

ASSEMBLY BILL

No. 501

Introduced by Assembly Member Nazarian

February 20, 2013

An act to amend Section 25250.51 of the Health and Safety Code, to amend Section 42950 of the Public Resources Code, to amend Sections 21100, 34601, and 34622 of, and to repeal Section 27314.5 of, the Vehicle Code, and to amend Section 10950 of the Water Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 501, as introduced, Nazarian. Vehicles.

(1) Existing law prohibits the sale of motor brake friction materials containing specified constituents in excess of specified concentrations. Existing law, however, permits motor vehicle manufacturers and distributors, wholesalers, or retailers to sell brake friction materials that are not certified as compliant with that provision.

This bill would permit motor vehicle manufactures and distributors, wholesalers, or retailers of replacement brake friction materials to continue to offer for sale, or sell, brake friction materials not certified as compliant with that provision for the purpose of, rather than solely for the purpose of, depletion of inventories until a specified date. This bill would also permit motor vehicle dealers to sell or offer for sale brake friction material not certified as compliant with that provision if the brake friction material was installed when the vehicle was acquired by the dealer.

(2) Existing law defines tire broker to mean a person that arranges for the shipment of used or waste tires to or from a site located within the state, or through the state, as defined.

This bill would add that a tire broker does not include a tire retailer primarily engaged in the retail sale, service, and installation of tires on customer vehicles, or a vehicle dealer, as defined.

(3) Existing law authorizes local authorities to adopt rules and regulations regarding regulating advertising signs on motor vehicles parked or left standing on a public street as well as minimum distances that the advertising sign must be moved after a specified time period. Existing law exempts from any minimum distances requirement a license plate frame that is installed, as specified.

This bill would correct an erroneous cross-reference within this provision.

(4) Existing law requires a dealer, selling or offering for sale any specified used passenger vehicle, except as otherwise provided, to affix a specified notice on the window of the left front door or as specified, and another specified notice on one rear seat lap belt buckle at all times the vehicle is offered for sale and in a specified manner.

This bill would delete that provision.

(5) Existing law excludes from the definition of commercial motor vehicle specified trucks and truck tractors, when used solely to tow specified trailers.

This bill would add that specified trucks and truck tractors operated singly are excluded from the definition of commercial motor vehicle. This bill would add, as an alternative rather than as an additional requirement, that when the specified truck or truck tractor is towing other specified trailers, now including trailers designed to transport watercraft and utility trailers never operated in commercial use, they would also be excluded from the definition of commercial motor vehicle.

(6) Existing law prohibits a motor carrier of property from operating a commercial motor vehicle on any public highway in this state unless it meets specified requirements and holds a valid motor carrier permit. Existing law also prohibits a person from contracting with a motor carrier of property unless that motor carrier holds a valid motor carrier of property permit. Existing law excludes from these prohibitions vehicles that are exempt from paying vehicle registration fees.

This bill would also exclude from those prohibitions vehicles that are owned or leased by an honorary consular officer or a similar official, as well as special construction equipment, special mobile equipment, cemetery equipment, trailer, semitrailer, and logging vehicles.

(7) Existing law requires the State Water Resources Control Board to take appropriate actions to prevent waste or the unreasonable use of

water and to make determinations with regard to the availability of recycled water. Existing law requires a conveyor car wash, permitted and constructed after January 1, 2014, to either install, use and maintain a water recycling system or to use recycled water provided by a water supplier, as specified. Existing law defines conveyor car wash for these purposes to mean a commercial car wash where the vehicle moves on a conveyor belt during the wash and the driver of the vehicle can remain in, or wait outside of, the vehicle.

This bill would define commercial car wash for these purposes to mean an individual, partnership, corporation, limited liability company, joint venture, or association that is subject to specified employment-related requirements.

(8) This bill would make other technical, nonsubstantive, conforming, and clarifying changes.

