

AMENDED IN SENATE JUNE 25, 2012

AMENDED IN SENATE MAY 31, 2012

AMENDED IN ASSEMBLY MARCH 27, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2679

Introduced by Committee on Transportation (Assembly Members Bonnie Lowenthal (Chair), Jeffries (Vice Chair), Achadjian, Blumenfield, Bonilla, Buchanan, Eng, Furutani, Galgiani, Logue, Miller, Portantino, and Solorio)

March 6, 2012

An act to amend Sections 935.7, 14685, and 29532.4 of the Government Code, to amend Sections 99155, 99155.5, 99206.5, 99207, 99214, 99220, 99233.12, 99238, 99238.5, 99260.7, 99262, 99268.5, 99285.2, and 99401.5 of the Public Utilities Code, to amend Sections 6480.1 and 60116 of the Revenue and Taxation Code, to amend Sections 349, 366, 374, 392, 411, 446, 452, 478, 485, 493, 527, and 538 of, and to amend and repeal Section 410 of, the Streets and Highways Code, and to amend Sections ~~22561~~ 22112, 22500.5, 22504, 22651, and 29004 of, and to repeal Section 27314.5 of, the Vehicle Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2679, as amended, Committee on Transportation. Transportation: omnibus bill.

(1) Existing law authorizes the Department of Transportation (department) to pay claims or damages up to a maximum of \$5,000 without the approval of the California Victim Compensation and Government Claims Board.

This bill would adjust the claim limit that may be paid by the department under these provisions to equal the maximum amount of a claim that can be brought in small claims court.

(2) Existing law authorizes the Department of General Services to establish rules and regulations for the use and maintenance of state buildings and grounds.

This bill would permit the riding of bicycles on designated pathways on the grounds of the State Capitol in order to access bicycle racks near the building entrances.

(3) Existing law, the Mills-Alquist-Deddeh Act, also known as the Transportation Development Act, provides for funding of local public transit systems throughout the state and requires, among other things, specified special accommodations for handicapped persons, as defined, on public transit systems.

This bill would replace the term “handicapped” with the term “disabled” throughout the act.

(4) Existing law authorizes the Solano County Transportation Authority to claim up to 2% of local transportation funds available under the Transportation Development Act for countywide transit planning and coordination relative to Solano County.

This bill would authorize the authority to claim up to 2.7% of those funds for these purposes.

(5) Existing law creates transportation commissions or authorities in certain counties, including Imperial and Los Angeles Counties, with various responsibilities relating to transportation planning and programming, among other things.

This bill would update various obsolete references to the Imperial County Transportation Commission and to the Los Angeles County Metropolitan Transportation Authority to reflect their current names.

(6) Existing law provides for the California Transportation Commission to adopt locations for state highways on routes authorized by law, and provides for relinquishment of certain segments of state highways from the state to local agencies.

This bill would acknowledge the relinquishment of the portion of Route 49 in the City of Auburn, the portions of Route 66 in the Cities of Fontana, Rancho Cucamonga, Upland, and Claremont, the portions of Route 74 in the Cities of Palm Desert and Lake Elsinor, the portion of Route 92 in the City of Hayward, a portion of Route 110 in the City of Los Angeles, the portion of Route 111 in the City of Cathedral City, the portion of Route 146 in the City of Soledad, the portion of Route

152 in the City of Watsonville, the portion of Route 178 in the City of Bakersfield, the portion of Route 185 in the City of Hayward, the portion of Route 193 in the City of Lincoln, the portions of Route 227 in the Cities of Arroyo Grande and San Luis Obispo, and the portion of Route 238 in the City of Hayward.

(7) Existing law requires the driver of a schoolbus to activate a flashing amber light warning system on the approach to a schoolbus stop where pupils are loading or unloading from the schoolbus and to operate flashing red signal lights and a stop signal arm at all times when the schoolbus is stopped for the purpose of loading or unloading pupils. Existing law also requires a schoolbus driver to load or unload pupils only at a schoolbus stop designated for pupils by the school district superintendent or authorized by the superintendent for school activity trips.

This bill would also authorize the director, head, or principal of a private school to designate schoolbus stops for loading or unloading pupils or for school activity trips.

Existing law prohibits a schoolbus driver from activating the amber warning light system or the flashing red signal lights and stop signal arm at a location determined by a school district, with the approval of the Department of the California Highway Patrol, to present a traffic or safety hazard.

This bill would also make this prohibition applicable to locations determined by private schools to present a traffic or safety hazard.

(8) Existing law prohibits any person from stopping, parking, or leaving a vehicle standing, among other places, on a crosswalk, except for a bus engaged as a common carrier or a taxicab stopped for the purpose of loading or unloading passengers, pursuant to a city ordinance. Existing law authorizes a transit system and a school district to enter into an agreement, by ordinance, for the loading or unloading of passengers alongside curb spaces designated for the loading or unloading of passengers of the transit system buses.

This bill would authorize a transit system to enter into an agreement with a private school for the same purposes. The bill would also prohibit a schoolbus stop at a location otherwise prohibited by law, and other specified locations, without the approval of, and authorization by, the Department of the California Highway Patrol.

(9) Existing law authorizes the governing board of a school district to designate a schoolbus stop at a place where there is not a clear view of the stop from a distance of 200 feet in each direction along a highway,

if it is necessary for the safety of pupils being transported to and from schools, and the stop is authorized and approved by the Department of the California Highway Patrol.

This bill would require, where there is not a clear view of a schoolbus stop from a distance of 200 feet in each direction along a highway, or where there is not a clear view of a schoolbus stop from 500 feet in each direction along the main portion of a highway and the speed limit is more than 25 miles per hour, that the stop may only be authorized annually by the Department of the California Highway Patrol upon the request of a school district superintendent or the director, head, or principal of a private school.

(7)

(10) Existing law imposes excise taxes and sales and use taxes on motor vehicle fuel, commonly known as gasoline, on jet fuel, and on diesel fuel. Existing law requires the State Board of Equalization to make specified annual adjustments to the tax rates to ensure the revenue neutrality under previously enacted statutory modifications of these tax rates, under which modifications certain taxes increased while others decreased. Existing law requires prepayment of a certain portion of the sales tax liability on these fuels based on annual estimates made by the State Board of Equalization that rely on a specified report of the State Energy Resources Conservation and Development Commission to determine the retail price of fuel.

This bill would require the annual adjustments to sales tax prepayment rates to be made at the same time as the annual adjustments of the fuel tax rates, and would provide for the prepayment rates to account for any changes in the fuel tax rates. The bill would delete the reference to the specified report for determining the retail price of fuels and would instead authorize the board to rely on industry publications reporting that information. The bill would make other related changes.

(8)

(11) Existing law provides for the towing and impounding of vehicles that are, among other things, obstructing a highway, recovered as stolen, abandoned, or illegally parked and provides procedures for a person to recover his or her vehicle from impoundment.

Existing law specifies requirements relating to securing towed vehicles on certain carriers.

This bill would make technical changes to the procedures for towing a vehicle and for recovering a vehicle from impoundment.

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 935.7 of the Government Code is
2 amended to read:
3 935.7. (a) Notwithstanding Section 935.6, the Department of
4 Transportation may deny or adjust and pay any claim arising out
5 of the activities of the department without the prior approval of
6 the California Victim Compensation and Government Claims
7 Board if both of the following conditions exist:
8 (1) The amount claimed is equal to or less than the amount
9 specified as the small claims court jurisdictional amount in Section
10 116.221 of the Code of Civil Procedure.
11 (2) The Director of Finance or the Director of Transportation
12 certifies that a sufficient appropriation for the payment of the claim
13 exists.
14 (b) If the department elects not to pay any claim, the department
15 shall provide the notice required by Section 913.
16 (c) Any person who submits any claim arising out of any activity
17 of the Department of Transportation shall comply with every other
18 applicable provision of this part relating to claims against state
19 agencies.
20 SEC. 2. Section 14685 of the Government Code is amended
21 to read:
22 14685. (a) The director shall appoint assistants, clerks, and
23 employees as may be necessary to maintain the state buildings and
24 grounds. The employees shall not have or perform the duties or
25 functions of peace officers.
26 The department may establish rules and regulations for the
27 government and maintenance of the state buildings and grounds
28 consistent with this section. Every person who violates or attempts
29 to violate the rules and regulations is guilty of a misdemeanor.
30 (b) Information regarding missing children provided by the
31 Department of Justice pursuant to Section 11114.1 of the Penal
32 Code shall be posted in public areas of all state-owned or leased
33 buildings that have at least 20,000 square feet of office space, or
34 that are staffed by at least 50 employees, or where service is
35 provided to the general public and in other public areas of

1 state-owned or leased buildings as determined by the department
2 to be reasonable.

3 (c) (1) Consistent with this section, the Department of the
4 California Highway Patrol may establish rules and regulations
5 pertaining to the protection of state employees, properties, buildings
6 and grounds, and occupants of state properties, including, but not
7 limited to, the issuance of permits concerning the use of state
8 buildings, properties, and grounds.

9 (2) A violation of any rule or regulation adopted pursuant to
10 paragraph (1) is a misdemeanor.

11 (3) This subdivision does not apply to state buildings or grounds
12 owned, leased, rented, controlled, used, or occupied by the
13 University of California, the California State University, Hastings
14 College of the Law, the California Exposition and State Fair, the
15 state hospitals of the State Department of Mental Health or the
16 State Department of Developmental Services, the institutions and
17 camps of the Department of Corrections *and Rehabilitation* or the
18 ~~Department of the Youth Authority~~ *Division of Juvenile Justice*,
19 and the parks and beaches of the Department of Parks and
20 Recreation.

21 (d) Notwithstanding any other law, the riding of a bicycle on
22 paved paths or walkways that are on the grounds of the State
23 Capitol and that the Department of the California Highway Patrol
24 has designated as routes to access bicycle parking racks adjacent
25 to entrances to the State Capitol is permitted if the bicycle is ridden
26 in a manner that is reasonable and prudent, having due regard for
27 pedestrians, weather conditions, visibility, other traffic, and the
28 surface and width of the path or walkway.

