

AMENDED IN SENATE APRIL 1, 2013

SENATE BILL

No. 728

Introduced by Senator Wolk

February 22, 2013

An act to ~~amend Section 34500 of the Vehicle Code, relating to vehicles~~ *add Sections 1271.2, 1565, and 1569.25 to the Health and Safety Code, relating to health care decisions.*

LEGISLATIVE COUNSEL'S DIGEST

SB 728, as amended, Wolk. ~~Vehicles: safe operation: Department of the California Highway Patrol. Long-term care facilities: health care decisions.~~

Existing law provides for the licensure and regulation of health facilities by the State Department of Public Health. Under the California Community Care Facilities Act, the State Department of Social Services licenses and regulates community care facilities, including residential facilities, and under the California Residential Care Facilities for the Elderly Act, the State Department of Social Services licenses and regulates residential facilities for the elderly. A violation of these provisions is a crime, as specified.

This bill would require specified health facilities and residential facilities and residential care facilities for the elderly to provide a person with a Physician Orders for Life-Sustaining Treatment form, as defined, upon his or her admission to the facility. The bill would provide that violations of these provisions do not constitute a crime.

~~Existing law requires the Department of the California Highway Patrol to regulate the safe operation of specified vehicles, including, among others, schoolbuses and commercial motor vehicles.~~

~~This bill would make technical, nonsubstantive changes to these provisions:~~

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

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

1 SECTION 1. Section 1271.2 is added to the Health and Safety
2 Code, to read:

3 1271.2. (a) A health facility licensed under Section 1250 that
4 provides long-term care for older individuals and functionally
5 impaired adults shall provide a person with a “Physician Orders
6 for Life-Sustaining Treatment form,” as defined in paragraph (3)
7 of subdivision (a) of Section 4780 of the Probate Code, upon his
8 or her admission to the facility.

9 (b) Section 1290 shall not apply to this section.

10 SEC. 2. Section 1565 is added to the Health and Safety Code,
11 to read:

12 1565. (a) A residential facility licensed pursuant to this chapter
13 that provides long-term care for older individuals and functionally
14 impaired adults shall provide a person with a “Physician Orders
15 for Life-Sustaining Treatment form,” as defined in paragraph (3)
16 of subdivision (a) of Section 4780 of the Probate Code, upon his
17 or her admission to the facility.

18 (b) Sections 1540 and 1543 shall not apply to this section.

19 SEC. 3. Section 1569.25 is added to the Health and Safety
20 Code, to read:

21 1569.25. (a) A residential care facility for the elderly licensed
22 pursuant to this chapter shall provide a person with a “Physician
23 Orders for Life-Sustaining Treatment form,” as defined in
24 paragraph (3) of subdivision (a) of Section 4780 of the Probate
25 Code, upon his or her admission to the facility.

26 (b) Sections 1569.40 and 1569.43 shall not apply to this section.

27 ~~SECTION 1. Section 34500 of the Vehicle Code is amended~~
28 ~~to read:~~

29 ~~34500. The department shall regulate the safe operation of all~~
30 ~~of the following vehicles:~~

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

33 ~~(b) Truck tractors.~~

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