

AMENDED IN ASSEMBLY AUGUST 4, 2014  
AMENDED IN ASSEMBLY JULY 1, 2014  
AMENDED IN ASSEMBLY JUNE 4, 2014  
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**

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**Introduced by Senator Hill**

February 22, 2013

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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 378, 28062, and 34500.4 to, and to repeal Sections 5011.5, 5011.6, and 5011.9 of, the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

## LEGISLATIVE COUNSEL'S DIGEST

SB 611, as amended, Hill. 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 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, 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 ~~January~~ July 1, 2016, to implement a safety inspection program, as specified, of *the terminals of* charter-party carriers of passengers and passenger stage corporations that operate modified limousines. 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. The bill would also require the department to adopt regulations to establish an inspection fee to be paid by a 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~~ *limousine carriers* 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.

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

*(7) This bill would incorporate additional changes to Section 34500 of the Vehicle Code made by this bill and AB 2752, to take effect if both bills are chaptered and this bill is chaptered last.*

~~(7)~~

(8) 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.

~~(8)~~

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

Vote: 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. 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 with a list, prepared under oath, of all  
5 vehicles used in transportation for compensation during the  
6 preceding year. This list shall include and identify each modified  
7 limousine and the terminal location of each modified limousine.  
8 The commission shall furnish a copy of this list identifying each  
9 modified limousine and its terminal location to the Department of  
10 the California Highway Patrol. The commission shall also furnish  
11 a copy of this list to the corporation’s insurer, if the corporation’s  
12 accident liability protection is provided by a policy or policies of  
13 insurance.

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

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

26 (d) As used in this section and Section 1042.1, “modified  
27 limousine” means any vehicle that has been modified, altered, or  
28 extended in a manner that increases the overall wheelbase of the  
29 vehicle, exceeding the original equipment manufacturer’s published  
30 wheelbase dimension for the base model and year of the vehicle,  
31 in any amount sufficient to accommodate additional passengers  
32 with a seating capacity of not more than 10 passengers including  
33 the driver, and is used in the transportation of passengers for hire.

1 For purposes of this subdivision, “wheelbase” means the  
2 longitudinal distance between the vertical centerlines of the front  
3 and rear wheels.

4 SEC. 2. Section 1042.1 is added to the Public Utilities Code,  
5 to read:

6 1042.1. Not later than January 1, 2015, the commission shall  
7 provide the Department of the California Highway Patrol with a  
8 list of each passenger stage corporation’s modified limousines and  
9 their terminal locations in order for the department to promulgate  
10 regulations pursuant to Section 34500.4 of the Vehicle Code.

11 SEC. 3. Section 5361 is added to the Public Utilities Code, to  
12 read:

13 5361. “Modified limousine” means any vehicle that has been  
14 modified, altered, or extended in a manner that increases the overall  
15 wheelbase of the vehicle, exceeding the original equipment  
16 manufacturer’s published wheelbase dimension for the base model  
17 and year of the vehicle, in any amount sufficient to accommodate  
18 additional passengers with a seating capacity of not more than 10  
19 passengers including the driver, and is used in the transportation  
20 of passengers for hire. For purposes of this section, “wheelbase”  
21 means the longitudinal distance between the vertical centerlines  
22 of the front and rear wheels.

23 SEC. 4. Section 5373.1 of the Public Utilities Code is amended  
24 to read:

25 5373.1. (a) Each application for a charter-party carrier of  
26 passengers certificate or permit shall be accompanied by a filing  
27 fee as follows:

28 (1) Class A certificates (new): one thousand five hundred dollars  
29 (\$1,500).

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

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

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

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

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

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

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

37 (b) The commission shall also require each application to be  
38 accompanied by a fee to offset the cost of the charter-party carrier  
39 bus terminal inspections conducted by the Department of the  
40 California Highway Patrol. The fee shall be fifteen dollars (\$15)

1 per tour bus, as defined in Section 612 of the Vehicle Code, or a  
2 maximum of six thousand five hundred dollars (\$6,500) for each  
3 operating carrier.

