

AMENDED IN ASSEMBLY AUGUST 28, 1996

AMENDED IN ASSEMBLY AUGUST 19, 1996

AMENDED IN ASSEMBLY JULY 7, 1996

AMENDED IN ASSEMBLY JUNE 17, 1996

SENATE BILL

No. 1587

**Introduced by Committee on Transportation (Senators Kopp
(Chairman), Ayala, Boatwright, Hayden, Johnston, Kelley,
Monteith, Polanco, and Russell)**

February 16, 1996

~~An act to amend Section 51852 of the Education Code, to An
act to amend Section 44251 of the Health and Safety Code, and
to amend Sections 505.2, 4456.1, 11400, 11405, 27360.5, and
40600 of, and to add Section 16000.8 to, the Vehicle Code,
relating to transportation.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1587, as amended, Committee on Transportation.
Transportation: vehicles.

~~(1) Existing law sets forth the requirements for a course of
instruction in automobile driver education. In addition,
existing law sets forth various plans that meet the
requirements for a course of instruction in the laboratory
phase of driver education, including a competency-based
driver training program based on assessed individual needs.
Existing law authorizes the Department of Motor Vehicles to
issue a driver's license to any person between the ages of 16
and 18 years if that person has passed the requisite~~

~~examination and has complied with one of the 2 alternative driver education and driver training requirements.~~

~~This bill would provide that no person shall meet the requirements which would authorize the Department of Motor Vehicles to issue a driver's license to a person 16 years of age, but less than 18 years of age, through the completion of a correspondence course or any other course not offered under the direct personal supervision and instruction of a teacher in a private elementary or secondary school or a public secondary school or a licensed driving school instructor.~~

~~(2)–~~

~~(1) Existing law, which is to become operative only if specified conditions are met, establishes a pilot program consisting of requirements for odometer checks, annual smog checks, and reduction of target pollution miles, applicable in the San Diego County Air Pollution Control District and the Ventura County Air Pollution Control District. Existing law imposes various requirements on, among others, the State Air Resources Board, relative to the pilot program as to the determination and use of a vehicle smog index.~~

~~This bill would provide for the smog index for diesel fuel vehicles and would impose duties on the state board regarding that index.~~

~~(3)–~~

~~(2) Existing law regulates registration service including businesses engaging in the business of soliciting or receiving an application for a driver's license.~~

~~This bill would delete soliciting or receiving an application for a driver's license from the above regulated businesses.~~

~~(4)–~~

~~(3) Existing law requires a dealer or lessor-retailer who violates specified provisions relating to reports of vehicle sales and applications for transfer of vehicle registration to pay specified administrative service fees to the Department of Motor Vehicles for each violation.~~

~~This bill would make technical, clarifying changes in those provisions of existing law.~~

~~(5)–~~



(4) Existing law authorizes the department to refuse to issue a license to, or suspend, revoke, or cancel the license of, a person to act as a registration service for any of specified reasons, including that the person has knowingly or negligently committed or was responsible for any violation, cause for license refusal, or cause for discipline, under specified provisions relating to making false statements to the department, registration of vehicles, registration and transfer of vessels, stolen vehicles or vessels, and occupational licensing and business regulations.

This bill would include violation of any rules or regulations adopted under the provisions specified above as grounds for refusal to issue a license or for license suspension, revocation, or cancellation.

~~(6)~~

(5) Existing law prohibits a parent or legal guardian, when present in a passenger vehicle or motortruck, from permitting his or her child or ward who is 4 years of age or older but less than 16 years of age and weighing more than 40 pounds to be transported upon a highway in the motor vehicle without providing and properly using, for each child or ward, a child passenger restraint system meeting applicable federal motor vehicle safety standards. Existing law also prohibits the driver of a passenger vehicle or motortruck from transporting a child under those circumstances. A violation of those provisions of existing law is a crime.

