

AMENDED IN SENATE AUGUST 14, 2014

AMENDED IN SENATE JUNE 19, 2014

AMENDED IN ASSEMBLY APRIL 24, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2752

Introduced by Committee on Transportation (Lowenthal (Chair), Achadjian, Ammiano, Bloom, Bonta, Buchanan, Daly, Frazier, Gatto, Holden, Linder, Logue, Nazarian, Patterson, Quirk-Silva, and Waldron)

March 19, 2014

An act to amend Sections 14534 and 65089.2 of the Government Code, to amend Section 22031 of the Public Contract Code, to amend Sections 40333 and 99502 of the Public Utilities Code, to amend Sections 301, 334, 355, 532, and 721 of the Streets and Highways Code, and to amend Sections 2403.5, 5004.3, 9250.14, 15210, 27360, 34500, 34501.2, and 38020 of the Vehicle Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2752, as amended, Committee on Transportation. Transportation.

(1) Existing law provides for the adoption of the state transportation improvement program by the California Transportation Commission and for the adoption of a congestion management program by specified local agencies. Existing law specifies the duties of the Secretary of Transportation with regard to these programs.

This bill would correct obsolete references in these provisions.

(2) Existing law establishes contracting procedures for local agencies to follow when engaged in public works projects, with different procedures applicable to contracts depending on the value of the

contract. Existing law provides that competitive bidding may be dispensed with on certain types of lower value contracts, where work may be awarded under what are commonly known as force account or day labor provisions. Existing law imposes an annual limit on the amount of contracting for new road construction and reconstruction work that may be done by day labor under certain force account provisions.

This bill would revise the provisions governing new county road construction and reconstruction work done by day labor under force account provisions to exclude from the annual limit force account work necessary to administer private contracts, while including force account work necessary to administer work performed by county employees. The bill would make other related changes.

(3) Existing law establishes the State Highway System and designates state highway routes from Route 1 to Route 980, unless otherwise specified by name, and authorizes the California Transportation Commission to relinquish all or a portion of designated state highway routes to specified local agencies, including the City of Oxnard and City of Newport Beach, if certain conditions are met. Portions of state highways that have been relinquished are not state highways and become ineligible for future adoption as a part of the State Highway System.

This bill would acknowledge the relinquishment of specific portions of Routes 1, 34, and 232, to the City of Oxnard and the relinquishment of a specific portion of Route 55 to the City of Newport Beach, and would make other technical changes.

(4) Existing law requires the Department of Motor Vehicles to establish the California Legacy License Plate Program, under which license plates are issued that replicate the look of license plates from the state's past. Existing law provides for payment of certain fees by an applicant for various services related to issuance of these plates, in addition to regular vehicle registration fees.

This bill would allow an applicant for legacy plates, upon payment of associated fees, to request that the plate contain a particular combination of letters or numbers, or both. The bill would require payment of a fee of \$38 when the holder of a legacy plate containing a particular combination retains the plate but does not renew a vehicle's registration.

(5) Existing law authorizes a county, upon the adoption of a resolution by its board of supervisors, to impose a fee of \$1 on all motor vehicles, except as provided, in addition to other fees imposed for the registration of a vehicle, and an additional service fee of \$2 on specified commercial

motor vehicles. After specified deductions are made, existing law continuously appropriates money collected from these fees for disbursement by the Controller to each county that has adopted a resolution to fund local programs relating to vehicle theft crimes. Existing law requires the Controller to annually prepare and submit to the Legislature a revenue and expenditure summary for each participating county.

This bill would require the Controller to post the annual revenue and expenditure summary on the Controller's Internet Web Site instead of submitting the annual revenue and expenditure summary to the Legislature.

(6) Existing law requires the Department of the California Highway Patrol to regulate the safe operation of certain classes of vehicles, including certain trucks and buses. Existing law includes within these responsibilities a truck or a combination of a truck and any other vehicle when transporting hazardous materials.

This bill would instead refer to any vehicle or combination of vehicles transporting hazardous materials.

(7) Existing law exempts a driver employed by an electrical corporation, a gas corporation, a telephone corporation, a water corporation, or a public water district from hours-of-service regulations while operating a public utility or public water district vehicle.

This bill would also exempt a driver employed by a local publicly owned electric utility, as defined, from those hours-of-service regulations. The bill would exempt a driver hired directly as a contractor by one of the above-described exempted entities or by a local publicly owned electric utility, and a driver hired directly as a subcontractor by the original contractor, from hours-of-service regulations while operating a vehicle for the purpose of restoring utility service during an emergency, as defined, on behalf of the exempted entity.

(8) Existing law prohibits a person from operating, transporting, or leaving standing certain off-highway motor vehicles if the vehicle is not registered with the Department of Motor Vehicles or identified under certain provisions relating to off-highway vehicles, unless identified, as specified.

This bill would delete the transportation of certain off-highway motor vehicles from the prohibition described above.

(9) The bill would also correct various other obsolete references and erroneous cross-references and make other related changes.

(10) This bill would incorporate additional changes to Section 34500 of the Vehicle Code made by this bill and SB 611, to take effect if both bills are chaptered and this bill is chaptered last.

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 14534 of the Government Code is
2 amended to read:

3 14534. Upon the adoption of the state transportation
4 improvement program, the Secretary of Transportation, the
5 commission, and the department shall act in accordance with the
6 program in carrying out their respective powers and duties, except
7 as otherwise provided by law.

8 The existing adopted state transportation improvement program
9 shall remain in effect until a new state transportation improvement
10 program is adopted by the commission.

11 SEC. 2. Section 65089.2 of the Government Code is amended
12 to read:

13 65089.2. (a) Congestion management programs shall be
14 submitted to the regional agency. The regional agency shall
15 evaluate the consistency between the program and the regional
16 transportation plans required pursuant to Section 65080. In the
17 case of a multicounty regional transportation planning agency, that
18 agency shall evaluate the consistency and compatibility of the
19 programs within the region.

