

AMENDED IN SENATE JUNE 30, 2009

AMENDED IN SENATE JUNE 8, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 282

Introduced by Committee on Transportation (Eng (Chair), Jeffries (Vice Chair), Blumenfield, Buchanan, Conway, Furutani, Galgiani, Garrick, Bonnie Lowenthal, Miller, Niello, John A. Perez, Solorio, and Torlakson)

February 12, 2009

An act to amend Section 8879.23 of the Government Code, to amend Section 20209.11 of the Public Contract Code, to amend Section 99243 of the Public Utilities Code, and to amend Sections ~~546~~, 13005, 21100.4, and 27602 of the Vehicle Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 282, as amended, Committee on Transportation. Transportation.

(1) The Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 authorizes the issuance of \$19.925 billion in general obligation bonds for various transportation improvements, of which \$2 billion are to be allocated, upon appropriation by the Legislature, to cities and counties for specified street and road improvements. The act requires a city or county to reimburse the state for funds it receives if it fails to comply with certain conditions applicable to the expenditure of the bond funds.

This bill would require any interest or other return earned by a city or county from investment of bond funds received under these provisions to be expended or reimbursed under the same conditions as are applicable to the bond funds themselves.

(2) The Mills-Alquist-Deddeh Act requires transit operators to file an annual report of their operation with the transportation planning agencies having jurisdiction over them and the Controller within 90 days after the close of the operator's fiscal year.

This bill would extend the filing deadline from 90 days to 110 days after the close of the operator's fiscal year if the report is filed electronically.

~~(3) The driver of a school pupil activity bus is subject to regulations governing schoolbus drivers, with certain exceptions. For purposes of the Vehicle Code, existing law defines a "school pupil activity bus" as a motor vehicle, other than a schoolbus, operated by a common carrier, by and under the exclusive jurisdiction of a publicly owned or operated transit system, or by a passenger charter-party carrier, used under a contractual agreement between a school and carrier to transport school pupils at or below the 12th grade level to or from a public or private school activity, or to or from residential schools, as specified.~~

~~This bill would additionally include in the definition of a "school pupil activity bus" a similarly used motor vehicle operated by and under the exclusive jurisdiction of a municipal public safety agency.~~

~~(4)~~

(3) Existing law establishes a process by which a licensed driver may grant consent to be an organ and tissue donor upon death and allows the potential donor to limit the donation to specific organs, tissues, or research. Similar provisions, except for the reference to research, apply to holders of the identification card issued by the Department of Motor Vehicles.

This bill would conform the identification card donor provisions to the provisions governing licensed drivers by also authorizing the donor to limit the donation to research.

~~(5)~~

(4) Existing law requires a magistrate, who is presented with the affidavit of a peace officer or a designated local transportation officer, as defined, establishing reasonable cause to believe that a vehicle, described by vehicle type and license number, is being operated as a taxicab or other passenger vehicle for hire in violation of the licensing requirements adopted by a local authority, to issue a warrant or order authorizing a peace officer or designated local transportation officer to immediately seize and cause the removal of the vehicle.

This bill would make technical, nonsubstantive changes to this provision.

~~(6)~~

(5) Existing law prohibits a person from driving a motor vehicle if a television receiver, a video monitor, or a television or video screen, or any other similar means of visually displaying a television broadcast or video signal that produces entertainment or business applications, is operating and is located in the motor vehicle at any point forward of the back of the driver's seat, or is operating and visible to the driver while driving the motor vehicle, with certain exceptions.

This bill would add to the exceptions to the prohibition in existing law a mobile digital terminal installed in a vehicle owned or operated by specified corporate entities, including, among other entities, a sewer system corporation, as defined, a water corporation, as defined, or a city, joint powers agency, or special district, if that local entity uses the vehicle solely in the provision of sewer service, gas service, water service, or wastewater service, and the terminal is fitted with an opaque covering that does not allow the driver to view the display while driving, or when the vehicle is deployed in an emergency to respond to an interruption or impending interruption of specified services.

~~(7)~~

(6) Under existing law, with certain exceptions, a violation of the Vehicle Code is a crime.

Because this bill would change the definition of an existing crime, the bill would impose a state-mandated local program.

~~(8)~~

(7) 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 8879.23 of the Government Code is
2 amended to read:

3 8879.23. The Highway Safety, Traffic Reduction, Air Quality,
4 and Port Security Fund of 2006 is hereby created in the State
5 Treasury. The Legislature intends that the proceeds of bonds
6 deposited in the fund shall be used to fund the mobility, safety,

1 and air quality improvements described in this article over the
2 course of the next decade. The proceeds of bonds issued and sold
3 pursuant to this chapter for the purposes specified in this chapter
4 shall be allocated in the following manner:

5 (a) (1) Four billion five hundred million dollars
6 (\$4,500,000,000) shall be deposited in the Corridor Mobility
7 Improvement Account, which is hereby created in the fund. Funds
8 in the account shall be available to the California Transportation
9 Commission, upon appropriation in the annual Budget Bill by the
10 Legislature, for allocation for performance improvements on highly
11 congested travel corridors in California. Funds in the account shall
12 be used for performance improvements on the state highway
13 system, or major access routes to the state highway system on the
14 local road system that relieve congestion by expanding capacity,
15 enhancing operations, or otherwise improving travel times within
16 these high-congestion travel corridors, as identified by the
17 department and regional or local transportation agencies, pursuant
18 to the process in paragraph (3) or (4), as applicable.

