

## ANALYSIS

This ordinance amending Title 13 – Public Peace, Morals and Welfare of the Los Angeles County Code and applies to organizers and promoters of illegal motor vehicle speed contests, reckless driving exhibitions, and street takeovers conducted on a public street, highway, or offstreet parking facility. The amendments establish a fine for violations of one thousand dollars (\$1,000), encourage diversion in lieu of penalty for first time violators when appropriate, incorporate additional activities prohibited by the California Vehicle Code into the ordinance's definitions, remove its applicability to spectators, and expand its applicability to offstreet parking facilities.

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**ORDINANCE NO. \_\_\_\_\_**

An ordinance amending Title 13 – Public Peace, Morals and Welfare of the Los Angeles County Code and applies to organizers and promoters of illegal motor vehicle speed contests, reckless driving exhibitions, and street takeovers conducted on a public street, highway, or offstreet parking facility.

The Board of Supervisors of the County of Los Angeles ordains as follows:

**SECTION 1.** Chapter 13.46 is hereby amended to read as follows:

**Chapter 13.46** ~~**SPECTATORS AT ORGANIZERS AND PROMOTERS OF**~~  
**ILLEGAL MOTOR VEHICLE SPEED CONTESTS AND EXHIBITIONS OF SPEED**

**SECTION 2.** Section 13.46.010 is hereby amended to read as follows:

**13.46.010** ~~**Prohibition.**~~ **Organizing Participants and Spectators**  
**Prohibition.**

It shall be unlawful for any person to knowingly organize, promote, assist, facilitate, aid, or abet:

A. ~~Be knowingly present as a spectator at any illegal motor vehicle speed contest or exhibition of speed conducted on a public street or highway.~~ The gathering of persons as participants or spectators at any illegal motor vehicle speed contest, exhibition of speed, reckless driving exhibition, or street takeover conducted on a public street, highway, or offstreet parking facility; or

B. ~~Be knowingly present as a spectator where preparations are being made for any such event.~~ The gathering of persons as participants and spectators where preparations are being made for any illegal motor vehicle speed contest, exhibition of speed, reckless driving exhibition, or street takeover conducted on a public street, highway, or offstreet parking facility.

**SECTION 3.** Section 13.46.020 is hereby amended to read as follows:

**13.46.020 Definitions.**

The following definitions govern the construction of this chapter:

A. "Illegal motor vehicle speed contest or exhibition of speed" ~~shall mean~~is defined as any speed contest or exhibition of speed referred to in California Vehicle Code ~~Sections~~ 23109(a) and 23109(c);

B. "Spectator" ~~shall mean~~is defined as any person who is present at an illegal motor vehicle speed contest or exhibition of speed for the purpose of viewing, observing, watching, or witnessing the event as it progresses. A "spectator" includes any person at the location of the event without regard to whether the person arrived at the event by driving a vehicle, riding as a passenger in a vehicle, walking, or arriving by some other means;

...

D. "Preparations" for the illegal motor vehicle speed contest or exhibition of speed include, but are not limited to, situations where: (1) a group of motor vehicles or persons has arrived at a predetermined location for the purpose of participating in or being a spectator at the event; (2) a group of individuals has lined one or both sides of a public street or highway for the purpose of participating in or being a spectator at the event; (3) one or more persons has impeded the free public use of a public street or highway by actions, words or physical barrier for the purpose of conducting the event; (4) two or more vehicles have lined up with motors running for an illegal motor vehicle speed contest or exhibition of speed; (5) one or more drivers is racing his engine or

spinning his tires in preparation for the event; or, (6) an individual is stationed near one or more motor vehicles as a race starter;

E. "Street takeover" has the same meaning as "sideshow" as that term is defined in California Vehicle Code section 23109;

F. "Reckless driving exhibition" is as defined in California Vehicle Code section 23103;

G. "Offstreet parking facility" is as defined in subdivision (c) of California Vehicle Code section 12500.

**SECTION 4.** Section 13.46.030 is hereby amended to read as follows:

**13.46.030 Penalty.**

A. Violation of this chapter shall constitute a misdemeanor, punishable by a fine not to exceed ~~\$500.00~~1,000.00, or by imprisonment not to exceed six months, or both.

B. In lieu of fine or penalty, first time violators of Section 13.46.010 may participate in a diversion program pursuant to the conditions set forth in subdivisions (1), (2), (3), and (4) below.

1. On an accusatory pleading alleging the commission of a misdemeanor as set forth in Section 13.46.010 the court may, in its discretion, and after considering the positions of the defense and prosecution, grant pretrial diversion to a defendant pursuant to this Section if the defendant satisfies the eligibility requirements for pretrial diversion set forth in subdivision (2) and the court determines that the defendant is suitable for that diversion under the factors set forth in subdivision (3).

2. A defendant is eligible for pretrial diversion pursuant to this Section if both of the following criteria are met:

a. The defendant has no prior arrests or convictions for violations of Section 13.46.010.

b. There was no significant harm to persons or property as a result of the defendant's commission of the aforementioned misdemeanor, pursuant to Section 13.46.010.

3. For any defendant who satisfies the eligibility requirements in subdivision (2), the court must consider whether the defendant is suitable for pretrial diversion. A defendant is suitable for pretrial diversion if all of the following criteria are met:

a. The defendant consents to diversion and waives the defendant's right to a speedy trial.

b. The defendant agrees to comply with all court-imposed conditions of probation as a condition of diversion.

c. The defendant will not pose an unreasonable risk of danger to public safety, if diversion is granted. The court may consider the opinions of the district attorney, the defense, and the defendant's criminal history as it relates to vehicular offenses, the current charged offense, and any other factors that the court deems appropriate.

4. At any stage of the proceedings, the court may require the defendant to make a prima facie showing that the defendant will meet the minimum requirements of eligibility for diversion and that the defendant and the offense are

suitable for diversion. The hearing on the prima facie showing shall be informal and may proceed on offers of proof, reliable hearsay, and argument of counsel. If a prima facie showing is not made, the court may summarily deny the request for diversion or grant any other relief as may be deemed appropriate.

**SECTION 5.** 13.46.040 is hereby added to read as follows:

**13.46.040 Severability.**

If any article, section, subsection, sentence, clause, or phrase of this chapter is held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of remaining portions, which shall remain in full force and effect.

[CH1346LJCC]