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

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

1 SECTION 1. Section 25250.51 of the Health and Safety Code
2 is amended to read:

3 25250.51. (a) On and after January 1, 2014, any motor vehicle
4 brake friction materials containing any of the following constituents
5 in an amount that exceeds the following concentrations shall not
6 be sold in this state:

7 (1) Cadmium and its compounds: 0.01 percent by weight.

8 (2) Chromium (VI)-salts: 0.1 percent by weight.

9 (3) Lead and its compounds: 0.1 percent by weight.

10 (4) Mercury and its compounds: 0.1 percent by weight.

11 (5) Asbestiform fibers: 0.1 percent by weight.

12 (b) Motor vehicle manufacturers and distributors, wholesalers,
13 or retailers of replacement brake friction materials may continue
14 to *sell or* offer for sale brake friction materials not certified as
15 compliant with subdivision (a) ~~solely~~ for the purpose of depletion
16 of inventories until December 31, 2023.

17 (c) *Motor vehicle dealers may continue to sell or offer for sale*
18 *brake friction material not certified as compliant with subdivision*
19 *(a) if the brake friction material was installed on a vehicle when*
20 *the vehicle was acquired by the dealer.*

1 SEC. 2. Section 42950 of the Public Resources Code is
2 amended to read:

3 42950. For purposes of this chapter, the following definitions
4 apply:

5 (a) “Agricultural purposes” means the use of waste tires as
6 bumpers on agricultural equipment or as a ballast to maintain
7 covers or structures at an agricultural site.

8 (b) (1) “Altered waste tire” means a waste tire that has been
9 baled, shredded, chopped, or split apart. “Altered waste tire” does
10 not mean crumb rubber.

11 (2) “Alteration” or “altering,” with reference to a waste tire,
12 means an action that produces an altered waste tire.

13 (c) “Applicant” means a person seeking to register as a waste
14 tire hauler.

15 (d) “Baled tire” means either a whole or an altered tire that has
16 been compressed and then secured with a binding material for the
17 purpose of reducing its volume.

18 (e) “Common carrier” means a “common carrier,” as defined
19 in Section 211 of the Public Utilities Code.

20 (f) “Crumb rubber” means rubber granules derived from a waste
21 tire that are less than or one-quarter inch or six millimeters in size.

22 (g) “Repairable tire” means a worn, damaged, or defective tire
23 that is retreadable, recappable, or regrooveable, or that can be
24 otherwise repaired to return the tire to use as a vehicle tire, and
25 that meets the applicable requirements of the Vehicle Code and
26 Title 13 of the California Code of Regulations.

27 (h) “Scrap tire” means a worn, damaged, or defective tire that
28 is not a repairable tire.

29 (i) “Tire broker” means a person that arranges for the shipment
30 of used or waste tires to or from a site located within the state, or
31 through the state, as that term may be further defined by the
32 department by regulation. *“Tire broker” does not include a tire*
33 *retailer primarily engaged in the retail sale, service, and*
34 *installation of tires on customer vehicles, or a vehicle dealer, as*
35 *defined in Section 285 of the Vehicle Code.*

36 (j) “Tire derived product” means material that meets both of
37 the following requirements:

38 (1) Is derived from a process using waste tires or waste tire
39 equivalents as a feedstock. A process using waste tires or waste

1 tire equivalents includes, but is not limited to, shredding, crumbing,
2 or chipping.

3 (2) Has been sold and removed from the processing facility.

4 (k) “Used tire” means a tire that meets both of the following
5 requirements:

6 (1) The tire is no longer mounted on a vehicle but is still suitable
7 for use as a vehicle tire.

8 (2) The tire meets the applicable requirements of the Vehicle
9 Code and of Title 13 of the California Code of Regulations.

10 (l) “Waste tire” means a tire that is no longer mounted on a
11 vehicle and is no longer suitable for use as a vehicle tire due to
12 wear, damage, or deviation from the manufacturer’s original
13 specifications. A waste tire includes a repairable tire, scrap tire,
14 and altered waste tire, but does not include a tire derived product,
15 crumb rubber, or a used tire.