19 (2) The commission shall develop and adopt guidelines, by
20 December 1, 2006, including regional programming targets, for
21 the program funded by this subdivision, and shall allocate funds
22 from the account to projects after reviewing project nominations
23 submitted by the Department of Transportation and by regional
24 transportation planning agencies or county transportation
25 commissions or authorities pursuant to paragraph (4).

26 (3) Subject to the guidelines adopted pursuant to paragraph (2),
27 the department shall nominate, by no later than January 15, 2007,
28 projects for the allocation of funds from the account on a statewide
29 basis. The department's nominations shall be geographically
30 balanced and shall reflect the department's assessment of a program
31 that best meets the policy objectives described in paragraph (1).

32 (4) Subject to the guidelines adopted pursuant to paragraph (2),
33 a regional transportation planning agency or county transportation
34 commission or authority responsible for preparing a regional
35 transportation improvement plan under Section 14527 may
36 nominate projects identified pursuant to paragraph (1) that best
37 meet the policy objectives described in that paragraph for funding
38 from the account. Projects nominated pursuant to this paragraph
39 shall be submitted to the commission for consideration for funding
40 by no later than January 15, 2007.

(5) All nominations to the California Transportation Commission shall be accompanied by documentation regarding the quantitative and qualitative measures validating each project's consistency with the policy objectives described in paragraph (1). All projects nominated to the commission for funds from this account shall be included in a regional transportation plan.

(6) After review of the project nominations, and supporting documentation, the commission, by no later than March 1, 2007, shall adopt an initial program of projects to be funded from the account. This program may be updated every two years in conjunction with the biennial process for adoption of the state transportation improvement program pursuant to guidelines adopted by the commission. The inclusion of a project in the program shall be based on a demonstration that the project meets all of the following criteria:

(A) Is a high-priority project in the corridor as demonstrated by either of the following: (i) its inclusion in the list of nominated projects by both the department pursuant to paragraph (3) and the regional transportation planning agency or county transportation commission or authority, pursuant to paragraph (4); or (ii) if needed to fully fund the project, the identification and commitment of supplemental funding to the project from other state, local, or federal funds.

(B) Can commence construction or implementation no later than December 31, 2012.

(C) Improves mobility in a high-congestion corridor by improving travel times or reducing the number of daily vehicle hours of delay, improves the connectivity of the state highway system between rural, suburban, and urban areas, or improves the operation or safety of a highway or road segment.

(D) Improves access to jobs, housing, markets, and commerce.

(7) Where competing projects offer similar mobility improvements to a specific corridor, the commission shall consider additional benefits when determining which project shall be included in the program for funding. These benefits shall include, but are not limited to, the following:

(A) A finding that the project provides quantifiable air quality benefits.

(B) A finding that the project substantially increases the safety for travelers in the corridor.

(8) In adopting a program for funding pursuant to this subdivision, the commission shall make a finding that the program is geographically balanced, consistent with the geographic split for funding described in Section 188 of the Streets and Highways Code; provides mobility improvements in highly traveled or highly congested corridors in all regions of California; and targets bond proceeds in a manner that provides the increment of funding necessary, when combined with other state, local, or federal funds, to provide the mobility benefit in the earliest possible timeframe.

(9) The commission shall include in its annual report to the Legislature, required by Section 14535, a summary of its activities related to the administration of this program. The summary should, at a minimum, include a description and the location of the projects contained in the program, the amount of funds allocated to each project, the status of each project, and a description of the mobility improvements the program is achieving.

(b) One billion dollars (\$1,000,000,000) shall be made available, upon appropriation in the annual Budget Bill by the Legislature, to the department for improvements to State Route 99. Funds may be used for safety, operational enhancements, rehabilitation, or capacity improvements necessary to improve the State Route 99 corridor traversing approximately 400 miles of the central valley of this state.

(c) Three billion one hundred million dollars (\$3,100,000,000) shall be deposited in the California Ports Infrastructure, Security, and Air Quality Improvement Account, which is hereby created in the fund. The money in the account shall be available, upon appropriation by the Legislature and subject to such conditions and criteria as the Legislature may provide by statute, as follows:

(1) (A) Two billion dollars (\$2,000,000,000) shall be transferred to the Trade Corridors Improvement Fund, which is hereby created. The money in this fund shall be available, upon appropriation in the annual Budget Bill by the Legislature and subject to such conditions and criteria as the Legislature may provide by statute, for allocation by the California Transportation Commission for infrastructure improvements along federally designated "Trade Corridors of National Significance" in this state or along other corridors within this state that have a high volume of freight movement, as determined by the commission. In determining projects eligible for funding, the commission shall consult the trade

infrastructure and goods movement plan submitted to the commission by the Secretary of Business, Transportation and Housing and the Secretary for Environmental Protection. No moneys shall be allocated from this fund until the report is submitted to the commission for its consideration, provided the report is submitted no later than January 1, 2007. The commission shall also consult trade infrastructure and goods movement plans adopted by regional transportation planning agencies, adopted regional transportation plans required by state and federal law, and the statewide port master plan prepared by the California Marine and Intermodal Transportation System Advisory Council (Cal-MITSAC) pursuant to Section 1760 of the Harbors and Navigation Code, when determining eligible projects for funding. Eligible projects for these funds include, but are not limited to, all of the following:

(i) Highway capacity improvements and operational improvements to more efficiently accommodate the movement of freight, particularly for ingress and egress to and from the state's seaports, including navigable inland waterways used to transport freight between seaports, land ports of entry, and airports, and to relieve traffic congestion along major trade or goods movement corridors.

