



NEWS

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MOTORISTS TO RING IN THE NEW YEAR WITH NEW LAWS

SACRAMENTO, Calif. –January 1 not only ushers in a new year but also a handful of new laws for California’s motoring public. These new traffic laws were passed by the Legislature and signed by the Governor earlier this year, and the California Highway Patrol (CHP) is asking the public to familiarize themselves with the new laws before they take effect in the coming days. “The new laws are designed to make California roadways safer for travelers regardless of their mode of transportation,” said CHP Commissioner Joe Farrow.

Below are synopses of a few of the significant changes for the upcoming year:

Instruction Permit: Motorcycle (AB 1952, Niello) This bill added Section 12509.5 to the Vehicle Code, which lays out the age-specific requirements drivers must fulfill to obtain a motorcycle instruction permit. Among those requirements for drivers younger than 21 years of age is the successful completion of the motorcycle safety course administered by the CHP.

Motorcycle Theft: (AB 1848, Garrick) This bill adds Section 466.65 to the Penal Code and makes it a misdemeanor to possess, give, or lend the following:

- Any device designed to bypass the factory-installed ignition of a motorcycle in order to start the engine without the manufacturer’s key.
- Any motorcycle ignition or part of motorcycle ignition, with the intent to unlawfully take or drive, or to facilitate the unlawful taking or driving of a motorcycle, without the consent of the owner.
- Items of hardware, including bolt cutters, electrical tape, wire cutters, wire strippers, or allen wrenches, with the intent to aid in the unlawful taking or driving of a motorcycle without the consent of the owner.

High-Occupancy Vehicle (HOV) Lanes (AB 1500, Lieu & SB 535, Yee) These bills extended the life of the yellow and white clean air stickers for low emission vehicles. Vehicles bearing these valid stickers can continue to access HOV lanes regardless of vehicle occupancy. Hybrids with Yellow Clean Air Access stickers set to expire the beginning of January 2011 will be given a six-month extension until July 1, 2011. White Clean Air Access stickers will be valid until Jan. 1, 2015. Additionally, SB 535 provides that starting in 2012, 40,000 HOV access stickers can be issued to early purchasers of Enhanced Advanced Technology Partial Zero Emission Vehicles.

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Windshield Video Event Recorder (AB 1942, Fletcher) This bill amended Section 26708 of the Vehicle Code to allow a video event recorder to be mounted in a 7-inch square in the lower corner of a vehicle windshield on the passenger side, or a 5-inch square in the lower corner of the vehicle windshield on the driver's side, outside of an airbag deployment zone. It also makes it legal to mount the video event recorder in a 5-inch square in the center uppermost portion of the interior of the windshield. The law also defines a video event recorder and requires a vehicle equipped with one to have a notice posted in a visible location which states that a passenger's conversation may be recorded. In addition, this law lays out rules for recording events, notes who the rightful owner of the footage is, and who is entitled to a copy of the recording.

Emergency Alert System: Law Enforcement Officers (Blue Alert) (SB 839, Runner) Much like an AMBER Alert, this bill added Section 8594.5 to the Government Code. Activation of the Emergency Alert System for a Blue Alert would occur if all of the following conditions are met:

- A law enforcement officer has been killed, suffers serious bodily injury, or is assaulted with a deadly weapon, and the suspect has fled the scene of the offense.
- The investigating agency has determined that the suspect poses an imminent threat to the public or other law enforcement personnel.
- A detailed description of the suspect's vehicle or license plate is available for broadcast.
- Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect.

Neighborhood Electric Vehicle (NEV) (AB 584, Huber & AB 1781, Villines) Specific to Amador County, the cities of Jackson, Sutter Creek, Amador and the city of Fresno, these two bills allow for development of an NEV transportation plan within those communities until Jan. 1, 2016. They also specifically require NEV operators to possess a California driver license and comply with established financial liability requirements.

Mobile Billboard Advertising Displays (AB 2756, Blumenfield) This bill created Section 395.5 of the Vehicle Code, which defines "mobile billboard advertising display" as an advertising display that is attached to a wheeled, mobile, non-motorized vehicle that carries, pulls or transports a sign or billboard and is for the primary purpose of advertising. This bill also amended Section 21100 of the Vehicle Code to give local authorities the ability to adopt rules/regulations by ordinance/resolution to regulate mobile billboard advertising; this includes establishing penalties that could authorize removal of the mobile billboard advertising display. In addition, VC Section 22651 was amended to say that the mobile billboard advertising display may be towed when left parked or standing in violation of a local ordinance. Warning citations advising of the consequences, including towing of the mobile billboard display, are sufficient enough warning to the public.

Miscellaneous Transportation (SB 1318, Senate Transportation & Housing Committee) This bill was responsible for the following new law, as well as the amendment of others:

- Section 667 of the Vehicle Code was added to define a “utility trailer” as a trailer or semi-trailer used solely for the transportation of the user’s personal property which cannot be used in commerce, cannot exceed gross weight of 10,000 pounds, but can be used for transportation of livestock.
- This bill also amended Section 5201 of the Vehicle Code to require license plates to be mounted parallel to the ground so the characters are upright and display from left to right.
- Section 21755 of the Vehicle Code which allows drivers of vehicles to pass on the right under specified conditions was amended to clarify that it does not prohibit a bicyclist from passing on the right in either a bicycle lane or on a shoulder.
- Section 22511.55 of the Vehicle Code has been amended to allow a disabled person or disabled veteran to display their distinguishing placard on a clip installed by the vehicle’s manufacturer on the driver’s side front windshield.

There are a couple of bills that were passed by the Legislature and signed by the governor this year that don’t go into effect in the coming year, but are worth highlighting:

Driving Under the Influence (DUI) Repeat Offenders (AB 1601, Hill) Section 23579 was added to the Vehicle Code which authorizes the court to order a 10-year revocation of a driver’s license if a person has been convicted of three or more DUIs. However, under this new law, a motorist will be allowed to apply for reinstatement of his or her driver’s license with the Department of Motor Vehicles (DMV) after five years if the person installs an Ignition Interlock Device (IID) in their vehicle. It also allows the DMV to terminate the restricted license if the IID requirements are not met. **This law goes into effect Jan. 1, 2012.**

Motorcycle Exhaust Systems (SB 435, Pavley) It will be illegal to park, use or operate a motorcycle registered in California, which does not bear the required applicable federal Environmental Protection Agency exhaust system label consistent with federal regulations. This law only applies to motorcycles manufactured on or after **Jan. 1, 2013**, or a motorcycle with after market exhaust system equipment that is manufactured on or after Jan. 1, 2013.

These points are only a synopsis of the new laws listed here and only a partial list of new laws adopted for 2011. For complete information on chaptered bills enacted in 2010 please refer to the Legislative Counsel website at www.LegInfo.ca.gov.