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AB-74 Vehicles: street takeovers, sideshows, and racing. (2023-2024)

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AMENDED IN ASSEMBLY MARCH 23, 2023

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

ASSEMBLY BILL

NO. 74

Introduced by Assembly Member Muratsuchi

December 13, 2022

An act *to amend Sections 12810, 13352, 14602.7, 22651.6, 23103, and 23109 of, and to add Sections 14601.9, 22650.5, 23108, and 23108.1 to, the Vehicle Code, relating to vehicles.*

LEGISLATIVE COUNSEL'S DIGEST

AB 74, as amended, Muratsuchi. Vehicles: street takeovers, sideshows, and racing.

Existing

(1) Existing law makes it a crime for a person to engage in a motor vehicle speed contest on a highway or an exhibition of speed on a highway, or to aid or abet therein. Commencing July 1, 2025, a court may suspend a person's driver's license for 90 days to 6 months for an exhibition of speed, or aiding and abetting an exhibition of speed, if the violation occurred as part of a sideshow. Existing law defines "sideshow" as 2 or more persons blocking or impeding 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. Existing law imposes 2 violation points against a driver's record for purposes of the suspension or revocation of the privilege to drive if a driver is convicted of reckless driving or engaging in a motor vehicle speed contest or exhibition of speed.

This bill would make it a crime for a person to knowingly attend, participate in, or aid and abet the commission of, a vehicle sideshow or street takeover, as defined. The bill would make a violation of this offense punishable as a misdemeanor or felony if the person convicted is a performing driver, as specified. The bill would make a violation of this offense punishable as a misdemeanor if the person convicted is not a performing driver, including a spectator or passenger in a performing vehicle, as specified. The bill would, if the convicted person is a performing driver, authorize the court to have the performing vehicle impounded for up to 30 days and require the court to suspend the driver's license for 90 days to 6 months. The bill would impose 2 violation points against a driver's record for a conviction of this offense. The bill would change the commencement date of the above-mentioned license suspension provisions to January 1, 2024, and include the crimes of reckless driving and attending, participating, or aiding and abetting in a vehicle sideshow or street takeover in these provisions.

The bill would additionally make it a crime for a person to operate a motor vehicle at any time when that person's driving privilege is suspended or revoked for a conviction of attending, participating, or aiding and abetting in a vehicle sideshow or street takeover, if the person has knowledge of the suspension or revocation. The bill would make a violation of this offense punishable as a misdemeanor, as specified. By creating new crimes and increasing punishments for existing crimes, this bill would impose a state-mandated local program.

(2) Existing law makes it a crime for a person, while operating a motor vehicle with the intent to evade, to willfully flee or otherwise attempt to evade a pursuing peace officer's motor vehicle or bicycle if specified conditions exist. Existing law makes it a crime to drive a vehicle upon a highway in willful or wanton disregard for the safety of persons or property. Existing law authorizes a magistrate to issue a warrant or order authorizing a peace officer to immediately seize and cause the removal of a vehicle if presented with a peace officer's affidavit establishing reasonable cause to believe that the vehicle was an instrumentality used in the peace officer's presence in violation of an offense described above.

This bill would include the crimes of engaging in a motor vehicle speed contest or exhibition of speed and attending, participating, or aiding and abetting in a vehicle sideshow or street takeover in the list of offenses for which a peace officer may impound a vehicle pursuant to a warrant or order issued by a magistrate.

(3) Existing law defines a nuisance, in part, as anything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property and defines a public nuisance as one that affects an entire community, neighborhood, or a considerable number of persons at the same time. Existing law authorizes various remedies for nuisances, including a criminal action, civil action, or abatement.

This bill would provide that a vehicle used in the commission of a vehicle sideshow or street takeover is a public nuisance which may be subject to forfeiture upon the conviction of the operator of the vehicle. The bill would establish the procedures to serve notice of the intended forfeiture to the legal and registered owner of the vehicle, to file a claim opposing forfeiture, and for the forfeiture hearing. The bill would require the Attorney General or district attorney to prove, beyond a reasonable doubt, that the operator of the vehicle was convicted of this offense and the vehicle was used in the commission of the violation that gave rise to the underlying conviction. The bill would require the court to, if the burden of proof has been met and the court finds there is no undue hardship to a person other than the defendant, enter judgment in favor of the Attorney General or district attorney, declare the vehicle a public nuisance, and order the vehicle to be immediately forfeited to the state or local government entity, as specified. The bill would establish the procedures for the impoundment, sale, or disposal of a vehicle subject to forfeiture.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~This bill would state the intent of the Legislature to enact legislation relating to street takeovers, sideshows, and racing.~~

Vote: majority Appropriation: no Fiscal Committee: ~~no~~yes Local Program: ~~no~~yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. *Section 12810 of the Vehicle Code is amended to read:*

12810. In determining the violation point count, the following shall apply:

(a) A conviction of failure to stop in the event of an accident in violation of Section 20001 or 20002 shall be given a value of two points.

(b) A conviction of a violation of Section 23152 or 23153 shall be given a value of two points.

(c) A conviction of reckless driving shall be given a value of two points.

(d) (1) A conviction of a violation of subdivision (b) of Section 191.5 or subdivision (c) of Section 192 of the Penal Code, or of Section 2800.2 or 2800.3, subdivision (b) of Section 21651, subdivision (b) of Section 22348, [Section 23108](#), subdivision (a) or (c) of Section 23109, Section 23109.1, or Section 31602 of this code, shall be given a value of two points.

(2) A conviction of a violation of subdivision (a) or (b) of Section 23140 shall be given a value of two points.

(e) A conviction of a violation of Section 14601, 14601.1, 14601.2, 14601.3, or 14601.5 shall be given a value of two points.

(f) Except as provided in subdivision (i), any other traffic conviction involving the safe operation of a motor vehicle upon the highway shall be given a value of one point.

(g) A traffic accident in which the operator is deemed by the department to be responsible shall be given a value of one point.

(h) A conviction of a violation of Section 27360 or 27360.5 shall be given a value of one point.

(i) (1) A violation of paragraph (1), (2), (3), or (5) of subdivision (b) of Section 40001 shall not result in a violation point count being given to the driver if the driver is not the owner of the vehicle.

(2) A conviction of a violation of paragraph (1) or (2) of subdivision (b) of Section 12814.6, subdivision (a) of Section 21116, Section 21207.5, 21708, 21710, 21716, 23120, 24800, or 26707 shall not be given a violation point count.

(3) A violation of subdivision (d) of Section 21712 shall not result in a violation point count.

(4) A violation of Section 23136 shall not result in a violation point count.

(5) A violation of Section 38301, 38301.3, 38301.5, 38304.1, or 38504.1 shall not result in a violation point count.

(j) A conviction for only one violation arising from one occasion of arrest or citation shall be counted in determining the violation point count for the purposes of this section.

SEC. 2. Section 13352 of the Vehicle Code, as amended by Section 1 of Chapter 611 of the Statutes of 2021, is amended to read:

13352. (a) The department shall immediately suspend or revoke the privilege of a person to operate a motor vehicle upon the receipt of an abstract of the record of a court showing that the person has been convicted of a violation of Section 23152 or 23153, subdivision (a) of Section 23109, or Section 23109.1, or upon the receipt of a report of a judge of the juvenile court, a juvenile traffic hearing officer, or a referee of a juvenile court showing that the person has been found to have committed a violation of Section 23152 or 23153, subdivision (a) of Section 23109, or Section 23109.1. If an offense specified in this section occurs in a vehicle defined in Section 15210, the suspension or revocation specified in this subdivision applies also to the noncommercial driving privilege. The commercial driving privilege shall be disqualified as specified in Sections 15300 to 15302, inclusive. For the purposes of this section, suspension or revocation shall be as follows:

(1) (A) Except as provided in this subparagraph, or as required under Section 13352.1 or 13352.4, upon a conviction or finding of a violation of Section 23152 punishable under Section 23536, the privilege shall be suspended for a period of six months. The privilege shall not be reinstated until the person gives proof of financial responsibility and gives proof satisfactory to the department of successful completion of a driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code described in subdivision (b) of Section 23538 of this code. If the court, as authorized under paragraph (3) of subdivision (b) of Section 23646, elects to order a person to enroll in, participate in, and complete either program described in subdivision (b) of Section 23542, the department shall require that program in lieu of the program described in subdivision (b) of Section 23538. For the purposes of this paragraph, enrollment in, participation in, and completion of an approved program shall occur subsequent to the date of the current violation. Credit shall not be given to any program activities completed prior to the date of the current violation. Except when the court has ordered installation of a functioning, certified ignition interlock device pursuant to Section 23575.3, the department shall advise the person that they may apply to the department for a restricted driver's license if the person meets all of the following requirements:

(i) The underlying conviction was not only for the use of drugs, as defined in Section 312, at the time of the violation.

(ii) The person satisfactorily provides to the department, subsequent to the violation date of the current underlying conviction, enrollment in, or completion of, a driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, as described in subdivision (b) of Section 23538 of this code.

(iii) The person agrees, as a condition of the restriction, to continue satisfactory participation in the program described in clause (ii).

(iv) The person does both of the following:

(I) Submits the "Verification of Installation" form described in paragraph (2) of subdivision (g) of Section 13386.

(II) Agrees to maintain the functioning, certified ignition interlock device as required under subdivision (i).

(v) The person provides proof of financial responsibility, as defined in Section 16430.

(vi) The person pays all reissue fees and any restriction fee required by the department.

(vii) The person pays to the department a fee sufficient to cover the reasonable costs of administering the requirements of this paragraph, as determined by the department.

(B) The restrictions described in this paragraph shall remain in effect for the period required in subdivision (e).

