

AMENDED IN SENATE SEPTEMBER 2, 2009

AMENDED IN SENATE JULY 13, 2009

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 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) 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.

(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.

(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.

(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.

(7) *This bill would incorporate additional changes in Section 27602 of the Vehicle Code proposed by AB 62, that would become operative only if AB 62 and this bill are both chaptered and become effective on or before January 1, 2010, and this bill is chaptered last.*

(7)

(8) 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,
7 and air quality improvements described in this article over the
8 course of the next decade. The proceeds of bonds issued and sold
9 pursuant to this chapter for the purposes specified in this chapter
10 shall be allocated in the following manner:

11 (a) (1) Four billion five hundred million dollars
12 (\$4,500,000,000) shall be deposited in the Corridor Mobility
13 Improvement Account, which is hereby created in the fund. Funds
14 in the account shall be available to the California Transportation

1 Commission, upon appropriation in the annual Budget Bill by the
2 Legislature, for allocation for performance improvements on highly
3 congested travel corridors in California. Funds in the account shall
4 be used for performance improvements on the state highway
5 system, or major access routes to the state highway system on the
6 local road system that relieve congestion by expanding capacity,
7 enhancing operations, or otherwise improving travel times within
8 these high-congestion travel corridors, as identified by the
9 department and regional or local transportation agencies, pursuant
10 to the process in paragraph (3) or (4), as applicable.

11 (2) The commission shall develop and adopt guidelines, by
12 December 1, 2006, including regional programming targets, for
13 the program funded by this subdivision, and shall allocate funds
14 from the account to projects after reviewing project nominations
15 submitted by the Department of Transportation and by regional
16 transportation planning agencies or county transportation
17 commissions or authorities pursuant to paragraph (4).

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

24 (4) Subject to the guidelines adopted pursuant to paragraph (2),
25 a regional transportation planning agency or county transportation
26 commission or authority responsible for preparing a regional
27 transportation improvement plan under Section 14527 may
28 nominate projects identified pursuant to paragraph (1) that best
29 meet the policy objectives described in that paragraph for funding
30 from the account. Projects nominated pursuant to this paragraph
31 shall be submitted to the commission for consideration for funding
32 by no later than January 15, 2007.

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

39 (6) After review of the project nominations, and supporting
40 documentation, the commission, by no later than March 1, 2007,

1 shall adopt an initial program of projects to be funded from the
2 account. This program may be updated every two years in
3 conjunction with the biennial process for adoption of the state
4 transportation improvement program pursuant to guidelines adopted
5 by the commission. The inclusion of a project in the program shall
6 be based on a demonstration that the project meets all of the
7 following criteria:

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

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

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

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

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

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

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

33 (8) In adopting a program for funding pursuant to this
34 subdivision, the commission shall make a finding that the program
35 is geographically balanced, consistent with the geographic split
36 for funding described in Section 188 of the Streets and Highways
37 Code; provides mobility improvements in highly traveled or highly
38 congested corridors in all regions of California; and targets bond
39 proceeds in a manner that provides the increment of funding

1 necessary, when combined with other state, local, or federal funds,
2 to provide the mobility benefit in the earliest possible timeframe.

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

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

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

23 (1) (A) Two billion dollars (\$2,000,000,000) shall be transferred
24 to the Trade Corridors Improvement Fund, which is hereby created.
25 The money in this fund shall be available, upon appropriation in
26 the annual Budget Bill by the Legislature and subject to such
27 conditions and criteria as the Legislature may provide by statute,
28 for allocation by the California Transportation Commission for
29 infrastructure improvements along federally designated “Trade
30 Corridors of National Significance” in this state or along other
31 corridors within this state that have a high volume of freight
32 movement, as determined by the commission. In determining
33 projects eligible for funding, the commission shall consult the trade
34 infrastructure and goods movement plan submitted to the
35 commission by the Secretary of Business, Transportation and
36 Housing and the Secretary for Environmental Protection. No
37 moneys shall be allocated from this fund until the report is
38 submitted to the commission for its consideration, provided the
39 report is submitted no later than January 1, 2007. The commission
40 shall also consult trade infrastructure and goods movement plans

