

AMENDED IN SENATE JANUARY 4, 2012

AMENDED IN SENATE APRIL 26, 2011

AMENDED IN SENATE MARCH 22, 2011

SENATE BILL

No. 691

Introduced by Senator Lieu

February 18, 2011

An act to amend Section ~~627 of the Vehicle Code~~ 1095 of the *Unemployment Insurance Code*, relating to ~~vehicles~~ *unemployment insurance*.

LEGISLATIVE COUNSEL'S DIGEST

SB 691, as amended, Lieu. ~~Vehicles: engineering and traffic survey.~~
Unemployment insurance: compensation.

Under existing law, the information obtained in the administration of the Unemployment Insurance Code is for the exclusive use and information of the Director of Employment Development in the discharge of his or her duties and is not open to the public. However, existing law permits the use of the information for specified purposes. Existing law lists as a specified purpose to provide an authorized governmental agency with relevant information that relates to any specific workers' compensation insurance fraud investigation, as provided.

This bill would expand the definition of "authorized governmental agency" to include the Contractors' State License Board.

~~Existing law defines "engineering and traffic survey" to include the consideration of, among other things, highway, traffic, and roadside conditions not readily apparent to the driver.~~

~~This bill would revise the definition of “engineering and traffic survey” to specify conditions that are considered to be conditions not readily apparent to the driver.~~

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

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

1 *SECTION 1. Section 1095 of the Unemployment Insurance*
2 *Code is amended to read:*

3 1095. The director shall permit the use of any information in
4 his or her possession to the extent necessary for any of the
5 following purposes and may require reimbursement for all direct
6 costs incurred in providing any and all information specified in
7 this section, except information specified in subdivisions (a) to
8 (e), inclusive:

9 (a) To enable the director or his or her representative to carry
10 out his or her responsibilities under this code.

11 (b) To properly present a claim for benefits.

12 (c) To acquaint a worker or his or her authorized agent with his
13 or her existing or prospective right to benefits.

14 (d) To furnish an employer or his or her authorized agent with
15 information to enable him or her to fully discharge his or her
16 obligations or safeguard his or her rights under this division or
17 Division 3 (commencing with Section 9000).

18 (e) To enable an employer to receive a reduction in contribution
19 rate.

20 (f) To enable federal, state, or local government departments
21 or agencies, subject to federal law, to verify or determine the
22 eligibility or entitlement of an applicant for, or a recipient of, public
23 social services provided pursuant to Division 9 (commencing with
24 Section 10000) of the Welfare and Institutions Code, or Part A of
25 Title IV of the Social Security Act, where the verification or
26 determination is directly connected with, and limited to, the
27 administration of public social services.

28 (g) To enable county administrators of general relief or
29 assistance, or their representatives, to determine entitlement to
30 locally provided general relief or assistance, where the
31 determination is directly connected with, and limited to, the
32 administration of general relief or assistance.

1 (h) To enable state or local governmental departments or
2 agencies to seek criminal, civil, or administrative remedies in
3 connection with the unlawful application for, or receipt of, relief
4 provided under Division 9 (commencing with Section 10000) of
5 the Welfare and Institutions Code or to enable the collection of
6 expenditures for medical assistance services pursuant to Part 5
7 (commencing with Section 17000) of Division 9 of the Welfare
8 and Institutions Code.

9 (i) To provide any law enforcement agency with the name,
10 address, telephone number, birth date, social security number,
11 physical description, and names and addresses of present and past
12 employers, of any victim, suspect, missing person, potential
13 witness, or person for whom a felony arrest warrant has been
14 issued, when a request for this information is made by any
15 investigator or peace officer as defined by Sections 830.1 and
16 830.2 of the Penal Code, or by any federal law enforcement officer
17 to whom the Attorney General has delegated authority to enforce
18 federal search warrants, as defined under Sections 60.2 and 60.3
19 of Title 28 of the Code of Federal Regulations, as amended, and
20 when the requesting officer has been designated by the head of
21 the law enforcement agency and requests this information in the
22 course of and as a part of an investigation into the commission of
23 a crime when there is a reasonable suspicion that the crime is a
24 felony and that the information would lead to relevant evidence.
25 The information provided pursuant to this subdivision shall be
26 provided to the extent permitted by federal law and regulations,
27 and to the extent the information is available and accessible within
28 the constraints and configurations of existing department records.
29 Any person who receives any information under this subdivision
30 shall make a written report of the information to the law
31 enforcement agency that employs him or her, for filing under the
32 normal procedures of that agency.

