

AMENDED IN SENATE JUNE 17, 2010

AMENDED IN SENATE MAY 17, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2777**

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**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. Pérez)**

March 1, 2010

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An act to amend ~~Section 64103~~ *Sections 64103 and 14529.01* of, and to repeal *Sections 8588.4, 14053, and 14529.15* of, the Government Code, to amend *Section 99170 of the Public Utilities Code*, and to amend *Sections 1808.1, 5007, 5023, 5024, 5060, 5160, 8202, and 22511.5* of the Vehicle Code, relating to ~~vehicles~~ *transportation*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2777, as amended, Committee on Transportation. ~~Vehicles: Department of Motor Vehicles: omnibus bill.~~ *Transportation: 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~~ *constitute* 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.~~

~~(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.~~

~~(4)~~

~~(2) 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.

(3) Existing law requires all organizations participating in a special interest license plate program and state agencies authorized to offer specialized license plates to submit an annual accounting report to the Department of Motor Vehicles that includes an accounting for all revenues and expenditures associated with the program. Existing law requires the department to prepare and transmit an annual consolidated report containing the revenue and expenditure data to the Legislature.

This bill would repeal the annual consolidated report requirements for the department.

(5)

(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.

(5) This bill would also delete obsolete provisions, correct an erroneous cross-reference, and make other technical, nonsubstantive changes to related transportation provisions.

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 8588.4 of the Government Code is
- 2 repealed.
- 3 ~~8588.4. (a) The California Highway Patrol in cooperation with~~
- 4 ~~the Office of Emergency Services and the California National~~
- 5 ~~Guard and in consultation with the United States Coast Guard and~~
- 6 ~~all relevant federal, state, and local transportation and law~~
- 7 ~~enforcement agencies, shall perform a risk assessment of~~
- 8 ~~California's transportation system. The scope of this assessment~~
- 9 ~~shall include, but not be limited to, the transportation infrastructure~~

1 within the scope of the California Highway Patrol's responsibilities.  
2 The assessment may not necessarily involve an inspection or  
3 examination of each individual facility and service but rather an  
4 overview of any risk that may exist within California's  
5 transportation system. For each potential threat or security  
6 deficiency identified in the risk assessment, there shall be included  
7 one or more recommended measures to mitigate those risks.

8 (b) The California Highway Patrol shall submit a confidential  
9 report of its findings and recommendations to the Governor, the  
10 Speaker of the Assembly, the President pro Tempore of the Senate,  
11 the minority leader of the Assembly, and the minority leader of  
12 the Senate not later than January 1, 2003.

13 *SEC. 2. Section 14053 of the Government Code is repealed.*

14 14053. (a) It is the intent of the Legislature, in enacting this  
15 section, to establish an advisory body that, among other things,  
16 develops recommendations on ways to upgrade and modernize the  
17 data automation system within the department in a manner that  
18 enables the department to track the status of specific transportation  
19 projects and closely monitor the use of federal transportation funds,  
20 and includes other features that foster efficiencies in the delivery  
21 of transportation projects in this state. It is the intent of the  
22 Legislature that the advisory body established under this section  
23 develop a plan that focuses on ways to complement existing efforts  
24 within the department to upgrade the department's internal data  
25 automation system.

26 (b) (1) The department shall provide staff support for a  
27 management information system committee.

28 (2) The secretary shall designate the chairperson of the  
29 committee and shall appoint representatives to the committee from  
30 all of the following:

31 (A) The commission.

32 (B) The Department of Information Technology.

33 (C) Counties.

34 (D) Cities.

35 (E) Agencies responsible for approving each county's  
36 submission to the state transportation improvement program.

37 (F) Designated, multicounty regional transportation planning  
38 agencies.

39 (G) The department.

