

Senate Bill No. 338

Passed the Senate September 12, 2013

Secretary of the Senate

Passed the Assembly September 11, 2013

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2013, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 5385.6 of the Public Utilities Code, and to add Sections 28062 and 34500.4 to the Vehicle Code, relating to charter-party carriers of passengers.

LEGISLATIVE COUNSEL'S DIGEST

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

The Passenger Charter-party Carriers' Act places charter-party carriers of passengers, as defined, under the jurisdiction and control of the Public Utilities Commission. 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. Existing law requires the Department of the California Highway Patrol to regulate the safe operation of motor vehicles engaged in transportation for hire or compensation and to inspect those vehicles to ensure that they have the required safety equipment. A violation of these provisions is a crime.

This bill would require a limousine, as defined, that has been modified or extended by an original or final-stage manufacturer for purposes of increasing vehicle length and passenger capacity to be equipped with 2 readily accessible and fully charged fire extinguishers, as specified, and would require one fire extinguisher to be securely mounted in the driver's compartment and at least one to be accessible to the passengers. The bill would require the driver or operator of the limousine to notify the passengers of the location of each fire extinguisher prior to the commencement of any trip. The bill would require each certificate of registration to identify whether a limousine with a seating capacity of fewer than 10 passengers has been extended or modified by an original or final-stage manufacturer for purposes of increasing vehicle length and passenger capacity and make that information available to the Department of the California Highway Patrol. The bill would also require, not later than July 1, 2015, the Department of the California Highway Patrol to implement a safety inspection program, as specified, of charter-party carriers of passengers that

operate limousines that have been modified or extended by an original or final-stage manufacturer for purposes of increasing vehicle length and passenger capacity. The bill would require the department to adopt emergency regulations for this 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 the original manufacturer or final-stage manufacturer of a manufactured or aftermarket limousine, as described, to certify to the department that the vehicle meets all applicable federal and state motor vehicle safety standards. The bill would also require the department to adopt regulations to establish an inspection fee to be paid by a single charter-party carrier operator, as specified. The bill would require the inspection fee to be collected by the Public Utilities Commission and deposited into the Motor Vehicle Account in the State Transportation Fund. 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.

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

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

(a) Vehicles operated by a charter-party carrier with a seating capacity of more than 10 passengers have more robust safety protections, including a requirement to be equipped with a fire extinguisher and to undergo annual safety inspections by the Department of the California Highway Patrol, than do limousines that have been modified or extended for purposes of increasing vehicle length and passenger capacity with a seating capacity of less than 10 passengers.

(b) It is the intent of the Legislature to increase the safety of passenger travel in limousines with a seating capacity of less than 10 passengers that have been modified or extended for purposes

of increasing vehicle length and passenger capacity by mandating annual safety inspections and the installation of fire extinguishers in those limousines.

(c) It is the intent of the Legislature to provide authority to the Department of the California Highway Patrol to develop regulations to create an annual safety inspection program of charter-party carriers that operate limousines that have been modified or extended for purposes of increasing vehicle length and passenger capacity.

SEC. 2. Section 5385.6 of the Public Utilities Code is amended to read:

5385.6. (a) No charter-party carrier shall operate a limousine as defined by Section 5371.4 unless the limousine is equipped with the special license plates issued and distributed by the Department of Motor Vehicles pursuant to Section 5011.5 of the Vehicle Code.

(b) The commission shall issue to each charter-party carrier operating limousines a permit or certificate for the number of vehicles verified by the carrier as employed in providing limousine service. The permit or certificate shall be submitted to the Department of Motor Vehicles, which shall issue to each verified vehicle a set of unique, identifying license plates. The department shall require each certificate of registration to identify whether a limousine with a seating capacity of fewer than 10 passengers has been extended or modified for purposes of increasing vehicle length and passenger capacity and shall make that information available to the Department of the California Highway Patrol. The Department of Motor Vehicles shall maintain a record of each set of plates it issues and provide a copy of each record to the commission.

