

AMENDED IN ASSEMBLY AUGUST 14, 2013

AMENDED IN ASSEMBLY AUGUST 5, 2013

AMENDED IN SENATE JULY 3, 2013

AMENDED IN SENATE JUNE 19, 2013

AMENDED IN SENATE JUNE 12, 2013

AMENDED IN SENATE MAY 13, 2013

SENATE BILL

No. 338

Introduced by Senator Hill

(Coauthors: Senators DeSaulnier and Yee)

(Coauthors: Assembly Members Campos, Fong, Mullin, and Ting)

February 20, 2013

An act to add Section 5374.3 to the Public Utilities Code, and to add Section 34500.4 to the Vehicle Code, relating to charter-party carriers of passengers, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 338, as amended, Hill. Charter-party carriers of passengers: limousines: fire extinguishers.

The California Constitution establishes the Public Utilities Commission with jurisdiction over all public utilities, and authorizes the Legislature, unlimited by the other provisions of the Constitution, to confer additional authority and jurisdiction upon the commission that is cognate and germane to the regulation of public utilities. Charter-party carriers of passengers, as defined, are subject to the jurisdiction and control of the commission under the Passenger Charter-party Carriers'

Act. The act defines a charter-party carrier of passengers, subject to certain exceptions, to mean every person that is engaged in the transportation of persons by motor vehicle for compensation, whether in common or contract carriage, over any public highway.

The Passenger Charter-party Carriers' Act requires a charter-party carrier of passengers to obtain from the commission a certificate that public convenience and necessity require the operation or a permit issued by the commission, and to operate within the state on a prearranged basis, as defined. A violation of these provisions is a crime.

This bill would require, 30 days after the effective date of this act, a limousine, as defined, to be equipped with 2 readily accessible and fully charged fire extinguishers, as specified, and would authorize the commission to require compliance with these provisions as a condition of issuing or renewing a certificate or permit. The bill would also require, not later than January 1, 2015, the Department of the California Highway Patrol to implement a regular safety inspection program, as specified, of charter-party carriers of passengers that operate limousines that have been modified or extended for purposes of increasing vehicle length and passenger capacity. The bill would require the department to adopt regulations for this ~~purpose and~~ purpose. *The bill would require the department to transmit to the Public Utilities Commission inspection data of limousines inspected pursuant to this program and would require an operator or owner of a manufactured or aftermarket limousine, as described, to certify that the vehicle meets all applicable federal and state motor vehicle safety standards. The bill would also require the payment of an inspection fee, as specified. Because a violation of these provisions would be a crime, this 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.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Limousines with a seating capacity of more than 10
4 passengers have more robust safety protections, including a
5 requirement to be equipped with a fire extinguisher and to undergo
6 annual safety inspections by the Department of the California
7 Highway Patrol, than do limousines with a seating capacity of less
8 than 10 passengers.

9 (b) It is the intent of the Legislature to increase the safety of
10 passenger travel in limousines with a seating capacity of less than
11 10 passengers that have been modified or extended for purposes
12 of increasing vehicle length and passenger capacity by mandating
13 annual safety inspections and the installation of fire extinguishers
14 in those limousines.

15 (c) It is the intent of the Legislature to provide authority to the
16 Department of the California Highway Patrol to develop regulations
17 to create an annual safety inspection program of charter-party
18 carriers that operate limousine services.

19 SEC. 2. Section 5374.3 is added to the Public Utilities Code,
20 to read:

21 5374.3. Beginning 30 days after the effective date of the act
22 that added this section, a limousine, as defined in subdivision (i)
23 of Section 5371.4, that has been modified or extended for purposes
24 of increasing vehicle length and passenger capacity shall be
25 equipped with two readily accessible and fully charged fire
26 extinguishers having at least 2A10BC 5lb rating and maintained
27 in efficient operating condition. One fire extinguisher shall be
28 securely mounted in the driver's compartment and one in the
29 passenger cabin, each in a conspicuous place or clearly marked
30 area. The commission may require compliance with this section
31 as a condition of issuing or renewing a certificate or permit
32 pursuant to this chapter.

33 SEC. 3. Section 34500.4 is added to the Vehicle Code, to read:

34 34500.4. (a) The Department of the California Highway Patrol
35 shall have the authority to conduct annual safety inspections of all
36 limousines that have been modified or extended for purposes of
37 increasing vehicle length and passenger capacity and that are
38 operated pursuant to the Passenger Charter-party Carriers' Act

1 (Chapter 8 (commencing with Section 5351) of Division 2 of the
2 Public Utilities Code).

3 (b) (1) Not later than January 1, 2015, the Department of the
4 California Highway Patrol shall implement an annual safety
5 inspection program of charter-party carriers of passengers who
6 operate limousines as described in subdivision (a) that includes,
7 but is not limited to, the safe operation of the vehicle, the
8 installation of safety equipment, the retention of drivers' logs,
9 accident reports, records of driver discipline, compliance with
10 federal and state motor vehicle safety standards, and the
11 examination of a preventative maintenance program. The
12 department shall adopt regulations for this purpose and hold public
13 hearings prior to the adoption of any rule or regulation.

14 (2) *The Department of the California Highway Patrol shall*
15 *transmit to the Public Utilities Commission inspection data of*
16 *limousines inspected pursuant to this program, as specified in the*
17 *program regulations.*

18 (c) Regulations adopted pursuant to this section shall be
19 consistent with the established inspection program administered
20 by the department for buses pursuant to Division 14.8 (commencing
21 with Section 34500), and shall require an operator or owner of a
22 manufactured or aftermarket limousine that has been modified or
23 extended for purposes of increasing vehicle length and passenger
24 capacity to certify to the Public Utilities Commission and the
25 department that the vehicle meets all applicable federal and state
26 motor vehicle safety standards.

27 (d) A charter-party carrier of passengers that operates a
28 limousine, as defined in subdivision (i) of Section 5371.4 of the
29 Public Utilities Code, that has been modified or extended for
30 purposes of increasing vehicle length and passenger capacity, and
31 that is required to undergo an annual safety inspection conducted
32 by the department, shall pay a fee of twenty-five dollars (\$25) per
33 limousine, or a maximum of six thousand five hundred dollars
34 (\$6,500), to offset the cost of the inspection.

35 SEC. 4. No reimbursement is required by this act pursuant to
36 Section 6 of Article XIII B of the California Constitution because
37 the only costs that may be incurred by a local agency or school
38 district will be incurred because this act creates a new crime or
39 infraction, eliminates a crime or infraction, or changes the penalty
40 for a crime or infraction, within the meaning of Section 17556 of

1 the Government Code, or changes the definition of a crime within
2 the meaning of Section 6 of Article XIII B of the California
3 Constitution.

4 SEC. 5. This act is an urgency statute necessary for the
5 immediate preservation of the public peace, health, or safety within
6 the meaning of Article IV of the Constitution and shall go into
7 immediate effect. The facts constituting the necessity are:

8 In order to ensure that limousines that have been modified or
9 extended for purposes of increasing vehicle length and passenger
10 capacity and that are operated in California are better equipped
11 for passenger safety at the earliest possible time, it is necessary
12 for this act to take effect immediately.

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