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# Memo

To: Mike Knudsen  
From: Mark Stivers, Senate Transportation and Housing Committee Consultant  
Date: September 14, 2010  
Re: History of AB 1191 (Shelley) of 1997

There has been a lot of recent interest in the intent and legislative history of those portions of AB 1191 (Shelley) of 1997 that relate to the intended penalty for illegal right turns on red. As you know, I worked for Assemblymember Shelley during that time and had primary responsibility for staffing AB 1191. I was directly and personally involved in the negotiation and drafting of the bill through the whole legislative process. Because of all the interest in the issue, I thought it might be helpful if I provided the facts about AB 1191.

The bill, as originally drafted, would have increased the fines for all red light violations. The problem we were trying to address and the examples Assemblyman Shelley used in committee and on the respective floors, however, focused on the dangers associated with drivers running straight through a red light. At that time, we had not given any consideration to the subissue of right turns on red, nor was that our motivation. When the bill was heard in the Senate Judiciary Committee, Chairman John Burton said he could accept an increase in the fine for a driver who runs a red light straight on but that he did not like an increase for a driver who failed to come to a complete stop before turning right on red. He did not believe that \$370 was a fair penalty for a rolling stop. Senator Burton asked the Assemblyman for (or the Assemblyman simply offered on his own in response during the hearing) an amendment to keep the fine unchanged for right turn on red violations. Assemblyman Shelley accepted this amendment as right turns on red were not the focus of the bill, and the committee approved the bill as amended. It is very likely that the bill would not have passed out of the Senate Judiciary Committee without the amendment.

In drafting the amendment after the hearing, Senate Judiciary staff and I agreed that this change could be accomplished by simply deleting the bill's reference to violations of Vehicle Code Section 21453(b), which mentions right turns on red. The bill was so amended on July 21, 1997, and it was always my understanding and the understanding of those involved in the passage of the bill that straight-ahead red light violations would be subject to the new higher \$100 base fine while right turn on red violations would be subject to a \$35 base fine.

It was not until the Sacramento Bee ran an article sometime in 2009 that I became aware of a different possible interpretation of AB 1191. According to the article, many law enforcement officials cite any failure to stop at the limit line (whether for straight ahead or right turn drivers) as a Vehicle Code 21453(a) violation. These law enforcement officials only cite a driver under Vehicle Code 21453(b) when he or she makes an unsafe right turn on red after stopping (*e.g.*, a turn that endangers a pedestrian or bicyclist or gets in the way of an oncoming driver). As a result, the drivers cited for incomplete stops before right turns on red, when issued by these law enforcement officials, receive a \$100 base fine.

I believe that AB 909 (Hill) of this year clarifying that right turn on red fines are subject to the lower base fine amount corrects this AB 1191 interpretational error and reflects the original intent of AB 1191.