

AMENDED IN SENATE JUNE 28, 2004

AMENDED IN SENATE JUNE 15, 2004

AMENDED IN ASSEMBLY MAY 13, 2004

AMENDED IN ASSEMBLY APRIL 22, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 2858

Introduced by Assembly Member Ridley-Thomas

February 20, 2004

An act to amend Section 5374 of, and to add ~~Section~~ *Sections 1032.2 and 5384.7* to, the Public Utilities Code, relating to charter-party carriers of passengers.

LEGISLATIVE COUNSEL'S DIGEST

AB 2858, as amended, Ridley-Thomas. Charter-party carriers of passengers: drivers and key employees: background checks.

The Transportation Security Administration of the United States Department of Transportation, administered by the Undersecretary of Transportation for Security, is responsible for carrying out measures to ensure aviation security, including hiring, training, and retention of personnel for the security screening of passengers and baggage and conducting background checks for individuals with access to secure areas of airports regularly serving an air carrier holding a certificate issued by the Secretary of Transportation. Individuals with specified criminal backgrounds or other factors as determined by the Undersecretary, are disqualified from employment with an air carrier or airport operator, if they will have access to secured areas. The

Undersecretary is required to adopt measures to improve secured-area access control, including working with airport operators to strengthen access control points in secured areas, including air traffic control operations areas, maintenance areas, crew lounges, baggage handling areas, concessions, and catering delivery areas.

The California Constitution establishes the Public Utilities Commission, with jurisdiction over all public utilities and authorizes the Legislature, unlimited by the other provisions of the Constitution, to confer additional authority and jurisdiction upon the commission that is cognate and germane to the regulation of public utilities. Charter-party carriers of passengers are subject to the jurisdiction and control of the commission under the Passenger Charter-Party Carriers' Act and passenger stage corporations are subject to the jurisdiction and control of the commission under the Public Utilities Act. ~~The act requires a~~ Any charter-party carrier of passengers or passenger stage corporation is required to obtain from the commission a certificate ~~that~~ of public convenience and necessity ~~require the~~ for operation, except that certain specific transportation services may be conducted under authority of a permit issued by the commission to a charter-party carrier of passengers. ~~The act prohibits the~~ commission is prohibited from issuing or renewing a permit of a charter-party carrier of passengers, and is authorized to suspend or revoke the operating right or certificate of a passenger stage corporation, unless the applicant has met specified requirements.

This bill would require the commission to adopt regulations establishing standards and procedures to investigate the criminal background of candidates seeking certificates for employment as drivers or key employees, as defined, with charter-party carriers of passengers and passenger stage corporations that provide passenger transportation to or from airports or railroad terminals serving passenger trains. The bill would require the commission to restrict a charter-party carrier of passengers and passenger stage corporations to employment of individuals approved for that employment by the commission, based on successful completion of the criminal background investigation. The bill would impose civil penalties for a violation of that employment restriction. The bill would require the commission to issue an identification credential to each applicant that successfully completes that criminal background investigation process and would require that all drivers employed by a charter-party carrier of passengers and passenger stage corporations carry the identification



credential at all times on airport property. The bill would impose civil penalties for a failure to produce the credential at the request of airport law enforcement officers. Repeated violations would be grounds for revocation of ~~the~~ *a carrier's permit or the certificate of public convenience and necessity of a passenger stage corporation*. The bill would require the commission to provide for a fee to be charged ~~of the~~ *to charter-party carrier carriers of passengers or passenger stage corporations* and collected by the commission, sufficient to cover certain related costs.

The bill would prohibit the commission from issuing or renewing a permit for a charter-party carrier applicant providing transportation to or from airports or railroad terminals serving passenger trains unless it certifies its drivers have successfully completed a criminal history background check and have been issued an identification credential.

The bill would prohibit employees and agents of a charter-party carrier *or passenger stage corporation* from communicating to any other person any information related to the disqualification of a driver or key employee, and would authorize a person disqualified from employment pursuant to the provisions of the bill to request a hearing by the commission to present evidence of rehabilitation and in support of employment.

