

Assembly Bill No. 28

Passed the Assembly September 2, 2011

Chief Clerk of the Assembly

Passed the Senate August 30, 2011

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2011, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 9148, 9148.6, and 9148.8 of, to repeal Section 3119.2 of, and to repeal Article 2 (commencing with Section 3113) of Chapter 8.5 of Division 4 of Title 1 of, the Government Code, and to amend Sections 4004, 8000, 8001, and 8052 of, to repeal Sections 495, 8002, and 8051 of, and to repeal Chapter 3 (commencing with Section 2600) of Division 2 of, the Vehicle Code, relating to governmental reorganization.

LEGISLATIVE COUNSEL'S DIGEST

AB 28, Huber. Governmental reorganization.

(1) Existing law establishes the Office for Citizen Initiative and Voluntary Action within the office of the Governor, and grants it certain powers and duties for the purpose of advocating and encouraging citizen initiative and volunteer action.

This bill would repeal the statutes establishing the Office for Citizen Initiative and Voluntary Action within the office of the Governor, and make various conforming changes.

(2) Existing law requires the author or sponsor of legislation that creates a new state board, a new state board that is advisory only, or a new category of licensed professionals to prepare a plan that contains certain requirements. Existing law authorizes the chairperson of the appropriate policy committee to direct the Joint Committee on Boards, Commissions, and Consumer Protection to evaluate a plan prepared pursuant to these provisions. Existing law requires these provisions to apply to any state board that is proposed for creation by the Legislature on or after January 1, 1991, or any category of licensed professional that is proposed for creation by the Legislature on or after January 1, 1995.

This bill would, instead, require these provisions to apply only to any state board or category of licensed professional proposed for creation by the Legislature.

This bill would provide that an author or sponsor of legislation that creates a new state board that is advisory only and whose purpose is to advise on the licensing and regulation of a profession is not required to prepare a plan pursuant to these provisions.

This bill would also revise these provisions to authorize the appropriate policy committee of the Legislature to evaluate a plan prepared pursuant to the provisions described above. This bill would also authorize the chairperson of a policy committee to alternatively require that the Joint Sunset Review Committee evaluate and provide recommendations on any plan prepared pursuant to the provisions described above, or any other legislative issue or proposal to create a new state board. This bill would provide that if the appropriate policy committee does not evaluate a plan prepared pursuant to those provisions, the Joint Sunset Review Committee is required to evaluate and provide recommendations on that plan.

(3) Existing law establishes the Reciprocity Commission composed of the Lieutenant Governor, the Director of Motor Vehicles, the Director of Transportation, the Controller, and the Commissioner of the California Highway Patrol for the purpose of, among other things, entering into agreements with foreign jurisdictions that provide for the exemption of fees for commercial vehicles if the foreign jurisdictions provide equivalent exemptions to vehicles registered in California.

Existing law authorizes the Reciprocity Commission to enter into agreements on behalf of the State of California with the duly authorized representatives of any foreign jurisdiction providing for the registration of vehicles on an apportionment or allocation basis and to enter into, and become, a member of the International Registration Plan Agreement developed by the American Association of Motor Vehicle Administrators.

The bill would instead authorize the Director of Motor Vehicles, or his or her designee, to enter into agreements on behalf of the state with the duly authorized representatives of any foreign jurisdiction.

(4) Under existing law, a commercial motor vehicle registered in a foreign jurisdiction, subject to registration in this state, may, as an alternative to registration in this state secure a temporary registration to operate in this state for a period not to exceed 90 days, or a trip permit to operate in this state for a period of 4 consecutive days. This privilege does not extend to a vehicle registered in any jurisdiction with which the State of California does not have vehicle licensing reciprocity, unless the commission extends the privilege, by rule, after a hearing.

This bill would delete this prohibition against extending this privilege.

(5) Existing law authorizes the state, in administering the International Registration Plan, to collect all appropriate registration and license fees due other jurisdictions. Existing law provides that foreign jurisdictions that are members of the agreement are authorized to collect all appropriate registration and license fees due to the State of California, and remit those fees to this state pursuant to the terms of the agreement.

Existing law requires the Director of Motor Vehicles to provide such assistance to the commission as it may require.

This bill would delete all references to the “Reciprocity Commission” and instead substitute the Director of Motor Vehicles, or his or her designee, who would administer the terms and conditions of the International Registration Plan and collect all appropriate registration and license fees due other jurisdictions.

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

SECTION 1. Article 2 (commencing with Section 3113) of Chapter 8.5 of Division 4 of Title 1 of the Government Code is repealed.

SEC. 2. Section 3119.2 of the Government Code is repealed.

SEC. 3. Section 9148 of the Government Code is amended to read:

9148. Any state board or category of licensed professional proposed for creation by the Legislature shall be subject to this article.