20 (b) The regional agency, upon finding that the program is
21 consistent, shall incorporate the program into the regional
22 transportation improvement program as provided for in Section
23 65082. If the regional agency finds the program is inconsistent, it
24 may exclude any project in the congestion management program
25 from inclusion in the regional transportation improvement program.

26 (c) (1) The regional agency shall not program any surface
27 transportation program funds and congestion mitigation and air
28 quality funds pursuant to Sections 182.6 and 182.7 of the Streets
29 and Highways Code in a county unless a congestion management
30 program has been adopted by December 31, 1992, as required
31 pursuant to Section 65089. No surface transportation program
32 funds or congestion mitigation and air quality funds shall be

1 programmed for a project in a local jurisdiction that has been found
2 to be in nonconformance with a congestion management program
3 pursuant to Section 65089.5 unless the agency finds that the project
4 is of regional significance.

5 (2) Notwithstanding any other provision of law, upon the
6 designation of an urbanized area, pursuant to the 1990 federal
7 census or a subsequent federal census, within a county which
8 previously did not include an urbanized area, a congestion
9 management program as required pursuant to Section 65089 shall
10 be adopted within a period of 18 months after designation by the
11 Governor.

12 (d) (1) It is the intent of the Legislature that the regional agency,
13 when its boundaries include areas in more than one county, should
14 resolve inconsistencies and mediate disputes that arise between
15 agencies related to congestion management programs adopted for
16 those areas.

17 (2) It is the further intent of the Legislature that disputes that
18 may arise between regional agencies, or agencies that are not within
19 the boundaries of a multicounty regional transportation planning
20 agency, should be mediated and resolved by the Secretary of
21 Transportation, or an employee of the Transportation Agency
22 designated by the secretary, in consultation with the air pollution
23 control district or air quality management district within whose
24 boundaries the regional agency or agencies are located.

25 (e) At the request of the agency, a local jurisdiction that owns,
26 or is responsible for operation of, a trip-generating facility in
27 another county shall participate in the congestion management
28 program of the county where the facility is located. If a dispute
29 arises involving a local jurisdiction, the agency may request the
30 regional agency to mediate the dispute through procedures pursuant
31 to subdivision (d). Failure to resolve the dispute does not invalidate
32 the congestion management program.

33 SEC. 3. Section 22031 of the Public Contract Code is amended
34 to read:

35 22031. (a) Prior to January 1, 2013, this article shall not
36 prohibit a board of supervisors or a county road commissioner
37 from utilizing, as an alternative to the procedures set forth in this
38 article, the procedures set forth in Article 25 (commencing with
39 Section 20390) of Chapter 1.

1 (b) On or after January 1, 2013, this article shall not prohibit a
2 board of supervisors or a county road commissioner from utilizing,
3 as an alternative to the procedures set forth in this article, the
4 procedures set forth in Article 25 (commencing with Section
5 20390) of Chapter 1 for both of the following:
6 (1) Maintenance and emergency work.
7 (2) New road construction and road reconstruction as long as
8 the total value of the new road construction and the road
9 reconstruction performed under the procedures set forth in
10 subdivision (c) of Section 20395 during a fiscal year does not
11 exceed 30 percent of the total value of all work performed by force
12 account other than maintenance as reported in the Controller's
13 Streets and Roads Annual Report as of March 1 of each year prior
14 to the fiscal year.
15 (c) The value of force account work necessary to facilitate
16 capital projects for the purpose of contracting to the private sector,
17 including design, engineering, inspection, testing, and other force
18 account work necessary to administer private contracts, shall be
19 excluded from the 30-percent limit in subdivision (b).
20 (d) The value of force account work necessary to facilitate
21 projects performed by county employees, including design,
22 engineering, inspection, testing, and other force account work
23 necessary to administer work performed under subdivision (b),
24 shall apply to the 30-percent limit in subdivision (b).
25 (e) On or after January 1, 2013, for a county with a population
26 of less than 50,000, this article shall not prohibit a board of
27 supervisors or a county road commissioner from utilizing, as an
28 alternative to the procedures set forth in this article, the procedures
29 set forth in Article 25 (commencing with Section 20390) of Chapter
30 1.
31 (f) The requirements set forth in Section 22038 shall apply to
32 any county subject to this section.
33 (g) Any county board of supervisors or county road
34 commissioner acting pursuant to the authority granted in paragraph
35 (2) of subdivision (b) shall publicly declare its intention to use this
36 authority prior to commencing work. The public declaration may
37 be on a project-by-project basis, via a list of anticipated projects
38 for the fiscal year, or via a list that may be included in the county's
39 annual budget.

1 SEC. 4. Section 40333 of the Public Utilities Code is amended
2 to read:

3 40333. The taxes authorized by this article shall not be imposed
4 unless the board shall have authorized it by ordinance adopted by
5 a vote of two-thirds of all members of the board and the ordinance
6 shall be approved by two-thirds of the votes cast by the qualified
7 electors of the district voting on the proposition at an election
8 called for that purpose. The board, in the ordinance, shall state the
9 nature of the tax to be imposed, shall provide the tax rate or rates
10 or the maximum tax rate or rates, and shall specify the purposes
11 for which the revenue derived from the tax will be used.

12 SEC. 5. Section 99502 of the Public Utilities Code is amended
13 to read:

14 99502. (a) The tax may be imposed by the adoption of an
15 ordinance by a taxing entity if (1) it calls a special election for the
16 submission of a proposition to grant it the authority to impose the
17 tax pursuant to the ordinance and (2) two-thirds of the voters voting
18 at the special election approves the proposition. The special election
19 may be held only when consolidated with an otherwise scheduled
20 state election or local election for an area that includes the area
21 under the jurisdiction of the taxing entity. In the case of the City
22 of Los Angeles, it may call the special election only after securing
23 the approval of the Los Angeles County Metropolitan
24 Transportation Authority.

25 (b) Where two or more taxing entities have jurisdiction over
26 the same area and are authorized pursuant to subdivision (a) to
27 impose the tax under this chapter, the tax shall be imposed only
28 by the taxing entity with the largest area under its jurisdiction.