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

11 (d) The commission shall deposit the fees collected pursuant to  
12 subdivisions (b) and (c) in the Motor Vehicle Account in the State  
13 Transportation Fund to cover the costs of the inspections conducted  
14 by the department as specified in subdivisions (b) and (c).

15 SEC. 5. Section 5384.2 is added to the Public Utilities Code,  
16 to read:

17 5384.2. (a) Every charter-party carrier of passengers shall  
18 furnish the commission annually with a list, prepared under oath,  
19 of all vehicles used in transportation for compensation during the  
20 preceding year. The list shall include and identify each modified  
21 limousine and the terminal location of each modified limousine.  
22 The commission shall furnish a copy of this list identifying each  
23 modified limousine and its terminal location to the Department of  
24 the California Highway Patrol.

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

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

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

36 SEC. 7. Section 5385.7 of the Public Utilities Code is amended  
37 to read:

38 5385.7. A charter-party carrier shall not operate a modified  
39 limousine, as defined in Section 5361, unless the modified  
40 limousine is equipped with emergency exits at the rear of the

1 vehicle as required pursuant to Article 3.4 (commencing with  
2 Section 27375) of Chapter 5 of Division 12 of the Vehicle Code.  
3 The commission shall adopt rules to implement this section.

4 SEC. 8. Section 5387 of the Public Utilities Code is amended  
5 to read:

6 5387. (a) It is unlawful for the owner of a charter-party carrier  
7 of passengers to permit the operation of a vehicle upon a public  
8 highway for compensation without (1) having obtained from the  
9 commission a certificate or permit pursuant to this chapter, (2)  
10 having complied with the vehicle identification requirements of  
11 Section 5385 or 5385.5, and (3) having complied with the accident  
12 liability protection requirements of Section 5391.

13 (b) A person who drives a bus for a charter-party carrier without  
14 having a current and valid driver's license of the proper class, a  
15 passenger vehicle endorsement, or the required certificate shall be  
16 suspended from driving a bus of any kind, including, but not  
17 limited to, a bus, schoolbus, school pupil activity bus, or transit  
18 bus, with passengers for a period of five years pursuant to Section  
19 13369 of the Vehicle Code.

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

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

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

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

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

33 (E) Knowingly employs a busdriver who does not have a current  
34 and valid driver's license of the proper class, a passenger vehicle  
35 endorsement, or the required certificate to drive a bus.

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

38 (2) The commission shall not issue a new permit or certificate  
39 to operate as a charter-party carrier if any officer, director, or owner  
40 of that charter-party carrier was an officer, director, or owner of

1 a charter-party carrier that had its authority to operate as a  
2 charter-party carrier permanently revoked by the commission or  
3 that was permanently barred from receiving a permit or certificate  
4 from the commission pursuant to this subdivision.

5 (d) An officer of the Department of the California Highway  
6 Patrol may impound a bus of a charter-party carrier for 30 days  
7 pursuant to Section 14602.9 of the Vehicle Code if the officer  
8 determines that any of the following violations occurred while the  
9 busdriver was operating the bus of a charter-party carrier:

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

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

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

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

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

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

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

36 SEC. 11. Section 5011.5 of the Vehicle Code is repealed.

37 SEC. 12. Section 5011.6 of the Vehicle Code is repealed.

38 SEC. 13. Section 5011.9 of the Vehicle Code is repealed.

39 SEC. 14. Section 27375 of the Vehicle Code is amended to  
40 read:

1 27375. (a) Any person who operates a modified limousine  
2 shall ensure that the vehicle has at least two rear side doors and  
3 one or two rear windows, as specified in paragraph (1), that the  
4 rear seat passengers or all passengers of the vehicle may open from  
5 the inside of the vehicle in case of any fire or other emergency that  
6 may require the immediate exit of the passengers of the vehicle.  
7 A limousine subject to this section shall be equipped with both of  
8 the following:

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

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

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

24 (2) At least two rear side doors that are accessible to all  
25 passengers and that may be opened manually by any passenger.  
26 At least one rear side door shall be located on each side of the  
27 vehicle. For modified limousines, on or after July 1, 2015, at least  
28 one of these side doors shall be located near the driver's  
29 compartment and another near the back of the vehicle. These side  
30 doors shall comply with any applicable federal motor vehicle safety  
31 standards as deemed necessary by the Department of the California  
32 Highway Patrol.