(ii) Freight rail system improvements to enhance the ability to move goods from seaports, land ports of entry, and airports to warehousing and distribution centers throughout California, including projects that separate rail lines from highway or local road traffic, improve freight rail mobility through mountainous regions, relocate rail switching yards, and other projects that improve the efficiency and capacity of the rail freight system.

(iii) Projects to enhance the capacity and efficiency of ports.

(iv) Truck corridor improvements, including dedicated truck facilities or truck toll facilities.

(v) Border access improvements that enhance goods movement between California and Mexico and that maximize the state's ability to access coordinated border infrastructure funds made available to the state by federal law.

(vi) Surface transportation improvements to facilitate the movement of goods to and from the state's airports.

(B) The commission shall allocate funds for trade infrastructure improvements from the account in a manner that (i) addresses the

1 state's most urgent needs, (ii) balances the demands of various
2 ports (between large and small ports, as well as between seaports,
3 airports, and land ports of entry), (iii) provides reasonable
4 geographic balance between the state's regions, and (iv) places
5 emphasis on projects that improve trade corridor mobility while
6 reducing emissions of diesel particulate and other pollutant
7 emissions. In addition, the commission shall also consider the
8 following factors when allocating these funds:

9 (i) "Velocity," which means the speed by which large cargo
10 would travel from the port through the distribution system.

11 (ii) "Throughput," which means the volume of cargo that would
12 move from the port through the distribution system.

13 (iii) "Reliability," which means a reasonably consistent and
14 predictable amount of time for cargo to travel from one point to
15 another on any given day or at any given time in California.

16 (iv) "Congestion reduction," which means the reduction in
17 recurrent daily hours of delay to be achieved.

18 (C) The commission shall allocate funds made available by this
19 paragraph to projects that have identified and committed
20 supplemental funding from appropriate local, federal, or private
21 sources. The commission shall determine the appropriate amount
22 of supplemental funding each project should have to be eligible
23 for moneys from this fund based on a project-by-project review
24 and an assessment of the project's benefit to the state and the
25 program. Except for border access improvements described in
26 clause (v) of subparagraph (A), improvements funded with moneys
27 from this fund shall have supplemental funding that is at least equal
28 to the amount of the contribution from the fund. The commission
29 may give priority for funding to projects with higher levels of
30 committed supplemental funding.

31 (D) The commission shall include in its annual report to the
32 Legislature, required by Section 14535, a summary of its activities
33 related to the administration of this program. The summary should,
34 at a minimum, include a description and the location of the projects
35 contained in the program, the amount of funds allocated to each
36 project, the status of each project, and a description of the mobility
37 and air quality improvements the program is achieving.

38 (2) One billion dollars (\$1,000,000,000) shall be made available,
39 upon appropriation by the Legislature and subject to such
40 conditions and criteria contained in a statute enacted by the

Legislature, to the State Air Resources Board for emission reductions, not otherwise required by law or regulation, from activities related to the movement of freight along California's trade corridors. Funds made available by this paragraph are intended to supplement existing funds used to finance strategies and public benefit projects that reduce emissions and improve air quality in trade corridors commencing at the state's airports, seaports, and land ports of entry.

(3) One hundred million dollars (\$100,000,000) shall be available, upon appropriation by the Legislature, to the Office of Emergency Services to be allocated, as grants, for port, harbor, and ferry terminal security improvements. Eligible applicants shall be publicly owned ports, harbors, and ferryboat and ferry terminal operators, which may submit applications for projects that include, but are not limited to, the following:

- (A) Video surveillance equipment.
- (B) Explosives detection technology, including, but not limited to, X-ray devices.
- (C) Cargo scanners.
- (D) Radiation monitors.
- (E) Thermal protective equipment.
- (F) Site identification instruments capable of providing a fingerprint for a broad inventory of chemical agents.
- (G) Other devices capable of detecting weapons of mass destruction using chemical, biological, or other similar substances.
- (H) Other security equipment to assist in any of the following:
 - (i) Screening of incoming vessels, trucks, and incoming or outbound cargo.
 - (ii) Monitoring the physical perimeters of harbors, ports, and ferry terminals.
 - (iii) Providing or augmenting onsite emergency response capability.
- (I) Overweight cargo detection equipment, including, but not limited to, intermodal crane scales and truck weight scales.
- (J) Developing disaster preparedness or emergency response plans.

The Office of Emergency Services shall report to the Legislature on March 1 of each year on the manner in which the funds available pursuant to this paragraph were expended for that fiscal year.

1 (d) Two hundred million dollars (\$200,000,000) shall be
2 available, upon appropriation by the Legislature, for schoolbus
3 retrofit and replacement to reduce air pollution and to reduce
4 children's exposure to diesel exhaust.

5 (e) Two billion dollars (\$2,000,000,000) shall be available for
6 projects in the state transportation improvement program, to
7 augment funds otherwise available for this purpose from other
8 sources. The funds provided by this subdivision shall be deposited
9 in the Transportation Facilities Account which is hereby created
10 in the fund, and shall be available, upon appropriation by the
11 Legislature, to the Department of Transportation, as allocated by
12 the California Transportation Commission in the same manner as
13 funds allocated for those projects under existing law.