The bill would provide that persons endorsed or certified as drivers of school pupil activity buses are deemed to meet the bill's requirements for entry into an airport or railroad terminal. The bill would require the Department of Motor Vehicles to notify the commission whenever the department determines that the holder of such an endorsement has a violation or conviction warranting suspension or revocation of the endorsement or certificate.

A violation of the ~~act~~ *Public Utilities Act or the Passenger Charter-Party Carriers' Act* or of an order or other requirement of the commission in enforcing ~~that act~~ *those acts* is a crime.

Because the provisions of this bill would be a part of ~~the one or the other~~ act and a violation of the bill's provisions or of an order or other requirement of the commission implementing those provisions would be a crime, the bill would impose a state-mandated local program by creating new crimes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.



This bill would provide that no reimbursement is required by this act for a specified reason.

The bill would become operative on July 1, 2005.

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

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

1 SECTION 1. It is the intent of the Legislature to reaffirm its
2 commitment to *passenger stage corporations and* homeland
3 security as it relates to charter-party carriers of passengers and
4 their employees who drive passengers to and from airports. The
5 purpose of this act is to ensure that procedures and regulations are
6 in place consistent with the airport security programs operated by
7 airports in this state, to assure the traveling public that drivers or
8 key employees of privately engaged carriers have been through
9 security clearances, and to provide uniformity in credentialing
10 among *passenger stage corporations and* charter-party carriers of
11 passengers.

12 SEC. 2. *Section 1032.2 is added to the Public Utilities Code,*
13 *to read:*

14 *1032.2. (a) A passenger stage corporation applicant*
15 *providing transportation to or from airports, or to or from any*
16 *railroad terminal serving passenger trains, shall certify its drivers*
17 *and key employees have successfully completed a criminal history*
18 *background check and have been issued an identification*
19 *credential in accordance with this section. For purposes of this*
20 *section, "key employees" mean the officers and directors of the*
21 *corporation or, if the passenger stage corporation is otherwise*
22 *organized, the owner or partners of the passenger stage*
23 *corporation.*

24 *(b) The commission shall adopt regulations, in accordance*
25 *with this section to establish standards and procedures to*
26 *investigate the background of candidates seeking certificates for*
27 *employment as drivers or key employees with passenger stage*
28 *corporations that provide passenger transportation to or from*
29 *airports, or to or from any railroad terminal serving passenger*
30 *trains. These regulations shall require the use of criminal history*
31 *information to determine whether applicants for employment as*
32 *drivers or key employees have a conviction for a qualifying felony*



1 *crime that would disqualify them from being hired as drivers or key*
2 *employees because they would be a threat to the safety of the public*
3 *if employed as drivers or key employees of the passenger stage*
4 *corporation.*

5 *(c) The commission shall provide, by regulation, that a*
6 *fingerprint-based criminal background investigation performed*
7 *by the Department of Justice be used to determine past convictions*
8 *for the following specified criminal acts that disqualify the*
9 *applicant for employment in this capacity:*

10 *(1) Unlawful transportation of a hazardous material (49*
11 *U.S.C. Sec. 46312).*

12 *(2) Carrying a weapon or explosive aboard an aircraft (49*
13 *U.S.C. Sec. 46505).*

14 *(3) Unlawful entry into an aircraft or airport area that serves*
15 *air carriers or foreign air carriers contrary to established security*
16 *requirements (49 U.S.C. Sec. 46314).*

17 *(4) Destruction of an aircraft or aircraft facility (18 U.S.C. Sec.*
18 *32).*

19 *(5) Violence at international airports (18 U.S.C. Sec. 37).*

20 *(6) Unlawful possession, use, sale, distribution, or*
21 *manufacture of an explosive, incendiary device, or assault*
22 *weapon.*

