

AMENDED IN ASSEMBLY SEPTEMBER 6, 2013

AMENDED IN ASSEMBLY AUGUST 30, 2013

AMENDED IN ASSEMBLY AUGUST 26, 2013

AMENDED IN ASSEMBLY JUNE 26, 2013

AMENDED IN ASSEMBLY JUNE 10, 2013

AMENDED IN SENATE APRIL 8, 2013

SENATE BILL

No. 109

Introduced by Senator Corbett

January 14, 2013

An act to add Section 5385.7 to the Public Utilities Code, and to add Article 3.4 (commencing with Section 27375) to Chapter 5 of Division 12 of the Vehicle Code, relating to charter-party carriers.

LEGISLATIVE COUNSEL'S DIGEST

SB 109, as amended, Corbett. Charter-party carriers: limousines: emergency exits.

(1) The Passenger Charter-party Carriers' Act, with certain exceptions, prohibits a charter-party carrier of passengers from engaging in transportation services subject to regulation by the Public Utilities Commission without obtaining a specified certificate or permit, as appropriate, from the commission, and imposes various other requirements. Existing law imposes certain penalties for violation of the act. The act also defines a "limousine" for these purposes and imposes specified requirements applicable only to the operator or driver of a limousine. Existing law imposes various additional requirements

on the operator of a limousine for hire. A violation of these requirements is a crime.

This bill would prohibit any person from operating ~~a limousine~~, in any city, county, or city and county, *a limousine* that has been modified or extended for purposes of increasing vehicle length in an amount sufficient to accommodate additional passengers unless the limousine is equipped with at least 2 rear side doors and one or 2 rear windows that the rear seat passengers or all passengers of the vehicle may open from the inside of the vehicle in case of any fire or other emergency, as specified.

The bill would apply these provisions to all limousines that were modified or extended for purposes of increasing vehicle length in an amount sufficient to accommodate additional passengers on or after July 1, 2015, and, beginning January 1, 2016, to all limousines modified or extended for purposes of increasing vehicle length in an amount sufficient to accommodate additional passengers prior to July 1, 2015, except as specified. The bill would require the driver of the limousine, in the case of any fire or other emergency, as specified, to unlock the doors so that the rear side doors can be opened from the inside of the vehicle and would require an owner or operator of a limousine to instruct all passengers on the safety features of the vehicle prior to the beginning of any trip and to disclose whether the limousine meets the safety requirements described in this bill.

(2) Because the bill would create new crimes, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

- 1 SECTION 1. Section 5385.7 is added to the Public Utilities
- 2 Code, to read:
- 3 5385.7. A charter-party carrier shall not operate a limousine,
- 4 as defined by Section 5371.4, that has been modified or extended
- 5 for purposes of increasing vehicle length in an amount sufficient

1 to accommodate additional passengers, unless the limousine is
2 equipped with emergency exits at the rear of the vehicle as required
3 pursuant to Article 3.4 (commencing with Section 27375) of
4 Chapter 5 of Division 12 of the Vehicle Code. The commission
5 shall adopt rules to implement this section.

6 SEC. 2. Article 3.4 (commencing with Section 27375) is added
7 to Chapter 5 of Division 12 of the Vehicle Code, to read:

8

9 Article 3.4. Emergency Exits for Charter-Party Carriers of
10 Passengers

11

12 27375. (a) Any person who operates a limousine, as defined
13 in subdivision (i) of Section 5371.4 of the Public Utilities Code,
14 in any city, county, or city and county, that has been modified or
15 extended for purposes of increasing vehicle length in an amount
16 sufficient to accommodate additional passengers shall ensure that
17 the vehicle has at least two rear side doors and one or two rear
18 windows, as specified in paragraph (1), that the rear seat passengers
19 or all passengers of the vehicle may open from the inside of the
20 vehicle in case of any fire or other emergency that may require the
21 immediate exit of the passengers of the vehicle. A limousine
22 subject to this section shall be equipped with both of the following:

23 (1) (A) Except as provided in subparagraph (B), at least two
24 rear push-out windows that are accessible to all passengers. At
25 least one push-out window shall be located on each side of the
26 vehicle, unless the design of the limousine precludes the installation
27 of a push-out window on one side of the vehicle, in which case
28 the second push-out window shall instead be located in the roof
29 of the vehicle.

