

REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: May 20, 2019

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations Committee

FROM: Sharon M. Tso 
Chief Legislative Analyst

Council File No: 19-0002-S64
Assignment No: 19-04-0395

SUBJECT: Resolution to support AB 47

CLA RECOMMENDATION: Adopt the Resolution (Rodriguez – Smith) to include in the City’s 2019 – 2020 State Legislative Program SUPPORT for AB 47 (Daly), which would add a violation point against an individual’s official driving record as a penalty for violating California’s distracted driving statute.

SUMMARY

The Resolution (Rodriguez – Smith), introduced on April 12, 2019, states that the fine for driving while using a cellphone is a \$20 fine, with subsequent violations having a fine of \$50. The existing fine structure has no deterrent effect on distracted driving. Other vehicle code violations, such as speeding or running a stop sign, result in drivers being assessed violation points against their official driving record. Accumulating violation points can lead to license restriction or suspension, as well as insurance increases.

The Resolution further states that AB 47 would add a violation point as a penalty for distracted driving offenses is more effective than fines alone in deterring bad behavior. The Resolution therefore requests that the Council support AB 47.

BACKGROUND

Distracted driving can have deadly consequences. The National Highway Traffic Safety Administration estimates that distracted driving led to the deaths of 3,166 people in 2017. The California Office of Traffic Safety indicates that distracted driving is increasing. In 2018, the rate of distracted driving as the result of electronic devices rose to 4.52% from 3.58% in the year prior.

Existing law prohibits driving while holding and operating a handheld wireless telephone or an electronic wireless communications device, unless the device is designed to allow voice operated, hands-free operation and is used in that manner. Violations for this law are an infraction subject to a base fine of \$20 (plus an additional \$142 for other fees and assessments) for a first offense and \$50 for subsequent offenses. This is lower than fines for most violations of the Vehicle Code, which generally entail a base penalty of \$100.

The California Department of Motor Vehicles (DMV) may assess negligent operator points on a driver’s license. These points are assessed if a driver is convicted of a traffic violation involving the safe operation of a motor vehicle, or other violations as specified by the Vehicle Code. Accumulation of points can lead to a driver’s license being suspended or revoked, as well as

increased insurance rates. Under existing law, the DMV may not assess points on a driver's license for electronic device violations.

AB 47 would require the DMV to assess a point for a violation of the ban against using a cell phone or other handheld electronic device occurring after January 1, 2021. The Los Angeles Police Department (LAPD) notes that this bill recognizes that distracted driving is a dangerous traffic safety concern and encourages drivers to put down their phone while driving. LAPD believes that this will reduce the number of drivers engaged in this dangerous behavior.

DEPARTMENTS NOTIFIED

Police Department

BILL STATUS

12/03/2018	Read first time. To print.
1/17/2019	Referred to Committee on Transportation.
3/12/2019	From Transportation Committee: Do pass and re-refer to Committee on Appropriations (13-0).
5/08/2019	Referred to Appropriations suspense file.



Tim Plummer
Analyst

SMT:tcp

Attachments: Resolution (Rodriguez – Smith) in support of AB 47

RESOLUTION *RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS*

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, existing law prohibits a person from driving a motor vehicle while using a cellphone unless that phone is specifically designed and configured to allow for hands-free listening and talking; and

WHEREAS, the first violation of this law is a \$20 fine, the second and subsequent violation is a \$50 fine; and

WHEREAS, the current fine structure has no deterrent effect on distracted driving, which frequently contributes to vehicle collisions that cause property damage, injuries and deaths; and

WHEREAS, other vehicle code violations, such as speeding or running a stop sign, result in drivers being assessed violation points against their official driving record; and

WHEREAS, when an individual receives too many points in a certain amount of time, their license can be restricted or suspended, and their insurance could increase; and

WHEREAS, AB 47 (Daly) would add a violation point as a penalty for distracted driving offenses, which is more effective than fines alone in deterring bad behavior; and

WHEREAS, AB 47 recognizes that distracted driving is a growing problem and encourages drivers to put down their phones while driving;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2019 - 2020 State Legislative Program SUPPORT for AB 47 (Daly), which would add a violation point as a penalty for violating California's distracted driving statute.

PRESENTED BY 
MONICA RODRIGUEZ
Councilmember, 7th District

SECONDED BY: 


APR 12 2019