

**Introduced by Senator Margett**

February 13, 2007

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An act to amend Section 35782 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 229, as introduced, Margett. Vehicles: large or heavy loads.

(1) Existing law authorizes the Department of Transportation or local authorities, with respect to highways in their respective jurisdictions, to issue a special permit authorizing an applicant to move a vehicle, combination of vehicles, or special equipment that exceeds the maximum size or weight allowed. The department or local authorities are authorized to require extra insurance or other financial security as a condition for a permit for unusually large or heavy loads that pose a substantial risk to public facilities.

This bill would require a local authority to use certain specified criteria in determining whether extra insurance or other financial security is required by an unusually large or heavy load that poses a substantial risk to public facilities.

(2) Because this bill would impose new duties on local governments with respect to required criteria to determine whether extra insurance or other financial security is required by an unusually large or heavy load that poses a substantial risk to public facilities, this bill would impose a state-mandated local program.

(3) 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

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 35782 of the Vehicle Code is amended  
2 to read:

3 35782. (a) The Department of Transportation or a local  
4 authority may issue or withhold the permit at its discretion, or, if  
5 the permit is issued, do any of the following when necessary to  
6 protect against injury to the road, foundations, surfaces, or  
7 structures:

- 8 (1) Limit the number of trips.
- 9 (2) Establish seasonal or other time limitations within which  
10 the vehicle or vehicles described may be operated on the highways  
11 indicated.
- 12 (3) Otherwise limit or prescribe conditions of operation of the  
13 vehicle.

14 (b) The Department of Transportation or a local authority may  
15 not require the posting of a bond as a condition of the issuance of  
16 a permit, except that a requirement of extra insurance or other  
17 financial security may be imposed as a condition for a permit for  
18 unusually large or heavy loads that pose a substantial risk to public  
19 facilities.

20 (c) Except as provided in subdivision (b), the Department of  
21 Transportation or a local authority may not require proof of  
22 financial responsibility in an amount greater than that required for  
23 compliance with Section 16500.5 as a condition of the permit, and  
24 shall accept evidence of financial responsibility that complies with  
25 Section 16020.

26 (d) *For the purposes of determining whether, under subdivision*  
27 *(b), extra insurance or other financial security is required by an*  
28 *unusually large or heavy load, a local authority shall be governed*  
29 *by the criteria set forth in subdivision (b) of Section 1411.3 of Title*  
30 *21 of the California Code of Regulations.*

31 SEC. 2. If the Commission on State Mandates determines that  
32 this act contains costs mandated by the state, reimbursement to

1 local agencies and school districts for those costs shall be made  
2 pursuant to Part 7 (commencing with Section 17500) of Division  
3 4 of Title 2 of the Government Code.

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