

Date of Hearing: June 25, 2018

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

SB 1132 (Hill) – As Amended June 18, 2018

SENATE VOTE: 39-0

SUBJECT: Vehicles: right turn violations.

SUMMARY: Creates a separate violation for failing to yield at a red light for the purpose of making a right hand turn or a left hand turn from a one way street to another one way street and creates a lower penalty than the existing penalty for failing to yield at a red light. Specifically, **this bill:**

- 1) Specifies that a driver who fails to stop at a steady circular red signal at the marked line and then proceeds through the intersection shall face a penalty of \$100.
- 2) Specifies that a driver who fails to stop at a steady circular red signal at the marked line and then proceeds to make a right turn or a left turn from a one way street to another one way street shall face a penalty up to \$100 for the first offense.

EXISTING LAW:

- 1) Requires a driver to stop at a red light and prohibits the driver from proceeding until given an indication to do so. Failing to stop at a red light is a violation carrying a base fine of \$100, as well as a negligent operator point.
- 2) Allows a driver, after stopping at a steady circular red signal, to turn right or turn left from a one-way street onto a one-way street. A driver making that turn is required to yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to any vehicle that has approached or is approaching so closely as to constitute an immediate hazard to the driver, and shall continue to yield the right-of-way to that vehicle until the driver can proceed with reasonable safety. Failing to yield results in a fine of up to \$100.
- 3) Provides that a violation of the vehicle code, unless otherwise specified, shall be punishable as follows:
 - a) By a fine not exceeding \$100.
 - b) For a second infraction occurring within one year of a prior infraction that resulted in a conviction, a fine not exceeding \$200.
 - c) For a third or subsequent infraction occurring within one year of two or more prior infractions that resulted in convictions, a fine not exceeding \$250.

FISCAL EFFECT: Unknown

COMMENTS:

Purpose: According to the author, “A nearly \$500 fine for a ‘rolling right’ is simply too egregious, especially considering much more dangerous maneuvers are cited for less. A \$500 ticket is an excessive amount of money for most families, especially for a maneuver that is not overtly dangerous.

“This issue has gained attention with the dramatic proliferation of red light cameras. Reports have demonstrated that in many municipalities, the vast majority of tickets issued are for right turn violations when the driver fails to come to a complete stop. These cameras are focused more on generating cash instead of enhancing public safety, which was the original purpose.”

Consequences of Running a Red Light: According to the Federal Highway Administration (FHWA), 3,529 people were killed as a result of red light running between 2010 and 2014, or more than 1,000 more individuals than U.S. soldiers that have died in our 17 year conflict in Afghanistan. In fact, in the previous decade, nearly 9,000 individuals were killed as a result of red light running. An estimated 165,000 people are injured annually by vehicles running red lights. These accidents cost our economy an estimated \$230 billion annually.

According to a 1995 report to Congress from the National Highway Traffic Safety Administration (NHTSA), of the 485,104 fatalities between 1982 and 1992, 84 involved a vehicle making a right turn at an intersection, and it is impossible to determine if those 84 accidents were a right turn on red.

While significantly more individuals are killed every year for failing to yield to a red light and proceeding across the intersection compared to a right turn on red, the penalty is the same.

Increasing Fines: The cost of fines and fees associated with traffic and parking citations has steadily increased over the last few decades. After adding on fees to base fines, tickets can total in the hundreds of dollars. Add-on fees for minor offenses double or quadruple the original fine, and until recently California suspended driver’s licenses for failure to pay traffic fines.

Unpaid traffic fine debt has been adding up. According to the Legislative Analyst’s Office, the state now has over \$10 billion in unpaid court ordered debt. The Legislature and Governor have made several efforts to collect unpaid debt and to address the negative consequences of unpaid fines. In last year’s budget, the state removed the court’s authority to notify the Department of Motor Vehicles (DMV) for the suspension of individuals’ driver’s licenses for unpaid traffic fines. Governor Brown also signed AB 503 (Lackey), Chapter 741, Statutes of 2017, which requires a payment program to be offered to indigent individuals before agencies can use DMV to collect unpaid parking tickets.

Actual Costs of Fines: There is currently a \$100 fine for failing to yield at a red light. The actual costs are significantly higher when accounting for fees. Under the 2018 Uniform Bail and Penalty Schedule (UBPS), a \$100 fine with penalty and fee assessments becomes a \$491 ticket. Alternatively, If you stop at a red light but then proceed to make a turn with a pedestrian in a cross walk, a judge has the authority to set a fine up to \$100. The UBPS sets the fine at \$35, resulting in a \$238 ticket.

The Loss of Judicial Discretion: AB 1191 (Shelley), Chapter 852, Statutes of 1997, removed the judiciary’s discretion on setting fines for red light violations. Prior to 1997, a judge had the

authority to set a fine for a red light violation up to \$100 for the first infraction, a fine up to \$200 for a second infraction in a single year, and a \$250 fine for the third infraction.

At the time of the bill's passage, the UBPS set a base fine for a red light violation at \$35, with the ticket coming out to \$104 after fees and penalties were assessed. The Legislature at the time believed a \$104 ticket for the first offence was too low for a red light violation. AB 1191 took away judicial discretion to set fines up to \$100, and instead required a \$100 fine. At the time of AB 1191's passage, this resulted in a ticket of \$270 for a red light violation. Since 1997 the penalty and fee assessments have increased significantly, resulting in a fine nearly \$200 more than the penalty the Legislature intended to create in 1997. Further, by taking away judicial discretion on setting fines for red light violations, all red light violations are treated the same, regardless of the facts. The use of red light cameras have taken away the discretion a law enforcement officer may have used when giving a driver a ticket for running a red light by not coming to a complete stop and making a right turn on red.

This bill seeks to remedy the problem created through the removal of judicial discretion for red light violations by bifurcating various types of red light violations and providing the potential for a lower fine for violations that may not have the same safety risks. This bill allows the judiciary to set a fine up to \$100 for the newly created offense for a right turn on red. If the Judicial Council follows the same logic that resulted in a \$35 base fine for failing to yield to a pedestrian, or the old \$35 fine for failing to yield at a red light, then the ticket for a right turn on red will likely be \$35 (\$238 after fees and penalties are added). Judges will have the authority to set the fine lower or higher than that if the facts of the case warrant a different fine.

Previous Legislation: SB 493 (Hill) of 2017, would have reduced the base fine for "rolling right turn" violations from \$100 to \$35. SB 493 was held on the Assembly Appropriations Committee suspense file.

SB 986 (Hill) of 2016, would have reduced the base fine for "rolling right turn" violations from \$100 to \$35. SB 986 was held on the Assembly Appropriations Committee suspense file

SB 681 (Hill) of 2015, would have reduced the base fine for "rolling right turn" violations from \$100 to \$35. SB 681 was held on the Senate Appropriations Committee suspense file

AB 909 (Hill) of 2010, would have reduced the base fine for "rolling right turn" violations from \$100 to \$35. AB 909 was vetoed by Governor Schwarzenegger.

AB 1191 (Shelley), Chapter 852, Statutes of 1997, increased the base fine for red-light signal violations from \$35 to \$100.

REGISTERED SUPPORT / OPPOSITION:

Support

AAA Northern California, Nevada, and Utah
Amalgamated Transit Union
American Civil Liberties Union of California
Automobile Club of Southern California
California Teamsters Public Affairs Council
National Motorists Association

Safer Streets LA
Western States Trucking Association

Opposition

California Walks

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