23 *(7) Felony arson.*

24 *(8) Hate crime, as described in paragraph (2) of subdivision*
25 *(b) of Section 628.1 of the Penal Code, including, but not limited*
26 *to, offenses in Title 11.6 (commencing with Section 422.6) of Part*
27 *1 of the Penal Code.*

28 *(9) Conspiracy or attempt to commit any of the criminal acts*
29 *listed in paragraphs (1) to (8), inclusive.*

30 *The commission shall ensure, by regulation, compliance with*
31 *Section 50.12 of Title 28 of the Code of Federal Regulations as it*
32 *exists on January 1, 2003, with regard to records of the Federal*
33 *Bureau of Investigation, and provide similar requirements with*
34 *regard to state records.*

35 *(d) The commission shall require, by regulation, that a*
36 *passenger stage corporation may only employ an individual as a*
37 *driver of passengers to or from airports, or to or from any railroad*
38 *terminal serving passenger trains or as a key employee if that*
39 *individual has been approved for that employment by the*
40 *commission, based on successful completion of the criminal*



1 *background investigation. This requirement shall apply*
2 *retroactively to drivers and key employees employed on or after*
3 *January 1, 2003, and to all future applicants. Employment of*
4 *individuals not approved as drivers or key employees by a*
5 *passenger stage corporation shall constitute a violation of the*
6 *regulations and subject the corporation to civil penalties not to*
7 *exceed two thousand dollars (\$2,000) per incident. Repeated*
8 *violations of this nature shall be grounds for revocation of the*
9 *passenger stage corporation's certificate.*

10 *While a criminal background investigation is pending, a driver*
11 *or key employee may be employed by the passenger state*
12 *corporation. This section does not prohibit a passenger stage*
13 *corporation from employing a driver who is disqualified pursuant*
14 *to this article from being employed by the corporation in a capacity*
15 *that does not involve driving passengers to or from airports or to*
16 *or from any railroad terminal serving passenger trains. A*
17 *passenger stage corporation shall inform an applicant for*
18 *employment as a driver or key employee, both on the employment*
19 *application and through oral communication, of the requirements*
20 *of this section and the consequences that may occur if the driver*
21 *or key employee is disqualified from employment.*

22 *(e) The commission shall require, by regulation, that passenger*
23 *stage corporations require applicants who are offered employment*
24 *as a driver of a motor vehicle providing passenger transportation*
25 *to or from airports, or to or from any railroad terminal serving*
26 *passenger trains, or as a key employee, to submit fingerprints and*
27 *other pertinent information, as required by the regulations, to the*
28 *commission or its designee for the purpose of obtaining criminal*
29 *background information.*

30 *(f) The commission shall require an applicant who is described*
31 *in subdivision (e) to have his or her fingerprint images captured*
32 *and related information provided for submission to the*
33 *Department of Justice for the purpose of obtaining information as*
34 *to the existence and nature of any record of state or federal*
35 *convictions and state or federal arrests for which the Department*
36 *of Justice establishes that the applicant was released on bail or on*
37 *his or her own recognizance pending trial, and for the purpose of*
38 *determining whether the applicant is disqualified pursuant to*
39 *subdivision (c). Requests for federal level criminal offender record*
40 *information received by the Department of Justice pursuant to this*



1 *section shall be forwarded to the Federal Bureau of Investigation*
2 *by the Department of Justice.*

3 *(1) The Department of Justice shall respond to the commission*
4 *with information pursuant to subdivision (p) of Section 11105 of*
5 *the Penal Code.*

6 *(2) The Department of Justice shall assess a fee sufficient to*
7 *cover all of its processing costs generated from or associated with*
8 *the implementation of this section.*

9 *(3) The commission shall request, from the Department of*
10 *Justice, subsequent arrest notification as provided by Section*
11 *11105.2 of the Penal Code, for all applicants described in*
12 *subdivision (e).*