29 SEC. 6. Section 301 of the Streets and Highways Code is
30 amended to read:

31 301. Route 1 is from:

32 (a) Route 5 south of San Juan Capistrano to Route 101 near El
33 Rio except for the portions of Route 1 relinquished:

34 (1) Within the city limits of the City of Dana Point between the
35 western edge of the San Juan Creek Bridge and Eastline Road at
36 the city limits of the City of Laguna Beach.

37 (2) Within the city limits of the City of Newport Beach between
38 Jamboree Road and Newport Coast Drive.

39 (3) Within the city limits of the City of Santa Monica between
40 the southern city limits and Route 10.

1 (4) Within the city limits of the City of Oxnard between Pleasant
2 Valley Road and Route 101.

3 (b) Route 101 at Emma Wood State Beach, 1.3 miles north of
4 Route 33, to Route 101, 2.8 miles south of the Ventura-Santa
5 Barbara county line at Mobil Pier Undercrossing.

6 (c) Route 101 near Las Cruces to Route 101 in Pismo Beach
7 via the vicinity of Lompoc, Vandenberg Air Force Base, and
8 Guadalupe.

9 (d) Route 101 in San Luis Obispo to Route 280 south of San
10 Francisco along the coast via Cambria, San Simeon, and Santa
11 Cruz.

12 (e) Route 280 near the south boundary of the City and County
13 of San Francisco to Route 101 near the approach to the Golden
14 Gate Bridge in San Francisco.

15 (f) Route 101 near the southerly end of Marin Peninsula to Route
16 101 near Leggett via the coast route through Jenner and Westport.

17 (g) The relinquished former portions of Route 1 within the Cities
18 of Dana Point, Newport Beach, Santa Monica, and Oxnard are not
19 state highways and are not eligible for adoption under Section 81.
20 For those relinquished former portions of Route 1, the Cities of
21 Dana Point, Newport Beach, Santa Monica, and Oxnard shall
22 maintain within their respective jurisdictions signs directing
23 motorists to the continuation of Route 1. The City of Newport
24 Beach shall ensure the continuity of traffic flow on the relinquished
25 portions of Route 1 within its jurisdiction, including, but not limited
26 to, any traffic signal progression.

27 SEC. 7. Section 334 of the Streets and Highways Code is
28 amended to read:

29 334. (a) Route 34 is from Rice Avenue in the City of Oxnard
30 to Route 118 near Somis.

31 (b) The relinquished former portions of Route 34 within the
32 City of Oxnard are not state highways and are not eligible for
33 adoption under Section 81. For those relinquished former portions
34 of Route 34, the City of Oxnard shall maintain within its
35 jurisdiction signs directing motorists to the continuation of Route
36 34.

37 SEC. 8. Section 355 of the Streets and Highways Code is
38 amended to read:

39 355. (a) Route 55 is from the south end of Newport Beach
40 Channel Bridge to Route 91 in Santa Ana Canyon.

1 (b) The relinquished former portions of Route 55 within the
2 City of Newport Beach are not state highways and are not eligible
3 for adoption under Section 81. For the relinquished former portions
4 of Route 55, the City of Newport Beach shall maintain within its
5 jurisdiction signs directing motorists to the continuation of Route
6 55. The City of Newport Beach shall ensure the continuity of traffic
7 flow on the relinquished former portions of Route 1 within its
8 jurisdiction, including, but not limited to, any traffic signal
9 progression.

10 SEC. 9. Section 532 of the Streets and Highways Code is
11 amended to read:

12 532. (a) Route 232 is from Route 101 near El Rio to Route
13 118 near Saticoy.

14 (b) The relinquished former portions of Route 232 within the
15 City of Oxnard are not state highways and are not eligible for
16 adoption under Section 81. For those relinquished former portions
17 of Route 232, the City of Oxnard shall maintain within its
18 jurisdiction signs directing motorists to the continuation of Route
19 232.

20 SEC. 10. Section 721 of the Streets and Highways Code is
21 amended to read:

22 721. The department may immediately remove from any state
23 highway any encroachment that:

24 (a) Is not removed, or the removal of which is not commenced
25 and thereafter diligently prosecuted, prior to the expiration of five
26 days from and after the service of the notice.

27 (b) Obstructs or prevents the use of the highway by the public.

28 (c) Consists of refuse.

29 (d) Is an advertising sign of any description, unless excepted
30 by Section 670.

31 SEC. 11. Section 2403.5 of the Vehicle Code is amended to
32 read:

33 2403.5. The commissioner, or a designated representative, may
34 enter into reciprocal operational agreements with authorized
35 representatives of the Oregon State Police, the Nevada Department
36 of Motor Vehicles and Public Safety, and the Arizona Department
37 of Public Safety to promote expeditious and effective law
38 enforcement service to the public, and assistance between the
39 members of the California Highway Patrol and those agencies, in
40 areas adjacent to the borders of this state and each of the adjoining

1 states pursuant to Section 830.39 of the Penal Code. The reciprocal
2 operational agreement shall be in writing and may cover the
3 reciprocal exchange of law enforcement services, resources,
4 facilities, and any other necessary and proper matters between the
5 Department of the California Highway Patrol and the respective
6 agency. Any agreement shall specify the involved departments,
7 divisions, or units of the agencies, the duration and purpose of the
8 agreement, the responsibility for damages, the method of financing
9 any joint or cooperative undertaking, and the methods to be
10 employed to terminate an agreement. The commissioner may
11 establish operational procedures in implementation of any
12 reciprocal operational agreement that are necessary to achieve the
13 purposes of the agreement.

14 SEC. 12. Section 5004.3 of the Vehicle Code is amended to
15 read:

16 5004.3. (a) Subject to subdivision (d), the department shall
17 establish the California Legacy License Plate Program and create
18 and issue a series of specialized license plates known as California
19 Legacy License Plates that replicate the look of California license
20 plates from the state's past. The design of the plates shall be
21 identical, to the extent the department determines it to be
22 reasonably feasible under current manufacturing processes, to a
23 regular license plate, except as provided in subdivision (b).