16 (m) “Waste tire generator” or “waste tire generating business”
17 means a person as defined by Section 40170 whose act or process
18 produces waste tires as defined in Section 42807, causes a waste
19 tire hauler to transport those waste tires, or otherwise causes waste
20 tires to become subject to regulation. “Waste tire generator” or
21 “waste tire generating business” does not include a person who
22 transports 10 or fewer waste tires at any one time.

23 SEC. 3. Section 21100 of the Vehicle Code is amended to read:
24 21100. Local authorities may adopt rules and regulations by
25 ordinance or resolution regarding all of the following matters:

26 (a) Regulating or prohibiting processions or assemblages on the
27 highways.

28 (b) Licensing and regulating the operation of vehicles for hire
29 and drivers of passenger vehicles for hire.

30 (c) Regulating traffic by means of traffic officers.

31 (d) Regulating traffic by means of official traffic control devices
32 meeting the requirements of Section 21400.

33 (e) (1) Regulating traffic by means of a person given temporary
34 or permanent appointment for that duty by the local authority when
35 official traffic control devices are disabled or otherwise inoperable,
36 at the scenes of accidents or disasters, or at locations as may require
37 traffic direction for orderly traffic flow.

38 (2) A person shall not be appointed pursuant to this subdivision
39 unless and until the local authority has submitted to the
40 commissioner or to the chief law enforcement officer exercising

1 jurisdiction in the enforcement of traffic laws within the area in
2 which the person is to perform the duty, for review, a proposed
3 program of instruction for the training of a person for that duty,
4 and unless and until the commissioner or other chief law
5 enforcement officer approves the proposed program. The
6 commissioner or other chief law enforcement officer shall approve
7 a proposed program if he or she reasonably determines that the
8 program will provide sufficient training for persons assigned to
9 perform the duty described in this subdivision.

10 (f) Regulating traffic at the site of road or street construction or
11 maintenance by persons authorized for that duty by the local
12 authority.

13 (g) (1) Licensing and regulating the operation of tow truck
14 service or tow truck drivers whose principal place of business or
15 employment is within the jurisdiction of the local authority,
16 excepting the operation and operators of any auto dismantlers' tow
17 vehicle licensed under Section 11505 or any tow truck operated
18 by a repossessing agency licensed under Chapter 11 (commencing
19 with Section 7500) of Division 3 of the Business and Professions
20 Code and its registered employees.

21 (2) The Legislature finds that the safety and welfare of the
22 general public is promoted by permitting local authorities to
23 regulate tow truck service companies and operators by requiring
24 licensure, insurance, and proper training in the safe operation of
25 towing equipment, thereby ensuring against towing mistakes that
26 may lead to violent confrontation, stranding motorists in dangerous
27 situations, impeding the expedited vehicle recovery, and wasting
28 state and local law enforcement's limited resources.

29 (3) This subdivision does not limit the authority of a city or city
30 and county pursuant to Section 12111.

31 (h) Operation of bicycles, and, as specified in Section 21114.5,
32 electric carts by physically disabled persons, or persons 50 years
33 of age or older, on the public sidewalks.

34 (i) Providing for the appointment of nonstudent school crossing
35 guards for the protection of persons who are crossing a street or
36 highway in the vicinity of a school or while returning thereafter
37 to a place of safety.

38 (j) Regulating the methods of deposit of garbage and refuse in
39 streets and highways for collection by the local authority or by
40 any person authorized by the local authority.

1 (k) (1) Regulating cruising.

2 (2) The ordinance or resolution adopted pursuant to this
3 subdivision shall regulate cruising, which is the repetitive driving
4 of a motor vehicle past a traffic control point in traffic that is
5 congested at or near the traffic control point, as determined by the
6 ranking peace officer on duty within the affected area, within a
7 specified time period and after the vehicle operator has been given
8 an adequate written notice that further driving past the control
9 point will be a violation of the ordinance or resolution.

10 (3) A person is not in violation of an ordinance or resolution
11 adopted pursuant to this subdivision unless both of the following
12 apply:

13 (A) That person has been given the written notice on a previous
14 driving trip past the control point and then again passes the control
15 point in that same time interval.