1 ~~(3) The committee shall develop a plan for a management~~  
2 ~~information system for project monitoring and project delivery~~  
3 ~~purposes. The plan shall specifically deal with the issue of closely~~  
4 ~~monitoring the use of federal transportation funds, including, but~~  
5 ~~not limited to, those funds that are made available through the~~  
6 ~~federal Regional Surface Transportation Program and the federal~~  
7 ~~Congestion Management and Air Quality program to ensure full~~  
8 ~~and timely use of those funds under subdivision (i) of Section~~  
9 ~~182.6 of, and subdivision (f) of Section 182.7 of, the Streets and~~  
10 ~~Highways Code. The committee shall consider developing all of~~  
11 ~~the following:~~

12 ~~(A) A report listing the data that would be required to provide~~  
13 ~~necessary project accountability and tracking, including, but not~~  
14 ~~limited to, requirements for specific project identification;~~  
15 ~~budgeting, scheduling, milestone reporting, expenditures, and~~  
16 ~~progress reports.~~

17 ~~(B) A report on the anticipated costs of building and operating~~  
18 ~~the system.~~

19 ~~(C) A description of an appropriate procurement process.~~

20 ~~(D) Any other information necessary for anticipating and~~  
21 ~~effectively managing project delivery issues in an expeditious~~  
22 ~~manner.~~

23 ~~(e) The committee shall examine the feasibility of developing~~  
24 ~~a system designed to reflect the diverse constituency of agencies~~  
25 ~~that may need access to the system, including, but not limited to,~~  
26 ~~regional transportation planning agencies, self-help sales tax~~  
27 ~~authorities, local cities and counties, transit districts, and other~~  
28 ~~recipients of funds under the state transportation improvement~~  
29 ~~program.~~

30 ~~(d) The committee shall consider one or more models for~~  
31 ~~implementing the system in each county or region of the state. The~~  
32 ~~model shall be appropriate for use in rural or urban districts.~~

33 ~~(e) The plan shall contain recommendations for improvements~~  
34 ~~to the department's internal data management system that can be~~  
35 ~~implemented in phases. The first phase of the plan shall include~~  
36 ~~recommendations on ways to improve project tracking capability.~~  
37 ~~The plan shall also provide for development by the department of~~  
38 ~~protocols regarding input and maintenance of the management~~  
39 ~~information system.~~

1 ~~(f) (1) Not later than March 31, 2000, the department shall~~  
2 ~~submit to the Governor and the Legislature a progress report~~  
3 ~~regarding current efforts by the department to improve its~~  
4 ~~management information system capability and regarding~~  
5 ~~development of the plan. The report shall include, but need not be~~  
6 ~~limited to, an estimated completion date for the comprehensive~~  
7 ~~data management system and a timetable for the interim steps that~~  
8 ~~the department will take to provide the information necessary to~~  
9 ~~satisfy the project monitoring requirements under Chapter 622 of~~  
10 ~~the Statutes of 1997 and under the federal Transportation Equity~~  
11 ~~Act for the 21st Century (Public Law 105-178) until the~~  
12 ~~comprehensive data management system is operational.~~

13 ~~(2) Not later than October 1, 2000, a draft of the plan shall be~~  
14 ~~circulated to interested parties for review and comment.~~

15 ~~(3) Not later than February 1, 2001, the committee shall submit~~  
16 ~~the final plan to the Legislature.~~

17 *SEC. 3. Section 14529.01 of the Government Code is amended*  
18 *to read:*

19 14529.01. (a) It is the intent of the Legislature to facilitate  
20 project development work on needed transportation projects to  
21 produce a steady flow of construction projects by adding an  
22 advance project development element to the state transportation  
23 improvement program, beginning with the 2000 State  
24 Transportation Improvement Program.

25 (b) The advance project development element shall include only  
26 project development activities for projects that are eligible for  
27 inclusion in a state transportation improvement program.

28 (c) The fund estimate for each state transportation improvement  
29 program shall designate an amount to be available for the advance  
30 project development element, which shall be not more than 25  
31 percent of the programmable resources estimated to be available  
32 for the first and second years following the period of the state  
33 transportation improvement program, subject to the formulas in  
34 Sections 164, 188 and 188.8 of the Streets and Highways Code.

35 (d) The department, transportation planning agencies, and county  
36 transportation commissions may nominate projects to the  
37 commission for inclusion in the advance project development  
38 element through submission of the regional transportation  
39 improvement program and the interregional transportation  
40 improvement program.

