

ASSEMBLY BILL

No. 3011

Introduced by Assembly Member Benoit

February 24, 2006

An act to amend Sections 2800, 8800, 16020, 16502, 22651.4, 34500, 34507, 34507.5, 34517, and 40303 of, to amend and renumber Section 6855 of, to add Sections 34500.3 and 34519 to, and to repeal Chapter 2 (commencing with Section 29200), Chapter 3 (commencing with Section 29800), and Chapter 4 (commencing with Section 30800) of, and Article 3 (commencing with Section 31500), Article 4 (commencing with Section 31510), Article 5 (commencing with Section 31520), and Article 6 (commencing with Section 31530) of Chapter 5 of, Division 13 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 3011, as introduced, Benoit. Vehicles.

(1) Existing law provides that it is unlawful to fail or refuse to comply with a lawful out-of-service order issued by a peace officer, as defined, when that peace officer is in uniform and is performing duties pursuant to the Vehicle Code and the order complies with specified requirements.

This bill would include an authorized employee of the Department of the California Highway Patrol (department) as a person whose order it is unlawful to fail or refuse to comply with, and change the requirements with which the order is required to comply. By changing the definition of a crime, the bill would impose a state-mandated local program.

The bill would also provide that it is unlawful to fail or refuse to comply with a lawful out-of-service order issued by a peace officer or a commercial vehicle inspector, of a state, province of Canada, or

federal government of the United States, Canada, or Mexico, if specified requirements are met.

(2) Existing law prohibits a foreign motor carrier or foreign private motor carrier required to have a specified certificate of registration from operating without the certificate in the vehicle, operating beyond the limitations of the certificate, or refusing to show the certificate upon request by a peace officer.

The bill additionally would prohibit a motor carrier that is required to be registered as specified from operating in the state without the registration, operating beyond the limitations or restrictions specified in the registration, or operating in the state without the required operating authority. The bill would make a violation of the existing prohibition and the new prohibition an infraction punishable by a fine of \$1,000, thereby imposing a state-mandated local program. The bill would authorize a member of the department to impound a vehicle operating in violation of these prohibitions, and its cargo, until the citation and all charges related to the impoundment are cleared.

(3) Existing law authorizes the Department of Motor Vehicles (DMV) to suspend, cancel, or revoke the registration of a vehicle or certificate of ownership, registration card, license plate, or permit, under specified circumstances.

The bill would require the DMV to suspend the registration of all vehicles registered in the name of a person, under specified circumstances, including when the United States Secretary of the Department of Transportation or his or her designee issues a lawful out-of-service order as specified, when the DMV suspends or revokes a motor carrier of property permit, or when the Public Utilities Commission suspends or revokes operating authority or private registration.

(4) Existing law requires a driver and an owner of a motor vehicle to be able to establish financial responsibility, as specified. Existing law specifies the documents that constitute evidence of financial responsibility, including an identifying number issued by a specified federal agency, if certain requirements are met.

The bill would delete that document from the list of documents constituting evidence of financial responsibility.

The bill would require a motor vehicle from another country in which there is no evidence of financial responsibility required as specified, to be denied entry into the state.

(5) Existing law authorizes a peace officer, as defined, to impound a vehicle and its cargo, as specified.

The bill would authorize a member of the department to impound a vehicle and its cargo, as specified.

(6) Existing law requires the department to adopt and enforce regulations relating to the safe loading, securement, and transporting of logs and poles, as specified; safe loading, securement, and transporting of lumber and lumber products, as specified; safe loading, securement, and transporting of baled hay and baled straw, as specified; proper loading and securing of metal products, as specified; safe loading, securement, and transportation of loads consisting of baled cotton, baled paper, and baled jute, as specified; and safe loading, securement, and transportation of loads of wooden boxes, as specified. Existing law provides that it is a crime to fail to comply with those regulations. Existing law prohibits a vehicle upon which a trailer is loaded from being driven or moved on a highway unless the trailer is securely bound to the vehicle, as specified. Existing law requires logging dollies being carried on a truck to be secured, as specified.

The bill would repeal those provisions.

The bill would require the department to adopt rules and regulations that are designed to promote the safe operation of vehicles, regarding cargo securement standards, as specified.

(7) Existing law requires the department to regulate the safe operation of specified vehicles, including buses, schoolbuses, and general public paratransit vehicles.

The bill would include in that list of vehicles the safe operation of which the department is required to regulate, farm labor vehicles, as defined.

(8) Existing law requires certain vehicles to prominently display a distinctive identifying symbol, as specified.

