

AMENDED IN ASSEMBLY JANUARY 7, 2014  
AMENDED IN ASSEMBLY SEPTEMBER 9, 2013  
AMENDED IN ASSEMBLY SEPTEMBER 6, 2013  
AMENDED IN ASSEMBLY SEPTEMBER 3, 2013  
AMENDED IN ASSEMBLY AUGUST 6, 2013  
AMENDED IN ASSEMBLY JUNE 14, 2013  
AMENDED IN SENATE MAY 28, 2013  
AMENDED IN SENATE MAY 8, 2013  
AMENDED IN SENATE APRIL 15, 2013

**SENATE BILL**

**No. 611**

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**Introduced by Senator Hill  
(~~Principal coauthor: Senator Wolk~~)**

February 22, 2013

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~~An act to amend Sections 15820.903 and 15820.913 of, and to add Section 15820.927 to, the Government Code, and to add Section 1978 to the Welfare and Institutions Code, relating to correctional facilities. An act to add Sections 28062 and 34500.4 to the Vehicle Code, relating to charter-party carriers of passengers.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 611, as amended, Hill. ~~Correctional facilities: bond financing. Charter-party carriers of passengers: limousines: fire extinguishers.~~

*(1) 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 the department, not later than July 1, 2015, 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, 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.*

*(2) 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.*

~~(1) Existing law authorizes the Department of Corrections and Rehabilitation, participating counties, and the State Public Works Board to acquire, design, and construct local jail facilities approved by the Board of State and Community Corrections (BSCC). Existing law authorizes the State Public Works Board to issue revenue bonds, notes, or bond anticipation notes in the amounts of \$445,771,000 and \$774,229,000, in 2 phases, to finance the acquisition, design, and construction, and a reasonable construction reserve, of approved local jail facilities, as specified. The funds derived from those revenue bonds, notes, or bond anticipation notes are continuously appropriated for the purposes described above.~~

~~This bill would decrease the authorization for revenue bonds, notes, or bond anticipation notes in the first phase from \$445,771,000 to \$365,771,000 and increase the authorization of the 2nd phase from \$774,229,000 to \$854,229,000.~~

~~(2) Existing law authorizes the Board of State and Community Corrections, the State Public Works Board, and a participating county to acquire, design, and construct an adult local criminal justice facility approved by the Board of State and Community Corrections, or to acquire a site or sites owned by, or subject to a lease option to purchase held by, a participating county. Existing law authorizes the State Public Works Board to issue up to \$500,000,000 in revenue bonds, notes, or bond anticipation notes to finance the acquisition, design, and construction of approved adult local criminal justice facilities, and continuously appropriates the funds for those purposes.~~

~~This bill would authorize the Board of State and Community Corrections to select the County of San Mateo for the grant of a conditional award, on the same basis as other counties under this program, even if the county has started working drawings, started construction phase activities, put the project out to bid, adopted performance criteria, created concept drawings, completed the design-build package, or put the project out for design-build solicitation. The bill would authorize the necessary approvals by the State Public Works Board and the Department of Finance to be given to the County of San Mateo project, if selected, even after specified phases of the project are complete.~~

~~This bill would make legislative findings and declarations as to the necessity of a special statute for the County of San Mateo.~~

~~(3) Existing law authorizes the Department of Corrections and Rehabilitation, a participating county, and the board to acquire, design, renovate, or construct a local youthful offender rehabilitative facility, approved by the BSCC, or a site or sites owned by, or subject to a lease or option to purchase held by, a participating county. Existing law authorizes the issuance of up to \$300,000,000 in revenue bonds, notes, or bond anticipation notes to finance the acquisition, design, renovation, or construction, and a reasonable construction reserve, of approved local youthful offender rehabilitative facilities.~~

~~This bill would, in the event that a county that has been conditionally awarded financing later determines that participating with other counties in a shared regional facility would provide an improved solution to the county’s needs and the needs of other counties, authorize the county to apply to the BSCC for redirection of the conditional award to another county that will be the lead county for the regional facility, in conjunction with the original county and, potentially, other counties. The bill would authorize the board to redirect the conditional award, prior to any approval and establishment of the project, if certain determinations are made by the BSCC.~~

