. 22. Section 13353 of the Vehicle Code is amended to
4 read:

5 13353. (a) If a person refuses the officer's request to submit
6 to, or fails to complete, a chemical test or tests pursuant to Section
7 23612, upon receipt of the officer's sworn statement that the officer
8 had reasonable cause to believe the person had been driving a
9 motor vehicle in violation of Section 23140, 23152, or 23153, and
10 that the person had refused to submit to, or did not complete, the
11 test or tests after being requested by the officer, the department
12 shall do one of the following:

13 (1) Suspend the person's privilege to operate a motor vehicle
14 for a period of one year.

15 (2) Revoke the person's privilege to operate a motor vehicle for
16 a period of two years if the refusal occurred within 10 years of
17 either (A) a separate violation of Section 23103 as specified in
18 Section 23103.5, or of Section 23140, 23152, or 23153, or of
19 Section 191.5 or subdivision (a) of Section 192.5 of the Penal
20 Code, that resulted in a conviction, or (B) a suspension or
21 revocation of the person's privilege to operate a motor vehicle
22 pursuant to this section or Section 13353.2 for an offense that
23 occurred on a separate occasion.

24 (3) Revoke the person's privilege to operate a motor vehicle for
25 a period of three years if the refusal occurred within 10 years of
26 any of the following:

27 (A) Two or more separate violations of Section 23103 as
28 specified in Section 23103.5, or of Section 23140, 23152, or 23153,
29 or of Section 191.5 or subdivision (a) of Section 192.5 of the Penal
30 Code, or any combination thereof, that resulted in convictions.

31 (B) Two or more suspensions or revocations of the person's
32 privilege to operate a motor vehicle pursuant to this section or
33 Section 13353.2 for offenses that occurred on separate occasions.

34 (C) Any combination of two or more of those convictions or
35 administrative suspensions or revocations.

36 The officer's sworn statement shall be submitted pursuant to
37 Section 13380 on a form furnished or approved by the department.
38 The suspension or revocation shall not become effective until 30
39 days after the giving of written notice thereof, or until the end of

1 a stay of the suspension or revocation, as provided for in Section
2 13558.

3 (D) For the purposes of this section, a conviction of an offense
4 in any state, territory, or possession of the United States, the
5 District of Columbia, the Commonwealth of Puerto Rico, or the
6 Dominion of Canada that, if committed in this state, would be a
7 violation of Section 23103, as specified in Section 23103.5, or
8 Section 23140, 23152, or 23153, or Section 191.5 or subdivision
9 (a) of Section 192.5 of the Penal Code, is a conviction of that
10 particular section of the Vehicle Code or Penal Code.

11 (b) If a person on more than one occasion in separate incidents
12 refuses the officer's request to submit to, or fails to complete, a
13 chemical test or tests pursuant to Section 23612 while driving a
14 motor vehicle, upon the receipt of the officer's sworn statement
15 that the officer had reasonable cause to believe the person had
16 been driving a motor vehicle in violation of Section 23140, 23152,
17 or 23153, the department shall disqualify the person from operating
18 a commercial motor vehicle for the rest of his or her lifetime.

19 (c) The notice of the order of suspension or revocation under
20 this section shall be served on the person by a peace officer
21 pursuant to Section 23612. The notice of the order of suspension
22 or revocation shall be on a form provided by the department. If
23 the notice of the order of suspension or revocation has not been
24 served by the peace officer pursuant to Section 23612, the
25 department immediately shall notify the person in writing of the
26 action taken. The peace officer who serves the notice, or the
27 department, if applicable, also shall provide, if the officer or
28 department, as the case may be, determines that it is necessary to
29 do so, the person with the appropriate non-English notice developed
30 pursuant to subdivision (d) of Section 14100.

31 (d) Upon the receipt of the officer's sworn statement, the
32 department shall review the record. For purposes of this section,
33 the scope of the administrative review shall cover all of the
34 following issues:

35 (1) Whether the peace officer had reasonable cause to believe
36 the person had been driving a motor vehicle in violation of Section
37 23140, 23152, or 23153.

38 (2) Whether the person was placed under arrest.

39 (3) Whether the person refused to submit to, or did not complete,
40 the test or tests after being requested by a peace officer.

1 (4) Whether, except for a person described in subdivision (a)
2 of Section 23612 who is incapable of refusing, the person had been
3 told that his or her driving privilege would be suspended or revoked
4 if he or she refused to submit to, or did not complete, the test or
5 tests.

6 (e) The person may request an administrative hearing pursuant
7 to Section 13558. Except as provided in subdivision (e) of Section
8 13558, the request for an administrative hearing does not stay the
9 order of suspension or revocation.

10 (f) The suspension or revocation imposed under this section
11 shall run concurrently with any restriction, suspension, or
12 revocation imposed under Section 13352, 13352.4, or 13352.5 that
13 resulted from the same arrest.

14 SEC. 23. Section 13353.1 of the Vehicle Code is amended to
15 read:

16 13353.1. (a) If a person refuses an officer's request to submit
17 to, or fails to complete, a preliminary alcohol screening test
18 pursuant to Section 13388, upon the receipt of the officer's sworn
19 statement, submitted pursuant to Section 13380, that the officer
20 had reasonable cause to believe the person had been driving a
21 motor vehicle in violation of Section 23136, and that the person
22 had refused to submit to, or did not complete, the test after being
23 requested by the officer, the department shall do one of the
24 following:

25 (1) Suspend the person's privilege to operate a motor vehicle
26 for a period of one year.

27 (2) Revoke the person's privilege to operate a motor vehicle for
28 a period of two years if the refusal occurred within 10 years of
29 either of the following:

30 (A) A separate violation of subdivision (a) of Section 23136,
31 that resulted in a finding of a violation, or a separate violation, that
32 resulted in a conviction, of Section 23103, as specified in Section
33 23103.5, of Section 23140, 23152, or 23153, or of Section 191.5
34 or subdivision (a) of Section 192.5 of the Penal Code.

35 (B) A suspension or revocation of the person's privilege to
36 operate a motor vehicle if that action was taken pursuant to this
37 section or Section 13353 or 13353.2 for an offense that occurred
38 on a separate occasion.

1 (3) Revoke the person's privilege to operate a motor vehicle for
2 a period of three years if the refusal occurred within 10 years of
3 any of the following:

4 (A) Two or more separate violations of subdivision (a) of
5 Section 23136, that resulted in findings of violations, or two or
6 more separate violations, that resulted in convictions, of Section
7 23103, as specified in Section 23103.5, of Section 23140, 23152,
8 or 23153, or of Section 191.5 or subdivision (a) of Section 192.5
9 of the Penal Code, or any combination thereof.

10 (B) Two or more suspensions or revocations of the person's
11 privilege to operate a motor vehicle if those actions were taken
12 pursuant to this section, or Section 13353 or 13353.2, for offenses
13 that occurred on separate occasions.

14 (C) Any combination of two or more of the convictions or
15 administrative suspensions or revocations described in
16 subparagraph (A) or (B).

17 (b) For the purposes of this section, a conviction of an offense
18 in any state, territory, or possession of the United States, the
19 District of Columbia, the Commonwealth of Puerto Rico, or
20 Canada that, if committed in this state, would be a violation of
21 Section 23103, as specified in Section 23103.5, or Section 23140,
22 23152, or 23153, or Section 191.5 or subdivision (a) of Section
23 192.5 of the Penal Code, is a conviction of that particular section
24 of the Vehicle or Penal Code.

25 (c) The notice of the order of suspension or revocation under
26 this section shall be served on the person by the peace officer
27 pursuant to Section 13388 and shall not become effective until 30
28 days after the person is served with that notice. The notice of the
29 order of suspension or revocation shall be on a form provided by
30 the department. If the notice of the order of suspension or
31 revocation has not been served by the peace officer pursuant to
32 Section 13388, the department immediately shall notify the person
33 in writing of the action taken. The peace officer who serves the
34 notice, or the department, if applicable, also shall provide, if the
35 officer or department, as the case may be, determines that it is
36 necessary to do so, the person with the appropriate non-English
37 notice developed pursuant to subdivision (d) of Section 14100.

38 (d) Upon the receipt of the officer's sworn statement, the
39 department shall review the record. For the purposes of this section,

1 the scope of the administrative review shall cover all of the
2 following issues:

3 (1) Whether the peace officer had reasonable cause to believe
4 the person had been driving a motor vehicle in violation of Section
5 23136.

6 (2) Whether the person was lawfully detained.

7 (3) Whether the person refused to submit to, or did not complete,
8 the test after being requested to do so by a peace officer.

9 (e) The person may request an administrative hearing pursuant
10 to Section 13558. Except as provided in subdivision (e) of Section
11 13558, the request for an administrative hearing does not stay the
12 order of suspension or revocation.

13 *SEC. 23.5. Section 13353.1 of the Vehicle Code is amended to*
14 *read:*

15 13353.1. (a) If a person refuses an officer's request to submit
16 to, or fails to complete, a preliminary alcohol screening test
17 pursuant to Section ~~13388~~, *13388 or 13389*, upon the receipt of
18 the officer's sworn statement, submitted pursuant to Section 13380,
19 that the officer had reasonable cause to believe the person had
20 been driving a motor vehicle in violation of Section ~~23136~~, *23136*
21 *or 23154*, and that the person had refused to submit to, or did not
22 complete, the test after being requested by the officer, the
23 department shall do one of the following:

24 (1) Suspend the person's privilege to operate a motor vehicle
25 for a period of one year.

