

AMENDED IN SENATE JUNE 11, 2009

AMENDED IN ASSEMBLY APRIL 23, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 237

Introduced by Assembly Member Carter

February 6, 2009

An act to amend Section 2810 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 237, as amended, Carter. Vehicles: inspection of ~~loads: metal products:~~ *loads*.

(1) Existing law authorizes the Department of the California Highway Patrol to stop a vehicle transporting timber products, livestock, poultry, farm produce, crude oil, petroleum products, or inedible kitchen grease and inspect certain documents to determine whether the driver is in legal possession of the load, and, upon reasonable belief that the driver of the vehicle is not in legal possession, to take custody of the vehicle and load, as prescribed, and imposes duties on the sheriff with respect to the care and safekeeping of those products.

This bill would make those provisions applicable with regard to a vehicle that is transporting metal products *or metal alloy products*. By imposing additional duties on a sheriff regarding the care and safekeeping of metal products *and metal alloy products*, this bill would impose a state-mandated local program.

The bill additionally would authorize a member of a city police department and a member of the county sheriff's office, *whose primary*

responsibility is to conduct theft investigations, to stop and inspect vehicles transporting *any of those loads*.

(2) 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 2810 of the Vehicle Code is amended to
2 read:

3 2810. (a) A member of the California Highway Patrol, a
4 member of a city police department *whose primary responsibility*
5 *is to conduct theft investigations*, or a member of a county’s
6 sheriff’s office *whose primary responsibility is to conduct theft*
7 *investigations* may stop a vehicle transporting timber products,
8 livestock, poultry, farm produce, crude oil, petroleum products,
9 metal products, *metal alloy products*, or inedible kitchen grease,
10 and inspect the bills of lading, shipping or delivery papers, or other
11 evidence to determine whether the driver is in legal possession of
12 the load, and, upon reasonable belief that the driver of the vehicle
13 is not in legal possession, shall take custody of the vehicle and
14 load and turn them over to the custody of the sheriff of the county
15 in which the timber products, livestock, poultry, farm produce,
16 crude oil, petroleum products, metal products, *metal alloy products*,
17 or inedible kitchen grease, or any part of those loads, is
18 apprehended.

19 (b) The sheriff shall receive and provide for the care and
20 safekeeping of the apprehended timber products, livestock, poultry,
21 farm produce, crude oil, petroleum products, metal products, *metal*
22 *alloy products*, or inedible kitchen grease, or any *part* of those
23 loads, and immediately, in cooperation with the department or a
24 city police department, proceed with an investigation and its legal
25 disposition.

1 (c) Any expense incurred by the sheriff in the performance of
2 his or her duties under this section shall be a legal charge against
3 the county.

4 SEC. 2. If the Commission on State Mandates determines that
5 this act contains costs mandated by the state, reimbursement to
6 local agencies and school districts for those costs shall be made
7 pursuant to Part 7 (commencing with Section 17500) of Division
8 4 of Title 2 of the Government Code.

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