

ASSEMBLY BILL

No. 2777

Introduced by Committee on Transportation (Eng (Chair), Jeffries (Vice Chair), Bill Berryhill, Blumenfield, Buchanan, Furutani, Galgiani, Bonnie Lowenthal, Miller, Niello, Norby, Solorio, and Torlakson)
(Coauthor: Assembly Member John A. Perez)

March 1, 2010

An act to amend Sections 1808.1, 5007, 5023, 5024, 8202, and 22511.5 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2777, as introduced, Committee on Transportation. Vehicles: Department of Motor Vehicles: omnibus bill.

(1) Existing law imposes on the employer of a driver who drives one of several specified vehicles, including a vehicle for the operation of which the driver is required to have an ambulance driver certificate, as specified, several requirements related to the driver's public record. A violation of those requirements is a crime.

This bill would correct an erroneous cross-reference.

(2) Under existing law, the Department of Motor Vehicles is required, upon application and without additional fees, to issue a special license plate or plates to a disabled person or disabled veteran, in accordance with procedures adopted by the department. Existing law also provides that organizations and agencies involved in the transportation of disabled persons or disabled veterans may apply for a distinguishing placard for each vehicle that is used for the purpose of transporting disabled persons or disabled veterans.

Existing law allows a disabled person or disabled veteran displaying special license plates issued under the above provisions or a distinguishing placard issued under other specified provisions of the Vehicle Code to park for unlimited periods in any of a number of specified parking zones.

This bill would make technical, nonsubstantive changes to these provisions.

(3) Existing law authorizes specified persons to apply for a set of commemorative Olympic reflectorized license plates and the Department of Motor Vehicles is required to issue those special license plates in lieu of regular license plates. Existing law requires that the commemorative Olympic reflectorized license plates be of a distinctive design and available in a special series of letters or numbers, or both, as determined by the department after consultation with the United States Olympic Committee.

Existing law authorizes specified persons to apply for a set of commemorative collegiate reflectorized license plates, and the department is required to issue those special license plates in lieu of the regular license plates. Existing law requires that the collegiate reflectorized license plates be of a distinctive design, and available in a special series of letters or numbers, or both, as determined by the department.

This bill would authorize the department to also issue those commemorative reflectorized license plates as environmental license plates in a combination of numbers or letters, or both, as requested by the owner or lessee of the vehicle.

(4) Existing law allows any registrant issued apportioned fleet registration, 20 days to file a written request for a hearing following a determination by the Department of Motor Vehicles that fees are due, including penalties and service fees, for the operation of a fleet of apportionately registered vehicles and requires that a lien be placed upon all vehicles operated as part of the fleet and on any other fleet vehicles operated by the registrant.

This bill would extend the time to file a written request for a hearing to 30 days in order to conform to federal law.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1808.1 of the Vehicle Code is amended
2 to read:

3 1808.1. (a) The prospective employer of a driver who drives
4 a vehicle specified in subdivision (k) shall obtain a report showing
5 the driver's current public record as recorded by the department.
6 For purposes of this subdivision, a report is current if it was issued
7 less than 30 days prior to the date the employer employs the driver.
8 The report shall be reviewed, signed, and dated by the employer
9 and maintained at the employer's place of business until receipt
10 of the pull-notice system report pursuant to subdivisions (b) and
11 (c). These reports shall be presented upon request to an authorized
12 representative of the Department of the California Highway Patrol
13 during regular business hours.

14 (b) The employer of a driver who drives a vehicle specified in
15 subdivision (k) shall participate in a pull-notice system, which is
16 a process for the purpose of providing the employer with a report
17 showing the driver's current public record as recorded by the
18 department, and any subsequent convictions, failures to appear,
19 accidents, driver's license suspensions, driver's license revocations,
20 or any other actions taken against the driving privilege or
21 certificate, added to the driver's record while the employer's
22 notification request remains valid and uncanceled. As used in this
23 section, participation in the pull-notice system means obtaining a
24 requester code and enrolling all employed drivers who drive a
25 vehicle specified in subdivision (k) under that requester code.