14 (f) (1) Four billion dollars (\$4,000,000,000) shall be deposited
15 in the Public Transportation Modernization, Improvement, and
16 Service Enhancement Account, which is hereby created in the
17 fund. Funds in the account shall be made available, upon
18 appropriation by the Legislature, to the Department of
19 Transportation for intercity rail projects and to commuter or urban
20 rail operators, bus operators, waterborne transit operators, and
21 other transit operators in California for rehabilitation, safety or
22 modernization improvements, capital service enhancements or
23 expansions, new capital projects, bus rapid transit improvements,
24 or for rolling stock procurement, rehabilitation, or replacement.

25 (2) Of the funds made available in paragraph (1), four hundred
26 million dollars (\$400,000,000) shall be available, upon
27 appropriation by the Legislature, to the department for intercity
28 rail improvements, of which one hundred twenty-five million
29 dollars (\$125,000,000) shall be used for the procurement of
30 additional intercity railcars and locomotives.

31 (3) Of the funds remaining after the allocations in paragraph
32 (2), 50 percent shall be distributed to the Controller, for allocation
33 to eligible agencies using the formula in Section 99314 of the
34 Public Utilities Code, and 50 percent shall be distributed to the
35 Controller, for allocation to eligible agencies using the formula in
36 Section 99313 of the Public Utilities Code, subject to the provisions
37 governing funds allocated under those sections.

38 (g) One billion dollars (\$1,000,000,000) shall be deposited in
39 the State-Local Partnership Program Account, which is hereby
40 created in the fund. The funds shall be available, upon

1 appropriation by the Legislature and subject to such conditions
2 and criteria as the Legislature may provide by statute, for allocation
3 by the California Transportation Commission over a five-year
4 period to eligible transportation projects nominated by an applicant
5 transportation agency. A dollar-for-dollar match of local funds
6 shall be required for an applicant transportation agency to receive
7 state funds under this program.

8 (h) One billion dollars (\$1,000,000,000) shall be deposited in
9 the Transit System Safety, Security, and Disaster Response
10 Account, which is hereby created in the fund. Funds in the account
11 shall be made available, upon appropriation by the Legislature and
12 subject to such conditions and criteria as the Legislature may
13 provide by statute, for capital projects that provide increased
14 protection against a security and safety threat, and for capital
15 expenditures to increase the capacity of transit operators, including
16 waterborne transit operators, to develop disaster response
17 transportation systems that can move people, goods, and emergency
18 personnel and equipment in the aftermath of a disaster impairing
19 the mobility of goods, people, and equipment.

20 (i) One hundred twenty-five million dollars (\$125,000,000)
21 shall be deposited in the Local Bridge Seismic Retrofit Account,
22 which is hereby created in the fund. The funds in the account shall
23 be used, upon appropriation by the Legislature, to provide the 11.5
24 percent required match for federal Highway Bridge Replacement
25 and Repair funds available to the state for seismic work on local
26 bridges, ramps, and overpasses, as identified by the Department
27 of Transportation.

28 (j) (1) Two hundred fifty million dollars (\$250,000,000) shall
29 be deposited in the Highway-Railroad Crossing Safety Account,
30 which is hereby created in the fund. Funds in the account shall be
31 available, upon appropriation by the Legislature, to the Department
32 of Transportation for the completion of high-priority grade
33 separation and railroad crossing safety improvements. Funds in
34 the account shall be made available for allocation pursuant to the
35 process established in Chapter 10 (commencing with Section 2450)
36 of Division 3 of the Streets and Highways Code, except that a
37 dollar-for-dollar match of nonstate funds shall be provided for
38 each project, and the limitation on maximum project cost in
39 subdivision (g) of Section 2454 of the Streets and Highways Code
40 shall not be applicable to projects funded with these funds.

(2) Notwithstanding the funding allocation process described in paragraph (1), in consultation with the department and the Public Utilities Commission, the California Transportation Commission shall allocate one hundred million dollars (\$100,000,000) of the funds in the account to high-priority railroad crossing improvements, including grade separation projects, that are not part of the process established in Chapter 10 (commencing with Section 2450) of Division 3 of the Streets and Highways Code. The allocation of funds under this paragraph shall be made in consultation and coordination with the High-Speed Rail Authority created pursuant to Division 19.5 (commencing with Section 185000) of the Public Utilities Code.

(k) (1) Seven hundred fifty million dollars (\$750,000,000) shall be deposited in the Highway Safety, Rehabilitation, and Preservation Account, which is hereby created in the fund. Funds in the account shall be available, upon appropriation by the Legislature, to the Department of Transportation, as allocated by the California Transportation Commission, for the purposes of the state highway operation and protection program as described in Section 14526.5.

(2) The department shall develop a program for distribution of two hundred fifty million dollars (\$250,000,000) from the funds identified in paragraph (1) to fund traffic light synchronization projects or other technology-based improvements to improve safety, operations, and the effective capacity of local streets and roads.

(l) (1) Two billion dollars (\$2,000,000,000) shall be deposited in the Local Streets and Road Improvement, Congestion Relief, and Traffic Safety Account of 2006, which is hereby created in the fund. The proceeds of bonds deposited into that account shall be available, upon appropriation by the Legislature, for the purposes specified in this subdivision to the Controller for administration and allocation in the fiscal year in which the bonds are issued and sold, including any interest or other return earned on the investment of those moneys, in the following manner:

(A) Fifty percent to the counties, including a city and county, in accordance with the following formulas:

(i) Seventy-five percent of the funds payable under this subparagraph shall be apportioned among the counties in the proportion that the number of fee-paid and exempt vehicles that

1 are registered in the county bears to the number of fee-paid and
2 exempt vehicles registered in the state.