29 SEC. 3. Section 29532.4 of the Government Code is amended
30 to read:

31 29532.4. (a) Notwithstanding subdivision (d) of Section 29532,
32 the county transportation commission created in the Counties of
33 Los Angeles, Orange, Riverside, and San Bernardino by Division
34 12 (commencing with Section 130000) of the Public Utilities Code
35 shall not be designated by the Director of Transportation as the
36 transportation planning agency for the area under its jurisdiction,
37 and the Imperial Valley Association of Governments in Imperial
38 County shall not be designated the transportation planning agency
39 for the area under its jurisdiction.

(b) Notwithstanding Section 29532, for the purposes of Chapter 4 (commencing with Section 99200) of Part 11 of Division 10 of the Public Utilities Code, “transportation planning agency” means the county transportation commission created in the Counties of Los Angeles, Orange, Riverside, San Bernardino, and Ventura by Division 12 (commencing with Section 130000) of the Public Utilities Code, and also includes the County Transportation Commission in Imperial County. The county auditor in each of those counties shall pay to the public transportation entities in the county the amounts allocated by the respective commissions or that association of governments, as the case may be.

SEC. 4. Section 99155 of the Public Utilities Code is amended to read:

99155. (a) Each transit operator, whether publicly or privately funded all or in part, nonprofit or for profit, which offers reduced fares to senior citizens shall honor the federal Medicare identification card as sufficient identification to receive reduced fares. A transit operator which offers reduced fares to those senior citizens who are less than 65 years old shall also honor the senior citizen identification card issued pursuant to subdivision (b) of Section 13000 of the Vehicle Code.

(b) Each transit operator, whether publicly or privately funded, in whole or in part, nonprofit or for profit, which offers reduced fares pursuant to subdivision (a) shall also offer reduced fares to disabled persons, as defined by Section 99206.5, disabled persons, as defined by Section 295.5 of the Vehicle Code, and disabled veterans, as defined by Section 295.7 of the Vehicle Code, at the same rate established for senior citizens. A transit operator shall honor the disabled person or disabled veteran placard identification card issued pursuant to Section 22511.55 of the Vehicle Code.

(c) Every transit operator that offers reduced fares to disabled persons shall honor any current identification card that is valid for the type of transportation service or discount requested and that has been issued to an individual with a disability by another transit operator.

(d) This section also applies to any dial-a-ride, paratransit, or nonfixed route operator which serves the disabled, but does not apply to a private nonprofit entity which serves the disabled or elderly.

(e) Nothing in this section prohibits a transit operator from issuing its own identification card, except that no such card shall be required to be presented in addition to either a federal Medicare card or a card issued pursuant to Section 22511.55 of the Vehicle Code.

(f) A transit operator, as defined in subdivision (b), which receives funds pursuant to the Mills-Alquist-Deddeh Act (Chapter 4 (commencing with Section 99200)), shall not require that a person requesting transportation be a resident of that transit operator's service area.

SEC. 5. Section 99155.5 of the Public Utilities Code is amended to read:

99155.5. (a) The Legislature intends that dial-a-ride and paratransit services be accessible to disabled persons, as defined in Section 99206.5. It is intended that transportation service be provided for employment, education, medical, and personal reasons. Transportation for individuals with disabilities is a necessity, and allows these persons to fully participate in our society.

The Legislature finds and declares that the term "paratransit," as used in the federal Americans with Disabilities Act of 1990 (Public Law 101-336), refers to transportation services with specific criteria of quality and quantity, and which are required to be made available to limited classes of persons based on eligibility categories; this is often referred to as "ADA paratransit" or "complementary paratransit." The Legislature finds and declares that the terms "paratransit" and "dial-a-ride," as used in the laws of this state, apply to a broader range of transportation services and that not all individuals with disabilities under the laws of this state are eligible for "ADA paratransit" under the federal law.

(b) Each transit operator, for profit or nonprofit, which provides, or contracts for the provision of, dial-a-ride or paratransit service for individuals with disabilities and which receives public funding pursuant to the Mills-Alquist-Deddeh Act (Chapter 4 (commencing with Section 99200)) for that service shall provide the service without regard to either of the following:

(1) Whether the person is a member of a household which owns a motor vehicle.

(2) Whether the place of residence of the person who requests transportation service is within the service area of the provider.

1 To the extent that they are eligible for the specified service
2 requested, all persons requesting transportation service in the
3 service area of the provider shall be provided service on the same
4 terms and at the same price that service is provided to other persons
5 residing within the service area of the provider.

6 (c) Subdivision (b) does not preclude a provider from offering
7 a subscription service, and does not require a reduction in the
8 amount the provider charges other public or private agencies.

9 (d) Except as required by the federal Americans with Disabilities
10 Act of 1990 (Public Law 101-336) and federal regulations adopted
11 pursuant thereto or by higher standards prescribed by the laws of
12 this state, nothing in this section requires any transit operator which
13 provides service to individuals with disabilities in a manner
14 consistent with subdivision (b) to make those services available
15 outside the operator's established operating service area, or requires
16 the operator to make the presentation of identification a condition
17 to using the service.

18 (e) A transit operator shall honor any current identification card
19 which is valid for the type of transportation service or discount
20 requested and which has been issued to an individual with
21 disabilities by another transit operator.

22 (f) Any person who believes an operator has violated Section
23 99155 or 99155.5 may file a report of the alleged violation with
24 the transportation planning agency or county transportation
25 commission. Any individual with disabilities may request the
26 Attorney General to resolve any dispute as to compliance with
27 Section 99155 or this section.

28 SEC. 6. Section 99206.5 of the Public Utilities Code is
29 amended to read:

30 99206.5. "Disabled person" means any individual who by
31 reason of illness, injury, age, congenital malfunction, or other
32 permanent or temporary incapacity or disability, including, but
33 not limited to, any individual confined to a wheelchair, is unable,
34 without special facilities or special planning or design, to utilize
35 public transportation facilities and services as effectively as a
36 person who is not so affected.

37 As used in this section, a temporary incapacity or disability is
38 an incapacity or a disability which lasts more than 90 days.

39 SEC. 7. Section 99207 of the Public Utilities Code is amended
40 to read:

1 99207. (a) “Included municipal operator” means a city or
2 county which is included, in whole or in part, within a transit
3 district or which has been extended the authority to join a transit
4 district by that district’s enabling legislation, and in which city or
5 county public transportation services have continuously been
6 provided, since at least January 1, 1971, by the city or county, by
7 a nonprofit corporation or other legal entity wholly owned by the
8 city or county, or by the University of California.

9 (b) “Included municipal operator” also means the City and
10 County of San Francisco and the Counties of Alameda and Contra
11 Costa with respect to any portion of the unincorporated area
12 thereof, and any city in those counties, which is outside the area
13 of the Alameda-Contra Costa Transit District and which is not
14 receiving adequate local public transportation services, as
15 determined by the Metropolitan Transportation Commission, from
16 any of the transit districts which includes the county or city, taking
17 into consideration, among other things, the amount of such services
18 needed in the county or city, the cost to provide such services, and
19 the amount of such services provided in other areas of the transit
20 district as compared to their needs.

21 (c) “Included municipal operator” also means any city within
22 the County of Sacramento which (1) is outside the activated
23 boundaries of the Sacramento Regional Transit District,
24 (2) contracts with the district for transit services, and (3) provides
25 local transit services within the city that the Sacramento Area
26 Council of Governments annually determines can be better
27 provided by the city than the district, taking into consideration,
28 among other things, the amount and the nature of the services
29 required in the city, the ability of the district to provide the services,
30 the coordination of the services with district services, the
31 remoteness of the city in relation to other district services, the cost
32 of providing the services, the funds available to provide the
33 services, and the amount of services provided in other areas of the
34 district compared to their needs.

35 (d) “Included municipal operator” also means any city or
36 unincorporated area within the County of Los Angeles (1) that is
37 not receiving adequate local public transportation services, as
38 determined by the Los Angeles County Metropolitan
39 Transportation Authority, from either the Southern California
40 Rapid Transit District or any currently “included municipal

operator” as defined in this section, and (2) that meets the criteria established by the Los Angeles County Metropolitan Transportation Authority, taking into consideration, among other things, the cost to provide such services, the amount of such services needed in the county or city, the funds available to provide such services, and the amount of such services provided in other areas of the county as compared to their needs.

SEC. 8. Section 99214 of the Public Utilities Code is amended to read:

99214. (a) “Transportation planning agency” means the entity designated in Section 29532 of the Government Code.

(b) “Transportation planning agency” also includes, for purposes of this chapter, the county transportation commissions created in the Counties of Los Angeles, Orange, Riverside, San Bernardino, and Ventura pursuant to Division 12 (commencing with Section 130000).

(c) “Transportation planning agency” also includes, for purposes of this chapter, the Imperial County Transportation Commission in Imperial County.

SEC. 9. Section 99220 of the Public Utilities Code is amended to read:

99220. The Legislature finds and declares as follows:

(a) Public transportation is an essential component of the balanced transportation system which must be maintained and developed so as to permit the efficient and orderly movement of people and goods in the urban areas of the state. Because public transportation systems provide an essential public service, it is desirable that such systems be designed and operated in such a manner as to encourage maximum utilization of the efficiencies of the service for the benefit of the total transportation system of the state and all the people of the state, including the elderly, the disabled, the youth, and the citizens of limited means.

(b) The fostering, continuance, and development of public transportation systems are a matter of state concern. Excessive reliance on the private automobile for transportation has caused air pollution and traffic congestion in California’s urban areas, and such pollution and congestion are not confined to single incorporated areas but affect entire regions. Furthermore, public transportation systems which are not designed so as to be usable by disabled persons foster increased welfare costs and the waste

1 of human resources. Thus, the Legislature has elected to deal with
2 the multiple problems caused by lack of adequate public
3 transportation on a regional basis through the counties, with
4 coordination of the programs being the responsibility of the state
5 pursuant to contract with county governments.

6 (c) While providing county assistance to a particular
7 transportation system may not be of primary interest and benefit
8 to each and every taxpayer in a county, providing an integrated
9 and coordinated system to meet the public transportation needs of
10 an entire county will benefit the county as a whole. It is the purpose
11 of this chapter to provide for such systems in those counties where
12 they are needed.