The bill would expand the vehicles to which that requirement applies and change the distinctive identifying symbol a vehicle is required to display.

(9) Existing law requires the carrier identification number assigned to the motor carrier under whose operating authority or motor carrier permit a vehicle or combination of vehicles is being operated to be displayed on both sides of each vehicle, or on both sides of at least one motor vehicle in each combination of specified vehicles while engaged in intrastate commerce.

The bill would delete the intrastate commerce limitation for that requirement.

(10) The bill would require a foreign motor carrier, foreign private motor carrier, and foreign driver to comply with specified requirements of the Bureau of Citizenship and Immigration Service in the United States Department of Homeland Security, and prohibit purely domestic service or solicitation, in competition with California or United States motor carriers. The bill would prohibit a foreign motor carrier or foreign private motor carrier from providing point-to-point transportation services within California or within the United States for goods other than international cargo. Because a violation of those requirements would be a crime, the bill would impose a state-mandated local program. The bill would authorize a member of the department to impound a vehicle that violates these requirements, and its cargo, until the citation and all charges related to the impoundment are cleared.

(11) The bill would delete obsolete references to the Interstate Commerce Commission and instead refer to the United States Secretary of the Department of Transportation.

(12) The bill would make related changes.

(13) 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.

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. Section 2800 of the Vehicle Code is amended to
 2 read:
 3 2800. (a) It is unlawful to willfully fail or refuse to comply
 4 with ~~any~~ a lawful order, signal, or direction of ~~any~~ a peace
 5 officer, as defined in Chapter 4.5 (commencing with Section 830)
 6 of Title 3 of Part 2 of the Penal Code, when that peace officer is
 7 in uniform and is performing duties ~~under~~ pursuant to any of the
 8 provisions of this code, or to refuse to submit to ~~any~~ a lawful
 9 inspection ~~under~~ pursuant to this code.

1 (b) Except as authorized ~~under~~ *pursuant to* Section 24004, it is
 2 unlawful to fail or refuse to comply with ~~any~~ *a* lawful
 3 out-of-service order issued by ~~any~~ *an authorized employee of the*
 4 *Department of the California Highway Patrol or by a uniformed*
 5 *peace officer, as defined in Chapter 4.5 (commencing with*
 6 *Section 830) of Title 3 of Part 2 of the Penal Code, when that*
 7 *peace officer is in uniform and or authorized employee is*
 8 *performing duties under pursuant to* any provision of this code
 9 and the out-of-service order complies with *Section 395.13 or*
 10 *396.9 of Title 49 of the Code of Federal Regulations.*

11 (c) It is unlawful to fail or refuse to comply with a lawful
 12 out-of-service order issued by the United States Secretary of the
 13 Department of Transportation.

14 ~~(d) This section shall become operative on September 20,~~
 15 ~~2005.~~

16 *(d) It is unlawful to fail or refuse to comply with a lawful*
 17 *out-of-service order issued by a peace officer or commercial*
 18 *vehicle inspector, of any state, any province of Canada, or the*
 19 *federal government of the United States, Canada, or Mexico,*
 20 *when that peace officer or commercial vehicle inspector is in*
 21 *uniform and is performing duties under any provisions of state,*
 22 *provincial, federal, or Mexican law and the out-of-service order*
 23 *complies with Section 395.13 or 396.9 of Title 49 of the Code of*
 24 *Federal Regulations.*

25 SEC. 2. Section 6855 of the Vehicle Code is amended and
 26 renumbered to read:

27 ~~6855. No~~

28 ~~34518.~~ *(a) A foreign motor carrier or foreign private motor*
 29 ~~private~~ *carrier required to have a certificate of registration issued*
 30 ~~by the Interstate Commerce Commission under United States~~
 31 ~~Secretary of the Department of Transportation pursuant to Part~~
 32 ~~1171 368~~ *of Title 49 of the Code of Federal Regulations shall not*
 33 *do any of the following:*

34 ~~(a)~~

35 ~~(1)~~ *(1) Operate in this state without the required certificate in the*
 36 *vehicle.*

37 ~~(b)~~

38 ~~(2)~~ *(2) Operate beyond the limitations or restrictions specified in*
 39 *the certificate as issued.*

40 ~~(c)~~

1 (3) Refuse to show the certificate upon request of a peace
2 officer.

3 (b) A motor carrier required to be registered with the United
4 States Secretary of the Department of Transportation pursuant to
5 Section 13902 of Title 49 of the United States Code or Part 390
6 (commencing with Section 390.1) of Title 49 of the Code of
7 Federal Regulations shall not do any of the following:

8 (1) Operate in this state without the required registration.