24 (b) The California Legacy License Plates shall consist of one
25 or more of the following designs:

26 (1) Yellow background with black lettering per the appearance
27 of California license plates issued by the department from 1956
28 to 1962, inclusive.

29 (2) Black background with yellow lettering per the appearance
30 of California license plates issued by the department from 1965
31 to 1968, inclusive.

32 (3) Blue background with yellow lettering per the appearance
33 of California license plates issued by the department from 1969
34 to 1986, inclusive.

35 (c) An applicant for the specialized license plates described in
36 subdivision (a), who shall be the owner or lessee of the vehicle on
37 which the plates will be displayed, may choose to either accept a
38 license plate character sequence assigned by the department or
39 request a combination of letters or numbers or both, subject to
40 Section 5105.

1 (d) In addition to the regular fees for an original registration or
2 renewal of registration, the following additional fees shall be paid
3 for the issuance, renewal, retention, or transfer of the specialized
4 license plates:

5 (1) Fifty dollars (\$50) for the original issuance of the plates.

6 (2) Forty dollars (\$40) for a renewal of registration with the
7 plates.

8 (3) Fifteen dollars (\$15) for transfer of the plates to another
9 vehicle.

10 (4) Thirty-five dollars (\$35) for each substitute replacement
11 plate.

12 (5) Thirty-eight dollars (\$38), when the payment of renewal
13 fees is not required as specified in Section 4000 and the holder of
14 the specialized license plates retains the plates. The fee shall be
15 due at the expiration of the registration year of the vehicle to which
16 the specialized license plates were assigned. This paragraph shall
17 not apply when a plate character sequence is assigned by the
18 department pursuant to subdivision (c).

19 (e) Sections 5106 and 5108 do not apply to the specialized
20 license plates issued pursuant to this section.

21 (f) The department shall not issue California Legacy License
22 Plates for a vehicle that is exempt from the payment of registration
23 fees pursuant to Section 9101 or 9103.

24 (g) (1) The department shall not establish the California Legacy
25 License Plate Program until the department has received not less
26 than 7,500 paid applications for plates. The department shall collect
27 and hold applications for the plates. The department shall not issue
28 a specialized license plate until it has received not less than 7,500
29 paid applications for any one of the particular plates within the
30 time period prescribed in this section.

31 (2) The department shall have until January 1, 2015, to receive
32 the required number of applications. If, after that date, 7,500 paid
33 applications have not been received for any one of the three plates
34 described in subdivision (b), the department shall immediately
35 refund to all applicants all fees or deposits that have been collected.

36 (h) (1) Upon a determination by the department that there are
37 sufficient funds for the program, moneys shall be available, upon
38 appropriation by the Legislature, to the department for the
39 necessary administrative costs of establishing the California Legacy
40 License Plate Program.

1 (2) After deducting its administrative costs under this
2 subdivision, the department shall deposit any additional revenue
3 derived from the issuance, renewal, transfer, retention, and
4 substitution of the specialized license plates into the California
5 Environmental License Plate Fund, for appropriation by the
6 Legislature pursuant to existing law.

7 SEC. 13. Section 9250.14 of the Vehicle Code is amended to
8 read:

9 9250.14. (a) (1) In addition to any other fees specified in this
10 code and the Revenue and Taxation Code, upon the adoption of a
11 resolution by any county board of supervisors, a fee of one dollar
12 (\$1) shall be paid at the time of registration or renewal of
13 registration of every vehicle, except vehicles described in
14 subdivision (a) of Section 5014.1, registered to an address within
15 that county except those expressly exempted from payment of
16 registration fees. The fees, after deduction of the administrative
17 costs incurred by the department in carrying out this section, shall
18 be paid quarterly to the Controller.

19 (2) (A) If a county has adopted a resolution to impose a
20 one-dollar (\$1) fee pursuant to paragraph (1), the county may
21 increase the fee specified in paragraph (1) to two dollars (\$2) in
22 the same manner as the imposition of the initial fee pursuant to
23 paragraph (1). The two dollars (\$2) shall be paid at the time of
24 registration or renewal of registration of a vehicle, and quarterly
25 to the Controller, as provided in paragraph (1).

26 (B) If a county has not adopted a resolution to impose a
27 one-dollar (\$1) fee pursuant to paragraph (1), the county may
28 instead adopt a fee of two dollars (\$2) in the manner prescribed in
29 paragraph (1).

30 (C) A resolution to impose a fee of two dollars (\$2) pursuant
31 to subparagraph (A) or (B) shall be submitted to the department
32 at least six months prior to the operative date of the fee increase.

33 (3) In addition to the service fee imposed pursuant to paragraph
34 (1), and upon the implementation of the permanent trailer
35 identification plate program, and as part of the Commercial Vehicle
36 Registration Act of 2001 (Chapter 861 of the Statutes of 2000),
37 all commercial motor vehicles subject to Section 9400.1 registered
38 to an owner with an address in the county that established a service
39 authority under this section, shall pay an additional service fee of
40 two dollars (\$2).

1 (4) (A) If a county imposes a service fee of two dollars (\$2) by
2 adopting a resolution pursuant to subparagraph (A) or (B) of
3 paragraph (2), the fee specified in paragraph (3) shall be increased
4 to four dollars (\$4). The four dollars (\$4) shall be paid at the time
5 of registration or renewal of registration of a vehicle, and quarterly
6 to the Controller as provided in paragraph (1).

7 (B) A resolution to increase the additional service fee from two
8 dollars (\$2) to four dollars (\$4) pursuant to subparagraph (A) or
9 (B) of paragraph (2) shall be submitted to the department at least
10 six months prior to the operative date of the fee increase.

11 (b) Notwithstanding Section 13340 of the Government Code,
12 the moneys paid to the Controller are continuously appropriated,
13 without regard to fiscal years, for the administrative costs of the
14 Controller, and for disbursement by the Controller to each county
15 that has adopted a resolution pursuant to subdivision (a), based
16 upon the number of vehicles registered, or whose registration is
17 renewed, to an address within that county.