1 adopted by regional transportation planning agencies, adopted
2 regional transportation plans required by state and federal law, and
3 the statewide port master plan prepared by the California Marine
4 and Intermodal Transportation System Advisory Council
5 (Cal-MITSAC) pursuant to Section 1760 of the Harbors and
6 Navigation Code, when determining eligible projects for funding.
7 Eligible projects for these funds include, but are not limited to, all
8 of the following:

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

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

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

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

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

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

32 (B) The commission shall allocate funds for trade infrastructure
33 improvements from the account in a manner that (i) addresses the
34 state's most urgent needs, (ii) balances the demands of various
35 ports (between large and small ports, as well as between seaports,
36 airports, and land ports of entry), (iii) provides reasonable
37 geographic balance between the state's regions, and (iv) places
38 emphasis on projects that improve trade corridor mobility while
39 reducing emissions of diesel particulate and other pollutant

1 emissions. In addition, the commission shall also consider the
2 following factors when allocating these funds:

3 (i) “Velocity,” which means the speed by which large cargo
4 would travel from the port through the distribution system.

5 (ii) “Throughput,” which means the volume of cargo that would
6 move from the port through the distribution system.

7 (iii) “Reliability,” which means a reasonably consistent and
8 predictable amount of time for cargo to travel from one point to
9 another on any given day or at any given time in California.

10 (iv) “Congestion reduction,” which means the reduction in
11 recurrent daily hours of delay to be achieved.

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

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

32 (2) One billion dollars (\$1,000,000,000) shall be made available,
33 upon appropriation by the Legislature and subject to such
34 conditions and criteria contained in a statute enacted by the
35 Legislature, to the State Air Resources Board for emission
36 reductions, not otherwise required by law or regulation, from
37 activities related to the movement of freight along California’s
38 trade corridors. Funds made available by this paragraph are
39 intended to supplement existing funds used to finance strategies
40 and public benefit projects that reduce emissions and improve air

1 quality in trade corridors commencing at the state's airports,
2 seaports, and land ports of entry.

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

10 (A) Video surveillance equipment.

11 (B) Explosives detection technology, including, but not limited
12 to, X-ray devices.

13 (C) Cargo scanners.

14 (D) Radiation monitors.

15 (E) Thermal protective equipment.

16 (F) Site identification instruments capable of providing a
17 fingerprint for a broad inventory of chemical agents.

18 (G) Other devices capable of detecting weapons of mass
19 destruction using chemical, biological, or other similar substances.

20 (H) Other security equipment to assist in any of the following:

21 (i) Screening of incoming vessels, trucks, and incoming or
22 outbound cargo.

23 (ii) Monitoring the physical perimeters of harbors, ports, and
24 ferry terminals.

25 (iii) Providing or augmenting onsite emergency response
26 capability.

27 (I) Overweight cargo detection equipment, including, but not
28 limited to, intermodal crane scales and truck weight scales.

29 (J) Developing disaster preparedness or emergency response
30 plans.

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

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

38 (e) Two billion dollars (\$2,000,000,000) shall be available for
39 projects in the state transportation improvement program, to
40 augment funds otherwise available for this purpose from other

1 sources. The funds provided by this subdivision shall be deposited
2 in the Transportation Facilities Account which is hereby created
3 in the fund, and shall be available, upon appropriation by the
4 Legislature, to the Department of Transportation, as allocated by
5 the California Transportation Commission in the same manner as
6 funds allocated for those projects under existing law.

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

18 (2) Of the funds made available in paragraph (1), four hundred
19 million dollars (\$400,000,000) shall be available, upon
20 appropriation by the Legislature, to the department for intercity
21 rail improvements, of which one hundred twenty-five million
22 dollars (\$125,000,000) shall be used for the procurement of
23 additional intercity railcars and locomotives.

24 (3) Of the funds remaining after the allocations in paragraph
25 (2), 50 percent shall be distributed to the Controller, for allocation
26 to eligible agencies using the formula in Section 99314 of the
27 Public Utilities Code, and 50 percent shall be distributed to the
28 Controller, for allocation to eligible agencies using the formula in
29 Section 99313 of the Public Utilities Code, subject to the provisions
30 governing funds allocated under those sections.