26 (c) The employer of a driver of a vehicle specified in subdivision
27 (k) shall, additionally, obtain a periodic report from the department
28 at least every 12 months. The employer shall verify that each
29 employee's driver's license has not been suspended or revoked,
30 the employee's traffic violation point count, and whether the
31 employee has been convicted of a violation of Section 23152 or
32 23153. The report shall be signed and dated by the employer and
33 maintained at the employer's principal place of business. The
34 report shall be presented upon demand to an authorized
35 representative of the Department of the California Highway Patrol
36 during regular business hours.

1 (d) Upon the termination of a driver's employment, the employer
2 shall notify the department to discontinue the driver's enrollment
3 in the pull-notice system.

4 (e) For the purposes of the pull-notice system and periodic report
5 process required by subdivisions (b) and (c), an owner, other than
6 an owner-operator as defined in Section 34624, and an employer
7 who drives a vehicle described in subdivision (k) shall be enrolled
8 as if he or she were an employee. A family member and a volunteer
9 driver who drives a vehicle described in subdivision (k) shall also
10 be enrolled as if he or she were an employee.

11 (f) An employer who, after receiving a driving record pursuant
12 to this section, employs or continues to employ as a driver a person
13 against whom a disqualifying action has been taken regarding his
14 or her driving privilege or required driver's certificate, is guilty of
15 a public offense, and upon conviction thereof, shall be punished
16 by confinement in a county jail for not more than six months, by
17 a fine of not more than one thousand dollars (\$1,000), or by both
18 that confinement and fine.

19 (g) As part of its inspection of bus maintenance facilities and
20 terminals required at least once every 13 months pursuant to
21 subdivision (c) of Section 34501, the Department of the California
22 Highway Patrol shall determine whether each transit operator, as
23 defined in Section 99210 of the Public Utilities Code, is then in
24 compliance with this section and Section 12804.6, and shall certify
25 each operator found to be in compliance. Funds shall not be
26 allocated pursuant to Chapter 4 (commencing with Section 99200)
27 of Part 11 of Division 10 of the Public Utilities Code to a transit
28 operator that the Department of the California Highway Patrol has
29 not certified pursuant to this section.

30 (h) A request to participate in the pull-notice system established
31 by this section shall be accompanied by a fee determined by the
32 department to be sufficient to defray the entire actual cost to the
33 department for the notification service. For the receipt of
34 subsequent reports, the employer shall also be charged a fee
35 established by the department pursuant to Section 1811. An
36 employer who qualifies pursuant to Section 1812 shall be exempt
37 from any fee required pursuant to this section. Failure to pay the
38 fee shall result in automatic cancellation of the employer's
39 participation in the notification services.

1 (i) The department, as soon as feasible, may establish an
2 automatic procedure to provide the periodic reports to an employer
3 by mail or via an electronic delivery method, as required by
4 subdivision (c), on a regular basis without the need for individual
5 requests.

6 (j) (1) The employer of a driver who is employed as a casual
7 driver is not required to enter that driver's name in the pull-notice
8 system, as otherwise required by subdivision (a). However, the
9 employer of a casual driver shall be in possession of a report of
10 the driver's current public record as recorded by the department,
11 prior to allowing a casual driver to drive a vehicle specified in
12 subdivision (k). A report is current if it was issued less than six
13 months prior to the date the employer employs the driver.

14 (2) For the purposes of this subdivision, a driver is employed
15 as a casual driver when the employer has employed the driver less
16 than 30 days during the preceding six months. "Casual driver"
17 does not include a driver who operates a vehicle that requires a
18 passenger transportation endorsement.

19 (k) This section applies to a vehicle for the operation of which
20 the driver is required to have a class A or class B driver's license,
21 a class C license with a hazardous materials endorsement, a class
22 C license issued pursuant to Section 12814.7, or a certificate issued
23 pursuant to Section ~~2512~~, 12517, 12519, 12520, 12523, ~~or~~ 12523.5,
24 or 12527 or a passenger vehicle having a seating capacity of not
25 more than 10 persons, including the driver, operated for
26 compensation by a charter-party carrier of passengers or passenger
27 stage corporation pursuant to a certificate of public convenience
28 and necessity or a permit issued by the Public Utilities
29 Commission.

30 (l) This section shall not be construed to change the definition
31 of "employer," "employee," or "independent contractor" for any
32 purpose.

