
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Steven Bradford, Chair

2021 - 2022 Regular

Bill No: AB 2546 **Hearing Date:** June 21, 2022
Author: Nazarian
Version: June 13, 2022
Urgency: No **Fiscal:** Yes
Consultant: MK

Subject: *Vehicles: motor vehicle sideshows*

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: Unknown

Opposition: None known

Assembly Floor Vote: Not applicable

PURPOSE

The purpose of this bill is to provide that the licensing sanction for the offense of sideshow to also apply to when a person impedes traffic in a public place open to vehicle traffic or blocks access to private property without the consent of the operator.

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 provides that the drivers’ license sanctions apply when the offense of sideshow impedes traffic on a public place open to vehicle traffic or blocks access to private property without consent of the owner, operator, or agent thereof.

COMMENTS

1. Need for This Bill

According to the author:

Current law criminalizes sideshow activity contests on a highway, ignoring other incidents of sideshow activities. AB 2546 expands this definition to include street

sideshows in other public places open to vehicle traffic or access to private property without consent of the owner, operator, or agent thereof.

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 appears to intend to expand the sideshow provisions to other public places open to vehicle traffic or blocking access to private property without consent of the owner, however it is not clear that it does what it intends to do.. The Vehicle Code 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" so a public place open to vehicle traffic is likely already included. If access to private property is blocked while a person is on a public street, then existing law should cover it because the activity is happening on a public street. But if the activity is happening on private property, the subdivision amended by this bill would not apply because the license for suspension for sideshows only comes into effect if a person is convicted of engaging in a motor vehicle exhibition of speed on a highway or aiding and abetting in a motor vehicle exhibition of speed on a highway.

3. Other Legislation

AB 2000 (Gabriel), which will be heard by this Committee on the 28th adds parking lots to the places where speed contests and sideshows are illegal.

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