31 (g) One billion dollars (\$1,000,000,000) shall be deposited in
32 the State-Local Partnership Program Account, which is hereby
33 created in the fund. The funds shall be available, upon
34 appropriation by the Legislature and subject to such conditions
35 and criteria as the Legislature may provide by statute, for allocation
36 by the California Transportation Commission over a five-year
37 period to eligible transportation projects nominated by an applicant
38 transportation agency. A dollar-for-dollar match of local funds
39 shall be required for an applicant transportation agency to receive
40 state funds under this program.

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

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

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

34 (2) Notwithstanding the funding allocation process described
35 in paragraph (1), in consultation with the department and the Public
36 Utilities Commission, the California Transportation Commission
37 shall allocate one hundred million dollars (\$100,000,000) of the
38 funds in the account to high-priority railroad crossing
39 improvements, including grade separation projects, that are not
40 part of the process established in Chapter 10 (commencing with

1 Section 2450) of Division 3 of the Streets and Highways Code.
2 The allocation of funds under this paragraph shall be made in
3 consultation and coordination with the High-Speed Rail Authority
4 created pursuant to Division 19.5 (commencing with Section
5 185000) of the Public Utilities Code.

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

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

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

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

31 (i) Seventy-five percent of the funds payable under this
32 subparagraph shall be apportioned among the counties in the
33 proportion that the number of fee-paid and exempt vehicles that
34 are registered in the county bears to the number of fee-paid and
35 exempt vehicles registered in the state.

36 (ii) Twenty-five percent of the funds payable under this
37 subparagraph shall be apportioned among the counties in the
38 proportion that the number of miles of maintained county roads
39 in each county bears to the total number of miles of maintained
40 county roads in the state. For the purposes of apportioning funds

1 under this clause, any roads within the boundaries of a city and
2 county that are not state highways shall be deemed to be county
3 roads.

4 (B) Fifty percent to the cities, including a city and county,
5 apportioned among the cities in the proportion that the total
6 population of the city bears to the total population of all the cities
7 in the state, provided, however, that the Controller shall allocate
8 a minimum of four hundred thousand dollars (\$400,000) to each
9 city, pursuant to this subparagraph.

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

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

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

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

19 (3) For the purpose of allocating funds under this subdivision
20 to cities and a city and county, the Controller shall use the most
21 recent population estimates prepared by the Demographic Research
22 Unit of the Department of Finance. For a city that incorporated
23 after January 1, 1998, that does not appear on the most recent
24 population estimates prepared by the Demographic Research Unit,
25 the Controller shall use the population determined for that city
26 under Section 11005.3 of the Revenue and Taxation Code.

27 (4) Funds apportioned to a city, county, or city and county under
28 this subdivision, including any interest or other return earned on
29 the investment of those funds, shall be used for improvements to
30 transportation facilities that will assist in reducing local traffic
31 congestion and further deterioration, improving traffic flows, or
32 increasing traffic safety that may include, but not be limited to,
33 street and highway pavement maintenance, rehabilitation,
34 installation, construction and reconstruction of necessary associated
35 facilities such as drainage and traffic control devices, or the
36 maintenance, rehabilitation, installation, construction and
37 reconstruction of facilities that expand ridership on transit systems,
38 safety projects to reduce fatalities, or as a local match to obtain
39 state or federal transportation funds for similar purposes.

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

12 SEC. 2. Section 20209.11 of the Public Contract Code is
13 amended to read:

14 20209.11. (a) The minimum performance criteria and design
15 standards established pursuant to this article by a transit operator
16 for quality, durability, longevity, life-cycle costs, and other criteria
17 deemed appropriate by the transit operator shall be adhered to by
18 the design-build entity. Any deviations from those standards may
19 only be allowed by written consent of the transit operator. The
20 transit operator may retain the services of a design professional
21 through the course of the project in order to ensure compliance
22 with this article.

23 (b) The total price of the project shall be subject to the conditions
24 established in subdivision (f) of Section 20209.7.

25 SEC. 3. Section 99243 of the Public Utilities Code is amended
26 to read:

27 99243. (a) The Controller, in cooperation with the department
28 and the operators, shall design and adopt a uniform system of
29 accounts and records, from which the operators shall prepare and
30 submit annual reports of their operation to the transportation
31 planning agencies having jurisdiction over them and to the
32 Controller within 90 days of the end of the fiscal year. If the report
33 is filed in electronic format as prescribed by the Controller, the
34 report shall be furnished within 110 days after the close of each
35 fiscal year. The report shall specify (1) the amount of revenue
36 generated from each source and its application for the prior fiscal
37 year and (2) the data necessary to determine which section, with
38 respect to Sections 99268.1, 99268.2, 99268.3, 99268.4, 99268.5,
39 and 99268.9, the operator is required to be in compliance with in
40 order to be eligible for funds under this article.

