
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Steven Bradford, Chair

2021 - 2022 Regular

Bill No: AB 2000 **Hearing Date:** June 28, 2022
Author: Gabriel
Version: February 14, 2022
Urgency: No **Fiscal:** Yes
Consultant: MK

Subject: *Motor vehicle speed contests and exhibitions of speed: offstreet parking facilities*

HISTORY

Source: Author

Prior Legislation: AB 3 (Fong) Chapter 106, Stat. 2021
AB 410 (Nazarian) failed Assem. Public Safety 2019
SB 699 (Galgiani) amended out in Assembly 2017
SB 67 (Perata) Chapter 727, Stats. 2007
AB 1325 (Vargas) Chapter 475, Stats. 2005
SB 1541 (Margett) Chapter 595, Stats. 2004
AB 985 (Vargas) - failed Senate Public Safety 2004
AB 1341 (Para) - 6/9/04 version, failed Sen Public Safety 2004
AB 2440 (Shirley Horton) - held Assembly Appropriations 2004
SB 1489 (Perata) Chapter 411, Stats. 2002
SB 2087 (Soto) - died on inactive file Senate Floor 2002
AB 2288 (Aguiar) Chapter 884, Stats. 1996
SB 833 Chapter 922, Stats. 1995
SB 1738 Chapter 1221, Stats. 1994
AB 5 Chapter 3, Stats. 1959

Support: Auto Club of Southern California (AAA); California Association of Highway Patrolmen; California District Attorneys Association; California State Sheriffs' Association; City of Bakersfield; County of Kern; Los Angeles County Sheriff's Department; Peace Officers Research Association of California (PORAC); Riverside County Sheriff's Office

Opposition: None known

Assembly Floor Vote: 69 - 0

PURPOSE

The purpose of this bill is to also prohibit an exhibition of speed or speed contest in a parking lot.

Existing law prohibits a person from engaging in, or aiding and abetting, a motor vehicle exhibition of speed on a highway. (Vehicle Code § 23109(a)(b)(c))

Existing law defines speed contests as a motor vehicle race against another vehicle, a clock, or other timing device. (Vehicle Code § 23109(a))

Existing law defines “Highway” as “a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel.” Highways includes streets. (Vehicle Code § 360)

Existing law specifies that the penalty for a motor vehicle exhibition of speed is a misdemeanor punishable by imprisonment in a county jail for not less than 24 hours nor more than 90 days and a fine of not less than \$355, plus penalty assessments, nor more than \$1,000, plus penalty assessments and 40 hours of community service. (Vehicle Code 23109 (e))

Existing law provides that when a person is convicted of engaging in a speed contest, the court may order the privilege to operate a motor vehicle suspended for 90 days to six months, with the right to drive to and from work. (Vehicle Code § 23109 (e))

Existing law provides that if a person is convicted of engaging in an exhibition of speed and proximately causes injury to another the punishment is 30 days to 6 months in county jail and a fine of \$500-\$1,000 plus penalty assessments. (Vehicle Code § 23109 (e)(2))

Existing law provides that if a person is convicted of a second violation within five years of a prior offenses the person shall be punished by four days to six months in county jail and a fine of not less than \$500 to \$1,000 plus penalty assessments. If there is bodily injury then the penalty is 30 days to 6 months in county jail and a fine of \$500-\$1,000, plus penalty assessments. If there is serious bodily injury than the jail portion is 30 days to one year.(Vehicle Code § 23109 (f))

Existing law provides that commencing July 1, 2025, the court may order the privilege to operate a motor vehicle suspended for 90 days to six months for a person who aids and abets in a speed contest if the violation occurred as part of a sideshow. (Vehicle Code § 23109(h)(2))

Existing law provides that a “sideshow” is defended as an event in which two or more persons block or impede traffic on a highway for the purpose of performing motor vehicle stunts, motor vehicle speed contests, motor vehicle exhibitions of speed, or reckless driving for spectators. (Vehicle Code § 23109(h)(2))

Existing law provides that a person convicted of being in a sideshow shall have their driving privilege to operate a motor vehicle suspended for 90 days to six months with an exception for to and from work. (Vehicle Code § 23109(h)(2)(b))

This bill expands the crimes of motor vehicle exhibition of speed and speed contest to include parking lots.

COMMENTS

1. Need for This Bill

According to the author:

Sideshows are coordinated takeovers of intersections and occasionally freeways that draw large crowds of pedestrians in lanes of traffic. This not only causes a nuisance for nearby residents but also pulls police department resources away from other community needs and endangers participants and spectators. According to the National Highway Traffic Safety Association, most fatal crashes are directly linked to this type of risky driving.