13 (d) The local transportation funds authorized by Article 11
14 (commencing with Section 29530) of Chapter 2 of Division 3 of
15 Title 3 of the Government Code are made possible by the
16 imposition of the state's sales and use taxes on motor vehicle fuel,
17 which allows for a reduction in state taxes without a corresponding
18 loss in revenue. By authorizing counties to increase their sales and
19 use taxes, an additional source of revenue has been made available
20 for public transportation within such counties. Applicants for a
21 disbursement from a local transportation fund shall only be eligible
22 for an allocation from the fund of the county in which such
23 transportation is provided.

24 SEC. 10. Section 99233.12 of the Public Utilities Code is
25 amended to read:

26 99233.12. Notwithstanding anything in Sections 99233 to
27 99233.9, inclusive, to the contrary, the Solano Transportation
28 Authority may file a claim, and the transportation planning agency
29 may allocate, for the area representing the cumulative areas of the
30 authority's member agencies, up to 2.7 percent of annual revenues
31 for countywide transit planning and coordination purposes relative
32 to Solano County. Funds allocated to the authority pursuant to this
33 section shall be allocated after allocations are made pursuant to
34 Sections 99233.1 and 99233.2 but prior to other allocations.

35 SEC. 11. Section 99238 of the Public Utilities Code is amended
36 to read:

37 99238. Each transportation planning agency shall provide for
38 the establishment of a social services transportation advisory
39 council for each county, or counties operating under a joint powers

1 agreement, which is not subject to the apportionment restriction
2 established in Section 99232.

3 (a) The social services transportation advisory council shall
4 consist of the following members:

5 (1) One representative of potential transit users who is 60 years
6 of age or older.

7 (2) One representative of potential transit users who is disabled.

8 (3) Two representatives of the local social service providers for
9 seniors, including one representative of a social service
10 transportation provider, if one exists.

11 (4) Two representatives of local social service providers for the
12 disabled, including one representative of a social service
13 transportation provider, if one exists.

14 (5) One representative of a local social service provider for
15 persons of limited means.

16 (6) Two representatives from the local consolidated
17 transportation service agency, designated pursuant to subdivision
18 (a) of Section 15975 of the Government Code, if one exists,
19 including one representative from an operator, if one exists.

20 (7) The transportation planning agency may appoint additional
21 members in accordance with the procedure prescribed in
22 subdivision (b).

23 (b) Members of the social services transportation advisory
24 council shall be appointed by the transportation planning agency
25 which shall recruit candidates for appointment from a broad
26 representation of social service and transit providers representing
27 the elderly, the disabled, and persons of limited means. In
28 appointing council members, the transportation planning agency
29 shall strive to attain geographic and minority representation among
30 council members. Of the initial appointments to the council,
31 one-third of them shall be for a one-year term, one-third shall be
32 for a two-year term, and one-third shall be for a three-year term.
33 Subsequent to the initial appointment, the term of appointment
34 shall be for three years, which may be renewed for an additional
35 three-year term. The transportation planning agency may, at its
36 discretion, delegate its responsibilities for appointment pursuant
37 to this subdivision to the board of supervisors.

38 (c) The social services transportation advisory council shall
39 have the following responsibilities:

1 (1) Annually participate in the identification of transit needs in
2 the jurisdiction, including unmet transit needs that may exist within
3 the jurisdiction of the council and that may be reasonable to meet
4 by establishing or contracting for new public transportation or
5 specialized transportation services or by expanding existing
6 services.

7 (2) Annually review and recommend action by the transportation
8 planning agency for the area within the jurisdiction of the council
9 which finds, by resolution, that (A) there are no unmet transit
10 needs, (B) there are no unmet transit needs that are reasonable to
11 meet, or (C) there are unmet transit needs, including needs that
12 are reasonable to meet.

13 (3) Advise the transportation planning agency on any other
14 major transit issues, including the coordination and consolidation
15 of specialized transportation services.

16 (d) It is the intent of the Legislature that duplicative advisory
17 councils shall not be established where transit advisory councils
18 currently exist and that those existing advisory councils shall,
19 instead, become part of the social services transportation advisory
20 council and shall assume any new responsibilities pursuant to this
21 section.

22 SEC. 12. Section 99238.5 of the Public Utilities Code is
23 amended to read:

24 99238.5. (a) The transportation planning agency shall ensure
25 the establishment and implementation of a citizen participation
26 process appropriate for each county, or counties if operating under
27 a joint powers agreement, utilizing the social services transportation
28 advisory council as a mechanism to solicit the input of transit
29 dependent and transit disadvantaged persons, including the elderly,
30 disabled, and persons of limited means. The process shall include
31 provisions for at least one public hearing in the jurisdiction
32 represented by the social services transportation advisory council.
33 Hearings shall be scheduled to ensure broad community
34 participation and, if possible, the location of the hearings shall be
35 rotated among the various communities within the advisory
36 council's jurisdiction. Notice of the hearing, including the date,
37 place, and specific purpose of the hearing shall be given at least
38 30 days in advance through publication in a newspaper of general
39 circulation. The transportation planning agency shall also send
40 written notification to those persons and organizations which have

1 indicated, through its citizen participation or any other source of
2 information, an interest in the subject of the hearing.

3 (b) In addition to public hearings, the transportation planning
4 agency shall consider other methods of obtaining public feedback
5 on public transportation needs. Those methods may include, but
6 are not limited to, teleconferencing, questionnaires, telecanvassing,
7 and electronic mail.

8 SEC. 13. Section 99260.7 of the Public Utilities Code is
9 amended to read:

10 99260.7. In order to provide, or to contract to provide,
11 transportation services using vehicles for the exclusive use of
12 elderly or disabled persons, a city or a county, which is contributing
13 funds it is eligible to receive under this article to a joint powers
14 agency of which it is a member to operate a public transportation
15 system, may also file a claim under this article and may also file
16 a claim for funds made available pursuant to Section 99313.

17 SEC. 14. Section 99262 of the Public Utilities Code is amended
18 to read:

19 99262. Claims for public transportation systems may include
20 claims for money for all purposes necessary and convenient to the
21 development and operation of the system, including planning and
22 contributions to the transportation planning process, acquisition
23 of real property, construction of facilities and buildings, purchase
24 and replacement of vehicles (including those usable by disabled
25 persons), and system operation, maintenance, and repair, payment
26 for any of which purposes may take the form of direct expenditures
27 or payment of principal and interest on equipment trust certificates,
28 bonded or other indebtedness, or any amounts in accomplishment
29 of a defeasance of any outstanding revenue bond indenture.

30 SEC. 15. Section 99268.5 of the Public Utilities Code is
31 amended to read:

32 99268.5. (a) Commencing with claims for the 1980–81 fiscal
33 year, no funds shall be allocated under this article in any fiscal
34 year to an operator providing services using vehicles for the
35 exclusive use of elderly and disabled persons, unless the operator
36 maintains, for the fiscal year, a ratio of fare revenues to operating
37 cost, as defined by subdivision (a) of Section 99247, for those
38 services at least equal to one-tenth or to the ratio it had for those
39 services during the 1978–79 fiscal year, whichever is greater.

(b) Notwithstanding subdivision (a), an operator which provides both exclusive transportation services for elderly and disabled persons and regular scheduled public transportation services may be allocated funds under this article for the exclusive service if the combined services qualify under Section 99268.1, 99268.2, 99268.3, or 99268.4, as the case may be, and the ratio of fare revenues to operating cost for the combined service shall not be less than the ratio required in order to make allocations to the operator for its regular scheduled services.

(c) In a county which had less than 500,000 population as determined by the 1970 federal decennial census and more than 500,000 in population as determined by the 1980 or 1990 federal decennial census, an operator in the county shall maintain a ratio of fare revenues to operating cost, as defined by subdivision (a) of Section 99247, at least equal to one-fifth if serving an urbanized area or one-tenth if serving a nonurbanized area.

SEC. 16. Section 99285.2 of the Public Utilities Code is amended to read:

99285.2. Notwithstanding subdivision (a) of Section 99285, any county transportation commission created pursuant to Division 12 (commencing with Section 130000) may adopt a resolution electing to approve the proposals to be funded and shall approve only those claims submitted for its approval.

SEC. 17. Section 99401.5 of the Public Utilities Code is amended to read:

99401.5. Prior to making any allocation not directly related to public transportation services, specialized transportation services, or facilities provided for the exclusive use of pedestrians and bicycles, or any allocation for purposes of subdivision (f) of Section 99400, the transportation planning agency shall annually do all of the following:

(a) Consult with the social services transportation advisory council established pursuant to Section 99238.

(b) Identify the transit needs of the jurisdiction which have been considered as part of the transportation planning process, including the following:

(1) An annual assessment of the size and location of identifiable groups likely to be transit dependent or transit disadvantaged, including, but not limited to, the elderly, the disabled, including individuals eligible for paratransit and other special transportation

1 services pursuant to Section 12143 of Title 42 of the United States
2 Code, the federal Americans with Disabilities Act of 1990 (42
3 U.S.C. Sec. 12101 et seq.), and persons of limited means, including,
4 but not limited to, recipients under the CalWORKs program.

5 (2) An analysis of the adequacy of existing public transportation
6 services and specialized transportation services, including privately
7 and publicly provided services necessary to implement the plan
8 prepared pursuant to Section 12143(c)(7) of Title 42 of the United
9 States Code, in meeting the transit demand identified pursuant to
10 paragraph (1).

11 (3) An analysis of the potential alternative public transportation
12 and specialized transportation services and service improvements
13 that would meet all or part of the transit demand.

14 (4) An analysis of the need to acquire or lease vans and related
15 equipment for a farmworker vanpool program pursuant to
16 subdivision (f) of Section 99400. This analysis is only required,
17 however, upon receipt by the transportation planning agency of a
18 request of an interested party identifying a potential need.

19 (c) Identify the unmet transit needs of the jurisdiction and those
20 needs that are reasonable to meet. The transportation planning
21 agency shall hold at least one public hearing pursuant to Section
22 99238.5 for the purpose of soliciting comments on the unmet transit
23 needs that may exist within the jurisdiction and that might be
24 reasonable to meet by establishing or contracting for new public
25 transportation or specialized transportation services or by
26 expanding existing services. The definition adopted by the
27 transportation planning agency for the terms “unmet transit needs”
28 and “reasonable to meet” shall be documented by resolution or in
29 the minutes of the agency. The fact that an identified transit need
30 cannot be fully met based on available resources shall not be the
31 sole reason for finding that a transit need is not reasonable to meet.
32 An agency’s determination of needs that are reasonable to meet
33 shall not be made by comparing unmet transit needs with the need
34 for streets and roads.

