

AMENDED IN ASSEMBLY JANUARY 4, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 986

Introduced by Assembly Member Mendoza

February 27, 2009

~~An act to amend Section 23109.2 of, and to add Section 9250.3 to, the Vehicle Code, relating to vehicles. An act to add Sections 494 and 9250.3 to the Vehicle Code, relating to vehicles.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 986, as amended, Mendoza. Vehicles: ~~motor vehicle speed contests; race and show vehicles.~~

(1) Existing law requires vehicles to be registered with the Department of Motor Vehicles. Existing law imposes a vehicle registration fee to be paid to the Department of Motor Vehicles. A violation of the Vehicle Code is a crime.

This bill would require that an additional registration fee, as determined by the Department of Motor Vehicles, be collected for race or show vehicles, as defined, and that those vehicles be designated as race vehicles on the certificate of registration. An owner or operator of a race vehicle who fails to pay this additional registration fee is subject to a fine of \$1,000. Because a violation of this provision is a crime, this bill would impose a state-mandated local program.

This bill would require that the additional registration fees collected be deposited into the Street Racing Abatement Account within the General Fund, which would be created by the bill, and the fine collected be deposited into the Penalty Subaccount within the account, which would be created by the bill. The bill would require that moneys in the account and the subaccount, upon appropriation by the Legislature, be

allocated to the Office of Traffic Safety within the Department of the California Highway Patrol to fund the development and implementation of street racing abatement programs by state or local law enforcement agencies.

(2) 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.

~~Existing law allows a peace officer to arrest and take into custody a person that a peace officer determines was engaged in a motor vehicle speed contest and permits the peace officer to cause the removal and seizure of the motor vehicle used in the contest, in accordance with specified statutory procedures. A vehicle impounded under these provisions is required to be impounded for not more than 30 days, with specified exceptions. Existing law permits the release of the motor vehicle prior to the end of the impoundment period in specified circumstances. The registered owner or his or her agent is responsible for, among other things, all towing and storage charges related to the impoundment and any authorized administrative charges, except under specified circumstances.~~

~~This bill would instead require that the motor vehicle be impounded and inspected by the Department of the California Highway Patrol to determine whether the motor vehicle has been modified for speed enhancement beyond the manufacturer's original equipment specifications (OES). The bill would also require, beginning July 1, 2010, that an additional registration fee of \$30 be collected for a motor vehicle so seized and that the motor vehicle be designated as speed enhanced on the certificate of registration for that motor vehicle.~~

~~The bill would create the Illegal Street Racing Abatement Account in the General Fund and would require that the moneys in that account, upon appropriation by the Legislature, be allocated to the Department of the California Highway Patrol and local law enforcement authorities to pay for the costs associated with the impoundment and inspection of motor vehicles seized as a result of illegal street racing.~~

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

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

1 *SECTION 1. Section 494 is added to the Vehicle Code, to read:*

2 494. A “race vehicle” is a vehicle that has been modified to
3 enhance the vehicle’s torque, speed, or performance through
4 nonstandard means, or through methods, tools, or equipment that
5 are not available to the general public or that are considered
6 specialty equipment including the alteration of exterior design.

7 *SEC. 2. Section 9250.3 is added to the Vehicle Code, to read:*

8 9250.3. (a) Beginning January 1, 2011, the fee described in
9 Section 9250 shall be increased by an amount determined by the
10 department pursuant to subdivision (b) for a race or show vehicle.
11 A motor vehicle subject to this additional fee shall be designated
12 as a race or show vehicle on the certificate of registration for that
13 vehicle.

14 (b) The department shall determine the amount of additional
15 fee levied on race or show vehicles that is sufficient to provide
16 necessary moneys to fund street racing abatement programs
17 established by state and local enforcement agencies.

18 (c) An owner or operator of a race or show vehicle who fails
19 to pay the additional fee authorized pursuant to subdivision (a)
20 shall be liable for a fine of one thousand dollars (\$1,000).

21 (d) (1) The additional fees authorized pursuant to subdivision
22 (a) shall be deposited into the Street Racing Abatement Account,
23 which is hereby created in the General Fund.