3 (ii) Twenty-five percent of the funds payable under this
4 subparagraph shall be apportioned among the counties in the
5 proportion that the number of miles of maintained county roads
6 in each county bears to the total number of miles of maintained
7 county roads in the state. For the purposes of apportioning funds
8 under this clause, any roads within the boundaries of a city and
9 county that are not state highways shall be deemed to be county
10 roads.

11 (B) Fifty percent to the cities, including a city and county,
12 apportioned among the cities in the proportion that the total
13 population of the city bears to the total population of all the cities
14 in the state, provided, however, that the Controller shall allocate
15 a minimum of four hundred thousand dollars (\$400,000) to each
16 city, pursuant to this subparagraph.

17 (2) Funds received under this subdivision shall be deposited as
18 follows in order to avoid the commingling of those funds with
19 other local funds:

20 (A) In the case of a city, into the city account that is designated
21 for the receipt of state funds allocated for local streets and roads.

22 (B) In the case of an eligible county, into the county road fund.

23 (C) In the case of a city and county, into a local account that is
24 designated for the receipt of state funds allocated for local streets
25 and roads.

26 (3) For the purpose of allocating funds under this subdivision
27 to cities and a city and county, the Controller shall use the most
28 recent population estimates prepared by the Demographic Research
29 Unit of the Department of Finance. For a city that incorporated
30 after January 1, 1998, that does not appear on the most recent
31 population estimates prepared by the Demographic Research Unit,
32 the Controller shall use the population determined for that city
33 under Section 11005.3 of the Revenue and Taxation Code.

34 (4) Funds apportioned to a city, county, or city and county under
35 this subdivision, including any interest or other return earned on
36 the investment of those funds, shall be used for improvements to
37 transportation facilities that will assist in reducing local traffic
38 congestion and further deterioration, improving traffic flows, or
39 increasing traffic safety that may include, but not be limited to,
40 street and highway pavement maintenance, rehabilitation,

1 installation, construction and reconstruction of necessary associated
2 facilities such as drainage and traffic control devices, or the
3 maintenance, rehabilitation, installation, construction and
4 reconstruction of facilities that expand ridership on transit systems,
5 safety projects to reduce fatalities, or as a local match to obtain
6 state or federal transportation funds for similar purposes.

7 (5) At the conclusion of each fiscal year during which a city or
8 county expends the funds it has received under this subdivision,
9 including any interest or other return earned on the investment of
10 these funds, the Controller may verify the city's or county's
11 compliance with paragraph (4). Any city or county that has not
12 complied with paragraph (4) shall reimburse the state for the funds
13 it received during that fiscal year, including any interest or other
14 return earned on the investment of these funds. Any funds withheld
15 or returned as a result of a failure to comply with paragraph (4)
16 shall be reallocated to the other counties and cities whose
17 expenditures are in compliance.

18 SEC. 2. Section 20209.11 of the Public Contract Code is
19 amended to read:

20 20209.11. (a) The minimum performance criteria and design
21 standards established pursuant to this article by a transit operator
22 for quality, durability, longevity, life-cycle costs, and other criteria
23 deemed appropriate by the transit operator shall be adhered to by
24 the design-build entity. Any deviations from those standards may
25 only be allowed by written consent of the transit operator. The
26 transit operator may retain the services of a design professional
27 through the course of the project in order to ensure compliance
28 with this article.

29 (b) The total price of the project shall be determined pursuant
30 to subdivision (f) of Section 20209.7.

31 SEC. 3. Section 99243 of the Public Utilities Code is amended
32 to read:

33 99243. (a) The Controller, in cooperation with the department
34 and the operators, shall design and adopt a uniform system of
35 accounts and records, from which the operators shall prepare and
36 submit annual reports of their operation to the transportation
37 planning agencies having jurisdiction over them and to the
38 Controller within 90 days of the end of the fiscal year. If the report
39 is filed in electronic format as prescribed by the Controller, the
40 report shall be furnished within 110 days after the close of each

1 fiscal year. The report shall specify (1) the amount of revenue
2 generated from each source and its application for the prior fiscal
3 year and (2) the data necessary to determine which section, with
4 respect to Sections 99268.1, 99268.2, 99268.3, 99268.4, 99268.5,
5 and 99268.9, the operator is required to be in compliance with in
6 order to be eligible for funds under this article.

7 (b) As a supplement to the annual report prepared pursuant to
8 subdivision (a), each operator shall include an estimate of the
9 amount of revenues to be generated from each source and its
10 proposed application for the next fiscal year, and a report on the
11 extent to which it has contracted with the Prison Industry Authority,
12 including the nature and dollar amounts of all contracts entered
13 into during the reporting period and proposed for the next reporting
14 period.

15 (c) The Controller shall instruct the county auditor to withhold
16 payments from the fund to an operator that has not submitted its
17 annual report to the Controller within the time specified by
18 subdivision (a).

19 (d) In establishing the uniform system of accounts and records,
20 the Controller shall include the data required by the United States
21 Department of Transportation and the department.