35 (d) Adopt by resolution a finding for the jurisdiction, after
36 consideration of all available information compiled pursuant to
37 subdivisions (a), (b), and (c). The finding shall be that (1) there
38 are no unmet transit needs, (2) there are no unmet transit needs
39 that are reasonable to meet, or (3) there are unmet transit needs,
40 including needs that are reasonable to meet. The resolution shall

1 include information developed pursuant to subdivisions (a), (b),
2 and (c) which provides the basis for the finding.

3 (e) If the transportation planning agency adopts a finding that
4 there are unmet transit needs, including needs that are reasonable
5 to meet, then the unmet transit needs shall be funded before any
6 allocation is made for streets and roads within the jurisdiction.

7 (f) The transportation planning agency shall not allocate funds
8 for purposes of subdivision (f) of Section 99400 until all of the
9 capital and operating funds necessary to meet unmet transit needs
10 that are reasonable to meet are allocated. The transportation
11 planning agency shall not reduce funding to existing public
12 transportation services, specialized transportation services, or
13 facilities for the exclusive use of pedestrians and bicycles in order
14 to allocate funds for purposes of subdivision (f) of Section 99400.
15 The transportation planning agency shall not allocate funds under
16 subdivision (f) of Section 99400 if the allocation replaces other
17 federal, state, or local funds used to fund commuter vanpools by
18 a county, city, transportation planning agency, or transit district.

19 SEC. 18. Section 6480.1 of the Revenue and Taxation Code
20 is amended to read:

21 6480.1. (a) At any time that motor vehicle fuel tax or diesel
22 fuel tax is imposed or would be imposed, but for the dyed diesel
23 fuel exemption in paragraph (1) of subdivision (a) of Section
24 60100, or the train operator exemption in paragraph (7) of
25 subdivision (a) of Section 60100 or paragraph (11) of subdivision
26 (a) of Section 7401, or, pursuant to subdivision (f) of Section 6480,
27 would be deemed to be imposed, on any removal, entry, or sale in
28 this state of motor vehicle fuel, aircraft jet fuel, or diesel fuel, the
29 supplier shall collect prepayment of retail sales tax from the person
30 to whom the motor vehicle fuel, aircraft jet fuel, or diesel fuel is
31 sold. However, if no sale occurs at the time of imposition of motor
32 vehicle fuel tax or diesel fuel tax, the supplier shall prepay the
33 retail sales tax on that motor vehicle fuel, aircraft jet fuel, or diesel
34 fuel. The prepayment required to be collected by the supplier
35 constitutes a debt owed by the supplier to this state until paid to
36 the board, until satisfactory proof has been submitted to prove that
37 the retailer of the fuel has paid the retail sales tax to the board, or
38 until a supplier or wholesaler who has consumed the fuel has paid
39 the use tax to the board. Each supplier shall report and pay the
40 prepayment amounts to the board, in a form as prescribed by the

board, in the period in which the fuel is sold. On each subsequent sale of that fuel, each seller, other than the retailer, shall collect from his or her purchaser a prepayment computed using the rate applicable at the time of sale. Each supplier shall provide his or her purchaser with an invoice for, or other evidence of, the collection of the prepayment amounts which shall be separately stated thereon.

(b) (1) A wholesaler shall collect prepayment of the retail sales tax from the person to whom the motor vehicle fuel, aircraft jet fuel, or diesel fuel is sold. Each wholesaler shall provide his or her purchaser with an invoice for or other evidence of the collection of the prepayment amounts, which shall be separately stated thereon.

(2) Each wholesaler shall report to the board, in a form as prescribed by the board and for the period in which the motor vehicle fuel, aircraft jet fuel, or diesel fuel was sold, all of the following:

(A) The number of gallons of fuel sold and the amount of sales tax prepayments collected by the wholesaler.

(B) The number of tax-paid gallons purchased and the amount of sales tax prepayments made by the wholesaler.

(C) In the event that the amount of sales tax prepayments collected by the wholesaler is greater than the amount of sales tax prepayments made by the wholesaler, then the excess constitutes a debt owed by the wholesaler to the state until paid to the board, or until satisfactory proof has been submitted that the retailer of the fuel has paid the tax to the board.

(c) A supplier or wholesaler who pays the prepayment and issues a resale certificate to the seller, but subsequently consumes the motor vehicle fuel, aircraft jet fuel, or diesel fuel, shall be entitled to a credit against his or her sales and use taxes due and payable for the period in which the prepayment was made, provided that he or she reports and pays the use tax to the board on the consumption of that fuel.

(d) The amount of a prepayment paid by the retailer or a supplier or wholesaler who has consumed the motor vehicle fuel, aircraft jet fuel, or diesel fuel to the seller from whom he or she acquired the fuel shall constitute a credit against his or her sales and use taxes due and payable for the period in which the sale was made. Failure of the supplier or wholesaler to report prepayments or the

1 supplier's or wholesaler's failure to comply with any other duty
2 under this article shall not constitute grounds for denial of the
3 credit to the retailer, supplier, or wholesaler, either on a temporary
4 or permanent basis or otherwise. To be entitled to the credit, the
5 retailer, supplier, or wholesaler shall retain for inspection by the
6 board any receipts, invoices, or other documents showing the
7 amount of sales tax prepaid to his or her supplier, together with
8 the evidence of payment.

9 (e) The rate of the prepayment required to be collected during
10 the period from July 1, 1986, through March 31, 1987, shall be
11 four cents (\$0.04) per gallon of motor vehicle fuel distributed or
12 transferred.

13 (f) The rate of prepayment required to be collected for motor
14 vehicle fuel, aircraft jet fuel, and diesel fuel as established by the
15 board in effect on January 1, 2013, shall remain in effect through
16 June 30, 2013.

17 (g) On July 1 of each succeeding year, the prepayment rate per
18 gallon for motor vehicle fuel, rounded to the nearest one-half of
19 one cent (\$0.005), of the required prepayment shall be established
20 by the board based upon 80 percent of the combined state and local
21 sales tax rate established by Sections 6051, 6051.2, 6051.3, 6051.5,
22 7202, and 7203.1, and Section 35 of Article XIII of the California
23 Constitution on the arithmetic average selling price (excluding
24 sales tax) as reported by an industry publication of all grades of
25 gasoline sold through a self-service gasoline station. The board
26 shall make its determination of the rate no later than March 1 of
27 the same year as the effective date of the new rate. Immediately
28 upon making its determination and setting of the rate, the board
29 shall each year, no later than May 1, notify every supplier,
30 wholesaler, and retailer of motor vehicle fuel. In the event the price
31 of fuel decreases or increases or an exemption from sales tax for
32 sales of fuel is enacted, and the established rate results in or could
33 result in prepayments which consistently exceed or are significantly
34 lower than the retailers' sales tax liability, the board may readjust
35 the rate.

36 (h) On July 1 of each succeeding year, the prepayment rate per
37 gallon for aircraft jet fuel, rounded to the nearest one-half of one
38 cent (\$0.005), shall be established by the board based upon 80
39 percent of the combined state and local sales tax rate established
40 by Sections 6051, 6051.2, 6051.3, 6051.5, 7202, and 7203.1, and

Section 35 of Article XIII of the California Constitution on the arithmetic average selling price (excluding sales and state excise ~~tax~~) taxes) as determined by the board. The board shall make its determination of the rate no later than March 1 of the year prior to the effective date of the new rate. The rate of the prepayment required to be collected for aircraft jet fuel shall be equal to 80 percent of the arithmetic average selling price of aircraft jet fuel as specified by industry publications. Immediately upon making its determination and setting of the rate, the board shall each year, no later than May 1, notify every supplier, wholesaler, and retailer of aircraft jet fuel. In the event the price of aircraft jet fuel decreases or increases, and the established rate results in prepayments that consistently exceed or are significantly lower than the retailers' sales tax liability, the board may readjust the rate.

(i) On July 1 of each succeeding year, the prepayment rate per gallon for diesel fuel, rounded to the nearest one-half of one cent (\$0.005), shall be established by the board based upon 80 percent of the combined state and local sales tax rate established by Sections 6051, 6051.2, 6051.3, 6051.5, 6051.8, 7202, and 7203.1, and Section 35 of Article XIII of the California Constitution on the arithmetic average selling price (excluding sales and state excise ~~tax~~) taxes) as determined by the board. The board shall make its determination of the rate no later than March 1 of the same year as the effective date of the new rate. The rate of the prepayment required to be collected for diesel fuel shall be equal to 80 percent of the arithmetic average selling price of diesel fuel as specified by industry publications. Immediately upon making its determination and setting of the rate, the board shall each year, no later than May 1, notify every supplier, wholesaler, and retailer of diesel fuel. In the event the rate of sales tax imposed on sales of diesel fuel increases or decreases or the price of diesel fuel decreases or increases, and the established rate results in or could result in prepayments that consistently exceed or are significantly lower than the retailers' sales tax liability, the board may readjust the rate.

(j) (1) Notwithstanding any other provision of this section, motor vehicle fuel sold by a supplier or wholesaler to a qualified purchaser who, pursuant to a contract with the State of California or its instrumentalities, resells that fuel to the State of California

1 or its instrumentalities shall be exempt from the prepayment
2 requirements.

3 (2) A qualified purchaser who acquires motor vehicle fuel for
4 subsequent resale to the State of California or its instrumentalities
5 pursuant to this subdivision shall furnish to the supplier or
6 wholesaler from whom the fuel is acquired an exemption
7 certificate, completed in accordance with any instructions or
8 regulations as the board may prescribe. The supplier or wholesaler
9 shall retain the certificate in his or her records in support of the
10 exemption. To qualify for the prepayment exemption, both of the
11 following conditions shall apply:

12 (A) The qualified purchaser does not take possession of the fuel
13 at any time.

14 (B) The fuel is delivered into storage tanks owned or leased by
15 the State of California or its instrumentalities via facilities of the
16 supplier or wholesaler, or by common or contract carriers under
17 contract with the supplier or wholesaler.

