

AMENDED IN SENATE JULY 15, 2010

AMENDED IN SENATE JUNE 17, 2010

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. Pérez)**

March 1, 2010

An act to amend Sections 64103 and 14529.01 of, and to repeal Sections ~~8588.4, 14053, and 14529.15~~ *8588.4 and 14053* 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 transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2777, as amended, Committee on Transportation. 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 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 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.~~

~~(4)~~

(3) 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)

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

(5) *This bill would incorporate additional changes in Section 1808.1 of the Vehicle Code proposed by AB 1648 to be operative only if AB 1648 and this bill are both chaptered and become effective on or before January 1, 2011, and this bill is chaptered last.*

This bill would also incorporate additional changes in Section 5007 of the Vehicle Code proposed by AB 1944 to be operative only if AB 1944 and this bill are both chaptered and become effective on or before January 1, 2011, and this bill is chaptered last.

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 Section 14053 of the Government Code is repealed.

4 SEC. 3. Section 14529.01 of the Government Code is amended
5 to read:

6 14529.01. (a) It is the intent of the Legislature to facilitate
7 project development work on needed transportation projects to
8 produce a steady flow of construction projects by adding an
9 advance project development element to the state transportation
10 improvement program, beginning with the 2000 State
11 Transportation Improvement Program.

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

15 (c) The fund estimate for each state transportation improvement
16 program shall designate an amount to be available for the advance
17 project development element, which shall be not more than 25
18 percent of the programmable resources estimated to be available
19 for the first and second years following the period of the state
20 transportation improvement program, subject to the formulas in
21 Sections 164, 188, and 188.8 of the Streets and Highways Code.

1 (d) The department, transportation planning agencies, and county
2 transportation commissions may nominate projects to the
3 commission for inclusion in the advance project development
4 element through submission of the regional transportation
5 improvement program and the interregional transportation
6 improvement program.

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

10 (f) The commission may develop guidelines to implement this
11 section.

12 ~~SEC. 4. Section 14529.15 of the Government Code is repealed.~~

13 ~~SEC. 5.~~

14 *SEC. 4.* Section 64103 of the Government Code is amended
15 to read:

16 64103. (a) The authority shall consist of seven members, as
17 follows:

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

19 (2) The Director of Finance.

20 (3) The Controller.

21 (4) The Director of Transportation.

22 (5) The executive director of the commission.

23 (6) A local agency representative appointed by the Senate
24 Committee on Rules.

25 (7) A local agency representative appointed by the Speaker of
26 the Assembly.

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

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

33 (d) The director of the department may designate an employee
34 of the department to act for him or her at all meetings of the
35 authority.

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

39 (f) The chair of the authority shall appoint an executive director.
40 The offices of the authority shall be located in the office of the

1 Treasurer. The authority may, by resolution, delegate to one or
2 more of its members or its executive director or any employee of
3 the authority such powers and duties that it may deem proper,
4 including, but not limited to, the power to enter into contracts on
5 behalf of the authority.

6 (g) Four members of the authority shall constitute a quorum.
7 The affirmative vote of a majority of the members present at a
8 duly constituted meeting of the authority shall be necessary for
9 any action taken by the authority. *Additionally, the authority may*
10 *not take any action unless a quorum is present at the time of the*
11 *vote.*

12 ~~SEC. 6.~~

13 SEC. 5. Section 99170 of the Public Utilities Code is amended
14 to read:

15 99170. (a) A person shall not do any of the following with
16 respect to the property, facilities, or vehicles of a transit district:

17 (1) Operate, interfere with, enter into, or climb on or in, the
18 property, facilities, or vehicles owned or operated by the transit
19 district without the permission or approval of the transit district.

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

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

24 (4) Throw ~~a~~ *an* object from a transit vehicle.

25 (5) Commit ~~a~~ *an* act or engage in a behavior that may, with
26 reasonable foreseeability, cause harm or injury to any person or
27 property.

28 (6) Violate a notice, prohibition, instruction, or direction on a
29 sign that is intended to provide for the safety and security of transit
30 passengers, or the safe and secure operation of the transit system.