This bill would recast this provision to apply to the children or wards described above when the children or wards are 40 pounds or more. To the extent that this bill would expand the scope of an existing crime, this bill would impose a state-mandated local program.

~~(7)~~

(6) Under existing law, the Department of Motor Vehicles is required to suspend the driver's license of any driver involved in an accident if the driver does not prove the existence of financial responsibility, as specified.

This bill would require the department to terminate such a suspension action if the driver's failure to prove financial responsibility was due to the fraudulent acts of an insurance agent or broker, documented as specified, and the driver



furnishes proof to the department that financial responsibility is currently in effect.

~~(8)~~

(7) Existing law authorizes a peace officer with specified training in the investigation of traffic accidents to prepare, on a form approved by the Judicial Council, a written notice to appear when the peace officer has reasonable cause to believe that any person involved in a traffic accident has ~~violated a provision of this code not declared to be a felony or a local ordinance~~ committed a specified violation and the violation was a factor in the occurrence of the traffic accident.

This bill would require a written notice to appear prepared on a form approved by the Judicial Council and issued pursuant to that provision to be accepted by any court.

~~(9)~~

(8) 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.

~~(10)~~

(9) This bill would incorporate additional changes to Section 44251 of the Health and Safety Code, proposed by AB 3020, to be operative only if AB 3020 and this bill are both chaptered and become effective on or before January 1, 1997, and this bill is chaptered last.

~~(11)~~

(10) This bill would incorporate additional changes to Section 4456.1 of the Vehicle Code, proposed by AB 2286, to be operative only if AB 2286 and this bill are both chaptered and become effective on or before January 1, 1997, and this bill is chaptered 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 51852 of the Education Code is~~
2 ~~amended to read:~~



1 ~~51852. A course of instruction in the laboratory phase~~
2 ~~of driver education shall include, for each student~~
3 ~~enrolled in the class, instruction under one of the~~
4 ~~following plans:~~

5 ~~(a) Plan One. A minimum of 12 hours allocated as~~
6 ~~follows:~~

7 ~~(1) A minimum of six hours of on-street~~
8 ~~behind-the-wheel practice driving instruction in a~~
9 ~~dual-control automobile with a qualified instructor.~~

10 ~~(2) A minimum of six hours in a dual-control~~
11 ~~automobile with a qualified instructor for the purposes of~~
12 ~~observation. Practice driving on an off-street multiple-car~~
13 ~~driving range approved by the department under the~~
14 ~~supervision of a qualified instructor may be substituted~~
15 ~~for all or part of the observation time.~~

16 ~~(b) Plan Two. A minimum of 24 hours allocated as~~
17 ~~follows:~~

18 ~~(1) Three hours of on-street behind-the-wheel~~
19 ~~practice driving instruction in a dual-control automobile~~
20 ~~with a qualified instructor.~~

21 ~~(2) Six hours in a dual-control automobile with a~~
22 ~~qualified instructor for the purposes of observation.~~
23 ~~Practice driving on an off-street multiple-car driving~~
24 ~~range approved by the department under the~~
25 ~~supervision of a qualified instructor may be substituted~~
26 ~~for all or part of the observation time.~~

27 ~~(3) Twelve hours of instruction by a qualified~~
28 ~~instructor in a driving simulator approved by the~~
29 ~~department.~~

30 ~~(4) At least three additional hours of instruction~~
31 ~~specified in one or more of paragraphs 1 through 3 of this~~
32 ~~subdivision.~~

33 ~~(c) Plan Three. A minimum of 24 hours allocated as~~
34 ~~follows:~~

35 ~~(1) Three hours of on-street behind-the-wheel~~
36 ~~practice driving instruction in a dual-control automobile~~
37 ~~with a qualified instructor.~~

38 ~~(2) Six hours in a dual-control automobile with a~~
39 ~~qualified instructor for the purpose of observation.~~



1 ~~(3) Twelve hours of instruction by a qualified~~
2 ~~instructor on an off-street multiple-car driving range.~~