SEC. 4. Section 9148.6 of the Government Code is amended to read:

9148.6. Prior to consideration by the Legislature of legislation creating a new state board that is advisory only, except for a proposed new state board whose primary purpose is to advise on the licensing and regulation of a profession, a plan for the establishment and operation of the proposed state board shall be developed by the author or sponsor of the legislation. The plan shall include, but not be limited to, all of the following:

(a) A description of the problem that the proposed advisory state board would address.

(b) A listing of those currently established state advisory and administrative entities addressing the same or similar problems.

(c) The necessary data and other information required in this section shall be provided to the Legislature with the initial legislation and forwarded to the policy committees in which the bill will be heard.

SEC. 5. Section 9148.8 of the Government Code is amended to read:

9148.8. (a) The appropriate policy committee of the Legislature may evaluate a plan prepared pursuant to Section 9148.4 or 9148.6. The chairperson of a policy committee may alternatively require that the Joint Sunset Review Committee evaluate and provide recommendations on any plan prepared pursuant to Section 9148.4 or 9148.6, or any other legislative issue or proposal to create a new state board.

(b) The Joint Sunset Review Committee shall provide to the respective policy and fiscal committees of the Legislature any evaluation and recommendations prepared pursuant to this section.

(c) If an appropriate policy committee does not evaluate a plan prepared pursuant to Section 9148.6, then the Joint Sunset Review Committee shall evaluate the plan and provide recommendations to the Legislature.

SEC. 6. Section 495 of the Vehicle Code is repealed.

SEC. 7. Chapter 3 (commencing with Section 2600) of Division 2 of the Vehicle Code is repealed.

SEC. 8. Section 4004 of the Vehicle Code is amended to read:

4004. (a) (1) Commercial motor vehicles meeting the registration requirements of a foreign jurisdiction, and subject to registration but not entitled to exemption from registration or licensing under any of the provisions of this code or any agreements, arrangements, or declarations made under Article 3 (commencing with Section 8000) of Chapter 4, may, as an alternate to registration, secure a temporary registration to operate in this state for a period of not to exceed 90 days, or a trip permit to operate in this state for a period of four consecutive days.

(2) Each trip permit shall authorize the operation of a single commercial motor vehicle for a period of not more than four consecutive days, commencing with the day of first use and three consecutive days thereafter. Every permit shall identify, as the department may require, the commercial motor vehicle for which

it is issued. Each trip permit shall be completed prior to operation of the commercial motor vehicle on any highway in this state and shall be carried in the commercial motor vehicle to which it applies and shall be readily available for inspection by a peace officer. Each permit shall be valid at the time of inspection by a peace officer only if it has been completed as required by the department and has been placed in the appropriate receptacle as required by this section. It is unlawful for any person to fail to comply with the provisions of this section.

(b) The privilege of securing and using a trip permit or a temporary registration not to exceed 90 days shall not extend to a vehicle that is based within this state and is operated by a person having an established place of business within this state. For purposes of this paragraph, a commercial motor vehicle shall be considered to be based in this state if it is primarily operated or dispatched from or principally garaged or serviced or maintained at a site with an address within this state.

(c) Any trailer or semitrailer identified in paragraph (1) of subdivision (a) of Section 5014.1 that enters the state without a currently valid license plate issued by California or another jurisdiction shall be immediately subject to full identification fees as specified in subdivision (e) of Section 5014.1.

SEC. 9. Section 8000 of the Vehicle Code is amended to read:

8000. The director, or his or her designee, may enter into agreements with foreign jurisdictions that provide for the exemption of fees for commercial vehicles if the foreign jurisdictions provide equivalent exemptions to vehicles registered in this state. The agreements shall be applicable to vehicles that are properly licensed and registered in the foreign jurisdictions. The director, or his or her designee, may also enter into agreements that provide for the exemption of regulatory fees which are, or may be, imposed, by the Public Utilities Code or the department.

SEC. 10. Section 8001 of the Vehicle Code is amended to read:

8001. The director, or his or her designee, is authorized to examine the legal requirements of commercial vehicle registration fee statutes of foreign jurisdictions which grant reciprocal privileges to out-of-state vehicles, but which do not authorize negotiations or execution of agreements. After examination of the statutes, the director, or his or her designee, may declare the

exemptions, benefits, and privileges that commercial vehicles registered in foreign jurisdictions shall be entitled to in this state.

SEC. 11. Section 8002 of the Vehicle Code is repealed.

SEC. 12. Section 8051 of the Vehicle Code is repealed.

SEC. 13. Section 8052 of the Vehicle Code is amended to read:

8052. (a) The director, or his or her designee, may, on behalf of the state, enter into, and become, a member of the International Registration Plan Agreement developed by the American Association of Motor Vehicle Administrators. The director, or his or her designee, may adopt rules and regulations necessary to carry out the provisions of the International Registration Plan or other apportioned registration agreements entered into under the authority of this article.

(b) In administering the International Registration Plan, the state may collect all appropriate registration and license fees due other jurisdictions. Foreign jurisdictions that are members of the agreement shall be authorized to collect all appropriate registration and license fees due to the State of California, and remit the fees to this state pursuant to the terms of the agreement.

Approved _____, 2011

Governor