13 *(g) The commission shall review all information received from*
14 *the passenger stage corporation and the Department of Justice*
15 *pursuant to the regulations. All information received by the*
16 *commission shall be held as confidential, except that if*
17 *employment is to be denied based on criminal history information,*
18 *the commission shall notify the passenger stage corporation of the*
19 *applicant's disqualification, and provide a copy of the history and*
20 *an explanation of the denial to the applicant. Employees and*
21 *agents of a passenger stage corporation are prohibited from*
22 *communicating to any other person any information related to the*
23 *disqualification of a driver or key employee. A person who is*
24 *disqualified pursuant to this section may request a hearing by the*
25 *commission to present evidence that, notwithstanding the grounds*
26 *for disqualification, he or she is fully rehabilitated and should be*
27 *permitted employment. The commission may grant any relief it*
28 *deems appropriate, including restoration of the right of*
29 *employment.*

30 *(h) The commission shall provide, by regulation, that an*
31 *identification credential be issued to each applicant that*
32 *successfully completes that criminal background investigation*
33 *process.*

34 *(i) The commission shall provide, by regulation, that all drivers*
35 *and key employees employed by a passenger stage corporation*
36 *shall carry the identification credential at all times on airport*
37 *property, and shall produce the credential for inspection upon*
38 *request of airport law enforcement officers. Failure to produce the*
39 *credential at the request of airport law enforcement officers shall*
40 *constitute a violation of the regulations and subject the driver and*



1 *the corporation to civil penalties not to exceed five hundred dollars*
2 *(\$500) per incident. Repeated violations of this nature shall be*
3 *grounds for revocation of the corporation's certificate.*

4 *(j) The commission shall provide, by regulation, for a fee to be*
5 *charged of the passenger stage corporation, to be collected by the*
6 *commission, sufficient to cover the costs of the commission for*
7 *processing fingerprint records, reviewing documents, and issuing*
8 *identification credentials pursuant to this section. The fee shall*
9 *include any fee assessed by the Department of Justice pursuant to*
10 *this section. An employee or applicant for employment may not be*
11 *charged a fee for the performance of the criminal background*
12 *check required by this section, other than a fee charged for the*
13 *capture of the fingerprint image and obtaining the related*
14 *information.*

15 *(k) Any person with an endorsement or certificate authorizing*
16 *operation of a school pupil activity bus pursuant to Section 13369*
17 *of the Vehicle Code shall be deemed to have met the requirements*
18 *of this section for entry into an airport or railroad terminal. The*
19 *Department of Motor Vehicles shall notify the commission*
20 *whenever it determines that a disqualifying violation or conviction*
21 *exists under Section 13370 of the Vehicle Code to suspend or*
22 *revoke an endorsement or certificate for operation of a school*
23 *pupil activity bus. The notice shall identify the individual and the*
24 *cause for suspension or revocation.*

25 *SEC. 3. Section 5374 of the Public Utilities Code is amended*
26 *to read:*

27 *5374. (a) Before a permit is issued or renewed, the*
28 *commission shall require the applicant to establish reasonable*
29 *fitness and financial responsibility to initiate and conduct or*
30 *continue to conduct the proposed or existing transportation*
31 *services. The commission shall not issue or renew a permit*
32 *pursuant to this chapter, unless the applicant meets all of the*
33 *following requirements:*

34 *(1) It certifies on a form acceptable to the commission that the*
35 *applicant will maintain its vehicles in a safe operating condition*
36 *and in compliance with the Vehicle Code and with regulations*
37 *contained in Title 13 of the California Code of Regulations relative*
38 *to motor vehicle safety.*



1 (2) It provides for a mandatory controlled substance and
2 alcohol testing certification program as adopted by the
3 commission pursuant to Section 1032.1.

4 (3) A charter-party carrier applicant providing transportation
5 to or from airports, or to or from any railroad terminal serving
6 passenger trains, certifies its drivers and key employees have
7 successfully completed a criminal history background check and
8 have been issued an identification credential in accordance with
9 Section 5384.7. For purposes of this section, “key employees”
10 mean the owner or partner of the charter-party carrier or, if the
11 carrier is a corporation, the officers and directors of the
12 corporation.

