



# Judicial Council of California

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January 19, 2024

## Subject Text

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**File #:** 18-206, **Version:** 1

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### Title

### **Uniform Bail and Penalty Schedules: 2019 Edition (Action Required)**

#### Summary

The Traffic Advisory Committee recommends the Judicial Council adopt revisions to the Uniform Bail and Penalty Schedules, effective January 1, 2019. The 2019 proposal includes: (1) recommendations based on new legislation, as required under Vehicle Code section 40310 and Penal Code section 1269b, (2) changes to the Fish and Game Schedule recommended by the Department of Fish and Wildlife, and (3) miscellaneous technical additions and corrections.

Vehicle Code section 40310 requires that the Judicial Council annually adopt a uniform traffic infraction penalty schedule that conforms to new legislation. Additionally, Penal Code section 1269b and rule 4.102 of the California Rules of Court require all trial courts annually to revise and adopt a countywide schedule of penalties for all misdemeanor and infraction offenses, except Vehicle Code infractions. The penalty schedule for Vehicle Code infractions is established by the Uniform Traffic Penalty Schedule adopted by the Judicial Council in accordance with section 40310.

#### Recommendation

There are several proposed revisions for the 2019 schedules in response to recent changes in the law. There are also several proposed technical changes to the schedules and footnotes.

Proposed revisions to conform the 2019 schedules based on recent changes in law include:

1. Additions or modification, including deletions, of Vehicle Code infraction offenses:
  - 11754(a), Rental of Vehicle Subject to Recall;
  - 11754(c), Ride Share Vehicle Subject to Recall;
  - 16028(c), Evidence of Financial Responsibility (deleted);
  - 21761(a), (b), Safely Passing a Waste Removal Vehicle (effective 1/01/20);
  - 22650(a), Unauthorized Removal of Unattended Vehicle From Highway;
  - 24014(b), Motorcycles Required Pricing Information;
  - 27150(a), Adequate Muffler Required to be Properly Maintained;
  - 27151(a), Modification of Exhaust System Prohibited;
  - 27318(a)-(d), Safety Belts for Passengers on Buses;
  - 27319(a), (b), Safety Belts for Drivers on Buses; and
  - 35551(f)(1), Computation of Allowable Gross Weight (change to Overweight Chart footnote).
2. Additions or modifications of misdemeanor offenses or enhanced penalty amounts for violations of the Vehicle Code:
  - 23152(e), Driving a Motor Vehicle When a Passenger for Hire Is a Passenger in the Vehicle at the Time of the Offense with a .04 or Higher BAC;

- 23152(f), Driving Under Influence of Drug;
  - 23152(g), Driving Under the Influence of Alcohol and Drug;
  - 23153(e), Driving a Motor Vehicle When a Passenger for Hire Is a Passenger in the Vehicle at the Time of the Offense with a .04 or Higher BAC and Causing Injury;
  - 23153(f), Driving Under Influence of Drug While Causing Injury; and
  - 23153(g), Driving Under the Influence of Alcohol and Drug While Causing Injury.
3. Addition or modification of Business and Professions Code sections:
- 8550, License Required to Practice Structural Pest Control (footnote).

Proposed revisions to conform the 2019 schedules based on requests from courts, outside agencies, or technical changes include:

4. Additions or modification, including deletions, to the Fish and Game schedule:
- Fish and Game Code section 1054.2, License, Tab, Stamp, or Permit Requirement;
  - California Code of Regulations, title 14 sections:
    - 27.67, Transport of Recreational Finfish Through a Restricted Fishing Area Without Permit (deleted);
    - 27.82, Management Areas, Seasons, Depths, Exceptions, and Fishery Closure Process Described (deleted);
    - 27.83, California Rockfish Conservation Area (deleted);
    - 28.41, Sixgill Shark, Sevengill Shark;
    - 28.42, Shortfin Mako Shark, Thresher Shark, and Blue Shark;
    - 28.47, Petrale Sole and Starry Flounder;
    - 28.48, Pacific Sanddab, Rock Sole, Sand Sole, Butter Sole, Curlfin Sole, Rex Sole, and Flathead Sole;
    - 28.49, Soupfin Shark, Dover Sole, English Sole, Arrowtooth Flounder, Spiny Dogfish, Skates, Ratfish, Grenadiers, Finescale Codling, Pacific Cod, Pacific Whiting, Sablefish and Thornyheads;
    - 28.62, Herring (deleted);
    - 27.91, Green Sturgeon;
    - 27.92, White Sturgeon Reporting and Tagging Requirements for Ocean Waters
    - 28.38, Tunas;
    - 29.16, Abalone Report Card and Tagging Requirements;
    - 29.91, Spiny Lobster Report Card Requirements;
    - 251, Prohibition on Pursuing or Shooting Birds and Mammals from Motor Driven Air or Land Vehicles;
    - 257.5, Hunting Over Bait; and
    - 700, Fishing License in Possession.
5. Additions or modification, including deletion, of Vehicle Code infraction offenses:
- 5201(b), Replace and Destroy Temporary License Plate Upon Receipt of Permanent License Plates;
  - 5201(c), Illegal License Plate Covering;

- 5201(d), Reading or Recognition of License Plate by an Electronic Device or Remote Emission Sensing Device Illegally Obstructed or Impaired;
  - 21460(c), Improper Turns Over Double Lines/Solid Lines to Right Prohibited;
  - 21655.1(a), Driving in Restricted Use Designated Public Transit Bus Lane;
  - 22356(b), Exceeding 70 MPH Maximum Speed;
  - 22515(a)(b), Unattended Vehicles;
  - 23123.5(a), Driving Motor Vehicle While Holding and Operating a Handheld Wireless Telephone or Electronic Wireless Communications Device;
  - 23220(a), Drinking Alcoholic Beverage, Smoking or Ingesting Marijuana Product While Driving Off-Highway Prohibited;
  - 23220(b), Drinking Alcoholic Beverage, Smoking or Ingesting Marijuana Product While Riding as a Passenger Off-Highway Prohibited;
  - 23221(a), Drinking Alcoholic Beverage, Smoking or Ingesting Marijuana Product by Driver Prohibited;
  - 23221(b), Drinking Alcoholic Beverage, Smoking or Ingesting Marijuana Product by Passenger Prohibited;
  - 23222(b), Possession of Open Container of Cannabis by Driver;
  - 24400(b), Failure to Operate Headlamps as Required During Darkness or Inclement Weather;
  - 24611(c), Failure to Display Reflective Material on Trailer or Semitrailer as Required;
  - 24612(a) - (c), Failure to Display Reflective Material on Trailer or Semitrailer as Required;
  - 34507, Display of Distinctive Identification Symbol Required;
  - 34507.5(a)-(c), (g)-(h), Failure to Display Carrier Identification Number;
  - 38375(a), Off-Highway Motor Vehicle Equipped With Siren; and
  - 38375(b), Use of Siren While Driving an Off-Highway Motor Vehicle.
6. Proposed revisions of the Public Utilities Code include:
- 99170(a)(1), Operation of or Interference with a Transit District's Vehicles;
  - 99170(a)(2), Interference with Transit Operator;
  - 99170(a)(3), Extending Body from Transit District's Vehicles;
  - 99170(a)(4), Throwing Objects from Transit District's Vehicle;
  - 99170(a)(5), Behavior Causing Injury to Person or Property;
  - 99170(a)(6), Violating Safety or Security Instruction;
  - 99170(a)(7), Providing False Information to Transit District Employee or Obstructing Issuance of Citation; and
  - 99170(a)(8), Violating Rules Regarding Boarding Transit Vehicles with Bicycles.