31 (b) For purposes of this section, “transit district” means an entity
32 that qualifies as a claimant, as defined in Section 99203, eligible
33 to receive allocations under Chapter 4 (commencing with Section
34 99200).

35 (c) A violation of this section is an infraction under Section 19.8
36 of the Penal Code punishable by a fine not exceeding seventy-five
37 dollars (\$75), and a violation by a person after a second conviction
38 is punishable by a fine not exceeding two hundred fifty dollars
39 (\$250) or by community service that does not conflict with the

1 violator’s hours of school attendance or employment for a total
2 time not to exceed 48 hours over a period not to exceed 60 days.

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

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

10 (f) Transit districts shall maintain records of violations and the
11 number of citations issued with respect to the actions prohibited
12 under this section until January 1, 2005. The transit districts shall
13 prepare a summary report of these actions and related findings
14 with respect to the implementation and operation of this section
15 and shall submit the report to the Legislature on or before January
16 1, 2006.

17 (f)

18 (g) Revenue from fines imposed pursuant to subdivision (c)
19 shall not be distributed or allocated to the transit agency issuing
20 citations under this section. Fine revenue instead shall be allocated
21 to the other entities eligible to receive those funds under existing
22 law.

23 ~~SEC. 7.~~

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

26 1808.1. (a) The prospective employer of a driver who drives
27 a vehicle specified in subdivision (k) shall obtain a report showing
28 the driver’s current public record as recorded by the department.
29 For purposes of this subdivision, a report is current if it was issued
30 less than 30 days prior to the date the employer employs the driver.
31 The report shall be reviewed, signed, and dated by the employer
32 and maintained at the employer’s place of business until receipt
33 of the pull-notice system report pursuant to subdivisions (b) and
34 (c). These reports shall be presented upon request to an authorized
35 representative of the Department of the California Highway Patrol
36 during regular business hours.

37 (b) The employer of a driver who drives a vehicle specified in
38 subdivision (k) shall participate in a pull-notice system, which is
39 a process for the purpose of providing the employer with a report
40 showing the driver’s current public record as recorded by the

1 department, and any subsequent convictions, failures to appear,
2 accidents, driver's license suspensions, driver's license revocations,
3 or any other actions taken against the driving privilege or
4 certificate, added to the driver's record while the employer's
5 notification request remains valid and uncanceled. As used in this
6 section, participation in the pull-notice system means obtaining a
7 requester code and enrolling all employed drivers who drive a
8 vehicle specified in subdivision (k) under that requester code.

9 (c) The employer of a driver of a vehicle specified in subdivision
10 (k) shall, additionally, obtain a periodic report from the department
11 at least every 12 months. The employer shall verify that each
12 employee's driver's license has not been suspended or revoked,
13 the employee's traffic violation point count, and whether the
14 employee has been convicted of a violation of Section 23152 or
15 23153. The report shall be signed and dated by the employer and
16 maintained at the employer's principal place of business. The
17 report shall be presented upon demand to an authorized
18 representative of the Department of the California Highway Patrol
19 during regular business hours.

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

23 (e) For the purposes of the pull-notice system and periodic report
24 process required by subdivisions (b) and (c), an owner, other than
25 an owner-operator as defined in Section 34624, and an employer
26 who drives a vehicle described in subdivision (k) shall be enrolled
27 as if he or she were an employee. A family member and a volunteer
28 driver who drives a vehicle described in subdivision (k) shall also
29 be enrolled as if he or she were an employee.

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

38 (g) As part of its inspection of bus maintenance facilities and
39 terminals required at least once every 13 months pursuant to
40 subdivision (c) of Section 34501, the Department of the California

1 Highway Patrol shall determine whether each transit operator, as
2 defined in Section 99210 of the Public Utilities Code, is then in
3 compliance with this section and Section 12804.6, and shall certify
4 each operator found to be in compliance. Funds shall not be
5 allocated pursuant to Chapter 4 (commencing with Section 99200)
6 of Part 11 of Division 10 of the Public Utilities Code to a transit
7 operator that the Department of the California Highway Patrol has
8 not certified pursuant to this section.