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

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

39 (1) Instruct all passengers on the safety features of the vehicle  
40 prior to the beginning of any trip, including, but not limited to,

1 instructions for lowering the partition between the driver and  
2 passenger compartments and for communicating with the driver  
3 by the use of an intercom or other onboard or wireless device.

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

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

13 (d) (1) Subdivision (a) shall apply to all modified limousines  
14 *modified* on or after July 1, 2015.

15 (2) Subdivision (a) shall, beginning January 1, 2016, apply to  
16 all vehicles that met the definition of modified ~~limousine~~ *limousine*,  
17 as described in subdivision (b) of Section 378, *that are modified*  
18 *prior to July 1, 2015.*

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

23 (4) Subdivision (a) shall apply to any limousine manufactured  
24 ~~prior to before 1970~~ if it was modified after August 15, 2013.

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

26 28062. (a) A modified limousine shall be equipped with two  
27 readily accessible and fully charged fire extinguishers having at  
28 least a 2A10BC 5 pound rating and maintained in efficient  
29 operating condition. One fire extinguisher shall be securely  
30 mounted in the driver's compartment and at least one shall be  
31 accessible to the passengers.

32 (b) The driver or operator of a modified limousine shall notify  
33 the passengers of the location of each fire extinguisher prior to the  
34 commencement of any trip.

35 SEC. 16. Section 34500 of the Vehicle Code is amended to  
36 read:

37 34500. The department shall regulate the safe operation of the  
38 following vehicles:

39 (a) Motortrucks of three or more axles that are more than 10,000  
40 pounds gross vehicle weight rating.

1 (b) Truck tractors.

2 (c) Buses, schoolbuses, school pupil activity buses, youth buses,  
3 farm labor vehicles, modified limousines, and general public  
4 paratransit vehicles.

5 (d) Trailers and semitrailers designed or used for the  
6 transportation of more than 10 persons, and the towing motor  
7 vehicle.

8 (e) Trailers and semitrailers, pole or pipe dollies, auxiliary  
9 dollies, and logging dollies used in combination with vehicles  
10 listed in subdivision (a), (b), (c), or (d). This subdivision does not  
11 include camp trailers, trailer coaches, and utility trailers.

12 (f) A combination of a motortruck and a vehicle or vehicles set  
13 forth in subdivision (e) that exceeds 40 feet in length when coupled  
14 together.

15 (g) A truck, or a combination of a truck and any other vehicle,  
16 transporting hazardous materials.

17 (h) Manufactured homes that, when moved upon the highway,  
18 are required to be moved pursuant to a permit as specified in  
19 Section 35780 or 35790.

20 (i) A park trailer, as described in Section 18009.3 of the Health  
21 and Safety Code, that, when moved upon a highway, is required  
22 to be moved pursuant to a permit pursuant to Section 35780.

23 (j) Any other motortruck not specified in subdivisions (a) to  
24 (h), inclusive, or subdivision (k), that is regulated by the  
25 Department of Motor Vehicles, Public Utilities Commission, or  
26 United States Secretary of the Department of Transportation, but  
27 only for matters relating to hours of service and logbooks of  
28 drivers.

29 (k) A commercial motor vehicle with a gross vehicle weight  
30 rating of 26,001 or more pounds or a commercial motor vehicle  
31 of any gross vehicle weight rating towing a vehicle described in  
32 subdivision (e) with a gross vehicle weight rating of more than  
33 10,000 pounds, except combinations including camp trailers, trailer  
34 coaches, or utility trailers. For purposes of this subdivision, the  
35 term “commercial motor vehicle” has the meaning defined in  
36 subdivision (b) of Section 15210.