16 (B) The beginning and end of the portion of the street subject
17 to cruising controls are clearly identified by signs that briefly and
18 clearly state the appropriate provisions of this subdivision and the
19 local ordinance or resolution on cruising.

20 (l) Regulating or authorizing the removal by peace officers of
21 vehicles unlawfully parked in a fire lane, as described in Section
22 22500.1, on private property. A removal pursuant to this
23 subdivision shall be consistent, to the extent possible, with the
24 procedures for removal and storage set forth in Chapter 10
25 (commencing with Section 22650).

26 (m) Regulating mobile billboard advertising displays, as defined
27 in Section 395.5, including the establishment of penalties, which
28 may include, but are not limited to, removal of the mobile billboard
29 advertising display and misdemeanor criminal penalties, for a
30 violation of the ordinance or resolution. The ordinance or resolution
31 may establish a minimum distance that a mobile billboard
32 advertising display shall be moved after a specified time period.

33 (n) Licensing and regulating the operation of pedicabs for hire,
34 as defined in Section 467.5, and operators of pedicabs for hire,
35 including requiring one or more of the following documents:

36 (1) A valid California driver's license.

37 (2) Proof of successful completion of a bicycle safety training
38 course certified by the League of American Bicyclists or an
39 equivalent organization as determined by the local authority.

1 (3) A valid California identification card and proof of successful
2 completion of the written portion of the California driver's license
3 examination administered by the department. The department shall
4 administer, without charging a fee, the original driver's license
5 written examination on traffic laws and signs to a person who
6 states that he or she is, or intends to become, a pedicab operator,
7 and who holds a valid California identification card or has
8 successfully completed an application for a California identification
9 card. If the person achieves a passing score on the examination,
10 the department shall issue a certificate of successful completion
11 of the examination, bearing the person's name and identification
12 card number. The certificate shall not serve in lieu of successful
13 completion of the required examination administered as part of
14 any subsequent application for a driver's license. The department
15 is not required to enter the results of the examination into the
16 computerized record of the person's identification card or otherwise
17 retain a record of the examination or results.

18 (o) (1) This section does not authorize a local authority to enact
19 or enforce an ordinance or resolution that establishes a violation
20 if a violation for the same or similar conduct is provided in this
21 code, nor does it authorize a local authority to enact or enforce an
22 ordinance or resolution that assesses a fine, penalty, assessment,
23 or fee for a violation if a fine, penalty, assessment, or fee for a
24 violation involving the same or similar conduct is provided in this
25 code.

26 (2) This section does not preclude a local authority from enacting
27 parking ordinances pursuant to existing authority in Chapter 9
28 (commencing with Section 22500) of Division 11.

29 (p) (1) Regulating advertising signs on motor vehicles parked
30 or left standing upon a public street. The ordinance or resolution
31 may establish a minimum distance that the advertising sign shall
32 be moved after a specified time period.

33 (2) Paragraph (1) does not apply to any of the following:

34 (A) Advertising signs that are permanently affixed to the body
35 of, an integral part of, or a fixture of a motor vehicle for permanent
36 decoration, identification, or display and that do not extend beyond
37 the overall length, width, or height of the vehicle.

38 (B) If the license plate frame is installed in compliance with
39 Section ~~5201~~, 11713.17, paper advertisements issued by a dealer

1 contained within that license plate frame or any advertisements
2 on that license plate frame.

3 (3) As used in paragraph (2), “permanently affixed” means any
4 of the following:

5 (A) Painted directly on the body of a motor vehicle.

6 (B) Applied as a decal on the body of a motor vehicle.

7 (C) Placed in a location on the body of a motor vehicle that was
8 specifically designed by a vehicle manufacturer as defined in
9 Section 672 and licensed pursuant to Section 11701, in compliance
10 with both state and federal law or guidelines, for the express
11 purpose of containing an advertising sign.