3 ~~(4) At least three additional hours of instruction~~
4 ~~specified in one or more of paragraphs 1 through 3 of this~~
5 ~~subdivision.~~

6 ~~(d) Plan Four. A minimum of 24 hours allocated as~~
7 ~~follows:~~

8 ~~(1) Two hours of on-street behind-the-wheel practice~~
9 ~~driving instruction in a dual-control automobile with a~~
10 ~~qualified instructor.~~

11 ~~(2) Four hours in a dual-control automobile with a~~
12 ~~qualified instructor for the purpose of observation.~~

13 ~~(3) Eighteen hours of instruction by a qualified~~
14 ~~instructor in a driving simulator approved by the~~
15 ~~department and on an off-street multiple-car driving~~
16 ~~range. The governing board of the district shall establish~~
17 ~~the proportion of time to be utilized in simulators and on~~
18 ~~the off-street multiple-car driving range.~~

19 ~~(e) Plan Five. Competency-based driver training~~
20 ~~which means a program in which all students receive~~
21 ~~instruction based on assessed individual needs in order to~~
22 ~~meet a common level of program performance criteria.~~
23 ~~The Superintendent of Public Instruction shall adopt~~
24 ~~rules and regulations concerning program requirements~~
25 ~~for competency-based driver training programs.~~

26 ~~(f) For purposes of this section, one hour means 60~~
27 ~~minutes including passing time.~~

28 ~~(g) Any deviation from the standard use of a simulator~~
29 ~~or off-street multiple-car driving range, or both, shall~~
30 ~~have prior approval by the Department of Education~~
31 ~~before the school district, county superintendent of~~
32 ~~schools, the California Youth Authority, or the~~
33 ~~Department of Education can be reimbursed for the~~
34 ~~students trained.~~

35 ~~(h) No person shall meet the requirements of Section~~
36 ~~12507 of the Vehicle Code through the completion of a~~
37 ~~correspondence course or any other course not offered~~
38 ~~under the direct personal supervision and instruction of~~
39 ~~a teacher in a private elementary or secondary school or~~
40 ~~a public secondary school, or a driving school instructor~~



1 ~~licensed under Chapter 1 (commencing with Section~~
2 ~~41100) of Division 5 of the Vehicle Code.~~

3 ~~SEC. 2.—~~

4 *SECTION 1.* Section 44251 of the Health and Safety
5 Code is amended to read:

6 44251. (a) The state board shall specify smog index
7 numbers for new light-duty passenger vehicles and
8 light-duty trucks with a gross vehicle weight up to 6,000
9 pounds to be sold in California. For gasoline and
10 alternative fuel vehicles, that smog index shall be based
11 on certification data quantifying tailpipe and evaporative
12 emissions of ozone precursor chemicals for classes of
13 vehicles.

14 (b) For diesel fuel vehicles, the smog index shall be
15 based on certification data quantifying tailpipe emissions
16 of ozone precursor chemicals and particulate matter.
17 Particulate emissions from diesel fuel vehicles certified to
18 model year standards that did not include a particulate
19 limit may be assumed to be equal to particulate emissions
20 for model year 1985 diesel fuel vehicles.

21 (c) The state board shall specify the relative weight of
22 emissions of ozone precursor chemicals and particulates
23 in the smog index values for diesel vehicles. This
24 weighting shall be based on the relative importance of
25 each category of emissions to air quality problems in
26 California.

27 (d) Smog index number 1.0 shall be assigned to a
28 hypothetical light-duty passenger vehicle, a hypothetical
29 light-duty truck with a gross vehicle weight of 3,750
30 pounds or less, and a hypothetical light-duty truck with a
31 gross vehicle weight of greater than 3,750 pounds up to
32 6,000 pounds, emitting the maximum amount of pollution
33 allowed for that class of vehicle certified for sale in this
34 state as of the January 1 immediately preceding the
35 operative date of this section. The state board shall
36 determine the existing class or classes of vehicles to which
37 the smog index shall be applied.