(c) The commission shall recover from any carrier whose permit or certificate is canceled, suspended, or revoked any and all plates issued pursuant to this section.

(d) The special license plate shall be in lieu of the decal required to be issued and displayed pursuant to Section 5385.5.

(e) This section shall become operative on July 1, 1995.

SEC. 3. Section 28062 is added to the Vehicle Code, to read:

28062. (a) A limousine, as defined in subdivision (i) of Section 5371.4 of the Public Utilities Code, that has been modified or extended by an original or final-stage manufacturer for purposes of increasing vehicle length and passenger capacity shall be

equipped with two readily accessible and fully charged fire extinguishers having at least 2A10BC 5lb rating and maintained in efficient operating condition. One fire extinguisher shall be securely mounted in the driver's compartment and at least one shall be accessible to the passengers.

(b) The driver or operator of a limousine that has been modified or extended by an original or final-stage manufacturer for purposes of increasing vehicle length and passenger capacity shall notify the passengers of the location of each fire extinguisher prior to the commencement of any trip.

SEC. 4. Section 34500.4 is added to the Vehicle Code, to read:

34500.4. (a) The Department of the California Highway Patrol shall have the authority to conduct safety inspections of all limousines that have been modified or extended by an original or final-stage manufacturer for purposes of increasing vehicle length and passenger capacity and that are operated pursuant to the Passenger Charter-party Carriers' Act (Chapter 8 (commencing with Section 5351) of Division 2 of the Public Utilities Code).

(b) (1) Not later than July 1, 2015, the Department of the California Highway Patrol shall implement a safety inspection program of charter-party carriers of passengers who operate limousines as described in subdivision (a) that includes, but is not limited to, the safe operation of the vehicle, the installation of safety equipment, the retention of maintenance logs, accident reports, records of driver discipline, compliance with federal and state motor vehicle safety standards, the examination of a preventative maintenance program, and, if ownership of the limousine has been transferred, the transmission of relevant safety and maintenance information of the limousine.

(2) Pursuant to the safety inspection program, the department shall conduct an inspection of each charter-party carrier of passengers at least once every 13 months.

(3) The department shall adopt emergency regulations for purposes of this subdivision. The adoption by the department of regulations implementing this section shall be deemed to be an emergency and necessary to avoid serious harm to the public peace, health, safety, or general welfare for purposes of Sections 11346.1 and 11349.6 of the Government Code, and the department is hereby exempted from the requirement that it describe facts showing the need for immediate action to the Office of Administrative Law.

The emergency regulations shall remain in effect for no more than one year, by which time final regulations shall be adopted.

(4) (A) The department shall adopt regulations to establish an inspection fee based on the number of vehicles described in subdivision (a) operated by a single charter-party carrier that shall, at a minimum, be twenty-five dollars (\$25) per vehicle and shall be no higher than seventy-five dollars (\$75) per vehicle.

(B) A single charter-party carrier operator shall not pay more than six thousand five hundred dollars (\$6,500).

(C) The fee structure established pursuant to this subdivision shall apply to limousines that have been modified or extended by an original or final-stage manufacturer for purposes of increasing vehicle length and passenger capacity that are required to undergo a safety inspection pursuant to this section.

(D) The fee established pursuant to this subdivision shall be collected by the California Public Utilities Commission and deposited into the Motor Vehicle Account in the State Transportation Fund.

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

(c) Regulations adopted pursuant to this section shall be consistent with the established inspection program administered by the department for buses pursuant to Division 14.8 (commencing with Section 34500), and shall require the original manufacturer or the final-stage manufacturer of a manufactured or aftermarket limousine that has been modified or extended for purposes of increasing vehicle length and passenger capacity to certify to the department that the vehicle meets all applicable federal and state motor vehicle safety standards.

SEC. 5. 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.

Approved _____, 2013

Governor