

AMENDED IN ASSEMBLY MAY 1, 2014
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

Introduced by Senator Hill

February 22, 2013

An act to amend Sections 1042, 5373.1, 5385.7, and 5387 of, to add Sections 1042.1, 5361, and 5384.2 to, and to repeal Sections 5385.6 and 5390 of, the Public Utilities Code, and to amend Sections 27375, 34500, and 34505.1 of, to add Sections 28062 378, 28062, and 34500.4 to, and to repeal Sections 5011.5, 5011.6, and 5011.9 of, the Vehicle Code, relating to ~~charter-party carriers of passengers: vehicles.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 611, as amended, Hill. ~~Charter-party carriers of passengers: limousines: fire extinguishers.~~ *Modified limousines: inspection program: safety requirements.*

(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, *subject to certain exceptions, including common carrier passenger stage corporations*. 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 *modified* 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 *modified* 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, January 1, 2016~~, to implement a safety inspection program, as specified, of charter-party carriers of passengers *and passenger stage corporations* that operate *modified* 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 *modified* 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~~. *program*. The bill would also require the department to adopt regulations to establish an inspection fee to be paid by ~~a single~~ charter-party carrier *or passenger stage corporation*, 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 to cover the costs of the inspections conducted by the department.

(2) Existing law requires that the Department of the California Highway Patrol, upon determining that a tour bus operator has failed, as provided, to comply with certain Vehicle Code provisions or related regulations, recommend to the Public Utilities Commission and other authorities that certain actions be taken against the carrier.

This bill would also apply these requirements to an operator of modified limousines and correct obsolete references.

(3) Existing law requires every passenger stage corporation to furnish the Public Utilities Commission annually a list, prepared under oath, of all vehicles used in transportation for compensation during the preceding year and requires the commission to furnish a copy of this list to the Department of the California Highway Patrol.

This bill would apply these requirements to charter-party carriers of passengers and would require that the list identify each modified limousine and its terminal location. The bill would prohibit the commission from issuing or continuing in effect, any permit, certificate, or authority of a passenger stage corporation or charter-party carrier of passengers that has not submitted the required fee for inspection pursuant to the inspection program. The bill would require the commission, not later than January 1, 2015, to provide the Department of the California Highway Patrol a list of each modified limousine and its terminal location in order for the department to promulgate regulations pursuant to these provisions.

(4) Existing law requires a limousine operated by a charter-party carrier to display a special identification license plate, containing the word "livery." The special license plate is issued by the Department of Motor Vehicles, and the cost of the special license plate program is funded by the Public Utilities Commission from the Transportation Reimbursement Account.

This bill would repeal these and various other related provisions.

(5) The bill would make other conforming and technical changes.

Because

(6) Because a violation of ~~these provisions~~ the bill's requirements would be a crime, this bill would impose a state-mandated local program.

(2)

(7) 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 1042 of the Public Utilities Code is
 2 amended to read:

3 1042. (a) Every passenger stage corporation shall furnish the
 4 commission ~~annually, as specified by the commission,~~ annually
 5 with a list, prepared under oath, of all vehicles used in
 6 transportation for compensation during the preceding year. *This*
 7 *list shall include and identify each modified limousine and the*
 8 *terminal location of each modified limousine.* The commission
 9 shall furnish a copy of this list *identifying each modified limousine*
 10 *and its terminal location* to the Department of the California
 11 Highway ~~Patrol and~~ Patrol. *The commission shall also furnish a*
 12 *copy of this list* to the corporation's insurer, if the corporation's
 13 accident liability protection is provided by a policy or policies of
 14 insurance.

15 (b) *The commission shall not issue or continue in effect any*
 16 *permit, certificate, or authority of a passenger stage corporation*
 17 *that has not submitted fees required for inspection pursuant to*
 18 *Section 34500.4 of the Vehicle Code and any associated penalties,*
 19 *if applicable.*

20 ~~(b)~~

21 (c) If the passenger stage corporation's insurer informs the
 22 commission that the corporation has failed to obtain insurance
 23 coverage for any vehicle reported on the list, the commission may,
 24 in addition to any other applicable penalty provided in this part,
 25 for a first occurrence, suspend the corporation's certificate or
 26 impose a fine, or both, and for a second or subsequent occurrence
 27 may suspend or revoke the certificate or impose a fine, or both.