38 (e) Not later than 180 days from the operative date of
39 this section, the state board, in consultation with the
40 bureau, shall specify smog index numbers for existing



1 light-duty passenger vehicles and light-duty trucks with
2 a gross vehicle weight of up to 6,000 pounds registered in
3 the San Diego County Air Pollution Control District and
4 the Ventura County Air Pollution Control District, and all
5 pre-1966 light-duty passenger vehicles and light-duty
6 trucks with a gross vehicle weight of up to 6,000 pounds
7 in use in California. Smog index numbers shall be based
8 on the tailpipe and evaporative emissions levels to which
9 the vehicle was certified for sale. No smog index shall be
10 assigned to a pre-1966 vehicle for which certification was
11 not required prior to its initial sale. Smog index
12 assignments for motor vehicles in use shall be adjusted as
13 provided in Section 44255.

14 ~~SEC. 2.1.~~—

15 *SEC. 1.1.* Section 44251 of the Health and Safety Code
16 is amended to read:

17 44251. (a) The state board shall specify smog index
18 numbers for new light-duty passenger vehicles and
19 light-duty trucks with a gross vehicle weight up to 6,000
20 pounds to be sold in California. For gasoline and
21 alternative fuel vehicles, that smog index shall be based
22 on certification data quantifying tailpipe and evaporative
23 emissions of ozone precursor chemicals for classes of
24 vehicles.

25 (b) For diesel fuel vehicles, the smog index shall be
26 based on certification data quantifying tailpipe emissions
27 of ozone precursor chemicals and particulate matter.
28 Particulate emissions from diesel fuel vehicles certified to
29 model year standards that did not include a particulate
30 limit may be assumed to be equal to particulate emissions
31 for model year 1985 diesel fuel vehicles.

32 (c) The state board shall specify the relative weight of
33 emissions of ozone precursor chemicals and particulates
34 in the smog index values for diesel vehicles. This
35 weighting shall be based on the relative importance of
36 each category of emissions to air quality problems in
37 California.

38 (d) Smog index number 1.0 shall be assigned to a
39 hypothetical light-duty passenger vehicle, a hypothetical
40 light-duty truck with a gross vehicle weight of 3,750



1 pounds or less, and a hypothetical light-duty truck with a
2 gross vehicle weight of greater than 3,750 pounds up to
3 6,000 pounds, emitting the maximum amount of pollution
4 allowed for that class of vehicle certified for sale in this
5 state as of the January 1 immediately preceding the
6 operative date of this section. The state board shall
7 determine the existing class or classes of vehicles to which
8 the smog index shall be applied.

9 ~~SEC. 3.—~~

10 *SEC. 2.* Section 505.2 of the Vehicle Code is amended
11 to read:

12 505.2. (a) A “registration service” is a person
13 engaged in the business of soliciting or receiving any
14 application for the registration, renewal of registration, or
15 transfer of registration or ownership, of any vehicle of a
16 type subject to registration under this code, or of
17 transmitting or presenting any of those documents to the
18 department, when any compensation is solicited or
19 received for the service. “Registration service” includes,
20 but is not limited to, a person who, for compensation,
21 processes registration documents, conducts lien sales, or
22 processes vehicle dismantling documents.

23 (b) “Registration service” does not include any of the
24 following:

25 (1) A person performing registration services on a
26 vehicle acquired by that person for his or her own
27 personal use or for use in the regular course of that
28 person’s business.

29 (2) A person who solicits applications for or sells, for
30 compensation, nonresident permits for the operation of
31 vehicles within this state.

32 (3) An employee of one or more dealers or
33 dismantlers, or a combination thereof, who performs
34 registration services for vehicles acquired by, consigned
35 to, or sold by the employing dealers or dismantlers.

36 (4) A motor club, as defined in Section 12142 of the
37 Insurance Code.