(2) (A) Except as provided in this paragraph, upon a conviction or finding of a violation of Section 23153 punishable under Section 23554, the privilege shall be suspended for a period of one year. The privilege shall not be reinstated until the person gives proof of financial responsibility and gives proof satisfactory to the department of successful completion of a driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code as described in subdivision (b) of Section 23556 of this code. If the court, as authorized under paragraph (3) of subdivision (b) of Section 23646, elects to order a person to enroll in, participate in, and complete either program described in subdivision (b) of Section 23542, the department shall require that program in lieu of the program described in Section 23556. For the purposes of this paragraph, enrollment in, participation in, and completion of an approved program shall occur subsequent to the date of the current violation. Credit shall not be given to any program activities completed prior to the date of the current violation. The department shall advise the person that they may apply to the department for a restricted driver's license if the person meets all of the following requirements:

(i) The underlying conviction was not only for the use of drugs, as defined in Section 312, at the time of the violation.

(ii) The person satisfactorily provides, subsequent to the violation date of the current underlying conviction, either of the following:

(I) Proof of enrollment in a driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, as described in subdivision (b) of Section 23556 of this code.

(II) Proof of enrollment in a program described in subdivision (b) of Section 23542, if the court has ordered the person to enroll in, participate in, and complete either program described in that section, in which case the person shall not be required to provide the proof described in subclause (I).

(iii) The person agrees, as a condition of the restriction, to continue satisfactory participation in the program described in clause (ii).

(iv) The person complies with Section 23575.3.

(v) The person does both of the following:

(I) Submits the "Verification of Installation" form described in paragraph (2) of subdivision (g) of Section 13386.

(II) Agrees to maintain the functioning, certified ignition interlock device as required under subdivision (i).

(vi) The person provides proof of financial responsibility, as defined in Section 16430.

(vii) The person pays all reissue fees and any restriction fee required by the department.

(viii) The person pays to the department a fee sufficient to cover the reasonable costs of administering the requirements of this paragraph, as determined by the department.

(B) The restriction shall remain in effect for the period required in subdivision (e).

(3) (A) Except as provided in this paragraph or in Section 13352.5, upon a conviction or finding of a violation of Section 23152 punishable under Section 23540, the privilege shall be suspended for two years. The privilege shall not be reinstated until the person gives proof of financial responsibility and gives proof satisfactory to the department of successful completion of a driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code as described in subdivision (b) of Section 23542 of this code. For the purposes of this paragraph, enrollment in, participation in, and completion of an approved program shall occur subsequent to the date of the current violation. Credit shall not be given to any program activities completed prior to the date of the current violation. The department shall advise the person that they may apply to the department for a restricted driver's license if the person meets all of the following requirements:

(i) Completion of 12 months of the suspension period if the underlying conviction was only for the use of drugs, as defined in Section 312, at the time of the violation.

(ii) The person satisfactorily provides, subsequent to the violation date of the current underlying conviction, either of the following:

(I) Proof of enrollment in an 18-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code if a 30-month program is unavailable in the person's county of residence or employment.

(II) Proof of enrollment in a 30-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, if available in the county of the person's residence or employment.

(iii) The person agrees, as a condition of the restriction, to continue satisfactory participation in the program described in clause (ii).

(iv) The person complies with Section 23575.3, if the underlying conviction involved the use of alcohol.

(v) The person does both of the following:

(I) Submits the "Verification of Installation" form described in paragraph (2) of subdivision (g) of Section 13386.

(II) Agrees to maintain the functioning, certified ignition interlock device as required under subdivision (i).

(vi) The person provides proof of financial responsibility, as defined in Section 16430.

(vii) The person pays all reissue fees and any restriction fee required by the department.

(viii) The person pays to the department a fee sufficient to cover the reasonable costs of administering the requirements of this paragraph, as determined by the department.

(B) The restriction shall remain in effect for the period required in subdivision (e).

(4) (A) Except as provided in this paragraph, upon a conviction or finding of a violation of Section 23153 punishable under Section 23560, the privilege shall be revoked for a period of three years. The privilege may not be reinstated until the person gives proof of financial responsibility, and the person gives proof satisfactory to the department of successful completion of a driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, as described in paragraph (4) of subdivision (b) of Section 23562 of this code. For the purposes of this paragraph, enrollment in, participation in, and completion of an approved program shall occur subsequent to the date of the current violation. Credit shall not be given to any program activities completed prior to the date of the current violation. The department shall advise the person that they may apply to the department for a restricted driver's license if the person meets all of the following requirements:

(i) Completion of 12 months of the suspension period if the underlying conviction was only for the use of drugs, as defined in Section 312, at the time of the violation.

(ii) The person satisfactorily provides, subsequent to the violation date of the current underlying conviction, either of the following:

(I) Proof of enrollment in an 18-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code if a 30-month program is unavailable in the person's county of residence or employment.

(II) Proof of enrollment in a 30-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, if available in the county of the person's residence or employment.

(iii) The person agrees, as a condition of the restriction, to continue satisfactory participation in the program described in clause (ii).

(iv) The person complies with Section 23575.3, if the underlying conviction involved the use of alcohol.

(v) The person does both of the following:

(I) Submits the "Verification of Installation" form described in paragraph (2) of subdivision (g) of Section 13386.

(II) Agrees to maintain the functioning, certified ignition interlock device as required under subdivision (i).

(vi) The person provides proof of financial responsibility, as defined in Section 16430.

(vii) The person pays all applicable reinstatement or reissue fees and any restriction fee required by the department.

(viii) The person pays to the department a fee sufficient to cover the reasonable costs of administering the requirements of this paragraph, as determined by the department.

(B) The restriction shall remain in effect for the period required in subdivision (e).

(5) (A) Except as provided in this paragraph, upon a conviction or finding of a violation of Section 23152 punishable under Section 23546, the privilege shall be revoked for a period of three years. The privilege shall not be reinstated until the person files proof of financial responsibility and gives proof satisfactory to the department of successful completion of an 18-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, as described in subdivision (b) or (c) of Section 23548 of this code, if a 30-month program is unavailable in the person's county of residence or employment, or, if available in the county of the person's residence or employment, a 30-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, or a program specified in Section 8001 of the Penal Code. For the purposes of this paragraph, enrollment in, participation in, and completion of an approved program shall occur subsequent to the date of the current violation. Credit shall not be given to any program activities completed prior to the date of the current violation. The department shall advise the person that they may apply to the department for a restricted driver's license if the person meets all of the following requirements:

(i) Completion of 12 months of the suspension period if the underlying conviction was only for the use of drugs, as defined in Section 312, at the time of the violation.

(ii) The person satisfactorily provides, subsequent to the violation date of the current underlying conviction, either of the following:

(I) Proof of enrollment in an 18-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code if a 30-month program is unavailable in the person's county of residence or employment.

(II) Proof of enrollment in a 30-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, if available in the county of the person's residence or employment.

(iii) The person agrees, as a condition of the restriction, to continue satisfactory participation in the program described in clause (ii).

(iv) The person complies with Section 23575.3, if the underlying conviction involved the use of alcohol.

(v) The person does both of the following:

(I) Submits the "Verification of Installation" form described in paragraph (2) of subdivision (g) of Section 13386.

(II) Agrees to maintain the functioning, certified ignition interlock device as required under Section 23575.3, if applicable.

(vi) The person provides proof of financial responsibility, as defined in Section 16430.

(vii) An individual convicted of a violation of Section 23152 punishable under Section 23546 may also, at any time after sentencing, petition the court for referral to an 18-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, or, if available in the county of the person's residence or employment, a 30-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code. Unless good cause is shown, the court shall order the referral.

(viii) The person pays all applicable reinstatement or reissue fees and any restriction fee required by the department.

(ix) The person pays to the department a fee sufficient to cover the reasonable costs of administering the requirements of this paragraph, as determined by the department.

(B) The restriction shall remain in effect for the period required in subdivision (e).

(6) (A) Except as provided in this paragraph, upon a conviction or finding of a violation of Section 23153 punishable under Section 23550.5 or 23566, the privilege shall be revoked for a period of five years. The privilege may not be reinstated until the person gives proof of financial responsibility and gives proof satisfactory to the department of successful completion of a driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code as described in subdivision (b) of Section 23568 of this code, or if available in the county of the person's residence or employment, a 30-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, or a program specified in Section 8001 of the Penal Code. For the purposes of this paragraph, enrollment in, participation in, and completion of an approved program shall be subsequent to the date of the current violation. Credit shall not be given to any program activities completed prior to the date of the current violation. The department shall advise the person that they may apply to the department for a restricted driver's license if the person meets all of the following requirements:

(i) Completion of 12 months of the suspension period if the underlying conviction was only for the use of drugs, as defined in Section 312, at the time of the violation.

(ii) The person satisfactorily provides, subsequent to the violation date of the current underlying conviction, either of the following:

(I) Proof of enrollment in a 30-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, if available in the county of the person's residence or employment.

(II) Proof of enrollment in an 18-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, if a 30-month program is unavailable in the person's county of residence or employment.

(iii) The person agrees, as a condition of the restriction, to continue satisfactory participation in the program described in clause (ii).

(iv) The person complies with Section 23575.3, if the underlying conviction involved alcohol.

(v) The person does both of the following:

(I) Submits the "Verification of Installation" form described in paragraph (2) of subdivision (g) of Section 13386.

(II) Agrees to maintain the functioning, certified ignition interlock device as required under subdivision (i).

(vi) The person provides proof of financial responsibility, as defined in Section 16430.

(vii) An individual convicted of a violation of Section 23153 punishable under Section 23566 may also, at any time after sentencing, petition the court for referral to an 18-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, or, if available in the county of the person's residence or employment, a 30-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code. Unless good cause is shown, the court shall order the referral.

(viii) The person pays all applicable reinstatement or reissue fees and any restriction fee required by the department.

(ix) The person pays to the department a fee sufficient to cover the reasonable costs of administering the requirements of this paragraph, as determined by the department.

(B) The restriction shall remain in effect for the period required in subdivision (e).

(7) (A) Except as provided in this paragraph, upon a conviction or finding of a violation of Section 23152 punishable under Section 23550 or 23550.5, or of a violation of Section 23153 punishable under Section 23550.5, the privilege shall be revoked for a period of four years. The privilege shall not be reinstated until the person files proof of financial responsibility and gives proof satisfactory to the department of successful completion of an 18-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, if a 30-month program is unavailable in the person's county of residence or employment, or, if available in the county of the person's residence or employment, a 30-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, or a program specified in Section 8001 of the Penal Code. For the purposes of this paragraph, enrollment in, participation in, and completion of an approved program shall occur subsequent to the date of the current violation. Credit shall not be given to any program activities completed prior to the date of the current violation. The department shall advise the person that they may apply to the department for a restricted driver's license if the person meets all of the following requirements:

(i) Completion of 12 months of the suspension period if the underlying conviction was only for the use of drugs, as defined in Section 312, at the time of the violation.