33 (1) This subdivision shall not be construed to authorize the
34 release to any law enforcement agency of a general list identifying
35 individuals applying for or receiving benefits.

36 (2) The department shall maintain records pursuant to this
37 subdivision only for periods required under regulations or statutes
38 enacted for the administration of its programs.

1 (3) This subdivision shall not be construed as limiting the
2 information provided to law enforcement agencies to that pertaining
3 only to applicants for, or recipients of, benefits.

4 (4) The department shall notify all applicants for benefits that
5 release of confidential information from their records will not be
6 protected should there be a felony arrest warrant issued against
7 the applicant or in the event of an investigation by a law
8 enforcement agency into the commission of a felony.

9 (j) To provide public employee retirement systems in California
10 with information relating to the earnings of any person who has
11 applied for or is receiving a disability income, disability allowance,
12 or disability retirement allowance, from a public employee
13 retirement system. The earnings information shall be released only
14 upon written request from the governing board specifying that the
15 person has applied for or is receiving a disability allowance or
16 disability retirement allowance from its retirement system. The
17 request may be made by the chief executive officer of the system
18 or by an employee of the system so authorized and identified by
19 name and title by the chief executive officer in writing.

20 (k) To enable the Division of Labor Standards Enforcement in
21 the Department of Industrial Relations to seek criminal, civil, or
22 administrative remedies in connection with the failure to pay, or
23 the unlawful payment of, wages pursuant to Chapter 1
24 (commencing with Section 200) of Part 1 of Division 2 of, and
25 Chapter 1 (commencing with Section 1720) of Part 7 of Division
26 2 of, the Labor Code.

27 (l) To enable federal, state, or local governmental departments
28 or agencies to administer child support enforcement programs
29 under Title IV of the Social Security Act (42 U.S.C. Sec. 651 et
30 seq.).

31 (m) To provide federal, state, or local governmental departments
32 or agencies with wage and claim information in its possession that
33 will assist those departments and agencies in the administration
34 of the Victims of Crime Program or in the location of victims of
35 crime who, by state mandate or court order, are entitled to
36 restitution that has been or can be recovered.

37 (n) To provide federal, state, or local governmental departments
38 or agencies with information concerning any individuals who are
39 or have been:

1 (1) Directed by state mandate or court order to pay restitution,
2 fines, penalties, assessments, or fees as a result of a violation of
3 law.

4 (2) Delinquent or in default on guaranteed student loans or who
5 owe repayment of funds received through other financial assistance
6 programs administered by those agencies. The information released
7 by the director for the purposes of this paragraph shall not include
8 unemployment insurance benefit information.

9 (o) To provide an authorized governmental agency with any or
10 all relevant information that relates to any specific workers'
11 compensation insurance fraud investigation. The information shall
12 be provided to the extent permitted by federal law and regulations.
13 For the purposes of this subdivision, "authorized governmental
14 agency" means the district attorney of any county, the office of
15 the Attorney General, *the Contractors' State License Board*, the
16 Department of Industrial Relations, and the Department of
17 Insurance. An authorized governmental agency may disclose this
18 information to the State Bar, the Medical Board of California, or
19 any other licensing board or department whose licensee is the
20 subject of a workers' compensation insurance fraud investigation.
21 This subdivision shall not prevent any authorized governmental
22 agency from reporting to any board or department the suspected
23 misconduct of any licensee of that body.

24 (p) To enable the Director of the Bureau for Private
25 Postsecondary and Vocational Education, or his or her
26 representatives, to access unemployment insurance quarterly wage
27 data on a case-by-case basis to verify information on school
28 administrators, school staff, and students provided by those schools
29 who are being investigated for possible violations of Chapter 7
30 (commencing with Section 94700) of Part 59 of the Education
31 Code.