18 (c) Except as otherwise provided in this subdivision, moneys
19 allocated to a county pursuant to subdivision (b) shall be expended
20 exclusively to fund programs that enhance the capacity of local
21 police and prosecutors to deter, investigate, and prosecute vehicle
22 theft crimes. In any county with a population of 250,000 or less,
23 the moneys shall be expended exclusively for those vehicle theft
24 crime programs and for the prosecution of crimes involving driving
25 while under the influence of alcohol or drugs, or both, in violation
26 of Section 23152 or 23153, or vehicular manslaughter in violation
27 of Section 191.5 of the Penal Code or subdivision (c) of Section
28 192 of the Penal Code, or any combination of those crimes.

29 (d) The moneys collected pursuant to this section shall not be
30 expended to offset a reduction in any other source of funds, nor
31 for any purpose not authorized under this section.

32 (e) Any funds received by a county prior to January 1, 2000,
33 pursuant to this section, that are not expended to deter, investigate,
34 or prosecute crimes pursuant to subdivision (c) shall be returned
35 to the Controller, for deposit in the Motor Vehicle Account in the
36 State Transportation Fund. Those funds received by a county shall
37 be expended in accordance with this section.

38 (f) Each county that adopts a resolution under subdivision (a)
39 shall submit, on or before the 13th day following the end of each
40 quarter, a quarterly expenditure and activity report to the designated

1 statewide Vehicle Theft Investigation and Apprehension
2 Coordinator in the Department of the California Highway Patrol.

3 (g) A county that imposes a fee under subdivision (a) shall issue
4 a fiscal yearend report to the Controller on or before August 31 of
5 each year. The report shall include a detailed accounting of the
6 funds received and expended in the immediately preceding fiscal
7 year, including, at a minimum, all of the following:

8 (1) The amount of funds received and expended by the county
9 under subdivision (b) for the immediately preceding fiscal year.

10 (2) The total expenditures by the county under subdivision (c)
11 for the immediately preceding fiscal year.

12 (3) Details of expenditures made by the county under
13 subdivision (c), including salaries and expenses, purchase of
14 equipment and supplies, and any other expenditures made listed
15 by type with an explanatory comment.

16 (4) A summary of vehicle theft abatement activities and other
17 vehicle theft programs funded by the fees collected pursuant to
18 this section.

19 (5) The total number of stolen vehicles recovered and the value
20 of those vehicles during the immediately preceding fiscal year.

21 (6) The total number of vehicles stolen during the immediately
22 preceding fiscal year as compared to the fiscal year prior to the
23 immediately preceding fiscal year.

24 (7) Any additional, unexpended fee revenues received under
25 subdivision (b) for the county for the immediately preceding fiscal
26 year.

27 (h) Each county that fails to submit the report required pursuant
28 to subdivision (g) by November 30 of each year shall have the fee
29 suspended by the Controller for one year, commencing on July 1
30 following the Controller's determination that a county has failed
31 to submit the report.

32 (i) (1) On or before January 1, 2013, and on or before January
33 1 of each year, the Controller shall provide to the Department of
34 the California Highway Patrol copies of the yearend reports
35 submitted by the counties under subdivision (g) and, in consultation
36 with the Department of the California Highway Patrol, shall review
37 the fiscal yearend reports submitted by each county pursuant to
38 subdivision (g) to determine if fee revenues are being utilized in
39 a manner consistent with this section. If the Controller determines
40 that the use of the fee revenues is not consistent with this section,

1 the Controller shall consult with the participating counties’
2 designated regional coordinators. If the Controller determines that
3 use of the fee revenues is still not consistent with this section, the
4 authority to collect the fee by that county shall be suspended for
5 one year.

6 (2) If the Controller determines that a county has not submitted
7 a fiscal yearend report as required in subdivision (g), the
8 authorization to collect the service fee shall be suspended for one
9 year pursuant to subdivision (h).

10 (3) If the Controller determines that a fee shall be suspended
11 for a county, the Controller shall inform the Department of Motor
12 Vehicles on or before January 1 of each year that the authority to
13 collect a fee for that county is suspended.

14 (j) On or before January 1 of each year, the Controller shall
15 prepare and post on the Controller’s Internet Web site a revenue
16 and expenditure summary for each participating county that
17 includes all of the following:

18 (1) The total revenues received by each county.

19 (2) The total expenditures by each county.

20 (3) The unexpended revenues for each county.

21 (k) For the purposes of this section, a county-designated regional
22 coordinator is that agency designated by the participating county’s
23 board of supervisors as the agency in control of its countywide
24 vehicle theft apprehension program.

25 SEC. 14. Section 15210 of the Vehicle Code is amended to
26 read:

27 15210. Notwithstanding any other provision of this code, as
28 used in this chapter, the following terms have the following
29 meanings:

30 (a) “Commercial driver’s license” means a driver’s license
31 issued by a state or other jurisdiction, in accordance with the
32 standards contained in Part 383 of Title 49 of the Code of Federal
33 Regulations, which authorizes the licenseholder to operate a class
34 or type of commercial motor vehicle.

35 (b) (1) “Commercial motor vehicle” means any vehicle or
36 combination of vehicles that requires a class A or class B license,
37 or a class C license with an endorsement issued pursuant to
38 paragraph (2), (3), (4), or (5) of subdivision (a) of Section 15278.

