

AMENDED IN ASSEMBLY APRIL 9, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1436

Introduced by Assembly Member Runner

February 21, 2003

An act to amend Sections 35021.5 and 72330 of the Education Code, to amend Section 18124 of the Health and Safety Code, to amend ~~Section~~ Sections 830.6, 12027.1, and 12201 of the Penal Code, and to amend Sections 2806, 4453.6, 4460, 22855, 27900, 34507.5, 35790.1, and 40600 of the Vehicle Code, relating to ~~vehicles~~ *peace officers*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1436, as amended, Runner. Vehicles: reserve peace officers.

Existing

(1) Existing law authorizes the governing board of a school district to establish an unpaid volunteer school police reserve officer corps to supplement its school district police department.

This bill would delete the requirement that the school police reserve officer corps be unpaid and volunteer.

(2) Existing law authorizes the governing board of a community college district to establish a community college police department under the supervision of a community college chief of police, and employ personnel as necessary to enforce the law on or near the campus of the community college and on or near other grounds or properties owned, operated, controlled, or administered by the community college or by the state acting on behalf of the community college.

This bill would authorize the governing board of a community college district that establishes a community college police department as

authorized under existing law to also establish a police reserve officer program to supplement that police department. The bill would make conforming changes in related provisions of existing law.

(3) Existing law authorizes certain retired peace officers to have an endorsement on a specified identification certificate stating that the agency issuing the certificate approves the officer's carrying a concealed and loaded firearm.

This bill would specifically authorize a retired peace officer who was a level I reserve officer or a level II reserve officer, as specified, and was authorized to, and did, carry a firearm during the course and scope of his or her employment as a peace officer and while off duty during the time the officer was appointed, to have an endorsement on the specified identification certificate stating that the issuing agency approves the officer's carrying of a concealed and loaded firearm.

(4) Existing law imposes various duties and grants various powers to peace officers, as defined, regarding vehicles and certain weapons.

This bill would specify that those peace officer powers and duties extend to reserve peace officers, as specified.

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

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

1 SECTION 1. *Section 35021.5 of the Education Code is*
 2 *amended to read:*

3 35021.5. (a) The governing board of a school district may
 4 ~~establish an unpaid volunteer~~ a school police reserve officer corps
 5 to supplement a police department established pursuant to Section
 6 38000. Any person deputized by a school district as a school police
 7 reserve officer shall complete the training prescribed by Section
 8 832.2 of the Penal Code.

9 (b) It is the intent of the Legislature to allow school districts to
 10 use volunteer school police reserve officers to the extent necessary
 11 to provide a safe and secure school environment.

12 SEC. 2. *Section 72330 of the Education Code is amended to*
 13 *read:*

14 72330. (a) The governing board of a community college
 15 district may establish a community college police department
 16 under the supervision of a community college chief of police and,
 17 in accordance with Chapter 4 (commencing with Section 88000)



1 of Part 51, may employ personnel as necessary to enforce the law
2 on or near the campus of the community college and on or near
3 other grounds or properties owned, operated, controlled, or
4 administered by the community college or by the state acting on
5 behalf of the community college. Each campus of a multicampus
6 community college district may designate a chief of police.

7 (b) *The governing board of a community college district that*
8 *establishes a community college police department under*
9 *subdivision (a) may also establish a police reserve officer program*
10 *to supplement that police department.*

11 (c) Persons employed and compensated as members of a
12 community college police department, when so appointed and
13 duly sworn, are peace officers as defined in Chapter 4.5
14 (commencing with Section 830) of Title 3 of Part 2 of the Penal
15 Code.

16 ~~(e)~~

17 (d) The governing board of a community college district that
18 establishes a community college police department shall set
19 minimum qualifications of employment for the community
20 college chief of police, including, but not limited to, prior
21 employment as a peace officer or completion of any peace officer
22 training course approved by the Commission on Peace Officer
23 Standards and Training. A chief of security or chief of police shall
24 be required to comply with the prior employment or training
25 requirement set forth in this subdivision as of January 1, 1993, or
26 a date one year subsequent to the initial employment of the chief
27 of security or chief of police by the community college district,
28 whichever occurs later. This subdivision ~~shall~~ *may* not be
29 construed to require the employment by a community college
30 district of any additional personnel.