37 *SEC. 16.5. 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, Any vehicle, or a combination of a truck and any~~  
18 ~~other vehicle, vehicles~~, 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.
- 39 SEC. 17. Section 34500.4 is added to the Vehicle Code, to  
40 read:

1 34500.4. (a) ~~The~~ *Not later than July 1, 2016, the Department*  
2 *of the California Highway Patrol shall implement a program to*  
3 *conduct safety inspections of modified*~~limousines~~ *limousine*  
4 *terminals that are operated by passenger stage corporations*  
5 *pursuant to Article 2 (commencing with Section 1031) of Chapter*  
6 *5 of Part 1 of Division 1 of the Public Utilities Code or by*  
7 *charter-party carriers of passengers pursuant to the Passenger*  
8 *Charter-party Carriers' Act (Chapter 8 (commencing with Section*  
9 *5351) of Division 2 of the Public Utilities Code).*

10 (b) (1) ~~Not later than January 1, 2016, the Department of the~~  
11 ~~California Highway Patrol shall implement a safety inspection~~  
12 ~~program of charter-party carriers of passengers and passenger stage~~  
13 ~~corporations that operate modified limousines.~~ *The inspection*  
14 *program shall include, but is not limited to, the safe operation of*  
15 *the vehicle, the installation of safety equipment, the retention of*  
16 *maintenance logs, accident reports, and records of driver discipline,*  
17 *compliance with federal and state motor vehicle safety standards,*  
18 *the examination of a preventative maintenance program, and, if*  
19 *ownership of the modified limousine has been transferred, the*  
20 *transmission of relevant safety and maintenance information of*  
21 *the limousine.*

22 (2) Pursuant to the safety inspection program, the department  
23 shall conduct an inspection of each *terminal of a* charter-party  
24 carrier of passengers and passenger stage corporation that operates  
25 modified limousines at least once every 13 months.

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

36 (4) (A) The department shall adopt regulations to establish an  
37 inspection fee ~~applied to modified limousines~~ to be collected every  
38 13 months, based on the number of modified limousines operated  
39 by a single charter-party carrier or passenger stage corporation.  
40 The fee shall be in an amount sufficient to offset the costs to

1 administer ~~this~~ *the* inspection program and shall not be used to  
 2 supplant or support any other inspection program conducted by  
 3 the department. The fee shall be in addition to any other required  
 4 fee. When developing the regulations, the department shall consider  
 5 measures that increase efficiencies to limit the financial impact to  
 6 charter-party carriers of passengers and passenger stage  
 7 corporations subject to the fee. The department shall promulgate  
 8 the regulations in consultation with appropriate interested parties.

9 (B) The fee structure established pursuant to this subdivision  
 10 shall apply to modified limousines that are required to undergo a  
 11 safety inspection pursuant to this section.

12 (C) The fee established pursuant to this subdivision shall be  
 13 collected by the Public Utilities Commission and deposited into  
 14 the Motor Vehicle Account in the State Transportation Fund to  
 15 cover the costs of the inspections conducted by the department.

16 (5) The department shall transmit to the Public Utilities  
 17 Commission inspection data of modified ~~limousines~~ *limousine*  
 18 *terminals* inspected pursuant to this program, as specified in the  
 19 program regulations.

20 (c) Regulations adopted pursuant to this section shall be  
 21 consistent with the established inspection program administered  
 22 by the department for buses pursuant to this division.