38 (5) A person who performs registration services
39 exclusively for vehicles registered pursuant to Article 9.5
40 (commencing with Section 5301) of Chapter 1 of Division



1 3 or Article 4 (commencing with Section 8050) of Chapter
2 4 of Division 3.

3 (6) A common carrier acting in the regular course of
4 its business in transmitting applications.

5 ~~SEC. 4.—~~

6 *SEC. 3.* Section 4456.1 of the Vehicle Code is amended
7 to read:

8 4456.1. (a) A dealer or lessor-retailer who violates
9 paragraph (1), (2), or (7) of subdivision (a) of Section
10 4456 shall pay to the department an administrative
11 service fee of five dollars (\$5) for each violation.

12 (b) A dealer or lessor-retailer who violates paragraph
13 (4), (5), or (6) of subdivision (a) of Section 4456 shall pay
14 to the department an administrative service fee of
15 twenty-five dollars (\$25) for each violation.

16 (c) Each violation of subdivision (a) of Section 4456 is,
17 in addition to the obligation to pay an administrative
18 service fee, a separate cause for discipline pursuant to
19 Section 11613 or 11705.

20 (d) Failure to pay an administrative service fee within
21 30 days after written demand from the department is a
22 separate cause for discipline pursuant to Section 11613 or
23 11705.

24 ~~SEC. 4.1.—~~

25 *SEC. 3.1.* Section 4456.1 of the Vehicle Code is
26 amended to read:

27 4456.1. (a) A dealer or lessor-retailer who violates
28 paragraph (1), (2), or (7) of subdivision (a) of Section
29 4456 shall pay to the department an administrative
30 service fee of five dollars (\$5) for each violation.

31 (b) A dealer or lessor-retailer who violates paragraph
32 (4), (5), or (6) of subdivision (a) of Section 4456 shall pay
33 to the department an administrative service fee of
34 twenty-five dollars (\$25) for each violation.

35 (c) Subject to subdivision (d), each violation of
36 Section 4456 is, in addition to the obligation to pay an
37 administrative service fee, a separate cause for discipline
38 pursuant to Section 11613 or 11705.

39 (d) A violation of subdivision (a) of Section 4456
40 because of a dealer or lessor-retailer's failure to submit to



1 the department an application for registration or transfer
2 of registration is a cause for disciplinary action pursuant
3 to Section 11613 or 11705 only if the initial application is
4 submitted 50 days or more following the date of sale of the
5 vehicle if the vehicle is a used vehicle, and 40 days if the
6 vehicle is a new vehicle.

7 ~~SEC. 5.—~~

8 *SEC. 4.* Section 11400 of the Vehicle Code is amended
9 to read:

10 11400. No person shall act as a registration service,
11 engage in the business of soliciting or receiving any
12 application for the registration, renewal of registration, or
13 transfer of registration or ownership of any vehicle of a
14 type subject to registration under this code, or transmit
15 or present any of those documents to the department, if
16 any compensation is solicited or received for the service,
17 without a license or temporary permit issued by the
18 department pursuant to this chapter, or if that license or
19 temporary permit has expired or been canceled,
20 suspended, or revoked, or the terms and conditions of an
21 agreement entered into pursuant to Section 11408 have
22 not been fulfilled.

23 ~~SEC. 6.—~~

24 *SEC. 5.* Section 11405 of the Vehicle Code is amended
25 to read:

26 11405. The department may refuse to issue a license
27 to, or may suspend, revoke, or cancel the license of, a
28 person to act as a registration service for any of the
29 following reasons:

30 (a) The person has been convicted of a felony or a
31 crime involving moral turpitude which is substantially
32 related to the qualifications, functions, or duties of the
33 licensed activity.

34 (b) The person is, or has been, the holder, or a
35 managerial employee of the holder, of any occupational
36 license issued by the department which has been
37 suspended or revoked.

38 (c) The person has used a false or fictitious name,
39 knowingly made any false statement, or knowingly



1 concealed any material fact, in the application for the
2 license.