33 (m) A motor carrier who contracts with a person to drive a
34 vehicle described in subdivision (k) that is owned by, or leased to,
35 that motor carrier, shall be subject to subdivisions (a), (b), (c), (d),
36 (f), (j), (k), and (l) and the employer obligations in those
37 subdivisions.

38 SEC. 2. Section 5007 of the Vehicle Code is amended to read:

1 5007. (a) The department shall, upon application and without
2 additional fees, issue a special license plate or plates pursuant to
3 procedures adopted by the department to the following:

4 (1) A disabled person.

5 (2) A disabled veteran.

6 (3) An organization or agency involved in the transportation of
7 disabled persons or disabled veterans if the *motor* vehicle that will
8 have the special license plate is used solely for the purpose of
9 transporting those persons.

10 (b) The special license plates issued under subdivision (a) shall
11 run in a regular numerical series that shall include one or more
12 unique two-letter codes reserved for disabled person license plates
13 or disabled veteran license plates. The International Symbol of
14 Access adopted pursuant to Section 3 of Public Law 100-641,
15 commonly known as the “wheelchair symbol” shall be depicted
16 on each plate.

17 (c) (1) Prior to issuing a special license plate to a disabled
18 person or disabled veteran, the department shall require the
19 submission of a certificate, in accordance with paragraph (2),
20 signed by the physician and surgeon, or to the extent that it does
21 not cause a reduction in the receipt of federal aid highway funds,
22 by a nurse practitioner, certified nurse midwife, or physician
23 assistant, substantiating the disability, unless the applicant’s
24 disability is readily observable and uncontested. The disability of
25 a person who has lost, or has lost use of, one or more lower
26 extremities or one hand, for a disabled veteran, or both hands for
27 a disabled person, or who has significant limitation in the use of
28 lower extremities, may also be certified by a licensed chiropractor.
29 The blindness of an applicant shall be certified by a licensed
30 physician and surgeon who specializes in diseases of the eye or a
31 licensed optometrist. The physician and surgeon, nurse practitioner,
32 certified nurse midwife, physician assistant, chiropractor, or
33 optometrist certifying the qualifying disability shall provide a full
34 description of the illness or disability on the form submitted to the
35 department.

36 (2) The physician and surgeon, nurse practitioner, certified nurse
37 midwife, physician assistant, chiropractor, or optometrist who
38 signs a certificate submitted under this subdivision shall retain
39 information sufficient to substantiate that certificate and, upon
40 request of the department, shall make that information available

1 for inspection by the Medical Board of California or the appropriate
2 regulatory board.

3 (d) A disabled person or disabled veteran issued a license plate
4 or plates under this section shall, upon request, present to a peace
5 officer, or person authorized to enforce parking laws, ordinances,
6 or regulations, a certification form that substantiates the eligibility
7 of the disabled person or veteran to possess the plate or plates. The
8 certification shall be on a form prescribed by the department and
9 contain the name of the disabled person or disabled veteran to
10 whom the plate or plates were issued, and the name, address, and
11 telephone number of the medical professional described in
12 subdivision (c) who certified the eligibility of the person or veteran
13 for the plate or plates.

14 (e) The certification requirements of subdivisions (c) and (d)
15 do not apply to an organization or agency that is issued a special
16 license plate or plates under paragraph (3) of subdivision (a).

17 (f) The special license plate shall, upon the death of the disabled
18 person or disabled veteran, be returned to the department within
19 60 days or upon the expiration of the vehicle registration,
20 whichever occurs first.

21 (g) When a *motor* vehicle subject to paragraph (3) of subdivision
22 (a) is sold or transferred, the special license plate or plates issued
23 to an organization or agency under paragraph (3) of subdivision
24 (a) for that *motor* vehicle shall be immediately returned to the
25 department.

26 SEC. 3. Section 5023 of the Vehicle Code is amended to read:

27 5023. (a) ~~Any~~A person described in Section 5101 may also
28 apply for a set of commemorative Olympic reflectorized license
29 plates and the department shall issue those special license plates
30 in lieu of regular license plates. The commemorative Olympic
31 reflectorized license plates shall be of a distinctive design and shall
32 be available in a special series of letters or numbers, or both, as
33 determined by the department after consultation with the United
34 States Olympic Committee. *The department may issue the*
35 *commemorative Olympic reflectorized license plates as*
36 *environmental license plates, as defined in Section 5103, in a*
37 *combination of numbers or letters, or both, as requested by the*
38 *owner or lessee of the vehicle.*

39 (b) In addition to the regular fees for an original registration or
40 renewal of registration, the following special fees shall be paid:

1 (1) Fifty dollars (\$50), inclusive of any administrative fees, for
2 the initial issuance of the special plates.

