



Supreme Court of California

303 SECOND STREET, SOUTH TOWER
SAN FRANCISCO, CA 94107

(415) 396 9430

October 21, 1994

RONALD M. GEORGE
JUSTICE

Exhibit "N"

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Mr. Richard J. Quigley
Senior Deputy Director
Helmet Law Defense League
P.O. Box 1422
San Marcos, California 92709

Dear Mr. Quigley:

The Executive Committee has reviewed your October 18 letter requesting that the Judicial Council reconsider at its November 10 meeting the issue of whether a helmet violation is a correctable offense. You also requested to speak at the meeting.

As you may recall, in November 1993, the council adopted the Uniform Bail Schedule with the helmet violation indicated as not correctable (over the objection of three members, including myself), and directed staff to seek clarification of the Legislature's intent at the time the helmet law was enacted. At that meeting you and other speakers had the opportunity to express your views to the council members, and a lengthy debate preceded the vote.

Since that meeting, the following has occurred:

1. Staff has reviewed the legislative history files regarding the legislation that created the helmet law (AB 7, Floyd, 1991) and found no information that addressed the issue of correctability.
2. On December 14, 1993, staff attorney Stephen Birdleough wrote to Assemblyman Richard Katz, Chair of the Assembly Transportation Committee, informing him of the council's action and inviting legislative clarification of Vehicle Code section 27803 dealing with the helmet law.
3. On March 17, 1994, the Judicial Council's Legal Department Assistant Director Donald B. Day responded to your March 14 letter asking for an interpretation of the basis for the council's decision. In that response,

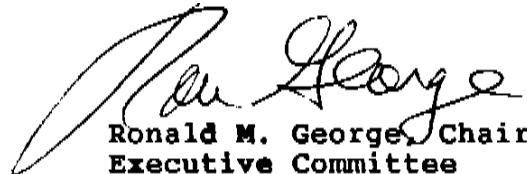
Mr. Day indicated our view that whenever the legislative intent is not clear from the statutory language, the council has the responsibility to analyze the relevant provisions of the law and adopt an interpretation consistent with the law as written. To the extent any questions remain concerning the proper interpretation of the statutes, the courts or the Legislature must resolve them.

4. On February 25, 1994, Senator Phil Wyman introduced SB 1877 which would have made a helmet violation a correctable offense. The bill failed in its first hearing before the Senate Transportation Committee on April 19, 1994.

The Judicial Council's agenda comprises matters that have been studied by one of its advisory committees. I understand that you are on the agenda of the next meeting of the council's Traffic Standing Advisory Committee scheduled for November 14 in Sacramento. At that time, you will be given full opportunity to express your views on this matter. The Judicial Council will act on any recommendations that the Traffic Committee may make regarding the helmet law.

In light of these circumstances, your request to revisit this matter at the council's November 10 meeting is denied.

Very truly yours,



Ronald M. George, Chair
Executive Committee