28 (d) *As used in this section and Section 1042.1, "modified*
 29 *limousine" means any vehicle that has been modified, altered, or*
 30 *extended in a manner that increases the overall wheelbase of the*

1 vehicle, exceeding the original equipment manufacturer’s published
2 wheelbase dimension for the base model and year of the vehicle,
3 in any amount sufficient to accommodate additional passengers
4 with a seating capacity of not more than 10 passengers including
5 the driver; and is used in the transportation of passengers for hire.
6 For purposes of this subdivision, “wheelbase” means the
7 longitudinal distance between the vertical centerlines of the front
8 and rear wheels.

9 SEC. 2. Section 1042.1 is added to the Public Utilities Code,
10 to read:

11 1042.1. Not later than January 1, 2015, the commission shall
12 provide the Department of the California Highway Patrol with a
13 list of each passenger stage corporation’s modified limousines
14 and their terminal locations in order for the department to
15 promulgate regulations pursuant to Section 34500.4 of the Vehicle
16 Code.

17 SEC. 3. Section 5361 is added to the Public Utilities Code, to
18 read:

19 5361. “Modified limousine” means any vehicle that has been
20 modified, altered, or extended in a manner that increases the
21 overall wheelbase of the vehicle, exceeding the original equipment
22 manufacturer’s published wheelbase dimension for the base model
23 and year of the vehicle, in any amount sufficient to accommodate
24 additional passengers with a seating capacity of not more than 10
25 passengers including the driver; and is used in the transportation
26 of passengers for hire. For purposes of this section, “wheelbase”
27 means the longitudinal distance between the vertical centerlines
28 of the front and rear wheels.

29 SEC. 4. Section 5373.1 of the Public Utilities Code is amended
30 to read:

31 5373.1. (a) Each application for a charter-party carrier of
32 passengers certificate or permit shall be accompanied by a filing
33 fee as follows:

34 (1) Class A certificates (new): one thousand five hundred dollars
35 (\$1,500).

36 (2) Class A certificates (renewal): one hundred dollars (\$100).

37 (3) Class B certificates (new): one thousand dollars (\$1,000).

38 (4) Class B certificates (renewal): one hundred dollars (\$100).

39 (5) Class C certificates (new): one thousand dollars (\$1,000).

40 (6) Class C certificates (renewal): one hundred dollars (\$100).

1 (7) Permits (new): one thousand dollars (\$1,000).

2 (8) Permits (renewal): one hundred dollars (\$100).

3 (b) The commission shall also require each application to be
4 accompanied by a fee to offset the cost of the charter-party carrier
5 bus terminal inspections conducted by the Department of the
6 California Highway Patrol. The fee shall be fifteen dollars (\$15)
7 per tour bus, as defined in Section 612 of the Vehicle Code, or a
8 maximum of six thousand five hundred dollars (\$6,500) for each
9 operating carrier.

10 (c) The commission shall require each charter-party carrier that
11 operates tour buses, as defined in Section 612 of the Vehicle Code,
12 to undergo an annual bus terminal inspection conducted by the
13 Department of the California Highway Patrol and to pay an annual
14 fee of fifteen dollars (\$15) per tour bus, or a maximum of six
15 thousand five hundred dollars (\$6,500), to offset the cost of the
16 inspections.