22 (e) Notwithstanding any other law or any regulation, including
23 any California Code of Regulations provision, the City of South
24 Lake Tahoe and the City of Huntington Beach may select, for
25 purposes of this chapter, on a one-time basis, a fiscal year that
26 does not end on June 30. After the city has sent a written notice
27 to the Secretary of Business, Transportation and Housing and the
28 Controller that the city has selected a fiscal year other than one
29 ending on June 30, the fiscal year selected by the city shall be its
30 fiscal year for all reports required by the state under this chapter.

31 ~~SEC. 4. Section 546 of the Vehicle Code is amended to read:~~

32 ~~546. (a) (1) A "school pupil activity bus" is a motor vehicle,~~
33 ~~other than a schoolbus, operated by a common carrier, or by and~~
34 ~~under the exclusive jurisdiction of a publicly owned or operated~~
35 ~~transit system or a municipal public safety agency, or by a~~
36 ~~passenger charter-party carrier, used under a contractual agreement~~
37 ~~between a school and carrier to transport school pupils at or below~~
38 ~~the 12th-grade level to or from a public or private school activity,~~
39 ~~or used to transport pupils to or from residential schools, when the~~
40 ~~pupils are received and discharged at off-highway locations where~~

1 a parent or adult designated by the parent is present to accept the
2 pupil or place the pupil on the bus.

3 (2) ~~As used in this subdivision, common carrier, publicly owned~~
4 ~~or operated transit system, and passenger charter-party carrier refer~~
5 ~~to carriers in business for the principal purpose of transporting~~
6 ~~members of the public on a commercial basis.~~

7 (b) ~~This section does not apply to a motor vehicle operated by~~
8 ~~a carrier licensed by the Interstate Commerce Commission that is~~
9 ~~transporting pupils on a school activity trip entering or returning~~
10 ~~to the state from another state or country.~~

11 (c) ~~The driver of a school pupil activity bus is subject to the~~
12 ~~regulations adopted by the Department of the California Highway~~
13 ~~Patrol governing schoolbus drivers, except that the regulations~~
14 ~~shall not require drivers to duplicate training or schooling that they~~
15 ~~have otherwise received that is equivalent to that required pursuant~~
16 ~~to the regulations, and the regulations shall not require drivers to~~
17 ~~take training in first aid. However, a valid certificate to drive a~~
18 ~~school pupil activity bus shall not entitle the bearer to drive a~~
19 ~~schoolbus.~~

20 SEC. 5:

21 SEC. 4. Section 13005 of the Vehicle Code is amended to read:

22 13005. (a) The identification card shall resemble in appearance,
23 so far as is practicable, a driver's license issued pursuant to this
24 code. It shall adequately describe the applicant, bear his or her
25 picture, and be produced in color or engraved by a process or
26 processes that prohibit, as near as possible, the ability to alter or
27 reproduce the identification card, or prohibit the ability to
28 superimpose a picture or photograph on the identification card
29 without ready detection.

30 (b) (1) Upon issuance of a new identification card, or renewal
31 of an identification card, the department shall provide information
32 on organ and tissue donation, including a standardized form to be
33 filled out by an individual who desires to enroll in the California
34 Organ and Tissue Donor Registry with instructions for mailing
35 the completed form to the California Organ and Tissue Donor
36 Registrar established pursuant to subdivision (a) of Section 7150.90
37 of the Health and Safety Code.

38 (2) The enrollment form shall be simple in design and shall be
39 produced by the department, in cooperation with the California

1 Organ and Tissue Donor Registrar, and shall require all of the
2 following information to be supplied by the enrollee:

3 (A) Date of birth, sex, full name, address, and home telephone
4 number.

5 (B) Consent for organs or tissues to be donated for transplant
6 after death.

7 (C) Any limitation of the donation to specific organs, tissues,
8 or research.

9 (3) The form shall also include a description of the process for
10 having a name removed from the registry, and the process for
11 donating money for the benefit of the registry.

12 (4) The ~~Internet~~ registry enrollment form shall be posted on the
13 *Internet* Web sites for the department and the California Health
14 and Human Services Agency.

15 (5) The form shall constitute a legal document under the
16 Uniform Anatomical Gift Act (Chapter 3.5 (commencing with
17 Section 7150) of Part 1 of Division 7 of the Health and Safety
18 Code).

19 (6) The registrar shall ensure that all additions and deletions to
20 the registry shall occur within 30 days of receipt.

21 (7) Information obtained by the registrar for the purposes of
22 this subdivision shall be used for these purposes only and shall not
23 further be disseminated by the registrar.

24 (c) A contract shall not be awarded to a nongovernmental entity
25 for the processing of identification cards unless the contract
26 conforms to all applicable state contracting laws and all applicable
27 procedures set forth in the State Contracting Manual.

28 ~~SEC. 6.~~

29 *SEC. 5.* Section 21100.4 of the Vehicle Code is amended to
30 read:

31 21100.4. (a) (1) A magistrate presented with the affidavit of
32 a peace officer or a designated local transportation officer
33 establishing reasonable cause to believe that a vehicle, described
34 by vehicle type and license number, is being operated as a taxicab
35 or other passenger vehicle for hire in violation of licensing
36 requirements adopted by a local authority under subdivision (b)
37 of Section 21100 shall issue a warrant or order authorizing a peace
38 officer or designated local transportation officer to immediately
39 seize and cause the removal of the vehicle. As used in this section,
40 “designated local transportation officer” means a local public

1 officer employed by a local authority to investigate and enforce
2 local taxicab and vehicle for hire laws and regulations.