31 *SEC. 3.* Section 18124 of the Health and Safety Code is
32 amended to read:

33 18124. The department, the Department of the California
34 Highway Patrol, or any regularly employed and salaried police
35 officer or deputy sheriff, or any reserve police officer or reserve
36 deputy sheriff, may take possession of any certificate, card,
37 permit, transportation decal, or registration decal issued under this
38 part which has expired, been revoked, cancelled, or suspended;
39 which is fictitious, or which has been unlawfully or erroneously
40 issued or affixed.



1 This section shall not be applicable to any insignia issued
2 pursuant to Section 18026 or to any manufactured home or
3 mobilehome label issued pursuant to the National Manufactured
4 Housing Construction and Safety Standards Act of 1974 (42
5 U.S.C. Sec. 5401 et seq.).

6 Any document or decal seized shall be expeditiously delivered
7 to the department with a brief written explanation of the
8 circumstances.

9 ~~SEC. 2.—~~

10 *SEC. 4. Section 830.6 of the Penal Code is amended to read:*

11 830.6. (a) (1) Whenever any qualified person is deputized or
12 appointed by the proper authority as a reserve or auxiliary sheriff
13 or city police officer, a reserve deputy sheriff, a reserve deputy
14 marshal, a reserve police officer of a regional park district or of a
15 transit district, a reserve park ranger, a reserve harbor or port police
16 officer of a county, city, or district as specified in Section 663.5 of
17 the Harbors and Navigation Code, a reserve deputy of the
18 Department of Fish and Game, a reserve special agent of the
19 Department of Justice, a reserve officer of a community service
20 district which is authorized under subdivision (h) of Section 61600
21 of the Government Code to maintain a police department or other
22 police protection, a reserve officer of a school district police
23 department under Section 35021.5 of the Education Code, *a*
24 *reserve officer of a community college police department under*
25 *Section 72330*, or a reserve officer of a police protection district
26 formed under Part 1 (commencing with Section 20000) of
27 Division 14 of the Health and Safety Code, and is assigned specific
28 police functions by that authority, the person is a peace officer, if
29 the person qualifies as set forth in Section 832.6. The authority of
30 a person designated as a peace officer pursuant to this paragraph
31 extends only for the duration of the person's specific assignment.
32 A reserve park ranger or a transit, harbor, or port district reserve
33 officer may carry firearms only if authorized by, and under those
34 terms and conditions as are specified by, his or her employing
35 agency.

36 (2) Whenever any qualified person is deputized or appointed
37 by the proper authority as a reserve or auxiliary sheriff or city
38 police officer, a reserve deputy sheriff, a reserve deputy marshal,
39 a reserve park ranger, a reserve police officer of a regional park
40 district, transit district, *community college district*, or a school



1 district, a reserve harbor or port police officer of a county, city, or
2 district as specified in Section 663.5 of the Harbors and Navigation
3 Code, a reserve officer of a community service district that is
4 authorized under subdivision (h) of Section 61600 of the
5 Government Code to maintain a police department or other police
6 protection, or a reserve officer of a police protection district
7 formed under Part 1 (commencing with Section 20000) of
8 Division 14 of the Health and Safety Code, and is so designated by
9 local ordinance or, if the local agency is not authorized to act by
10 ordinance, by resolution, either individually or by class, and is
11 assigned to the prevention and detection of crime and the general
12 enforcement of the laws of this state by that authority, the person
13 is a peace officer, if the person qualifies as set forth in paragraph
14 (1) of subdivision (a) of Section 832.6. The authority of a person
15 designated as a peace officer pursuant to this paragraph includes
16 the full powers and duties of a peace officer as provided by Section
17 830.1. A transit, harbor, or port district reserve police officer, or
18 a city or county reserve peace officer who is not provided with the
19 powers and duties authorized by Section 830.1, has the powers and
20 duties authorized in Section 830.33, or in the case of a reserve park
21 ranger, the powers and duties that are authorized in Section 830.31,
22 and a school district reserve police officer *or a community college*
23 *district reserve police officer* has the powers and duties authorized
24 in Section 830.32.

25 (b) Whenever any person designated by a Native American
26 tribe recognized by the United States Secretary of the Interior is
27 deputized or appointed by the county sheriff as a reserve or
28 auxiliary sheriff or a reserve deputy sheriff, and is assigned to the
29 prevention and detection of crime and the general enforcement of
30 the laws of this state by the county sheriff, the person is a peace
31 officer, if the person qualifies as set forth in paragraph (1) of
32 subdivision (a) of Section 832.6. The authority of a peace officer
33 pursuant to this subdivision includes the full powers and duties of
34 a peace officer as provided by Section 830.1.