39 (2) “Commercial motor vehicle” does not include any of the
40 following:

- 1 (A) A recreational vehicle, as defined in Section 18010 of the
2 Health and Safety Code.
- 3 (B) An implement of husbandry operated by a person who is
4 not required to obtain a driver’s license under this code.
- 5 (C) Vehicles operated by persons exempted pursuant to Section
6 25163 of the Health and Safety Code or a vehicle operated in an
7 emergency situation at the direction of a peace officer pursuant to
8 Section 2800.
- 9 (c) “Controlled substance” has the same meaning as defined by
10 the federal Controlled Substances Act (21 U.S.C. Sec. 802).
- 11 (d) “Conviction” means an unvacated adjudication of guilt, or
12 a determination that a person has violated or failed to comply with
13 the law in a court of original jurisdiction or by an authorized
14 administrative tribunal, an unvacated forfeiture of bail or collateral
15 deposited to secure the person’s appearance in court, a plea of
16 guilty or nolo contendere accepted by the court, the payment of a
17 fine or court costs, or violation of a condition of release without
18 bail, regardless of whether or not the penalty is rebated, suspended,
19 or probated.
- 20 (e) “Disqualification” means a prohibition against driving a
21 commercial motor vehicle.
- 22 (f) “Driving a commercial vehicle under the influence” means
23 committing any one or more of the following unlawful acts in a
24 commercial motor vehicle:
 - 25 (1) Driving a commercial motor vehicle while the operator’s
26 blood-alcohol concentration level is 0.04 percent or more, by
27 weight in violation of subdivision (d) of Section 23152.
 - 28 (2) Driving under the influence of alcohol, as prescribed in
29 subdivision (a) or (b) of Section 23152.
 - 30 (3) Refusal to undergo testing as required under this code in the
31 enforcement of Subpart D of Part 383 or Subpart A of Part 392 of
32 Title 49 of the Code of Federal Regulations.
- 33 (g) “Employer” means any person, including the United States,
34 a state, or political subdivision of a state, who owns or leases a
35 commercial motor vehicle or assigns drivers to operate that vehicle.
36 A person who employs himself or herself as a commercial vehicle
37 driver is considered to be both an employer and a driver for
38 purposes of this chapter.
- 39 (h) “Fatality” means the death of a person as a result of a motor
40 vehicle accident.

1 (i) “Felony” means an offense under state or federal law that is
2 punishable by death or imprisonment for a term exceeding one
3 year.

4 (j) “Gross combination weight rating” means the value specified
5 by the manufacturer as the maximum loaded weight of a
6 combination or articulated vehicle. In the absence of a value
7 specified by the manufacturer, gross vehicle weight rating will be
8 determined by adding the gross vehicle weight rating of the power
9 unit and the total weight of the towed units and any load thereon.

10 (k) “Gross vehicle weight rating” means the value specified by
11 the manufacturer as the maximum loaded weight of a single
12 vehicle, as defined in Section 350.

13 (l) “Imminent hazard” means the existence of a condition that
14 presents a substantial likelihood that death, serious illness, severe
15 personal injury, or substantial endangerment to health, property,
16 or the environment may occur before the reasonable foreseeable
17 completion date of a formal proceeding begun to lessen the risk
18 of death, illness, injury, or endangerment.

19 (m) “Noncommercial motor vehicle” means a motor vehicle or
20 combination of motor vehicles that is not included within the
21 definition in subdivision (b).

22 (n) “Nonresident commercial driver’s license” means a
23 commercial driver’s license issued to an individual by a state under
24 one of the following provisions:

- 25 (1) The individual is domiciled in a foreign country.
26 (2) The individual is domiciled in another state.

27 (o) “Schoolbus” is a commercial motor vehicle, as defined in
28 Section 545.

29 (p) “Serious traffic violation” includes any of the following:

30 (1) Excessive speeding, as defined pursuant to the federal
31 Commercial Motor Vehicle Safety Act (P.L. 99-570) involving
32 any single offense for any speed of 15 miles an hour or more above
33 the posted speed limit.

34 (2) Reckless driving, as defined pursuant to the federal
35 Commercial Motor Vehicle Safety Act (P.L. 99-570), and driving
36 in the manner described under Section 2800.1, 2800.2, or 2800.3,
37 including, but not limited to, the offense of driving a commercial
38 motor vehicle in willful or wanton disregard for the safety of
39 persons or property.

1 (3) A violation of a state or local law involving the safe
2 operation of a motor vehicle, arising in connection with a fatal
3 traffic accident.

4 (4) A similar violation of a state or local law involving the safe
5 operation of a motor vehicle, as defined pursuant to the
6 Commercial Motor Vehicle Safety Act (Title XII of P.L. 99-570).

7 (5) Driving a commercial motor vehicle without a commercial
8 driver’s license.

9 (6) Driving a commercial motor vehicle without the driver
10 having in his or her possession a commercial driver’s license,
11 unless the driver provides proof at the subsequent court appearance
12 that he or she held a valid commercial driver’s license on the date
13 of the violation.

14 (7) Driving a commercial motor vehicle when the driver has
15 not met the minimum testing standards for that vehicle as to the
16 class or type of cargo the vehicle is carrying.

17 (8) Driving a commercial motor vehicle while using an
18 electronic wireless communication device to write, send, or read
19 a text-based communication, as defined in Section 23123.5.

20 In the absence of a federal definition, existing definitions under
21 this code shall apply.

22 (q) “State” means a state of the United States or the District of
23 Columbia.

24 (r) “Tank vehicle” means a commercial motor vehicle that is
25 designed to transport any liquid or gaseous material within a tank
26 or tanks having an individual rated capacity of more than 119
27 gallons and an aggregate rated capacity of at least 1,000 gallons
28 that is permanently or temporarily attached to the vehicle or the
29 chassis, including, but not limited to, cargo tanks and portable
30 tanks, as defined in Part 171 of Title 49 of the Code of Federal
31 Regulations. A commercial motor vehicle transporting an empty
32 storage container tank not designed for transportation, with a rated
33 capacity of at least 1,000 gallons that is temporarily attached to a
34 flatbed trailer, is not a tank vehicle.

35 SEC. 15. Section 27360 of the Vehicle Code is amended to
36 read:

37 27360. (a) Except as provided in Section 27363, a parent, legal
38 guardian, or driver shall not transport on a highway in a motor
39 vehicle, as defined in paragraph (1) of subdivision (c) of Section
40 27315, a child or ward who is under eight years of age, without

1 properly securing that child in a rear seat in an appropriate child
2 passenger restraint system meeting applicable federal motor vehicle
3 safety standards.