26 (2) Revoke the person's privilege to operate a motor vehicle for
27 a period of two years if the refusal occurred within 10 years of
28 either of the following:

29 (A) A separate violation of subdivision (a) of Section 23136,
30 that resulted in a finding of a violation, or a separate violation, that
31 resulted in a conviction, of Section 23103, as specified in Section
32 23103.5, of Section 23140, 23152, or 23153, *or of Section 191.5*
33 *or subdivision (a) of Section 192.5 of the Penal Code, or of*
34 ~~paragraph (3) of subdivision (e) of Section 192 of that code.~~

35 (B) A suspension or revocation of the person's privilege to
36 operate a motor vehicle if that action was taken pursuant to this
37 section or Section 13353 or 13353.2 for an offense that occurred
38 on a separate occasion.

1 (3) Revoke the person's privilege to operate a motor vehicle for
2 a period of three years if the refusal occurred within 10 years of
3 any of the following:

4 (A) Two or more separate violations of subdivision (a) of
5 Section 23136, that resulted in findings of violations, or two or
6 more separate violations, that resulted in convictions, of Section
7 23103, as specified in Section 23103.5, of Section 23140, 23152,
8 or 23153, *or of Section 191.5 or subdivision (a) of Section 192.5*
9 *of the Penal Code, or of paragraph (3) of subdivision (e) of Section*
10 ~~192 of that code~~, or any combination thereof.

11 (B) Two or more suspensions or revocations of the person's
12 privilege to operate a motor vehicle if those actions were taken
13 pursuant to this section, or Section 13353 or 13353.2, for offenses
14 that occurred on separate occasions.

15 (C) Any combination of two or more of the convictions or
16 administrative suspensions or revocations described in
17 subparagraph (A) or (B).

18 (b) For the purposes of this section, a conviction of ~~any an~~
19 offense in any state, territory, or possession of the United States,
20 the District of Columbia, the Commonwealth of Puerto Rico, or
21 Canada that, if committed in this state, would be a violation of
22 Section 23103, as specified in Section 23103.5, or Section 23140,
23 23152, or 23153, or Section 191.5 or ~~paragraph (3) of subdivision~~
24 ~~(e) of Section 192~~ *subdivision (a) of Section 192.5* of the Penal
25 Code, is a conviction of that particular section of the Vehicle or
26 Penal Code.

27 (c) The notice of the order of suspension or revocation under
28 this section shall be served on the person by the peace officer
29 pursuant to Section 13388 and shall not become effective until 30
30 days after the person is served with that notice. The notice of the
31 order of suspension or revocation shall be on a form provided by
32 the department. If the notice of the order of suspension or
33 revocation has not been served by the peace officer pursuant to
34 Section 13388, the department immediately shall notify the person
35 in writing of the action taken. The peace officer who serves the
36 notice, or the department, if applicable, also shall provide, if the
37 officer or department, as the case may be, determines that it is
38 necessary to do so, the person with the appropriate non-English
39 notice developed pursuant to subdivision (d) of Section 14100.

1 (d) Upon the receipt of the officer's sworn statement, the
2 department shall review the record. For the purposes of this section,
3 the scope of the administrative review shall cover all of the
4 following issues:

5 (1) Whether the peace officer had reasonable cause to believe
6 the person had been driving a motor vehicle in violation of Section
7 23136.

8 (2) Whether the person was lawfully detained.

9 (3) Whether the person refused to submit to, or did not complete,
10 the test after being requested to do so by a peace officer.

11 (e) The person may request an administrative hearing pursuant
12 to Section 13558. Except as provided in subdivision (e) of Section
13 13558, the request for an administrative hearing does not stay the
14 order of suspension or revocation.

15 SEC. 24. Section 13353.3 of the Vehicle Code is amended to
16 read:

17 13353.3. (a) An order of suspension of a person's privilege to
18 operate a motor vehicle pursuant to Section 13353.2 shall become
19 effective 30 days after the person is served with the notice pursuant
20 to Section 13382 or 13388, or subdivision (b) of Section 13353.2.

21 (b) The period of suspension of a person's privilege to operate
22 a motor vehicle under Section 13353.2 is as follows:

23 (1) If the person has not been convicted of a separate violation
24 of Section 23103, as specified in Section 23103.5, of Section
25 23140, 23152, or 23153, of Section 191.5 or subdivision (a) of
26 Section 192.5 of the Penal Code, the person has not been
27 administratively determined to have refused chemical testing
28 pursuant to Section 13353 or 13353.1, or the person has not been
29 administratively determined to have been driving with an excessive
30 concentration of alcohol pursuant to Section 13353.2 on a separate
31 occasion, that offense or occurrence occurred within 10 years of
32 the occasion in question, the person's privilege to operate a motor
33 vehicle shall be suspended for four months.

34 (2) If the person has been convicted of one or more separate
35 violations of Section 23103, as specified in Section 23103.5,
36 Section 23140, 23152, or 23153, Section 191.5 or subdivision (a)
37 of Section 192.5 of the Penal Code, the person has been
38 administratively determined to have refused chemical testing
39 pursuant to Section 13353 or 13353.1, or the person has been
40 administratively determined to have been driving with an excessive

1 concentration of alcohol pursuant to Section 13353.2 on a separate
2 occasion, that offense or occasion occurred within 10 years of the
3 occasion in question, the person's privilege to operate a motor
4 vehicle shall be suspended for one year.

5 (3) Notwithstanding any other provision of law, if a person has
6 been administratively determined to have been driving in violation
7 of Section 23136 or to have refused chemical testing pursuant to
8 Section 13353.1, the period of suspension shall not be for less than
9 one year.

10 (c) If a person's privilege to operate a motor vehicle is
11 suspended pursuant to Section 13353.2 and the person is convicted
12 of a violation of Section 23152 or 23153, including, but not limited
13 to, a violation described in Section 23620, arising out of the same
14 occurrence, both the suspension under Section 13353.2 and the
15 suspension or revocation under Section 13352 shall be imposed,
16 except that the periods of suspension or revocation shall run
17 concurrently, and the total period of suspension or revocation shall
18 not exceed the longer of the two suspension or revocation periods.

19 (d) For the purposes of this section, a conviction of an offense
20 in any state, territory, or possession of the United States, the
21 District of Columbia, the Commonwealth of Puerto Rico, or the
22 Dominion of Canada that, if committed in this state, would be a
23 violation of Section 23103, as specified in Section 23103.5, or
24 Section 23140, 23152, or 23153, or Section 191.5 or subdivision
25 (a) of Section 192.5 of the Penal Code, is a conviction of that
26 particular section of the Vehicle Code or Penal Code.

27 SEC. 25. Section 13353.7 of the Vehicle Code is amended to
28 read:

29 13353.7. (a) Subject to subdivision (c), if the person whose
30 driving privilege has been suspended under Section 13353.2 has
31 not been convicted of, or found to have committed, a separate
32 violation of Section 23103, as specified in Section 23103.5, or
33 Section 23140, 23152, or 23153 of this code, or Section 191.5 or
34 subdivision (a) of Section 192.5 of the Penal Code, and if the
35 person's privilege to operate a motor vehicle has not been
36 suspended or revoked pursuant to Section 13353 or 13353.2 for
37 an offense that occurred on a separate occasion within 10 years of
38 the occasion in question and, if the person subsequently enrolls in
39 a driving-under-the-influence program licensed under Section
40 11836 of the Health and Safety Code, as described in subdivision

1 (b) of Section 23538, that person, if 21 years of age or older at the
2 time the offense occurred, may apply to the department for a
3 restricted driver's license limited to travel to and from the activities
4 required by the program and to and from and in the course of the
5 person's employment. After receiving proof of enrollment in the
6 program, and if the person has not been arrested subsequent to the
7 offense for which the person's driving privilege has been suspended
8 under Section 13353.2 for a violation of Section 23103, as specified
9 in Section 23103.5, or Section 23140, 23152, or 23153 of this
10 code, or Section 191.5 or subdivision (a) of Section 192.5 of the
11 Penal Code, and if the person's privilege to operate a motor vehicle
12 has not been suspended or revoked pursuant to Section 13353 or
13 13353.2 for an offense that occurred on a separate occasion,
14 notwithstanding Section 13551, the department shall, after review
15 pursuant to Section 13557, suspend the person's privilege to
16 operate a motor vehicle for 30 days and then issue the person a
17 restricted driver's license under the following conditions:

18 (1) The program shall report any failure to participate in the
19 program to the department and shall certify successful completion
20 of the program to the department.

21 (2) The person was 21 years of age or older at the time the
22 offense occurred and gives proof of financial responsibility as
23 defined in Section 16430.

24 (3) The restriction shall be imposed for a period of five months.

25 (4) If a person who has been issued a restricted license under
26 this section fails at any time to participate in the program, the
27 department shall suspend the restricted license immediately. The
28 department shall give notice of the suspension under this paragraph
29 in the same manner as prescribed in subdivision (b) of Section
30 13353.2 for the period specified in Section 13353.3, that is effective
31 upon receipt by the person.

32 (b) Notwithstanding subdivision (a), and upon a conviction of
33 Section 23152 or 23153, the department shall suspend or revoke
34 the person's privilege to operate a motor vehicle under Section
35 13352.