18 (3) For purposes of this subdivision, “qualified purchaser” means
19 a wholesaler who does not have or maintain a storage facility or
20 facilities for the purpose of selling motor vehicle fuel.

21 SEC. 19. Section 60116 of the Revenue and Taxation Code is
22 amended to read:

23 60116. (a) Commencing ~~on~~ January 1, 1998, and on each
24 January 1 up to and including January 1, 2013, the board shall
25 establish a tax rate per gallon, rounded to the nearest ~~tenth~~
26 *one-tenth* of a cent (*\$0.001*), by multiplying the average retail price
27 per gallon (including the federal excise tax and excluding the state
28 excise tax and the sales and use tax) of diesel fuel sold in this state
29 by a percentage equal to the combined state and local sales tax
30 rate established by Part 1 (commencing with Section 6001) and
31 Part 1.5 (commencing with Section 7200) of Division 2 of the
32 Revenue and Taxation Code and Section 35 of Article XIII of the
33 California Constitution. The average retail price per gallon shall
34 be the average of weekly retail prices for the 12-month period
35 ending August 31 of the year prior to the effective date of the new
36 rate. In determining the average retail price per gallon, the board
37 shall use the weekly average retail price published by the State
38 Energy Resources Conservation and Development Commission,
39 in its publication “Fuel Price And Supply Update.” In the event
40 the “Fuel Price And Supply Update” is delayed or discontinued,

1 the board may base its determination on other sources of the
2 average retail price of diesel fuel. The board shall make its
3 determination of the rate no later than October 1 of the year prior
4 to the effective date of the new rate.

5 (b) The tax rate established by the board on January 1, 2013,
6 shall remain in effect only through June 30, 2013.

7 (c) Commencing on July 1, 2013, and on each July 1 thereafter,
8 the board shall establish a tax rate per gallon, rounded to the nearest
9 one-tenth of one cent (\$0.001), by multiplying the average retail
10 price per gallon (including the federal excise tax and excluding
11 the state excise tax and the sales and use tax) of diesel fuel sold in
12 this state by a percentage equal to the combined state and local
13 sales tax rate established by Part 1 (commencing with Section
14 6001) and Part 1.5 (commencing with Section 7200) of Division
15 2 of the Revenue and Taxation Code and Section 35 of Article
16 XIII of the California Constitution. The average retail price per
17 gallon shall be the average of weekly retail prices for the 12-month
18 period ending on the last day of January prior to the effective date
19 of the new rate. In determining the average retail price per gallon,
20 the board shall use the weekly average retail price as reported by
21 the United States Energy Information Administration (EIA). In
22 the event the EIA information is delayed or discontinued, the board
23 may base its determination on other sources of the average retail
24 price of diesel fuel. The board shall make its determination of the
25 rate no later than March 1 of the same year as the effective date
26 of the new rate.

27 SEC. 20. Section 349 of the Streets and Highways Code is
28 amended to read:

29 349. (a) Route 49 is from:

30 (1) Route 41 near Oakhurst to Route 140 at Mariposa.

31 (2) Route 140 at Mariposa to Route 120 near Moccasin.

32 (3) Route 120 near Chinese Camp to Route 80 near Auburn via
33 the vicinity of Sonora; via Angels Camp, San Andreas, and
34 Jackson; and via the vicinity of El Dorado, Diamond Springs, and
35 Placerville.

36 (4) Route 80 near Auburn to Route 20 in Grass Valley.

37 (5) Route 20 at Nevada City to Route 89 near Sattley via
38 Downieville.

39 (6) Route 89 near Sierraville to Route 70 near Vinton via
40 Loyalton.

(b) The relinquished former portion of Route 49 within the City of Auburn is not a state highway and is not eligible for adoption under Section 81. For the relinquished former portion of Route 49, the City of Auburn shall maintain within its jurisdiction signs directing motorists to the continuation of Route 49 *and shall ensure the continuity of traffic flow on the relinquished portion of Route 49, including any traffic signal progression.* The city may apply to the department for approval of a business route designation in accordance with Chapter 20, Topic 21, of the Highway Design Manual.

SEC. 21. Section 366 of the Streets and Highways Code is amended to read:

366. (a) Route 66 is from:

(1) Route 210 near San Dimas to the Los Angeles-San Bernardino county line at the western city limit of the City of Upland.

(2) The eastern city limit of the City of Fontana near Maple Avenue to Route 215 in San Bernardino.

(b) The relinquished former portions of Route 66 within the city limits of the Cities of Fontana, Rancho Cucamonga, and Upland are not state highways and are not eligible for adoption under Section 81. For the portions of Route 66 relinquished under this section, the Cities of Fontana, Rancho Cucamonga, *Rialto*, and Upland shall maintain within their respective jurisdictions signs directing motorists to the continuation of Route 66 and *shall ensure the continuity of traffic flow on the relinquished portions of Route 66, including any traffic signal progression.*

(c) (1) Notwithstanding subdivision (a), the commission may relinquish to the City of Claremont the portion of Route 66 that is located within the city limits or the sphere of influence of the city, upon terms and conditions the commission finds to be in the best interests of the state.

(2) A relinquishment under this subdivision shall become effective immediately following the recordation by the county recorder of the relinquishment resolution containing the commission's approval of the terms and conditions of the relinquishment.

(3) On and after the effective date of the relinquishment, both of the following shall occur:

1 (A) The portion of Route 66 relinquished under this subdivision
2 shall cease to be a state highway.

3 (B) The portion of Route 66 relinquished under this subdivision
4 may not be considered for future adoption under Section 81.

5 (4) The City of Claremont shall ensure the continuity of traffic
6 flow on the relinquished portion of Route 66, including any traffic
7 signal progression.

8 (5) For the relinquished portion of Route 66, the City of
9 Claremont shall maintain signs directing motorists to the
10 continuation of Route 66.

11 SEC. 22. Section 374 of the Streets and Highways Code is
12 amended to read:

13 374. (a) Route 74 is from:

14 (1) Route 5 near San Juan Capistrano to Route 15 near Lake
15 Elsinore.

16 (2) Route 15 near Lake Elsinore to Route 215 near Perris.

17 (3) Route 215 near Perris to the southern city limit of Palm
18 Desert.

19 (4) Highway 111 in Palm Desert to Route 10 near Thousand
20 Palms.

21 (b) The relinquished former ~~portion~~ *portions* of Route 74 within
22 the ~~City~~ *Cities* of Palm Desert ~~is not a state highway~~ *and Perris*
23 *are not state highways* and ~~is~~ *are* not eligible for adoption under
24 Section 81. For the relinquished former ~~portion~~ *portions* of Route
25 74, the ~~City~~ *Cities* of Palm Desert *and Perris* shall maintain within
26 ~~its jurisdiction~~ *their respective jurisdictions* signs directing
27 motorists to the continuation of Route 74 *and shall ensure the*
28 *continuity of traffic flow on the relinquished portions of Route 74,*
29 *including any traffic signal progression.*

30 (c) (1) The commission may relinquish to the City of Lake
31 Elsinore the portion of Route 74 located within the city limits of
32 that city, upon terms and conditions the commission finds to be
33 in the best interests of the state.

34 (2) Any relinquishment agreement shall require that the City of
35 Lake Elsinore administer the operation and maintenance of the
36 highway in a manner consistent with professional traffic
37 engineering standards.

38 (3) Any relinquishment agreement shall require the City of Lake
39 Elsinore to ensure that appropriate traffic studies or analyses will
40 be performed to substantiate any decisions affecting the highway.

(4) Any relinquishment agreement shall also require the City of Lake Elsinore to provide for public notice and the consideration of public input on the proximate effects of any proposed decision on traffic flow, residences, or businesses, other than a decision on routine maintenance.

(5) Notwithstanding any of its other terms, any relinquishment agreement shall require the City of Lake Elsinore to indemnify and hold the department harmless from any liability for any claims made or damages suffered by any person, including a public entity, as a result of any decision made or action taken by the City of Lake Elsinore, its officers, employees, contractors, or agents, with respect to the design, maintenance, construction, or operation of that portion of Route 74 that is to be relinquished to the city.

(6) A relinquishment under this subdivision shall become effective immediately after the county recorder records the relinquishment resolution that contains the commission's approval of the terms and conditions of the relinquishment.

(7) On and after the effective date of the relinquishment, both of the following shall occur:

(A) The portion of Route 74 relinquished shall cease to be a state highway.

(B) The portion of Route 74 relinquished may not be considered for future adoption under Section 81.

(8) The City of Lake Elsinore shall ensure the continuity of traffic flow on the relinquished portion of Route 74, including any traffic signal progression.

(9) For relinquished portions of Route 74, the City of Lake Elsinore shall maintain signs directing motorists to the continuation of Route 74.

SEC. 23. Section 392 of the Streets and Highways Code is amended to read:

392. (a) Route 92 is from:

(1) Route 1 near Half Moon Bay to Route 280.

(2) Route 280 to Route 580 near Castro Valley and Hayward.

(b) The relinquished former portion of Route 92 within the City of Hayward is not a state highway and is not eligible for adoption under Section 81. For the relinquished former portion of Route 92, the City of Hayward shall maintain within its jurisdiction signs directing motorists to the continuation of Route 92 or to the state highway system, as applicable, *and shall ensure the continuity of*

1 *traffic flow on the relinquished portion of Route 92, including any*
2 *traffic signal progression.*

3 SEC. 24. Section 410 of the Streets and Highways Code, as
4 amended by Section 30 of Chapter 525 of the Statutes of 2003, is
5 amended to read:

6 410. (a) Route 110 is from Route 47 in San Pedro to Glenarm
7 Street in Pasadena.

8 (b) The relinquished former portions of Route 110 that are
9 located between 9th Street and Gaffey Street in the City of Los
10 Angeles and Glenarm Street and Colorado Boulevard in Pasadena
11 are not state highways and are not eligible for adoption under
12 Section 81. For the relinquished former portions of Route 110, the
13 Cities of Los Angeles and Pasadena shall maintain within their
14 respective jurisdictions signs directing motorists to the continuation
15 of Route 110 *and shall ensure the continuity of traffic flow on the*
16 *relinquished portion of Route 110, including any traffic signal*
17 *progression.*

18 SEC. 25. Section 410 of the Streets and Highways Code, as
19 added by Section 1 of Chapter 669 of the Statutes of 2008, is
20 repealed.