4 (b) Subdivision (a) does not apply to a driver if the parent or
5 legal guardian of the child is also present in the motor vehicle and
6 is not the driver.

7 SEC. 16. Section 34500 of the Vehicle Code is amended to
8 read:

9 34500. The department shall regulate the safe operation of the
10 following vehicles:

11 (a) Motortrucks of three or more axles that are more than 10,000
12 pounds gross vehicle weight rating.

13 (b) Truck tractors.

14 (c) Buses, schoolbuses, school pupil activity buses, youth buses,
15 farm labor vehicles, and general public paratransit vehicles.

16 (d) Trailers and semitrailers designed or used for the
17 transportation of more than 10 persons, and the towing motor
18 vehicle.

19 (e) Trailers and semitrailers, pole or pipe dollies, auxiliary
20 dollies, and logging dollies used in combination with vehicles
21 listed in subdivision (a), (b), (c), or (d). This subdivision does not
22 include camp trailers, trailer coaches, and utility trailers.

23 (f) A combination of a motortruck and a vehicle or vehicles set
24 forth in subdivision (e) that exceeds 40 feet in length when coupled
25 together.

26 (g) Any vehicle, or a combination of vehicles, transporting
27 hazardous materials.

28 (h) Manufactured homes that, when moved upon the highway,
29 are required to be moved pursuant to a permit as specified in
30 Section 35780 or 35790.

31 (i) A park trailer, as described in Section 18009.3 of the Health
32 and Safety Code, that, when moved upon a highway, is required
33 to be moved pursuant to a permit pursuant to Section 35780.

34 (j) Any other motortruck not specified in subdivisions (a) to
35 (h), inclusive, or subdivision (k), that is regulated by the
36 Department of Motor Vehicles, Public Utilities Commission, or
37 United States Secretary of the Department of Transportation, but
38 only for matters relating to hours of service and logbooks of
39 drivers.

1 (k) A commercial motor vehicle with a gross vehicle weight
2 rating of 26,001 or more pounds or a commercial motor vehicle
3 of any gross vehicle weight rating towing a vehicle described in
4 subdivision (e) with a gross vehicle weight rating of more than
5 10,000 pounds, except combinations including camp trailers, trailer
6 coaches, or utility trailers. For purposes of this subdivision, the
7 term “commercial motor vehicle” has the meaning defined in
8 subdivision (b) of Section 15210.

9 *SEC. 16.5. Section 34500 of the Vehicle Code is amended to*
10 *read:*

11 34500. The department shall regulate the safe operation of the
12 following vehicles:

13 (a) Motortrucks of three or more axles that are more than 10,000
14 pounds gross vehicle weight rating.

15 (b) Truck tractors.

16 (c) Buses, schoolbuses, school pupil activity buses, youth buses,
17 farm labor vehicles, *modified limousines*, and general public
18 paratransit vehicles.

19 (d) Trailers and semitrailers designed or used for the
20 transportation of more than 10 persons, and the towing motor
21 vehicle.

22 (e) Trailers and semitrailers, pole or pipe dollies, auxiliary
23 dollies, and logging dollies used in combination with vehicles
24 listed in subdivision (a), (b), (c), or (d). This subdivision does not
25 include camp trailers, trailer coaches, and utility trailers.

26 (f) A combination of a motortruck and a vehicle or vehicles set
27 forth in subdivision (e) that exceeds 40 feet in length when coupled
28 together.

29 ~~(g) A truck, Any vehicle, or a combination of a truck and any~~
30 ~~other vehicle, vehicles, transporting hazardous materials.~~

31 (h) Manufactured homes that, when moved upon the highway,
32 are required to be moved pursuant to a permit as specified in
33 Section 35780 or 35790.

34 (i) A park trailer, as described in Section 18009.3 of the Health
35 and Safety Code, that, when moved upon a highway, is required
36 to be moved pursuant to a permit pursuant to Section 35780.

37 (j) Any other motortruck not specified in subdivisions (a) to
38 (h), inclusive, or subdivision (k), that is regulated by the
39 Department of Motor Vehicles, Public Utilities Commission, or
40 United States Secretary of the Department of Transportation, but

1 only for matters relating to hours of service and logbooks of
2 drivers.

3 (k) A commercial motor vehicle with a gross vehicle weight
4 rating of 26,001 or more pounds or a commercial motor vehicle
5 of any gross vehicle weight rating towing a vehicle described in
6 subdivision (e) with a gross vehicle weight rating of more than
7 10,000 pounds, except combinations including camp trailers, trailer
8 coaches, or utility trailers. For purposes of this subdivision, the
9 term “commercial motor vehicle” has the meaning defined in
10 subdivision (b) of Section 15210.

11 SEC. 17. Section 34501.2 of the Vehicle Code is amended to
12 read:

13 34501.2. (a) The regulations adopted under Section 34501 for
14 vehicles engaged in interstate or intrastate commerce shall establish
15 hours-of-service regulations for drivers of those vehicles that are
16 consistent with the hours-of-service regulations adopted by the
17 United States Department of Transportation in Part 395 of Title
18 49 of the Code of Federal Regulations, as those regulations now
19 exist or are hereafter amended.

20 (b) The regulations adopted under Section 34501 for vehicles
21 engaged in intrastate commerce that are not transporting hazardous
22 substances or hazardous waste, as those terms are defined by
23 regulations in Section 171.8 of Title 49 of the Code of Federal
24 Regulations, as those regulations now exist or are hereafter
25 amended, shall have the following exceptions:

26 (1) The maximum driving time within a work period shall be
27 12 hours for a driver of a truck or truck tractor, except for a driver
28 of a tank vehicle with a capacity of more than 500 gallons
29 transporting flammable liquid, who shall not drive for more than
30 10 hours within a work period.

31 (2) A motor carrier shall not permit or require a driver to drive,
32 nor shall any driver drive, for any period after having been on duty
33 for 80 hours in any consecutive eight days.