9 (2) Operate beyond the limitations or restrictions specified in
10 its registration.

11 (3) Operate in this state without the required operating
12 authority.

13 (c) A violation of subdivision (a) or subdivision (b) is an
14 infraction punishable by a fine of one thousand dollars (\$1,000).

15 (d) A member of the Department of the California Highway
16 Patrol may impound a vehicle operated in violation of this
17 section and its cargo, until the citation and all charges related to
18 the impoundment are cleared.

19 (e) As used in this section “limitations” or “restrictions”
20 include definitions of “commercial zones,” “municipality,”
21 “contiguous municipalities,” “unincorporated area,” and
22 “terminal areas,” in Part 372 (commencing with Section
23 372.101) of Title 49 of the Code of Federal Regulations.

24 SEC. 3. Section 8800 of the Vehicle Code is amended to
25 read:

26 8800. (a) The department may suspend, cancel, or revoke the
27 registration of a vehicle or a certificate of ownership, registration
28 card, ~~or~~ license plate, ~~or any permit in~~ *under* any of the following
29 ~~events~~ *circumstances*:

30 ~~(a)~~

31 (1) When the department is satisfied that the registration or the
32 certificate, card, plate, or permit was fraudulently obtained or
33 erroneously issued.

34 ~~(b)~~

35 (2) When the department determines that a registered vehicle
36 is mechanically unfit or unsafe to be operated or moved upon the
37 highways.

38 ~~(c)~~

39 (3) When a registered vehicle has been dismantled or wrecked.

40 ~~(d)~~

1 (4) When the department determines that the required fee has
2 not been paid and the same is not paid upon reasonable notice
3 and demand.

4 ~~(e)~~

5 (5) When a registration card, license plate, or permit is
6 knowingly displayed upon a vehicle other than the one for which
7 issued.

8 ~~(f)~~

9 (6) When the registration could have been refused when last
10 issued or renewed.

11 ~~(g)~~

12 (7) When the department determines that the owner or legal
13 owner has committed ~~any~~ *an* offense under Sections 20 (with
14 respect to an application for the registration of a vehicle), 4000,
15 4159 to 4163, inclusive, 4454, 4456, 4461, 4463, 5202, 10750,
16 and 10751, involving the registration or the certificate, card,
17 plate, or permit to be suspended, canceled, or revoked.

18 ~~(h)~~

19 (8) When the department is so authorized ~~under~~ *pursuant to*
20 any other provision of law.

21 *(b) The department shall suspend the registration of all*
22 *vehicles registered in the name of a person, under any of the*
23 *following circumstances:*

24 *(1) When the United States Secretary of the Department of*
25 *Transportation or his or her designee issues a lawful*
26 *out-of-service order pursuant to Title 49 of the Code of Federal*
27 *Regulations.*

28 *(2) When the department suspends or revokes a motor carrier*
29 *of property permit.*

30 *(3) When the Public Utilities Commission suspends or revokes*
31 *operating authority or private registration.*

32 *(c) A suspension imposed pursuant to subdivision (b) shall*
33 *remain in effect and a vehicle for which registration has been*
34 *suspended shall not be registered in the name of the person until*
35 *the department verifies that person's federal registration, federal*
36 *operating authority, California operating authority, California*
37 *private registration, or motor carrier of property permit is*
38 *reissued.*

39 SEC. 4. Section 16020 of the Vehicle Code is amended to
40 read:

1 16020. (a) ~~Every~~*A driver and every an* owner of a motor
2 vehicle shall at all times be able to establish financial
3 responsibility pursuant to Section 16021, and shall at all times
4 carry in the vehicle evidence of the form of financial
5 responsibility in effect for the vehicle.

6 (b) “Evidence of financial responsibility” means any of the
7 following:

8 (1) A form issued by an insurance company or charitable risk
9 pool, as specified by the department pursuant to Section 4000.37.

10 (2) If the owner is a self-insurer, as provided in Section 16052
11 or a depositor, as provided in Section 16054.2, the certificate of
12 self-insurance or the assignment of deposit letter issued by the
13 department.

14 (3) An insurance covering note or binder pursuant to Section
15 382 or 382.5 of the Insurance Code.

16 (4) A showing that the vehicle is owned or leased by, or under
17 the direction of, the United States or ~~any~~ a public entity, as
18 defined in Section 811.2 of the Government Code.

19 (c) For purposes of this section, “evidence of financial
20 responsibility” also may be obtained by a law enforcement
21 officer and court personnel from an electronic reporting system
22 when that system becomes available for use by law enforcement
23 officers.