32 (q) To provide employment tax information to the tax officials
33 of Mexico, if a reciprocal agreement exists. For purposes of this
34 subdivision, "reciprocal agreement" means a formal agreement to
35 exchange information between national taxing officials of Mexico
36 and taxing authorities of the State Board of Equalization, the
37 Franchise Tax Board, and the Employment Development
38 Department. Furthermore, the reciprocal agreement shall be limited
39 to the exchange of information that is essential for tax
40 administration purposes only. Taxing authorities of the State of

1 California shall be granted tax information only on California
2 residents. Taxing authorities of Mexico shall be granted tax
3 information only on Mexican nationals.

4 (r) To enable city and county planning agencies to develop
5 economic forecasts for planning purposes. The information shall
6 be limited to businesses within the jurisdiction of the city or county
7 whose planning agency is requesting the information, and shall
8 not include information regarding individual employees.

9 (s) To provide the State Department of Developmental Services
10 with wage and employer information that will assist in the
11 collection of moneys owed by the recipient, parent, or any other
12 legally liable individual for services and supports provided pursuant
13 to Chapter 9 (commencing with Section 4775) of Division 4.5 of,
14 and Chapter 2 (commencing with Section 7200) and Chapter 3
15 (commencing with Section 7500) of Division 7 of, the Welfare
16 and Institutions Code.

17 (t) To provide the State Board of Equalization with employment
18 tax information that will assist in the administration of tax
19 programs. The information shall be limited to the exchange of
20 employment tax information essential for tax administration
21 purposes to the extent permitted by federal law and regulations.

22 (u) Nothing in this section shall be construed to authorize or
23 permit the use of information obtained in the administration of this
24 code by any private collection agency.

25 (v) The disclosure of the name and address of an individual or
26 business entity that was issued an assessment that included
27 penalties under Section 1128 or 1128.1 shall not be in violation
28 of Section 1094 if the assessment is final. The disclosure may also
29 include any of the following:

30 (1) The total amount of the assessment.

31 (2) The amount of the penalty imposed under Section 1128 or
32 1128.1 that is included in the assessment.

33 (3) The facts that resulted in the charging of the penalty under
34 Section 1128 or 1128.1.

35 (w) To enable the Contractors' State License Board to verify
36 the employment history of an individual applying for licensure
37 pursuant to Section 7068 of the Business and Professions Code.

38 (x) To provide any peace officer with the Division of
39 Investigation in the Department of Consumer Affairs information
40 pursuant to subdivision (i) when the requesting peace officer has

1 been designated by the Chief of the Division of Investigation and
2 requests this information in the course of and as part of an
3 investigation into the commission of a crime or other unlawful act
4 when there is reasonable suspicion to believe that the crime or act
5 may be connected to the information requested and would lead to
6 relevant information regarding the crime or unlawful act.

7 (y) To enable the Labor Commissioner of the Division of Labor
8 Standards Enforcement in the Department of Industrial Relations
9 to identify, pursuant to Section 90.3 of the Labor Code, unlawfully
10 uninsured employers. The information shall be provided to the
11 extent permitted by federal law and regulations.

12 (z) To enable the Chancellor of the California Community
13 Colleges, in accordance with the requirements of Section 84754.5
14 of the Education Code, to obtain quarterly wage data, commencing
15 January 1, 1993, on students who have attended one or more
16 community colleges, to assess the impact of education on the
17 employment and earnings of students, to conduct the annual
18 evaluation of district-level and individual college performance in
19 achieving priority educational outcomes, and to submit the required
20 reports to the Legislature and the Governor. The information shall
21 be provided to the extent permitted by federal statutes and
22 regulations.

23 (aa) To enable the Public Employees' Retirement System to
24 seek criminal, civil, or administrative remedies in connection with
25 the unlawful application for, or receipt of, benefits provided under
26 Part 3 (commencing with Section 20000) of Division 5 of Title 2
27 of the Government Code.

