



Council Agenda Report

To: Mayor Uhring and the Honorable Members of the City Council

Prepared by: Alexis Brown, Deputy City Manager

Reviewed by: Joseph Toney, Assistant City Manager

Approved by: Steve McClary, City Manager

Date prepared: February 21, 2024

Meeting date: March 11, 2024

Subject: Senate Bill (SB) 1509 – NOT in California Act (Stern) SUPPORT

RECOMMENDED ACTION: Authorize the Mayor to send a letter of support for Senate Bill 1509 – NOT in California Act (Stern) which would amend existing traffic laws to designate convictions of driving 26 miles per hour (MPH) or greater over the posted speed-limit a two-point violation.

FISCAL IMPACT: There is no fiscal impact associated with the recommended action.

STRATEGIC PRIORITY: This item is part of the day-to-day operations identified in the Adopted FY 2023-24 Strategic Priority Project List.

DISCUSSION: Under existing law driving 1-15 mph over the speed limit results in a \$238 ticket under the uniform bail and penalty schedule. Driving 16-25 mph over the speed limit results in a \$367 ticket. Driving 26 mph over the speed limit would result in a \$490 ticket. While speeding fines are gradual, points are not. All of the violations above are 1-point violations unless the driver hits or exceeds 100 mph.

The proposed legislation would amend existing law under California Vehicle Code 21400 Sect 12810 (c) to include the following language: *make convictions of driving 26 MPH or greater over the posted speed limit a two-point violation.*

Speeding remains a significant concern on our roads, contributing to the numerous accidents and fatalities each year. Despite existing laws and enforcement efforts, drivers continue to engage in reckless behavior, putting themselves and others at risk. Senate

Bill 1509 – NOT in California Act seeks to address this issue by increasing penalties for driving significantly above the speed limit.

Senate Bill 1509 – NOT in California Act presents an opportunity for the City of Malibu to support meaningful legislation aimed at improving road safety and reducing speeding-related accidents. There is no direct financial impact associated with supporting SB 1509. By endorsing this bill, the city can demonstrate its commitment to protecting the well-being of its residents and visitors.

ATTACHMENTS:

1. Factsheet on SB 1509 – NOT in California Act
2. Draft Letter of Support
3. SB 1509 Bill



HENRY STERN

— CALIFORNIA STATE SENATOR • 27TH DISTRICT —

SB XXXX (STERN) - NOT IN CALIFORNIA ACT

UPDATED 2/15/24

SUMMARY

By making convictions of driving 26 mph or higher over the posted speed limit a two point violation, SB XXXX increases accountability for driving at dangerous speeds.

BACKGROUND

California has seen an increase in the number of speed-related collisions that result in death and or serious injury. California ranked second in the nation for most speeding-related traffic fatalities in both 2020 and 2021. Combined those years accounted for 2,737 preventable deaths and 11,873 preventable serious injuries.

Existing law provides the framework for lowering speed limits and increasing fines for the roads with the highest number of fatalities and injuries. Existing law also provides the framework for lowering speed limits in areas that have vulnerable pedestrian groups. Despite the traffic calming measures that exist, the State is still seeing an annual increase in speed-related deaths and injuries.

The Department of Motor Vehicles (DMV) plays a vital role in traffic safety. The DMV uses the Negligent Operator Treatment System (NOTS) to identify and monitor dangerous drivers. Under the NOTS, DMV assigns violator points against a driver’s license for certain traffic offenses to identify dangerous drivers. The violation point count assigned to an infraction varies based on the severity of the offense. The DMV may suspend a driver’s license for six months when a driver receives four points within a year, six points within two years, or eight points within three years.

Under existing law driving 1-15 mph over the speed limit results in a \$238 ticket under the uniform bail and penalty schedule. Driving 16-25 mph over the speed limit results in a \$367 ticket. Driving 26 mph over the speed limit would result in a \$490 ticket. Fines gradually increase, but all of the basic speeding violations listed above are one point violations unless the driver hits or exceeds 100 mph. This means a driver would have to be cited twice for driving at a clearly unsafe speed (under 100mph) before DMV engages with them.

Grief stricken communities are calling on the legislature to act.

THE SOLUTION

Make convictions of driving 26 MPH or greater over the posted speed limit a two point violation.

By reassessing the measures the state already has in place for speeders and building on existing law, SB XXXX presents an opportunity for DMV to engage the most dangerous drivers at first citation.

Assigning two points for this violation will trigger the DMV to notify the violating driver that they are aware of their unsafe driving behavior and warn the driver that they will be at risk of license probation and or suspension if they continue to violate traffic laws designed to keep people safe.

SUPPORT

- Speed Racing Kills
- We Save Lives
- SoCal Families For Safe Streets
- Conor Lynch Foundation

February 26, 2024

The Honorable Henry Stern
California State Senate
State Capitol, Room 4035
Sacramento, CA 95814

Dear Senator Stern,

On behalf of the City of Malibu, I am writing to express our strong support for **Senate Bill XX** – NOT in California Act, which you have proposed to amend existing traffic laws to designate convictions of driving 26 mph or greater over the posted speed-limit a two-point violation.

Malibu, renowned for its scenic beauty and residential communities, is deeply concerned about road safety. We believe that the proposed legislation aligns with our commitment to ensuring the safety and well-being of our residents and visitors.

Speeding remains a significant concern on our roads, contributing to numerous accidents and fatalities each year. In 2023, the Los Angeles County Sheriff's Department issued 7,580 traffic citations for speeding in Malibu. By increasing the penalties for driving significantly above the speed limit, SB ## - NOT in California Act aims to deter reckless driving behavior and promote safer roads for all.