24 (2) Fines collected pursuant to subdivision (c) shall be deposited
25 into the Penalty Subaccount, which is hereby created in the Street
26 Racing Abatement Account.

27 (3) Moneys in the account and subaccount, upon the
28 appropriation by the Legislature, shall be allocated to the Office
29 of Traffic and Safety within the Department of the California
30 Highway Patrol to provide funds for development and
31 implementation of street racing abatement programs by state and
32 local law enforcement agencies.

33 (e) A state or local law enforcement agency may apply to the
34 Office of Traffic and Safety within the Department of the California
35 Highway Patrol for funding to establish and implement a street
36 racing abatement program.

37 *SEC. 3. No reimbursement is required by this act pursuant to*
38 *Section 6 of Article XIII B of the California Constitution because*

1 *the only costs that may be incurred by a local agency or school*
2 *district will be incurred because this act creates a new crime or*
3 *infraction, eliminates a crime or infraction, or changes the penalty*
4 *for a crime or infraction, within the meaning of Section 17556 of*
5 *the Government Code, or changes the definition of a crime within*
6 *the meaning of Section 6 of Article XIII B of the California*
7 *Constitution.*

8 ~~SECTION 1. Section 9250.3 is added to the Vehicle Code, to~~
9 ~~read:~~

10 ~~9250.3. (a) Beginning July 1, 2010, the fee described in Section~~
11 ~~9250 shall be increased by thirty dollars (\$30) for a motor vehicle~~
12 ~~impounded pursuant to Section 23109.2 that is determined to have~~
13 ~~been modified for speed enhancement beyond the manufacturer's~~
14 ~~original equipment specifications (OES). A motor vehicle subject~~
15 ~~to the additional fee shall be designated as speed enhanced on the~~
16 ~~certificate of registration for that vehicle.~~

17 ~~(b) The additional fee authorized pursuant to subdivision (a)~~
18 ~~shall be deposited into the Illegal Street Racing Abatement~~
19 ~~Account, which is hereby created in the General Fund. Moneys in~~
20 ~~that account, upon appropriation by the Legislature, shall be~~
21 ~~allocated to the Department of the California Highway Patrol and~~
22 ~~local law enforcement authorities to pay for the costs associated~~
23 ~~with the impoundment and inspection of motor vehicles seized~~
24 ~~pursuant to subdivision (a) of Section 23109.2.~~

25 ~~SEC. 2. Section 23109.2 of the Vehicle Code is amended to~~
26 ~~read:~~

27 ~~23109.2. (a) (1) Whenever a peace officer determines that a~~
28 ~~person was engaged in any of the activities set forth in paragraph~~
29 ~~(2), the peace officer may immediately arrest and take into custody~~
30 ~~that person and shall cause the removal and seizure of the motor~~
31 ~~vehicle used in that offense in accordance with Chapter 10~~
32 ~~(commencing with Section 22650). A motor vehicle so seized shall~~
33 ~~not be impounded for more than 30 days and shall be inspected~~
34 ~~pursuant to Section 9250.3 by the Department of the California~~
35 ~~Highway Patrol to determine whether the motor vehicle has been~~
36 ~~modified for speed enhancement beyond the manufacturer's~~
37 ~~original equipment specifications (OES).~~

38 ~~(2) (A) A motor vehicle speed contest, as described in~~
39 ~~subdivision (a) of Section 23109.~~