California is seeing a significant increase in illegal sideshows and street racing across the state; speeding and reports of street racing went up during the pandemic (particularly during safer-at-home orders). CHP Commissioner Amanda Ray said street racing and sideshows have resulted in 264 crashes statewide in the past five years. Of those crashes, 30 have been fatal and 124 have resulted in serious injuries.

Current laws exist for addressing street racing, exhibitions of speed, and sideshows that occur on highways, but not for incidents that occur in off-street parking facilities. This has left law enforcement without the tools needed to address and track these incidents, and has created a lack of parity between how we treat sideshows and exhibitions of speed depending on where they occur.

While under current law, an officer could charge an individual with reckless driving in a parking lot under VEH Section 23103(b), since sideshows and exhibitions of speed are not currently illegal in parking lots, it is difficult for law enforcement to accurately track these incidents. VEH Section 23109 directly was intentionally crafted to address street racing, but unfortunately only includes incidents that occur on highways. AB 3, which was passed last year, added the ability for license suspensions of between 90 days and six months (with requirements for consideration of hardship) for those convicted of engaging in, or aiding and abetting, street racing and exhibitions of speed.

Under VEH 13200, someone could be given a suspension “not to exceed 30 days upon a first conviction, for a period of not to exceed 60 days upon a second conviction, and for a period of not to exceed six months upon a third or any subsequent conviction.”. This is substantially different from the 90 days to six month suspension that AB 3 added to VEH 23109. The lack of parity between incidents that occur on highways and those that occur in parking lots is substantial, as further demonstrated by the differences in the jury instructions for the two different code sections these incidents are enforced under.

AB 2000 would add “off-street parking facilities” to VEH 23109, allowing for sideshows and exhibitions of speed that occur in parking lots to be charged under

this code section. This would allow for better tracking of these incidents by law enforcement and increase the parity between incidents that occur on highways and incidents that occur in parking lots. This would include the ability for courts to have the ability to utilize the license suspension language added with AB 3.

2. Sideshows

Individuals who participate in a sideshow can be charged with engaging in a motor vehicle exhibition of speed on a highway, which has been interpreted by the courts to include the acts of burning or squealing tires -allowing them to lose traction, performing wheelies, or revving an engine or hitting the gas too quickly after running a light. Last year the Legislature passed AB 3 (Fong), Chapter 611, Statutes of 2021, which provided the ability to suspend a person's driver's license if they were convicted of a motor vehicle exhibition of speed and that charge stemmed from their participation in a motor vehicle sideshow.

Prosecutors are given the discretion to charge a motor vehicle exhibition of speed as a misdemeanor or an infraction as a result of the different types of acts of severity that could be charged as a motor vehicle exhibition of speed. If the crime is a misdemeanor, they can serve up to 90 days in jail, and receive a fine of nearly \$500 after accounting for all of the fees attached to the \$100 base fine. If the crime is charged as an infraction, the fine is closer to \$400. A driver will also receive two violation points on their license, and traffic violator school is not an option. An individual is considered a negligent operator if they receive 4 or more points in 12 months, 6 in 24 months, or 8 in 36 months. DMV is given the authority to suspend someone's license if they are determined to be a negligent operator.

This bill expands the offenses of exhibition of speed and sideshows to include those that happen in an offstreet parking facility.

3. Argument in Support

The City of Bakersfield supports this bill stating:

Last year alone, CHP reported over 25,000 calls involving exhibition of speed and speed contests. Over the past five years, CHP reported a nearly 300% surge in exhibition of speed citations. However, not all exhibition of speed cases end in just citations. According to CHP, 47% of these crashes result in injury, 42% result in property damage, and 11% result in death. In 2021, the Bakersfield Police Department fielded 6,132 reckless driving calls for service which included reports of street racing and exhibitions of speed.

Statewide law enforcement groups have identified driver's license suspensions as an effective tool for deterrence for illegal street racing activity. In 2019, California courts ordered 349 driver's license suspensions for speed contests. Of those cases, the recidivism rates dropped by 99%. AB 2000 builds on this knowledge by allowing courts to issue license suspensions upon conviction of exhibition of speed in a parking lot, if the violation was a part of a sideshow.

As illegal street racing and sideshows become more prevalent problems statewide, AB 2000 provides courts with a critical and proven tool to deter individuals from engaging in sideshows.

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