34 (3) (A) A driver employed by an electrical corporation, as
35 defined in Section 218 of the Public Utilities Code, a local publicly
36 owned electric utility, as defined in Section 224.3 of that code, a
37 gas corporation, as defined in Section 222 of that code, a telephone
38 corporation, as defined in Section 234 of that code, a water
39 corporation, as defined in Section 241 of that code, or a public
40 water district as defined in Section 20200 of the Water Code, is

1 exempt from all hours-of-service regulations while operating a
2 public utility or public water district vehicle.

3 (B) A driver hired directly as a contractor by an electrical
4 corporation, a local publicly owned electric utility, a gas
5 corporation, a telephone corporation, a water corporation, or a
6 public water district, as those entities are defined in subparagraph
7 (A), or as a subcontractor hired directly by the original contractor,
8 is exempt from all hours-of-service regulations while operating a
9 vehicle for the purpose of restoring utility service during an
10 emergency on behalf of the entity that hired the original contractor.
11 The driver shall maintain a driver's record of duty status and shall
12 keep a duplicate copy in his or her possession when driving a
13 vehicle subject to this chapter. These records shall be presented
14 immediately upon request by any authorized employee of the
15 department, or any police officer or deputy sheriff.

16 (C) For purposes of subparagraph (B), "emergency" means a
17 sudden, unexpected occurrence involving a clear and imminent
18 danger, demanding immediate action to prevent or mitigate loss
19 of, or damage to, life, health, property, or essential public
20 services. "Unexpected occurrence" includes, but is not limited to,
21 fires, floods, earthquakes or other soil or geologic movements,
22 riots, accidents, inclement weather, natural disaster, sabotage, or
23 other occurrence, whether natural or man-made, that interrupts the
24 delivery of essential services, such as electricity, medical care,
25 sewer, water, telecommunications, and telecommunication
26 transmissions, or otherwise immediately threatens human life or
27 public welfare.

28 (4) Any other exceptions applicable to drivers assigned to
29 governmental fire suppression and prevention, as determined by
30 the department.

31 (5) A driver employed by a law enforcement agency, as defined
32 in Section 390.3(f)(2) of Title 49 of the Code of Federal
33 Regulations, as that section now exists or is hereafter amended,
34 during an emergency or to restore the public peace.

35 (c) The regulations adopted under Section 34501 for vehicles
36 engaged in the transportation of farm products in intrastate
37 commerce shall include all of the following provisions:

38 (1) A driver employed by an agricultural carrier, including a
39 carrier holding a seasonal permit, or by a private carrier, when
40 transporting farm products from the field to the first point of

1 processing or packing, shall not drive for any period after having
2 been on duty 16 hours or more following eight consecutive hours
3 off duty and shall not drive for any period after having been on
4 duty for 112 hours in any consecutive eight-day period, except
5 that a driver transporting special situation farm products from the
6 field to the first point of processing or packing, or transporting
7 livestock from pasture to pasture, may be permitted, during one
8 period of not more than 28 consecutive days or a combination of
9 two periods totaling not more than 28 days in a calendar year, to
10 drive for not more than 12 hours during any workday of not more
11 than 16 hours. A driver who thereby exceeds the driving time limits
12 specified in paragraph (2) of subdivision (b) shall maintain a
13 driver's record of duty status, and shall keep a duplicate copy in
14 his or her possession when driving a vehicle subject to this chapter.
15 These records shall be presented immediately upon request by any
16 authorized employee of the department, or any police officer or
17 deputy sheriff.

18 (2) Upon the request of the Director of Food and Agriculture,
19 the commissioner may, for good cause, temporarily waive the
20 maximum on-duty time limits applicable to any eight-day period
21 when an emergency exists due to inclement weather, natural
22 disaster, or an adverse economic condition that threatens to disrupt
23 the orderly movement of farm products during harvest for the
24 duration of the emergency. For purposes of this paragraph, an
25 emergency does not include a strike or labor dispute.

26 (3) For purposes of this subdivision, the following terms have
27 the following meanings:

28 (A) "Farm products" means every agricultural, horticultural,
29 viticultural, or vegetable product of the soil, honey and beeswax,
30 oilseeds, poultry, livestock, milk, or timber.

31 (B) "First point of processing or packing" means a location
32 where farm products are dried, canned, extracted, fermented,
33 distilled, frozen, ginned, eviscerated, pasteurized, packed,
34 packaged, bottled, conditioned, or otherwise manufactured,
35 processed, or preserved for distribution in wholesale or retail
36 markets.

37 (C) "Special situation farm products" means fruit, tomatoes,
38 sugar beets, grains, wine grapes, grape concentrate, cotton, or nuts.

39 SEC. 18. Section 38020 of the Vehicle Code is amended to
40 read:

1 38020. Except as otherwise provided in this division, a person
2 shall not operate or leave standing an off-highway motor vehicle
3 subject to identification under this code that is not registered under
4 the provisions of Division 3 (commencing with Section 4000),
5 unless it is identified under the provisions of this chapter. A
6 violation of this section is an infraction. Riding in violation of
7 seasons established by Section 2412(f) and 2415 of Title 13 of the
8 California Code of Regulations constitutes a violation of this
9 section. This section shall not apply to the operation, transportation,
10 or leaving standing of an off-highway vehicle pursuant to a valid
11 special permit.

12 *SEC. 19. Section 16.5 of this bill incorporates amendments to*
13 *Section 34500 of the Vehicle Code proposed by this bill and Senate*
14 *Bill 611. It shall only become operative if (1) both bills are enacted*
15 *and become effective on or before January 1, 2015, (2) each bill*
16 *amends Section 34500 of the Vehicle Code, and (3) this bill is*
17 *enacted after Senate Bill 611, in which case Section 34500 of the*
18 *Vehicle Code, as amended by Senate Bill 611, shall remain*
19 *operative only until the operative date of this bill, at which time*
20 *Section 16.5 of this bill shall become operative, and Section 16 of*
21 *this bill shall not become operative.*