36 (c) If the holder of a commercial driver's license was operating
37 a commercial vehicle, as defined in Section 15210, at the time of
38 the violation that resulted in the suspension of that person's driving
39 privilege under Section 13353.2, the department shall, pursuant
40 to this section, if the person is otherwise eligible, issue the person

1 a class C driver's license restricted in the same manner and subject
2 to the same conditions as specified in subdivision (a), except that
3 the license may not allow travel to and from or in the course of
4 the person's employment.

5 (d) This section does not apply to a person whose driving
6 privilege has been suspended or revoked pursuant to Section 13353
7 or 13353.2 for an offense that occurred on a separate occasion, or
8 as a result of a conviction of a separate violation of Section 23103,
9 as specified in Section 23103.5, or Section 23140, 23152, or 23153,
10 *when* that violation occurred within 10 years of the offense in
11 question. This subdivision shall be operative only so long as a
12 one-year suspension of the driving privilege for a second or
13 subsequent occurrence or offense, with no restricted or hardship
14 licenses permitted, is required by Section 408 or 410 of Title 23
15 of the United States Code.

16 SEC. 26. Section 13353.8 of the Vehicle Code is amended to
17 read:

18 13353.8. (a) After the department has issued an order
19 suspending or delaying driving privileges as a result of a violation
20 of subdivision (a) of Section 23136, the department, upon the
21 petition of the person affected, may review the order and may
22 impose restrictions on the person's privilege to drive based upon
23 a showing of a critical need to drive, if the department determines
24 that, within 10 years of the current violation of Section 23136, the
25 person has not violated Section 23136 or been convicted of a
26 separate violation of Section 23140, 23152, or 23153, or of Section
27 23103, with a plea of guilty under Section 23103.5, or of Section
28 191.5 or subdivision (a) of Section 192.5 of, the Penal Code, and
29 that the person's driving privilege has not been suspended or
30 revoked under Section 13353, 13353.1, or 13353.2 within that
31 10-year period.

32 (b) For purposes of this section, a conviction of an offense in a
33 state, territory, or possession of the United States, the District of
34 Columbia, the Commonwealth of Puerto Rico, or the Dominion
35 of Canada that, if committed in this state, would be a violation of
36 Section 23103, as specified in Section 23103.5, or Section 23140,
37 23152, 23153, or Section 191.5 or subdivision (a) of Section 192.5
38 of the Penal Code, is a conviction of that particular section of the
39 Vehicle Code or Penal Code.

1 (c) As used in this section, “critical need to drive” means the
2 circumstances that are required to be shown for the issuance of a
3 junior permit pursuant to Section 12513.

4 (d) The restriction shall be imposed not earlier than the 31st day
5 after the date the order of suspension became effective and shall
6 remain in effect for the balance of the period of suspension or
7 restriction in this section.

8 SEC. 27. Section 13954 of the Vehicle Code is amended to
9 read:

10 13954. (a) Notwithstanding any other provision of this code,
11 the department immediately shall suspend or revoke the driving
12 privilege of a person who the department has reasonable cause to
13 believe was in some manner involved in an accident while
14 operating a motor vehicle under the following circumstances at
15 the time of the accident:

16 (1) The person had 0.08 percent or more, by weight, of alcohol
17 in his or her blood.

18 (2) He or she proximately caused the accident as a result of an
19 act prohibited, or the neglect of any duty imposed, by law.

20 (3) The accident occurred within five years of the date of a
21 violation of subdivision (b) of Section 191.5 of the Penal Code
22 that resulted in a conviction.

23 (b) If an accident described in subdivision (a) does not result in
24 a conviction or finding of a violation of Section 23152 or 23153,
25 the department shall suspend the driving privilege under this
26 section for one year from the date of commencement of the original
27 suspension. After the one-year suspension period, the driving
28 privilege may be reinstated if evidence establishes to the
29 satisfaction of the department that no grounds exist that would
30 authorize the refusal to issue a license and that reinstatement of
31 the driving privilege would not jeopardize the safety of the person
32 or other persons upon the highways, and if the person gives proof
33 of financial responsibility, as defined in Section 16430.

34 (c) If an accident described in subdivision (a) does result in a
35 conviction or finding of a violation of Section 23152 or 23153,
36 the department shall revoke the driving privilege under this section
37 for three years from the date of commencement of the original
38 revocation. After the three-year revocation period, the driving
39 privilege may be reinstated if evidence establishes to the
40 satisfaction of the department that no grounds exist that would

1 authorize the refusal to issue a license and that reinstatement of
2 the driving privilege would not jeopardize the safety of the person
3 or other persons upon the highways, and if the person gives proof
4 of financial responsibility.

5 (d) Any revocation action under subdivision (c) shall be imposed
6 as follows:

7 (1) If the accident results in a first conviction of a violation of
8 Section 23152 or 23153, or if the person was convicted of a
9 separate violation of Section 23152 or 23153 that occurred within
10 five years of the accident, the period of revocation under
11 subdivision (c) shall be concurrent with any period of restriction,
12 suspension, or revocation imposed under Section 13352, 13352.4,
13 or 13352.5.

14 (2) If the person was convicted of two or more separate
15 violations of Section 23152 or 23153, or both, that occurred within
16 five years of the accident, the period of revocation under
17 subdivision (c) shall be cumulative and shall be imposed
18 consecutively with any period of restriction, suspension, or
19 revocation imposed under Section 13352 or 13352.5.

20 (e) The department immediately shall notify the person in
21 writing of the action taken and, upon the person's request in writing
22 and within 15 days from the date of receipt of that request, shall
23 grant the person an opportunity for a hearing in the same manner
24 and under the same conditions as provided in Article 3
25 (commencing with Section 14100) of Chapter 3, except as
26 otherwise provided in this section. For purposes of this section,
27 the scope of the hearing shall cover the following issues:

28 (1) Whether the peace officer had reasonable cause to believe
29 the person had been driving a motor vehicle in violation of Section
30 23152 or 23153.

31 (2) Whether the person had been placed under lawful arrest.

32 (3) Whether a chemical test of the person's blood, breath, or
33 urine indicated that the blood-alcohol level was 0.08 percent or
34 more, by weight, at the time of testing.

35 If the department determines, upon a hearing of the matter, that
36 the person had not been placed under lawful arrest, or that a
37 chemical test of the person's blood, breath, or urine did not indicate
38 a blood-alcohol level of 0.08 percent or more, by weight, at the
39 time of testing, the suspension or revocation shall be terminated
40 immediately.

1 (f) This section applies if the accident occurred on or after
2 January 1, 1990, without regard for the dates of the violations
3 referred to in subdivisions (a) and (d).

4 (g) Notwithstanding subdivision (f), if a person's privilege to
5 operate a motor vehicle is required to be suspended or revoked
6 pursuant to this section as it read before January 1, 1990, as a result
7 of an accident that occurred before January 1, 1990, the privilege
8 shall be suspended or revoked pursuant to this section as it read
9 before January 1, 1990.

10 SEC. 28. Section 15300 of the Vehicle Code is amended to
11 read:

12 15300. (a) A driver of a commercial motor vehicle may not
13 operate a commercial motor vehicle for a period of one year if the
14 driver is convicted of a first violation of any of the following:

15 (1) Subdivision (a), (b), or (c) of Section 23152 while operating
16 a motor vehicle.

17 (2) Subdivision (d) of Section 23152.

18 (3) Subdivision (a) or (b) of Section 23153 while operating a
19 motor vehicle.

20 (4) Subdivision (d) of Section 23153.

21 (5) Leaving the scene of an accident involving a motor vehicle
22 operated by the driver.

23 (6) Using a motor vehicle to commit a felony, other than a felony
24 described in Section 15304.

25 (7) Driving a commercial motor vehicle when the driver's
26 commercial driver's license is revoked, suspended, or canceled
27 based on the driver's operation of a commercial motor vehicle or
28 when the driver is disqualified from operating a commercial motor
29 vehicle based on the driver's operation of a commercial motor
30 vehicle.

31 (8) Causing a fatality involving conduct defined pursuant to
32 Section 191.5 of the Penal Code or subdivision (c) of Section 192
33 of the Penal Code.

34 (9) While operating a motor vehicle, refuses to submit to, or
35 fails to complete, a chemical test or tests in violation of Section
36 23612.

37 (10) A violation of Section 2800.1, 2800.2, or 2800.3 that
38 involves a commercial motor vehicle.

39 (b) If a violation listed in subdivision (a), or a violation listed
40 in paragraph (2) of subdivision (a) of Section 13350 or Section

1 13352 or 13357, occurred while transporting a hazardous material,
2 the period specified in subdivision (a) shall be three years.

3 SEC. 29. Section 15302 of the Vehicle Code is amended to
4 read:

5 15302. A driver of a commercial motor vehicle may not operate
6 a commercial motor vehicle for the rest of his or her life if
7 convicted of more than one violation of any of the following:

8 (a) Subdivision (a), (b), or (c) of Section 23152 while operating
9 a motor vehicle.

10 (b) Subdivision (d) of Section 23152.

11 (c) Subdivision (a) or (b) of Section 23153 while operating a
12 motor vehicle.

13 (d) Subdivision (d) of Section 23153.

14 (e) Leaving the scene of an accident involving a motor vehicle
15 operated by the driver.

16 (f) Using a motor vehicle to commit a felony, other than a felony
17 described in Section 15304.