1 (e) The funds programmed in the advance project development  
2 element may be allocated within the period of the state  
3 transportation improvement program without regard to fiscal year.

4 (f) ~~Not later than September 1, 2002, the commission shall report~~  
5 ~~to the Governor and the Legislature on the impact of adding the~~  
6 ~~advance project development element described in subdivision (a)~~  
7 ~~with the funding level described in subdivision (c). The report~~  
8 ~~shall evaluate whether the element has proven effective in~~  
9 ~~producing a steady, deliverable stream of projects and whether~~  
10 ~~addition of the element has resulted in any detrimental effects on~~  
11 ~~the state's transportation system.~~

12 ~~(g)~~

13 (f) The commission may develop guidelines to implement this  
14 section.

15 *SEC. 4. Section 14529.15 of the Government Code is repealed.*

16 ~~14529.15. (a) The commission shall make a report to the~~  
17 ~~Legislature on or before February 1, 1999, and on or before~~  
18 ~~February 1, 2001, assessing the relative success of the provisions~~  
19 ~~of Senate Bill 45, as enacted during the 1997-98 Regular Session,~~  
20 ~~in achieving the Legislature's intent for reform of the state~~  
21 ~~transportation improvement program, and assessing program~~  
22 ~~delivery, expenditure of funds at both regional and statewide levels,~~  
23 ~~and program performance.~~

24 ~~(b) The Legislature intends that the 1998 State Transportation~~  
25 ~~Improvement Program conform with the requirements of Senate~~  
26 ~~Bill 45, as enacted during the 1997-98 Regular Session, to the~~  
27 ~~maximum degree feasible, taking into account the limited time~~  
28 ~~allowed between enactment of that bill and adoption of that~~  
29 ~~program. The commission shall comply fully with all procedures~~  
30 ~~and requirements of Senate Bill 45, as enacted during the 1997-98~~  
31 ~~Regular Session, in the preparation and adoption of the subsequent~~  
32 ~~state transportation improvement programs.~~

33 ~~(c) The 1998 State Transportation Improvement Program shall~~  
34 ~~cover a period of six years as a transition into a four-year~~  
35 ~~programming period.~~

36 **SECTION 1.**

37 *SEC. 5. Section 64103 of the Government Code is amended*  
38 *to read:*

39 64103. (a) The authority shall consist of seven members, as  
40 follows:

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

2 (2) The Director of Finance.

3 (3) The Controller.

4 (4) The Director of Transportation.

5 (5) The executive director of the commission.

6 (6) A local agency representative appointed by the Senate

7 Committee on Rules.

8 (7) A local agency representative appointed by the Speaker of

9 the Assembly.

10 (b) Members of the authority shall serve without compensation,

11 but the authority may reimburse its members for necessary

12 expenses incurred in the discharge of their duties.

13 (c) The Director of Finance may designate an employee of the

14 Department of Finance to act for him or her at all meetings of the

15 authority.

16 (d) The director of the department may designate an employee

17 of the department to act for him or her at all meetings of the

18 authority.

19 (e) The executive director of the commission may designate an

20 employee of the commission to act for him or her at all meetings

21 of the authority.

22 (f) The chair of the authority shall appoint an executive director.

23 The offices of the authority shall be located in the office of the

24 Treasurer. The authority may, by resolution, delegate to one or

25 more of its members or its executive director or any employee of

26 the authority such powers and duties that it may deem proper,

27 including, but not limited to, the power to enter into contracts on

28 behalf of the authority.

29 (g) Four members of the authority shall constitute a quorum.

30 The affirmative vote of a majority of the members present at a

31 duly constituted meeting of the authority shall be necessary for

32 any action taken by the authority.

33 *SEC. 6. Section 99170 of the Public Utilities Code is amended*

34 *to read:*

35 99170. (a) ~~No~~A person shall *not* do any of the following with  
36 respect to the property, facilities, or vehicles of a transit district:

37 (1) Operate, interfere with, enter into, or climb on or in, the

38 property, facilities, or vehicles owned or operated by the transit

39 district without the permission or approval of the transit district.