21 SEC. 26. Section 411 of the Streets and Highways Code is
22 amended to read:

23 411. (a) Route 111 is from:

24 (1) The international border south of Calexico to Route 78 near
25 Brawley, passing east of Heber.

26 (2) Route 78 near Brawley to Route 86 via the north shore of
27 the Salton Sea.

28 (3) The western city limits of Cathedral City to Route 10 near
29 Whitewater.

30 (b) The relinquished former portions of Route 111 *in the County*
31 *of Riverside* within the Cities of Cathedral City, *Coachella*, Indian
32 Wells, Indio, La Quinta, Palm Desert, and Rancho Mirage are not
33 state highways and are not eligible for adoption under Section 81.
34 For the relinquished former portions of Route 111 *in the County*
35 *of Riverside*, the Cities of Cathedral City, *Coachella*, Indian Wells,
36 Indio, La Quinta, and Palm Desert, as applicable, shall maintain
37 within their respective jurisdictions signs directing motorists to
38 the continuation of Route 111 *and shall ensure the continuity of*
39 *traffic flow on the relinquished portions of Route 111, including*
40 *any traffic signal progression.*

SEC. 27. Section 446 of the Streets and Highways Code is amended to read:

446. (a) Route 146 is from:

(1) Route 101 near Soledad to Pinnacles National Monument.

(2) Pinnacles National Monument to Route 25 in Bear Valley.

(b) The relinquished former portion of Route 146 within the City of Soledad is not a state highway and is not eligible for adoption under Section 81. For the relinquished former portion of Route 146, the City of Soledad shall maintain within its jurisdiction signs directing motorists to the continuation of Route 146 until the entire route has been relinquished *and shall ensure the continuity of traffic flow on the relinquished portion of Route 146, including any traffic signal progression.*

(1) Notwithstanding subdivision (a), the commission may relinquish to the County of Monterey the portion of Route 146 within the limits of that county, upon terms and conditions the commission finds to be in the best interests of the state.

(2) Notwithstanding subdivision (a), the commission may relinquish to the County of San Benito the portion of Route 146 within the limits of that county, upon terms and conditions the commission finds to be in the best interests of the state.

(3) A relinquishment under this subdivision shall become effective immediately after the county recorder records the relinquishment resolution that contains the commission's approval of the terms and conditions of the relinquishment.

(4) On and after the effective date of the relinquishment, that portion of Route 146 relinquished shall cease to be a state highway and may not be considered for future adoption under Section 81.

(5) For portions of Route 146 relinquished under this subdivision, the Counties of Monterey and San Benito shall maintain within their jurisdiction signs directing motorists to the continuation of Route 146 until the entire route has been relinquished.

SEC. 28. Section 452 of the Streets and Highways Code is amended to read:

452. Route 152 is from:

(a) Route 1 near Watsonville via Hecker Pass to Route 101 in Gilroy.

(b) Route 101 near Gilroy to Route 65 near Sharon via Pacheco Pass.

(c) The commission may relinquish to the City of Watsonville the portion of Route 152, beginning at Route 1 and ending at Beverly Drive or some segment thereof, within the city limits of the City of Watsonville, upon terms and conditions the commission finds to be in the best interests of the state.

(d) A relinquishment under this section shall become effective immediately following the county recorder's recordation of the relinquishment resolution containing the commission's approval of the terms and conditions of the relinquishment.

(e) On and after the effective date of the relinquishment, both of the following shall occur:

(1) The portion of Route 152 relinquished under this section shall cease to be a state highway.

(2) The portion of Route 152 relinquished under this section shall be ineligible for future adoption under Section 81.

(f) The City of Watsonville shall ensure the continuity of traffic flow on the relinquished portions of Route 152, including, but not limited to, any traffic signal progression.

(g) For those portions of Route 152 that are relinquished, the City of Watsonville shall maintain within its jurisdiction signs directing motorists to the continuation of Route 152.

SEC. 29. Section 478 of the Streets and Highways Code is amended to read:

478. (a) Route 178 is from:

(1) Bakersfield to Route 14 near Freeman via Walker Pass.

(2) Route 14 near Freeman to Route 127.

(3) Route 127 to the Nevada state line in Pahrump Valley.

(b) The relinquished former portion of Route 178 within the City of Bakersfield is not a state highway and is not eligible for adoption under Section 81. For the relinquished former portion of Route 178, the City of Bakersfield shall install and maintain within its jurisdiction signs directing motorists to the continuation of Route 178 *and shall ensure the continuity of traffic flow on the relinquished portion of Route 178, including any traffic signal progression.*

SEC. 30. Section 485 of the Streets and Highways Code is amended to read:

485. (a) Route 185 is from Route 92 in Hayward to Route 77 in Oakland.

(b) The relinquished former portion of Route 185 within the City of Hayward is not a state highway and is not eligible for adoption under Section 81. For the relinquished former portion of Route 185, the City of Hayward shall maintain within its jurisdiction signs directing motorists to the continuation of Route 185 or to the state highway system, as applicable, *and shall ensure the continuity of traffic flow on the relinquished portion of Route 185, including any traffic signal progression.*

SEC. 31. Section 493 of the Streets and Highways Code is amended to read:

493. (a) Route 193 is from:

(1) Route 65 near Lincoln to Route 80 near Newcastle.

(2) Route 49 near Cool to Route 49 near Placerville via Georgetown.

(b) The relinquished former portion of Route 193 within the City of Lincoln is not a state highway and is not eligible for adoption under Section 81. For the relinquished former portion of Route 193, the City of Lincoln shall install and maintain within its jurisdiction signs directing motorists to the continuation of Route 193 to the east and to Routes 65 and 80 to the west *and shall ensure the continuity of traffic flow on the relinquished portion of Route 193, including any traffic signal progression.* The city may apply to the department for approval of a business route designation in accordance with Chapter 20, Topic 21, of the Highway Design Manual.

SEC. 32. Section 527 of the Streets and Highways Code is amended to read:

527. (a) Route 227 is from Route 1 south of Oceano to Route 101 in San Luis Obispo.

(b) The relinquished former portions of Route 227 within the Cities of Arroyo Grande and San Luis Obispo are not state highways and are not eligible for adoption under Section 81. For the relinquished former portion of Route 227, ~~the City~~ *Cities* of San Luis Obispo *and Arroyo Grande* shall maintain within ~~its jurisdiction~~ *their respective jurisdictions* signs directing motorists to the continuation of Route 227 *and shall ensure the continuity of traffic flow on the relinquished portion of Route 227, including any traffic signal progression.*

SEC. 33. Section 538 of the Streets and Highways Code is amended to read:

1 538. (a) Route 238 is from Route 680 in Fremont to Route 61
2 near San Lorenzo via Hayward.

3 (b) The relinquished former portion of Route 238 within the
4 City of Hayward is not a state highway and is not eligible for
5 adoption under Section 81. For the relinquished former portion of
6 Route 238, the City of Hayward shall maintain within its
7 jurisdiction signs directing motorists to the continuation of Route
8 238 or to the state highway system, as applicable, *and shall ensure*
9 *the continuity of traffic flow on the relinquished portion of Route*
10 *238, including any traffic signal progression.*

11 SEC. 34. Section 22112 of the Vehicle Code is amended to
12 read:

13 22112. (a) On approach to a schoolbus stop where pupils are
14 loading or unloading from a schoolbus, the schoolbus driver shall
15 activate an approved amber warning light system, if the schoolbus
16 is so equipped, beginning 200 feet before the schoolbus stop. The
17 schoolbus driver shall deactivate the amber warning light system
18 after reaching the schoolbus stop. The schoolbus driver shall
19 operate the flashing red light signal system and stop signal arm,
20 as required on the schoolbus, at all times when the schoolbus is
21 stopped for the purpose of loading or unloading pupils. The
22 flashing red light signal system, amber warning lights system, and
23 stop signal arm shall not be operated at any place where traffic is
24 controlled by a traffic officer or at any location identified in
25 subdivision (e) of this section. The schoolbus flashing red light
26 signal system, amber warning lights system, and stop signal arm
27 shall not be operated at any other time.

28 (b) The schoolbus driver shall stop to load or unload pupils only
29 at a schoolbus stop designated for pupils by the school district
30 superintendent *or the director, head, or principal of a private*
31 *school, or authorized by the superintendent any of those individuals*
32 *for school activity trips.*

33 (c) When a schoolbus is stopped on a highway or private road
34 for the purpose of loading or unloading pupils, at a location where
35 traffic is not controlled by a traffic officer, the driver shall, before
36 opening the door, ensure that the flashing red light signal system
37 and stop signal arm are activated, and that it is safe to enter or exit
38 the schoolbus.

39 (d) When a schoolbus is stopped on a highway or private road
40 for the purpose of loading or unloading pupils, at a location where

1 traffic is not controlled by a traffic officer or official traffic control
2 signal, the schoolbus driver shall do all of the following:

3 (1) Escort all pupils in prekindergarten, kindergarten, or any of
4 grades 1 to 8, inclusive, who need to cross the highway or private
5 road upon which the schoolbus is stopped. The driver shall use an
6 approved hand-held “STOP” sign while escorting all pupils.

7 (2) Require all pupils who need to cross the highway or private
8 road upon which the schoolbus is stopped to walk in front of the
9 bus as they cross.

10 (3) Ensure that all pupils who need to cross the highway or
11 private road upon which the schoolbus is stopped have crossed
12 safely, and that all other pupils and pedestrians are a safe distance
13 from the schoolbus before setting the schoolbus in motion.

14 (e) Except at a location where pupils are loading or unloading
15 from a schoolbus and must cross a highway or private road upon
16 which the schoolbus is stopped, the schoolbus driver may not
17 activate the amber warning light system, the flashing red light
18 signal system and stop signal arm at any of the following locations:

19 (1) Schoolbus loading zones on or adjacent to school grounds
20 or during an activity trip, if the schoolbus is lawfully stopped or
21 parked.