35 (c) Whenever any person is summoned to the aid of any
36 uniformed peace officer, the summoned person is vested with the
37 powers of a peace officer that are expressly delegated to him or her
38 by the summoning officer or that are otherwise reasonably
39 necessary to properly assist the officer.



1 SEC. 5. Section 12027.1 of the Penal Code is amended to
2 read:

3 12027.1. (a) (1) (A) (i) Any peace officer employed by an
4 agency and listed in Section 830.1 or 830.2 or subdivision (c) of
5 Section 830.5 who retired after January 1, 1981, shall have an
6 endorsement on the identification certificate stating that the
7 issuing agency approves the officer's carrying of a concealed and
8 loaded firearm.

9 (ii) Any peace officer listed in Section 830.1 or 830.2 or
10 subdivision (c) of Section 830.5 who retired prior to January 1,
11 1981, is authorized to carry a concealed and loaded firearm if the
12 agency issued the officer an identification certificate and the
13 certificate has not been stamped as specified in paragraph (2) of
14 subdivision (a) of Section 12027.

15 (iii) ~~Peace~~ *A retired peace officer who was a level I reserve*
16 *officer or a level II reserve officer, as listed in subdivision (a) of*
17 *Section 832.6, and was authorized to, and did, carry a firearm*
18 *during the course and scope of his or her employment as a peace*
19 *officer and while off duty during the time the officer was appointed,*
20 *shall have an endorsement on the identification certificate stating*
21 *that the issuing agency approves the officer's carrying of a*
22 *concealed and loaded firearm.*

23 (iv) *Retired peace officers not listed in clause ~~(i)~~ or ~~(ii)~~ (i), (ii),*
24 *or (iii) who were authorized to, and did, carry firearms during the*
25 *course and scope of their employment as peace officers, shall have*
26 *an endorsement on the identification certificate stating that the*
27 *issuing agency approves the officer's carrying of a concealed and*
28 *loaded firearm.*

29 (B) An identification certificate authorizing the officer to carry
30 a concealed and loaded firearm or an endorsement on the
31 certificate may be revoked or denied by the issuing agency only
32 upon a showing of good cause. Good cause shall be determined at
33 a hearing, as specified in subdivision (d).

34 (2) A retired peace officer may have his or her privilege to carry
35 a concealed and loaded firearm revoked or denied by violating any
36 departmental rule, or state or federal law that, if violated by an
37 officer on active duty, would result in that officer's arrest,
38 suspension, or removal from the agency.

39 (b) (1) An identification certificate authorizing the officer to
40 carry a concealed and loaded firearm or an endorsement may be



1 revoked or denied by the issuing agency only upon a showing of
2 good cause. Good cause shall be determined at a hearing, as
3 specified in subdivision (d).

4 (2) An identification certificate authorizing the officer to carry
5 a concealed and loaded firearm or an endorsement may be revoked
6 only after a hearing, as specified in subdivision (d). Any retired
7 peace officer whose identification certificate authorizing the
8 officer to carry a concealed and loaded firearm or an endorsement
9 is to be revoked shall have 15 days to respond to the notice of the
10 hearing. Notice of the hearing shall be served either personally on
11 the retiree or sent by first-class mail, postage prepaid, return
12 receipt requested to the retiree's last known place of residence.
13 Upon the date the agency receives the signed registered receipt or
14 upon the date the notice is served personally on the retiree, the
15 retiree shall have 15 days to respond to the notification. A retired
16 peace officer who fails to respond to the notice of the hearing shall
17 forfeit his or her right to respond.

18 (3) An identification certificate authorizing the officer to carry
19 a concealed and loaded firearm or an endorsement may be denied
20 prior to a hearing. If a hearing is not conducted prior to the denial
21 of an endorsement, a retired peace officer, within 15 days of the
22 denial, shall have the right to request a hearing. A retired peace
23 officer who fails to request a hearing pursuant to this paragraph
24 shall forfeit his or her right to the hearing.