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

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

1     SECTION 1. Section 28062 is added to the Vehicle Code, to  
 2     read:  
 3     28062. (a) A limousine, as defined in subdivision (i) of Section  
 4     5371.4 of the Public Utilities Code, that has been modified or  
 5     extended by an original or final-stage manufacturer for purposes  
 6     of increasing vehicle length and passenger capacity shall be  
 7     equipped with two readily accessible and fully charged fire  
 8     extinguishers having at least 2A10BC 5lb rating and maintained  
 9     in efficient operating condition. One fire extinguisher shall be  
 10    securely mounted in the driver’s compartment and at least one  
 11    shall be accessible to the passengers.  
 12    (b) The driver or operator of a limousine that has been modified  
 13    or extended by an original or final-stage manufacturer for purposes  
 14    of increasing vehicle length and passenger capacity shall notify  
 15    the passengers of the location of each fire extinguisher prior to  
 16    the commencement of any trip.

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

9     *(b) (1) Not later than July 1, 2015, the Department of the*  
10    *California Highway Patrol shall implement a safety inspection*  
11    *program of charter-party carriers of passengers who operate*  
12    *limousines as described in subdivision (a). The program shall*  
13    *include an inspection of these carriers regarding, but not limited*  
14    *to, the safe operation of the vehicle, the installation of safety*  
15    *equipment, the retention of maintenance logs, accident reports,*  
16    *and records of driver discipline, compliance with federal and state*  
17    *motor vehicle safety standards, the examination of a preventative*  
18    *maintenance program, and, if ownership of the limousine has been*  
19    *transferred, the transmission of relevant safety and maintenance*  
20    *information of the limousine.*

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

24    *(3) The department shall adopt emergency regulations for*  
25    *purposes of this subdivision. The adoption by the department of*  
26    *regulations implementing this section shall be deemed to be an*  
27    *emergency and necessary to avoid serious harm to the public*  
28    *peace, health, safety, or general welfare for purposes of Sections*  
29    *11346.1 and 11349.6 of the Government Code, and the department*  
30    *is hereby exempted from the requirement that it describe facts*  
31    *showing the need for immediate action to the Office of*  
32    *Administrative Law. The emergency regulations shall remain in*  
33    *effect for no more than one year, by which time final regulations*  
34    *shall be adopted.*

35    *(4) (A) The department shall adopt regulations to establish an*  
36    *inspection fee applied to each limousine that has been modified*  
37    *or extended by an original or final-stage manufacturer for purposes*  
38    *of increasing vehicle length and passenger capacity, to be collected*  
39    *every 13 months, based on the number of vehicles described in*

1 subdivision (a) operated by a single charter-party carrier that  
2 shall cover the actual cost to perform the inspections.

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

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

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

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

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

34 SECTION 1. ~~Section 15820.903 of the Government Code is~~  
35 ~~amended to read:~~

36 ~~15820.903. (a) The SPWB may issue up to three hundred~~  
37 ~~sixty-five million seven hundred seventy-one thousand dollars~~  
38 ~~(\$365,771,000) in revenue bonds, notes, or bond anticipation notes,~~  
39 ~~pursuant to Chapter 5 of Part 10b of Division 3 of Title 2~~  
40 ~~(commencing with Section 15830) to finance the acquisition,~~

1 design, or construction, and a reasonable construction reserve, of  
2 approved local jail facilities described in Section 15820.901, and  
3 any additional amount authorized under Section 15849.6 to pay  
4 for the cost of financing.

5 (b) Proceeds from the revenue bonds, notes, or bond anticipation  
6 notes may be utilized to reimburse a participating county for the  
7 costs of acquisition, preliminary plans, working drawings, and  
8 construction for approved projects.

9 (e) Notwithstanding Section 13340, funds derived pursuant to  
10 this section and Section 15820.902 are continuously appropriated  
11 for purposes of this chapter.

12 (d) This section shall become inoperative on June 30, 2017, and  
13 no project may be commenced after that date; however, projects  
14 that have already commenced by that date may be completed and  
15 financed with bonds issued pursuant to this chapter.

16 SEC. 2. Section 15820.913 of the Government Code is amended  
17 to read:

18 15820.913. (a) The SPWB may issue up to eight hundred  
19 fifty-four million two hundred twenty-nine thousand dollars  
20 (\$854,229,000) in revenue bonds, notes, or bond anticipation notes,  
21 pursuant to Chapter 5 of Part 10b of Division 3 of Title 2  
22 (commencing with Section 15830) to finance the acquisition,  
23 design, or construction, and a reasonable construction reserve, of  
24 approved local jail facilities described in Section 15820.911, and  
25 any additional amount authorized under Section 15849.6 to pay  
26 for the cost of financing.