23 SEC. 18. Section 34505.1 of the Vehicle Code is amended to  
 24 read:

25 34505.1. (a) Upon determining that a tour bus *carrier* or  
 26 modified limousine ~~operator~~ *carrier* has either (1) failed to  
 27 maintain any vehicle used in transportation for compensation in a  
 28 safe operating condition or to comply with the Vehicle Code or  
 29 with regulations contained in Title 13 of the California Code of  
 30 Regulations relative to motor carrier safety, and, in the  
 31 department's opinion, that failure presents an imminent danger to  
 32 public safety or constitutes such a consistent failure as to justify  
 33 a recommendation to the Public Utilities Commission or the  
 34 ~~interstate operating authority or the~~ United States Department of  
 35 Transportation or (2) failed to enroll all drivers in the pull notice  
 36 system as required by Section 1808.1, the department shall  
 37 recommend to the Public Utilities Commission that the carrier's  
 38 operating authority be suspended, denied, or revoked, or to the  
 39 United States Department of ~~Transportation~~, *Transportation* that  
 40 appropriate administrative action be taken against the carrier's

1 interstate operating authority or United States Department of  
2 ~~Transportation number~~ authority, whichever is appropriate. For  
3 purposes of this subdivision, two consecutive unsatisfactory  
4 compliance ratings for an inspected terminal assigned because the  
5 tour bus carrier or modified limousine-operator carrier failed to  
6 comply with the periodic report requirements of Section 1808.1  
7 or the cancellation of the operator's carrier's enrollment by the  
8 Department of Motor Vehicles for nonpayment of required fees  
9 may be determined by the department to be a consistent failure.  
10 However, when recommending denial of an application for new  
11 or renewal authority, the department need not conclude that the  
12 carrier's failure presents an imminent danger to public safety or  
13 that it constitutes a consistent failure. The department need only  
14 conclude that the carrier's compliance with the safety-related  
15 matters described in paragraph (1) of subdivision (a) is sufficiently  
16 unsatisfactory to justify a recommendation for denial. The  
17 department shall retain a record, by-operator carrier, of every  
18 recommendation made pursuant to this section.

19 (b) Before transmitting a recommendation pursuant to  
20 subdivision (a), the department shall notify the carrier in writing  
21 of all of the following:

22 (1) That the department has determined that the carrier's safety  
23 record is unsatisfactory, furnishing a copy of any documentation  
24 or summary of any other evidence supporting the determination.

25 (2) That the determination may result in a suspension,  
26 revocation, or denial of the carrier's operating authority or United  
27 States Department of Transportation number by the Public Utilities  
28 Commission or the United States Department of Transportation,  
29 as appropriate.

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

35 *SEC. 19. Section 16.5 of this bill incorporates amendments to*  
36 *Section 34500 of the Vehicle Code proposed by both this bill and*  
37 *Assembly Bill 2752. It shall only become operative if (1) both bills*  
38 *are enacted and become effective on or before January 1, 2015,*  
39 *but this bill becomes operative first, (2) each bill amends Section*  
40 *34500 of the Vehicle Code, and (3) this bill is enacted after*

1 *Assembly Bill 2752, in which case Section 34500 of the Vehicle*  
2 *Code, as amended by Section 16 of this bill, shall remain operative*  
3 *only until the operative date of Assembly Bill 2752, at which time*  
4 *Section 16.5 of this bill shall become operative.*

5 ~~SEC. 19.~~

6 *SEC. 20.* No reimbursement is required by this act pursuant to  
7 Section 6 of Article XIII B of the California Constitution because  
8 the only costs that may be incurred by a local agency or school  
9 district will be incurred because this act creates a new crime or  
10 infraction, eliminates a crime or infraction, or changes the penalty  
11 for a crime or infraction, within the meaning of Section 17556 of  
12 the Government Code, or changes the definition of a crime within  
13 the meaning of Section 6 of Article XIII B of the California  
14 Constitution.

15 ~~SEC. 20.~~

16 *SEC. 21.* This act is an urgency statute necessary for the  
17 immediate preservation of the public peace, health, or safety within  
18 the meaning of Article IV of the Constitution and shall go into  
19 immediate effect. The facts constituting the necessity are:

20 In order to ensure that passenger safety requirements for modified  
21 limousines become effective at the earliest possible time, it is  
22 necessary that this act take effect immediately.