(ii) The person satisfactorily provides, subsequent to the violation date of the current underlying conviction, either of the following:

(I) Proof of enrollment in an 18-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, if a 30-month program is unavailable in the person's county of residence or employment.

(II) Proof of enrollment in a 30-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, if available in the county of the person's residence or employment.

(iii) The person agrees, as a condition of the restriction, to continue satisfactory participation in the program described in clause (ii).

(iv) The person complies with Section 23575.3, if the underlying conviction involved alcohol.

(v) The person does both of the following:

(I) Submits the "Verification of Installation" form described in paragraph (2) of subdivision (g) of Section 13386.

(II) Agrees to maintain the functioning, certified ignition interlock device as required under subdivision (i).

(vi) The person provides proof of financial responsibility, as defined in Section 16430.

(vii) An individual convicted of a violation of Section 23152 punishable under Section 23550 may also, at any time after sentencing, petition the court for referral to an 18-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, or, if available in the county of the person's residence or employment, a 30-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code. Unless good cause is shown, the court shall order the referral.

(viii) The person pays all applicable reinstatement or reissue fees and any restriction fee required by the department.

(ix) The person pays to the department a fee sufficient to cover the reasonable costs of administering the requirements of this paragraph, as determined by the department.

(B) The restriction shall remain in effect for the period required in subdivision (e).

(8) (A) Upon a conviction or finding of a violation of subdivision (a) of Section 23109 that is punishable under subdivision (e) of that section or Section 23109.1, the privilege shall be suspended for a period of 90 days to six months, if ordered by the court. The privilege shall not be reinstated until the person gives proof of financial responsibility, as defined in Section 16430.

(B) ~~Commencing July 1, 2025, upon~~ Upon a finding of a violation of ~~subdivision (c) of Section 23109 for engaging in a motor vehicle exhibition of speed, as described in paragraph (2) of subdivision (i) of Section 23109, subdivision (a) or (b) of Section 23103, subdivision (a) of Section 23108, or subdivision (c) of Section 23109,~~ the privilege shall be suspended for a period of 90 days to six ~~months, if~~ months if the violation occurred as part of a vehicle sideshow or street takeover and it is ordered by the court. The privilege shall not be reinstated until the person gives proof of financial responsibility, as defined in Section 16430.

(9) Upon a conviction or finding of a violation of subdivision (a) of Section 23109 that is punishable under subdivision (f) of that section, the privilege shall be suspended for a period of six months, if ordered by the court. The privilege shall not be reinstated until the person gives proof of financial responsibility, as defined in Section 16430.

(b) For the purposes of paragraphs (2) to (9), inclusive, of subdivision (a), the finding of the juvenile court judge, the juvenile hearing officer, or the referee of a juvenile court of a commission of a violation of Section 23152 or 23153, subdivision (a) of Section 23109, or Section 23109.1, as specified in subdivision (a) of this section, is a conviction.

(c) A judge of a juvenile court, juvenile hearing officer, or referee of a juvenile court shall immediately report the findings specified in subdivision (a) to the department.

(d) A conviction of an offense in a state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or Canada that, if committed in this state, would be a violation of Section 23152, is a conviction of Section 23152 for the purposes of this section, and a conviction of an offense that, if committed in this state, would be a violation of Section 23153, is a conviction of Section 23153 for the purposes of this section. The department shall suspend or revoke the privilege to operate a motor vehicle pursuant to this section upon receiving notice of that conviction.

(e) (1) The restricted driving privilege shall become effective when the department receives all of the documents and fees required under paragraphs (1) to (7), inclusive, of subdivision (a) and, except as specified in paragraph (2) or (3), shall remain in effect until all reinstatement requirements are satisfied.

(2) For the purposes of the restriction conditions specified in paragraphs (1) to (7), inclusive, of subdivision (a), the department shall terminate the restriction imposed pursuant to this section and shall suspend or revoke the person's driving privilege upon receipt of notification from the driving-under-the-influence program that the person has failed to comply with the program requirements. The person's driving privilege shall remain suspended or revoked for the remaining period of the original suspension or revocation imposed under this section and until all reinstatement requirements described in this section are met.

(3) The department shall immediately suspend or revoke the privilege to operate a motor vehicle of a person who, with respect to an ignition interlock device installed pursuant to this section attempts to remove, bypass, or tamper with the device, has the device removed prior to the termination date of the restriction, or fails three or more times to comply with any requirement for the maintenance or calibration of the device. The privilege shall remain suspended or revoked for the remaining period of the originating suspension or revocation and until all reinstatement requirements in this section are satisfied, provided, however, that if the person provides proof to the satisfaction of the department that the person is in compliance with the restriction issued pursuant to this section, the department may, in its discretion, restore the privilege to operate a motor vehicle and reimpose the remaining term of the restriction.

(f) Notwithstanding the suspension periods specified in paragraphs (1) to (7), inclusive, of subdivision (a) or Section 13352.1, if the person maintains a functioning, certified ignition interlock device for the mandatory term required under Section 23575.3, inclusive of any term credit earned under Section 13353.6 or 13353.75, the department shall reinstate the person's privilege to operate a motor vehicle at the time the other reinstatement requirements are satisfied.

(g) For the purposes of this section, completion of a program is the following:

(1) Satisfactory completion of all program requirements approved pursuant to program licensure, as evidenced by a certificate of completion issued, under penalty of perjury, by the licensed program.

(2) Certification, under penalty of perjury, by the director of a program specified in Section 8001 of the Penal Code, that the person has completed a program specified in Section 8001 of the Penal Code.

(h) (1) The holder of a commercial driver's license who was operating a motor vehicle other than a commercial vehicle, or a driver who was operating a commercial vehicle, as defined in Section 15210, at the time of the violation that resulted in the suspension of that person's driving privilege pursuant to this section is not eligible for the restricted driver's license authorized under paragraphs (1) to (7), inclusive, of subdivision (a).

(2) Notwithstanding paragraph (1), as authorized under this section, the department shall issue the person a noncommercial driver's license restricted in the same manner and subject to the same conditions and requirements as specified in paragraphs (1) to (7), inclusive, of subdivision (a).

(i) A person whose driving privilege is restricted by the Department of Motor Vehicles pursuant to this section shall arrange for each vehicle with a functioning, certified ignition interlock device to be serviced by the installer at least once every 60 days in order for the installer to recalibrate the device and monitor the operation of the device. The installer shall notify the department if the device is removed or indicates that the person has attempted to remove, bypass, or tamper with the device, or if the person fails three or more times to comply with any requirement for the maintenance or calibration of the ignition interlock device.

(j) The reinstatement of the driving privilege pursuant to this section does not abrogate a person's continuing duty to comply with any restriction imposed pursuant to Section 23575.3.

(k) For purposes of this section, "bypass" means either of the following:

(1) Failure to take any random retest.

(2) Failure to pass a random retest with a breath alcohol concentration not exceeding 0.03 percent, by weight of alcohol, in the person's blood.

(l) For purposes of this section, "random retest" means a breath test performed by the driver upon a certified ignition interlock device at random intervals after the initial engine startup breath test and while the vehicle's motor is running.

(m) The restriction conditions specified in paragraphs (1) to (7), inclusive, of subdivision (a) shall apply only to a person who is convicted for a violation of Section 23152 or 23153 that occurred on or after January 1, 2019.

(n) This section shall become operative on January 1, 2019.

(o) This section shall remain in effect only until January 1, 2026, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2026, deletes or extends that date.

SEC. 3. *Section 13352 of the Vehicle Code, as amended by Section 2 of Chapter 611 of the Statutes of 2021, is amended to read:*

13352. (a) The department shall immediately suspend or revoke the privilege of a person to operate a motor vehicle upon the receipt of an abstract of the record of a court showing that the person has been convicted of a violation of Section 23152 or 23153, subdivision (a) of Section 23109, or Section 23109.1, or upon the receipt of a report of a judge of the juvenile court, a juvenile traffic hearing officer, or a referee of a juvenile court showing that the person has been found to have committed a violation of Section 23152 or 23153, subdivision (a) of Section 23109, or Section 23109.1. If an offense specified in this section occurs in a vehicle defined in Section 15210, the suspension or revocation specified in this subdivision also applies to the noncommercial driving privilege. The commercial driving privilege shall be disqualified as specified in Sections 15300 to 15302, inclusive. For the purposes of this section, suspension or revocation shall be as follows:

(1) Except as required under Section 13352.1 or 13352.4, upon a conviction or finding of a violation of Section 23152 punishable under Section 23536, the privilege shall be suspended for a period of six months. The privilege shall not be reinstated until the person gives proof of financial responsibility and gives proof satisfactory to the department of successful completion of a driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code described in subdivision (b) of Section 23538 of this code. If the court, as authorized under paragraph (3) of subdivision (b) of Section 23646, elects to order a person to enroll in, participate in, and complete either program described in subdivision (b) of Section 23542, the department shall require that program in lieu of the program described in subdivision (b) of Section 23538. For the purposes of this paragraph, enrollment in, participation in, and completion of an approved program shall occur subsequent to the date of the current violation. Credit shall not be given to any program activities completed prior to the date of the current violation.

(2) Upon a conviction or finding of a violation of Section 23153 punishable under Section 23554, the privilege shall be suspended for a period of one year. The privilege shall not be reinstated until the person gives proof of financial responsibility and gives proof satisfactory to the department of successful completion of a driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code as described in subdivision (b) of Section 23556 of this code. If the court, as authorized under paragraph (3) of subdivision (b) of Section 23646, elects to order a person to enroll in, participate in, and complete either program described in subdivision (b) of Section 23542, the department shall require that program in lieu of the program described in Section 23556. For the purposes of this paragraph, enrollment, participation, and completion of an approved program shall occur subsequent to the date of the current violation. Credit shall not be given to any program activities completed prior to the date of the current violation.