22 (2) Where the schoolbus is disabled due to mechanical
23 breakdown. The driver of a relief bus that arrives at the scene to
24 transport pupils from the disabled schoolbus shall not activate the
25 amber warning light system, the flashing red light system, and stop
26 signal arm.

27 (3) Where a pupil requires physical assistance from the driver
28 or authorized attendant to board or leave the schoolbus and
29 providing the assistance extends the length of time the schoolbus
30 is stopped beyond the time required to load or unload a pupil that
31 does not require physical assistance.

32 (4) Where the roadway surface on which the bus is stopped is
33 partially or completely covered by snow or ice and requiring traffic
34 to stop would pose a safety hazard as determined by the schoolbus
35 motor carrier.

36 (5) On a state highway with a posted speed limit of 55 miles
37 per hour or higher where the schoolbus is completely off the main
38 traveled portion of the highway.

(6) Any location determined by a school district *or a private school*, with the approval of the Department of the California Highway Patrol, to present a traffic or safety hazard.

(f) Notwithstanding subdivisions (a) to (d), inclusive, the Department of the California Highway Patrol may require the activation of an approved flashing amber warning light system, if the schoolbus is so equipped, or the flashing red light signal system and stop signal arm, as required on the schoolbus, at any location where the department determines that the activation is necessary for the safety of school pupils loading or unloading from a schoolbus.

SEC. 35. *Section 22500.5 of the Vehicle Code is amended to read:*

22500.5. Upon agreement between a transit system operating buses engaged as common carriers in local transportation and a public school district *or private school*, local authorities may, by ordinance, permit schoolbuses owned by, or operated under contract for, that public school district *or private school* to stop for the loading or unloading of passengers alongside any or all curb spaces designated for the loading or unloading of passengers of the transit system buses. *A schoolbus stop, permitted pursuant to this section, shall be designated by a school district superintendent or principal, head, or director of a private school and is subject to Section 22112 and subdivision (c) of Section 22504. A permitted schoolbus stop shall not be designated at a location otherwise prohibited by law, or at a location as specified in subdivision (c) of Section 22504 without the approval of, and authorization by, the Department of the California Highway Patrol.*

SEC. 36. *Section 22504 of the Vehicle Code is amended to read:*

22504. (a) Upon any highway in unincorporated areas no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the roadway when it is practicable to stop, park, or leave the vehicle off such portion of the highway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of the stopped vehicle shall be available from a distance of 200 feet in each direction upon the highway. This section shall not apply upon a highway where the roadway is bounded by adjacent curbs.

(b) This section shall not apply to the driver of any vehicle which is disabled in such a manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle on the roadway.

~~(c) When, in the judgment of the governing board of a school district, it is necessary for the safety of pupils being transported to and from schools to authorize a schoolbus stop at a place where there is not a clear view of the stop from a distance of 200 feet in each direction along the highway, such~~

(c) Where there is not a clear view of a proposed or existing schoolbus stop from a distance of 200 feet in each direction along a highway, or upon the main traveled portion of a highway where there is not a clear view of the stop from 500 feet in each direction along the highway and the speed limit is more than 25 miles per hour, the stop may only be authorized on an annual basis by and with the approval of the Department of the California Highway Patrol. The upon the request of the school district superintendent or the director, head, or principal of a private school. If the schoolbus stop is approved by the Department of the California Highway Patrol, the Department of Transportation, in respect to state highways, and local authorities, in respect to highways under their jurisdiction, shall place sufficient signs along the highway to give adequate notice to motorists that they are approaching such bus stops.

~~SEC. 34.~~

SEC. 37. Section 22651 of the Vehicle Code is amended to read:

22651. A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, or a regularly employed and salaried employee, who is engaged in directing traffic or enforcing parking laws and regulations, of a city, county, or jurisdiction of a state agency in which a vehicle is located, may remove a vehicle located within the territorial limits in which the officer or employee may act, under the following circumstances:

(a) When a vehicle is left unattended upon a bridge, viaduct, or causeway or in a tube or tunnel where the vehicle constitutes an obstruction to traffic.

(b) When a vehicle is parked or left standing upon a highway in a position so as to obstruct the normal movement of traffic or

1 in a condition so as to create a hazard to other traffic upon the
2 highway.

3 (c) When a vehicle is found upon a highway or public land and
4 a report has previously been made that the vehicle is stolen or a
5 complaint has been filed and a warrant thereon is issued charging
6 that the vehicle was embezzled.

7 (d) When a vehicle is illegally parked so as to block the entrance
8 to a private driveway and it is impractical to move the vehicle from
9 in front of the driveway to another point on the highway.

10 (e) When a vehicle is illegally parked so as to prevent access
11 by firefighting equipment to a fire hydrant and it is impracticable
12 to move the vehicle from in front of the fire hydrant to another
13 point on the highway.

14 (f) When a vehicle, except highway maintenance or construction
15 equipment, is stopped, parked, or left standing for more than four
16 hours upon the right-of-way of a freeway that has full control of
17 access and no crossings at grade and the driver, if present, cannot
18 move the vehicle under its own power.

19 (g) When the person in charge of a vehicle upon a highway or
20 public land is, by reason of physical injuries or illness,
21 incapacitated to an extent so as to be unable to provide for its
22 custody or removal.

23 (h) (1) When an officer arrests a person driving or in control
24 of a vehicle for an alleged offense and the officer is, by this code
25 or other law, required or permitted to take, and does take, the
26 person into custody.

27 (2) When an officer serves a notice of an order of suspension
28 or revocation pursuant to Section 13388 or 13389.

29 (i) (1) When a vehicle, other than a rented vehicle, is found
30 upon a highway or public land, or is removed pursuant to this code,
31 and it is known that the vehicle has been issued five or more notices
32 of parking violations to which the owner or person in control of
33 the vehicle has not responded within 21 calendar days of notice
34 of citation issuance or citation issuance or 14 calendar days of the
35 mailing of a notice of delinquent parking violation to the agency
36 responsible for processing notices of parking violations, or the
37 registered owner of the vehicle is known to have been issued five
38 or more notices for failure to pay or failure to appear in court for
39 traffic violations for which a certificate has not been issued by the
40 magistrate or clerk of the court hearing the case showing that the

1 case has been adjudicated or concerning which the registered
2 owner's record has not been cleared pursuant to Chapter 6
3 (commencing with Section 41500) of Division 17, the vehicle may
4 be impounded until that person furnishes to the impounding law
5 enforcement agency all of the following:

6 (A) Evidence of his or her identity.

7 (B) An address within this state at which he or she can be
8 located.

9 (C) Satisfactory evidence that all parking penalties due for the
10 vehicle and all other vehicles registered to the registered owner of
11 the impounded vehicle, and all traffic violations of the registered
12 owner, have been cleared.

13 (2) The requirements in subparagraph (C) of paragraph (1) shall
14 be fully enforced by the impounding law enforcement agency on
15 and after the time that the Department of Motor Vehicles is able
16 to provide access to the necessary records.

17 (3) A notice of parking violation issued for an unlawfully parked
18 vehicle shall be accompanied by a warning that repeated violations
19 may result in the impounding of the vehicle. In lieu of furnishing
20 satisfactory evidence that the full amount of parking penalties or
21 bail has been deposited, that person may demand to be taken
22 without unnecessary delay before a magistrate, for traffic offenses,
23 or a hearing examiner, for parking offenses, within the county in
24 which the offenses charged are alleged to have been committed
25 and who has jurisdiction of the offenses and is nearest or most
26 accessible with reference to the place where the vehicle is
27 impounded. Evidence of current registration shall be produced
28 after a vehicle has been impounded, or, at the discretion of the
29 impounding law enforcement agency, a notice to appear for
30 violation of subdivision (a) of Section 4000 shall be issued to that
31 person.

32 (4) A vehicle shall be released to the legal owner, as defined in
33 Section 370, if the legal owner does all of the following:

34 (A) Pays the cost of towing and storing the vehicle.

35 (B) Submits evidence of payment of fees as provided in Section
36 9561.

37 (C) Completes an affidavit in a form acceptable to the
38 impounding law enforcement agency stating that the vehicle was
39 not in possession of the legal owner at the time of occurrence of
40 the offenses relating to standing or parking. A vehicle released to

1 a legal owner under this subdivision is a repossessed vehicle for
2 purposes of disposition or sale. The impounding agency shall have
3 a lien on any surplus that remains upon sale of the vehicle to which
4 the registered owner is or may be entitled, as security for the full
5 amount of the parking penalties for all notices of parking violations
6 issued for the vehicle and for all local administrative charges
7 imposed pursuant to Section 22850.5. The legal owner shall
8 promptly remit to, and deposit with, the agency responsible for
9 processing notices of parking violations from that surplus, on
10 receipt of that surplus, the full amount of the parking penalties for
11 all notices of parking violations issued for the vehicle and for all
12 local administrative charges imposed pursuant to Section 22850.5.

13 (5) The impounding agency that has a lien on the surplus that
14 remains upon the sale of a vehicle to which a registered owner is
15 entitled pursuant to paragraph (4) has a deficiency claim against
16 the registered owner for the full amount of the parking penalties
17 for all notices of parking violations issued for the vehicle and for
18 all local administrative charges imposed pursuant to Section
19 22850.5, less the amount received from the sale of the vehicle.

20 (j) When a vehicle is found illegally parked and there are no
21 license plates or other evidence of registration displayed, the
22 vehicle may be impounded until the owner or person in control of
23 the vehicle furnishes the impounding law enforcement agency
24 evidence of his or her identity and an address within this state at
25 which he or she can be located.

26 (k) When a vehicle is parked or left standing upon a highway
27 for 72 or more consecutive hours in violation of a local ordinance
28 authorizing removal.

29 (l) When a vehicle is illegally parked on a highway in violation
30 of a local ordinance forbidding standing or parking and the use of
31 a highway, or a portion thereof, is necessary for the cleaning,
32 repair, or construction of the highway, or for the installation of
33 underground utilities, and signs giving notice that the vehicle may
34 be removed are erected or placed at least 24 hours prior to the
35 removal by a local authority pursuant to the ordinance.