1 (2) Interfere with the operator or operation of a transit vehicle,  
2 or impede the safe boarding or alighting of passengers.

3 (3) Extend any portion of the body through ~~any~~ a window  
4 opening of a transit vehicle in a manner that may cause harm or  
5 injury.

6 (4) Throw ~~any~~ a object from a transit vehicle.

7 (5) Commit ~~any~~ a act or engage in ~~any~~ a behavior that may,  
8 with reasonable foreseeability, cause harm or injury to any person  
9 or property.

10 (6) Violate a notice, prohibition, instruction, or direction on ~~any~~  
11 a sign that is intended to provide for the safety and security of  
12 transit passengers, or the safe and secure operation of the transit  
13 system.

14 (b) For purposes of this section, “transit district” means an entity  
15 that qualifies as a claimant, as defined in Section 99203, eligible  
16 to receive allocations under Chapter 4 (commencing with Section  
17 99200).

18 (c) A violation of this section is an infraction under Section 19.8  
19 of the Penal Code punishable by a fine not exceeding seventy-five  
20 dollars (\$75), and ~~that~~ a violation by a person after a second  
21 conviction is punishable by a fine not exceeding two hundred fifty  
22 dollars (\$250) or by community service that does not conflict with  
23 the violator’s hours of school attendance or employment for a total  
24 time not to exceed 48 hours over a period not to exceed 60 days.

25 (d) A transit district shall provide reasonable notification to the  
26 public of the activities prohibited by this section and the penalties  
27 for violations of those prohibitions.

28 (e) This section does not prohibit any person from engaging in  
29 activities that are protected under the laws of the United States or  
30 of this state, including, but not limited to, picketing, demonstrating,  
31 or distributing handbills.

32 (f) Transit districts shall maintain records of violations and the  
33 number of citations issued with respect to the actions prohibited  
34 under this section until January 1, 2005. The transit districts shall  
35 prepare a summary report of these actions and related findings  
36 with respect to the implementation and operation of this section  
37 and shall submit the report to the Legislature on or before January  
38 1, 2006.

39 ~~(g) No revenue~~

1 (f) Revenue from fines imposed pursuant to subdivision (c) shall  
2 not be distributed or allocated to the transit agency issuing citations  
3 under this section. Fine revenue instead shall be allocated to the  
4 other entities eligible to receive those funds under existing law.

5 ~~SEC. 2.~~

6 SEC. 7. Section 1808.1 of the Vehicle Code is amended to  
7 read:

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

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

31 (c) The employer of a driver of a vehicle specified in subdivision  
32 (k) shall, additionally, obtain a periodic report from the department  
33 at least every 12 months. The employer shall verify that each  
34 employee's driver's license has not been suspended or revoked,  
35 the employee's traffic violation point count, and whether the  
36 employee has been convicted of a violation of Section 23152 or  
37 23153. The report shall be signed and dated by the employer and  
38 maintained at the employer's principal place of business. The  
39 report shall be presented upon demand to an authorized

1 representative of the Department of the California Highway Patrol  
2 during regular business hours.

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

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

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

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

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

1 fee shall result in automatic cancellation of the employer's  
2 participation in the notification services.

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

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

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

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

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

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

39 ~~SEC. 3.~~

40 SEC. 8. 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. 4.~~

27 *SEC. 9.* Section 5023 of the Vehicle Code is amended to read:

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

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

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

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

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

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

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

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

22 ~~SEC. 5.~~

23 *SEC. 10.* Section 5024 of the Vehicle Code is amended to read:

24 5024. (a) A person described in Section 5101 may also apply  
25 for a set of commemorative collegiate reflectorized license plates,  
26 and the department shall issue those special license plates in lieu  
27 of the regular license plates. The collegiate reflectorized plates  
28 shall be of a distinctive design, and shall be available in a special  
29 series of letters or numbers, or both, as determined by the  
30 department. The collegiate reflectorized plates shall also contain  
31 the name of the participating institution as well as the reflectorized  
32 logotype, motto, symbol, or other distinctive design, as approved  
33 by the department, representing the participating university or  
34 college selected by the applicant. The department may issue the  
35 commemorative collegiate 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) Any public or private postsecondary educational institution  
40 in the state, which is accredited or has been accepted as a

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

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

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

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

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

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

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

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



1 and one-half shall be deposited in the Resources License Plate  
2 Fund, which is hereby created.

