

SAFETY COMPENDIUM – 2008 CALIFORNIA MOTOR VEHICLE LAW

Motorist-related laws taking effect on Jan. 1 include:

Key Codes. SB 1542 gives motorists a convenient and secure option for getting replacement keys when theirs have been lost, stolen, or damaged. Automakers must provide, at any time, the key codes necessary for a licensed and registered locksmith to make a replacement key for vehicles sold or leased in California on or after January 1, 2008. Exceptions include automakers that sell fewer than 2,500 vehicles annually, and manufacturers that make their own keys -- i.e. BMW and Mercedes-Benz -- who have until 2013 to comply with the law provided that, in the interim, they send a replacement key by overnight mail.

License Plates. AB 801 makes it illegal to sell or use a product that obstructs or impairs the recognition of a license plate by an electronic device operated by police or toll authority, such as a red-light camera. The fine for obscuring a license plate is about \$146, and the fine for selling such a product is \$900.

School Zones. AB 321 will now allow local jurisdictions to adopt an ordinance establishing a speed limit of 15 miles per hour in a school zone. The 15-mph speed limit must be posted and applies up to 500 feet from the school. A 25-mph limit will apply at a distance of 500-1,000 feet from the school.

Street Racing. SB 67 reauthorizes a law that lapsed in 2006. It allows police to impound a vehicle for 30 days when a person is arrested for street racing, exhibition of speed, or reckless driving.

Smoking in Vehicles. SB 7 prohibits anyone from smoking a cigarette, a cigar, or a pipe in a vehicle, whether in motion or not, in which there is a minor. The smoker can be fined up to \$100. Police can only cite for this violation in connection with a stop for a suspected violation of another driving offense.

Traffic School. AB 645 prohibits a court from allowing a driver who commits a two-point violation from attending traffic school. Two-point violations include drunk driving, hit-and-run, speed contests, evading an officer, and vehicular manslaughter.

Gasoline Dispensing. Concerns about the high cost of gasoline have prompted scrutiny into whether gasoline loses fuel efficiency when it is stored, delivered or dispensed at a higher temperature than 60 degrees Fahrenheit. AB 868 requires the state to conduct a study on the effects of temperature on fuel deliveries and to report the study findings. When the study is complete, recommendations will be made to address its findings.

Motorist laws that will not take effect until July 1 include:

Cell Phones and Driving. SB 1613 prohibits the use of handheld cellular telephones while driving. Starting July 1, 2008, an adult driver may use a cell phone only if it has a hands-free listening and speaking system. Drivers ticketed for a violation will be subject to a fine of at least \$70 (base fine plus penalties) for a first offense and at least \$175 (base fine plus penalties) for subsequent offenses. **(Do not use a cell phone while driving. Pull off the road to a safe location before using the phone. EL-801, 3-5.4 y.)**

Teen Drivers and Cell Phones. SB 33 prohibits drivers under age 18 from using any cell phone or other "mobile-service device" while driving, even if it is equipped with a hands-free device.

The term "mobile-service device" includes, but isn't limited to, a broadband personal-communication device, specialized mobile radio device, handheld device or laptop computer with mobile-data access, pager, and two-way messaging device. Teen drivers ticketed for a violation will be subject to a fine of at least \$70 (base fine plus penalties) for a first offense and at least \$175 (base fine plus penalties) for subsequent offenses. Unlike the ban on handheld cell phones, a law enforcement officer may cite a teen for a suspected violation of this law only in connection with another suspected driving offense.

Alternative Fuels and Vehicle Technologies Funding Program. AB 118, which takes effect July 1, increases the smog abatement fee for newer vehicles and the vehicle registration fee paid by all motorists to fund a variety of motorist and non-motorist related purposes, including research into alternative fuels, alternative fuel-infrastructure projects, retrofitting large truck engines, and the removal of high-polluting vehicles from the road. This measure will require car owners to contribute well over \$150 million per year until 2016, when the law expires. The Auto Club opposed the law because the fee increases also will fund a variety of programs that have nothing to do with automobile use, ownership or operation.