(3) Except as provided in Section 13352.5, upon a conviction or finding of a violation of Section 23152 punishable under Section 23540, the privilege shall be suspended for two years. The privilege shall not be reinstated until the person gives proof of financial responsibility and gives proof satisfactory to the department of successful completion of a driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code as described in subdivision (b) of Section 23542 of this code. For the purposes of this paragraph, enrollment in, participation in, and completion of an approved program shall be subsequent to the date of the current violation. Credit shall not be given to any program activities completed prior to the date of the current violation. The department shall advise the person that they may apply to the department for a restriction of the driving privilege if the person meets all of the following requirements:

(A) Completion of 12 months of the suspension period, or completion of 90 days of the suspension period if the underlying conviction did not include the use of drugs as defined in Section 312 and the person was found to be only under the influence of an alcoholic beverage at the time of the violation.

(B) The person satisfactorily provides, subsequent to the violation date of the current underlying conviction, either of the following:

(i) Proof of enrollment in an 18-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code if a 30-month program is unavailable in the person's county of residence or employment.

(ii) Proof of enrollment in a 30-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, if available in the county of the person's residence or employment.

(C) The person agrees, as a condition of the restriction, to continue satisfactory participation in the program described in subparagraph (B).

(D) The person submits the "Verification of Installation" form described in paragraph (2) of subdivision (g) of Section 13386.

(E) The person agrees to maintain the ignition interlock device as required under subdivision (g) of Section 23575.

(F) The person provides proof of financial responsibility, as defined in Section 16430.

(G) The person pays all reissue fees and any restriction fee required by the department.

(H) The person pays to the department a fee sufficient to cover the costs of administration of this paragraph, as determined by the department.

(I) The restriction shall remain in effect for the period required in subdivision (f) of Section 23575.

(4) Except as provided in this paragraph, upon a conviction or finding of a violation of Section 23153 punishable under Section 23560, the privilege shall be revoked for a period of three years. The privilege may not be reinstated until the person gives proof of financial responsibility, and the person gives proof satisfactory to the department of successful completion of a driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, as described in paragraph (4) of subdivision (b) of Section 23562 of this code. For the purposes of this paragraph, enrollment in, participation in, and completion of an approved program shall occur subsequent to the date of the current violation. Credit shall not be given to any program activities completed prior to the date of the current violation. The department shall advise the person that after the completion of 12 months of the revocation period, which may include credit for a suspension period served under subdivision (c) of Section 13353.3, they may apply to the department for a restricted driver's license if the person meets all of the following requirements:

(A) The person satisfactorily provides, subsequent to the violation date of the current underlying conviction, either of the following:

(i) The initial 12 months of an 18-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code if a 30-month program is unavailable in the person's county of residence or employment.

(ii) The initial 12 months of a 30-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, if available in the county of the person's residence or employment.

(B) The person agrees, as a condition of the restriction, to continue satisfactory participation in the program described in subparagraph (A).

(C) The person submits the "Verification of Installation" form described in paragraph (2) of subdivision (g) of Section 13386.

(D) The person agrees to maintain the ignition interlock device as required under subdivision (g) of Section 23575.

(E) The person provides proof of financial responsibility, as defined in Section 16430.

(F) The person pays all applicable reinstatement or reissue fees and any restriction fee required by the department.

(G) The restriction shall remain in effect for the period required in subdivision (f) of Section 23575.

(5) Except as provided in this paragraph, upon a conviction or finding of a violation of Section 23152 punishable under Section 23546, the privilege shall be revoked for a period of three years. The privilege shall not be reinstated until the person files proof of financial responsibility and gives proof satisfactory to the department of successful completion of an 18-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, as described in subdivision (b) or (c) of Section 23548 of this code, if a 30-month program is unavailable in the person's county of residence or employment, or, if available in the county of the person's residence or employment, a 30-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, or a program specified in Section 8001 of the Penal Code. For the purposes of this paragraph, enrollment in, participation in, and completion of an approved program shall occur subsequent to the date of the current violation. Credit shall not be given to any program activities completed prior to the date of the current violation. The department shall advise the person that they may apply to the department for a restricted driver's license, which may include credit for a suspension period served under subdivision (c) of Section 13353.3, if the person meets all of the following requirements:

(A) Completion of 12 months of the suspension period, or completion of six months of the suspension period if the underlying conviction did not include the use of drugs as defined in Section 312 and the person was found to be only under the influence of an alcoholic beverage at the time of the violation.

(B) The person satisfactorily provides, subsequent to the violation date of the current underlying conviction, either of the following:

(i) Proof of enrollment in an 18-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code if a 30-month program is unavailable in the person's county of residence or employment.

(ii) Proof of enrollment in a 30-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, if available in the county of the person's residence or employment.

(C) The person agrees, as a condition of the restriction, to continue satisfactory participation in the program described in subparagraph (B).

(D) The person submits the "Verification of Installation" form described in paragraph (2) of subdivision (g) of Section 13386.

(E) The person agrees to maintain the ignition interlock device as required under subdivision (g) of Section 23575.

(F) The person provides proof of financial responsibility, as defined in Section 16430.

(G) An individual convicted of a violation of Section 23152 punishable under Section 23546 may also, at any time after sentencing, petition the court for referral to an 18-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, or, if available in the county of the person's residence or employment, a 30-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code. Unless good cause is shown, the court shall order the referral.

(H) The person pays all applicable reinstatement or reissue fees and any restriction fee required by the department.

(I) The person pays to the department a fee sufficient to cover the costs of administration of this paragraph, as determined by the department.

(J) The restriction shall remain in effect for the period required in subdivision (f) of Section 23575.

(6) Except as provided in this paragraph, upon a conviction or finding of a violation of Section 23153 punishable under Section 23550.5 or 23566, the privilege shall be revoked for a period of five years. The privilege may not be reinstated until the person gives proof of financial responsibility and gives proof satisfactory to the department of successful completion of a driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code as described in subdivision (b) of Section 23568 of this code, or if available in the county of the person's residence or employment, a 30-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, or a program specified in Section 8001 of the Penal Code. For the purposes of this paragraph, enrollment in, participation in, and completion of an approved program shall be subsequent to the date of the current violation. Credit shall not be given to any program activities completed prior to the date of the current violation. The department shall advise the person that after completion of 12 months of the revocation period, which may include credit for a suspension period served under subdivision (c) of Section 13353.3, they may apply to the department for a restricted driver's license if the person meets all of the following requirements:

(A) The person satisfactorily provides, subsequent to the violation date of the current underlying conviction, either of the following:

(i) Completion of the initial 12 months of a 30-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, if available in the county of the person's residence or employment.

(ii) Completion of the initial 12 months of an 18-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, if a 30-month program is unavailable in the person's county of residence or employment.

(B) The person agrees, as a condition of the restriction, to continue satisfactory participation in the program described in subparagraph (A).

(C) The person submits the "Verification of Installation" form described in paragraph (2) of subdivision (g) of Section 13386.

(D) The person agrees to maintain the ignition interlock device as required under subdivision (g) of Section 23575.

(E) The person provides proof of financial responsibility, as defined in Section 16430.

(F) An individual convicted of a violation of Section 23153 punishable under Section 23566 may also, at any time after sentencing, petition the court for referral to an 18-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, or, if available in the county of the person's residence or employment, a 30-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code. Unless good cause is shown, the court shall order the referral.

(G) The person pays all applicable reinstatement or reissue fees and any restriction fee required by the department.

(H) The restriction shall remain in effect for the period required in subdivision (f) of Section 23575.

(7) Except as provided in this paragraph, upon a conviction or finding of a violation of Section 23152 punishable under Section 23550 or 23550.5, or of a violation of Section 23153 punishable under Section 23550.5, the privilege shall be revoked for a period of four years. The privilege shall not be reinstated until the person files proof of financial responsibility and gives proof satisfactory to the department of successful completion of an 18-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, if a 30-month program is unavailable in the person's county of residence or employment, or, if available in the county of the person's residence or employment, a 30-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, or a program specified in Section 8001 of the Penal Code. For the purposes of this paragraph, enrollment in, participation in, and completion of an approved program shall occur subsequent to the date of the current violation. Credit shall not be given to any program activities completed prior to the date of the current violation. The department shall advise the person that after completion of 12 months of the revocation period, which may include credit for a suspension period served under subdivision (c) of Section 13353.3, they may apply to the department for a restricted driver's license if the person meets all of the following requirements:

(A) The person satisfactorily provides, subsequent to the violation date of the current underlying conviction, either of the following:

(i) The initial 12 months of an 18-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, if a 30-month program is unavailable in the person's county of residence or employment.

(ii) The initial 12 months of a 30-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, if available in the county of the person's residence or employment.

(B) The person agrees, as a condition of the restriction, to continue satisfactory participation in the program described in subparagraph (A).

(C) The person submits the "Verification of Installation" form described in paragraph (2) of subdivision (g) of Section 13386.

(D) The person agrees to maintain the ignition interlock device as required under subdivision (g) of Section 23575.

(E) The person provides proof of financial responsibility, as defined in Section 16430.

(F) An individual convicted of a violation of Section 23152 punishable under Section 23550 may also, at any time after sentencing, petition the court for referral to an 18-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, or, if available in the county of the person's residence or employment, a 30-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code. Unless good cause is shown, the court shall order the referral.

(G) The person pays all applicable reinstatement or reissue fees and any restriction fee required by the department.

(H) The restriction shall remain in effect for the period required in subdivision (f) of Section 23575.

(8) (A) Upon a conviction or finding of a violation of subdivision (a) of Section 23109 that is punishable under subdivision (e) of that section or Section 23109.1, the privilege shall be suspended for a period of 90 days to

six months, if ordered by the court. The privilege shall not be reinstated until the person gives proof of financial responsibility, as defined in Section 16430.

