

AMENDED IN SENATE AUGUST 10, 2006

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 transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2557, as amended, Huff. 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, *or if it cannot be so placed, to the windshield.*

(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 *thereof*, when performing transactions on behalf of a qualified private industry partner that is in ~~contractual~~ actual compliance with the Department of Motor Vehicles *Business Partner Automation Program*, 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 a new motor vehicle
5 certified by the state board to which there has not been securely
6 and conspicuously affixed on a side window to the rear of the
7 driver or, if it cannot be so placed, to the windshield of the motor
8 vehicle in accordance with paragraph (3) of subdivision (b) of
9 Section 26708 of the Vehicle Code, by the manufacturer a label
10 on which the manufacturer shall endorse clearly, distinctly, and
11 legibly true and correct entries disclosing the following
12 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:

1 (1) To enforce or ensure compliance with applicable statutes,
2 standards, or procedures relating to vehicle emissions.

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

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

8 SEC. 2. Section 505.2 of the Vehicle Code is amended to
9 read:

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

22 (b) “Registration service” does not include the following:

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

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

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

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

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

37 *(B) Vehicle transactions on behalf of one or more of the
38 employing dealers or dismantlers, if the transaction is for an
39 employing dealer or dismantler who is a qualified business
40 partner in compliance with the Business Partner Automation*

1 *Program established by the department pursuant to Section*
2 *1685.*

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

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

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

9 17300. (a) A person who willfully or negligently damages a
10 street or highway, or its appurtenances, including, but not limited
11 to, guardrails, signs, traffic signals, snow poles, and similar
12 facilities, is liable for the reasonable cost of repair or replacement
13 thereof.

14 (b) A person who willfully damages or destroys a memorial
15 sign placed by the Department of Transportation, including, but
16 not limited to, a sign memorializing a victim under Section
17 101.10 of the Streets and Highways Code, is liable for that
18 damage or destruction for the highest of the following amounts:

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

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

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

33 (e) The Department of Transportation and local authorities,
34 with respect to highways under their respective jurisdictions, may
35 present claims for liability under this section, bring actions for
36 recovery thereon, and settle and compromise, in their discretion,
37 claims arising under this section.

38 (f) If the Department of Transportation or a local authority
39 provides services on a highway outside its jurisdiction, at the
40 request of the department or the local authority that has

1 jurisdiction over that highway, the department or the local
2 authority may present a claim for liability for rendering this
3 service under this section, bring actions for recovery thereon,
4 and, in its discretion, settle and compromise the claim.

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