30 (B) If the design of the limousine precludes the installation of
31 even one push-out window on a side of the vehicle, one push-out
32 window shall instead be located in the roof of the vehicle.

33 ~~(C) Each push-out window shall be releasable by operating no
34 more than two mechanisms and allow manual release of the
35 push-out window by a single occupant. For mechanisms that
36 require rotary or straight (parallel to the undisturbed exit surface)
37 motions to operate the release, no more than 20 pounds of force
38 shall be required to release the push-out window. For push-out
39 windows that require a straight motion perpendicular to the
40 undisturbed surface of the push-out window, no more than 60~~

1 ~~pounds shall be required to release the push-out window. The~~
2 ~~push-out windows shall comply with any applicable federal safety~~
3 ~~standards as deemed necessary by the Department of the California~~
4 ~~Highway Patrol.~~

5 *(C) The Department of the California Highway Patrol shall*
6 *establish, by regulation, standards to ensure that window exits are*
7 *operable and sufficient in emergency situations for limousine*
8 *passengers. The department shall ensure that these regulations*
9 *comply with any applicable federal motor vehicle safety standards.*

10 (2) At least two rear side doors that are accessible to all
11 passengers and that may be opened manually by any passenger.
12 At least one rear side door shall be located on each side of the
13 vehicle. For vehicles modified or extended for purposes of
14 increasing vehicle length in an amount sufficient to accommodate
15 additional passengers on or after July 1, 2015, at least one of these
16 side doors shall be located near the driver's compartment and
17 another near the back of the vehicle. These side doors shall comply
18 with any applicable federal *motor vehicle* safety standards as
19 deemed necessary by the Department of the California Highway
20 Patrol.

21 (b) In the case of any fire or other emergency that requires the
22 immediate exit of the passengers from the limousine, the driver of
23 the limousine shall unlock the doors so that the rear side doors can
24 be opened by the passengers from the inside of the vehicle.

25 (c) An owner or operator of a limousine shall do all of the
26 following:

27 (1) Instruct all passengers on the safety features of the vehicle
28 prior to the beginning of any trip, including, but not limited to,
29 instructions for lowering the partition between the driver and
30 passenger compartments and for communicating with the driver
31 by the use of an intercom or other onboard or wireless device.

32 (2) Disclose to the contracting party and the passengers whether
33 the limousine meets the safety requirements described in this
34 section.

35 (3) If paragraph (3) of subdivision (d) applies, the owner or
36 operator of a limousine shall further disclose to the contracting
37 party and the passengers that the limousine does not meet the safety
38 requirements required in subdivision (a) regarding vehicle escape
39 options because of its exempt status, and therefore may pose a
40 greater risk to passengers should emergency escape be necessary.

1 (d) (1) Subdivision (a) shall apply to all limousines modified
2 or extended for purposes of increasing vehicle length in an amount
3 sufficient to accommodate additional passengers on or after July
4 1, 2015.

5 (2) Subdivision (a) shall, beginning January 1, 2016, apply to
6 all limousines that were modified or extended for purposes of
7 increasing vehicle length in an amount sufficient to accommodate
8 additional passengers prior to July 1, 2015.

9 (3) Except as provided in paragraph (4), subdivision (a) shall
10 not apply to any limousine manufactured prior to 1970 and that
11 has an active transportation charter-party carrier (TCP) number as
12 of August 15, 2013.

13 (4) Subdivision (a) shall apply to any limousine manufactured
14 prior to 1970 if it is modified or extended for the purpose of
15 increasing vehicle length in an amount sufficient to accommodate
16 additional passengers after August 15, 2013.

17 SEC. 3. No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 the only costs that may be incurred by a local agency or school
20 district will be incurred because this act creates a new crime or
21 infraction, eliminates a crime or infraction, or changes the penalty
22 for a crime or infraction, within the meaning of Section 17556 of
23 the Government Code, or changes the definition of a crime within
24 the meaning of Section 6 of Article XIII B of the California
25 Constitution.