

Date of Hearing: April 20, 2015

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 902 (Bloom) – As Amended March 26, 2015

SUBJECT: Traffic violations: diversion programs

SUMMARY: Removes 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.

EXISTING LAW:

- 1) Prohibits a local authority from allowing a person who is alleged to have committed a traffic offense to participate in a driver awareness or education program or any other diversion program as an alternative to the procedure required to be followed under the Vehicle Code for alleged violations of the Vehicle Code.
- 2) Exempts from the above prohibition diversion programs for minors who commit infractions not involving a motor vehicle and for which no fee is charged.
- 3) Specifies the penalties for violations of the Vehicle Code or an ordinance or resolution adopted under the Vehicle Code, including the imposition of fines, fees, and forfeitures, and imprisonment.

FISCAL EFFECT: None

COMMENTS: Under current law, local authorities can establish diversion programs for minors who are charged with moving violations not involving a motor vehicle (e.g., running a stop sign on a bicycle). These programs typically involve waiving or reducing the applicable fine and instead providing education to violators on bicycle and traffic laws, as well as best practices for safe bicycling. Many local governments and police departments have expressed interest over the years in establishing diversion programs for all bicyclists, regardless of age, only to find that current law stands in the way.

This bill would remove the limitation that these diversion programs only be used for minors. According to the author, "Ticketed cyclists should be allowed to attend a 'bicycle traffic school' class and have their fine reduced, which would turn a purely monetary penalty into a valuable educational opportunity, especially for people who would be unlikely to attend a bicycle safety class on their own volition. These programs would also enable bicycling advocates and educators to work directly with local police departments to help clear up common misconceptions about bicycle law and provide guidance on what types of violations should be targeted to have the biggest positive impact on safety."

A recent report from the Governor's Highway Safety Association (GHSA) on bicycle safety found that bicyclist fatalities increased 16% nationwide between 2010 and 2012. California had the highest number of fatalities of any state during that time period at 338. The report additionally noted that in the past 37 years, adult bicycle fatalities have increased from 21% of the total number of fatalities to 84%. Among other recommendations for reducing

bicyclist/motor vehicle collisions and the resulting injuries and fatalities, the report recommends "education of bicyclists and motorists about lawful and otherwise appropriate behavior regarding motorist/bicycle interactions." Diversion programs would provide an opportunity for this type of education.

REGISTERED SUPPORT / OPPOSITION:

Support

California Bicycle Coalition (Sponsor)
California Police Chiefs Association

Opposition

None on file

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