18 (g) Driving a commercial motor vehicle when the driver's
19 commercial driver's license is revoked, suspended, or canceled
20 based on the driver's operation of a commercial motor vehicle or
21 when the driver is disqualified from operating a commercial motor
22 vehicle based on the driver's operation of a commercial motor
23 vehicle.

24 (h) Causing a fatality involving conduct defined pursuant to
25 Section 191.5 of the Penal Code or in subdivision (c) of Section
26 192 of the Penal Code.

27 (i) While operating a motor vehicle, refuses to submit to, or
28 fails to complete, a chemical test or tests in violation of Section
29 23612.

30 (j) A violation of Section 2800.1, 2800.2, or 2800.3 that involves
31 a commercial motor vehicle.

32 (k) Any combination of the above violations or a violation listed
33 in paragraph (2) of subdivision (a) of Section 13350 or Section
34 13352 or 13357 that occurred while transporting a hazardous
35 material.

36 SEC. 30. Section 20001 of the Vehicle Code is amended to
37 read:

38 20001. (a) The driver of a vehicle involved in an accident
39 resulting in injury to a person, other than himself or herself, or in
40 the death of a person shall immediately stop the vehicle at the

1 scene of the accident and shall fulfill the requirements of Sections
2 20003 and 20004.

3 (b) (1) Except as provided in paragraph (2), a person who
4 violates subdivision (a) shall be punished by imprisonment in the
5 state prison, or in a county jail for not more than one year, or by
6 a fine of not less than one thousand dollars (\$1,000) nor more than
7 ten thousand dollars (\$10,000), or by both that imprisonment and
8 fine.

9 (2) If the accident described in subdivision (a) results in death
10 or permanent, serious injury, a person who violates subdivision
11 (a) shall be punished by imprisonment in the state prison for two,
12 three, or four years, or in a county jail for not less than 90 days
13 nor more than one year, or by a fine of not less than one thousand
14 dollars (\$1,000) nor more than ten thousand dollars (\$10,000), or
15 by both that imprisonment and fine. However, the court, in the
16 interests of justice and for reasons stated in the record, may reduce
17 or eliminate the minimum imprisonment required by this paragraph.

18 (3) In imposing the minimum fine required by this subdivision,
19 the court shall take into consideration the defendant's ability to
20 pay the fine and, in the interests of justice and for reasons stated
21 in the record, may reduce the amount of that minimum fine to less
22 than the amount otherwise required by this subdivision.

23 (c) A person who flees the scene of the crime after committing
24 a violation of Section 191.5 of, or paragraph (1) of subdivision (c)
25 of Section 192 of the Penal Code, upon conviction of any of those
26 sections, in addition and consecutive to the punishment prescribed,
27 shall be punished by an additional term of imprisonment of five
28 years in the state prison. This additional term shall not be imposed
29 unless the allegation is charged in the accusatory pleading and
30 admitted by the defendant or found to be true by the trier of fact.
31 The court shall not strike a finding that brings a person within the
32 provisions of this subdivision or an allegation made pursuant to
33 this subdivision.

34 (d) As used in this section, "permanent, serious injury" means
35 the loss or permanent impairment of function of a bodily member
36 or organ.

37 SEC. 31. Section 22651.10 of the Vehicle Code is amended to
38 read:

39 22651.10. (a) (1) Notwithstanding any other provision of law,
40 when a peace officer, as defined in Chapter 4.5 (commencing with

1 Section 830) of Title 3 of Part 2 of the Penal Code, arrests a person
2 for an alleged violation of Section 23152 or 23153, and the person
3 has one or more prior convictions within the past 10 years for a
4 violation of Section 23103, as specified in Section 23103.5, or of
5 Section 23140, 23152, or 23153, or of Section 191.5 of, or
6 subdivision (a) of Section 192.5 of, the Penal Code, the peace
7 officer may cause the removal and seizure of the motor vehicle
8 driven by that person in the commission of that offense in
9 accordance with this chapter.

10 (2) A motor vehicle seized under paragraph (1) may be
11 impounded for not more than 30 days.

12 (3) The seizure and impoundment of a motor vehicle under
13 paragraphs (1) and (2) shall be undertaken only if the county
14 participates in a program that combines that seizure and
15 impoundment with an intervention and a referral to a
16 driving-under-the-influence program licensed under Section 11836
17 of the Health and Safety Code immediately upon the arrest or
18 arraignment of the person described in paragraph (1) or upon the
19 delivery of that person to a medical facility for treatment of any
20 injuries.

21 (b) (1) The intervention shall be performed by a certified
22 alcohol and drug addiction counselor.

23 (2) The county participating in the program established under
24 this section shall pay for the cost of the intervention, and no part
25 of that cost shall be passed on to the defendant.

26 (c) The registered and legal owner of a vehicle that is removed
27 and seized under subdivision (a) or their agents shall be provided
28 the opportunity for a storage hearing to determine the validity of
29 the storage in accordance with Section 22852.

30 (d) (1) Notwithstanding this chapter or any other provision of
31 law, an impounding agency shall release a motor vehicle to the
32 registered owner or his or her agent prior to the conclusion of the
33 impoundment period described in subdivision (a) under any of the
34 following circumstances:

35 (A) If the motor vehicle is a stolen motor vehicle.

36 (B) If the driver was not the sole registered owner of the vehicle
37 and the impoundment of the vehicle would cause a hardship on
38 the other registered owner or his or her family.

39 (C) If the person alleged to have violated Section 23152 or
40 23153 was not authorized by the registered owner of the motor

1 vehicle to operate the motor vehicle at the time of the commission
2 of the offense.

3 (D) If the registered owner of the motor vehicle was neither the
4 driver nor a passenger of the vehicle at the time of the alleged
5 violation of Section 23152 or 23153, or was unaware that the driver
6 was using the vehicle to engage in the unlawful activity described
7 in Section 23152 or 23153.

8 (E) If the legal owner or registered owner of the motor vehicle
9 is a rental car agency.

10 (F) If, prior to the conclusion of the impoundment period, a
11 citation or notice is dismissed under Section 40500, criminal
12 charges are not filed by the district attorney because of a lack of
13 evidence, or the charges are otherwise dismissed by the court.

14 (2) A motor vehicle shall be released pursuant to this subdivision
15 only if the registered owner or his or her agent presents a currently
16 valid driver's license to operate the vehicle and proof of current
17 vehicle registration, or if ordered by a court.

18 (3) If, pursuant to subparagraph (F) of paragraph (1), a motor
19 vehicle is released prior to the conclusion of the impoundment
20 period, neither the person charged with a violation of Section 23152
21 or 23153 nor the registered owner of the motor vehicle is
22 responsible for towing and storage charges nor shall the motor
23 vehicle be sold to satisfy those charges.

24 (e) A motor vehicle seized and removed under subdivision (a)
25 shall be released to the legal owner of the vehicle, or the legal
26 owner's agent, on or before the 30th day of impoundment if all of
27 the following conditions are met:

28 (1) The legal owner is a motor vehicle dealer, bank, credit union,
29 acceptance corporation, or other licensed financial institution
30 legally operating in this state, or is another person, not the
31 registered owner, holding a security interest in the vehicle.

32 (2) The legal owner or the legal owner's agent pays all towing
33 and storage fees related to the impoundment of the vehicle. Lien
34 sale processing fees shall not be charged to a legal owner who
35 redeems the vehicle on or before the 15th day of impoundment.

36 (3) The legal owner or the legal owner's agent presents
37 foreclosure documents or an affidavit of repossession for the
38 vehicle.

1 (f) (1) The registered owner or his or her agent is responsible
2 for all towing and storage charges related to the impoundment,
3 and any administrative charges authorized under Section 22850.5.

4 (2) Notwithstanding paragraph (1), if the person is convicted
5 of a violation of Section 23152 or 23153 and was not authorized
6 by the registered owner of the motor vehicle to operate the motor
7 vehicle at the time of the commission of the offense, the court shall
8 order the convicted person to reimburse the registered owner for
9 towing and storage charges related to the impoundment, and
10 administrative charges authorized under Section 22850.5 incurred
11 by the registered owner to obtain possession of the vehicle, unless
12 the court finds that the person convicted does not have the ability
13 to pay all or part of those charges.

14 (3) If the vehicle is a rental vehicle, the rental car agency may
15 require the person to whom the vehicle was rented to pay all towing
16 and storage charges related to the impoundment and any
17 administrative charges authorized under Section 22850.5 that were
18 incurred by the rental car agency in connection with obtaining
19 possession of the vehicle.

20 (4) The owner is not liable for towing and storage charges
21 related to the impoundment if acquittal or dismissal occurs. A
22 county implementing an impoundment program under this section
23 shall establish a process for the immediate return of all payments
24 made by the defendant relating to the impoundment upon the
25 acquittal of the defendant or dismissal of the case.

26 (5) The vehicle may not be sold prior to the defendant's
27 conviction.

28 (6) (A) The impounding agency is responsible for the actual
29 costs incurred by the towing agency as a result of the impoundment
30 should the registered owner be absolved of liability for those
31 charges pursuant to paragraph (3) of subdivision (d).

32 (B) Notwithstanding subparagraph (A), nothing shall prohibit
33 an impounding agency from making prior payment arrangements
34 to satisfy the requirement described in subparagraph (A).

35 (g) On or before January 1, 2009, the county shall report to the
36 Legislature regarding the effectiveness of the pilot program
37 authorized under this section in reducing the number of first-time
38 violations and repeat offenses of Section 23152 or 23153 in the
39 county.

