

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2313

Introduced by Assembly Member Grove

February 24, 2012

~~An act to amend Section 12801.5 of the Vehicle Code, relating to driver's licenses. An act to amend Section 260 of, and to add Section 4000.39 to, the Vehicle Code, relating to vehicles.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2313, as amended, Grove. ~~Driver's licenses: applications. Vehicles: pickup trucks.~~

Existing law excludes from the definition of "commercial vehicle," among other vehicles, passenger vehicles and house cars that are not used for the transportation of persons for hire, compensation, or profit. Existing law requires the Department of Motor Vehicles, upon proper application, to issue or renew the registration of a vehicle.

This bill would additionally exclude from the definition of "commercial vehicle" pickup trucks that are not used for the transportation of persons for hire, compensation, or profit. The bill would require the department to revise the application form for the issuance or renewal of a vehicle registration to allow a person to designate whether a pickup truck will or will not be used for commercial purposes. The bill would impose an administrative penalty in an amount not to exceed \$5,000 on a person who falsely designates that his or her pickup truck will not be used for commercial purposes.

~~Existing law requires the Department of Motor Vehicles, upon proper application, to issue driver's licenses and identification cards. Existing law requires an application to include satisfactory proof that the~~

applicant’s presence in the United States is authorized under federal law.

~~This bill would make a technical, nonsubstantive change to that application requirement.~~

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

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

1 SECTION 1. Section 260 of the Vehicle Code is amended to
2 read:

3 260. (a) A “commercial vehicle” is a motor vehicle of a type
4 required to be registered under this code used or maintained for
5 the transportation of persons for hire, compensation, or profit or
6 designed, used, or maintained primarily for the transportation of
7 property.

8 (b) Passenger vehicles ~~and~~, house cars, *and pickup trucks* that
9 are not used for the transportation of persons for hire,
10 compensation, or profit are not commercial vehicles. This
11 subdivision shall not apply to Chapter 4 (commencing with Section
12 6700) of Division 3.

13 (c) ~~Any~~ A vanpool vehicle is not a commercial vehicle.

14 (d) The definition of a commercial vehicle in this section does
15 not apply to Chapter 7 (commencing with Section 15200) of
16 Division 6.

17 SEC. 2. Section 4000.39 is added to the Vehicle Code, to read:

18 4000.39. (a) *The department shall revise an application form*
19 *for the registration of, or the renewal of the registration of, a*
20 *vehicle to allow a person to designate whether a pickup truck, if*
21 *applicable, will or will not be used for commercial purposes.*

22 (b) *A person who falsely designates that his or her pickup truck*
23 *will not be used for commercial purposes is liable for an*
24 *administrative penalty in an amount not to exceed five thousand*
25 *dollars (\$5,000).*

26 SECTION 1. ~~Section 12801.5 of the Vehicle Code is amended~~
27 ~~to read:~~

28 ~~12801.5. (a) Notwithstanding any other law, the department~~
29 ~~shall require an applicant for an original driver’s license or~~
30 ~~identification card to submit satisfactory proof that the applicant’s~~
31 ~~presence in the United States is authorized under federal law.~~

1 ~~(b) The department shall not issue an original driver's license~~
2 ~~or identification card to a person who does not submit satisfactory~~
3 ~~proof that the applicant's presence in the United States is authorized~~
4 ~~under federal law.~~

5 ~~(c) The department shall adopt regulations to carry out the~~
6 ~~purposes of this section, including procedures for, but not limited~~
7 ~~to, (1) verifying that the applicant's presence in the United States~~
8 ~~is authorized under federal law, (2) issuance of a temporary license~~
9 ~~pending verification of the applicant's status, and (3) appeal~~
10 ~~hearings from a denial of a license, temporary license, or~~
11 ~~identification card.~~

12 ~~(d) On January 10 of each year, the department shall submit a~~
13 ~~supplemental budget report to the Governor and the Legislature~~
14 ~~detailing the costs of verifying the citizenship or legal residency~~
15 ~~of applicants for driver's licenses and identification cards, in order~~
16 ~~for the state to request reimbursement from the federal government.~~

17 ~~(e) Notwithstanding Section 40300 or any other provision of~~
18 ~~law, a peace officer may not detain or arrest a person solely on the~~
19 ~~belief that the person is an unlicensed driver, unless the officer has~~
20 ~~reasonable cause to believe the person driving is under the age of~~
21 ~~16 years.~~

22 ~~(f) The inability to obtain a driver's license pursuant to this~~
23 ~~section does not abrogate or diminish in any respect the legal~~
24 ~~requirement of every driver in this state to obey the motor vehicle~~
25 ~~laws of this state, including laws with respect to licensing, motor~~
26 ~~vehicle registration, and financial responsibility.~~

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