

Date of Hearing: July 13, 2015

ASSEMBLY COMMITTEE ON TRANSPORTATION
Jim Frazier, Chair
SB 510 (Hall) – As Amended July 7, 2015

SENATE VOTE: 39-0

SUBJECT: Speed contests: impounded vehicles

SUMMARY: Requires, rather than allows, a vehicle that is determined to have been involved in a speed contest to be impounded for 30 days, as specified. Specifically, **this bill:**

- 1) Requires a vehicle to be impounded for 30 days if a person is convicted of engaging in a motor vehicle speed contest, as specified.
- 2) Authorizes the court to waive the 30-day impoundment requirement if it is determined that the impoundment of the vehicle will impose an undue hardship upon the registered owner's family.
- 3) Requires a vehicle that is cited for equipment violations to be repaired within 30 days of the date the vehicle is released from impoundment, as specified.
- 4) Makes technical conforming changes.

EXISTING LAW:

- 1) Provides that any person who drives any vehicle upon a highway in willful or wanton disregard for the safety of persons or property is guilty of reckless driving. Further specifies that a person who drives any vehicle in any off-street parking facility in a willful or wanton disregard for the safety of persons or property is guilty of reckless driving.
- 2) Provides that when a person is arrested for a speed contest, an officer may impound the vehicle for not more than 30 days. Further specifies that the registered and legal owner of the vehicle is required to be provided a hearing regarding the storage of the vehicle and also requires the vehicle to be returned before the conclusion of the impoundment period under the certain circumstances.
- 3) Prohibits a person from engaging in any motor vehicle speed contest which includes a motor vehicle race against another vehicle, a clock, or other timing device. Further prohibits a person from aiding or abetting in a speed contest. Specifies the penalty for a speed contest or the exhibition of speed is a misdemeanor.
- 4) Provides that if a person is convicted of a street racing violation, and the vehicle used during the violation is registered to the person, the vehicle may be impounded at the registered owner's expense for up to 30 days.

FISCAL EFFECT: Unknown

COMMENTS: The continued popularity of illegal street racing has created a significant public safety issue throughout the state. Operating illegally modified vehicles at high speeds, racers not only place themselves and spectators in harm's way, but many times, innocent motorists are severely or fatally injured when an accident occurs. For example, in February of this year, an illegal street race in Chatsworth resulted in two spectators being killed and one seriously injured when the driver of a Ford Mustang lost control and swerved into the crowd. In April of this year, an illegal street race in San Bernardino resulted in three innocent passengers in a Toyota Corolla being seriously injured when the racer, who was fatally injured, crashed into the vehicle after losing control. Moreover, news reports from the Bay Area have noted that illegal street racing has been increasing in cities – with numerous incidents of illegal racing occurring from Oakland down to San Jose. Traffic data collected by the California Highway Patrol (CHP) show that over a four-year period, CHP has increasingly issued citations resulting in 12,586 convictions for engaging in, aiding, or abetting exhibition of speed on a highway.

While illegal street racing has become a known problem amongst law enforcement officials, research has found that vehicle impoundments are an effective public safety tool that has also been proven to change driver behavior. According to the U.S. Department of Justice (DOJ), impounding and/or forfeiting vehicles used in street racing has been found to be an effective deterrent due to the threat of loss of valuable property and means to race. DOJ states that this response works best when the ordinance is widely publicized to deter illegal racing and an impound fee is assessed in order for the driver to reclaim the vehicle.

Additionally, a study by the National Highway Traffic Safety Administration (NHTSA) that evaluated California's 30-day impoundment requirement for motorists driving with a suspended driver's license found that when drivers had their vehicles impounded, "their subsequent traffic violations and crashes were reduced substantially." Furthermore, a DMV study also found that the 30-day impoundment penalty resulted in an estimated 38% reduction in subsequent crashes and up to a 23% in fewer subsequent convictions when a driver's vehicle was impounded.

SB 510 aims to reduce the number of illegal street races by requiring a mandatory 30-day vehicle impoundment if a court convicts a driver of participating in an illegal street race. Currently, law enforcement and courts can impound a vehicle involved in illegal street racing; however, drivers have the ability to retrieve their vehicle through a variety of methods. Providing a clear, mandatory 30-day vehicle impoundment upon conviction of illegal street racing will eliminate a person's ability to retrieve their vehicle prior to its scheduled release date and payment of penalties. Additionally, SB 510 will require the convicted driver to remove any illegal modifications within 30 days of the vehicle's release if cited by a law enforcement officer at the time the race occurred. The author notes that SB 510 will fix a deficiency in current law that allows a person involved in illegal street racing to "gain possession of the illegally modified vehicle in as short as a day without requiring the removal of illegal modifications done to the vehicle for purposes of street racing."

Suggested amendment: While SB 510 addresses vehicles that participate in illegal street racing, the 30-day impoundment requirement should be extended to vehicles involved in illegal reckless driving activities otherwise known as "sideshows." Increasing in popularity, a "sideshow" involves participants setting up blockades on a highway with drivers engaging in dangerous driving behavior including "spinning donuts" or the "burning" of tires. Currently law enforcement has the ability to impound a vehicle engaging in this illegal activity, however, similar to street racing, the owner of the vehicle has the ability to retrieve the vehicle within days

of the vehicle being impounded. The author has indicated that he intends to accept this amendment at the committee hearing.

REGISTERED SUPPORT / OPPOSITION:

Support

Los Angeles County Sheriff's Department (Sponsor)
California Association of Highway Patrolmen
California Law Enforcement Association of Records Supervisors
California State Lodge, Fraternal Order of Police
California State Sheriffs' Association
Long Beach Police Officers Association
Los Angeles County District Attorney's Office
Los Angeles County Professional Peace Officers Association
Sacramento County Deputy Sheriffs' Association
Santa Ana Police Officers Association
The Association for Los Angeles Deputy Sheriffs
The Los Angeles Police Protective League
The Riverside Sheriffs Association

Opposition

None on file

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