

Senate Bill No. 109

CHAPTER 752

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.

[Approved by Governor October 11, 2013. Filed with
Secretary of State October 11, 2013.]

LEGISLATIVE COUNSEL'S DIGEST

SB 109, 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 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.

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

SECTION 1. Section 5385.7 is added to the Public Utilities Code, to read:

5385.7. A charter-party carrier shall not operate a limousine, as defined by Section 5371.4, 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 emergency exits at the rear of the vehicle as required pursuant to Article 3.4 (commencing with Section 27375) of Chapter 5 of Division 12 of the Vehicle Code. The commission shall adopt rules to implement this section.

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

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

27375. (a) Any person who operates a limousine, as defined in subdivision (i) of Section 5371.4 of the Public Utilities Code, in any city, county, or city and county, that has been modified or extended for purposes of increasing vehicle length in an amount sufficient to accommodate additional passengers shall ensure that the vehicle has at least two rear side doors and one or two rear windows, as specified in paragraph (1), 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 that may require the immediate exit of the passengers of the vehicle. A limousine subject to this section shall be equipped with both of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

within the meaning of Section 6 of Article XIII B of the California Constitution.

O