13 (b) (1) Before a certificate is issued or renewed, the
14 commission shall require the applicant to establish reasonable
15 fitness and financial responsibility to initiate and conduct or
16 continue to conduct the proposed or existing transportation
17 services. The commission shall not issue or renew a certificate
18 pursuant to this chapter, unless the applicant meets all of the
19 following requirements:

20 (A) It is financially and organizationally capable of conducting
21 an operation that complies with the rules and regulations of the
22 Department of the California Highway Patrol governing highway
23 safety.

24 (B) It is committed to observing the hours of service
25 regulations of state and, where applicable, federal law, for all
26 persons, whether employees or subcarriers, operating vehicles in
27 transportation for compensation under the certificate.

28 (C) It has a preventive maintenance program in effect for its
29 vehicles used in transportation for compensation that conforms to
30 regulations of the Department of the California Highway Patrol in
31 Title 13 of the California Code of Regulations.

32 (D) It participates in a program to regularly check the driving
33 records of all persons, whether employees or subcarriers,
34 operating vehicles used in transportation for compensation
35 requiring a class B driver’s license under the certificate.

36 (E) It has a safety education and training program in effect for
37 all employees or subcarriers operating vehicles used in
38 transportation for compensation.

39 (F) It will maintain its vehicles used in transportation for
40 compensation in a safe operating condition and in compliance with



1 the Vehicle Code and with regulations contained in Title 13 of the
2 California Code of Regulations relative to motor vehicle safety.

3 (G) It has filed with the commission the certificate of workers'
4 compensation insurance coverage or statement required by
5 Section 5378.1.

6 (H) It has provided the commission an address of an office or
7 terminal where documents supporting the factual matters specified
8 in the showing required by this subdivision may be inspected by
9 the commission and the Department of the California Highway
10 Patrol.

11 (I) It provides for a mandatory controlled substance and
12 alcohol testing certification program as adopted by the
13 commission pursuant to Section 1032.1.

14 (2) With respect to subparagraphs (B) and (F) of paragraph (1),
15 the commission may base a finding on a certification by the
16 commission that an applicant has filed, with the commission, a
17 sworn declaration of ability to comply and intent to comply.

18 (c) In addition to the requirements in subdivision (b), class A
19 and class B charter-party carriers shall meet all other state and,
20 where applicable, federal regulations as prescribed.

21 (d) The commission may delegate to its executive director or
22 his or her designee the authority to renew, or authorize the transfer
23 of, charter-party carrier permits or certificates and to make the
24 findings specified in subdivision (b) that are necessary to that
25 delegated authority.

26 ~~SEC. 3.~~

27 *SEC. 4.* Section 5384.7 is added to the Public Utilities Code,
28 to read:

29 5384.7. (a) The commission shall adopt regulations, ~~in~~
30 ~~accordance with this section and Chapter 3.5 (commencing with~~
31 ~~Section 11340) of Part 1 of Division 3 of Title 2 of the Government~~
32 ~~Code,~~ to establish standards and procedures to investigate the
33 background of candidates seeking certificates for employment as
34 drivers or key employees with charter-party carriers of passengers
35 that provide passenger transportation to or from airports, or to or
36 from any railroad terminal serving passenger trains. These
37 regulations shall direct the Carriers Branch of the commission,
38 which licenses charter-party carriers of passengers, to use criminal
39 history information to determine whether applicants for
40 employment as drivers or key employees have a conviction for a



1 qualifying felony crime that would disqualify them from being
2 hired as drivers or key employees because they would be a threat
3 to the safety of the public if employed as drivers or key employees
4 of the charter-party carrier.

5 (b) The commission shall provide, by regulation, that a
6 fingerprint-based criminal background investigation *performed*
7 *by the Department of Justice* be used to determine past convictions
8 for the following specified criminal acts that disqualify the
9 applicant for employment in this capacity:

10 (1) Unlawful transportation of a hazardous material (49 U.S.C.
11 Sec. 46312).