28 (ab) To enable the State Department of Education, the University
29 of California, the California State University, and the Chancellor
30 of the California Community Colleges, pursuant to the
31 requirements prescribed by the federal American Recovery and
32 Reinvestment Act of 2009 (Public Law 111-5), to obtain quarterly
33 wage data, commencing July 1, 2010, on students who have
34 attended their respective systems to assess the impact of education
35 on the employment and earnings of those students, to conduct the
36 annual analysis of district-level and individual district or
37 postsecondary education system performance in achieving priority
38 educational outcomes, and to submit the required reports to the
39 Legislature and the Governor. The information shall be provided
40 to the extent permitted by federal statutes and regulations.

1 SECTION 1. ~~Section 627 of the Vehicle Code is amended to~~
2 ~~read:~~

3 ~~627. (a) “Engineering and traffic survey,” as used in this code,~~
4 ~~means a survey of highway and traffic conditions in accordance~~
5 ~~with methods determined by the Department of Transportation for~~
6 ~~use by state and local authorities.~~

7 ~~(b) An engineering and traffic survey shall include, among other~~
8 ~~requirements deemed necessary by the department, consideration~~
9 ~~of all of the following:~~

10 ~~(1) Prevailing speeds as determined by traffic engineering~~
11 ~~measurements.~~

12 ~~(2) Accident records.~~

13 ~~(3) Highway, traffic, and roadside conditions not readily~~
14 ~~apparent to the driver including the following:~~

15 ~~(A) Elevated accident frequency.~~

16 ~~(B) Elevated accident severity.~~

17 ~~(C) High percentage of usage by trucks or other slow moving~~
18 ~~vehicles.~~

19 ~~(D) Multiple uncontrolled access points or frequent cross traffic~~
20 ~~conflicts from closely spaced driveways or jogged intersections;~~
21 ~~or both.~~

22 ~~(E) Poor pavement condition or rough roads.~~

23 ~~(F) Roadway slope.~~

24 ~~(G) Presence of horizontal or vertical curbs, or both, limiting~~
25 ~~motorist sight distance.~~

26 ~~(H) Presence of multiple uncontrolled pedestrian crossings.~~

27 ~~(I) Presence of school zones, multiple uncontrolled school~~
28 ~~crossings, and school bus stops.~~

29 ~~(J) Proximity to parks with active use or playgrounds.~~

30 ~~(K) Proximity to senior facilities or crossings frequented by~~
31 ~~seniors.~~

32 ~~(L) Roadway that is parking impacted with heavy parking~~
33 ~~turnover.~~

34 ~~(M) Roadway with heavily used bike routes that are not afforded~~
35 ~~with bike lanes.~~

36 ~~(N) Equestrian activity or crossings.~~

37 ~~(O) Roadway with heavy transit usage.~~

38 ~~(P) Presence of nonlicensed electric or motorized vehicle~~
39 ~~crossings, such as golf cart crossings.~~

- 1 ~~(Q) Key roadway connections for neighborhood electric~~
2 ~~vehicles.~~
- 3 ~~(e) When conducting an engineering and traffic survey, local~~
4 ~~authorities, in addition to the factors set forth in paragraphs (1) to~~
5 ~~(3), inclusive, of subdivision (b) may consider all of the following:~~
 - 6 ~~(1) Residential density, if any of the following conditions exist~~
7 ~~on the particular portion of highway and the property contiguous~~
8 ~~thereto, other than a business district:~~
 - 9 ~~(A) Upon one side of the highway, within a distance of a quarter~~
10 ~~of a mile, the contiguous property fronting thereon is occupied by~~
11 ~~13 or more separate dwelling houses or business structures.~~
 - 12 ~~(B) Upon both sides of the highway, collectively, within a~~
13 ~~distance of a quarter of a mile, the contiguous property fronting~~
14 ~~thereon is occupied by 16 or more separate dwelling houses or~~
15 ~~business structures.~~
 - 16 ~~(C) The portion of highway is longer than one-quarter of a mile~~
17 ~~but has the ratio of separate dwelling houses or business structures~~
18 ~~to the length of the highway described in either subparagraph (A)~~
19 ~~or (B).~~
 - 20 ~~(2) Pedestrian and bicyclist safety.~~