

## STAFF REPORT

**DATE:** October 8, 2013  
**TO:** City Council  
**FROM:** Landy Black, Police Chief  
**SUBJECT:** Resolution Adopting Fine Amounts for Bicycle-Related Infractions

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### **Recommendation**

Approve the attached Resolution adopting fine amounts for bicycle-related infractions.

### **Fiscal Impact**

Potential insignificant reduction in fine revenue.

### **Council Goal(s)**

- Public Safety

### **Background**

The California Vehicle Code allows a City to establish a schedule of fines for bicycle-related infractions, provided the adopted fine, including all penalty assessments and court costs, does not exceed the maximum fine, including penalty assessment and court costs, otherwise authorized by the Vehicle Code for the same violation. If a bicycle fine schedule is adopted, it shall be used by the courts instead of the standard fines, including penalty assessments and court costs, otherwise applicable under the Vehicle Code.

The 1993 Amendment to the California Vehicle Code that allows the adoption of a local fine schedule was sponsored by the City of Davis. However, the City of Davis never passed a Resolution authorizing reduced fines. At the time, the City wanted to challenge the conventional wisdom that higher fines are the more appropriate way to encourage compliance with laws. It was suggested then, and now because we are asking for the adoption of this Resolution, that lowering fines will actually increase enforcement and bicycle safety. The rationale is that the \$202 fine imposed for most bicycle violations in Davis is perceived to be excessive by the public and many of our police officers are hesitant to issue citations for bicycle violations fearing a significant level of animosity from the public because of the perception that the fines are excessive.

### **Attachment**

1. Resolution

**RESOLUTION NO. 13-XXX, SERIES 2013**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAVIS  
ADOPTING FINE AMOUNTS FOR BICYCLE-RELATED INFRACTIONS**

WHEREAS, the City of Davis currently imposes standard fine amounts for bicycle-related infractions of the Vehicle Code and Davis Municipal Code; and

WHEREAS, Vehicle Code section 42001(d) authorizes the City to establish an alternative bicycle fine schedule for these infractions provided that the schedule does not impose higher fine amounts than those authorized in the Vehicle Code; and

WHEREAS, the City Council wishes to establish an alternative bicycle fine schedule as authorized by Vehicle Code section 42001(d);

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DAVIS DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Pursuant to Vehicle Code section 42001(d), the City Council hereby establishes the following schedule of fines applicable to infractions committed by bicyclists within the City. Infractions subject to the fine schedule shall include any violation of the Vehicle Code and Davis Municipal Code subject to punishment under Vehicle Code section 42001 committed by a bicyclist. A person convicted of an infraction subject to this Resolution shall be punished as follows:

- By a fine not exceeding fifty dollars (\$50).
- For a second infraction occurring within one year of a prior infraction that resulted in a conviction, a fine not exceeding one hundred dollars (\$100).
- For a third or subsequent infraction occurring within one year of two or more prior infractions that resulted in convictions, a fine not exceeding two hundred fifty dollars (\$250).

SECTION 2. This Resolution shall take effect upon its adoption. The City Clerk shall provide notice of this Resolution as required by law.

PASSED AND ADOPTED by the City Council of the City of Davis on this 8<sup>th</sup> day of October, 2013, by the following vote:

AYES:

NOES:

ATTEST:

Joseph F. Krovoza  
Mayor

Zoe S. Mirabile, CMC  
City Clerk