9 (h) A request to participate in the pull-notice system established
10 by this section shall be accompanied by a fee determined by the
11 department to be sufficient to defray the entire actual cost to the
12 department for the notification service. For the receipt of
13 subsequent reports, the employer shall also be charged a fee
14 established by the department pursuant to Section 1811. An
15 employer who qualifies pursuant to Section 1812 shall be exempt
16 from any fee required pursuant to this section. Failure to pay the
17 fee shall result in automatic cancellation of the employer's
18 participation in the notification services.

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

24 (j) (1) The employer of a driver who is employed as a casual
25 driver is not required to enter that driver's name in the pull-notice
26 system, as otherwise required by subdivision (a). However, the
27 employer of a casual driver shall be in possession of a report of
28 the driver's current public record as recorded by the department,
29 prior to allowing a casual driver to drive a vehicle specified in
30 subdivision (k). A report is current if it was issued less than six
31 months prior to the date the employer employs the driver.

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

37 (k) This section applies to a vehicle for the operation of which
38 the driver is required to have a class A or class B driver's license,
39 a class C license with a hazardous materials endorsement, a class
40 C license issued pursuant to Section 12814.7, or a certificate issued

1 pursuant to Section 12517, 12519, 12520, 12523, 12523.5, or
2 12527 or a passenger vehicle having a seating capacity of not more
3 than 10 persons, including the driver, operated for compensation
4 by a charter-party carrier of passengers or passenger stage
5 corporation pursuant to a certificate of public convenience and
6 necessity or a permit issued by the Public Utilities Commission.

7 (l) This section shall not be construed to change the definition
8 of “employer,” “employee,” or “independent contractor” for any
9 purpose.

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

15 *SEC. 6.5. Section 1808.1 of the Vehicle Code is amended to*
16 *read:*

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

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

1 (c) The employer of a driver of a vehicle specified in subdivision
2 (k) shall, additionally, obtain a periodic report from the department
3 at least every 12 months. The employer shall verify that each
4 employee's driver's license has not been suspended or revoked,
5 the employee's traffic violation point count, and whether the
6 employee has been convicted of a violation of Section 23152 or
7 23153. The report shall be signed and dated by the employer and
8 maintained at the employer's principal place of business. The
9 report shall be presented upon demand to an authorized
10 representative of the Department of the California Highway Patrol
11 during regular business hours.

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

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

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

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

1 (h) (1) A request to participate in the pull-notice system
2 established by this section shall be accompanied by a fee
3 determined by the department to be sufficient to defray the entire
4 actual cost to the department for the notification service. For the
5 receipt of subsequent reports, the employer shall also be charged
6 a fee established by the department pursuant to Section 1811. An
7 employer who qualifies pursuant to Section 1812 shall be exempt
8 from any fee required pursuant to this section. Failure to pay the
9 fee shall result in automatic cancellation of the employer's
10 participation in the notification services.

11 (2) *A regularly organized fire department, having official*
12 *recognition of the city, county, city and county, or district in which*
13 *the department is located, shall participate in the pull-notice*
14 *program and shall not be subject to the fee established pursuant*
15 *to this subdivision.*

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

21 (j) (1) The employer of a driver who is employed as a casual
22 driver is not required to enter that driver's name in the pull-notice
23 system, as otherwise required by subdivision (a). However, the
24 employer of a casual driver shall be in possession of a report of
25 the driver's current public record as recorded by the department,
26 prior to allowing a casual driver to drive a vehicle specified in
27 subdivision (k). A report is current if it was issued less than six
28 months prior to the date the employer employs the driver.

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

34 (k) This section applies to a vehicle for the operation of which
35 the driver is required to have a class A or class B driver's license,
36 a class C license with a hazardous materials endorsement, a class
37 C license issued pursuant to Section 12814.7, or a certificate issued
38 pursuant to Section ~~2512~~, 12517, 12519, 12520, 12523, ~~or~~ 12523.5,
39 or 12527, or a passenger vehicle having a seating capacity of not
40 more than 10 persons, including the driver, operated for

1 compensation by a charter-party carrier of passengers or passenger
2 stage corporation pursuant to a certificate of public convenience
3 and necessity or a permit issued by the Public Utilities
4 Commission.

5 (l) This section shall not be construed to change the definition
6 of “employer,” “employee,” or “independent contractor” for any
7 purpose.

