

AMENDED IN SENATE MAY 17, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

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 *Section 64103 of the Government Code*, and 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 amended, Committee on Transportation. Vehicles: Department of Motor Vehicles: omnibus bill.

(1) Existing law *establishes the California Transportation Financing Authority, which consists of 7 members, with all powers reasonably necessary to carry out the powers and responsibilities expressly granted or imposed under the California Transportation Financing Authority Act. The act requires that 4 members of the authority constitutes a quorum and that the affirmative vote of a quorum of the members present at a duly constituted meeting of the authority is necessary for any action taken by the authority.*

This bill would instead require that an affirmative vote of a majority of the members present at a duly constituted meeting of the authority is necessary for any action to be taken by the authority.

(2) 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)

(3) 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)

(4) 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)

(5) 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 64103 of the Government Code is
2 amended to read:

3 64103. (a) The authority shall consist of seven members, as
4 follows:

5 (1) The Treasurer, who shall serve as the chair of the authority.

6 (2) The Director of Finance.

7 (3) The Controller.

8 (4) The Director of Transportation.

9 (5) The executive director of the commission.

10 (6) A local agency representative appointed by the Senate
11 Committee on Rules.

12 (7) A local agency representative appointed by the Speaker of
13 the Assembly.

14 (b) Members of the authority shall serve without compensation,
15 but the authority may reimburse its members for necessary
16 expenses incurred in the discharge of their duties.

17 (c) The Director of Finance may designate an employee of the
18 Department of Finance to act for him or her at all meetings of the
19 authority.

20 (d) The director of the department may designate an employee
21 of the department to act for him or her at all meetings of the
22 authority.

23 (e) The executive director of the commission may designate an
24 employee of the commission to act for him or her at all meetings
25 of the authority.

1 (f) The chair of the authority shall appoint an executive director.
 2 The offices of the authority shall be located in the office of the
 3 Treasurer. The authority may, by resolution, delegate to one or
 4 more of its members or its executive director or any employee of
 5 the authority such powers and duties that it may deem proper,
 6 including, but not limited to, the power to enter into contracts on
 7 behalf of the authority.

8 (g) Four members of the authority shall constitute a quorum.
 9 The affirmative vote of a ~~quorum~~ *majority* of the members present
 10 at a duly constituted meeting of the authority shall be necessary
 11 for any action taken by the authority.

12 ~~SECTION 1.~~

13 *SEC. 2.* Section 1808.1 of the Vehicle Code is amended to
 14 read:

15 1808.1. (a) The prospective employer of a driver who drives
 16 a vehicle specified in subdivision (k) shall obtain a report showing
 17 the driver's current public record as recorded by the department.
 18 For purposes of this subdivision, a report is current if it was issued
 19 less than 30 days prior to the date the employer employs the driver.
 20 The report shall be reviewed, signed, and dated by the employer
 21 and maintained at the employer's place of business until receipt
 22 of the pull-notice system report pursuant to subdivisions (b) and
 23 (c). These reports shall be presented upon request to an authorized
 24 representative of the Department of the California Highway Patrol
 25 during regular business hours.

26 (b) The employer of a driver who drives a vehicle specified in
 27 subdivision (k) shall participate in a pull-notice system, which is
 28 a process for the purpose of providing the employer with a report
 29 showing the driver's current public record as recorded by the
 30 department, and any subsequent convictions, failures to appear,
 31 accidents, driver's license suspensions, driver's license revocations,
 32 or any other actions taken against the driving privilege or
 33 certificate, added to the driver's record while the employer's
 34 notification request remains valid and uncanceled. As used in this
 35 section, participation in the pull-notice system means obtaining a
 36 requester code and enrolling all employed drivers who drive a
 37 vehicle specified in subdivision (k) under that requester code.

38 (c) The employer of a driver of a vehicle specified in subdivision
 39 (k) shall, additionally, obtain a periodic report from the department
 40 at least every 12 months. The employer shall verify that each

1 employee's driver's license has not been suspended or revoked,
2 the employee's traffic violation point count, and whether the
3 employee has been convicted of a violation of Section 23152 or
4 23153. The report shall be signed and dated by the employer and
5 maintained at the employer's principal place of business. The
6 report shall be presented upon demand to an authorized
7 representative of the Department of the California Highway Patrol
8 during regular business hours.

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

12 (e) For the purposes of the pull-notice system and periodic report
13 process required by subdivisions (b) and (c), an owner, other than
14 an owner-operator as defined in Section 34624, and an employer
15 who drives a vehicle described in subdivision (k) shall be enrolled
16 as if he or she were an employee. A family member and a volunteer
17 driver who drives a vehicle described in subdivision (k) shall also
18 be enrolled as if he or she were an employee.