25 (c) A retired peace officer, when notified of the revocation of
26 his or her privilege to carry a concealed and loaded firearm, after
27 the hearing, or upon forfeiting his or her right to a hearing, shall
28 immediately surrender to the issuing agency his or her
29 identification certificate. The issuing agency shall reissue a new
30 identification certificate without an endorsement. However, if the
31 peace officer retired prior to January 1, 1981, and was at the time
32 of his or her retirement a peace officer listed in Section 830.1 or
33 830.2 or subdivision (c) of Section 830.5, the issuing agency shall
34 stamp on the identification certificate "No CCW privilege."

35 (d) Any hearing conducted under this section shall be held
36 before a three-member hearing board. One member of the board
37 shall be selected by the agency and one member shall be selected
38 by the retired peace officer or his or her employee organization.
39 The third member shall be selected jointly by the agency and the
40 retired peace officer or his or her employee organization.



1 Any decision by the board shall be binding on the agency and
2 the retired peace officer.

3 (e) No peace officer who is retired after January 1, 1989,
4 because of a psychological disability shall be issued an
5 endorsement to carry a concealed and loaded firearm pursuant to
6 this section.

7 *SEC. 6.* Section 12201 of the Penal Code is amended to read:
8 12201. Nothing in this chapter shall affect or apply to any of
9 the following:

10 (a) The sale to, purchase by, or possession of machineguns by
11 police departments, sheriffs' offices, marshals' offices, district
12 attorneys' offices, the California Highway Patrol, the Department
13 of Justice, the Department of Corrections for use by the
14 department's Special Emergency Response Teams and Law
15 Enforcement Liaison/Investigations Unit, or the military or naval
16 forces of this state or of the United States for use in the discharge
17 of their official duties.

18 (b) The possession of machineguns by regular, salaried,
19 full-time peace officer members of a police department, sheriff's
20 office, marshal's office, district attorney's office, the California
21 Highway Patrol, the Department of Justice, or the Department of
22 ~~Corrections, or by peace officers described in paragraph (1) or (2)~~
23 ~~of subdivision (a) of Section 832.6, for use by the department's~~
24 ~~Corrections for use by the department's~~ Special Emergency
25 Response Teams and Law Enforcement Liaison/Investigations
26 Unit when on duty and if the use is within the scope of their duties,
27 ~~or by peace officers described in paragraph (1) or (2) of~~
28 ~~subdivision (a) of Section 832.6.~~

29 ~~*SEC. 3.*~~

30 *SEC. 7.* Section 2806 of the Vehicle Code is amended to read:

31 2806. Any regularly employed and salaried police officer or
32 deputy sheriff, or any reserve police officer or reserve deputy
33 sheriff listed in Section 830.6 of the Penal Code, having reasonable
34 cause to believe that any vehicle or combination of vehicles is not
35 equipped as required by this code or is in ~~such~~ any unsafe condition
36 as to endanger any person, may require the driver to stop and
37 submit the vehicle or combination of vehicles to an inspection and
38 ~~such~~ those tests as may be appropriate to determine the safety to
39 persons and compliance with the code.

40 ~~*SEC. 4.*~~



1 *SEC. 8.* Section 4453.6 of the Vehicle Code is amended to
2 read:

3 4453.6. On request of any member of the California Highway
4 Patrol, any regularly employed and salaried police officer or
5 deputy sheriff, or any reserve police officer or reserve deputy
6 sheriff listed in Section 830.6 of the Penal Code, or any employee
7 or officer of the department specified in Section 1655, who is
8 conducting an investigation of a public offense, the lessor of a
9 vehicle shall furnish the name and address of the lessee of a vehicle
10 if that information does not appear on the registration card.

11 ~~*SEC. 5.*~~

12 *SEC. 9.* Section 4460 of the Vehicle Code is amended to read:

13 4460. (a) The Department of Motor Vehicles, the Traffic
14 Adjudication Board, and the Department of the California
15 Highway Patrol, any regularly employed and salaried police
16 officer or deputy sheriff or any reserve police officer or reserve
17 deputy sheriff listed in Section 830.6 of the Penal Code may take
18 possession of any certificate, card, placard, permit, license, or
19 license plate issued under this code, upon expiration, revocation,
20 cancellation, or suspension thereof or which is fictitious or which
21 has been unlawfully or erroneously issued. Any license plate
22 which is not attached to the vehicle for which issued, when and in
23 the manner required under this code, may be seized, and
24 attachment to the proper vehicle may be made or required.

25 ~~Any such~~

26 (b) Any document, placard, or license plate seized shall be
27 delivered to the Department of Motor Vehicles.