24 (d) For purposes of this section, “evidence of financial
25 responsibility” also includes any of the following:

26 (1) The name of the insurance company and the number of an
27 insurance policy or surety bond that was in effect at the time of
28 the accident or at the time that evidence of financial
29 responsibility is required to be provided pursuant to Section
30 16028, if that information is contained in the vehicle registration
31 records of the department.

32 (2) The identifying motor carrier of property permit number
33 issued by the Department of the California Highway Patrol to the
34 motor carrier of property as defined in Section 34601, and
35 displayed on the motor vehicle in the manner specified by the
36 Department of the California Highway Patrol.

37 (3) The identifying number issued to the household goods
38 carrier, passenger stage carrier, or transportation charter party
39 carrier by the Public Utilities Commission and displayed on the
40 motor vehicle in the manner specified by the commission.

1 ~~(4) The identifying number issued by the Interstate Commerce~~
2 ~~Commission or its successor federal agency, if proof of financial~~
3 ~~responsibility must be presented to the issuing agency as part of~~
4 ~~the identification number issuance process, and displayed on the~~
5 ~~motor vehicle in the manner specified by the issuing agency.~~

6 (e) Evidence of financial responsibility does not include ~~any of~~
7 ~~the~~ *an* identification ~~numbers~~ *number* in paragraph (1), (2), *or*
8 (3), ~~or (4)~~ of subdivision (d) if the carrier is currently suspended
9 by the issuing agency for lack or lapse of insurance or other form
10 of financial responsibility.

11 SEC. 5. Section 16502 of the Vehicle Code is amended to
12 read:

13 16502. ~~No~~ *(a) An owner shall not use, or with his or her*
14 *consent permit the use of, any a vehicle used in the transportation*
15 *of persons or property in the conduct of a business, without*
16 *maintaining proof of financial responsibility as required by this*
17 *chapter.*

18 *(b) A motor vehicle from another country in which there is no*
19 *evidence of financial responsibility required pursuant to this*
20 *chapter or Part 387 (commencing with Section 387.1) of Title 49*
21 *of the Code of Federal Regulations shall be denied entry into the*
22 *state.*

23 SEC. 6. Section 22651.4 of the Vehicle Code is amended to
24 read:

25 22651.4. ~~Any~~ *(a) A peace officer, as defined in Chapter 4.5*
26 *(commencing with Section 830) of Title 3 of Part 2 of the Penal*
27 *Code, may impound a vehicle and its cargo pursuant to Section*
28 *34517.*

29 *(b) A member of the department may impound a vehicle and*
30 *its cargo pursuant to Section 34518.*

31 *(c) A member of the department may impound a vehicle and its*
32 *cargo pursuant to Section 34519.*

33 *(d) A member of the department may store or impound a*
34 *vehicle upon determination that the registrant of the vehicle or*
35 *the driver of the vehicle has failed to pay registration,*
36 *regulatory, fuel permit, or other fees, or has an outstanding*
37 *warrant in a county in the state. The impoundment charges are*
38 *the responsibility of the owner of the vehicle. The stored or*
39 *impounded vehicle shall be released upon payment of those fees*

1 *or fines or the posting of bail. The driver or owner of the vehicle*
 2 *may request a hearing to determine the validity of the seizure.*

3 SEC. 7. Chapter 2 (commencing with Section 29200) of
 4 Division 13 of the Vehicle Code is repealed.

5 SEC. 8. Chapter 3 (commencing with Section 29800) of
 6 Division 13 of the Vehicle Code is repealed.

7 SEC. 9. Chapter 4 (commencing with Section 30800) of
 8 Division 13 of the Vehicle Code is repealed.

9 SEC. 10. Article 3 (commencing with Section 31500) of
 10 Chapter 5 of Division 13 of the Vehicle Code is repealed.

11 SEC. 11. Article 4 (commencing with Section 31510) of
 12 Chapter 5 of Division 13 of the Vehicle Code is repealed.

13 SEC. 12. Article 5 (commencing with Section 31520) of
 14 Chapter 5 of Division 13 of the Vehicle Code is repealed.

15 SEC. 13. Article 6 (commencing with Section 31530) of
 16 Chapter 5 of Division 13 of the Vehicle Code is repealed.

17 SEC. 14. Section 34500 of the Vehicle Code is amended to
 18 read:

19 34500. The department shall regulate the safe operation of the
 20 following vehicles:

21 (a) Motortrucks of three or more axles that are more than
 22 10,000 pounds gross vehicle weight rating.

23 (b) Truck tractors.