1 (h) This section applies only to the County of Sacramento and
2 only if the Board of Supervisors of Sacramento County enacts an
3 ordinance or resolution authorizing the implementation of the pilot
4 program in the county.

5 (i) This section shall be implemented only to the extent that
6 funds from private or federal sources are available to fund the
7 program.

8 (j) This section shall remain operative only until January 1,
9 2009.

10 (k) This section shall remain in effect only until January 1, 2010,
11 and as of that date is repealed, unless a later enacted statute, that
12 is enacted before January 1, 2010, deletes or extends that date.

13 SEC. 32. Section 23502 of the Vehicle Code is amended to
14 read:

15 23502. (a) Notwithstanding any other provision of law, if a
16 person who is at least 18 years of age is convicted of a first
17 violation of Section 23140, in addition to any penalties, the court
18 shall order the person to attend a program licensed under Section
19 11836 of the Health and Safety Code, subject to a fee schedule
20 developed under paragraph (2) of subdivision (b) of Section
21 11837.4 of the Health and Safety Code.

22 (b) The attendance in a licensed driving-under-the-influence
23 program required under subdivision (a) shall be as follows:

24 (1) If, within 10 years of the current violation of Section 23140,
25 the person has not been convicted of a separate violation of Section
26 23140, 23152, or 23153, or of Section 23103, with a plea of guilty
27 under Section 23103.5, or of Section 655 of the Harbors and
28 Navigation Code, or of Section 191.5 of, or subdivision (a) of
29 Section 192.5 of, the Penal Code, the person shall complete, at a
30 minimum, the education component of that licensed
31 driving-under-the-influence program.

32 (2) If the person does not meet the requirements of paragraph
33 (1), the person shall complete, at a minimum, the program
34 described in paragraph (1) of subdivision (c) of Section 11837 of
35 the Health and Safety Code.

36 (c) The person's privilege to operate a motor vehicle shall be
37 suspended by the department as required under Section 13352.6,
38 and the court shall require the person to surrender his or her driver's
39 license to the court in accordance with Section 13550.

1 (d) The court shall advise the person at the time of sentencing
2 that the driving privilege will not be restored until the person has
3 provided the department with proof satisfactory to the department
4 that the person has successfully completed the
5 driving-under-the-influence program required under this section.

6 SEC. 33. Section 23550.5 of the Vehicle Code is amended to
7 read:

8 23550.5. (a) A person is guilty of a public offense, punishable
9 by imprisonment in the state prison or confinement in a county
10 jail for not more than one year and by a fine of not less than three
11 hundred ninety dollars (\$390) nor more than one thousand dollars
12 (\$1,000) if that person is convicted of a violation of Section 23152
13 or 23153, and the offense occurred within 10 years of any of the
14 following:

15 (1) A prior violation of Section 23152 that was punished as a
16 felony under Section 23550 or this section, or both, or under former
17 Section 23175 or former Section 23175.5, or both.

18 (2) A prior violation of Section 23153 that was punished as a
19 felony.

20 (3) A prior violation of paragraph (1) of subdivision (c) of
21 Section 192 of the Penal Code that was punished as a felony.

22 (b) Each person who, having previously been convicted of a
23 violation of subdivision (a) of Section 191.5 of the Penal Code, a
24 felony violation of subdivision (b) of Section 191.5, or a violation
25 of subdivision (a) of Section 192.5 of the Penal Code, is
26 subsequently convicted of a violation of Section 23152 or 23153
27 is guilty of a public offense punishable by imprisonment in the
28 state prison or confinement in a county jail for not more than one
29 year and by a fine of not less than three hundred ninety dollars
30 (\$390) nor more than one thousand dollars (\$1,000).

31 (c) The privilege to operate a motor vehicle of a person
32 convicted of a violation that is punishable under subdivision (a)
33 or (b) shall be revoked by the department under paragraph (7) of
34 subdivision (a) of Section 13352, unless paragraph (6) of
35 subdivision (a) of Section 13352 is also applicable, in which case
36 the privilege shall be revoked under that provision. The court shall
37 require the person to surrender the driver's license to the court in
38 accordance with Section 13550.

39 (d) A person convicted of a violation of Section 23152 or 23153
40 that is punishable under this section shall be designated as a

1 habitual traffic offender for a period of three years, subsequent to
2 the conviction. The person shall be advised of this designation
3 under subdivision (b) of Section 13350.

4 SEC. 34. Section 23558 of the Vehicle Code is amended to
5 read:

6 23558. A person who proximately causes bodily injury or death
7 to more than one victim in any one instance of driving in violation
8 of Section 23153 of this code or in violation of Section 191.5 of,
9 or subdivision (a) of Section 192.5 of, the Penal Code, shall, upon
10 a felony conviction, and notwithstanding subdivision (g) of Section
11 1170.1 of the Penal Code, receive an enhancement of one year in
12 the state prison for each additional injured victim. The enhanced
13 sentence provided for in this section shall not be imposed unless
14 the fact of the bodily injury to each additional victim is charged
15 in the accusatory pleading and admitted or found to be true by the
16 trier of fact. The maximum number of one year enhancements that
17 may be imposed pursuant to this section is three.

18 Notwithstanding any other provision of law, the court may strike
19 the enhancements provided in this section if it determines that
20 there are circumstances in mitigation of the additional punishment
21 and states on the record its reasons for striking the additional
22 punishment.

23 SEC. 35. Section 23592 of the Vehicle Code is amended to
24 read:

25 23592. (a) (1) Whenever a person is convicted of any of the
26 following offenses committed while driving a motor vehicle of
27 which he or she is the owner, the court, at the time sentence is
28 imposed on the person, may order the motor vehicle impounded
29 for a period of not more than six months for a first conviction, and
30 not more than 12 months for a second or subsequent conviction:

31 (A) Driving with a suspended or revoked driver's license.

32 (B) A violation of Section 2800.2 resulting in an accident or
33 Section 2800.3, if either violation occurred within seven years of
34 one or more separate convictions for a violation of any of the
35 following:

36 (i) Section 23103, if the vehicle involved in the violation was
37 driven at a speed of 100 or more miles per hour.

38 (ii) Section 23152.

39 (iii) Section 23153.

1 (iv) ~~Subdivision~~ *Subdivisions* (a) and (b) of Section 191.5 of
2 the Penal Code.

3 (v) Subdivision (c) of Section 192 of the Penal Code.

4 (vi) Subdivision (a) of Section 192.5 of the Penal Code.

5 (2) The cost of keeping the vehicle is a lien on the vehicle
6 pursuant to Chapter 6.5 (commencing with Section 3067) of Title
7 14 of Part 4 of Division 3 of the Civil Code.

8 (b) Notwithstanding subdivision (a), a motor vehicle impounded
9 pursuant to this section that is subject to a chattel mortgage,
10 conditional sale contract, or lease contract shall be released by the
11 court to the legal owner upon the filing of an affidavit by the legal
12 owner that the chattel mortgage, conditional sale contract, or lease
13 contract is in default and shall be delivered to the legal owner upon
14 payment of the accrued cost of keeping the vehicle.

15 SEC. 36. Section 23596 of the Vehicle Code is amended to
16 read:

17 23596. (a) (1) Upon its own motion or upon motion of the
18 prosecutor in a criminal action for a violation of any of the
19 following offenses, the court with jurisdiction over the offense,
20 notwithstanding Section 86 of the Code of Civil Procedure and
21 any other provision of law otherwise prescribing the jurisdiction
22 of the court based upon the value of the property involved, may
23 declare the motor vehicle driven by the defendant to be a nuisance
24 if the defendant is the registered owner of the vehicle:

25 (A) A violation of Section 191.5 of, or subdivision (a) of Section
26 192.5 of, the Penal Code.

27 (B) A violation of Section 23152 that occurred within seven
28 years of two or more separate offenses of Section 191.5 of, or
29 subdivision (a) of Section 192.5 of, the Penal Code, or Section
30 23152 or 23153, or any combination thereof, that resulted in
31 convictions.

32 (C) A violation of Section 23153 that occurred within seven
33 years of one or more separate offenses of Section 191.5 of, or
34 subdivision (a) of Section 192.5 of, the Penal Code, or Section
35 23152 or 23153, that resulted in convictions.

36 (2) The court or the prosecutor shall give notice of the motion
37 to the defendant, and the court shall hold a hearing before a motor
38 vehicle may be declared a nuisance under this section.

39 (b) Except as provided in subdivision (g), upon the conviction
40 of the defendant and at the time of pronouncement of sentence,

1 the court with jurisdiction over the offense shall order a vehicle
2 declared to be a nuisance pursuant to subdivision (a) to be sold. A
3 vehicle ordered to be sold pursuant to this subdivision shall be
4 surrendered to the sheriff of the county or the chief of police of
5 the city in which the violation occurred. The officer to whom the
6 vehicle is surrendered shall promptly ascertain from the department
7 the names and addresses of all legal and registered owners of the
8 vehicle and, within five days of receiving that information, shall
9 send by certified mail a notice to all legal and registered owners
10 of the vehicle other than the defendant, at the addresses obtained
11 from the department, informing them that the vehicle has been
12 declared a nuisance and will be sold or otherwise disposed of
13 pursuant to this section and of the approximate date and location
14 of the sale or other disposition. The notice shall also inform a legal
15 owner of its right to conduct the sale pursuant to subdivision (c).