28 ~~*SEC. 6.*~~

29 *SEC. 10.* Section 22855 of the Vehicle Code is amended to
30 read:

31 22855. The following persons shall have the authority to
32 make appraisals of the value of vehicles for purposes of this
33 chapter, subject to the conditions stated in this chapter:

34 (a) Any peace officer of the Department of the California
35 Highway Patrol designated by the commissioner.

36 (b) Any regularly employed and salaried deputy sheriff, any
37 reserve deputy sheriff listed under Section 830.6 of the Penal
38 Code, or any other employee designated by the sheriff of any
39 county.



1 (c) Any regularly employed and salaried police officer, any
2 reserve police officer listed under Section 830.6 of the Penal Code,
3 or any other employee designated by the chief of police of any city.

4 (d) Any officer or employee of the Department of Motor
5 Vehicles designated by the director of that department.

6 (e) Any regularly employed and salaried police officer, or
7 reserve police officer, or other employee of the University of
8 California Police Department designated by the chief of the
9 department.

10 (f) Any regularly salaried employee of a city, county, or city
11 and county designated by a board of supervisors or a city council
12 pursuant to subdivision (a) of Section 22669.

13 (g) Any regularly employed and salaried police officer, or
14 reserve police officer, or other employee of the police department
15 of a California State University designated by the chief thereof.

16 (h) Any regularly employed and salaried security officer or
17 other employee of a transit district security force designated by the
18 chief thereof.

19 (i) Any regularly employed and salaried peace officer, or
20 reserve peace officer, or other employee of the Department of
21 Parks and Recreation designated by the director of that
22 department.

23 ~~SEC. 7.~~

24 *SEC. 11.* Section 27900 of the Vehicle Code is amended to
25 read:

26 27900. (a) Every motor vehicle or combination of vehicles
27 used to carry the property of others for hire or used to carry
28 passengers for hire, any truck or truck tractor having three or more
29 axles or any truck tractor with a semitrailer, and all commercial
30 motor vehicles, as defined in subdivision (c) of Section 34601,
31 shall have displayed on both sides of each vehicle or on both sides
32 of one of the vehicles in each combination of vehicles the name or
33 trademark of the person under whose authority the vehicle or
34 combination of vehicles is being operated.

35 (b) A vehicle or combination of vehicles listed in subdivision
36 (a) that is operated under a rental agreement with a term of not
37 more than 30 calendar days shall meet all of the following
38 requirements:



1 (1) Have displayed on both sides of each vehicle or on both
2 sides of one of the vehicles in each combination of vehicles the
3 name or trademark of the lessor.

4 (2) Have displayed on both sides of each vehicle or on both
5 sides of one of the vehicles in each combination of vehicles any of
6 the following numbers issued to the lessor:

7 (A) The carrier identification number issued by the United
8 States Department of Transportation.

9 (B) A valid operating authority number.

10 (C) A valid motor carrier of property number.

11 (3) (A) Have in the vehicle or combination of vehicles a copy
12 of the rental agreement entered into by the lessor and the vehicle
13 operator.

14 (B) The rental agreement shall be available for inspection
15 immediately upon the request of any authorized employee of the
16 department or any regularly employed and salaried police officer
17 or deputy sheriff, or any reserve police officer or reserve deputy
18 sheriff listed in Section 830.6 of the Penal Code.

19 (C) If the rented vehicle or combination of vehicles is operated
20 in conjunction with a commercial enterprise, the rental agreement
21 shall include the operator's carrier identification number or motor
22 carrier of property permit number.

23 (c) A vehicle or combination of vehicles that is in compliance
24 with Section 390.21 of Title 49 of the Code of Federal Regulations
25 shall be deemed to be in compliance with subdivision (b).

26 (d) All names, trademarks, and other identifiers for companies
27 no longer in business, no longer operating with the same name, or
28 no longer operating under the same operating authority, shall be
29 removed from or covered over on every motor vehicle or
30 combination of vehicles listed in subdivision (a), within 60 days
31 from the change of company ownership or operation. Those
32 vehicles or combinations of vehicles shall be remarked pursuant
33 to subdivision (a) before they may be operated on the highways.

34 ~~SEC. 8.—~~

35 *SEC. 12.* Section 34507.5 of the Vehicle Code is amended to
36 read:

37 34507.5. (a) Every motor carrier, as defined in Section 408,
38 and every motor carrier of property, and for-hire motor carrier of
39 property, as defined in Section 34601, shall obtain a carrier
40 identification number from the department. Application for a



1 carrier identification number shall be on forms furnished by the
 2 department. Information provided in connection with applications
 3 for carrier identification numbers shall be updated by motor
 4 carriers upon request from the department.