17 (d) The commission shall deposit the fees collected pursuant to
18 subdivisions (b) and (c) in the Motor Vehicle Account in the State
19 Transportation Fund *to cover the costs of the inspections conducted*
20 *by the department as specified in subdivisions (b) and (c).*

21 *SEC. 5. Section 5384.2 is added to the Public Utilities Code,*
22 *to read:*

23 *5384.2. (a) Every charter-party carrier of passengers shall*
24 *furnish the commission annually with a list, prepared under oath,*
25 *of all vehicles used in transportation for compensation during the*
26 *preceding year. The list shall include and identify each modified*
27 *limousine and the terminal location of each modified limousine.*
28 *The commission shall furnish a copy of this list identifying each*
29 *modified limousine and its terminal location to the Department of*
30 *the California Highway Patrol.*

31 *(b) The commission shall not issue or continue in effect any*
32 *permit, certificate, or authority of a charter-party carrier of*
33 *passengers that has not submitted fees required for inspection*
34 *pursuant to Section 34500.4 of the Vehicle Code and any*
35 *associated penalties, if applicable.*

36 *(c) Not later than January 1, 2015, the commission shall provide*
37 *the Department of the California Highway Patrol with a list of*
38 *each charter-party carrier's modified limousines and their terminal*
39 *locations in order for the department to promulgate regulations*
40 *pursuant to Section 34500.4 of the Vehicle Code.*

1 *SEC. 6. Section 5385.6 of the Public Utilities Code is repealed.*

2 ~~5385.6. (a) No charter-party carrier shall operate a limousine~~
3 ~~as defined by Section 5371.4 unless the limousine is equipped with~~
4 ~~the special license plates issued and distributed by the Department~~
5 ~~of Motor Vehicles pursuant to Section 5011.5 of the Vehicle Code.~~

6 ~~(b) The commission shall issue to each charter-party carrier~~
7 ~~operating limousines a permit or certificate for the number of~~
8 ~~vehicles verified by the carrier as employed in providing limousine~~
9 ~~service. The permit or certificate shall be submitted to the~~
10 ~~Department of Motor Vehicles, which will issue to each verified~~
11 ~~vehicle a set of unique, identifying license plates. The department~~
12 ~~shall maintain a record of each set of plates it issues and provide~~
13 ~~a copy of each record to the commission.~~

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

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

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

20 *SEC. 7. Section 5385.7 of the Public Utilities Code is amended*
21 *to read:*

22 5385.7. A charter-party carrier shall not operate a *modified*
23 *limousine*, as defined by *in* Section 5371.4, ~~that has been modified~~
24 ~~or extended for purposes of increasing vehicle length in an amount~~
25 ~~sufficient to accommodate additional passengers; 5361~~, unless the
26 *modified* limousine is equipped with emergency exits at the rear
27 of the vehicle as required pursuant to Article 3.4 (commencing
28 with Section 27375) of Chapter 5 of Division 12 of the Vehicle
29 Code. The commission shall adopt rules to implement this section.

30 *SEC. 8. Section 5387 of the Public Utilities Code is amended*
31 *to read:*

32 5387. (a) It is unlawful for the owner of a charter-party carrier
33 of passengers to permit the operation of a vehicle upon a public
34 highway for compensation without (1) having obtained from the
35 commission a certificate or permit pursuant to this chapter, (2)
36 having complied with the vehicle identification requirements of
37 Section 5385, ~~5385.5, or 5385.6~~, *or* 5385.5, and (3) having
38 complied with the accident liability protection requirements of
39 Section 5391.

1 (b) A person who drives a bus for a charter-party carrier without
2 having a current and valid driver's license of the proper class, a
3 passenger vehicle endorsement, or the required certificate shall be
4 suspended from driving a bus of any kind, including, but not
5 limited to, a bus, schoolbus, school pupil activity bus, or transit
6 bus, with passengers for a period of five years pursuant to Section
7 13369 of the Vehicle Code.

8 (c) (1) A charter-party carrier shall have its authority to operate
9 as a charter-party carrier permanently revoked by the commission
10 or be permanently barred from receiving a permit or certificate
11 from the commission if it commits any of the following acts:

12 (A) Operates a bus without having been issued a permit or
13 certificate from the commission.

14 (B) Operates a bus with a permit that was suspended by the
15 commission pursuant to Section 5378.5.

16 (C) Commits three or more liability insurance violations within
17 a two-year period for which it has been cited.

18 (D) Operates a bus with a permit that was suspended by the
19 commission during a period that the charter-party carrier's liability
20 insurance lapsed for which it has been cited.