27 (b) Proceeds from the revenue bonds, notes, or bond anticipation  
28 notes may be used to reimburse a participating county for the costs  
29 of acquisition, preliminary plans, working drawings, and  
30 construction for approved projects.

31 (e) Notwithstanding Section 13340, funds derived pursuant to  
32 this section and Section 15820.912 are continuously appropriated  
33 for purposes of this chapter.

34 SEC. 3. Section 15820.927 is added to the Government Code,  
35 to read:

36 15820.927. (a) Notwithstanding any other law, regulation, or  
37 a request-for-proposal issued pursuant to this chapter, the Board  
38 of State and Community Corrections may select the County of San  
39 Mateo for the grant of a conditional award, on the same basis as  
40 any other county selected for a conditional award under this

1 chapter, even if the county has started working drawings, started  
2 construction phase activities, put the project out to bid, adopted  
3 performance criteria, created concept drawings, completed the  
4 design-build package, or put the project out for design-build  
5 solicitation. The commencement of any of these activities shall  
6 not disqualify the County of San Mateo from eligibility for  
7 selection for a conditional award pursuant to this chapter.

8 (b) (1) Notwithstanding Section 13332.11 or any other law,  
9 regulation, or request for proposal issued pursuant to this chapter,  
10 the approvals by the State Public Works Board and the Department  
11 of Finance required for the funding of a project in the County of  
12 San Mateo, if that project is selected for a conditional award  
13 pursuant to this section, including, but not limited to, approval of  
14 the plans and working drawings, may be given after the start of  
15 working drawings, after the start of construction phase activities,  
16 or after the project is put out for bid.

17 (2) Notwithstanding Section 13332.19 or any other law,  
18 regulation, or request for proposal issued pursuant to this chapter,  
19 the approvals by the State Public Works Board and the Department  
20 of Finance required for the funding of a project in the County of  
21 San Mateo, if that project is selected for a conditional award  
22 pursuant to this section, including, but not limited to, approval of  
23 performance criteria, concept drawings, and the design-build bid  
24 package, may be given after the start of construction phase  
25 activities or after the project has been put out for design-build  
26 solicitation.

27 (e) Other than as set forth in subdivision (d), a project that is  
28 approved under this section shall remain subject to the oversight  
29 of the State Public Works Board and Department of Finance to  
30 the same extent as any other project that receives funding under  
31 this chapter. A project that is approved under this section may be  
32 allocated funds for expenditures made after the State Public Works  
33 Board and the Department of Finance approve the project.

34 SEC. 4. Section 1978 is added to the Welfare and Institutions  
35 Code, immediately following Section 1977, to read:

36 1978. In the event that a county that has been conditionally  
37 awarded financing, pursuant to this article, later determines that  
38 participating with other counties in a shared regional facility would  
39 provide an improved solution to the county's needs and the needs  
40 of other counties, the original county may apply to the Board of

1 ~~State and Community Corrections (BSCC) for redirection of the~~  
2 ~~conditional award to another county that will be the lead county~~  
3 ~~for the regional facility, in conjunction with the original county~~  
4 ~~and, potentially, other counties. If the BSCC determines, based on~~  
5 ~~findings submitted by the regional consortium of counties, that the~~  
6 ~~redirection will result in cost savings, regional efficiencies,~~  
7 ~~increased services, and improved outcomes, and that the design~~  
8 ~~of the joint facility will enhance program delivery, health and~~  
9 ~~mental health services, and the safety and security of minors, the~~  
10 ~~BSCC may authorize the redirection of the conditional award.~~  
11 ~~Redirection may only be considered prior to any approval or~~  
12 ~~establishment of the project by the board.~~

13 ~~SEC. 5. The Legislature finds and declares that a special law~~  
14 ~~is necessary and that a general law cannot be made applicable~~  
15 ~~within the meaning of Section 16 of Article IV of the California~~  
16 ~~Constitution because of the unique position of the County of San~~  
17 ~~Mateo to begin construction on a jail facility to help reduce the~~  
18 ~~critical level of prison overcrowding.~~