

Date of Hearing: March 27, 2017

ASSEMBLY COMMITTEE ON TRANSPORTATION
Jim Frazier, Chair
AB 1393 (Friedman) – As Introduced February 17, 2017

SUBJECT: Reckless driving: speed contests: vehicle impoundment

SUMMARY: Requires that a vehicle be impounded for 30 days if the vehicle's registered owner is convicted of reckless driving or engaging in a speed contest while operating the vehicle.

Specifically, **this bill:**

- 1) Requires that a vehicle be impounded for 30 days, at the owner's expense, if the vehicle's registered owner is convicted of reckless driving or engaging in a speed contest.
- 2) Authorizes the court to waive the 30-day impoundment requirements if the court determines that impoundment of the vehicle would impose an undue hardship on the registered owner's family.
- 3) Provides that impounded vehicles may be released before the 30th day if the legal owner is a motor vehicle dealer, bank, or other financial institution that holds an interest in the vehicle provided the storage and towing fees are paid by the legal owner.
- 4) Authorizes an officer to issue a notice to correct for a violation of a mechanical or safety requirement and require that the correction be made within 30 days after the date the vehicle is released from impound.

EXISTING LAW:

- 1) Provides that any person who drives a vehicle upon a highway in 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 street racing or a speed contest, an officer may impound the vehicle for not more than 30 days and that the registered and legal owner of the vehicle is required to be provided a hearing regarding the storage of the vehicle.
- 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.
- 4) Prohibits a person from aiding or abetting in a speed contest.
- 5) Specifies the penalty for a speed contest or the exhibition of speed is a misdemeanor.

FISCAL EFFECT: Unknown

COMMENTS: According to the author, reckless driving and illegal street racing have created a significant public safety challenge across California. One example of these activities are "sideshows" which are informal demonstrations of vehicle stunts where motorists "spin donuts" and "burn tires" before a crowd of spectators. Sideshows are a growing phenomenon that have moved from impromptu events taking place in parking lots to well-planned events that are

announced on social media. Sideshows typically take place on busy city streets and even on major freeways. Sideshows draw large crowds of rowdy spectators who block streets and make it difficult for law enforcement to reach the scene. Law enforcement notes that participants at these events are often cited on multiple drugs and weapons charges in addition to charges filed for aiding or abetting a speed contest. Sideshows and street racing events often turn deadly when vehicles flip or careen into onlookers, passersby, or other cars on the scene. In East Oakland recently a car flipped while performing a "sideshow" killing the driver and a passenger as well as a pedestrian. In August of last year on Interstate 5 in Commerce, three people were killed in a crash caused by street racing and late last year in South Los Angeles, a driver performing "donuts" near a crowd of roughly 300 people lost control of the vehicle, seriously injuring several onlookers.

In an effort to curb this growing problem, the author has introduced this bill that seeks to increase penalties for street racing and reckless driving by establishing a mandatory 30-day impoundment period for vehicles engaging in these activities if the driver is convicted of reckless driving or street racing. The author points to evidence showing that vehicle impoundments are a proven method of changing driver behavior. For example, she points to a National Highway Traffic Safety Administration study that evaluated California's current 30-day impoundment law for motorists driving with a suspended license. The study revealed that the impoundment penalty significantly reduced subsequent violations. A DMV study also found that the 30-day impoundment penalty resulted in a 38% decrease in subsequent crashes and up to 23% fewer subsequent convictions when a driver's vehicle was impounded.

According to the U.S. Department of Justice (DOJ), impounding vehicles used in street racing serves as effective tool to deter the behavior because, not only is it costly to retrieve a vehicle from impound, it limits the driver's ability to continue racing the vehicle. The DOJ notes that the impoundment penalty is particularly effective as a deterrent when it is widely publicized that if the driver is convicted the vehicle will be impounded.

To help mitigate potential impacts to family members who may rely on the vehicle for transportation, this bill provides the court with the ability to reduce the impoundment period if impounding the vehicle would result in undue hardship to the registered owner's family. Additionally, since many vehicles that are used in speed contests are modified to enhance the vehicle's performance, this bill also authorizes law enforcement to issue a notice to correct the violation of a mechanical or safety requirement and require that the correction be made within 30 days after the vehicle is released from impound.

The cost to retrieve an impounded vehicle varies by locale. For example, in the City of Stockton, the total cost for a 30-day impound is estimated to be approximately \$1,860, which includes \$175 for the initial cost of towing, \$1,500 for outside storage (at a rate of \$50 per day), and \$100 lien-processing fee. In other municipalities, daily impound storage fees can be in excess of \$100 per day, increasing the total cost for a 30-day impound to over \$3,000 in certain areas.

This bill is a reintroduction of SB 510 (Hall) of 2015 that was unanimously approved by the Legislature but vetoed by Governor Brown. In his veto message, the Governor noted that imposing a mandatory 30-day impoundment amounted to "robotic and abstract justice" that would undermine a judges' ability to use case-by-case discretion. The author has opted not to modify the bill to address the Governor's concerns because she believes that providing discretion to the court, beyond undue hardship to family members, to reduce the impound period would

undermine the purpose of this bill to provide sufficient penalties to deter this dangerous behavior.

REGISTERED SUPPORT / OPPOSITION:

Support

Los Angeles County Sheriff's Department

Opposition

None on file

Analysis Prepared by: Victoria Alvarez / TRANS. /