21 (E) Knowingly employs a ~~bus driver~~ *bus driver* who does not
22 have a current and valid driver's license of the proper class, a
23 passenger vehicle endorsement, or the required certificate to drive
24 a bus.

25 (F) Has one or more buses improperly registered with the
26 Department of Motor Vehicles.

27 (2) The commission shall not issue a new permit or certificate
28 to operate as a charter-party carrier if any officer, director, or owner
29 of that charter-party carrier was an officer, director, or owner of
30 a charter-party carrier that had its authority to operate as a
31 charter-party carrier permanently revoked by the commission or
32 that was permanently barred from receiving a permit or certificate
33 from the commission pursuant to this subdivision.

34 (d) An officer of the Department of the California Highway
35 Patrol may impound a bus of a charter-party carrier for 30 days
36 pursuant to Section 14602.9 of the Vehicle Code if the officer
37 determines that any of the following violations occurred while the
38 bus driver was operating the bus of a charter-party carrier:

1 (1) The driver was operating the bus of a charter-party carrier
2 when the charter-party carrier did not have a permit or certificate
3 issued by the commission.

4 (2) The driver was operating the bus of a charter-party carrier
5 when the charter-party carrier was operating the bus with a
6 suspended permit or certificate from the commission.

7 (3) The driver was operating the bus of a charter-party carrier
8 without having a current and valid driver's license of the proper
9 class, a passenger vehicle endorsement, or the required certificate.

10 *SEC. 9. Section 5390 of the Public Utilities Code is repealed.*

11 ~~5390. The commission shall fund the costs of administering
12 the special identification license plate program required by Section
13 5385.6 of this code and Section 5011.5 of the Vehicle Code,
14 including the costs of the Department of Motor Vehicles, from the
15 Public Utilities Commission Transportation Reimbursement
16 Account.~~

17 ~~The commission shall maintain a prudent level of fund balance
18 in the account in any future year. The commission shall consider
19 recovering the costs of this program from the limousine operators
20 when the fund balance is drawn below a prudent level of reserve.~~

21 *SEC. 10. Section 378 is added to the Vehicle Code, to read:*

22 378. (a) "Limousine" means any sedan or sport utility vehicle,
23 of either standard or extended length, with a seating capacity of
24 not more than 10 passengers including the driver, used in the
25 transportation of passengers for hire on a prearranged basis within
26 this state.

27 (b) "Modified limousine" means any vehicle that has been
28 modified, altered, or extended in a manner that increases the
29 overall wheelbase of the vehicle, exceeding the original equipment
30 manufacturer's published wheelbase dimension for the base model
31 and year of the vehicle, in any amount sufficient to accommodate
32 additional passengers with a seating capacity of not more than 10
33 passengers including the driver, and is used in the transportation
34 of passengers for hire. For purposes of this subdivision,
35 "wheelbase" means the longitudinal distance between the vertical
36 centerlines of the front and rear wheels.

37 *SEC. 11. Section 5011.5 of the Vehicle Code is repealed.*

38 ~~5011.5. Every limousine operated by a charter-party carrier,
39 as defined by Section 5371.4 of the Public Utilities Code, shall~~

1 ~~display a special identification license plate issued pursuant to~~
2 ~~Section 5385.6 of that code.~~

3 ~~This section shall become operative on July 1, 1995.~~

4 ~~SEC. 12. Section 5011.6 of the Vehicle Code is repealed.~~

5 ~~5011.6. Not later than January 1, 1995, the department and the~~
6 ~~Public Utilities Commission shall adopt a memorandum of~~
7 ~~understanding governing the exchange of information regarding~~
8 ~~vehicle registrations, and reimbursement by the commission of~~
9 ~~the department's costs in producing and distributing special~~
10 ~~identification license plates for limousines required by Section~~
11 ~~5011.5 and Section 5385.6 of the Public Utilities Code.~~

12 ~~SEC. 13. Section 5011.9 of the Vehicle Code is repealed.~~

13 ~~5011.9. (a) The department shall design the license plate~~
14 ~~specified in Section 5011.5 with the word "LIVERY" inscribed~~
15 ~~under the license plate number.~~