1 ~~(B) Reckless driving on a highway, as described in subdivision~~
2 ~~(a) of Section 23103.~~
3 ~~(C) Reckless driving in an offstreet parking facility, as described~~
4 ~~in subdivision (b) of Section 23103.~~
5 ~~(D) Exhibition of speed on a highway, as described in~~
6 ~~subdivision (e) of Section 23109.~~
7 ~~(b) The registered and legal owner of a vehicle removed and~~
8 ~~seized under subdivision (a) or their agents shall be provided the~~
9 ~~opportunity for a storage hearing to determine the validity of the~~
10 ~~storage in accordance with Section 22852.~~
11 ~~(e) (1) Notwithstanding Chapter 10 (commencing with Section~~
12 ~~22650) or any other provision of law, an impounding agency shall~~
13 ~~release a motor vehicle to the registered owner or his or her agent~~
14 ~~prior to the conclusion of the impoundment period described in~~
15 ~~subdivision (a) under any of the following circumstances:~~
16 ~~(A) If the vehicle is a stolen vehicle.~~
17 ~~(B) If the person alleged to have been engaged in the motor~~
18 ~~vehicle speed contest, as described in subdivision (a), was not~~
19 ~~authorized by the registered owner of the motor vehicle to operate~~
20 ~~the motor vehicle at the time of the commission of the offense.~~
21 ~~(C) If the registered owner of the vehicle was not the driver or~~
22 ~~a passenger of the vehicle at the time of the alleged violation~~
23 ~~pursuant to subdivision (a), or was unaware that the driver was~~
24 ~~using the vehicle to engage in any of the activities described in~~
25 ~~subdivision (a).~~
26 ~~(D) If the legal owner or registered owner of the vehicle is a~~
27 ~~rental car agency.~~
28 ~~(E) If, prior to the conclusion of the impoundment period, a~~
29 ~~citation or notice is dismissed under Section 40500, criminal~~
30 ~~charges are not filed by the district attorney because of a lack of~~
31 ~~evidence, or the charges are otherwise dismissed by the court.~~
32 ~~(2) A vehicle shall be released pursuant to this subdivision only~~
33 ~~if the registered owner or his or her agent presents a currently valid~~
34 ~~driver's license to operate the vehicle and proof of current vehicle~~
35 ~~registration, or if ordered by a court.~~
36 ~~(3) If, pursuant to subparagraph (E) of paragraph (1), a motor~~
37 ~~vehicle is released prior to the conclusion of the impoundment~~
38 ~~period, the person charged with a violation of subdivision (a) of~~
39 ~~Section 23109 and the registered owner of the motor vehicle are~~

1 not responsible for towing and storage charges and the motor
2 vehicle shall not be sold to satisfy those charges.

3 (d) A vehicle seized and removed under subdivision (a) shall
4 be released to the legal owner of the vehicle, or the legal owner's
5 agent, on or before the 30th day of impoundment if all of the
6 following conditions are met:

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

11 (2) The legal owner or the legal owner's agent pays all towing
12 and storage fees related to the impoundment of the vehicle. A lien
13 sale processing fees shall not be charged to a legal owner who
14 redeems the vehicle on or before the 15th day of impoundment.

15 (3) The legal owner or the legal owner's agent presents
16 foreclosure documents or an affidavit of repossession for the
17 vehicle.

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

21 (2) Notwithstanding paragraph (1), if the person convicted of
22 engaging in the activities set forth in paragraph (2) of subdivision
23 (a) was not authorized by the registered owner of the motor vehicle
24 to operate the motor vehicle at the time of the commission of the
25 offense, the court shall order the convicted person to reimburse
26 the registered owner for any towing and storage charges related
27 to the impoundment, and any administrative charges authorized
28 under Section 22850.5 incurred by the registered owner to obtain
29 possession of the vehicle, unless the court finds that the person
30 convicted does not have the ability to pay all or part of those
31 charges.

32 (3) If the vehicle is a rental vehicle, the rental car agency may
33 require the person to whom the vehicle was rented to pay all towing
34 and storage charges related to the impoundment and any
35 administrative charges authorized under Section 22850.5 incurred
36 by the rental car agency in connection with obtaining possession
37 of the vehicle.

38 (4) The owner is not liable for any towing and storage charges
39 related to the impoundment if acquittal or dismissal occurs.

1 ~~(5) The vehicle may not be sold prior to the defendant's~~
2 ~~conviction.~~

3 ~~(6) The impounding agency is responsible for the actual costs~~
4 ~~incurred by the towing agency as a result of the impoundment~~
5 ~~should the registered owner be absolved of liability for those~~
6 ~~charges pursuant to paragraph (3) of subdivision (e).~~
7 ~~Notwithstanding this provision, an impounding agency is not~~
8 ~~prohibited from making prior payment arrangements to satisfy this~~
9 ~~requirement.~~

10 ~~(f) Any period when a vehicle is subjected to storage under this~~
11 ~~section shall be included as part of the period of impoundment~~
12 ~~ordered by the court under subdivision (h) of Section 23109.~~