24 (c) Buses, schoolbuses, school pupil activity buses, youth
 25 buses, *farm labor vehicles*, and general public paratransit
 26 vehicles.

27 (d) Trailers and semitrailers designed or used for the
 28 transportation of more than 10 persons, and the towing motor
 29 vehicle.

30 (e) Trailers and semitrailers, pole or pipe dollies, auxiliary
 31 dollies, and logging dollies used in combination with vehicles
 32 listed in subdivision (a), (b), (c), or (d). This subdivision does not
 33 include camp trailers, trailer coaches, and utility trailers.

34 (f) ~~Any~~ A combination of a motortruck and ~~any~~ a vehicle or
 35 vehicles set forth in subdivision (e) that exceeds 40 feet in length
 36 when coupled together.

37 (g) ~~Any~~ A truck, or ~~any~~ a combination of a truck and any other
 38 vehicle, transporting hazardous materials.

1 (h) Manufactured homes—~~which~~ *that*, when moved upon the
2 highway, are required to be moved—~~under~~ *pursuant to* a permit as
3 specified in Section 35780 or 35790.

4 (i) A park trailer, as described in Section 18009.3 of the
5 Health and Safety Code,—~~which~~ *that*, when moved upon a
6 highway, is required to be moved—~~under~~ *pursuant to* a permit
7 pursuant to Section 35780.

8 (j) Any other motortruck not specified in subdivisions (a) to
9 (h), inclusive, or subdivision (k), that is regulated by the
10 *Department of Motor Vehicles*, Public Utilities Commission or
11 ~~the Interstate Commerce Commission~~ *United States Secretary of*
12 *the Department of Transportation*, but only for matters relating
13 to hours of service and logbooks of drivers.

14 (k) ~~Any~~—A commercial motor vehicle with a gross vehicle
15 weight rating of 26,001 or more pounds or—~~any~~ *a* commercial
16 motor vehicle of any gross vehicle weight rating towing—~~any~~ *a*
17 vehicle described in subdivision (e) with a gross vehicle weight
18 rating of more than 10,000 pounds, except combinations
19 including camp trailers, trailer coaches, or utility trailers. For
20 purposes of—~~the~~ *this* subdivision, the term “commercial motor
21 vehicle” has the meaning defined in subdivision (b) of Section
22 15210.

23 SEC. 15. Section 34500.3 is added to the Vehicle Code, to
24 read:

25 34500.3. (a) The department shall adopt rules and
26 regulations that are designed to promote the safe operation of
27 vehicles, regarding cargo securement standards. The regulations
28 adopted pursuant to this section shall be consistent with the
29 securement regulations adopted by the United States Department
30 of Transportation in Part 393 (commencing with Section 393.1)
31 of Title 49 of the Code of Federal Regulations, as those
32 regulations now exist or are amended in the future.

33 (b) Regulations adopted pursuant to subdivision (a) do not
34 apply to the transportation of a pole on a pole dolly by a public
35 utility company or a local public agency engaged in the business
36 of supplying electricity or telephone service, by the Department
37 of Transportation, or by a licensed contractor in the performance
38 of work for a public utility company, a local agency, or the
39 Department of Transportation, when the transportation is
40 between storage yards or between a storage yard and job location

1 where the pole is to be used. However, no more than nine poles
 2 shall be transported on a dolly if any of those poles exceeds a
 3 length of 30 feet. If poles 30 feet or less are transported by a pole
 4 or pipe dolly, no more than 18 poles shall be transported. A pole
 5 shall be adequately secured when being transported on a dolly, to
 6 prevent shifting or spilling of a load.

7 (c) Regulations adopted pursuant to subdivision (a) do not
 8 apply to a farmer transporting his or her own hay or straw,
 9 incidental to his or her farming operation, if that transportation
 10 requires that the farmer use a highway, except that this
 11 subdivision does not relieve the farmer from loading and
 12 securing the hay or straw in a safe manner.

13 SEC. 16. Section 34507 of the Vehicle Code is amended to
 14 read:

15 34507. To assist the department in enforcing ~~the provisions of~~
 16 ~~this division, every a vehicle which that~~ is subject to this division
 17 and to the jurisdiction, control, and regulation of the *Department*
 18 *of Motor Vehicles, the Public Utilities Commission or the*
 19 ~~Interstate Commerce Commission~~ *United States Secretary of the*
 20 *Department of Transportation* shall have displayed prominently
 21 a distinctive identifying symbol as ~~provided for in the Public~~
 22 ~~Utilities Code required by Section 34507.5.~~

23 SEC. 17. Section 34507.5 of the Vehicle Code is amended to
 24 read:

25 34507.5. (a) ~~Every~~ ~~A~~ motor carrier, as defined in Section
 26 408, ~~and every a~~ motor carrier of property, and *a* for-hire motor
 27 carrier of property, as defined in Section 34601, shall obtain a
 28 carrier identification number from the department. Application
 29 for a carrier identification number shall be on ~~forms a form~~
 30 furnished by the department. Information provided in connection
 31 with ~~applications an application~~ for *a* carrier identification
 32 ~~numbers number~~ shall be updated by *a* motor ~~carriers carrier~~
 33 upon request from the department.