12 (2) Carrying a weapon or explosive aboard an aircraft (49
13 U.S.C. Sec. 46505).

14 (3) Unlawful entry into an aircraft or airport area that serves air
15 carriers or foreign air carriers contrary to established security
16 requirements (49 U.S.C. Sec. 46314).

17 (4) Destruction of an aircraft or aircraft facility (18 U.S.C. Sec.
18 32).

19 (5) Violence at international airports (18 U.S.C. Sec. 37).

20 (6) Unlawful possession, use, sale, distribution, or
21 manufacture of an explosive, incendiary device, or assault
22 weapon.

23 (7) Felony arson.

24 (8) Hate crime, as described in paragraph (2) of subdivision (b)
25 of Section 628.1 of the Penal Code, including, but not limited to,
26 offenses in Title 11.6 (commencing with Section 422.6) of Part 1
27 of the Penal Code.

28 (9) Conspiracy or attempt to commit any of the criminal acts
29 listed in paragraphs (1) to (8), inclusive.

30 (c) The commission shall ensure, by regulation, compliance
31 with Section 50.12 of Title 28 of the Code of Federal Regulations
32 as it exists on January 1, 2003, with regard to records of the Federal
33 Bureau of Investigation, and provide similar requirements with
34 regard to state records.

35 (d) The commission shall require, by regulation, that a
36 charter-party carrier of passengers may only employ an individual
37 as a driver of passengers to or from airports, or to or from any
38 railroad terminal serving passenger trains or as a key employee if
39 that individual has been approved for that employment by the
40 commission, based on successful completion of the criminal



1 background investigation. This requirement shall apply
2 retroactively to drivers and key employees employed on or after
3 January 1, 2003, and to all future applicants. Employment of
4 individuals not approved as drivers or key employees by a
5 charter-party carrier of passengers shall constitute a violation of
6 the regulations and subject the carrier to civil penalties not to
7 exceed two thousand dollars (\$2,000) per incident. Repeated
8 violations of this nature shall be grounds for revocation of the
9 carrier's permit.

10 While a criminal background investigation is pending, a driver
11 or key employee may be employed by the carrier. This section does
12 not prohibit a charter-party carrier from employing a driver who
13 is disqualified pursuant to this article from being employed by the
14 carrier in a capacity that does not involve driving passengers to or
15 from the airport. A charter-party carrier subject to this article shall
16 inform an applicant for employment as a driver or key employee,
17 both on the employment application and through oral
18 communication, of the requirements of this chapter and the
19 consequences that may occur if the driver or key employee is
20 disqualified from employment. If the charter-party carrier is a
21 subcarrier that does not employ any drivers other than the holder
22 of the permit to operate as a charter-party carrier, the subcarrier
23 shall be treated as an employee of the parent carrier for the
24 purposes of complying with the criminal background check
25 requirements of this section and Section 5374.

26 (e) The commission shall require, by regulation, that
27 charter-party carriers of passengers require applicants who are
28 offered employment as a driver of a motor vehicle providing
29 passenger transportation to or from airports, or to or from any
30 railroad terminal serving passenger trains, or as a key employee,
31 to submit fingerprints and other pertinent information, as required
32 by the regulations, to the commission *or its designee* for the
33 purpose of obtaining criminal background information.

34 (f) The commission shall require an applicant who is described
35 in subdivision (e) to have his or her fingerprint images captured
36 and related information provided for submission to the
37 Department of Justice for the purpose of obtaining information as
38 to the existence and nature of any record of state or federal
39 convictions and state or federal arrests for which the Department
40 of Justice establishes that the applicant was released on bail or on



1 his or her own recognizance pending trial, *and for the purpose of*
2 *determining whether the applicant is disqualified pursuant to*
3 *subdivision (b)*. Requests for federal level criminal offender
4 record information received by the Department of Justice pursuant
5 to this section shall be forwarded to the Federal Bureau of
6 Investigation by the Department of Justice.