3 (2) Fifteen dollars (\$15) for the transfer of the special plates to
4 another vehicle.

5 (3) Thirty-five dollars (\$35) for duplicate, replacement
6 commemorative Olympic reflectorized license plates of the same
7 number in the series.

8 (4) Thirty dollars (\$30) for the annual renewal of the special
9 plates.

10 (c) When payment of renewal fees is not required as specified
11 in Section 4000, or when the person determines to retain the plates
12 upon sale, trade, or other release of the vehicle upon which the
13 special plates have been displayed, the person shall notify the
14 department and the person may retain the special plates.

15 (d) All revenue derived from the additional special fees provided
16 in this section, less costs incurred by the department pursuant to
17 this section, shall be deposited in the California Olympic Training
18 Account in the General Fund established pursuant to Section 7592
19 of the Government Code.

20 SEC. 4. Section 5024 of the Vehicle Code is amended to read:

21 5024. (a) ~~Any~~A person described in Section 5101 may also
22 apply for a set of commemorative collegiate reflectorized license
23 plates, and the department shall issue those special license plates
24 in lieu of the regular license plates. The collegiate reflectorized
25 plates shall be of a distinctive design, and shall be available in a
26 special series of letters or numbers, or both, as determined by the
27 department. The collegiate reflectorized plates shall also contain
28 the name of the participating institution as well as the reflectorized
29 logotype, motto, symbol, or other distinctive design, as approved
30 by the department, representing the participating university or
31 college selected by the applicant. *The department may issue the*
32 *commemorative collegiate reflectorized license plates as*
33 *environmental license plates, as defined in Section 5103, in a*
34 *combination of numbers or letters, or both, as requested by the*
35 *owner or lessee of the vehicle.*

36 (b) Any public or private postsecondary educational institution
37 in the state, which is accredited or has been accepted as a
38 recognized candidate for accreditation by the Western Association
39 of Schools and Colleges, may indicate to the department its
40 decision to be included in the commemorative collegiate license

1 plate program and submit its distinctive design for the logotype,
2 motto, symbol, or other design. However, no public or private
3 postsecondary educational institution may be included in the
4 program until not less than 5,000 applications are received for
5 license plates containing that institution's logotype, motto, symbol,
6 or other design. Each participating institution shall collect and hold
7 applications for collegiate license plates until it has received at
8 least 5,000 applications. Once the institution has received at least
9 5,000 applications, it shall submit the applications, along with the
10 necessary fees, to the department. Upon receiving the first
11 application, the institution shall have one calendar year to receive
12 the remaining required applications. If, after that one calendar
13 year, 5,000 applications have not been received, the institution
14 shall refund to all applicants any fees or deposits which have been
15 collected.

16 (c) In addition to the regular fees for an original registration, a
17 renewal of registration, or a transfer of registration, the following
18 commemorative collegiate license plate fees shall be paid:

19 (1) Fifty dollars (\$50) for the initial issuance of the plates. These
20 plates shall be permanent and shall not be required to be replaced.

21 (2) Forty dollars (\$40) for each renewal of registration which
22 includes the continued display of the plates.

23 (3) Fifteen dollars (\$15) for transfer of the plates to another
24 vehicle.

25 (4) Thirty-five dollars (\$35) for replacement plates, if the plates
26 become damaged or unserviceable.

27 (d) When payment of renewal fees is not required as specified
28 in Section 4000, or when the person determines to retain the
29 commemorative collegiate license plates upon sale, trade, or other
30 release of the vehicle upon which the plates have been displayed,
31 the person shall notify the department and the person may retain
32 the plates.

33 (e) Of the revenue derived from the additional special fees
34 provided in this section, less costs incurred by the department
35 pursuant to this section, one-half shall be deposited in the
36 California Collegiate License Plate Fund, which is hereby created,
37 and one-half shall be deposited in the Resources License Plate
38 Fund, which is hereby created.