34 (b) The carrier identification number assigned to the motor
 35 carrier under whose operating authority or motor carrier permit
 36 the vehicle or combination of vehicles is being operated shall be
 37 displayed on both sides of each vehicle, or on both sides of at
 38 least one motor vehicle in each combination of the following
 39 vehicles ~~while engaged in intrastate commerce:~~

- 40 (1) Each vehicle set forth in Section 34500.

1 (2) ~~Any~~ A motortruck of two or more axles that is more than
2 10,000 pounds gross vehicle weight rating.

3 (3) Any other motortruck or motor vehicle used to transport
4 property for compensation.

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

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

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

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

17 (B) A valid operating authority number.

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

19 (3) (A) Have in the vehicle or combination of vehicles a copy
20 of the rental agreement entered into by the lessor and the vehicle
21 operator.

22 (B) The rental agreement shall be available for inspection
23 immediately upon the request of ~~any~~ *an* authorized employee of
24 the department ~~or any~~, *a* regularly employed and salaried police
25 officer or deputy sheriff, or ~~any~~ *a* reserve police officer or reserve
26 deputy sheriff listed ~~under~~ *pursuant to* Section 830.6 of the Penal
27 Code.

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

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

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

38 (1) ~~Vehicles~~ *A vehicle* described in subdivision (f) of Section
39 34500, ~~which are~~ *that is* operated by a private carrier as defined
40 in subdivision (d) of Section 34601, if the gross vehicle weight

1 rating of the towing vehicle is 10,000 pounds or less, or the
2 towing vehicle is a pickup truck, as defined in Section 471. This
3 exception does not apply to ~~a vehicle-combinations~~ *combination*
4 described in subdivision (k) of Section 34500.

5 (2) ~~Vehicles~~ *A vehicle* described in subdivision (g) of Section
6 34500, ~~which are~~ *that is* operated by a private carrier as defined
7 in subdivision (d) of Section 34601, if the hazardous material
8 transportation does not require the display of placards pursuant to
9 Section 27903, a license pursuant to Section 32000.5, or
10 hazardous waste hauler registration pursuant to Section 25163 of
11 the Health and Safety Code.

12 (3) ~~Historical vehicles~~ *A historical vehicle*, as described in
13 Section 5004, and ~~vehicles~~ *a vehicle* that ~~display~~ *displays* special
14 identification plates in accordance with Section 5011.

15 (4) ~~Implements~~ *An implement* of husbandry as defined in
16 Chapter 1 (commencing with Section 36000) of Division 16.

17 (5) ~~Vehicles~~ *A vehicle* owned or operated by an agency of the
18 federal government.

19 (6) ~~Pickup trucks~~ *A pickup truck*, as defined in Section 471,
20 and *a* two-axle daily rental ~~trucks~~ *truck* with *a* gross vehicle
21 weight ~~ratings~~ *rating* of less than 26,001 pounds, when operated
22 in noncommercial use.

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

24 (1) ~~Vehicles~~ *A vehicle* that ~~display~~ *displays* a valid ~~operating~~
25 ~~authority~~ or identification number assigned by the ~~former~~
26 ~~Interstate Commerce Commission, or the Federal Highway~~
27 ~~Administration, of the United States~~ *Secretary of the* Department
28 of Transportation.

29 (2) ~~Vehicles~~ *A vehicle* that ~~are~~ *is* regulated by, and that ~~display~~
30 *displays* a valid operating authority number issued by, the Public
31 Utilities Commission, including *a* household goods ~~carriers~~
32 *carrier* as defined in Section 5109 of the Public Utilities Code.

33 (3) ~~For-hire~~ *A for-hire* motor ~~carriers~~ *carrier* of passengers.

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

38 (h) The carrier identification number for ~~companies~~ *a*
39 *company* no longer in business, no longer operating with the
40 same name, or no longer operating under the same operating

1 authority, identification number, or motor carrier permit shall be
2 removed before sale, transfer, or other disposal of ~~any~~ a vehicle
3 marked pursuant to this section.