36 (m) When the use of the highway, or a portion of the highway,
37 is authorized by a local authority for a purpose other than the
38 normal flow of traffic or for the movement of equipment, articles,
39 or structures of unusual size, and the parking of a vehicle would
40 prohibit or interfere with that use or movement, and signs giving

1 notice that the vehicle may be removed are erected or placed at
2 least 24 hours prior to the removal by a local authority pursuant
3 to the ordinance.

4 (n) Whenever a vehicle is parked or left standing where local
5 authorities, by resolution or ordinance, have prohibited parking
6 and have authorized the removal of vehicles. Except as provided
7 in subdivisions (v) and (w), a vehicle shall not be removed unless
8 signs are posted giving notice of the removal.

9 (o) (1) When a vehicle is found or operated upon a highway,
10 public land, or an offstreet parking facility under the following
11 circumstances:

12 (A) With a registration expiration date in excess of six months
13 before the date it is found or operated on the highway, public lands,
14 or the offstreet parking facility.

15 (B) Displaying in, or upon, the vehicle, a registration card,
16 identification card, temporary receipt, license plate, special plate,
17 registration sticker, device issued pursuant to Section 4853, or
18 permit that was not issued for that vehicle, or is not otherwise
19 lawfully used on that vehicle under this code.

20 (C) Displaying in, or upon, the vehicle, an altered, forged,
21 counterfeit, or falsified registration card, identification card,
22 temporary receipt, license plate, special plate, registration sticker,
23 device issued pursuant to Section 4853, or permit.

24 (2) When a vehicle described in paragraph (1) is occupied, only
25 a peace officer, as defined in Chapter 4.5 (commencing with
26 Section 830) of Title 3 of Part 2 of the Penal Code, may remove
27 the vehicle.

28 (3) For the purposes of this subdivision, the vehicle shall be
29 released under either of the following circumstances:

30 (A) To the registered owner or person in control of the vehicle
31 only after the owner or person furnishes the storing law
32 enforcement agency with proof of current registration and a
33 currently valid driver's license to operate the vehicle.

34 (B) To the legal owner or the legal owner's agency, without
35 payment of any fees, fines, or penalties for parking tickets or
36 registration and without proof of current registration, if the vehicle
37 will only be transported pursuant to the exemption specified in
38 Section 4022 and if the legal owner does all of the following:

39 (i) Pays the cost of towing and storing the vehicle.

1 (ii) Completes an affidavit in a form acceptable to the
2 impounding law enforcement agency stating that the vehicle was
3 not in possession of the legal owner at the time of occurrence of
4 an offense relating to standing or parking. A vehicle released to a
5 legal owner under this subdivision is a repossessed vehicle for
6 purposes of disposition or sale. The impounding agency has a lien
7 on any surplus that remains upon sale of the vehicle to which the
8 registered owner is or may be entitled, as security for the full
9 amount of parking penalties for any notices of parking violations
10 issued for the vehicle and for all local administrative charges
11 imposed pursuant to Section 22850.5. Upon receipt of any surplus,
12 the legal owner shall promptly remit to, and deposit with, the
13 agency responsible for processing notices of parking violations
14 from that surplus, the full amount of the parking penalties for all
15 notices of parking violations issued for the vehicle and for all local
16 administrative charges imposed pursuant to Section 22850.5.

17 (4) The impounding agency that has a lien on the surplus that
18 remains upon the sale of a vehicle to which a registered owner is
19 entitled has a deficiency claim against the registered owner for the
20 full amount of parking penalties for any notices of parking
21 violations issued for the vehicle and for all local administrative
22 charges imposed pursuant to Section 22850.5, less the amount
23 received from the sale of the vehicle.

24 (5) As used in this subdivision, “offstreet parking facility” means
25 an offstreet facility held open for use by the public for parking
26 vehicles and includes a publicly owned facility for offstreet
27 parking, and a privately owned facility for offstreet parking if a
28 fee is not charged for the privilege to park and it is held open for
29 the common public use of retail customers.

30 (p) When the peace officer issues the driver of a vehicle a notice
31 to appear for a violation of Section 12500, 14601, 14601.1,
32 14601.2, 14601.3, 14601.4, 14601.5, or 14604 and the vehicle is
33 not impounded pursuant to Section 22655.5. A vehicle so removed
34 from the highway or public land, or from private property after
35 having been on a highway or public land, shall not be released to
36 the registered owner or his or her agent, except upon presentation
37 of the registered owner’s or his or her agent’s currently valid
38 driver’s license to operate the vehicle and proof of current vehicle
39 registration, to the impounding law enforcement agency, or upon
40 order of a court.

1 (q) When a vehicle is parked for more than 24 hours on a portion
2 of highway that is located within the boundaries of a common
3 interest development, as defined in subdivision (c) of Section 1351
4 of the Civil Code, and signs, as required by paragraph (1) of
5 subdivision (a) of Section 22658 of this code, have been posted
6 on that portion of highway providing notice to drivers that vehicles
7 parked thereon for more than 24 hours will be removed at the
8 owner's expense, pursuant to a resolution or ordinance adopted
9 by the local authority.

10 (r) When a vehicle is illegally parked and blocks the movement
11 of a legally parked vehicle.

12 (s) (1) When a vehicle, except highway maintenance or
13 construction equipment, an authorized emergency vehicle, or a
14 vehicle that is properly permitted or otherwise authorized by the
15 Department of Transportation, is stopped, parked, or left standing
16 for more than eight hours within a roadside rest area or viewpoint.

17 (2) Notwithstanding paragraph (1), when a commercial motor
18 vehicle, as defined in paragraph (1) of subdivision (b) of Section
19 15210, is stopped, parked, or left standing for more than 10 hours
20 within a roadside rest area or viewpoint.

21 (3) For purposes of this subdivision, a roadside rest area or
22 viewpoint is a publicly maintained vehicle parking area, adjacent
23 to a highway, utilized for the convenient, safe stopping of a vehicle
24 to enable motorists to rest or to view the scenery. If two or more
25 roadside rest areas are located on opposite sides of the highway,
26 or upon the center divider, within seven miles of each other, then
27 that combination of rest areas is considered to be the same rest
28 area.

29 (t) When a peace officer issues a notice to appear for a violation
30 of Section 25279.

31 (u) When a peace officer issues a citation for a violation of
32 Section 11700 and the vehicle is being offered for sale.

33 (v) (1) When a vehicle is a mobile billboard advertising display,
34 as defined in Section 395.5, and is parked or left standing in
35 violation of a local resolution or ordinance adopted pursuant to
36 subdivision (m) of Section 21100, if the registered owner of the
37 vehicle was previously issued a warning citation for the same
38 offense, pursuant to paragraph (2).

39 (2) Notwithstanding subdivision (a) of Section 22507, a city or
40 county, in lieu of posting signs noticing a local ordinance

prohibiting mobile billboard advertising displays adopted pursuant to subdivision (m) of Section 21100, may provide notice by issuing a warning citation advising the registered owner of the vehicle that he or she may be subject to penalties upon a subsequent violation of the ordinance, that may include the removal of the vehicle as provided in paragraph (1). A city or county is not required to provide further notice for a subsequent violation prior to the enforcement of penalties for a violation of the ordinance.

(w) (1) When a vehicle is parked or left standing in violation of a local ordinance or resolution adopted pursuant to subdivision (p) of Section 21100, if the registered owner of the vehicle was previously issued a warning citation for the same offense, pursuant to paragraph (2).

(2) Notwithstanding subdivision (a) of Section 22507, a city or county, in lieu of posting signs noticing a local ordinance regulating advertising signs adopted pursuant to subdivision (p) of Section 21100, may provide notice by issuing a warning citation advising the registered owner of the vehicle that he or she may be subject to penalties upon a subsequent violation of the ordinance that may include the removal of the vehicle as provided in paragraph (1). A city or county is not required to provide further notice for a subsequent violation prior to the enforcement of penalties for a violation of the ordinance.

~~SEC. 35.~~

SEC. 38. Section 27314.5 of the Vehicle Code is repealed.

~~SEC. 36.~~

SEC. 39. Section 29004 of the Vehicle Code is amended to read:

29004. (a) (1) Except as required under paragraph (2), a towed vehicle shall be coupled to the towing vehicle by means of a safety chain, cable, or equivalent device in addition to the regular drawbar, tongue, or other connection.

(2) A vehicle towed by a tow truck shall be coupled to the tow truck by means of at least two safety chains in addition to the primary restraining system. The safety chains shall be securely affixed to the truck frame, bed, or towing equipment, independent of the towing sling, wheel lift, or under-reach towing equipment.

(3) A vehicle transported on a slide back carrier tow truck or on a trailer shall be secured by at least four tiedown chains, straps, or an equivalent device, independent of the winch or loading cable.

1 This subdivision does not apply to vehicle bodies that are being
2 transported in compliance with Sections 393.100 to 393.136,
3 inclusive, of Title 49 of the Code of Federal Regulations.

4 (b) All safety connections and attachments shall be of sufficient
5 strength to control the towed vehicle in the event of failure of the
6 regular hitch, coupling device, drawbar, tongue, or other
7 connection. All safety connections and attachments also shall have
8 a positive means of ensuring that the safety connection or
9 attachment does not become dislodged while in transit.

10 (c) No more slack may be left in a safety chain, cable, or
11 equivalent device than is necessary to permit proper turning. When
12 a drawbar is used as the towing connection, the safety chain, cable,
13 or equivalent device shall be connected to the towed and towing
14 vehicle and to the drawbar so as to prevent the drawbar from
15 dropping to the ground if the drawbar fails.

16 (d) Subdivision (a) does not apply to a semitrailer having a
17 connecting device composed of a fifth wheel and kingpin assembly,
18 and does not apply to a towed motor vehicle when steered by a
19 person who holds a license for the type of vehicle being towed.

20 (e) For purposes of this section, a “tow truck” includes both of
21 the following:

22 (1) A reposessor’s tow vehicle, as defined in subdivision (b)
23 of Section 615.

24 (2) An automobile dismantler’s tow vehicle, as defined in
25 subdivision (c) of Section 615.

26 (f) A vehicle towed by a reposessor’s tow vehicle, as defined
27 in subdivision (b) of Section 615, is exempt from the multisafety
28 chain requirement of paragraph (2) of subdivision (a) so long as
29 the vehicle is not towed more than one mile on a public highway
30 and is secured by one safety chain.