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

9 (c) The Controller shall instruct the county auditor to withhold
10 payments from the fund to an operator that has not submitted its
11 annual report to the Controller within the time specified by
12 subdivision (a).

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

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

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

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

34 (b) (1) Upon issuance of a new identification card, or renewal
35 of an identification card, the department shall provide information
36 on organ and tissue donation, including a standardized form to be
37 filled out by an individual who desires to enroll in the California
38 Organ and Tissue Donor Registry with instructions for mailing
39 the completed form to the California Organ and Tissue Donor

1 Registrar established pursuant to subdivision (a) of Section 7150.90
2 of the Health and Safety Code.

3 (2) The enrollment form shall be simple in design and shall be
4 produced by the department, in cooperation with the California
5 Organ and Tissue Donor Registrar, and shall require all of the
6 following information to be supplied by the enrollee:

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

9 (B) Consent for organs or tissues to be donated for transplant
10 after death.

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

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

16 (4) The registry enrollment form shall be posted on the Internet
17 Web sites for the department and the California Health and Human
18 Services Agency.

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

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

25 (7) Information obtained by the registrar for the purposes of
26 this subdivision shall be used for these purposes only and shall not
27 further be disseminated by the registrar.

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

32 SEC. 5. Section 21100.4 of the Vehicle Code is amended to
33 read:

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

1 officer or designated local transportation officer to immediately
2 seize and cause the removal of the vehicle. As used in this section,
3 “designated local transportation officer” means a local public
4 officer employed by a local authority to investigate and enforce
5 local taxicab and vehicle for hire laws and regulations.

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

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

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

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

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

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

27 (2) A vehicle shall not be released under this subdivision, except
28 upon presentation of the registered owner’s or agent’s currently
29 valid license to operate the vehicle under the licensing requirements
30 adopted by the local authority under subdivision (b) of Section
31 21100, and proof of current vehicle registration, or upon order of
32 the court.

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

38 (2) A notice of the storage shall be mailed or personally
39 delivered to the registered and legal owners within 48 hours after
40 issuance of the warrant or court order, excluding weekends and

1 holidays, by the person or agency executing the warrant or court
2 order, and shall include all of the following information:

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

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

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

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

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

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

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

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

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

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

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

1 (2) The legal owner or the legal owner’s agent pays all towing
2 and storage fees related to the seizure of the vehicle. A lien sale
3 processing fee shall not be charged to the legal owner who redeems
4 the vehicle prior to the 15th day of impoundment. Neither the
5 impounding authority nor any person having possession of the
6 vehicle shall collect from the legal owner of the type specified in
7 paragraph (1), or the legal owner’s agent, any administrative
8 charges imposed pursuant to Section 22850.5 unless the legal
9 owner voluntarily requested a poststorage hearing.

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

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

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

38 (f) (1) A legal owner or the legal owner’s agent that obtains
39 release of the vehicle pursuant to subdivision (e) shall not release
40 the vehicle to the registered owner of the vehicle or any agents of

1 the registered owner until the termination of the impoundment
2 period.

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

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

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

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

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

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

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

36 (1) A vehicle information display.

37 (2) A global positioning display.

38 (3) A mapping display.

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

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

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

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

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

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

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

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

25 (F) A local publicly owned electric utility, as defined in Section
26 9604 of the Public Utilities Code.

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

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

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

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

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

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

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

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

9 (6) A local publicly owned electric utility, as defined in Section
 10 9604 of the Public Utilities Code.

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

14 *SEC. 6.5. Section 27602 of the Vehicle Code is amended to*
 15 *read:*

16 27602. (a) A person ~~may~~ *shall* not drive a motor vehicle if a
 17 television receiver, a video monitor, or a television or video screen,
 18 or any other, similar means of visually displaying a television
 19 broadcast or video signal that produces entertainment or business
 20 applications, is operating and is located in the motor vehicle at ~~any~~
 21 *a point forward of the back of the driver’s seat, or is operating and*
 22 *the monitor, screen, or display is visible to the driver while driving*
 23 *the motor vehicle.*

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

26 (1) A vehicle information display.