12 SEC. 4. Section 27314.5 of the Vehicle Code is repealed.

13 ~~27314.5. (a) (1) Subject to paragraph (3), no dealer shall sell~~
14 ~~or offer for sale any used passenger vehicle of a model year of~~
15 ~~1972 to 1990, inclusive, unless there is affixed to the window of~~
16 ~~the left front door or, if there is no window, to another suitable~~
17 ~~location so that it may be seen and read by a person standing~~
18 ~~outside the vehicle at that location, a notice, printed in 14-point~~
19 ~~type, which reads as follows:~~

20 ~~“WARNING: While use of all seat belts reduces the chance of~~
21 ~~ejection, failure to install and use shoulder harnesses with lap belts~~
22 ~~can result in serious or fatal injuries in some crashes. Lap-only~~
23 ~~belts increase the chance of head and neck injury by allowing the~~
24 ~~upper torso to move unrestrained in a crash and increase the chance~~
25 ~~of spinal column and abdominal injuries by concentrating excessive~~
26 ~~force on the lower torso. Because children carry a disproportionate~~
27 ~~amount of body weight above the waist, they are more likely to~~
28 ~~sustain those injuries. Shoulder harnesses may be available that~~
29 ~~can be retrofitted in this vehicle. For more information call the~~
30 ~~Auto Safety Hotline at 1-800-424-9393.”~~

31 ~~(2) The notice shall remain affixed to the vehicle pursuant to~~
32 ~~paragraph (1) at all times that the vehicle is for sale.~~

33 ~~(3) The notice is not required to be affixed to any vehicle~~
34 ~~equipped with both a lap belt and a shoulder harness for the driver~~
35 ~~and one passenger in the front seat of the vehicle and for at least~~
36 ~~two passengers in the rear seat of the vehicle.~~

37 ~~(b) (1) In addition to the requirements of subdivision (a), and~~
38 ~~subject to paragraph (3) and subdivision (c), the dealer shall affix,~~
39 ~~to one rear seat lap belt buckle of every used passenger vehicle of~~

1 a model year of 1972 to 1990, inclusive, that has a rear seat, a
2 notice, printed in 10-point type, that reads as follows:

3 “WARNING: While use of all seat belts reduces the chance of
4 ejection, failure to install and use shoulder harnesses with lap belts
5 can result in serious or fatal injuries in some crashes. Shoulder
6 harnesses may be available that can be retrofitted in this vehicle.
7 For more information, call the Auto Safety Hotline at
8 1-800-424-9393.”

9 (2) The notice shall remain affixed to the vehicle pursuant to
10 paragraph (1) at all times that the vehicle is for sale.

11 (3) The message is not required to be affixed to any vehicle
12 either equipped with both a lap belt and a shoulder harness for at
13 least two passengers in the rear seat or having no rear seat lap belts.

14 (e) A dealer is not in violation of subdivision (b) unless a private
15 nonprofit entity has furnished a supply of the appropriate notices
16 suitable for affixing as required free of charge or, having requested
17 a resupply of notices, has not received the resupply.

18 (d) The department shall furnish, to a nonprofit private entity
19 for purposes of this section, for a fee not to exceed its costs in so
20 furnishing, at least once every six months, a list of all licensed
21 dealers who sell used passenger vehicles.

22 SEC. 5. Section 34601 of the Vehicle Code is amended to read:

23 34601. (a) As used in this division, “motor carrier of property”
24 means any person who operates any commercial motor vehicle as
25 defined in subdivision (c). “Motor carrier of property” does not
26 include a household goods carrier, as defined in Section 5109 of
27 the Public Utilities Code, a household goods carrier transporting
28 used office, store, and institution furniture and fixtures under its
29 household goods carrier permit pursuant to Section 5137 of the
30 Public Utilities Code, persons providing only transportation of
31 passengers, or a passenger stage corporation transporting baggage
32 and express upon a passenger vehicle incidental to the
33 transportation of passengers.

34 (b) As used in this division, “for-hire motor carrier of property”
35 means a motor carrier of property as defined in subdivision (a)
36 who transports property for compensation.