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

13 ~~SEC. 8.~~

14 *SEC. 7.* Section 5007 of the Vehicle Code is amended to read:

15 5007. (a) The department shall, upon application and without
16 additional fees, issue a special license plate or plates pursuant to
17 procedures adopted by the department to the following:

18 (1) A disabled person.

19 (2) A disabled veteran.

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

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

31 (c) (1) Prior to issuing a special license plate to a disabled
32 person or disabled veteran, the department shall require the
33 submission of a certificate, in accordance with paragraph (2),
34 signed by the physician and surgeon, or to the extent that it does
35 not cause a reduction in the receipt of federal aid highway funds,
36 by a nurse practitioner, certified nurse midwife, or physician
37 assistant, substantiating the disability, unless the applicant’s
38 disability is readily observable and uncontested. The disability of
39 a person who has lost, or has lost use of, one or more lower
40 extremities or one hand, for a disabled veteran, or both hands for

1 a disabled person, or who has significant limitation in the use of
2 lower extremities, may also be certified by a licensed chiropractor.
3 The blindness of an applicant shall be certified by a licensed
4 physician and surgeon who specializes in diseases of the eye or a
5 licensed optometrist. The physician and surgeon, nurse practitioner,
6 certified nurse midwife, physician assistant, chiropractor, or
7 optometrist certifying the qualifying disability shall provide a full
8 description of the illness or disability on the form submitted to the
9 department.

10 (2) The physician and surgeon, nurse practitioner, certified nurse
11 midwife, physician assistant, chiropractor, or optometrist who
12 signs a certificate submitted under this subdivision shall retain
13 information sufficient to substantiate that certificate and, upon
14 request of the department, shall make that information available
15 for inspection by the Medical Board of California or the appropriate
16 regulatory board.

17 (d) A disabled person or disabled veteran issued a license plate
18 or plates under this section shall, upon request, present to a peace
19 officer, or person authorized to enforce parking laws, ordinances,
20 or regulations, a certification form that substantiates the eligibility
21 of the disabled person or veteran to possess the plate or plates. The
22 certification shall be on a form prescribed by the department and
23 contain the name of the disabled person or disabled veteran to
24 whom the plate or plates were issued, and the name, address, and
25 telephone number of the medical professional described in
26 subdivision (c) who certified the eligibility of the person or veteran
27 for the plate or plates.

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

31 (f) The special license plate shall, upon the death of the disabled
32 person or disabled veteran, be returned to the department within
33 60 days or upon the expiration of the vehicle registration,
34 whichever occurs first.

35 (g) When a motor vehicle subject to paragraph (3) of subdivision
36 (a) is sold or transferred, the special license plate or plates issued
37 to an organization or agency under paragraph (3) of subdivision
38 (a) for that motor vehicle shall be immediately returned to the
39 department.

40 *SEC. 7.5. 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~~ *Except as provided in paragraph (3), prior to*
18 *issuing a special license plate to a disabled person or disabled*
19 *veteran, the department shall require the submission of a certificate,*
20 *in accordance with paragraph (2), signed by the physician and*
21 *surgeon, or to the extent that it does not cause a reduction in the*
22 *receipt of federal aid highway funds, by a nurse practitioner,*
23 *certified nurse midwife, or physician assistant, substantiating the*
24 *disability, unless the applicant’s disability is readily observable*
25 *and uncontested. The disability of a person who has lost, or has*
26 *lost use of, one or more lower extremities or one hand, for a*
27 *disabled veteran, or both hands for a disabled person, or who has*
28 *significant limitation in the use of lower extremities, may also be*
29 *certified by a licensed chiropractor. The blindness of an applicant*
30 *shall be certified by a licensed physician and surgeon who*
31 *specializes in diseases of the eye or a licensed optometrist. The*
32 *physician and surgeon, nurse practitioner, certified nurse midwife,*
33 *physician assistant, chiropractor, or optometrist certifying the*
34 *qualifying disability shall provide a full description of the illness*
35 *or disability on the form submitted to the 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 (3) *For a disabled veteran, the department shall accept, in lieu*
4 *of the certificate described in paragraph (1), a certificate from the*
5 *United States Department of Veterans Affairs that certifies that*
6 *the applicant is a disabled veteran as described in Section 295.7.*