16 (c) The legal owner who is a motor vehicle dealer, bank, credit
17 union, acceptance corporation, or other licensed finance institution
18 legally operating in this state, or the agent of that legal owner, may
19 take possession and conduct the sale of the vehicle declared to be
20 a nuisance if it notifies the officer to whom the vehicle is
21 surrendered of its intent to conduct the sale within 15 days of the
22 mailing of the notice pursuant to subdivision (b). Sale of the vehicle
23 pursuant to this subdivision may be conducted at the time, in the
24 manner, and on the notice usually given for the sale of repossessed
25 or surrendered vehicles. The proceeds of a sale conducted by the
26 legal owner shall be disposed of as provided in subdivision (e). A
27 notice pursuant to this subdivision may be presented in person, by
28 certified mail, by facsimile transmission, or by electronic mail.
29 The agent of a legal owner acting pursuant to this subdivision shall
30 be licensed, or exempt from licensure, pursuant to Chapter 11
31 (commencing with Section 7500) of Division 3 of the Business
32 and Professions Code.

33 (d) If the legal owner or the agent of the legal owner does not
34 notify the officer to whom the vehicle is surrendered of its intent
35 to conduct the sale as provided in subdivision (c), the officer shall
36 offer the vehicle for sale at public auction within 60 days of
37 receiving the vehicle. At least 10 days but not more than 20 days
38 prior to the sale, not counting the day of the sale, the officer shall
39 give notice of the sale by advertising once in a newspaper of
40 general circulation published in the city or county, as the case may

1 be, in which the vehicle is located, that notice shall contain a
2 description of the make, year, model, identification number, and
3 license number of the vehicle and the date, time, and location of
4 the sale. For motorcycles, the engine number shall also be included.
5 If there is no newspaper of general circulation published in the
6 county, notice shall be given by posting a notice of sale containing
7 the information required by this subdivision in three of the most
8 public places in the city or county in which the vehicle is located,
9 and at the place where the vehicle is to be sold, for 10 consecutive
10 days prior to and including the day of the sale.

11 (e) The proceeds of a sale conducted pursuant to this section
12 shall be disposed of in the following priority:

13 (1) To satisfy the costs of the sale, including costs incurred with
14 respect to the taking and keeping of the vehicle pending sale.

15 (2) To the legal owner in an amount to satisfy the indebtedness
16 owed to the legal owner remaining as of the date of the sale,
17 including accrued interest or finance charges and delinquency
18 charges.

19 (3) To the holder of a subordinate lien or encumbrance on the
20 vehicle to satisfy any indebtedness so secured if written notification
21 of demand is received before distribution of the proceeds is
22 completed. The holder of a subordinate lien or encumbrance, if
23 requested, shall reasonably furnish reasonable proof of its interest
24 and, unless it does so on request, is not entitled to distribution
25 pursuant to this paragraph.

26 (4) To any other person who can establish an interest in the
27 vehicle, including a community property interest, to the extent of
28 his or her provable interest.

29 (5) If the vehicle was forfeited as a result of a felony violation
30 of subdivision (a) of Section 191.5 of, or subdivision (a) of Section
31 192.5 of, the Penal Code, or of Section 23153 that resulted in
32 serious bodily injury to a person other than the defendant, the
33 balance, if any, to the city or county in which the violation
34 occurred, to be deposited in its general fund.

35 (6) Except as provided in paragraph (5), the balance, if any, to
36 the city or county in which the violation occurred, to be expended
37 for community-based adolescent substance abuse treatment
38 services.

39 The person conducting the sale shall disburse the proceeds of
40 the sale as provided in this subdivision, and provide a written

1 accounting regarding the disposition to all persons entitled to or
2 claiming a share of the proceeds, within 15 days after the sale is
3 conducted.

4 (f) If the vehicle to be sold under this section is not of the type
5 that can readily be sold to the public generally, the vehicle shall
6 be destroyed or donated to an eleemosynary institution.

7 (g) No vehicle shall be sold pursuant to this section in either of
8 the following circumstances:

9 (1) The vehicle is stolen, unless the identity of the legal and
10 registered owners of the vehicle cannot be reasonably ascertained.

11 (2) The vehicle is owned by another, or there is a community
12 property interest in the vehicle owned by a person other than the
13 defendant and the vehicle is the only vehicle available to the
14 defendant's immediate family that may be operated on the highway
15 with a class 3 or class 4 driver's license.

16 (h) The Legislature finds and declares it to be the public policy
17 of this state that no policy of insurance shall afford benefits that
18 would alleviate the financial detriment suffered by a person as a
19 direct or indirect result of a confiscation of a vehicle pursuant to
20 this section.

21 SEC. 37. Section 23612 of the Vehicle Code is amended to
22 read:

23 23612. (a) (1) (A) A person who drives a motor vehicle is
24 deemed to have given his or her consent to chemical testing of his
25 or her blood or breath for the purpose of determining the alcoholic
26 content of his or her blood, if lawfully arrested for an offense
27 allegedly committed in violation of Section 23140, 23152, or
28 23153. If a blood or breath test, or both, are unavailable, then
29 paragraph (2) of subdivision (d) applies.

30 (B) A person who drives a motor vehicle is deemed to have
31 given his or her consent to chemical testing of his or her blood or
32 urine for the purpose of determining the drug content of his or her
33 blood, if lawfully arrested for an offense allegedly committed in
34 violation of Section 23140, 23152, or 23153.

35 (C) The testing shall be incidental to a lawful arrest and
36 administered at the direction of a peace officer having reasonable
37 cause to believe the person was driving a motor vehicle in violation
38 of Section 23140, 23152, or 23153.

39 (D) The person shall be told that his or her failure to submit to,
40 or the failure to complete, the required chemical testing will result

1 in a fine, mandatory imprisonment if the person is convicted of a
2 violation of Section 23152 or 23153, and (i) the suspension of the
3 person's privilege to operate a motor vehicle for a period of one
4 year, (ii) the revocation of the person's privilege to operate a motor
5 vehicle for a period of two years if the refusal occurs within 10
6 years of a separate violation of Section 23103 as specified in
7 Section 23103.5, or of Section 23140, 23152, or 23153, or of
8 Section 191.5 or subdivision (a) of Section 192.5 of the Penal Code
9 that resulted in a conviction, or if the person's privilege to operate
10 a motor vehicle has been suspended or revoked pursuant to Section
11 13353, 13353.1, or 13353.2 for an offense that occurred on a
12 separate occasion, or (iii) the revocation of the person's privilege
13 to operate a motor vehicle for a period of three years if the refusal
14 occurs within 10 years of two or more separate violations of
15 Section 23103 as specified in Section 23103.5, or of Section 23140,
16 23152, or 23153, or of Section 191.5 or subdivision (a) of Section
17 of 192.5 of the Penal Code, or any combination thereof, that
18 resulted in convictions, or if the person's privilege to operate a
19 motor vehicle has been suspended or revoked two or more times
20 pursuant to Section 13353, 13353.1, or 13353.2 for offenses that
21 occurred on separate occasions, or if there is any combination of
22 those convictions or administrative suspensions or revocations.

23 (2) (A) If the person is lawfully arrested for driving under the
24 influence of an alcoholic beverage, the person has the choice of
25 whether the test shall be of his or her blood or breath and the officer
26 shall advise the person that he or she has that choice. If the person
27 arrested either is incapable, or states that he or she is incapable,
28 of completing the chosen test, the person shall submit to the
29 remaining test. If a blood or breath test, or both, are unavailable,
30 then paragraph (2) of subdivision (d) applies.

31 (B) If the person is lawfully arrested for driving under the
32 influence of any drug or the combined influence of an alcoholic
33 beverage and any drug, the person has the choice of whether the
34 test shall be of his or her blood, breath, or urine, and the officer
35 shall advise the person that he or she has that choice.

36 (C) A person who chooses to submit to a breath test may also
37 be requested to submit to a blood or urine test if the officer has
38 reasonable cause to believe that the person was driving under the
39 influence of a drug or the combined influence of an alcoholic
40 beverage and a drug and if the officer has a clear indication that a

1 blood or urine test will reveal evidence of the person being under
2 the influence. The officer shall state in his or her report the facts
3 upon which that belief and that clear indication are based. The
4 person has the choice of submitting to and completing a blood or
5 urine test, and the officer shall advise the person that he or she is
6 required to submit to an additional test and that he or she may
7 choose a test of either blood or urine. If the person arrested either
8 is incapable, or states that he or she is incapable, of completing
9 either chosen test, the person shall submit to and complete the
10 other remaining test.

11 (3) If the person is lawfully arrested for an offense allegedly
12 committed in violation of Section 23140, 23152, or 23153, and,
13 because of the need for medical treatment, the person is first
14 transported to a medical facility where it is not feasible to
15 administer a particular test of, or to obtain a particular sample of,
16 the person's blood, breath, or urine, the person has the choice of
17 those tests that are available at the facility to which that person
18 has been transported. In that case, the officer shall advise the person
19 of those tests that are available at the medical facility and that the
20 person's choice is limited to those tests that are available.

21 (4) The officer shall also advise the person that he or she does
22 not have the right to have an attorney present before stating whether
23 he or she will submit to a test or tests, before deciding which test
24 or tests to take, or during administration of the test or tests chosen,
25 and that, in the event of refusal to submit to a test or tests, the
26 refusal may be used against him or her in a court of law.

