

AMENDED IN SENATE JUNE 19, 2006

AMENDED IN ASSEMBLY APRIL 20, 2006

AMENDED IN ASSEMBLY MARCH 28, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2557

Introduced by Assembly Members Huff and Mountjoy

February 23, 2006

An act to amend Section 43200 of the Health and Safety Code, and to amend Sections 505.2 and 17300 of the Vehicle Code, relating to highways transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2557, as amended, Huff. ~~Highways: damaged or destroyed memorial signs. Transportation.~~

(1) Existing law permits the State Air Resources Board to adopt a regulation to prohibit the sale and registration of a new motor vehicle certified by the state board to which there has not been conspicuously affixed on the driver's side window or, if it cannot be so placed, to the windshield, a decal disclosing specified emissions information.

This bill would instead permit that regulation when the specified decal has not been conspicuously affixed on a side window to the rear of the driver.

(2) Existing law defines the term "registration service" for purposes of the Vehicle Code and excludes from that definition certain activities.

This bill would exclude from the definition of "registration service" the acts by an employee of one or more dealers or dismantlers, or a combination, when performing transactions on behalf of a qualified

private industry partner that is in contractual compliance with the Department of Motor Vehicles, as specified.

(3) Existing law imposes liability upon a person who willfully or negligently damages a street or highway, or its appurtenances, including, but not limited to, guardrails, signs, traffic signals, snow poles, and similar facilities for the reasonable cost of the repair or replacement of those facilities.

This bill would specify that for a person who willfully damaged or destroyed a memorial sign placed by the Department of Transportation, the amount of liability is the actual replacement or repair cost, whichever is applicable, or \$1,500, whichever amount is highest.

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

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

- 1 SECTION 1. Section 43200 of the Health and Safety Code is
- 2 amended to read:
- 3 43200. (a) The state board may adopt a regulation to prohibit
- 4 the sale and registration in this state of ~~any~~ a new motor vehicle
- 5 certified by the state board to which there has not been securely
- 6 and conspicuously affixed on ~~the driver's side~~ a side window to
- 7 the rear of the driver or, if it cannot be so placed, to the
- 8 windshield of the motor vehicle in accordance with paragraph (3)
- 9 of subdivision (b) of Section 26708 of the Vehicle Code, by the
- 10 manufacturer a label on which the manufacturer shall endorse
- 11 clearly, distinctly, and legibly true and correct entries disclosing
- 12 the following information concerning the motor vehicle:
- 13 (1) The emission standards adopted by the state board
- 14 pursuant to Section 43101 that are applicable to that motor
- 15 vehicle.
- 16 (2) The information required by Section 43200.1 and related
- 17 air pollution emissions information as specified by the state
- 18 board.
- 19 (b) A regulation may be adopted pursuant to this section only
- 20 if the state board finds that the regulation is necessary for either
- 21 of the following:
- 22 (1) To enforce or ensure compliance with applicable statutes,
- 23 standards, or procedures relating to vehicle emissions.

1 (2) For the protection or information of consumers.

2 (c) Nothing in this division or in any other statute shall be
3 construed as prohibiting a purchaser from removing the decal
4 required by this section, after the purchaser has taken possession
5 of the vehicle.

6 *SEC. 2. Section 505.2 of the Vehicle Code is amended to*
7 *read:*

8 505.2. (a) A “registration service” is a person engaged in the
9 business of soliciting or receiving~~any~~ *an* application for the
10 registration, renewal of registration, or transfer of registration or
11 ownership, of~~any~~ *a* vehicle of a type subject to registration under
12 this code, or of soliciting or receiving an application for a motor
13 carrier permit under Division 14.85 (commencing with Section
14 34600), or of transmitting or presenting~~any~~ *of* those documents
15 to the department, when any compensation is solicited or
16 received for the service. “Registration service” includes, but is
17 not limited to, a person who, for compensation, processes
18 registration documents, conducts lien sales, or processes vehicle
19 dismantling documents.

20 (b) “Registration service” does not include~~any~~ *of* the
21 following:

22 (1) A person performing registration services on a vehicle
23 acquired by that person for his or her own personal use or for use
24 in the regular course of that person’s business.

25 (2) A person who solicits applications for or sells, for
26 compensation, nonresident permits for the operation of vehicles
27 within this state.

28 (3) An employee of one or more dealers or dismantlers, or a
29 combination thereof, who performs~~registration~~ *either of the*
30 *following:*

31 (A) *Registration* services for vehicles acquired by, consigned
32 to, or sold by the employing dealers or dismantlers.

33 (B) *Vehicle transactions on behalf of a qualified business*
34 *partner that are in contractual compliance with the department*
35 *pursuant to Section 1685.*

36 (4) A motor club, as defined in Section 12142 of the Insurance
37 Code.

38 (5) A common carrier acting in the regular course of its
39 business in transmitting applications.

1 SECTION 1.

2 SEC. 3. Section 17300 of the Vehicle Code is amended to
3 read:

4 17300. (a) A person who willfully or negligently damages a
5 street or highway, or its appurtenances, including, but not limited
6 to, guardrails, signs, traffic signals, snow poles, and similar
7 facilities, is liable for the reasonable cost of repair or replacement
8 thereof.

9 (b) A person who willfully damages or destroys a memorial
10 sign placed by the Department of Transportation, including, but
11 not limited to, a sign memorializing a victim under Section
12 101.10 of the Streets and Highways Code, is liable for that
13 damage or destruction for the highest of the following amounts:

- 14 (1) One thousand five hundred dollars (\$1,500).
- 15 (2) The actual repair cost or replacement cost, whichever is
16 applicable.

17 (c) A person who willfully or negligently causes or permits the
18 contents of a vehicle to be deposited upon a street or highway, or
19 its appurtenances, is liable for the reasonable costs of removing
20 those contents from the street or highway or its appurtenances.

21 (d) The liability stated in this section also applies to an owner
22 of a vehicle operated with the owner's permission, as provided in
23 Article 2 (commencing with Section 17150), and includes
24 liability for the reasonable cost of necessary safety precautions,
25 including, but not limited to, warning traffic, the removal of
26 debris resulting from accidents, the removal of any materials, or
27 providing detours.

28 (e) The Department of Transportation and local authorities,
29 with respect to highways under their respective jurisdictions, may
30 present claims for liability under this section, bring actions for
31 recovery thereon, and settle and compromise, in their discretion,
32 claims arising under this section.

33 (f) If the Department of Transportation or a local authority
34 provides services on a highway outside its jurisdiction, at the
35 request of the department or the local authority that has
36 jurisdiction over that highway, the department or the local
37 authority may present a claim for liability for rendering this

- 1 service under this section, bring actions for recovery thereon,
- 2 and, in its discretion, settle and compromise the claim.

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