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

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

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

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

30 ~~SEC. 9.~~

31 *SEC. 8.* Section 5023 of the Vehicle Code is amended to read:

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

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

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

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

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

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

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

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

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

25 ~~SEC. 10.~~

26 *SEC. 9.* Section 5024 of the Vehicle Code is amended to read:

27 5024. (a) A person described in Section 5101 may also apply
 28 for a set of commemorative collegiate reflectorized license plates,
 29 and the department shall issue those special license plates in lieu
 30 of the regular license plates. The collegiate reflectorized plates
 31 shall be of a distinctive design, and shall be available in a special
 32 series of letters or numbers, or both, as determined by the
 33 department. The collegiate reflectorized plates shall also contain
 34 the name of the participating institution as well as the reflectorized
 35 logotype, motto, symbol, or other distinctive design, as approved
 36 by the department, representing the participating university or
 37 college selected by the applicant. The department may issue the
 38 commemorative collegiate reflectorized license plates as
 39 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. 11. Section 5060 of the Vehicle Code is amended to read:~~

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

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

4 ~~(2) Submits a financial plan describing the purposes for which~~
5 ~~the revenues described in paragraph (2) of subdivision (c) will be~~
6 ~~used.~~

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

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

13 ~~(c) The design criteria for a special interest license plate are as~~
14 ~~follows:~~

15 ~~(1) The license plate for a passenger vehicle, commercial~~
16 ~~vehicle, or trailer shall provide a space not larger than 2 inches by~~
17 ~~3 inches to the left of the numerical series and a space not larger~~
18 ~~than five-eighths of an inch in height below the numerical series~~
19 ~~for a distinctive design, decal, or descriptive message as authorized~~
20 ~~by this article. The plates shall be issued in sequential numerical~~
21 ~~order or, pursuant to Section 5103, in a combination of numbers~~
22 ~~or letters.~~

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

35 ~~(d) (1) An organization shall not be included in the program~~
36 ~~until not less than 7,500 applications for the particular special~~
37 ~~interest license plates are received. Each organization shall collect~~
38 ~~and hold applications for the plates. Once the organization has~~
39 ~~received at least 7,500 applications, it shall submit the applications,~~
40 ~~along with the necessary fees, to the department. The department~~

1 shall not issue any special interest license plate until an
2 organization has received and submitted to the department not less
3 than 7,500 applications for that particular special interest license
4 plate within the time period prescribed in this section. Advanced
5 payment to the department by an organization representing the
6 department's estimated or actual administrative costs associated
7 with the issuance of a particular special interest license plate shall
8 not constitute compliance with this requirement. The organization
9 shall have 12 months, following the effective date of the enactment
10 of the specific legislation enabling the organization to participate
11 in this program, to receive the required number of applications.
12 If, after that 12 months, 7,500 applications have not been received,
13 the organization shall immediately do either of the following:

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

16 (B) Contact the department to indicate the organization's intent
17 to undertake collection of additional applications and fees or
18 deposits for an additional period, not to exceed 12 months, in order
19 to obtain the minimum 7,500 applications. If an organization elects
20 to exercise the option under this paragraph, it shall contact each
21 applicant who has submitted an application with the appropriate
22 fees or deposits to determine if the applicant wishes a refund of
23 fees or deposits or requests the continuance of the holding of the
24 application and fees or deposits until that time that the organization
25 has received 7,500 applications. The organization shall refund the
26 fees or deposits to any applicant so requesting. In no event shall
27 an organization collect and hold applications for a period exceeding
28 24 months following the date of authorization as described in
29 paragraph (2) of subdivision (a):

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

37 (2) (A) If the number of currently outstanding and valid special
38 interest license plates in any particular program provided for in
39 this article is less than 7,500, the department shall notify the
40 sponsoring organization of that fact and shall inform the

1 organization that if that number is less than 7,500 one year from
2 the date of that notification, the department will no longer issue
3 or replace those special interest license plates.

4 (B) Those particular special interest license plates that were
5 issued prior to the discontinuation provided by subparagraph (A)
6 may continue to be used and attached to the vehicle for which they
7 were issued and may be renewed, retained, or transferred pursuant
8 to this code.