(B) Upon a finding of a violation of ~~subdivision (c) of Section 23109 for engaging in a motor vehicle exhibition of speed, as described in paragraph (2) of subdivision (i) of Section 23109; subdivision (a) or (b) of Section 23103, subdivision (a) of Section 23108, or subdivision (c) of Section 23109,~~ the privilege shall be suspended for a period of 90 days to six ~~months, if~~ *months if the violation occurred as part of a vehicle sideshow or street takeover and it is* ordered by the court. The privilege shall not be reinstated until the person gives proof of financial responsibility, as defined in Section 16430.

(9) Upon a conviction or finding of a violation of subdivision (a) of Section 23109 that is punishable under subdivision (f) of that section, the privilege shall be suspended for a period of six months, if ordered by the court. The privilege shall not be reinstated until the person gives proof of financial responsibility, as defined in Section 16430.

(b) For the purpose of paragraphs (2) to (9), inclusive, of subdivision (a), the finding of the juvenile court judge, the juvenile hearing officer, or the referee of a juvenile court of a commission of a violation of Section 23152 or 23153, subdivision (a) of Section 23109, or Section 23109.1, as specified in subdivision (a) of this section, is a conviction.

(c) A judge of a juvenile court, juvenile hearing officer, or referee of a juvenile court shall immediately report the findings specified in subdivision (a) to the department.

(d) A conviction of an offense in a state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or Canada that, if committed in this state, would be a violation of Section 23152, is a conviction of Section 23152 for the purposes of this section, and a conviction of an offense that, if committed in this state, would be a violation of Section 23153, is a conviction of Section 23153 for the purposes of this section. The department shall suspend or revoke the privilege to operate a motor vehicle pursuant to this section upon receiving notice of that conviction.

(e) For the purposes of the restriction conditions specified in paragraphs (3) to (7), inclusive, of subdivision (a), the department shall terminate the restriction imposed pursuant to this section and shall suspend or revoke the person's driving privilege upon receipt of notification from the driving-under-the-influence program that the person has failed to comply with the program requirements. The person's driving privilege shall remain suspended or revoked for the remaining period of the original suspension or revocation imposed under this section and until all reinstatement requirements described in this section are met.

(f) For the purposes of this section, completion of a program is the following:

(1) Satisfactory completion of all program requirements approved pursuant to program licensure, as evidenced by a certificate of completion issued, under penalty of perjury, by the licensed program.

(2) Certification, under penalty of perjury, by the director of a program specified in Section 8001 of the Penal Code, that the person has completed a program specified in Section 8001 of the Penal Code.

(g) The holder of a commercial driver's license who was operating a commercial motor vehicle, as defined in Section 15210, at the time of a violation that resulted in a suspension or revocation of the person's noncommercial driving privilege under this section is not eligible for the restricted driver's license authorized under paragraphs (3) to (7), inclusive, of subdivision (a).

(h) This section shall become operative January 1, 2026.

SEC. 4. *Section 14601.9 is added to the Vehicle Code, to read:*

14601.9. *(a) A person shall not operate a motor vehicle at any time when that person's driving privilege is suspended or revoked for a conviction of a violation of Section 23108, if the person has knowledge of the suspension or revocation.*

(b) Knowledge of the suspension or revocation of the driving privilege shall be conclusively presumed if mailed notice has been given by the department to the person pursuant to Section 13106. Knowledge of the restriction of the driving privilege shall be presumed if notice has been given by the court to the person. The presumption established by this subdivision is a presumption affecting the burden of proof.

(c) A person convicted of a violation of this section shall be punished as follows:

(1) Upon a first conviction, by imprisonment in the county jail for not more than six months and by a fine of not less than three hundred dollars (\$300) or more than one thousand dollars (\$1,000), unless the person has been designated a habitual traffic offender under subdivision (b) of Section 23546, subdivision (b) of Section 23550, or subdivision (d) of Section 23550.5, in which case the person, in addition, shall be sentenced as provided in paragraph (3) of subdivision (e) of Section 14601.3.

(2) If the offense occurred within five years of a prior offense that resulted in a conviction of a violation of this section, Section 14601 for reckless driving, or Section 14601.1 for exhibition of speed or a speed contest, by imprisonment in the county jail for not more than one year and by a fine of not less than five hundred dollars (\$500) or more than two thousand dollars (\$2,000), unless the person has been designated as a habitual traffic offender under subdivision (b) of Section 23546, subdivision (b) of Section 23550, or subdivision (d) of Section 23550.5, in which case the person, in addition, shall be sentenced as provided in paragraph (3) of subdivision (e) of Section 14601.3.

(d) Nothing in this section shall be construed to interfere with the court's power to grant probation in a suitable case.

(e) If a person is convicted of a first offense under this section and is granted probation, the court may impose as a condition of probation that the person be confined in the county jail for at least 10 days.

(f) If the offense occurred within five years of a prior offense that resulted in a conviction of a violation of this section, or subparagraphs (A) or (B) of paragraph (8) of subdivision (a) of Section 13352, and is granted probation, the court may impose as a condition of probation that the person be confined in the county jail for at least 30 days.

SEC. 5. Section 14602.7 of the Vehicle Code is amended to read:

14602.7. (a) (1) A magistrate presented with the affidavit of a peace officer establishing reasonable cause to believe that a vehicle, described by vehicle type and license ~~number~~, *plate number or vehicle identification number*, was an instrumentality used in the peace officer's presence in violation of Section 2800.1, 2800.2, 2800.3, ~~or~~ 23103, *23108, or subdivisions (a) or (c) of Section 23109*, shall issue a warrant or order authorizing any peace officer to immediately seize and cause the removal of the vehicle. The warrant or court order may be entered into a computerized database. A vehicle so impounded may be impounded for a period not to exceed 30 days.

~~The~~

(2) ~~The~~ impounding agency, within two working days of impoundment, shall send a notice by certified mail, return receipt requested, *or by electronic service pursuant to Section 690.5 of the Penal Code*, to the *registered and* legal owner of the vehicle, at the address obtained from the department, informing the owner that the vehicle has been impounded and providing the owner with a copy of the warrant or court order. Failure to notify the ~~legal~~ *registered* owner within two working days shall prohibit the impounding agency from charging for more than 15 days impoundment when ~~a legal~~ *the* owner redeems the impounded vehicle. The law enforcement agency shall be open to issue a release to the registered owner or legal owner, or the agent of either, whenever the agency is open to serve the public for regular, nonemergency business.

(b) (1) An impounding agency shall release a vehicle to the registered owner or ~~his or her~~ *their* agent prior to the end of the impoundment period and without the permission of the magistrate authorizing the vehicle's seizure under ~~any~~ *either* of the following circumstances:

(A) When the vehicle is a stolen vehicle.

(B) When the vehicle is subject to bailment and is driven by an unlicensed employee of the business establishment, including a parking service or repair garage.

~~(C) When the registered owner of the vehicle causes a peace officer to reasonably believe, based on the totality of the circumstances, that the registered owner was not the driver who violated Section 2800.1, 2800.2, or 2800.3, the agency shall immediately release the vehicle to the registered owner or his or her agent.~~

~~(2) No vehicle shall be released pursuant to this subdivision, except upon presentation of the registered owner's or agent's currently valid driver's license to operate the vehicle and proof of current vehicle registration, or upon order of the court.~~

(2) Upon release of the vehicle pursuant to this section, a registered or legal owner of the vehicle, or the agent thereof, who has a valid license may redeem the vehicle upon payment of tow, storage, and other charges, provided the vehicle is not subject to any other holds and the vehicle registration is current.

(c) (1) Whenever a vehicle is impounded under this section, the magistrate ordering the storage shall provide the vehicle's registered and legal owners of record, or their agents, with the opportunity for a poststorage hearing to determine the validity of the storage.

~~(2) A notice of the storage shall be mailed or personally delivered to the registered and legal owners within 48 hours after issuance of the warrant or court order, excluding weekends and holidays, by the person or agency executing the warrant or court order, and shall include all of the following information:~~

(2) A notice of the storage hearing shall be sent by certified mail, return receipt requested, or by electronic service pursuant to Section 690.5 of the Penal Code, to the registered and legal owner of the vehicle within 48 hours of impoundment, excluding weekends and holidays, by the person or agency executing the warrant or court order, and shall include all of the following information:

(A) The name, address, and telephone number of the agency providing the notice.

(B) The location of the place of storage and a description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number, and the mileage of the vehicle.

(C) A copy of the warrant or court order and the peace officer's affidavit, as described in subdivision (a).

(D) A statement that, in order to receive their poststorage hearing, the owners, or their agents, are required to request the hearing from the magistrate issuing the warrant or court order ~~in person, in writing, or by telephone;~~ within 10 days of the date of the ~~notice:~~ *notice and serve notice of the hearing on the person or agency who executed the warrant or court order.*

(3) The poststorage hearing shall be conducted within two court days after receipt of the request for the hearing.

(4) At the hearing, the magistrate ~~may~~ *shall* order the vehicle released if ~~he or she finds~~ *they find* any of the circumstances described in subdivision (b) or (e) that allow release of a vehicle by the impounding agency. The magistrate ~~may~~ *shall* also consider releasing the vehicle when the continued impoundment will cause undue hardship to persons *other than the operator of the vehicle, who are materially* dependent upon the vehicle for employment *or other good cause*, or to a person with a community property *or legal* interest in the vehicle.

(5) Failure of either the registered or legal owner, or ~~his or her~~ *their* agent, to request, or to attend, a scheduled hearing satisfies the poststorage hearing requirement.

(6) The agency employing the peace officer who caused the magistrate to issue the warrant or court order shall be responsible for the costs incurred for towing and storage if it is determined in the poststorage hearing that reasonable ~~grounds~~ *cause* for the *impoundment and* storage are not established.

(d) The registered owner or ~~his or her~~ *their* agent is responsible for all towing and storage charges related to the impoundment, and any administrative charges authorized under Section 22850.5.

(e) A vehicle removed and seized under subdivision (a) shall be released to the legal owner of the vehicle or the legal owner's agent prior to the end of the impoundment period and without the permission of the magistrate authorizing the seizure of the vehicle if all of the following conditions are met:

(1) The legal owner is a motor vehicle dealer, bank, credit union, acceptance corporation, or other licensed financial institution legally operating in this state or is another person, not the registered owner, holding a financial interest in the vehicle.