4 SEC. 18. Section 34517 of the Vehicle Code is amended to
5 read:

6 34517. (a) With respect to a commercial motor vehicle from
7 another country, ~~no~~ a person shall *not* operate the vehicle outside
8 the boundaries of a designated commercial zone unless the
9 required operating authority from the ~~Interstate Commerce~~
10 ~~Commission~~ *United States Secretary of the Department of*
11 *Transportation* has first been obtained.

12 (b) A violation of subdivision (a) is an infraction punishable
13 by a fine of one thousand dollars (\$1,000).

14 (c) Notwithstanding subdivision (b), a peace officer, as
15 defined in Chapter 4.5 (commencing with Section 830) of Title 3
16 of Part 2 of the Penal Code, shall issue a citation for a violation
17 of subdivision (a) to the driver of the vehicle and order the driver
18 of the vehicle to return the vehicle to its country of origin. The
19 peace officer may impound a vehicle cited ~~under~~ *pursuant to* this
20 section and its cargo until the citation and all charges related to
21 the impoundment are cleared. The impoundment charges are the
22 responsibility of the vehicle's owner.

23 (d) As used in this section, "designated commercial zone"
24 means a commercial zone, as defined in ~~Sections 1048.101 and~~
25 ~~1048.102~~ *Part 372 (commencing with Section 372.101)* of Title
26 49 of the Code of Federal Regulations.

27 SEC. 19. Section 34519 is added to the Vehicle Code, to
28 read:

29 34519. (a) A foreign motor carrier, foreign private motor
30 carrier, and foreign driver shall comply with the cabotage
31 requirements of the Bureau of Citizenship and Immigration
32 Services in the United States Department of Homeland Security,
33 as set forth in the Immigration and Nationality Act in Title 8 of
34 the Code of Federal Regulations. Purely domestic service or
35 solicitation, in competition with California or United States
36 motor carriers is prohibited.

37 (b) A foreign motor carrier or foreign private motor carrier
38 shall not provide point-to-point transportation services, including
39 express delivery services, within California or within the United
40 States for goods other than international cargo.

1 (c) A member of the department may impound a vehicle
2 operated in violation of this section and its cargo until the citation
3 and all charges related to the impoundment are cleared. The
4 impoundment charges are the responsibility of the vehicle's
5 owner.

6 SEC. 20. Section 40303 of the Vehicle Code is amended to
7 read:

8 40303. (a) Whenever ~~any~~ a person is arrested for any of the
9 offenses listed in subdivision (b) and the arresting officer is not
10 required to take the person without unnecessary delay before a
11 magistrate, the arrested person shall, in the judgment of the
12 arresting officer, either be given a 10 days' notice to appear, or
13 be taken without unnecessary delay before a magistrate within
14 the county in which the offense charged is alleged to have been
15 committed and who has jurisdiction of the offense and is nearest
16 or most accessible with reference to the place where the arrest is
17 made. The officer may require that the arrested person, if he or
18 she ~~has no~~ *does not have* satisfactory identification, place a right
19 thumbprint, or a left thumbprint or fingerprint if the person has a
20 missing or disfigured right thumb, on the 10 days' notice to
21 appear when a 10 days' notice is provided. Except for law
22 enforcement purposes relating to the identity of the arrestee, ~~no~~ a
23 person or entity ~~may~~ *shall not* sell, give away, allow the
24 distribution of, include in a database, or create a database with,
25 this print.

26 (b) Subdivision (a) applies to the following offenses:

27 (1) Section 10852 or 10853, relating to injuring or tampering
28 with a vehicle.

29 (2) Section 23103 or 23104, relating to reckless driving.

30 (3) Subdivision (a) of Section 2800, insofar as it relates to a
31 failure or refusal of the driver of a vehicle to stop and submit to
32 an inspection or test of the lights upon the vehicle ~~under pursuant~~
33 *to* Section 2804 ~~hereof, which~~ *that* is punishable as a
34 misdemeanor.

35 (4) Subdivision (a) of Section 2800, insofar as it relates to a
36 failure or refusal of the driver of a vehicle to stop and submit to a
37 brake test ~~which~~ *that* is punishable as a misdemeanor.

38 (5) Subdivision (a) of Section 2800, relating to the refusal to
39 submit vehicle and load to an inspection, measurement, or

1 weighing as prescribed in Section 2802 or a refusal to adjust the
2 load or obtain a permit as prescribed in Section 2803.