3 (f) The money in the California Collegiate License Plate Fund  
4 is, notwithstanding Section 13340 of the Government Code,  
5 continuously appropriated to the Controller for allocation as  
6 follows:

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

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

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

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

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

28 *SEC. 11. Section 5060 of the Vehicle Code is amended to read:*

29 5060. (a) An organization may apply to the department for  
30 participation in a special interest license plate program and the  
31 department shall issue special license plates for that program if  
32 the issuance of those plates is required by this article, the  
33 sponsoring organization complies with the requirements of this  
34 section, and the organization meets all of the following criteria:

35 (1) Qualifies for tax-exempt status under Section 501(c)(3) of  
36 the Internal Revenue Code and Section 23701d of the Revenue  
37 and Taxation Code.

38 (2) Submits a financial plan describing the purposes for which  
39 the revenues described in paragraph (2) of subdivision (e) will be  
40 used.

1 (3) Submits a design of the organization's proposed special  
2 interest license plate that, among other things, provides for the  
3 placement of the number and letter characters in a manner that  
4 allows for law enforcement to readily identify those characters.

5 (b) Any person described in Section 5101 may apply for special  
6 interest license plates, in lieu of the regular license plates.

7 (c) The design criteria for a special interest license plate are as  
8 follows:

9 (1) The license plate for a passenger vehicle, commercial  
10 vehicle, or trailer shall provide a space not larger than 2 inches by  
11 3 inches to the left of the numerical series and a space not larger  
12 than five-eighths of an inch in height below the numerical series  
13 for a distinctive design, decal, or descriptive message as authorized  
14 by this article. The plates shall be issued in sequential numerical  
15 order or, pursuant to Section 5103, in a combination of numbers  
16 or letters.

17 (2) Special interest license plates authorized under this article  
18 may be issued for use on a motorcycle. That license plate shall  
19 contain a five digit configuration issued in sequential numerical  
20 order or, pursuant to Section 5103, in a combination of numbers  
21 or letters. There shall be a space to the left of the numerical series  
22 for a distinctive design or decal and the characters shall contrast  
23 sharply with the uniform background color. No motorcycle plate  
24 containing a full plate graphic design is authorized. Those particular  
25 special interest license plates that were issued prior to the  
26 discontinuation provided by this paragraph may continue to be  
27 used and attached to the vehicle for which they were issued and  
28 may be renewed, retained, or transferred pursuant to this code.

29 (d) (1) ~~No~~*An organization may shall not* be included in the  
30 program until not less than 7,500 applications for the particular  
31 special interest license plates are received. Each organization shall  
32 collect and hold applications for the plates. Once the organization  
33 has received at least 7,500 applications, it shall submit the  
34 applications, along with the necessary fees, to the department. The  
35 department shall not issue any special interest license plate until  
36 an organization has received and submitted to the department not  
37 less than 7,500 applications for that particular special interest  
38 license plate within the time period prescribed in this section.  
39 Advanced payment to the department by an organization  
40 representing the department's estimated or actual administrative

1 costs associated with the issuance of a particular special interest  
2 license plate shall not constitute compliance with this requirement.  
3 The organization shall have 12 months, following the effective  
4 date of the enactment of the specific legislation enabling the  
5 organization to participate in this program, to receive the required  
6 number of applications. If, after that 12 months, 7,500 applications  
7 have not been received, the organization shall immediately do  
8 either of the following:

9 (A) Refund to all applicants any fees or deposits that have been  
10 collected.