5 (b) The carrier identification number assigned to the motor
 6 carrier under whose operating authority or motor carrier permit the
 7 vehicle or combination of vehicles is being operated shall be
 8 displayed on both sides of each vehicle, or on both sides of at least
 9 one motor vehicle in each combination of the following vehicles
 10 while engaged in intrastate commerce:

- 11 (1) Each vehicle set forth in Section 34500.
- 12 (2) Any motortruck of two or more axles that is more than
 13 10,000 pounds gross vehicle weight rating.
- 14 (3) Any other motortruck or motor vehicle used to transport
 15 property for compensation.

16 (c) A vehicle or combination of vehicles listed in subdivision
 17 (b) that is operated under a rental agreement with a term of not
 18 more than 30 calendar days shall meet all of the following
 19 requirements:

20 (1) Have displayed on both sides of each vehicle or on both
 21 sides of one of the vehicles in each combination of vehicles the
 22 name or trademark of the lessor.

23 (2) Have displayed on both sides of each vehicle or on both
 24 sides of one of the vehicles in each combination of vehicles any of
 25 the following numbers issued to the lessor:

- 26 (A) The carrier identification number issued by the United
 27 States Department of Transportation.
- 28 (B) A valid operating authority number.
- 29 (C) A valid motor carrier of property number.

30 (3) (A) Have in the vehicle or combination of vehicles a copy
 31 of the rental agreement entered into by the lessor and the vehicle
 32 operator.

33 (B) The rental agreement shall be available for inspection
 34 immediately upon the request of any authorized employee of the
 35 department or any regularly employed and salaried police officer
 36 or deputy sheriff, or any reserve police officer or reserve deputy
 37 sheriff listed under Section 830.6 of the Penal Code.

38 (C) If the rented vehicle or combination of vehicles is operated
 39 in conjunction with a commercial enterprise, the rental agreement



1 shall include the operator's carrier identification number or motor
2 carrier of property permit number.

3 (d) A vehicle or combination of vehicles that is in compliance
4 with Section 390.21 of Title 49 of the Code of Federal Regulations
5 shall be deemed to be in compliance with subdivision (c).

6 (e) This section does not apply to any of the following vehicles:

7 (1) Vehicles described in subdivision (f) of Section 34500,
8 which are operated by a private carrier as defined in subdivision
9 (d) of Section 34601, if the gross vehicle weight rating of the
10 towing vehicle is 10,000 pounds or less, or the towing vehicle is
11 a pickup truck, as defined in Section 471. This exception does not
12 apply to vehicle combinations described in subdivision (k) of
13 Section 34500.

14 (2) Vehicles described in subdivision (g) of Section 34500,
15 which are operated by a private carrier as defined in subdivision
16 (d) of Section 34601, if the hazardous material transportation does
17 not require the display of placards pursuant to Section 27903, a
18 license pursuant to Section 32000.5, or hazardous waste hauler
19 registration pursuant to Section 25163 of the Health and Safety
20 Code.

21 (3) Historical vehicles, as described in Section 5004, and
22 vehicles that display special identification plates in accordance
23 with Section 5011.

24 (4) Implements of husbandry as defined in Chapter 1
25 (commencing with Section 36000) of Division 16.

26 (5) Vehicles owned or operated by an agency of the federal
27 government.

28 (6) Pickup trucks, as defined in Section 471, and two-axle daily
29 rental trucks with gross vehicle weight ratings of less than 26,001
30 pounds, when operated in noncommercial use.

31 (f) Subdivision (b) does not apply to the following:

32 (1) Vehicles that display a valid operating authority or
33 identification number assigned by the former Interstate
34 Commerce Commission, or the Federal Highway Administration,
35 of the United States Department of Transportation.

36 (2) Vehicles that are regulated by, and that display a valid
37 operating authority number issued by, the Public Utilities
38 Commission, including household goods carriers as defined in
39 Section 5109 of the Public Utilities Code.

40 (3) For-hire motor carriers of passengers.



1 (g) The display of the carrier identification number shall be in
2 sharp contrast to the background, and shall be of a size, shape, and
3 color that it is readily legible during daylight hours from a distance
4 of 50 feet.