(2) (A) The legal owner or the legal owner's agent pays all towing and storage fees related to the seizure of the vehicle. No lien sale processing fees shall be charged to the legal owner who redeems the vehicle prior to the 15th day of impoundment. Neither the impounding authority nor any person having possession of the vehicle shall collect from the legal owner of the type specified in paragraph (1), or the legal owner's agent any administrative charges imposed pursuant to Section 22850.5 unless the legal owner voluntarily requested a poststorage hearing.

(B) A person operating or in charge of a storage facility where vehicles are stored pursuant to this section shall accept a valid bank credit card or cash for payment of towing, storage, and related fees by a legal or

registered owner or the owner's agent claiming the vehicle. A credit card shall be in the name of the person presenting the card. "Credit card" means "credit card" as defined in subdivision (a) of Section 1747.02 of the Civil Code, except, for the purposes of this section, credit card does not include a credit card issued by a retail seller.

(C) A person operating or in charge of a storage facility described in subparagraph (B) who violates subparagraph (B) shall be civilly liable to the owner of the vehicle or to the person who tendered the fees for four times the amount of the towing, storage and related fees, but not to exceed five hundred dollars (\$500).

(D) A person operating or in charge of a storage facility described in subparagraph (B) shall have sufficient funds on the premises of the primary storage facility during normal business hours to accommodate, and make change in, a reasonable monetary transaction.

(E) Credit charges for towing and storage services shall comply with Section 1748.1 of the Civil Code. Law enforcement agencies may include the costs of providing for payment by credit when making agreements with towing companies on rates.

(3) (A) The legal owner or the legal owner's agent presents, to the law enforcement agency, impounding agency, person in possession of the vehicle, or any person acting on behalf of those agencies, a copy of the assignment, as defined in subdivision (b) of Section 7500.1 of the Business and Professions Code; a release from the one responsible governmental agency, only if required by the agency; a government-issued photographic identification card; and any one of the following, as determined by the legal owner or the legal owner's agent: a certificate of repossession for the vehicle, a security agreement for the vehicle, or title, whether paper or electronic, showing proof of legal ownership for the vehicle. Any documents presented may be originals, photocopies, or facsimile copies, or may be transmitted electronically. The law enforcement agency, impounding agency, or any other governmental agency, or any person acting on behalf of those agencies, shall not require any documents to be notarized. The law enforcement agency, impounding agency, or any person acting on behalf of those agencies, may require the agent of the legal owner to produce a photocopy or facsimile copy of its repossession agency license or registration issued pursuant to Chapter 11 (commencing with Section 7500) of Division 3 of the Business and Professions Code, or to demonstrate, to the satisfaction of the law enforcement agency, impounding agency, or any person acting on behalf of those agencies that the agent is exempt from licensure pursuant to Section 7500.2 or 7500.3 of the Business and Professions Code.

No

(B) No administrative costs authorized under subdivision (a) of Section 22850.5 shall be charged to the legal owner of the type specified in paragraph (1), who redeems the vehicle unless the legal owner voluntarily requests a poststorage hearing. No city, county, city and county, or state agency shall require a legal owner or a legal owner's agent to request a poststorage hearing as a requirement for release of the vehicle to the legal owner or the legal owner's agent. The law enforcement agency, impounding agency, or other governmental agency, or any person acting on behalf of those agencies, shall not require any documents other than those specified in this paragraph. The law enforcement agency, impounding agency, or other governmental agency, or any person acting on behalf of those agencies, shall not require any documents to be notarized. The legal owner or the legal owner's agent shall be given a copy of any documents ~~he or she is~~ they are required to sign, except for a vehicle evidentiary hold logbook. The law enforcement agency, impounding agency, or any person acting on behalf of those agencies, or any person in possession of the vehicle, may photocopy and retain the copies of any documents presented by the legal owner or legal owner's agent.

(4) A failure by a storage facility to comply with any applicable conditions set forth in this subdivision shall not affect the right of the legal owner or the legal owner's agent to retrieve the vehicle, provided all conditions required of the legal owner or legal owner's agent under this subdivision are satisfied.

(f) (1) A legal owner or the legal owner's agent that obtains release of the vehicle pursuant to subdivision (e) shall not release the vehicle to the registered owner or the person who was listed as the registered owner when the vehicle was impounded of the vehicle or any agents of the registered owner, unless a registered owner is a rental car agency, until the termination of the impoundment period.

(2) The legal owner or the legal owner's agent shall not relinquish the vehicle to the registered owner or the person who was listed as the registered owner when the vehicle was impounded until the registered owner or

that owner's agent presents ~~his or her~~ *their* valid driver's license or valid temporary driver's license to the legal owner or the legal owner's agent. The legal owner or the legal owner's agent shall make every reasonable effort to ensure that the license presented is valid and possession of the vehicle will not be given to the driver who was involved in the original impoundment proceeding until the expiration of the impoundment period.

(3) Prior to relinquishing the vehicle, the legal owner may require the registered owner to pay all towing and storage charges related to the impoundment and the administrative charges authorized under Section 22850.5 that were incurred by the legal owner in connection with obtaining the custody of the vehicle.

(4) Any legal owner who knowingly releases or causes the release of a vehicle to a registered owner or the person in possession of the vehicle at the time of the impoundment or any agent of the registered owner in violation of this subdivision shall be guilty of a misdemeanor and subject to a fine in the amount of two thousand dollars (\$2,000) in addition to any other penalties established by law.

(5) The legal owner, registered owner, or person in possession of the vehicle shall not change or attempt to change the name of the legal owner or the registered owner on the records of the department until the vehicle is released from the impoundment.

(g) (1) A vehicle impounded and seized under subdivision (a) shall be released to a rental car agency prior to the end of the impoundment period if the agency is either the legal owner or registered owner of the vehicle and the agency pays all towing and storage fees related to the seizure of the vehicle.

(2) The owner of a rental vehicle that was seized under this section may continue to rent the vehicle upon recovery of the vehicle. However, the rental car agency shall not rent another vehicle to the driver who used the vehicle that was seized to evade a police officer until 30 days after the date that the vehicle was seized.

(3) The rental car agency may require the person to whom the vehicle was rented and who evaded the peace officer to pay all towing and storage charges related to the impoundment and any administrative charges authorized under Section 22850.5 that were incurred by the rental car agency in connection with obtaining custody of the vehicle.

(h) Notwithstanding any other provision of this section, the registered owner and not the legal owner shall remain responsible for any towing and storage charges related to the impoundment and the administrative charges authorized under Section 22850.5 and any parking fines, penalties, and administrative fees incurred by the registered owner.

(i) (1) This section does not apply to vehicles abated under the Abandoned Vehicle Abatement Program pursuant to Sections 22660 to 22668, inclusive, and Section 22710, or to vehicles impounded for investigation pursuant to Section 22655, or to vehicles removed from private property pursuant to Section 22658.

(2) This section does not apply to abandoned vehicles removed pursuant to Section 22669 that are determined by the public agency to have an estimated value of three hundred dollars (\$300) or less.

(j) The law enforcement agency and the impounding agency, including any storage facility acting on behalf of the law enforcement agency or impounding agency, shall comply with this section and shall not be liable to the registered owner for the improper release of the vehicle to the legal owner or the legal owner's agent provided the release complies with the provisions of this section. The legal owner shall indemnify and hold harmless a storage facility from any claims arising out of the release of the vehicle to the legal owner or the legal owner's agent and from any damage to the vehicle after its release, including the reasonable costs associated with defending any such claims. A law enforcement agency shall not refuse to issue a release to a legal owner or the agent of a legal owner on the grounds that it previously issued a release.

SEC. 6. *Section 22650.5 is added to the Vehicle Code, to read:*

22650.5. *A warrant or court order authorizing the immediate seizure and impoundment of a vehicle may be issued if a magistrate is presented with the affidavit of a peace officer establishing reasonable cause to believe that a vehicle was an instrumentality used in the peace officer's presence in violation of Section 23103, 23108, or subdivision (a) or (c) of Section 23109.*

SEC. 7. *Section 22651.6 of the Vehicle Code is amended to read:*

22651.6. A peace officer or employee specified in Section 22651 may remove a vehicle located within the territorial limits in which the officer or employee may act when the vehicle was used by a person who was engaged in ~~a motor vehicle speed contest, as described in subdivision (a) of Section 23109,~~ *reckless driving*

pursuant to subdivision (a) or (b) of 23103, a vehicle sideshow or street takeover pursuant to subdivision (a) of Section 23108, or a motor vehicle speed contest or exhibition of speed pursuant to subdivision (a) or (c) of Section 23109, and the person was arrested and taken into custody for that offense by a peace officer.

SEC. 8. *Section 23103 of the Vehicle Code is amended to read:*

23103. (a) A person who drives a vehicle upon a highway in willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

(b) A person who drives a vehicle in an offstreet parking facility, as defined in subdivision (c) of Section 12500, in willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

(c) Except as otherwise provided in Section 40008, persons convicted of the offense of reckless driving shall be punished by imprisonment in a county jail for not less than five days nor more than 90 days or by a fine of not less than one hundred forty-five dollars (\$145) nor more than one thousand dollars (\$1,000), or by both that fine and imprisonment, except as provided in Section 23104 or 23105.

(d) The court may order the privilege to operate a motor vehicle suspended for 90 days to six months for a person who violates subdivision (a) or (b) of this section, as provided in subparagraph (B) of paragraph (8) of subdivision (a) of Section 13352, only if the violation occurred as part of a vehicle sideshow or street takeover. For purposes of this section, a "vehicle sideshow or street takeover" is an event or gathering in which two or more persons barricade, block, impede, or otherwise obstruct traffic upon or access to a highway or off-street parking facility without the consent of the owner, operator, or agent thereof, for the purpose of performing vehicle stunts, speed contests, exhibitions of speed, or other reckless driving.

SEC. 9. *Section 23108 is added to the Vehicle Code, to read:*

23108. (a) *It is unlawful for a person to knowingly attend, participate in, or aid and abet the commission of, a vehicle sideshow or street takeover.*

(b) For purposes of this section, a "vehicle sideshow or street takeover" is an event or gathering in which two or more persons barricade, block, impede, or otherwise obstruct traffic upon or access to a highway or off-street parking facility without the consent of the owner, operator, or agent thereof, for the purpose of performing vehicle stunts, speed contests, exhibitions of speed, or other reckless driving.