11 (B) Contact the department to indicate the organization's intent  
12 to undertake collection of additional applications and fees or  
13 deposits for an additional period, not to exceed 12 months, in order  
14 to obtain the minimum 7,500 applications. If an organization elects  
15 to exercise the option under this paragraph, it shall contact each  
16 applicant who has submitted an application with the appropriate  
17 fees or deposits to determine if the applicant wishes a refund of  
18 fees or deposits or requests the continuance of the holding of the  
19 application and fees or deposits until that time that the organization  
20 has received 7,500 applications. The organization shall refund the  
21 fees or deposits to any applicant so requesting. In no event shall  
22 an organization collect and hold applications for a period exceeding  
23 24 months following the date of authorization as described in  
24 paragraph (2) of subdivision (a).

25 (C) Sequential plate fees shall be paid for the original issuance,  
26 renewal, retention, replacement, or transfer of the special interest  
27 license plate as determined by the organization and authorized by  
28 department's regulations. Those plates containing a personalized  
29 message are subject to the fees required pursuant to Sections 5106  
30 and 5108 in addition to any fees required by the special interest  
31 license plate program.

32 (2) (A) If the number of currently outstanding and valid special  
33 interest license plates in any particular program provided for in  
34 this article is less than 7,500, the department shall notify the  
35 sponsoring organization of that fact and shall inform the  
36 organization that if that number is less than 7,500 one year from  
37 the date of that notification, the department will no longer issue  
38 or replace those special interest license plates.

39 (B) Those particular special interest license plates that were  
40 issued prior to the discontinuation provided by subparagraph (A)

1 may continue to be used and attached to the vehicle for which they  
2 were issued and may be renewed, retained, or transferred pursuant  
3 to this code.

4 (e) (1) The department shall deduct its costs to develop and  
5 administer the special interest license plate program from the  
6 revenues collected for the plates.

7 (2) The department shall deposit the remaining revenues from  
8 the original issuance, renewal, retention, replacement, or transfer  
9 of the special interest license plate in a fund which shall be  
10 established by the Controller.

11 (f) When payment of renewal fees is not required as specified  
12 in Section 4000, or when a person determines to retain the special  
13 interest license plate upon a sale, trade, or other release of the  
14 vehicle upon which the plate has been displayed, the person shall  
15 notify the department and the person may retain and use the plate  
16 as authorized by department regulations.

17 (g) An organization that is eligible to participate in a special  
18 interest license plate program pursuant to this article and receives  
19 funds from the additional fees collected from the sale of special  
20 license plates shall not expend annually more than 25 percent of  
21 those funds on administrative costs, marketing, or other  
22 promotional activities associated with encouraging application for,  
23 or renewal of, the special license plates.

24 (h) (1) Every organization authorized under this article to offer  
25 special interest license plates shall prepare and submit an annual  
26 accounting report to the department by June 30. The report shall  
27 include an accounting of all revenues and expenditures associated  
28 with the special interest license plate program.

29 (2) If an organization submits a report pursuant to paragraph  
30 (1) indicating that the organization violated the expenditure  
31 restriction set forth in subdivision (g), the department shall  
32 immediately cease depositing fees in the fund created by the  
33 Controller for that organization under paragraph (2) of subdivision  
34 (e) and, instead, shall deposit those fees that would have otherwise  
35 been deposited in that fund in a separate fund created by the  
36 Controller, which fund is subject to appropriation by the  
37 Legislature. The department shall immediately notify the  
38 organization of this course of action. The depositing of funds in  
39 the account established pursuant to this paragraph shall continue  
40 until the organization demonstrates to the satisfaction of the

1 department that the organization is in compliance or will comply  
2 with the requirements of subdivision (g). If one year from the date  
3 that the organization receives the notice described in this paragraph,  
4 the organization is still unable to satisfactorily demonstrate to the  
5 department that it is in compliance or will comply with the  
6 requirements of subdivision (g), the department shall no longer  
7 issue or replace those special interest license plates associated with  
8 that organization. Those particular special interest license plates  
9 that were issued prior to the discontinuation provided by this  
10 paragraph may continue to be used and attached to the vehicle for  
11 which they were issued and may be renewed, retained, or  
12 transferred pursuant to this code.