37 (c) (1) As used in this division, except as provided in paragraph
38 (2), a “commercial motor vehicle” means any self-propelled vehicle
39 listed in subdivisions (a), (b), (f), (g), and (k) of Section 34500,
40 any motor truck of two or more axles that is more than 10,000

1 pounds gross vehicle weight rating, and any other motor vehicle
2 used to transport property for compensation.

3 (2) As used in this division, “commercial motor vehicle” does
4 not include any of the following:

5 (A) Vehicles identified in subdivision (f) of Section 34500, if
6 the gross vehicle weight rating of the towing vehicle is 10,000
7 pounds or less.

8 (B) Vehicles identified in subdivision (g) of Section 34500, if
9 the hazardous material transportation does not require the display
10 of placards under Section 27903, a license under Section 32000.5,
11 or a hazardous waste transporter registration under Section 25163
12 of the Health and Safety Code, and the vehicle is not operated in
13 commercial use.

14 (C) Vehicles operated by a household goods carrier, as defined
15 in Section 5109 of the Public Utilities Code, under the household
16 goods carrier permit pursuant to Section 5137 of that code.

17 (D) Vehicles operated by a household goods carrier to transport
18 used office, store, and institution furniture and fixtures under its
19 household goods carrier permit pursuant to Section 5137 of the
20 Public Utilities Code.

21 (E) Pickup trucks as defined in Section 471, if the conditions
22 in subparagraphs (A) and (B) are also met.

23 (F) Two-axle daily rental trucks with a gross vehicle weight
24 rating of less than 26,001 pounds, when operated in noncommercial
25 use.

26 (G) Motor trucks or two-axle truck tractors, with a gross vehicle
27 weight rating of less than 26,001 pounds, *operated singly, or* when
28 used solely to tow a camp trailer, trailer coach, fifth-wheel travel
29 trailer, *trailer designed to transport watercraft,* or utility trailer
30 *never operated in commercial use.* Vehicle combinations described
31 in this subparagraph are not subject to Section 27900, 34501.12,
32 or 34507.5.

33 (d) For purposes of this chapter, “private carrier” means a motor
34 carrier of property, who transports only his or her own property,
35 including, but not limited to, the delivery of goods sold by that
36 carrier.

37 SEC. 6. Section 34622 of the Vehicle Code is amended to read:
38 34622. This chapter does not apply to any of the following:

39 (a) Vehicles *described in Section 5006 or 5011, and vehicles*
40 *that are exempt from vehicle registration fees.*

1 (b) A household goods carrier transporting used office, store,
2 and institution furniture and fixtures under its household goods
3 carrier permit pursuant to Section 5137 of the Public Utilities Code.
4 SEC. 7. Section 10950 of the Water Code is amended to read:
5 10950. The following definitions govern the construction of
6 this part:
7 (a) *“Commercial car wash” means an individual, partnership,*
8 *corporation, limited liability company, joint venture, or association*
9 *subject to the requirements of Part 8.5 (commencing with Section*
10 *2050) of Division 2 of the Labor Code.*
11 ~~(a)~~
12 (b) *“Conveyor car wash” means a commercial car wash where*
13 *the vehicle moves on a conveyor belt during the wash and the*
14 *driver of the vehicle can remain in, or wait outside of, the vehicle.*
15 ~~(b)~~
16 (c) *“In-bay car wash” means a commercial car wash where the*
17 *driver pulls into a bay, parks the car, and the vehicle remains*
18 *stationary while either a machine moves over the vehicle to clean*
19 *it or one or more employees of the car wash clean the vehicle,*
20 *instead of the vehicle moving through a tunnel.*
21 ~~(c)~~
22 (d) *“Self-service car wash” means a commercial car wash where*
23 *a customer washes his or her own car with spray wands and*
24 *brushes.*
25 ~~(d)~~
26 (e) *“Water recycling system” means a water system at the car*
27 *wash that captures and reuses water previously used in wash or*
28 *rinse cycles.*