

REVISED LEGISLATIVE DIGEST
(Amended in Committee – October 8, 2020)

[Police, Transportation Codes - Motor Vehicle Stunt Driving]

Ordinance amending the Police and Transportation Codes to establish a City policy to protect the health and safety of residents by enforcing state laws prohibiting reckless driving, motor vehicle speed contests, and exhibitions involving stunts and tricks with vehicles; and to provide that vehicles that are removed for violation of such laws shall be impounded for no less than 14 days for the first incident, no less than 15 days for the second, and no less than 29 days for the third, with no impoundment lasting more than 30 days.

Existing Law

There is no local policy or law.

Amendments to Current Law

This legislation establishes a City policy to protect the health and safety of residents by enforcing applicable provisions of the California Vehicle Code to reckless driving, motor vehicle speed contests, and exhibitions involving stunts and tricks with vehicles. In addition, this legislation mandates removal and impoundment of such vehicles for violations under state law for no less than 14 days for the first incident, no less than 15 days for the second, and no less than 29 days thereafter, with no impoundment lasting more than 30 days.

Background Information

As background, Cal. Vehicle Code section 23103 is known as the reckless driving statute. This statute prohibits “a person who drives a vehicle upon a highway in willful or wanton disregard for the safety of persons or property.” Cal. Vehicle Code section 23109 prohibits a person from engaging in a motor vehicle speed contest on a highway, which includes “*a motor vehicle race against another vehicle, a clock or other timing device.*” (emphasis added). This section also prohibits spectators or participants from aiding or abetting in the motor vehicle contest including, placing obstructions or barricades upon any highway. Cal. Vehicle Code section 23109.2 authorizes the seizure and tow for violations of both the reckless driving and motor vehicle speed contest statutes.