27 (5) A person who is unconscious or otherwise in a condition
28 rendering him or her incapable of refusal is deemed not to have
29 withdrawn his or her consent and a test or tests may be
30 administered whether or not the person is told that his or her failure
31 to submit to, or the noncompletion of, the test or tests will result
32 in the suspension or revocation of his or her privilege to operate
33 a motor vehicle. A person who is dead is deemed not to have
34 withdrawn his or her consent and a test or tests may be
35 administered at the direction of a peace officer.

36 (b) A person who is afflicted with hemophilia is exempt from
37 the blood test required by this section.

38 (c) A person who is afflicted with a heart condition and is using
39 an anticoagulant under the direction of a licensed physician and
40 surgeon is exempt from the blood test required by this section.

1 (d) (1) A person lawfully arrested for an offense allegedly
2 committed while the person was driving a motor vehicle in
3 violation of Section 23140, 23152, or 23153 may request the
4 arresting officer to have a chemical test made of the arrested
5 person's blood or breath for the purpose of determining the
6 alcoholic content of that person's blood, and, if so requested, the
7 arresting officer shall have the test performed.

8 (2) If a blood or breath test is not available under subparagraph
9 (A) of paragraph (1) of subdivision (a), or under subparagraph (A)
10 of paragraph (2) of subdivision (a), or under paragraph (1) of this
11 subdivision, the person shall submit to the remaining test in order
12 to determine the percent, by weight, of alcohol in the person's
13 blood. If both the blood and breath tests are unavailable, the person
14 shall be deemed to have given his or her consent to chemical testing
15 of his or her urine and shall submit to a urine test.

16 (e) If the person, who has been arrested for a violation of Section
17 23140, 23152, or 23153, refuses or fails to complete a chemical
18 test or tests, or requests that a blood or urine test be taken, the
19 peace officer, acting on behalf of the department, shall serve the
20 notice of the order of suspension or revocation of the person's
21 privilege to operate a motor vehicle personally on the arrested
22 person. The notice shall be on a form provided by the department.

23 (f) If the peace officer serves the notice of the order of
24 suspension or revocation of the person's privilege to operate a
25 motor vehicle, the peace officer shall take possession of all driver's
26 licenses issued by this state that are held by the person. The
27 temporary driver's license shall be an endorsement on the notice
28 of the order of suspension and shall be valid for 30 days from the
29 date of arrest.

30 (g) (1) The peace officer shall immediately forward a copy of
31 the completed notice of suspension or revocation form and any
32 driver's license taken into possession under subdivision (f), with
33 the report required by Section 13380, to the department. If the
34 person submitted to a blood or urine test, the peace officer shall
35 forward the results immediately to the appropriate forensic
36 laboratory. The forensic laboratory shall forward the results of the
37 chemical tests to the department within 15 calendar days of the
38 date of the arrest.

39 (2) (A) Notwithstanding any other provision of law, a document
40 containing data prepared and maintained in the governmental

1 forensic laboratory computerized database system that is
2 electronically transmitted or retrieved through public or private
3 computer networks to or by the department is the best available
4 evidence of the chemical test results in all administrative
5 proceedings conducted by the department. In addition, any other
6 official record that is maintained in the governmental forensic
7 laboratory, relates to a chemical test analysis prepared and
8 maintained in the governmental forensic laboratory computerized
9 database system, and is electronically transmitted and retrieved
10 through a public or private computer network to or by the
11 department is admissible as evidence in the department's
12 administrative proceedings. In order to be admissible as evidence
13 in administrative proceedings, a document described in this
14 subparagraph shall bear a certification by the employee of the
15 department who retrieved the document certifying that the
16 information was received or retrieved directly from the
17 computerized database system of a governmental forensic
18 laboratory and that the document accurately reflects the data
19 received or retrieved.

20 (B) Notwithstanding any other provision of law, the failure of
21 an employee of the department to certify under subparagraph (A)
22 is not a public offense.

23 (h) A preliminary alcohol screening test that indicates the
24 presence or concentration of alcohol based on a breath sample in
25 order to establish reasonable cause to believe the person was
26 driving a vehicle in violation of Section 23140, 23152, or 23153
27 is a field sobriety test and may be used by an officer as a further
28 investigative tool.

29 (i) If the officer decides to use a preliminary alcohol screening
30 test, the officer shall advise the person that he or she is requesting
31 that person to take a preliminary alcohol screening test to assist
32 the officer in determining if that person is under the influence of
33 alcohol or drugs, or a combination of alcohol and drugs. The
34 person's obligation to submit to a blood, breath, or urine test, as
35 required by this section, for the purpose of determining the alcohol
36 or drug content of that person's blood, is not satisfied by the person
37 submitting to a preliminary alcohol screening test. The officer shall
38 advise the person of that fact and of the person's right to refuse to
39 take the preliminary alcohol screening test.

1 SEC. 38. Section 23620 of the Vehicle Code is amended to
2 read:

3 23620. (a) For the purposes of this division, Section 13352,
4 and Chapter 12 (commencing with Section 23100) of Division 11,
5 a separate offense that resulted in a conviction of a violation of
6 subdivision (f) of Section 655 of the Harbors and Navigation Code
7 or of Section 191.5 of, or subdivision (a) of Section 192.5 of, the
8 Penal Code is a separate offense of a violation of Section 23153.

9 (b) For the purposes of this division and Chapter 12
10 (commencing with Section 23100) of Division 11, and Section
11 13352, a separate offense that resulted in a conviction of a violation
12 of subdivision (b), (c), (d), or (e) of Section 655 of the Harbors
13 and Navigation Code is a separate violation of Section 23152.

14 SEC. 39. Section 23626 of the Vehicle Code is amended to
15 read:

16 23626. A conviction of an offense in any state, territory, or
17 possession of the United States, the District of Columbia, the
18 Commonwealth of Puerto Rico, or the Dominion of Canada that,
19 if committed in this state, would be a violation of Section 23152
20 or 23153 of this code, or Section 191.5 of, or subdivision (a) of
21 Section 192.5 of, the Penal Code, is a conviction of Section 23152
22 or 23153 of this code, or Section 191.5 of, or subdivision (a) of
23 Section 192.5 of, the Penal Code for the purposes of this code.

24 SEC. 40. Section 40509.5 of the Vehicle Code is amended to
25 read:

26 40509.5. (a) Except as required under subdivision (c), if, with
27 respect to an offense described in subdivision (e), a person has
28 violated his or her written promise to appear or a lawfully granted
29 continuance of his or her promise to appear in court or before the
30 person authorized to receive a deposit of bail, or violated an order
31 to appear in court, including, but not limited to, a written notice
32 to appear issued in accordance with Section 40518, the magistrate
33 or clerk of the court may give notice of the failure to appear to the
34 department for a violation of this code, a violation that can be
35 heard by a juvenile traffic hearing referee pursuant to Section 256
36 of the Welfare and Institutions Code, or a violation of any other
37 statute relating to the safe operation of a vehicle, except violations
38 not required to be reported pursuant to paragraphs (1), (2), (3), (6),
39 and (7) of subdivision (b) of Section 1803. If thereafter the case
40 in which the promise was given is adjudicated or the person who

1 has violated the court order appears in court and satisfies the order
2 of the court, the magistrate or clerk of the court hearing the case
3 shall sign and file with the department a certificate to that effect.

4 (b) If, with respect to an offense described in subdivision (e), a
5 person has willfully failed to pay a lawfully imposed fine within
6 the time authorized by the court or to pay a fine pursuant to
7 subdivision (a) of Section 42003, the magistrate or clerk of the
8 court may give notice of the fact to the department for a violation,
9 except violations not required to be reported pursuant to paragraphs
10 (1), (2), (3), (6), and (7) of subdivision (b) of Section 1803. If
11 thereafter the fine is fully paid, the magistrate or clerk of the court
12 shall issue and file with the department a certificate showing that
13 the fine has been paid.

14 (c) If a person charged with a violation of Section 23152 or
15 23153, or Section 191.5 of the Penal Code, or subdivision (a) of
16 Section 192.5 of that code has violated a lawfully granted
17 continuance of his or her promise to appear in court or is released
18 from custody on his or her own recognizance and fails to appear
19 in court or before the person authorized to receive a deposit of
20 bail, or violated an order to appear in court, the magistrate or clerk
21 of the court shall give notice to the department of the failure to
22 appear. If thereafter the case in which the notice was given is
23 adjudicated or the person who has violated the court order appears
24 in court or otherwise satisfies the order of the court, the magistrate
25 or clerk of the court hearing the case shall prepare and forward to
26 the department a certificate to that effect.

27 (d) Except as required under subdivision (c), the court shall mail
28 a courtesy warning notice to the defendant by first-class mail at
29 the address shown on the notice to appear, at least 10 days before
30 sending a notice to the department under this section.

31 (e) If the court notifies the department of a failure to appear or
32 pay a fine pursuant to subdivision (a) or (b), no arrest warrant shall
33 be issued for an alleged violation of subdivision (a) or (b) of
34 Section 40508, unless one of the following criteria is met:

35 (1) The alleged underlying offense is a misdemeanor or felony.

36 (2) The alleged underlying offense is a violation of any provision
37 of Division 12 (commencing with Section 24000), Division 13
38 (commencing with Section 29000), or Division 15 (commencing
39 with Section 35000), required to be reported pursuant to Section
40 1803.