(c) A conviction under section by a person driving a performing vehicle shall be punishable as follows:

(1) A first conviction of this section is punishable by imprisonment in a county jail for a period not to exceed one year, by a fine of not less than one thousand dollars (\$1,000), or by both that fine and imprisonment.

(2) A second or subsequent conviction of this section is punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code, or in a county jail for a period not to exceed one year, by a fine of not less than one thousand dollars (\$1,000), or both that fine and imprisonment.

(3) If the driver proximately causes bodily injury to another person, the conviction is punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code, or in a county jail for a period not to exceed one year, by a fine of not less than one thousand dollars (\$1,000), or both that fine and imprisonment.

(4) (A) The performing vehicle may be impounded for a period not to exceed 30 days.

(B) The court shall consider whether impoundment of the vehicle will cause undue hardship to a person, other than the defendant, who is materially dependent upon the vehicle for employment or other good cause.

(C) Following completion of the impoundment period, a registered or legal owner of the vehicle, or the agent thereof, who has a valid license may redeem the vehicle upon payment of tow, storage, and other charges, provided the vehicle is not subject to any other holds and the vehicle registration is current.

(5) The court shall order the privilege to operate a motor vehicle suspended for 90 days to six months pursuant to Section 13352.

(6) The court shall order the person to stay away from attending or participating in events or gatherings, or otherwise refrain from aiding and abetting events or gatherings, in violation of this section for the duration of a probationary period.

(d) A conviction under this section by a person other than the driver of the performing vehicle shall be punishable as follows:

(1) A first conviction is punishable by imprisonment in a county jail for a period not to exceed 6 months, by a fine of not less than five hundred dollars (\$500), or by both fine and imprisonment.

(2) A second or subsequent conviction of this section is punishable by imprisonment in a county jail for a period not to exceed one year, by a fine of not less than one thousand dollars (\$1,000), or by both fine and imprisonment.

(3) The court shall order the person to stay away from attending or participating in events or gatherings, or otherwise refrain from aiding and abetting events or gatherings, in violation of this section for the duration of a probationary period.

(4) This subdivision applies to all of the following:

(A) A passenger of a performing vehicle.

(B) A person who, in any manner, barricades, blocks, impedes, or otherwise obstructs traffic upon or access to a highway or off-street parking facility for the benefit of a vehicle sideshow or street takeover.

(C) A person who is knowingly present as a spectator.

(D) A person who aids or abets a vehicle sideshow or street takeover, including a person who organizes, facilitates, encourages, promotes, or instigates a vehicle sideshow or street takeover. The physical presence at the scene of a vehicle sideshow or street takeover is not required to be guilty as an aider or abettor.

(e) Nothing in this section shall be construed to interfere with the court's power to grant probation in a suitable case.

(f) The Judicial Council may prescribe standard forms and procedures for implementation of this section to be used by all jurisdictions throughout the state.

(g) For purposes of this section, the following definitions apply:

(1) "Exhibition of speed" is when a driver accelerates or otherwise operates a vehicle that is dangerous and unsafe in order to show off or make an impression on someone else.

(2) "Performing vehicle" is a vehicle present at the vehicle sideshow or street takeover that engages in vehicle stunts, speed contests, exhibitions of speed, or other reckless driving.

(3) "Reckless driving" is intentionally driving with wanton disregard for the safety of persons or property.

(4) "Speed contest" is a vehicle race against another vehicle, a clock, or other timing device. An event in which the time to cover a prescribed route of more than 20 miles is measured, but in which the vehicle does not exceed the speed limits, is not a speed contest.

(5) "Vehicle stunt" includes quickly accelerating a vehicle at a high rate of speed, raising a vehicle to the degree that one or more wheels lose contact with the ground, spinning a vehicle rapidly in a circle, causing some or all of the tires to lose traction with the surface of the ground, drifting or skidding while turning, using the power of the engine and braking force to cause the rear wheel of a vehicle to spin in order to heat the rear tire and produce smoke, or operating a vehicle from a position other than the driver's seat.

SEC. 10. Section 23108.1 is added to the Vehicle Code, to read:

23108.1. (a) (1) Notwithstanding any other law, and except as provided in this section, a vehicle used in the commission of a violation of Section 23108 is subject to forfeiture as a public nuisance upon conviction of the operator of the vehicle used in the commission of a violation of Section 23108.

(2) All right, title, and interest in the vehicle shall vest in the state or local government entity upon the court declaring the vehicle a public nuisance and forfeiting the vehicle to the state or local government entity.

(3) A vehicle that has been reported stolen, prior to a surrender or seizure under this section, shall not be subject to forfeiture unless the identity of the registered owner cannot be reasonably ascertained or the registered owner fails to redeem the vehicle within 60 days of the seizure. A registered owner of the vehicle, or agent thereof, who has a valid license may redeem the vehicle upon payment of tow, storage, and other

charges, provided the vehicle is not subject to any holds for traffic or parking violations and the vehicle registration is current.

(4) Seizure of the vehicle is not required to petition for the forfeiture of the vehicle under this section.

(b) (1) Upon the conviction of the underlying offense giving rise to forfeiture, the Attorney General or district attorney shall serve a notice of intended forfeiture by certified mail, return receipt requested, or by electronic service pursuant to Section 690.5 of the Penal Code, to the legal and registered owner of the vehicle, at the address obtained from the department. Notice of intended forfeiture shall also be published on the internet website of the state or local government entity seeking forfeiture at the time the notice is served to the legal and registered owner.

(2) Proof of service of the certified mailing and return receipt shall be filed with the court.

(3) The notice of intended forfeiture shall include all of the following:

(A) The name and contact information of the agency providing notice.

(B) A description of the vehicle, including, if ascertainable, make, model, color, vehicle identification number, and license plate number.

(C) The criminal case number of the underlying conviction giving rise to forfeiture.

(D) That the vehicle is subject to forfeiture and will be sold or otherwise disposed of pursuant to this section.

(E) Instructions for filing and serving a claim opposing forfeiture, time limits for filing a claim, and a claim form.

(F) The legal consequences for failing to respond to the notice of intended forfeiture.

(4) The Attorney General or district attorney may request the court for an injunction to restrain all interested parties and enjoin them from transferring, encumbering, hypothecating, or otherwise disposing of the vehicle.

(5) Nothing in this section shall preclude a person, other than the defendant, claiming an interest in property actually seized from moving for a return of property if that person can show standing by proving an interest in the property that was not assigned subsequent to the seizure or filing of the forfeiture petition.

(c) (1) A person claiming an interest in the vehicle subject to forfeiture shall, within 10 calendar days from the date of the notice of intended forfeiture, file with the superior court of the county in which the underlying offense giving rise to forfeiture is charged, a claim opposing forfeiture, verified in accordance with Section 446 of the Code of Civil Procedure, stating their interest in the vehicle. A copy of the claim opposing forfeiture shall be served upon the Attorney General or the district attorney seeking forfeiture at the time of filing.

(2) If a verified claim is timely filed in accordance with this subdivision, the forfeiture proceeding shall be set for hearing within 30 calendar days from the date the claim opposing forfeiture is filed with the court. The Attorney General or the district attorney shall file a petition for forfeiture with the court within 10 calendar days of service of the claim opposing forfeiture. A copy of the petition shall be served upon the claimant opposing forfeiture at the time of filing.

(d) (1) The forfeiture hearing shall be before the superior court of the county in which the underlying offense giving rise to the forfeiture is charged and the issues shall be limited to matters related to this section.

(2) A legal or registered owner of the vehicle who fails to appear at the forfeiture hearing waives their claim opposing forfeiture and a judgment upon default may be entered against the legal or registered owner.

(3) At the forfeiture hearing, the Attorney General or district attorney shall have the burden of proving, beyond a reasonable doubt, all of the following:

(A) The operator of the vehicle subject to forfeiture was convicted of Section 23108.

(B) The vehicle subject to forfeiture was used in the commission of a violation of Section 23108 that gave rise to the underlying conviction.

(4) If the Attorney General or the district attorney establishes a prima facie case based on the elements in paragraph (3), the court shall consider whether forfeiture of the vehicle will cause undue hardship to a person,

other than the defendant, who is materially dependent on the vehicle for employment or other good cause, or to a person with a community property or legal interest in the vehicle.

(5) (A) If the Attorney General or district attorney meet their burden of proof and the court finds there is no undue hardship, the court shall enter judgment in favor of the Attorney General or district attorney and against all registered and legal owners, declaring the vehicle a public nuisance and ordering the vehicle be immediately forfeited to the state or local government entity seeking forfeiture and be disposed of as set forth in this section.

(B) The Attorney General or district attorney shall provide a copy of the court order to the defendant, a person who was sent notice of intended forfeiture, and the department.

(6) (A) If the court denies the petition for forfeiture, a registered or legal owner of the vehicle, or the agent thereof, who has a valid license may redeem the vehicle upon payment of tow, storage, and other charges, provided the vehicle is not subject to any other holds and the vehicle registration is current.

(B) The law enforcement agency and the impounding agency, including a storage facility acting on behalf of the law enforcement agency or impounding agency, shall comply with this section and shall not be liable to the registered owner for the improper release of the vehicle to the legal owner or the legal owner's agent provided that the release complies with the provisions of this section. The legal or registered owner shall indemnify and hold harmless a law enforcement agency, impounding agency, or storage facility, from a claim arising out of the release of the vehicle to the legal owner or the legal owner's agent and from damage to the vehicle after its release, including the reasonable costs associated with defending a claim. A law enforcement agency shall not refuse to issue a release to a legal or registered owner, or agent thereof, on the grounds that it previously issued a release.

(e) (1) If no claims opposing forfeiture are timely filed, the Attorney General or district attorney shall prepare a petition and declaration of forfeiture and file it with the superior court of the county in which the underlying offense giving rise to forfeiture is charged.