16 ~~(b) The department shall issue the license plate specified in~~
17 ~~subdivision (a) on and after six months after the operative date of~~
18 ~~this section.~~

19 ~~(c) The license plate specified in subdivision (a) may be issued~~
20 ~~as an environmental license plate, as defined in Section 5103,~~
21 ~~subject to the fees specified in Sections 5106 and 5108.~~

22 ~~SEC. 14. Section 27375 of the Vehicle Code is amended to~~
23 ~~read:~~

24 ~~27375. (a) Any person who operates a limousine, as defined~~
25 ~~in subdivision (i) of Section 5371.4 of the Public Utilities Code,~~
26 ~~in any city, county, or city and county, that has been modified or~~
27 ~~extended for purposes of increasing vehicle length in an amount~~
28 ~~sufficient to accommodate additional passengers~~ *modified*
29 *limousine* ~~shall ensure that the vehicle has at least two rear side~~
30 ~~doors and one or two rear windows, as specified in paragraph (1),~~
31 ~~that the rear seat passengers or all passengers of the vehicle may~~
32 ~~open from the inside of the vehicle in case of any fire or other~~
33 ~~emergency that may require the immediate exit of the passengers~~
34 ~~of the vehicle. A limousine subject to this section shall be equipped~~
35 ~~with both of the following:~~

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

1 the second push-out window shall instead be located in the roof
2 of the vehicle.

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

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

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

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

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

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

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

36 (3) If paragraph (3) of subdivision (d) applies, the owner or
37 operator of a limousine shall further disclose to the contracting
38 party and the passengers that the limousine does not meet the safety
39 requirements required in subdivision (a) regarding vehicle escape

1 options because of its exempt status, and therefore may pose a
 2 greater risk to passengers should emergency escape be necessary.

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

7 (2) Subdivision (a) shall, beginning January 1, 2016, apply to
 8 ~~all limousines that were modified or extended for purposes of~~
 9 ~~increasing vehicle length in an amount sufficient to accommodate~~
 10 ~~additional passengers~~ *vehicles that met the definition of modified*
 11 *limousine as described in subdivision (b) of Section 378*, prior to
 12 July 1, 2015.

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

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

21 **SECTION 4.**

22 *SEC. 15.* Section 28062 is added to the Vehicle Code, to read:

23 28062. (a) ~~A *modified* limousine, as defined in subdivision (i)~~
 24 ~~of Section 5371.4 of the Public Utilities Code, that has been~~
 25 ~~modified or extended by an original or final-stage manufacturer~~
 26 ~~for purposes of increasing vehicle length and passenger capacity~~
 27 shall be equipped with two readily accessible and fully charged
 28 fire extinguishers having at least a 2A10BC 5lb rating and
 29 maintained in efficient operating condition. One fire extinguisher
 30 shall be securely mounted in the driver's compartment and at least
 31 one shall be accessible to the passengers.

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

37 *SEC. 16.* *Section 34500 of the Vehicle Code is amended to*
 38 *read:*

39 34500. The department shall regulate the safe operation of the
 40 following vehicles:

- 1 (a) Motortrucks of three or more axles that are more than 10,000
2 pounds gross vehicle weight rating.
- 3 (b) Truck tractors.
- 4 (c) Buses, schoolbuses, school pupil activity buses, youth buses,
5 farm labor vehicles, *modified limousines*, and general public
6 paratransit vehicles.
- 7 (d) Trailers and semitrailers designed or used for the
8 transportation of more than 10 persons, and the towing motor
9 vehicle.
- 10 (e) Trailers and semitrailers, pole or pipe dollies, auxiliary
11 dollies, and logging dollies used in combination with vehicles
12 listed in subdivision (a), (b), (c), or (d). This subdivision does not
13 include camp trailers, trailer coaches, and utility trailers.
- 14 (f) A combination of a motortruck and a vehicle or vehicles set
15 forth in subdivision (e) that exceeds 40 feet in length when coupled
16 together.
- 17 (g) A truck, or a combination of a truck and any other vehicle,
18 transporting hazardous materials.
- 19 (h) Manufactured homes that, when moved upon the highway,
20 are required to be moved pursuant to a permit as specified in
21 Section 35780 or 35790.
- 22 (i) A park trailer, as described in Section 18009.3 of the Health
23 and Safety Code, that, when moved upon a highway, is required
24 to be moved pursuant to a permit pursuant to Section 35780.
- 25 (j) Any other motortruck not specified in subdivisions (a) to
26 (h), inclusive, or subdivision (k), that is regulated by the
27 Department of Motor Vehicles, Public Utilities Commission, or
28 United States Secretary of the Department of Transportation, but
29 only for matters relating to hours of service and logbooks of
30 drivers.
- 31 (k) A commercial motor vehicle with a gross vehicle weight
32 rating of 26,001 or more pounds or a commercial motor vehicle
33 of any gross vehicle weight rating towing a vehicle described in
34 subdivision (e) with a gross vehicle weight rating of more than
35 10,000 pounds, except combinations including camp trailers, trailer
36 coaches, or utility trailers. For purposes of this subdivision, the
37 term “commercial motor vehicle” has the meaning defined in
38 subdivision (b) of Section 15210.

1 ~~SEC. 2.~~

2 *SEC. 17.* Section 34500.4 is added to the Vehicle Code, to
3 read:

4 34500.4. (a) The Department of the California Highway Patrol
5 ~~shall have the authority to~~ *shall* conduct safety inspections of all
6 ~~modified~~ limousines that ~~have been modified or extended by an~~
7 ~~original or final-stage manufacturer for purposes of increasing~~
8 ~~vehicle length and passenger capacity and that~~ are operated by
9 *passenger stage corporations* pursuant to *Article 2 (commencing*
10 *with Section 1031) of Chapter 5 of Part 1 of Division 1 of the*
11 *Public Utilities Code or by charter-party carriers of passengers*
12 *pursuant to the Passenger Charter-party Carriers' Act (Chapter 8*
13 *(commencing with Section 5351) of Division 2 of the Public*
14 *Utilities Code).*

15 (b) (1) ~~Not later than July 1, 2015,~~ *January 1, 2016,* the
16 Department of the California Highway Patrol shall implement a
17 safety inspection program of charter-party carriers of passengers
18 ~~who~~ *and passenger stage corporations that operate modified*
19 ~~limousines as described in subdivision (a).~~ *The inspection* program
20 ~~shall include an inspection of these carriers regarding,~~ *include,* but
21 *is* not limited to, the safe operation of the vehicle, the installation
22 of safety equipment, the retention of maintenance logs, accident
23 reports, and records of driver discipline, compliance with federal
24 and state motor vehicle safety standards, the examination of a
25 preventative maintenance program, and, if ownership of the
26 limousine has been transferred, the transmission of relevant safety
27 and maintenance information of the limousine.

28 (2) Pursuant to the safety inspection program, the department
29 shall conduct an inspection of each charter-party carrier of
30 passengers *and passenger stage corporation that operates modified*
31 *limousines* at least once every 13 months.

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

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

3 (4) (A) The department shall adopt regulations to establish an
4 inspection fee applied to ~~each limousine that has been modified~~
5 ~~or extended by an original or final-stage manufacturer for purposes~~
6 ~~of increasing vehicle length and passenger capacity, modified~~
7 *limousines* to be collected every 13 months, based on the number
8 of ~~vehicles described in subdivision (a)~~ *modified limousines*
9 operated by a single charter-party carrier ~~that shall cover the actual~~
10 ~~cost to perform the inspections, or passenger stage corporation.~~
11 *The fee shall be in an amount sufficient to offset the costs to*
12 *administer this inspection program and shall not be used to*
13 *supplant or support any other inspection program conducted by*
14 *the department. The fee shall be in addition to any other required*
15 *fee. When developing the regulations, the department shall consider*
16 *measures that increase efficiencies to limit the financial impact to*
17 *charter-party carriers of passengers and passenger stage*
18 *corporations subject to the fee. The department shall promulgate*
19 *the regulations in consultation with appropriate interested parties.*

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

25 (C) The fee established pursuant to this subdivision shall be
26 collected by the ~~California~~ Public Utilities Commission and
27 deposited into the Motor Vehicle Account in the State
28 Transportation Fund *to cover the costs of the inspections conducted*
29 *by the department.*

30 (5) ~~The Department of the California Highway Patrol~~ *department*
31 shall transmit to the Public Utilities Commission inspection data
32 of *modified limousines* inspected pursuant to this program, as
33 specified in the program regulations.