39 (f) The money in the California Collegiate License Plate Fund
40 is, notwithstanding Section 13340 of the Government Code,

1 continuously appropriated to the Controller for allocation as
2 follows:

3 (1) To the governing body of participating public institutions
4 in the proportion that funds are collected on behalf of each, to be
5 used for need-based scholarships, distributed according to federal
6 student aid guidelines.

7 (2) With respect to funds collected on behalf of accredited
8 nonprofit, private, and independent colleges and universities in
9 the state, to the California Student Aid Commission for grants to
10 students at those institutions, in the proportion that funds are
11 collected on behalf of each institution, who demonstrate eligibility
12 and need in accordance with the Cal Grant Program pursuant to
13 Article 3 (commencing with Section 69530) of Chapter 2 of Part
14 42 of the Education Code, but who did not receive an award based
15 on a listing prepared by the California Student Aid Commission.

16 (g) The scholarships and grants shall be awarded without regard
17 to race, religion, creed, sex, or age.

18 (h) The money in the Resources License Plate Fund is available,
19 upon appropriation, for the purposes of natural resources
20 preservation, enhancement, and restoration.

21 (i) All revenues deposited in, and expenditures from, the
22 California Collegiate License Plate Fund shall be audited by the
23 Auditor General on December 1, 1993, and December 1, 1995.

24 SEC. 5. Section 8202 of the Vehicle Code is amended to read:

25 8202. (a) Within 30 days of the date the notice is mailed
26 pursuant to Section 8201, the registrant may submit documentation
27 not previously available or may request a hearing to contest the
28 existence or the amount of the lien. If no additional documentation
29 is submitted, or if no hearing is requested, the operating privileges
30 of the fleet may be suspended or canceled and a sufficient number
31 of vehicles may be seized and sold to satisfy the lien.

32 (b) If additional documentation is submitted, the department
33 shall review the documentation and issue its findings to the
34 registrant. Within ~~20~~ 30 days of the date the findings are mailed,
35 the registrant may request a hearing.

36 (c) If a hearing is requested, 10 days' notice shall be given of
37 the time and place of the hearing, which shall be held within the
38 county of residence of the person requesting the hearing or within
39 the county of the established place of business of the registrant.
40 The hearing shall be conducted by a referee who shall submit

1 findings and recommendations to the director or his or her
2 authorized representative, who shall decide the matter. The decision
3 shall be effective on notice thereof to the interested parties.
4 However, the director, or his or her authorized representative, may
5 rescind the decision and reconsider the matter for good cause
6 shown at any time within three years after the date the disputed
7 fee or penalty first became due, or one year from the hearing
8 whichever is later.

9 (d) Upon final completion of all administrative appeals, the
10 department shall give written notice to the registrant of the right
11 to a review of the decision by a court of competent jurisdiction.
12 Any action brought in court shall be commenced within 90 days
13 from the date notice of the decision is mailed.

14 SEC. 6. Section 22511.5 of the Vehicle Code is amended to
15 read:

16 22511.5. (a) (1) A disabled person or disabled veteran
17 displaying special license plates issued under Section 5007 or a
18 distinguishing placard issued under Section 22511.55 or 22511.59
19 is allowed to park for unlimited periods in any of the following
20 zones:

21 (A) In any restricted zone described in paragraph (5) of
22 subdivision (a) of Section 21458 or on streets upon which
23 preferential parking privileges and height limits have been given
24 pursuant to Section 22507.

25 (B) In any parking zone that is restricted as to the length of time
26 parking is permitted as indicated by a sign erected pursuant to a
27 local ordinance.

28 (2) A disabled person or disabled veteran is allowed to park in
29 any metered parking space without being required to pay parking
30 meter fees.

31 (3) This subdivision does not apply to a zone for which state
32 law or ordinance absolutely prohibits stopping, parking, or standing
33 of all vehicles, or which the law or ordinance reserves for special
34 types of vehicles, or to the parking of a vehicle that is involved in
35 the operation of a street vending business.

36 (b) A disabled person or disabled veteran is allowed to park a
37 *motor* vehicle displaying a special disabled person license plate
38 or placard issued by a foreign jurisdiction with the same parking
39 privileges authorized in this code for any *motor* vehicle displaying

- 1 a special license plate or a distinguishing placard issued by the
- 2 Department of Motor Vehicles.

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