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

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

38 (h) A request to participate in the pull-notice system established
39 by this section shall be accompanied by a fee determined by the
40 department to be sufficient to defray the entire actual cost to the

1 department for the notification service. For the receipt of
2 subsequent reports, the employer shall also be charged a fee
3 established by the department pursuant to Section 1811. An
4 employer who qualifies pursuant to Section 1812 shall be exempt
5 from any fee required pursuant to this section. Failure to pay the
6 fee shall result in automatic cancellation of the employer's
7 participation in the notification services.

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

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

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

26 (k) This section applies to a vehicle for the operation of which
27 the driver is required to have a class A or class B driver's license,
28 a class C license with a hazardous materials endorsement, a class
29 C license issued pursuant to Section 12814.7, or a certificate issued
30 pursuant to Section 12517, 12519, 12520, 12523, 12523.5, or
31 12527 or a passenger vehicle having a seating capacity of not more
32 than 10 persons, including the driver, operated for compensation
33 by a charter-party carrier of passengers or passenger stage
34 corporation pursuant to a certificate of public convenience and
35 necessity or a permit issued by the Public Utilities Commission.

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

39 (m) A motor carrier who contracts with a person to drive a
40 vehicle described in subdivision (k) that is owned by, or leased to,

1 that motor carrier, shall be subject to subdivisions (a), (b), (c), (d),
2 (f), (j), (k), and (l) and the employer obligations in those
3 subdivisions.

4 ~~SEC. 2.~~

5 *SEC. 3.* Section 5007 of the Vehicle Code is amended to read:

6 5007. (a) The department shall, upon application and without
7 additional fees, issue a special license plate or plates pursuant to
8 procedures adopted by the department to the following:

9 (1) A disabled person.

10 (2) A disabled veteran.

11 (3) An organization or agency involved in the transportation of
12 disabled persons or disabled veterans if the motor vehicle that will
13 have the special license plate is used solely for the purpose of
14 transporting those persons.

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

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

1 (2) The physician and surgeon, nurse practitioner, certified nurse
2 midwife, physician assistant, chiropractor, or optometrist who
3 signs a certificate submitted under this subdivision shall retain
4 information sufficient to substantiate that certificate and, upon
5 request of the department, shall make that information available
6 for inspection by the Medical Board of California or the appropriate
7 regulatory board.

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

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

22 (f) The special license plate shall, upon the death of the disabled
23 person or disabled veteran, be returned to the department within
24 60 days or upon the expiration of the vehicle registration,
25 whichever occurs first.

26 (g) When a motor vehicle subject to paragraph (3) of subdivision
27 (a) is sold or transferred, the special license plate or plates issued
28 to an organization or agency under paragraph (3) of subdivision
29 (a) for that motor vehicle shall be immediately returned to the
30 department.

31 ~~SEC. 3.~~

32 *SEC. 4.* Section 5023 of the Vehicle Code is amended to read:

33 5023. (a) A person described in Section 5101 may also apply
34 for a set of commemorative Olympic reflectorized license plates
35 and the department shall issue those special license plates in lieu
36 of regular license plates. The commemorative Olympic
37 reflectorized license plates shall be of a distinctive design and shall
38 be available in a special series of letters or numbers, or both, as
39 determined by the department after consultation with the United
40 States Olympic Committee. The department may issue the

1 commemorative Olympic reflectorized license plates as
2 environmental license plates, as defined in Section 5103, in a
3 combination of numbers or letters, or both, as requested by the
4 owner or lessee of the vehicle.

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

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

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

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

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

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

21 (d) All revenue derived from the additional special fees provided
22 in this section, less costs incurred by the department pursuant to
23 this section, shall be deposited in the California Olympic Training
24 Account in the General Fund established pursuant to Section 7592
25 of the Government Code.

26 ~~SEC. 4.~~

27 *SEC. 5.* Section 5024 of the Vehicle Code is amended to read:

28 5024. (a) A person described in Section 5101 may also apply
29 for a set of commemorative collegiate reflectorized license plates,
30 and the department shall issue those special license plates in lieu
31 of the regular license plates. The collegiate reflectorized plates
32 shall be of a distinctive design, and shall be available in a special
33 series of letters or numbers, or both, as determined by the
34 department. The collegiate reflectorized plates shall also contain
35 the name of the participating institution as well as the reflectorized
36 logotype, motto, symbol, or other distinctive design, as approved
37 by the department, representing the participating university or
38 college selected by the applicant. The department may issue the
39 commemorative collegiate reflectorized license plates as
40 environmental license plates, as defined in Section 5103, in a

1 combination of numbers or letters, or both, as requested by the
2 owner or lessee of the vehicle.