1 (3) The driver's record does not show that the defendant has a
2 valid California driver's license.

3 (4) The driver's record shows an unresolved charge that the
4 defendant is in violation of his or her written promise to appear
5 for one or more other alleged violations of the law.

6 (f) Except as required under subdivision (c), in addition to the
7 proceedings described in this section, the court may elect to notify
8 the department pursuant to subdivision (c) of Section 40509.

9 (g) This section is applicable to courts that have elected to
10 provide notice pursuant to subdivision (b). The method of
11 commencing or terminating an election to proceed under this
12 section shall be prescribed by the department.

13 (h) A violation subject to Section 40001, that is the responsibility
14 of the owner of the vehicle, shall not be reported under this section.

15 *SEC. 40.5. Section 40509.5 of the Vehicle Code is amended to*
16 *read:*

17 40509.5. (a) Except as required under subdivision (c), if, with
18 respect to an offense described in subdivision (e), ~~any~~ a person
19 has violated his or her written promise to appear or a lawfully
20 granted continuance of his or her promise to appear in court or
21 before the person authorized to receive a deposit of bail, or violated
22 an order to appear in court, including, but not limited to, a written
23 notice to appear issued in accordance with Section 40518, the
24 magistrate or clerk of the court may give notice of the failure to
25 appear to the department for ~~any~~ a violation of this code, ~~any~~ a
26 violation that can be heard by a juvenile traffic hearing referee
27 pursuant to Section 256 of the Welfare and Institutions Code, or
28 ~~any~~ a violation of any other statute relating to the safe operation
29 of a vehicle, except violations not required to be reported pursuant
30 to paragraphs (1), (2), (3), (6), and (7) of subdivision (b) of Section
31 1803. If thereafter the case in which the promise was given is
32 adjudicated or the person who has violated the court order appears
33 in court and satisfies the order of the court, the magistrate or clerk
34 of the court hearing the case shall sign and file with the department
35 a certificate to that effect.

36 (b) If, with respect to an offense described in subdivision (e),
37 ~~any~~ a person has willfully failed to pay a lawfully imposed fine,
38 *or bail in installments as agreed to under Section 40510.5*, within
39 the time authorized by the court or to pay a fine pursuant to
40 subdivision (a) of Section 42003, the magistrate or clerk of the

1 court may give notice of the fact to the department for ~~any~~ *a*
2 violation, except violations not required to be reported pursuant
3 to paragraphs (1), (2), (3), (6), and (7) of subdivision (b) of Section
4 1803. If thereafter the fine *or bail* is fully paid, the magistrate or
5 clerk of the court shall issue and file with the department a
6 certificate showing that the fine *or bail* has been paid.

7 (c) If ~~any~~ *a* person charged with a violation of Section 23152
8 or 23153, or Section 191.5 of the Penal Code, or ~~paragraph (3) of~~
9 subdivision ~~(e)~~ *(a)* of Section ~~192~~ 192.5 of that code has violated
10 a lawfully granted continuance of his or her promise to appear in
11 court or is released from custody on his or her own recognizance
12 and fails to appear in court or before the person authorized to
13 receive a deposit of bail, or violated an order to appear in court,
14 the magistrate or clerk of the court shall give notice to the
15 department of the failure to appear. If thereafter the case in which
16 the notice was given is adjudicated or the person who has violated
17 the court order appears in court or otherwise satisfies the order of
18 the court, the magistrate or clerk of the court hearing the case shall
19 prepare and forward to the department a certificate to that effect.

20 (d) Except as required under subdivision (c), the court shall mail
21 a courtesy warning notice to the defendant by first-class mail at
22 the address shown on the notice to appear, at least 10 days before
23 sending a notice to the department under this section.

24 (e) If the court notifies the department of a failure to appear or
25 pay a fine *or bail* pursuant to subdivision (a) or (b), no arrest
26 warrant shall be issued for an alleged violation of subdivision (a)
27 or (b) of Section 40508, unless one of the following criteria is met:

28 (1) The alleged underlying offense is a misdemeanor or felony.

29 (2) The alleged underlying offense is a violation of any provision
30 of Division 12 (commencing with Section 24000), Division 13
31 (commencing with Section 29000), or Division 15 (commencing
32 with Section 35000), required to be reported pursuant to Section
33 1803.

34 (3) The driver's record does not show that the defendant has a
35 valid California driver's license.

36 (4) The driver's record shows an unresolved charge that the
37 defendant is in violation of his or her written promise to appear
38 for one or more other alleged violations of the law.

1 (f) Except as required under subdivision (c), in addition to the
 2 proceedings described in this section, the court may elect to notify
 3 the department pursuant to subdivision (c) of Section 40509.

4 (g) This section is applicable to courts ~~which~~ *that* have elected
 5 to provide notice pursuant to subdivision (b). The method of
 6 commencing or terminating an election to proceed under this
 7 section shall be prescribed by the department.

8 (h) ~~Any~~ A violation subject to Section 40001, ~~which~~ *that* is the
 9 responsibility of the owner of the vehicle, shall not be reported
 10 under this section.

11 SEC. 41. No reimbursement is required by this act pursuant to
 12 Section 6 of Article XIII B of the California Constitution because
 13 the only costs that may be incurred by a local agency or school
 14 district will be incurred because this act creates a new crime or
 15 infraction, eliminates a crime or infraction, or changes the penalty
 16 for a crime or infraction, within the meaning of Section 17556 of
 17 the Government Code, or changes the definition of a crime within
 18 the meaning of Section 6 of Article XIII B of the California
 19 Constitution.

20 *SEC. 42. Section 8.5 of this bill incorporates amendments to*
 21 *Section 977 of the Penal Code proposed by both this bill and SB*
 22 *649. It shall only become operative if (1) both bills are enacted*
 23 *and become effective on or before January 1, 2008, (2) each bill*
 24 *amends Section 977 of the Penal Code, and (3) this bill is enacted*
 25 *after SB 649, in which case Section 8 of this bill shall not become*
 26 *operative.*

27 *SEC. 43. Section 12.5 of this bill incorporates amendments to*
 28 *Section 1803 of the Vehicle Code proposed by both this bill and*
 29 *AB 421. It shall only become operative if (1) both bills are enacted*
 30 *and become effective on or before January 1, 2008, (2) each bill*
 31 *amends Section 1803 of the Vehicle Code, and (3) this bill is*
 32 *enacted after AB 421, in which case Section 12 of this bill shall*
 33 *not become operative.*

34 *SEC. 44. Section 14.5 of this bill incorporates amendments to*
 35 *Section 11110 of the Vehicle Code proposed by both this bill and*
 36 *AB 430. It shall only become operative if (1) both bills are enacted*
 37 *and become effective on or before January 1, 2008, (2) each bill*
 38 *amends Section 11110 of the Vehicle Code, and (3) this bill is*
 39 *enacted after AB 430, in which case Section 14 of this bill shall*
 40 *not become operative.*

1 *SEC. 45. Section 15.5 of this bill incorporates amendments to*
2 *Section 11215 of the Vehicle Code proposed by both this bill and*
3 *AB 430. It shall only become operative if (1) both bills are enacted*
4 *and become effective on or before January 1, 2008, (2) each bill*
5 *amends Section 11215 of the Vehicle Code, and (3) this bill is*
6 *enacted after AB 430, in which case Section 15 of this bill shall*
7 *not become operative.*

8 *SEC. 46. Section 16.5 of this bill incorporates amendments to*
9 *Section 12810 of the Vehicle Code proposed by both this bill and*
10 *AB 430. It shall only become operative if (1) both bills are enacted*
11 *and become effective on or before January 1, 2008, (2) each bill*
12 *amends Section 12810 of the Vehicle Code, and (3) this bill is*
13 *enacted after AB 430, in which case Section 16 of this bill shall*
14 *not become operative.*

15 *SEC. 47. Section 20.5 of this bill incorporates amendments to*
16 *Section 13351 of the Vehicle Code proposed by both this bill and*
17 *AB 430. It shall only become operative if (1) both bills are enacted*
18 *and become effective on or before January 1, 2008, (2) each bill*
19 *amends Section 13351 of the Vehicle Code, and (3) this bill is*
20 *enacted after AB 430, in which case Section 20 of this bill shall*
21 *not become operative.*

22 *SEC. 48. Section 23.5 of this bill incorporates amendments to*
23 *Section 13353.1 of the Vehicle Code proposed by both this bill*
24 *and AB 1165. It shall only become operative if (1) both bills are*
25 *enacted and become effective on or before January 1, 2008, but*
26 *this bill becomes operative first, (2) each bill amends Section*
27 *13353.1 of the Vehicle Code, and (3) this bill is enacted after AB*
28 *1165, in which case Section 13353.1 of the Vehicle Code, as*
29 *amended by Section 23 of this bill, shall remain operative only*
30 *until the operative date of AB 1165, at which time Section 23.5 of*
31 *this bill shall become operative.*

32 *SEC. 49. Section 40.5 of this bill incorporates amendments to*
33 *Section 40509.5 of the Vehicle Code proposed by both this bill*
34 *and AB 1248. It shall only become operative if (1) both bills are*
35 *enacted and become effective on or before January 1, 2008, (2)*
36 *each bill amends Section 40509.5 of the Vehicle Code, and (3) this*
37 *bill is enacted after AB 1248, in which case Section 40 of this bill*
38 *shall not become operative.*

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