5 (h) The carrier identification number for companies no longer
6 in business, no longer operating with the same name, or no longer
7 operating under the same operating authority, identification
8 number, or motor carrier permit shall be removed before sale,
9 transfer, or other disposal of any vehicle marked pursuant to this
10 section.

11 ~~SEC. 9.—~~

12 *SEC. 13.* Section 35790.1 of the Vehicle Code is amended to
13 read:

14 35790.1. In addition to the requirements and conditions
15 contained in Section 35790 and notwithstanding any other
16 provision of law, all of the following conditions and specifications
17 shall be complied with to move any manufactured home, as
18 defined in Section 18007 of the Health and Safety Code, that is in
19 excess of 14 feet in total width, but not exceeding 16 feet in total
20 width, exclusive of lights and devices provided for in Sections
21 35109 and 35110, upon any highway under the jurisdiction of the
22 entity granting the permit:

23 (a) For the purposes of width requirements under this code, the
24 overall width of manufactured housing specified in this section
25 shall be the overall width, including roof overhang, eaves, window
26 shades, porch roofs, or any other part of the manufactured house
27 that cannot be removed for the purposes of transporting upon any
28 highway.

29 (b) Unless otherwise exempted under this code, all
30 combinations of motor vehicles and manufactured housing shall
31 be equipped with service brakes on all wheels. Service brakes
32 required under this subdivision shall be adequate, supplemental to
33 the brakes on the towing vehicle, to enable the combination of
34 vehicles to comply with the stopping distance requirements of
35 Section 26454.

36 (c) In addition to the requirements contained in Section 26304,
37 the breakaway brake device on any manufactured housing unit
38 equipped with electric brakes shall be powered by a wet cell
39 rechargeable battery that is of the same voltage rating as the brakes



1 and has sufficient charge to hold the brakes applied for not less than
2 15 minutes.

3 (d) Notwithstanding any other provision of this code, the
4 weight imposed upon any tire, wheel, axle, drawbar, hitch, or other
5 suspension component on a manufactured housing unit shall not
6 exceed the manufacturer's maximum weight rating for the item or
7 component.

8 (e) In addition to the requirements in subdivision (d), the
9 maximum allowable weight upon one manufactured housing unit
10 axle shall not exceed 6,000 pounds, and the maximum allowable
11 weight upon one manufactured housing unit wheel shall not
12 exceed 3,000 pounds.

13 (f) Manufactured housing unit tires shall be free from defects,
14 have at least²/₃₂ of an inch tread depth, as determined by tire tread
15 wear indicators, and shall comply with specifications and
16 requirements contained in Section 3280.904(b)(8) of Title 24 of
17 the Code of Federal Regulations.

18 (g) Manufactured housing unit manufacturers shall provide
19 transporters with a certification of compliance document,
20 certifying the manufactured housing unit complies with the
21 specifications and requirements contained in subdivisions (d), (e),
22 and (f). Each certification of compliance document shall identify,
23 by serial or identification number, the specific manufactured
24 housing unit being transported and shall be signed by a
25 representative of the manufacturer. Each transporter of
26 manufactured housing units shall have in his or her immediate
27 possession a copy of the certification of compliance document and
28 shall make the document available upon request by any member
29 of the Department of the California Highway Patrol, any
30 authorized employee of the Department of Transportation, or any
31 regularly employed and salaried municipal police officer or
32 deputy sheriff.

33 (h) Manufactured housing unit dealers shall provide
34 transporters with a certification of compliance document,
35 specifying that all modifications, equipment additions, or loading
36 changes by the dealer have not exceeded the gross vehicle weight
37 rating of the manufactured housing unit or the axle and wheel
38 requirements contained in subdivisions (d), (e), and (f). Each
39 certification of compliance document shall identify, by serial or
40 identification number, the specific manufactured housing unit



1 being transported and shall be signed by a representative of the
2 dealer. Each transporter of manufactured housing units shall have
3 in his or her immediate possession a copy of the certification of
4 compliance document and shall make the document available
5 upon request by any member of the Department of the California
6 Highway Patrol, any authorized employee of the Department of
7 Transportation, any regularly employed and salaried municipal
8 police officer or deputy sheriff, or any reserve police officer or
9 reserve deputy sheriff listed under Section 830.6 of the Penal
10 Code.