27 (2) A global positioning display.

28 (3) A mapping display.

29 (4) A visual display used to enhance or supplement the driver’s
 30 view forward, behind, or to the sides of a motor vehicle for the
 31 purpose of maneuvering the vehicle.

32 (5) *A television receiver, video monitor, television or video*
 33 *screen, or any other similar means of visually displaying a*
 34 *television broadcast or video signal, if that equipment satisfies*
 35 *one of the following requirements:*

36 ~~(5) A television receiver, video monitor, television or video~~
 37 ~~screen, or any other, similar means of visually displaying a~~
 38 ~~television broadcast or video signal, if that~~

1 (A) *The equipment has an interlock device that, when the motor*
2 *vehicle is driven, disables the equipment for all uses except as a*
3 *visual display as described in paragraphs (1) to (4), inclusive.*

4 (B) *The equipment is designed, operated, and configured in a*
5 *manner that prevents the driver of the motor vehicle from viewing*
6 *the television broadcast or video signal while operating the vehicle*
7 *in a safe and reasonable manner.*

8 (6) ~~A mobile digital terminal installed in a vehicle owned or~~
9 ~~operated by an electrical corporation, as defined in Section 218 of~~
10 ~~the Public Utilities Code, a local publicly owned electric utility,~~
11 ~~as defined in Section 9604 of that code, a gas corporation, as~~
12 ~~defined in Section 222 of that code, or a telephone corporation, as~~
13 ~~defined in Section 234 of that code, if the mobile digital terminal~~
14 ~~that is fitted with an opaque covering that does not allow the driver~~
15 ~~to view any part of the display while driving, even though the~~
16 ~~terminal may be operating; operating, installed in a vehicle that~~
17 ~~is owned or operated by any of the following:~~

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

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

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

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

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

28 (F) *A local publicly owned electric utility, as defined in Section*
29 *9604 of the Public Utilities Code.*

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

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

36 (d) Subdivision (a) does not apply to a mobile digital terminal
37 installed in a ~~vehicle owned or operated by an electrical~~
38 ~~corporation, as defined in Section 218 of the Public Utilities Code;~~
39 ~~a local publicly owned electric utility, as defined in Section 9604~~
40 ~~of that code, a gas corporation, as defined in Section 222 of that~~

1 code, or a telephone corporation, as defined in Section 234 of that
2 code; when the vehicle is deployed in an emergency to respond to
3 an interruption or impending interruption of electrical, natural gas,
4 or telephone service: telephone, sewer, water, or wastewater
5 service, and the vehicle is owned or operated by any of the
6 following:

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

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

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

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

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

17 (6) A local publicly owned electric utility, as defined in Section
18 9604 of the Public Utilities Code.

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

22 SEC. 7. Section 6.5 of this bill incorporates amendments to
23 Section 27602 of the Vehicle Code proposed by this bill and AB
24 62. It shall only become operative if (1) both bills are enacted and
25 become effective on or before January 1, 2010, (2) each bill
26 amends Section 27602 of the Vehicle Code, and (3) this bill is
27 enacted after AB 62, in which case Section 6 of this bill shall not
28 become operative.

29 SEC. 8. Any section of any act enacted by the Legislature
30 during the 2009 calendar year that takes effect on or before
31 January 1, 2010, and that amends, amends and renumbers, adds,
32 repeals and adds, or repeals Section 21100.4 of the Vehicle Code,
33 shall prevail over Section 21100.4 of the Vehicle Code, as amended
34 by Section 5 of this act, whether that act is enacted prior to, or
35 subsequent to, the enactment of this act.

36 ~~SEC. 7.~~

37 SEC. 9. No reimbursement is required by this act pursuant to
38 Section 6 of Article XIII B of the California Constitution because
39 the only costs that may be incurred by a local agency or school
40 district will be incurred because this act creates a new crime or

1 infraction, eliminates a crime or infraction, or changes the penalty
2 for a crime or infraction, within the meaning of Section 17556 of
3 the Government Code, or changes the definition of a crime within
4 the meaning of Section 6 of Article XIII B of the California
5 Constitution.

O