



NEWS

CONTACT: Fran Clader
(916) 657-7202

Media Relations Office
2555 First Avenue
Sacramento, CA 95818

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RINGING IN THE NEW YEAR WITH NEW LAWS

Several new laws designed to help strengthen existing DUI laws

(Sacramento) With a new year on the horizon, the California Highway Patrol (CHP) wants to remind motorists of a handful of new laws, passed by the Legislature and signed by Governor Schwarzenegger, that go into effect in 2009.

"The overall safety of the motoring public is our primary concern," says CHP Commissioner Joe Farrow. "Not only will these new laws enhance a motorist's safety, many of them are a step toward ridding the roadways of drunk drivers and the tragedy they cause."

Below are the major changes to driving regulations and vehicle equipment.

Texting While Driving (SB 28, Simitian) This new law makes it an infraction to write, send, or read text-based communication on an electronic wireless communications device, such as a cell phone, while driving a motor vehicle. Previously this was only illegal for individuals under 18 years of age, but now has been expanded to all drivers.

Driving Under the Influence (DUI) Zero Tolerance (AB 1165, Maze) This new law prohibits a convicted DUI offender from operating a motor vehicle with a blood alcohol level (BAC) of .01 percent or greater while on probation for DUI. The law requires the driver to submit to a Preliminary Alcohol Screening (PAS) test, a portable breath test to determine the presence of alcohol. If the driver refuses, or if the driver submits and has a BAC of .01 or greater, a citation will be issued, the driver's license will be taken and driving privileges will be suspended. In addition, the vehicle will be impounded.

Ignition Interlock Devices (IID) (SB 1190, Oropeza) This new law reduces the BAC from .20 percent to .15 percent or more at the time of arrest to trigger a requirement for the court to give heightened consideration for the installation of an IID for a first-time offender convicted of DUI of an alcoholic beverage.

Ignition Interlock Devices (SB 1388, Torlakson) Effective July 2009, this new law transfers authority for the administration of mandatory IID programs from the state courts to the Department of Motor Vehicles (DMV). This law also authorizes the DMV to require any driver convicted of driving with a suspended license due to a prior conviction for DUI to install an IID in any vehicle that the offender owns or operates.

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Alcohol-Related Reckless Driving (AB 2802, Houston) This new law requires the court to order a person convicted of alcohol-related reckless driving to participate in a licensed DUI program for at least nine months, if that person has a prior conviction for alcohol-related reckless driving or DUI within ten years. Additionally, the court is required to revoke the person's probation for the failure to enroll in, participate in, or complete a licensed DUI program.

Global Positioning Systems (GPS) (SB 1567, Oropeza) This new law allows a portable GPS device to be mounted in a 7-inch square in the lower corner of the windshield on the passenger side of the vehicle, or in a 5-inch square in the lower corner of the windshield on the driver's side. These are the only two locations on a *windshield* where a GPS device can be mounted. The GPS device can only be used for navigational purposes while the motor vehicle is being operated, and it is required to be mounted outside of an airbag deployment zone.

Motorcycles (AB 2272, Fuentes) This new law changes the definition of a motorcycle by deleting the weight limitation and deleting the separate definition for electrically powered motorcycles. The law will now allow fully enclosed, three-wheeled vehicles to have access to high-occupancy vehicle (HOV) lanes regardless of occupancy.

Clean Air Stickers: Misuse and Penalties (SB 1720, Lowenthal) This new law makes it an infraction for anyone who forges, counterfeits, falsifies, passes, or attempts to pass, acquire, possess, sell, or offer for sale a genuine or counterfeit "Clean Air Sticker."

911 Telephone System Abuse (AB 1976, Benoit) This new law increases the penalties for any person who knowingly uses, or allows the use of, the 911 telephone system for any reason other than an emergency. Those who misuse, or allow the misuse of, the 911 telephone system are guilty of an infraction, and subject to either a written warning or a fine.

Special License Plates (AB 190, Bass) This new law, *when approved by local authorities*, allows veterans whose vehicles display plates honoring Pearl Harbor Survivors, Legion of Valor recipients, former American Prisoners of War, Congressional Medal of Honor recipients, or Purple Heart recipients to park their vehicles that weigh not more than 6,000 pounds gross weight, without charge, in any metered parking space.

Studded Pneumatic Tires (AB 1971, Portantino) This new law allows the use of pneumatic tires with retractable metal-type studs, year round, as long as the studs are retracted between May 1 through October 31. However, the law prohibits a tire with retractable metal-type studs on a vehicle from being worn to a point that the metal-type studs protrude beyond the tire tread when retracted.

Spilling Cargo Loads (AB 2714, Keene) This new law eases restrictions on cargo loads of straw or hay to allow individual pieces that do not pose a threat to life or property, to escape from bales of straw or hay that are being transported by a vehicle upon a highway, so long as those bales are loaded and secured according to federal regulations.

Assault on Highway Workers (SB 1509, Lowenthal) This new law provides an increased penalty for assault and battery crimes committed against Caltrans highway workers who are engaged in the performance of their duties.

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