11 (i) Transporters of manufactured housing units shall not
12 transport any additional load in, or upon, the manufactured
13 housing unit that has not been certified by the manufactured
14 housing unit's manufacturer or dealer.

15 (j) Every hitch, coupling device, drawbar, or other connections
16 between the towing unit and the towed manufactured housing unit
17 shall be securely attached and shall comply with Subpart J of Part
18 3280 of Title 24 of the Code of Federal Regulations.

19 (k) Manufactured housing units shall be equipped with an
20 identification plate, specifying the manufacturer's name, the
21 manufactured housing unit's serial number, the gross vehicle
22 weight rating of the manufactured housing unit, and the gross
23 weight of the cargo that may be transported in or upon the
24 manufactured housing unit without exceeding the gross vehicle
25 weight rating. The identification plate shall be permanently
26 attached to the manufactured housing unit and shall be positioned
27 adjacent to, and meet the same specifications and requirements
28 applicable to, the certification label required by Subpart A of Part
29 3280 of Title 24 of the Code of Federal Regulations.

30 (l) Manufactured housing units shall be subject to all lighting
31 requirements contained in Sections 24603, 24607, 24608, and
32 24951. When transported during darkness, manufactured housing
33 units shall additionally be subject to Sections 24600 and 25100.

34 (m) Manufactured housing units shall have all open sides
35 covered by plywood, hard board, or other rigid material, or by
36 other suitable plastics or flexible material. Plastic or flexible side
37 coverings shall not billow or flap in excess of six inches in any one
38 place. Units that are opened on both sides may be transported
39 empty with no side coverings.



1 (n) Transporters of manufactured housing units shall make
2 available all permits, licenses, certificates, forms, and any other
3 relative document required for the transportation of manufactured
4 housing upon request by any member of the Department of the
5 California Highway Patrol, any authorized employee of the
6 Department of Transportation, ~~or~~ any regularly employed and
7 salaried municipal police officer or deputy sheriff, *or any reserve*
8 *police officer or reserve deputy sheriff listed under Section 830.6*
9 *of the Penal Code.*

10 (o) The Department of Transportation, in cooperation with the
11 Department of the California Highway Patrol, or the local
12 authority, shall require pilot car or special escort services for the
13 movement of any manufactured housing unit pursuant to this
14 section, and may establish additional reasonable permit
15 regulations, including special routing requirements, as necessary
16 in the interest of public safety and consistent with this section.

17 (p) The Department of Transportation shall not issue a permit
18 to move a manufactured home that is in excess of 14 feet in total
19 width unless that department determines that all of the conditions
20 and specifications set forth in this section have been met.

21 ~~SEC. 10.—~~

22 *SEC. 14.* Section 40600 of the Vehicle Code is amended to
23 read:

24 40600. (a) Notwithstanding any other provision of law, a
25 peace officer who has successfully completed a course or courses
26 of instruction, approved by the Commission on Peace Officer
27 Standards and Training, in the investigation of traffic accidents
28 may prepare, in triplicate, on a form approved by the Judicial
29 Council, a written notice to appear when the peace officer has
30 reasonable cause to believe that any person involved in a traffic
31 accident has violated a provision of this code not declared to be a
32 felony or a local ordinance and the violation was a factor in the
33 occurrence of the traffic accident.

34 (b) A notice to appear shall contain the name and address of the
35 person, the license number of the person's vehicle, if any, the name
36 and address, when available, of the registered owner or lessee of
37 the vehicle, the offense charged, and the time and place when and
38 where the person may appear in court or before a person authorized
39 to receive a deposit of bail. The time specified shall be at least 10
40 days after the notice to appear is delivered.



- 1 (c) The preparation and delivery of a notice to appear pursuant
2 to this section is not an arrest.
- 3 (d) For purposes of this article, a peace officer has reasonable
4 cause to issue a written notice to appear if, as a result of the
5 officer’s investigation, the officer has evidence, either testimonial
6 or real, or a combination of testimonial and real, that would be
7 sufficient to issue a written notice to appear if the officer had
8 personally witnessed the events investigated.
- 9 (e) As used in this section, “peace officer” means any person
10 specified under Section 830.1 or 830.2 of the Penal Code, or any
11 reserve police officer or reserve deputy sheriff listed in Section
12 830.6 of the Penal Code, with the exception of members of the
13 California National Guard.
- 14 (f) A written notice to appear prepared on a form approved by
15 the Judicial Council and issued pursuant to this section shall be
16 accepted by any court.