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

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

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

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

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

34 (2) If an organization submits a report pursuant to paragraph
35 (1) indicating that the organization violated the expenditure
36 restriction set forth in subdivision (g), the department shall
37 immediately cease depositing fees in the fund created by the
38 Controller for that organization under paragraph (2) of subdivision
39 (e) and, instead, shall deposit those fees that would have otherwise
40 been deposited in that fund in a separate fund created by the

1 Controller, which fund is subject to appropriation by the
2 Legislature. The department shall immediately notify the
3 organization of this course of action. The depositing of funds in
4 the account established pursuant to this paragraph shall continue
5 until the organization demonstrates to the satisfaction of the
6 department that the organization is in compliance or will comply
7 with the requirements of subdivision (g). If one year from the date
8 that the organization receives the notice described in this paragraph,
9 the organization is still unable to satisfactorily demonstrate to the
10 department that it is in compliance or will comply with the
11 requirements of subdivision (g), the department shall no longer
12 issue or replace those special interest license plates associated with
13 that organization. Those particular special interest license plates
14 that were issued prior to the discontinuation provided by this
15 paragraph may continue to be used and attached to the vehicle for
16 which they were issued and may be renewed, retained, or
17 transferred pursuant to this code.

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

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

24 (b) If a state agency submits a report pursuant to subdivision
25 (a) indicating that the agency violated the expenditure restriction
26 set forth in Section 5159, the department shall immediately cease
27 depositing fees for that agency's specialized license plate program
28 in the Specialized License Plate Fund established under Section
29 5157 and, instead, shall deposit those fees that would have
30 otherwise been deposited in that fund in a separate fund created
31 by the Controller, which fund is subject to appropriation by the
32 Legislature. The department shall immediately notify the agency
33 of this course of action. The depositing of funds in the account
34 established pursuant to this subdivision shall continue until the
35 agency demonstrates to the satisfaction of the department that the
36 agency is in compliance or will comply with the requirements of
37 Section 5159. If one year from the date that the agency receives
38 the notice described in this subdivision, the agency is still unable
39 to satisfactorily demonstrate to the department that it is in
40 compliance or will comply with Section 5159, the department shall

1 no longer issue or replace those specialized license plates associated
2 with that agency. Those particular specialized license plates that
3 were issued prior to the discontinuation provided by this
4 subdivision may continue to be used and attached to the vehicle
5 for which they were issued and may be renewed, retained, or
6 transferred pursuant to this code.

7 ~~SEC. 13.~~

8 *SEC. 10.* Section 8202 of the Vehicle Code is amended to read:

9 8202. (a) Within 30 days of the date the notice is mailed
10 pursuant to Section 8201, the registrant may submit documentation
11 not previously available or may request a hearing to contest the
12 existence or the amount of the lien. If no additional documentation
13 is submitted, or if no hearing is requested, the operating privileges
14 of the fleet may be suspended or canceled and a sufficient number
15 of vehicles may be seized and sold to satisfy the lien.

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

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

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

38 ~~SEC. 14.~~

39 *SEC. 11.* Section 22511.5 of the Vehicle Code is amended to
40 read:

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

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

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

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

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

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

27 *SEC. 12. Section 6.5 of this bill incorporates amendments to*
28 *Section 1808.1 of the Vehicle Code proposed by both this bill and*
29 *AB 1648. It shall only become operative if (1) both bills are enacted*
30 *and become effective on or before January 1, 2011, (2) each bill*
31 *amends Section 1808.1 of the Vehicle Code, and (3) this bill is*
32 *enacted after AB 1648, in which case Section 6 of this bill shall*
33 *not become operative.*

34 *SEC. 13. Section 7.5 of this bill incorporates amendments to*
35 *Section 5007 of the Vehicle Code proposed by both this bill and*
36 *AB 1944. It shall only become operative if (1) both bills are enacted*
37 *and become effective on or before January 1, 2011, (2) each bill*
38 *amends Section 5007 of the Vehicle Code, and (3) this bill is*

1 *enacted after AB 1944, in which case Section 7 of this bill shall*
2 *not become operative.*

O