

Date of Hearing: April 11, 2016

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 1932 (Obernolte) – As Amended April 5, 2016

SUBJECT: Vehicles: motorcycle safety training

SUMMARY: Authorizes a person who is ordered or permitted to complete traffic school as a result of an offense committed while operating a motorcycle to instead complete an advanced-level motorcyclist safety training course established by the Department of the California Highway Patrol (CHP). Authorizes CHP to establish such a program.

EXISTING LAW:

- 1) Authorizes the California Department of Motor Vehicles (DMV) to refuse to issue or renew a person's driver's license if the department determines that the applicant is a negligent or incompetent operator of a motor vehicle.
- 2) Requires DMV to presume a person whose driving record shows a specified number of violation points in a specified period of time to be a negligent operator of a motor vehicle.
- 3) Requires DMV to license and administer traffic violator schools, operators, and instructors.
- 4) Authorizes a court adjudicating a traffic offense, after a deposit of bail, a plea of guilty or no contest, or a conviction, to order or permit a person to attend a licensed traffic violator school.
- 5) Requires the court to continue a proceeding against a person in consideration of the successful completion of a course of instruction at a licensed traffic school and authorizes the court to order that the conviction be held confidential, as specified.
- 6) Prohibits a violation point from being assessed to a person's driving record if the conviction resulting in the point assessment is held confidential.
- 7) Requires CHP to administer a motorcycle safety program, as specified.

FISCAL EFFECT: Unknown.

COMMENTS: When a court adjudicates a certain type of traffic offense, it may order or permit a person who has deposited bail, pled guilty or no contest, or been convicted to attend traffic violator school. If a person successfully completes a course of instruction at a traffic violator school, the record of the conviction may be ordered to be held confidential, except for DMV's statistical purposes, and a violation point will not be assessed on that person's driving record. Only the first conviction in an 18-month period may be ordered to be held confidential, and any subsequent conviction in that period will result in a point being assessed. A conviction cannot be held confidential if it is the result of certain types of violations, including driving under the influence of drugs or alcohol, leaving the scene of an accident, fleeing a peace officer, wrong-way driving, driving over 100 miles per hour, participating in a speed contest, transporting explosives, and driving with a suspended or revoked driving privilege. A classroom program offered by a licensed traffic violator school must consist of just over 5.6 hours of instruction and

an additional hour for the completion of a post-knowledge test, while an online program must exceed 42,500 words and offer an additional hour for the completion of a post-knowledge test.

Under existing law, the CHP currently administers the California Motorcyclist Safety Program (CMSP). The program includes two courses: the Motorcyclist Training Course, a basic course consisting of 5 hours of classroom instruction and 10 hours of actual riding that is mandatory for persons under the age of 21 and recommended for others seeking a motorcycle endorsement; and the optional Premier Program consisting of 7.5 hours of classroom instruction and 13.5 hours of riding. According to the CHP, over 950,000 motorcycle riders have participated in the CMSP since 1987.

This bill would allow a person ordered or permitted to complete traffic school in the above scenario to instead complete an advanced motorcycle safety training course established by CHP and also authorized by this bill, as long as the violation occurred while that person was operating a motorcycle. The program established by this bill would have a curriculum consistent with DMV's curriculum for traffic violator school.

The author argues that, presently, the courses of instruction available through a licensed traffic violator school are generally applicable to the safe operation of automobiles, but not necessarily motorcycles. Thus, if a person commits a violation while operating a motorcycle, he or she must complete a traffic school course that might not apply directly to the mode of transportation that person most frequently uses.

To the author's point, the DMV regulations that establish the requirements for topics to be included in a traffic violator school's curriculum make only three distinct, specific references to motorcycles, out of over 160 items: rights and duties of drivers related to pedestrians, bicycles, and motorcycles; avoiding problems on the road through maintaining a safe following distance by allowing more space behind motorcycles; and rules of the road relating to motorcycle speed used when passing other vehicles and splitting lanes. This is the same number of distinct, specific references to a driver's emotions while driving included in the same regulations.

In 2015, AB 902 (Bloom, Chapter 306), sponsored by bicycling advocates authorized a local authority to allow a person alleged to have committed a traffic offense to participate in a driver awareness or education program or other locally-sanctioned diversion program as an alternative to the court procedure set forth above, as long as the violation did not involve a motor vehicle. Arguments for that legislation included the importance of providing education to bicyclists and motorists about lawful and otherwise appropriate behavior regarding interactions between motorists and bicyclists through the use of diversion programs. This bill would similarly allow alleged offenders to complete an educational course that most closely aligns with the practices and experiences they encounter in their everyday activities.

AB 1932 would also still allow a person to attend regular traffic violator school at the direction or permission of the court.

Previous legislation: AB 902 (Bloom), Chapter 306, Statutes of 2015, removed the age limitation on the use of locally adopted diversion programs for Vehicle Code infractions not involving a motor vehicle, allowing such programs to be offered to adults.

REGISTERED SUPPORT / OPPOSITION:

Support

ABATE of California, Inc. (sponsor)
American Motorcycle Association
California Motorcycle Dealers Association
Personal Insurance Federation of California
Total Control Training, Inc.

Opposition

None on file

Analysis Prepared by: Justin Behrens / TRANS. / (916) 319-2093