13 ~~(3) Upon receiving the reports required under paragraph (1),~~  
14 ~~the department shall prepare and transmit an annual consolidated~~  
15 ~~report to the Legislature containing the revenue and expenditure~~  
16 ~~data.~~

17 *SEC. 12. Section 5160 of the Vehicle Code is amended to read:*

18 5160. (a) A state agency authorized under this article to offer  
19 specialized license plates shall prepare and submit an annual  
20 accounting report to the department by June 30. The report shall  
21 include an accounting of all revenues and expenditures associated  
22 with the specialized license plate program.

23 (b) If a state agency submits a report pursuant to subdivision  
24 (a) indicating that the agency violated the expenditure restriction  
25 set forth in Section 5159, the department shall immediately cease  
26 depositing fees for that agency's specialized license plate program  
27 in the Specialized License Plate Fund established under Section  
28 5157 and, instead, shall deposit those fees that would have  
29 otherwise been deposited in that fund in a separate fund created  
30 by the Controller, which fund is subject to appropriation by the  
31 Legislature. The department shall immediately notify the agency  
32 of this course of action. The depositing of funds in the account  
33 established pursuant to this subdivision shall continue until the  
34 agency demonstrates to the satisfaction of the department that the  
35 agency is in compliance or will comply with the requirements of  
36 Section 5159. If one year from the date that the agency receives  
37 the notice described in this subdivision, the agency is still unable  
38 to satisfactorily demonstrate to the department that it is in  
39 compliance or will comply with Section 5159, the department shall  
40 no longer issue or replace those specialized license plates associated

1 with that agency. Those particular specialized license plates that  
2 were issued prior to the discontinuation provided by this  
3 subdivision may continue to be used and attached to the vehicle  
4 for which they were issued and may be renewed, retained, or  
5 transferred pursuant to this code.

6 ~~(e) Upon receiving the reports required under subdivision (a),~~  
7 ~~notwithstanding Section 7550.5 of the Government Code, the~~  
8 ~~department shall prepare and transmit an annual consolidated report~~  
9 ~~to the Legislature containing the revenue and expenditure data.~~

10 ~~SEC. 6.~~

11 *SEC. 13.* Section 8202 of the Vehicle Code is amended to read:

12 8202. (a) Within 30 days of the date the notice is mailed  
13 pursuant to Section 8201, the registrant may submit documentation  
14 not previously available or may request a hearing to contest the  
15 existence or the amount of the lien. If no additional documentation  
16 is submitted, or if no hearing is requested, the operating privileges  
17 of the fleet may be suspended or canceled and a sufficient number  
18 of vehicles may be seized and sold to satisfy the lien.

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

23 (c) If a hearing is requested, 10 days' notice shall be given of  
24 the time and place of the hearing, which shall be held within the  
25 county of residence of the person requesting the hearing or within  
26 the county of the established place of business of the registrant.  
27 The hearing shall be conducted by a referee who shall submit  
28 findings and recommendations to the director or his or her  
29 authorized representative, who shall decide the matter. The decision  
30 shall be effective on notice thereof to the interested parties.  
31 However, the director, or his or her authorized representative, may  
32 rescind the decision and reconsider the matter for good cause  
33 shown at any time within three years after the date the disputed  
34 fee or penalty first became due, or one year from the hearing  
35 whichever is later.

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

1     ~~SEC. 7.~~

2     *SEC. 14.* Section 22511.5 of the Vehicle Code is amended to  
3 read:

4     22511.5. (a) (1) A disabled person or disabled veteran  
5 displaying special license plates issued under Section 5007 or a  
6 distinguishing placard issued under Section 22511.55 or 22511.59  
7 is allowed to park for unlimited periods in any of the following  
8 zones:

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

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

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

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

24     (b) A disabled person or disabled veteran is allowed to park a  
25 motor vehicle displaying a special disabled person license plate  
26 or placard issued by a foreign jurisdiction with the same parking  
27 privileges authorized in this code for any motor vehicle displaying  
28 a special license plate or a distinguishing placard issued by the  
29 Department of Motor Vehicles.

O