3 (d) The person has knowingly made, or acted with
4 negligence or incompetence, or knowingly or negligently
5 accepted or failed to inquire about any false, erroneous,
6 or incorrect statement or information submitted to the
7 registration service or the department in the course of the
8 licensed activity.

9 (e) The person has knowingly or negligently
10 permitted fraud, or willfully engaged in fraudulent
11 practices, with reference to clients, vehicle registrants,
12 members of the public, or the department in the course
13 of the licensed activity.

14 (f) The person has knowingly or negligently
15 committed or was responsible for any violation, cause for
16 license refusal, or cause for discipline under Section 20 or
17 Division 3 (commencing with Section 4000), Division 3.5
18 (commencing with Section 9840), Division 4
19 (commencing with Section 10500), or Division 5
20 (commencing with Section 11100), or any rules or
21 regulations adopted under those provisions.

22 (g) The person has failed to obtain and maintain an
23 established place of business in California.

24 (h) The person has failed to keep the business records
25 required by Section 11406.

26 (i) The person has violated any term or condition of a
27 restricted license to act as a registration service.

28 (j) The person has committed or was responsible for
29 any other act, occurrence, or event in California or any
30 foreign jurisdiction which would be cause to refuse to
31 issue a license to, or to suspend, revoke, or cancel the
32 license of, a person to act as a registration service.

33 ~~SEC. 7.—~~

34 *SEC. 6.* Section 16000.8 is added to the Vehicle Code,
35 to read:

36 16000.8. (a) Notwithstanding any other provision of
37 this chapter, if the failure of the driver of a motor vehicle
38 involved in an accident to prove the existence of financial
39 responsibility, as required by Section 16020, was due to
40 the fraudulent acts of an insurance agent or broker, the



1 department shall terminate any suspension action taken
2 pursuant to Section 16070, when both of the following
3 conditions are met:

4 (1) The driver provides documentation from the
5 Department of Insurance that the insurance agent or
6 broker has been found to have committed fraud in the
7 transaction of automobile liability insurance, or provides
8 documentation that criminal charges have been filed
9 against the agent or broker due to fraud or theft related
10 to the sale of automobile liability insurances.

11 (2) The driver furnishes proof to the department that
12 financial responsibility meeting the requirements of
13 Section 16021 is currently in effect.

14 (b) It is the intent of the Legislature in enacting this
15 section that individuals who are the victims of insurance
16 fraud not be penalized for violating the financial
17 responsibility laws when that violation was due to the
18 fraudulent acts of others. Persons with documented
19 evidence of fraud involving their insurance coverage,
20 such as where an insurance agent accepted the premium
21 payment for coverage but willfully failed to obtain the
22 coverage and led the customer to believe insurance was
23 in effect, should retain their driving privileges provided
24 they give evidence that valid liability insurance is
25 currently in effect.

26 ~~SEC. 8.—~~

27 *SEC. 7.* Section 27360.5 of the Vehicle Code is
28 amended to read:

29 27360.5. (a) No parent or legal guardian, when
30 present in a private passenger motor vehicle as defined
31 in Section 27315, shall permit his or her child or ward who
32 is four years of age or older but less than 16 years of age
33 and weighs 40 pounds or more to be transported upon a
34 highway in the motor vehicle without providing and
35 properly using, for each child or ward, a safety belt
36 meeting applicable federal motor vehicle safety
37 standards.

38 (b) No driver shall transport on a highway any child
39 who is four years of age or older but less than 16 years of
40 age and weighs 40 pounds or more in a private passenger



1 motor vehicle, as defined in Section 27315, without
2 providing and properly using a safety belt meeting
3 applicable federal motor vehicle safety standards. This
4 subdivision does not apply to a driver if the parent or legal
5 guardian of the child is also present in the vehicle and is
6 not the driver.

7 (c) (1) A first offense under this section is punishable
8 by a fine of fifty dollars (\$50).