34 (c) Regulations adopted pursuant to this section shall be
35 consistent with the established inspection program administered
36 by the department for buses pursuant to ~~Division 14.8 (commencing~~
37 ~~with Section 34500), and shall require the original manufacturer~~
38 ~~or the final-stage manufacturer of a manufactured or aftermarket~~
39 ~~limousine that has been modified or extended for purposes of~~
40 ~~increasing vehicle length and passenger capacity to certify to the~~

1 department that the vehicle meets all applicable federal and state
2 motor vehicle safety standards. *this division.*

3 *SEC. 18. Section 34505.1 of the Vehicle Code is amended to*
4 *read:*

5 34505.1. (a) Upon determining that a tour bus *or modified*
6 *limousine* operator has either (1) failed to maintain any vehicle
7 used in transportation for compensation in a safe operating
8 condition or to comply with the Vehicle Code or with regulations
9 contained in Title 13 of the California Code of Regulations relative
10 to motor carrier safety, and, in the department's opinion, that failure
11 presents an imminent danger to public safety or constitutes such
12 a consistent failure as to justify a recommendation to the Public
13 Utilities Commission or the ~~Interstate Commerce Commission~~
14 *interstate operating authority or the United States Department of*
15 *Transportation* or (2) failed to enroll all drivers in the pull notice
16 system as required by Section 1808.1, the department shall
17 recommend to the Public Utilities Commission that the carrier's
18 operating authority be suspended, denied, or revoked, or to the
19 ~~federal Highway Administration Office of Motor Carriers, United~~
20 *States Department of Transportation*, that appropriate
21 administrative action be taken against the carrier's ~~Interstate~~
22 ~~Commerce Commission~~ *interstate operating authority or United*
23 *States Department of Transportation number*, whichever is
24 appropriate. For purposes of this subdivision, two consecutive
25 unsatisfactory compliance ratings for an inspected terminal
26 assigned because the tour bus *or limousine* operator failed to
27 comply with the periodic report requirements of Section 1808.1
28 or the cancellation of the operator's enrollment by the Department
29 of Motor Vehicles for nonpayment of required fees ~~is may be~~
30 *determined by the department to be* a consistent failure. However,
31 when recommending denial of an application for new or renewal
32 authority, the department need not conclude that the carrier's failure
33 presents an imminent danger to public safety or that it constitutes
34 a consistent failure. The department need only conclude that the
35 carrier's compliance with the safety-related matters described in
36 paragraph (1) of subdivision (a) is sufficiently unsatisfactory to
37 justify a recommendation for denial. The department shall retain
38 a record, by operator, of every recommendation made pursuant to
39 this section.

1 (b) Before transmitting a recommendation pursuant to
2 subdivision (a), the department shall notify the carrier in writing
3 of all of the following:

4 (1) That the department has determined that the carrier’s safety
5 record is unsatisfactory, furnishing a copy of any documentation
6 or summary of any other evidence supporting the determination.

7 (2) That the determination may result in a suspension,
8 revocation, or denial of the carrier’s operating authority *or United*
9 *States Department of Transportation number* by the California
10 Public Utilities Commission or the ~~Interstate Commerce~~
11 ~~Commission~~. *United States Department of Transportation, as*
12 *appropriate.*

13 (3) That the carrier may request a review of the determination
14 by the department within five days of its receipt of the notice
15 required under this subdivision. If a review is requested by the
16 carrier, the department shall conduct and evaluate that review prior
17 to transmitting any notification pursuant to subdivision (a).

18 ~~SEC. 3.~~

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