Designating such violations as a two-point offense sends a clear message about the seriousness of speeding and the potential consequences of endangering oneself and others on the road. Moreover, we believe that it will serve as a deterrent, encouraging drivers to adhere to posted speed limits and exercise caution while driving through our city.

We appreciate your leadership and dedication to addressing traffic safety issues in California. Your efforts on advocating for this important legislation reflect a commitment to protecting our communities and saving lives on our roads.

In conclusion, the City of Malibu fully supports **Senate Bill ##** - NOT in California Act and urges its swift passage through the legislative process. We are confident that this measure will contribute significantly to enhancing road safety statewide.

Thank you for your attention to this matter, and please do not hesitate to reach out if you require further information or assistance.

Sincerely,

Steve Uhring, Mayor

City of Malibu

cc: Doug Stewart, Mayor Pro Tem
Marianne Riggins, Councilmember
Paul Grisanti, Councilmember
Bruce Silverstien, Councilmember
Ben Allen, Senator, 24th District
Jacqui Irwin, Assemblymember, 42nd District

DRAFT

Introduced by Senator Stern
(Coauthors: Senators Allen, Niello, Seyarto, and Umberg)
(Coauthor: Assembly Member Irwin)

February 16, 2024

An act to amend Section 12810 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1509, as introduced, Stern. Negligent Operator Treatment (NOT) in California Act.

Existing law prescribes various speed limits for the operation of vehicles, and generally prohibits a person from driving a vehicle upon a highway at a speed greater than is reasonable or prudent having due regard for weather, visibility, the traffic on, and the surface and width of, the highway, and in no event at a speed that endangers the safety of persons or property. Existing law requires that specified convictions, violations, and traffic-related incidents count as points against a driver's record for purposes of suspension or revocation of the privilege to drive, and generally provides that traffic convictions involving the safe operation of a motor vehicle result in one violation point.

This bill, the Negligent Operator Treatment (NOT) in California Act, would specify that a conviction of driving a vehicle at a speed that exceeds the posted speed limit by 26 miles per hour or more results in 2 violation points.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known, and may be cited, as the
2 Negligent Operator Treatment (NOT) in California Act.

3 SEC. 2. The Legislature finds and declares all of the following:

4 (a) Ensuring our local streets and highways are protected from
5 excessive speeding is of the highest priority.

6 (b) Last year, the United States Department of Transportation’s
7 National Highway Traffic Safety Administration issued findings
8 that showed both of the following:

9 (1) In 2020, the United States experienced 39,007 motor vehicle
10 traffic crash fatalities, which was the largest number of fatalities
11 since 2007, and an 8-percent increase from the 36,096 fatalities
12 reported in 2019.

13 (2) In 2021, the United States experienced 42,939 traffic
14 fatalities, which represents a 10-percent increase in fatalities from
15 the 39,007 fatalities reported in 2020.

16 (c) In 2021, the State of California reported 4,285 traffic
17 fatalities, a 7.6-percent increase from the prior year.

18 (d) According to the 2021 California Strategic Highway Safety
19 Plan Crash Data Dashboard, all of the following occurred in 2021:

20 (1) Traffic collisions killed 844 individuals in the County of
21 Los Angeles, accounting for an almost 10-percent increase from
22 the fatalities reported in the prior year.

23 (2) Traffic collisions resulted in 4,287 serious injuries,
24 accounting for about a 25-percent increase from the serious injuries
25 reported in the prior year.

26 (3) Traffic collisions in the County of Los Angeles resulting in
27 serious injury to pedestrians were up by almost 28 percent, and
28 serious injury to bicyclists was up by almost 18 percent from the
29 serious injuries reported in the prior year.

30 (4) Unsafe speed was the primary collision factor in 173 fatal
31 crashes in the County of Los Angeles, a 26-percent increase from
32 the fatalities reported the year before.

33 (5) Unsafe speed was the primary collision factor in 810 crashes
34 resulting in serious injury, almost a 21-percent increase in serious
35 injuries reported the year prior.

36 (e) Recent increases in speed-related collisions that result in
37 serious injury and or death are a present and growing danger to
38 the public.

1 (f) Law enforcement at the state and local level must be provided
2 effective statutory changes to maximize their efforts in combating
3 driving at unsafe speeds.

4 SEC. 3. Section 12810 of the Vehicle Code is amended to read:
5 12810. In determining the violation point count, the following
6 shall apply:

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

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

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

14 (d) (1) A conviction of a violation of subdivision (b) of Section
15 191.5 or subdivision (c) of Section 192 of the Penal Code, or of
16 Section 2800.2 or 2800.3, subdivision (b) of Section 21651,
17 subdivision (b) of Section 22348, subdivision (a) or (c) of Section
18 23109, Section 23109.1, or Section 31602 of this code, shall be
19 given a value of two points.

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

22 (3) *A conviction of driving a vehicle at a speed that exceeds the*
23 *posted speed limit by 26 miles per hour or more shall be given a*
24 *value of two points.*

25 (e) A conviction of a violation of Section 14601, 14601.1,
26 14601.2, 14601.3, or 14601.5 shall be given a value of two points.

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

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

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

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

38 (2) A conviction of a violation of paragraph (1) or (2) of
39 subdivision (b) of Section 12814.6, subdivision (a) of Section

1 21116, Section 21207.5, 21708, 21710, 21716, 23120, 24800, or
2 26707 shall not be given a violation point count.

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

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

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

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

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