9 (2) A second or subsequent offense under this section
10 is punishable by a fine of one hundred dollars (\$100).

11 ~~SEC. 9.—~~

12 *SEC. 8.* Section 40600 of the Vehicle Code is amended
13 to read:

14 40600. (a) Notwithstanding any other provision of
15 law, a peace officer who has successfully completed a
16 course or courses of instruction, approved by the
17 Commission on Peace Officer Standards and Training, in
18 the investigation of traffic accidents may prepare, in
19 triplicate, on a form approved by the Judicial Council, a
20 written notice to appear when the peace officer has
21 reasonable cause to believe that any person involved in
22 a traffic accident has violated a provision of this code not
23 declared to be a felony or a local ordinance and the
24 violation was a factor in the occurrence of the traffic
25 accident.

26 (b) A notice to appear shall contain the name and
27 address of the person, the license number of the person's
28 vehicle, if any, the name and address, when available, of
29 the registered owner or lessee of the vehicle, the offense
30 charged, and the time and place when and where the
31 person may appear in court or before a person authorized
32 to receive a deposit of bail. The time specified shall be at
33 least 10 days after the notice to appear is delivered.

34 (c) The preparation and delivery of a notice to appear
35 pursuant to this section is not an arrest.

36 (d) For purposes of this article, a peace officer has
37 reasonable cause to issue a written notice to appear if, as
38 a result of the officer's investigation, the officer has
39 evidence, either testimonial or real, or a combination of
40 testimonial and real, that would be sufficient to issue a



1 written notice to appear if the officer had personally
2 witnessed the events investigated.

3 (e) As used in this section, “peace officer” means any
4 person specified under Section 830.1 or 830.2 of the Penal
5 Code, with the exception of members of the California
6 National Guard.

7 (f) A written notice to appear prepared on a form
8 approved by the Judicial Council and issued pursuant to
9 this section shall be accepted by any court.

10 ~~SEC. 10.—~~

11 *SEC. 9.* No reimbursement is required by this act
12 pursuant to Section 6 of Article XIII B of the California
13 Constitution because the only costs that may be incurred
14 by a local agency or school district will be incurred
15 because this act creates a new crime or infraction,
16 eliminates a crime or infraction, or changes the penalty
17 for a crime or infraction, within the meaning of Section
18 17556 of the Government Code, or changes the definition
19 of a crime within the meaning of Section 6 of Article
20 XIII B of the California Constitution.

21 Notwithstanding Section 17580 of the Government
22 Code, unless otherwise specified, the provisions of this act
23 shall become operative on the same date that the act
24 takes effect pursuant to the California Constitution.

25 ~~SEC. 11.—Section 2.1~~

26 *SEC. 10.* *Section 1.1* of this bill incorporates
27 amendments to Section 44251 of the Health and Safety
28 Code proposed by both this bill and Assembly Bill 3020.
29 It shall become operative if (1) both bills are enacted and
30 become effective on or before January 1, 1997, (2) each
31 bill amends Section 44251 of the Health and Safety Code,
32 and, (3) this bill is enacted after AB 3020, in which case
33 Section 44251 of the Health and Safety Code, as amended
34 by AB 3020, shall remain operative only until the
35 operative date of this bill, at which time ~~Section 2.1~~ *1.1* of
36 this bill shall become operative, and ~~Section 2~~ *1* of this bill
37 shall not become operative.

38 ~~SEC. 12.—Section 4.1~~

39 *SEC. 11.* *Section 3.1* of this bill incorporates
40 amendments to Section 4456.1 of the Vehicle Code



1 proposed by both this bill and Assembly Bill 2286. It shall
2 become operative if (1) both bills are enacted and
3 become effective on or before January 1, 1997, (2) each
4 bill amends Section 4456.1 of the Vehicle Code, and, (3)
5 this bill is enacted after AB 2286, in which case Section 4
6 3 of this bill shall not become operative.

O