7 (1) The Department of Justice shall respond to the commission
8 with information pursuant to subdivision (p) of Section 11105 of
9 the Penal Code.

10 (2) The Department of Justice shall assess a fee sufficient to
11 cover all of its processing costs generated from or associated with
12 the implementation of this section.

13 (3) The commission shall request, from the Department of
14 Justice, subsequent arrest notification as provided by Section
15 11105.2 of the Penal Code, for all applicants described in
16 subdivision (e).

17 (g) The commission shall review all information received from
18 the charter-party carrier of passengers and the Department of
19 Justice pursuant to the regulations. All information received by the
20 commission shall be held as confidential, except that if
21 employment is to be denied based on criminal history information,
22 the commission shall notify the charter-party carrier of passengers
23 of the applicant's disqualification, and provide a copy of the
24 history and an explanation of the denial to the applicant.
25 Employees and agents of a charter-party carrier of passengers are
26 prohibited from communicating to any other person any
27 information related to the disqualification of a driver or key
28 employee. A person who is disqualified pursuant to this section
29 may request a hearing by the commission to present evidence that,
30 notwithstanding the grounds for disqualification, he or she is fully
31 rehabilitated and should be permitted employment. The
32 commission may grant any relief it deems appropriate, including
33 restoration of the right of employment.

34 (h) The commission shall provide, by regulation, that an
35 identification credential be issued to each applicant that
36 successfully completes that criminal background investigation
37 process.

38 (i) The commission shall provide, by regulation, that all drivers
39 and key employees employed by a charter-party carrier of
40 passengers shall carry the identification credential at all times on



1 airport property, and shall produce the credential for inspection
2 upon request of airport law enforcement officers. Failure to
3 produce the credential at the request of airport law enforcement
4 officers shall constitute a violation of the regulations and subject
5 the driver and the carrier to civil penalties not to exceed five
6 hundred dollars (\$500) per incident. Repeated violations of this
7 nature shall be grounds for revocation of the carrier's permit.

8 (j) The commission shall provide, by regulation, for a fee to be
9 charged of the charter-party carrier of passengers, to be collected
10 by the commission, sufficient to cover the costs of the commission
11 for processing fingerprint records, reviewing documents, and
12 issuing identification credentials pursuant to this section. The fee
13 shall include any fee assessed by the Department of Justice
14 pursuant to this section. An employee or applicant for employment
15 may not be charged a fee for the performance of the criminal
16 background check required by this section, other than a fee
17 charged for the capture of the fingerprint image and obtaining the
18 related information.

19 (k) Any person with an endorsement or certificate authorizing
20 operation of a school pupil activity bus pursuant to Section 13369
21 of the Vehicle Code shall be deemed to have met the requirements
22 of this section for entry into an airport or railroad terminal. The
23 Department of Motor Vehicles shall notify the commission
24 whenever it determines that a disqualifying violation or conviction
25 exists under Section 13370 of the Vehicle Code to suspend or
26 revoke an endorsement or certificate for operation of a school
27 pupil activity bus. The notice shall identify the individual and the
28 cause for suspension or revocation.

29 (l) For the purposes of this section, "key employees" mean the
30 owner or partner of the charter-party carrier or, if the carrier is a
31 corporation, the officers and directors of the corporation.

32 SEC. 4. No reimbursement is required by this act pursuant to
33 Section 6 of Article XIII B of the California Constitution because
34 the only costs that may be incurred by a local agency or school
35 district will be incurred because this act creates a new crime or
36 infraction, eliminates a crime or infraction, or changes the penalty
37 for a crime or infraction, within the meaning of Section 17556 of
38 the Government Code, or changes the definition of a crime within
39 the meaning of Section 6 of Article XIII B of the California
40 Constitution.



1 SEC. 5. This act shall become operative on July 1, 2005.

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