3 (6) Subdivision (a) of Section 2800, insofar as it relates to ~~any~~
4 a driver who continues to drive after being lawfully ordered not
5 to drive by a member of the *Department of the California*
6 Highway Patrol for violating the driver's hours of service or
7 driver's log regulations adopted pursuant to subdivision (a) of
8 Section 34501.

9 (7) Subdivision (b), (c), or (d) of Section 2800, relating to a
10 failure or refusal to comply with ~~any~~ a lawful out-of-service
11 order.

12 (8) Section 20002 or 20003, relating to duties in the event of
13 an accident.

14 (9) Section 23109, relating to participating in a speed ~~contests~~
15 *contest* or exhibition of speed.

16 (10) Section 14601, 14601.1, 14601.2, or 14601.5, relating to
17 driving while ~~license~~ *the privilege to operate a motor vehicle* is
18 suspended or revoked.

19 (11) When the person arrested has attempted to evade arrest.

20 (12) Section 23332, relating to persons upon vehicular
21 crossings.

22 (13) Section 2813, relating to the refusal to stop and submit a
23 vehicle to an inspection of its size, weight, and equipment.

24 (14) Section 21461.5, insofar as it relates to a pedestrian who,
25 after being cited for a violation of Section 21461.5, is, within 24
26 hours, again found upon the freeway in violation of Section
27 21461.5 and thereafter refuses to leave the freeway after being
28 lawfully ordered to do so by a peace officer and after having
29 been informed that his or her failure to leave could result in his or
30 her arrest.

31 (15) Subdivision (a) of Section 2800, insofar as it relates to a
32 pedestrian who, after having been cited for a violation of
33 subdivision (a) of Section 2800 for failure to obey a lawful order
34 of a peace officer issued pursuant to Section 21962, is within 24
35 hours again found upon the bridge or overpass and thereafter
36 refuses to leave after being lawfully ordered to do so by a peace
37 officer and after having been informed that his or her failure to
38 leave could result in his or her arrest.

39 (16) Section 21200.5, relating to riding a bicycle while under
40 the influence of an alcoholic beverage or ~~any~~ a drug.

1 (17) Section 21221.5, relating to operating a motorized scooter
2 while under the influence of an alcoholic beverage or ~~any~~ a drug.

3 (c) (1) A person contesting a charge by claiming under
4 penalty of perjury not to be the person issued the notice to appear
5 may choose to submit a right thumbprint, or a left thumbprint if
6 the person has a missing or disfigured right thumb, to the issuing
7 court through his or her local law enforcement agency for
8 comparison with the one placed on the notice to appear. A local
9 law enforcement agency providing this service may charge the
10 requester no more than the actual costs. The issuing court may
11 refer the thumbprint submitted and the notice to appear to the
12 prosecuting attorney for comparison of the thumbprints. When
13 there is no thumbprint or fingerprint on the notice to appear, or
14 when the comparison of thumbprints is inconclusive, the court
15 shall refer the notice to appear or copy thereof back to the issuing
16 agency for further investigation, unless the court finds that
17 referral is not in the interest of justice.

18 (2) Upon initiation of the investigation or comparison process
19 by referral of the court, the court shall continue the case and the
20 speedy trial period shall be tolled for 45 days.

21 (3) Upon receipt of the issuing agency's or prosecuting
22 attorney's response, the court may make a finding of factual
23 innocence pursuant to Section 530.6 of the Penal Code if the
24 court determines that there is insufficient evidence that the
25 person cited is the person charged and shall immediately notify
26 the Department of Motor Vehicles of its determination. If the
27 Department of Motor Vehicles determines the citation or
28 citations in question formed the basis of a suspension or
29 revocation of the person's driving privilege, the department shall
30 immediately set aside the action.

31 (4) If the prosecuting attorney or issuing agency fails to
32 respond to a court referral within 45 days, the court shall make a
33 finding of factual innocence pursuant to Section 530.6 of the
34 Penal Code, unless the court finds that a finding of factual
35 innocence is not in the interest of justice.

36 (5) The citation or notice to appear may be held by the
37 prosecuting attorney or issuing agency for future adjudication
38 should the arrestee who received the citation or notice to appear
39 be found.

1 SEC. 21. No reimbursement is required by this act pursuant
2 to Section 6 of Article XIII B of the California Constitution
3 because the only costs that may be incurred by a local agency or
4 school district will be incurred because this act creates a new
5 crime or infraction, eliminates a crime or infraction, or changes
6 the penalty for a crime or infraction, within the meaning of
7 Section 17556 of the Government Code, or changes the
8 definition of a crime within the meaning of Section 6 of Article
9 XIII B of the California Constitution.

O