3 (2) The warrant or court order may be entered into a
4 computerized database.

5 (3) A vehicle so impounded may be impounded for a period not
6 to exceed 30 days.

7 (4) The impounding agency, within two working days of
8 impoundment, shall send a notice by certified mail, return receipt
9 requested, to the legal owner of the vehicle, at an address obtained
10 from the department, informing the owner that the vehicle has
11 been impounded and providing the owner with a copy of the
12 warrant or court order. Failure to notify the legal owner within
13 two working days shall prohibit the impounding agency from
14 charging for more than 15 days' impoundment when a legal owner
15 redeems the impounded vehicle.

16 (b) (1) An impounding agency shall release a vehicle to the
17 registered owner, or his or her agent, prior to the end of the
18 impoundment period and without the permission of the magistrate
19 authorizing the vehicle's seizure under any of the following
20 circumstances:

21 (A) When the vehicle is a stolen vehicle.

22 (B) When the vehicle was seized under this section for an
23 offense that does not authorize the seizure of the vehicle.

24 (2) A vehicle shall not be released under this subdivision, except
25 upon presentation of the registered owner's or agent's currently
26 valid license to operate the vehicle under the licensing requirements
27 adopted by the local authority under subdivision (b) of Section
28 21100, and proof of current vehicle registration, or upon order of
29 the court.

30 (c) (1) Whenever a vehicle is impounded under this section,
31 the magistrate ordering the storage shall provide the vehicle's
32 registered and legal owners of record, or their agents, with the
33 opportunity for a poststorage hearing to determine the validity of
34 the storage.

35 (2) A notice of the storage shall be mailed or personally
36 delivered to the registered and legal owners within 48 hours after
37 issuance of the warrant or court order, excluding weekends and
38 holidays, by the person or agency executing the warrant or court
39 order, and shall include all of the following information:

1 (A) The name, address, and telephone number of the agency
2 providing the notice.

3 (B) The location of the place of storage and a description of the
4 vehicle, that shall include, if available, the name or make, the
5 manufacturer, the license plate number, and the mileage of the
6 vehicle.

7 (C) A copy of the warrant or court order and the peace officer's
8 affidavit, as described in subdivision (a).

9 (D) A statement that, in order to receive their poststorage
10 hearing, the owners, or their agents, are required to request the
11 hearing from the magistrate issuing the warrant or court order in
12 person, in writing, or by telephone, within 10 days of the date of
13 the notice.

14 (3) The poststorage hearing shall be conducted within two court
15 days after receipt of the request for the hearing.

16 (4) At the hearing, the magistrate may order the vehicle released
17 if he or she finds any of the circumstances described in subdivision
18 (b) or (e) that allow release of a vehicle by the impounding agency.

19 (5) Failure of either the registered or legal owner, or his or her
20 agent, to request, or to attend, a scheduled hearing satisfies the
21 poststorage hearing requirement.

22 (6) The agency employing the peace officer or designated local
23 transportation officer who caused the magistrate to issue the
24 warrant or court order shall be responsible for the costs incurred
25 for towing and storage if it is determined in the poststorage hearing
26 that reasonable grounds for the storage are not established.

27 (d) The registered owner, or his or her agent, is responsible for
28 all towing and storage charges related to the impoundment, and
29 any administrative charges authorized under Section 22850.5.

30 (e) A vehicle removed and seized under subdivision (a) shall
31 be released to the legal owner of the vehicle or the legal owner's
32 agent prior to the end of the impoundment period and without the
33 permission of the magistrate authorizing the seizure of the vehicle
34 if all of the following conditions are met:

35 (1) The legal owner is a motor vehicle dealer, bank, credit union,
36 acceptance corporation, or other licensed financial institution
37 legally operating in this state or is another person, not the registered
38 owner, holding a financial interest in the vehicle.

39 (2) The legal owner or the legal owner's agent pays all towing
40 and storage fees related to the seizure of the vehicle. A lien sale

1 processing fee shall not be charged to the legal owner who redeems
2 the vehicle prior to the 15th day of impoundment. Neither the
3 impounding authority nor any person having possession of the
4 vehicle shall collect from the legal owner of the type specified in
5 paragraph (1), or the legal owner's agent, any administrative
6 charges imposed pursuant to Section 22850.5 unless the legal
7 owner voluntarily requested a poststorage hearing.

8 (3) (A) The legal owner or the legal owner's agent presents
9 either lawful foreclosure documents or a certificate of repossession
10 and a security agreement or title showing proof of legal ownership
11 for the vehicle. The documents presented may be originals,
12 photocopies, or facsimile copies, or may be transmitted
13 electronically. The impounding agency shall not require any
14 documents to be notarized. The impounding agency may require
15 the agent of the legal owner to produce a photocopy or facsimile
16 copy of its repossession agency license or registration issued
17 pursuant to Chapter 11 (commencing with Section 7500) of
18 Division 3 of the Business and Professions Code, or to demonstrate,
19 to the satisfaction of the impounding agency, that the agent is
20 exempt from licensure pursuant to Section 7500.2 or 7500.3 of the
21 Business and Professions Code.

22 (B) Administrative costs authorized under subdivision (a) of
23 Section 22850.5 shall not be charged to the legal owner of the type
24 specified in paragraph (1), who redeems the vehicle unless the
25 legal owner voluntarily requests a poststorage hearing. A city,
26 county, city and county, or state agency shall not require a legal
27 owner or a legal owner's agent to request a poststorage hearing as
28 a requirement for release of the vehicle to the legal owner or the
29 legal owner's agent. The impounding agency shall not require any
30 documents other than those specified in this paragraph. The
31 impounding agency shall not require any documents to be
32 notarized.