(2) The declaration of forfeiture and other evidence shall establish, beyond a reasonable doubt and under penalty of perjury, all of the following:

(A) The requirements for notice of intended forfeiture as provided for in subdivision (b) have been met.

(B) The operator of the vehicle subject to forfeiture was convicted of Section 23108.

(C) The vehicle subject to forfeiture was used in the commission of a violation of Section 23108 that gave rise to the underlying conviction.

(3) If the Attorney General or district attorney meet their burden of proof, the court shall enter judgment upon default in favor of the Attorney General or district attorney and against all registered and legal owners, declaring the vehicle a public nuisance and ordering that the vehicle be immediately forfeited to the state or local government entity seeking forfeiture and be disposed of as set forth in this section.

(4) The Attorney General or district attorney shall provide a copy of the court order and declaration of forfeiture to the defendant, a person who was sent notice of intended forfeiture, and the department.

(f) In carrying out the impoundment, sale, or disposal of a vehicle subject to forfeiture under this section, the law enforcement agency or the impounding agency may act as the agent of the state or local public entity, to which the vehicle is forfeited to.

(g) (1) A vehicle declared by the court to be a nuisance and ordered forfeited pursuant to this section shall be surrendered or otherwise seized, if not yet seized, and either sold at public auction, conveyed to a licensed dismantler or scrap iron processor for destruction, or donated to a charitable institution.

(2) Disposition of a forfeited vehicle may be in accordance with an adopted local ordinance or as otherwise provided for under this code.

(3) If the vehicle is to be sold, a forfeited vehicle shall not be sold to the defendant who operated the vehicle during the commission of the underlying crime.

(4) If the vehicle is to be destroyed, license plates shall be removed from the vehicle conveyed to a licensed dismantler or scrap iron processor.

(h) (1) If the vehicle is to be sold, the person conducting the sale shall disburse the proceeds of the sale as provided for in this subdivision and shall provide a written accounting regarding the disposition to the impounding agency and, on request, to a person entitled to, or claiming a share of, the proceeds. Proceeds of a sale shall not be disbursed to the defendant.

(2) The proceeds of a sale of a forfeited vehicle shall be disposed of in the following priority:

(A) To satisfy the towing and storage costs of the vehicle impounded under this section.

(B) To pay the costs associated with the sale of the vehicle under this section.

(C) To the legal owner in an amount to satisfy the indebtedness owed to the legal owner remaining as of the date of sale, including accrued interest or finance charges and delinquency charges, if the principal indebtedness was incurred prior to the commission of the act giving rise to the forfeiture.

(D) To the holder of a subordinate lien or encumbrance on the vehicle, other than a registered or legal owner, to satisfy the indebtedness if written notification of the demand is received before distribution of the proceeds is completed. The holder of a subordinate lien or encumbrance, if requested, shall furnish reasonable proof of its interest and, unless it does so upon request, is not entitled to distribution.

(E) To a person, other than a registered or legal owner, who can reasonably establish an interest in the vehicle, including a community property interest, to the extent of their provable interest, if written notification is received before distribution of the proceeds is completed.

(F) To pay court costs that are reasonably related to the implementation of this section.

(G) To the general fund of the state or local government entity whom the vehicle was forfeited to.

(i) Nothing in this section shall preclude an owner of a vehicle who suffers a monetary loss from the forfeiture of a vehicle under this section from recovering the amount of the actual monetary loss from the person who committed the act giving rise to forfeiture under this section.

(j) The Judicial Council and the Department of Justice may prescribe standard forms and procedures for implementation of this section to be used by all jurisdictions throughout the state.

SEC. 11. *Section 23109 of the Vehicle Code is amended to read:*

23109. (a) A person shall not engage in a motor vehicle speed contest on a highway or in an offstreet parking facility. As used in this section, a motor vehicle speed contest includes a motor vehicle race against another vehicle, a clock, or other timing device. For purposes of this section, an event in which the time to cover a prescribed route of more than 20 miles is measured, but in which the vehicle does not exceed the speed limits, is not a speed contest.

(b) A person shall not aid or abet in any motor vehicle speed contest on a highway or in an offstreet parking facility.

(c) A person shall not engage in a motor vehicle exhibition of speed on a highway or in an offstreet parking facility, and a person shall not aid or abet in a motor vehicle exhibition of speed on any highway or in an offstreet parking facility.

(d) A person shall not, for the purpose of facilitating or aiding or as an incident to any motor vehicle speed contest or exhibition upon a highway or in an offstreet parking facility, in any manner obstruct or place a barricade or obstruction or assist or participate in placing a barricade or obstruction upon a highway or in an offstreet parking facility.

(e) (1) A person convicted of a violation of subdivision (a) shall be punished by imprisonment in a county jail for not less than 24 hours nor more than 90 days or by a fine of not less than three hundred fifty-five dollars (\$355) nor more than one thousand dollars (\$1,000), or by both that fine and imprisonment. That person shall also be required to perform 40 hours of community service. The court may order the privilege to operate a motor vehicle suspended for 90 days to six months, as provided in paragraph (8) of subdivision (a) of Section 13352. The person's privilege to operate a motor vehicle may be restricted for 90 days to six months to necessary travel to and from that person's place of employment and, if driving a motor vehicle is necessary to perform the duties of the person's employment, restricted to driving in that person's scope of employment. This subdivision does not interfere with the court's power to grant probation in a suitable case.

(2) If a person is convicted of a violation of subdivision (a) and that violation proximately causes bodily injury to a person other than the driver, the person convicted shall be punished by imprisonment in a county jail for not less than 30 days nor more than six months or by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), or by both that fine and imprisonment.

(f) (1) If a person is convicted of a violation of subdivision (a) for an offense that occurred within five years of the date of a prior offense that resulted in a conviction of a violation of subdivision (a), that person shall be punished by imprisonment in a county jail for not less than four days nor more than six months, and by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000).

(2) If the perpetration of the most recent offense within the five-year period described in paragraph (1) proximately causes bodily injury to a person other than the driver, a person convicted of that second violation shall be imprisoned in a county jail for not less than 30 days nor more than six months and by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000).

(3) If the perpetration of the most recent offense within the five-year period described in paragraph (1) proximately causes serious bodily injury, as defined in paragraph (4) of subdivision (f) of Section 243 of the Penal Code, to a person other than the driver, a person convicted of that second violation shall be imprisoned in the state prison, or in a county jail for not less than 30 days nor more than one year, and by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000).

(4) The court shall order the privilege to operate a motor vehicle of a person convicted under paragraph (1), (2), or (3) suspended for a period of six months, as provided in paragraph (9) of subdivision (a) of Section 13352. In lieu of the suspension, the person's privilege to operate a motor vehicle may be restricted for six months to necessary travel to and from that person's place of employment and, if driving a motor vehicle is necessary to perform the duties of the person's employment, restricted to driving in that person's scope of employment.

(5) This subdivision does not interfere with the court's power to grant probation in a suitable case.

(g) If the court grants probation to a person subject to punishment under subdivision (f), in addition to subdivision (f) and any other terms and conditions imposed by the court, which may include a fine, the court shall impose as a condition of probation that the person be confined in a county jail for not less than 48 hours nor more than six months. The court shall order the person's privilege to operate a motor vehicle to be suspended for a period of six months, as provided in paragraph (9) of subdivision (a) of Section 13352 or restricted pursuant to subdivision (f).

(h) If a person is convicted of a violation of subdivision (a) and the vehicle used in the violation is registered to that person, the vehicle may be impounded at the registered owner's expense for not less than one day nor more than 30 days.

(i) (1) A person who violates subdivision (b), (c), or (d) shall upon conviction of that violation be punished by imprisonment in a county jail for not more than 90 days, by a fine of not more than five hundred dollars (\$500), or by both that fine and imprisonment.

(2) (A) ~~Commencing July 1, 2025, the~~ *The* court may order the privilege to operate a motor vehicle suspended for 90 days to six months for a person who violates subdivision (c), as provided in subparagraph (B) of paragraph (8) of subdivision (a) of Section 13352, only if the violation occurred as part of a ~~sideshow. For purposes of this section, "sideshow" is defined as an event in which two or more persons block or impede traffic on a highway or in an offstreet parking facility, for the purpose of performing motor vehicle stunts, motor vehicle speed contests, motor vehicle exhibitions of speed, or reckless driving, for spectators.~~ *vehicle sideshow or street takeover. For purposes of this section, a "vehicle sideshow or street takeover" is an event or gathering in which two or more persons barricade, block, impede, or otherwise obstruct traffic upon or access to a highway or off-street parking facility without the consent of the owner, operator, or agent thereof, for the purpose of performing vehicle stunts, speed contests, exhibitions of speed, or other reckless driving.*

(B) The person's privilege to operate a motor vehicle may be restricted for 90 days to six months to necessary travel to and from that person's place of employment and, if driving a motor vehicle is necessary to perform the duties of the person's employment, restricted to driving in that person's scope of employment.

(C) If the court is considering suspending or restricting the privilege to operate a motor vehicle pursuant to this paragraph, the court shall also consider whether a medical, personal, or family hardship exists that

requires a person to have a driver's license for such limited purpose as the court deems necessary to address the hardship. This subdivision does not interfere with the court's power to grant probation in a suitable case.

(j) If a person's privilege to operate a motor vehicle is restricted by a court pursuant to this section, the court shall clearly mark the restriction and the dates of the restriction on that person's driver's license and promptly notify the Department of Motor Vehicles of the terms of the restriction in a manner prescribed by the department. The Department of Motor Vehicles shall place that restriction in the person's records in the Department of Motor Vehicles and enter the restriction on a license subsequently issued by the Department of Motor Vehicles to that person during the period of the restriction.

(k) The court may order that a person convicted under this section, who is to be punished by imprisonment in a county jail, be imprisoned on days other than days of regular employment of the person, as determined by the court.

(l) For purposes of this section, "offstreet parking facility" has the same meaning as in subdivision (c) of Section 12500.

(m) This section shall be known and may be cited as the Louis Friend Memorial Act.

SEC. 12. *No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.*

~~SECTION 1. It is the intent of the Legislature to enact legislation relating to street takeovers, sideshows, and racing.~~