

AMENDED IN SENATE JUNE 19, 2014

AMENDED IN ASSEMBLY MAY 23, 2014

AMENDED IN ASSEMBLY APRIL 9, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2398

Introduced by Assembly Member Levine

February 21, 2014

An act to add Sections 12810.6, 21071, and 42001.21 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2398, as amended, Levine. Vehicles: pedestrians and bicyclists.

Existing law provides that a driver who violates specified offenses of the rules of the road that are punishable as an infraction, and as a result of that violation proximately causes bodily injury or great bodily injury to another person is guilty of the public offense of unsafe operation of a motor vehicle with bodily injury or great bodily injury. Existing law provides that a ~~person who is convicted~~ *conviction* under these provisions is punishable for a violation involving bodily injury by a fine of \$70 and for a violation involving great bodily injury by a fine of \$95. Existing law establishes that specified convictions and violations under the Vehicle Code and traffic-related incidents count as violation points against a driver's record for purposes of suspension or revocation of the privilege to drive.

This bill would additionally provide, notwithstanding any other law, that a driver who violates the offenses described above and, as a result of that violation, proximately causes bodily injury or great bodily injury to a vulnerable road user, as defined, is guilty of the public offense of

unsafe operation of a motor vehicle with bodily injury or great bodily injury. The bill would make a ~~person who is convicted~~ conviction under these provisions punishable by a fine of not less than \$220 and not more than ~~\$1,000~~. \$300. The bill would assign a violation point for a conviction under these provisions. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

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

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

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

1 SECTION 1. Section 12810.6 is added to the Vehicle Code,
2 to read:

3 12810.6. A conviction of a violation of Section 21071 shall be
4 given a value of one violation point.

5 SEC. 2. Section 21071 is added to the Vehicle Code, to read:

6 21071. (a) Notwithstanding any other law, a driver who
7 violates any provision of this division that is punishable as an
8 infraction and, as a result of that violation, proximately causes
9 bodily injury or great bodily injury, as defined in Section 12022.7
10 of the Penal Code, to a vulnerable road user, is guilty of the public
11 offense of unsafe operation of a motor vehicle with bodily injury
12 or great bodily injury. That violation is punishable as an infraction
13 pursuant to Section 42001.21.

14 (b) For purposes of this section, “vulnerable road user” means:

15 (1) A pedestrian, including a highway construction and
16 maintenance worker.

17 (2) A person on horseback.

18 (3) A person operating equipment other than a motor vehicle,
19 including, but not limited to, a bicycle, in-line skates, roller skates,
20 scooter, or skateboard.

21 (4) A person operating or using a farm tractor.

22 (5) *A person on an electric personal assistive mobility device*
23 *as defined in Section 313.*

24 (6) *A person in a wheelchair.*

1 SEC. 3. Section 42001.21 is added to the Vehicle Code, to
2 read:

3 42001.21. Notwithstanding any other law, a person convicted
4 of a violation of Section 21071 is punishable by a fine of not less
5 than two hundred twenty dollars (\$220) and not more than ~~one~~
6 ~~thousand dollars (\$1,000)~~ *three hundred dollars (\$300)*.

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