33 (C) As used in this paragraph, "foreclosure documents" means
34 an "assignment" as that term is defined in subdivision (b) of
35 Section 7500.1 of the Business and Professions Code.

36 (f) (1) A legal owner or the legal owner's agent that obtains
37 release of the vehicle pursuant to subdivision (e) shall not release
38 the vehicle to the registered owner of the vehicle or any agents of
39 the registered owner until the termination of the impoundment
40 period.

1 (2) The legal owner or the legal owner's agent shall not
2 relinquish the vehicle to the registered owner until the registered
3 owner or that owner's agent presents his or her valid driver's
4 license or valid temporary driver's license, and an operator's
5 license that is in compliance with the licensing requirements
6 adopted by the local authority under subdivision (b) of Section
7 21100, to the legal owner or the legal owner's agent. The legal
8 owner or the legal owner's agent shall make every reasonable
9 effort to ensure that the licenses presented are valid.

10 (3) Prior to relinquishing the vehicle, the legal owner may
11 require the registered owner to pay all towing and storage charges
12 related to the impoundment and the administrative charges
13 authorized under Section 22850.5 that were incurred by the legal
14 owner in connection with obtaining the custody of the vehicle.

15 (g) Notwithstanding any other provision of this section, the
16 registered owner and not the legal owner shall remain responsible
17 for any towing and storage charges related to the impoundment
18 and the administrative charges authorized under Section 22850.5
19 and any parking fines, penalties, and administrative fees incurred
20 by the registered owner.

21 (h) The impounding agency is not liable to the registered owner
22 for the improper release of the vehicle to the legal owner or the
23 legal owner's agent if the release complies with this section.

24 ~~SEC. 7.~~

25 *SEC. 6.* Section 27602 of the Vehicle Code is amended to read:

26 27602. (a) A person shall not drive a motor vehicle if a
27 television receiver, a video monitor, or a television or video screen,
28 or any other, similar means of visually displaying a television
29 broadcast or video signal that produces entertainment or business
30 applications, is operating and is located in the motor vehicle at a
31 point forward of the back of the driver's seat, or is operating and
32 visible to the driver while driving the motor vehicle.

33 (b) Subdivision (a) does not apply to the following equipment
34 when installed in a vehicle:

35 (1) A vehicle information display.

36 (2) A global positioning display.

37 (3) A mapping display.

38 (4) A visual display used to enhance or supplement the driver's
39 view forward, behind, or to the sides of a motor vehicle for the
40 purpose of maneuvering the vehicle.

(5) A television receiver, video monitor, television or video screen, or any other, similar means of visually displaying a television broadcast or video signal, if that equipment has an interlock device that, when the motor vehicle is driven, disables the equipment for all uses except as a visual display as described in paragraphs (1) to (4), inclusive.

(6) A mobile digital terminal that is fitted with an opaque covering that does not allow the driver to view any part of the display while driving, even though the terminal may be operating, installed in a vehicle that is owned or operated by any of the following:

(A) An electrical corporation, as defined in Section 218 of the Public Utilities Code.

(B) A gas corporation, as defined in Section 222 of the Public Utilities Code.

(C) A sewer system corporation, as defined in Section 230.6 of the Public Utilities Code.

(D) A telephone corporation, as defined in Section 234 of the Public Utilities Code.

(E) A water corporation, as defined in Section 241 of the Public Utilities Code.

(F) A local publicly owned electric utility, as defined in Section 9604 of the Public Utilities Code.

(G) A city, joint powers agency, or special district, if that local entity uses the vehicle solely in the provision of sewer service, gas service, water service, or wastewater service.

(c) Subdivision (a) does not apply to a mobile digital terminal installed in an authorized emergency vehicle or to a motor vehicle providing emergency road service or roadside assistance.

(d) Subdivision (a) does not apply to a mobile digital terminal installed in a vehicle when the vehicle is deployed in an emergency to respond to an interruption or impending interruption of electrical, natural gas, telephone, sewer, water, or wastewater service, and the vehicle is owned or operated by any of the following:

(1) An electrical corporation, as defined in Section 218 of the Public Utilities Code.

(2) A gas corporation, as defined in Section 222 of the Public Utilities Code.

(3) A sewer system corporation, as defined in Section 230.6 of the Public Utilities Code.

1 (4) A telephone corporation, as defined in Section 234 of the
2 Public Utilities Code.

3 (5) A water corporation, as defined in Section 241 of the Public
4 Utilities Code.

5 (6) A local publicly owned electric utility, as defined in Section
6 9604 of the Public Utilities Code.

7 (7) A city, joint powers agency, or special district, if that local
8 entity uses the vehicle solely in the provision of sewer service, gas
9 service, water service, or wastewater service.

10 ~~SEC. 8.~~

11 *SEC. 7.* No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution because
13 the only costs that may be incurred by a local agency or school
14 district will be incurred because this act creates a new crime or
15 infraction, eliminates a crime or infraction, or changes the penalty
16 for a crime or infraction, within the meaning of Section 17556 of
17 the Government Code, or changes the definition of a crime within
18 the meaning of Section 6 of Article XIII B of the California
19 Constitution.