3 (b) Any public or private postsecondary educational institution
4 in the state, which is accredited or has been accepted as a
5 recognized candidate for accreditation by the Western Association
6 of Schools and Colleges, may indicate to the department its
7 decision to be included in the commemorative collegiate license
8 plate program and submit its distinctive design for the logotype,
9 motto, symbol, or other design. However, no public or private
10 postsecondary educational institution may be included in the
11 program until not less than 5,000 applications are received for
12 license plates containing that institution's logotype, motto, symbol,
13 or other design. Each participating institution shall collect and hold
14 applications for collegiate license plates until it has received at
15 least 5,000 applications. Once the institution has received at least
16 5,000 applications, it shall submit the applications, along with the
17 necessary fees, to the department. Upon receiving the first
18 application, the institution shall have one calendar year to receive
19 the remaining required applications. If, after that one calendar
20 year, 5,000 applications have not been received, the institution
21 shall refund to all applicants any fees or deposits which have been
22 collected.

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

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

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

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

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

34 (d) When payment of renewal fees is not required as specified
35 in Section 4000, or when the person determines to retain the
36 commemorative collegiate license plates upon sale, trade, or other
37 release of the vehicle upon which the plates have been displayed,
38 the person shall notify the department and the person may retain
39 the plates.

1 (e) Of the revenue derived from the additional special fees
2 provided in this section, less costs incurred by the department
3 pursuant to this section, one-half shall be deposited in the
4 California Collegiate License Plate Fund, which is hereby created,
5 and one-half shall be deposited in the Resources License Plate
6 Fund, which is hereby created.

7 (f) The money in the California Collegiate License Plate Fund
8 is, notwithstanding Section 13340 of the Government Code,
9 continuously appropriated to the Controller for allocation as
10 follows:

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

15 (2) With respect to funds collected on behalf of accredited
16 nonprofit, private, and independent colleges and universities in
17 the state, to the California Student Aid Commission for grants to
18 students at those institutions, in the proportion that funds are
19 collected on behalf of each institution, who demonstrate eligibility
20 and need in accordance with the Cal Grant Program pursuant to
21 Article 3 (commencing with Section 69530) of Chapter 2 of Part
22 42 of the Education Code, but who did not receive an award based
23 on a listing prepared by the California Student Aid Commission.

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

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

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

32 ~~SEC. 5.~~

33 *SEC. 6.* Section 8202 of the Vehicle Code is amended to read:

34 8202. (a) Within 30 days of the date the notice is mailed
35 pursuant to Section 8201, the registrant may submit documentation
36 not previously available or may request a hearing to contest the
37 existence or the amount of the lien. If no additional documentation
38 is submitted, or if no hearing is requested, the operating privileges
39 of the fleet may be suspended or canceled and a sufficient number
40 of vehicles may be seized and sold to satisfy the lien.

1 (b) If additional documentation is submitted, the department
2 shall review the documentation and issue its findings to the
3 registrant. Within 30 days of the date the findings are mailed, the
4 registrant may request a hearing.

5 (c) If a hearing is requested, 10 days' notice shall be given of
6 the time and place of the hearing, which shall be held within the
7 county of residence of the person requesting the hearing or within
8 the county of the established place of business of the registrant.
9 The hearing shall be conducted by a referee who shall submit
10 findings and recommendations to the director or his or her
11 authorized representative, who shall decide the matter. The decision
12 shall be effective on notice thereof to the interested parties.
13 However, the director, or his or her authorized representative, may
14 rescind the decision and reconsider the matter for good cause
15 shown at any time within three years after the date the disputed
16 fee or penalty first became due, or one year from the hearing
17 whichever is later.

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

23 ~~SEC. 6.~~

24 *SEC. 7.* Section 22511.5 of the Vehicle Code is amended to
25 read:

26 22511.5. (a) (1) A disabled person or disabled veteran
27 displaying special license plates issued under Section 5007 or a
28 distinguishing placard issued under Section 22511.55 or 22511.59
29 is allowed to park for unlimited periods in any of the following
30 zones:

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

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

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

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

6 (b) A disabled person or disabled veteran is allowed to park a
7 motor vehicle displaying a special disabled person license plate
8 or placard issued by a foreign jurisdiction with the same parking
9 privileges authorized in this code for any motor vehicle displaying
10 a special license plate or a distinguishing placard issued by the
11 Department of Motor Vehicles.

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