

AMENDED IN ASSEMBLY JUNE 10, 2013

AMENDED IN SENATE APRIL 18, 2013

**SENATE BILL**

**No. 788**

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**Introduced by Committee on Transportation and Housing (Senators DeSaulnier (Chair), Beall, Cannella, Gaines, Galgiani, Hueso, Lara, Liu, Pavley, Roth, and Wyland)**

February 22, 2013

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An act to amend Section 21080 of the Public Resources Code, to amend Section 6480.1 of the Revenue and Taxation Code, to amend Sections 301, 319, 325, 339, 349, 358, 366, 368, 374, 382, 386, 430, 622.1, and 890.4 of, and to ~~add~~ *repeal* Section ~~73.2 to~~ 301.2 of, the Streets and Highways Code, and to amend Sections 585, 5022, 5023, 5068, 5072, 5101.7, 5106, ~~and~~ 12517.1, 14606, and 42007 of, to add Sections 385.2 and 385.3 to, and to repeal Sections 378 and 379 of, the Vehicle Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 788, as amended, Committee on Transportation and Housing. Transportation.

(1) The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect. Existing law exempts certain activities from CEQA, including a project for the institution or increase of passenger or commuter services on rail or highway rights-of-way already in use, including modernization of existing stations and parking facilities.

This bill would define the term “highway” for these purposes.

(2) Existing law requires that on July 1 of each succeeding year, the prepayment rate of the retail sales tax per gallon for aircraft jet fuel, rounded to the nearest \$0.005, be established by the State Board of Equalization based upon 80% of the combined state and local sales tax rate, as specified, on the arithmetic average selling price, excluding sales and state excise taxes, as determined by the board. Existing law requires the board to make its determination of the rate no later than March 1 of the year prior to the effective date of the new rate. Existing law requires that immediately upon making its determination and setting of the rate, the board must each year, no later than May 1, notify every supplier, wholesaler, and retailer of aircraft jet fuel. Existing law permits the board to readjust the rate in the event the price of aircraft jet fuel decreases or increases, and the established rate results in prepayments that consistently exceed or are significantly lower than the retailers’ sales tax liability.

This bill would revise the provision that requires the board to make its determination of the rate no later than March 1 of the year prior to the effective date of the new rate, and instead would require this determination to be made no later than March 1 of the same year as the effective date of the new rate. *The bill would make other conforming changes.*

(3) Existing law gives the Department of Transportation full possession and control of all state highways. Existing law describes the authorized routes in the state highway system and establishes a process for adoption of a highway on an authorized route by the California Transportation Commission. Existing law authorizes the commission to relinquish certain state highway segments to local agencies.

This bill would authorize the commission to relinquish portions of State Highway Routes 68, 74, and 86 to local agencies under certain conditions. This bill would also authorize the commission to relinquish a portion of State Highway Route 25 in the City of Hollister to that city prior to relocation of that route to a proposed new easterly bypass alignment, under certain conditions, and would thereafter require the commission to adopt the new bypass alignment into the state highway system, as specified. ~~This bill would require all of these relinquishments to be done at no cost to the state, unless the commission makes a finding of need~~ *revise the descriptions of certain authorized state highway routes to reflect implementation of previously-authorized relinquishments. This bill would repeal an existing requirement that*

*the City of Auburn ensure the continuity of traffic flow, including any traffic signal progression, on a former portion of State Highway Route 49 previously relinquished to it. The bill would make other related changes.*

(4) Existing law defines “bikeway” for certain purposes to mean all facilities that provide primarily for bicycle travel. Existing law categorizes bikeways into 3 classes of facilities.

This bill would make various modifications to these provisions.

(5) Existing law defines the terms “~~logging-dolly~~ and dolly,” “~~logging-vehicle~~ vehicle,” “station wagon,” and “schoolbus accident” for purposes of the Vehicle Code.

This bill would renumber ~~these provisions~~ *certain of these provisions* and revise the ~~definition of “logging-dolly.”~~ *definitions of logging dolly, station wagon, and schoolbus accident.*

(6) Existing law authorizes the Department of Motor Vehicles to issue various specialized license plates, including license plates commemorating the Olympics. Existing law also provides for the issuance of substitute or duplicate Olympic license plates under certain conditions, and for issuance of Olympic plates as environmental license plates with a special series of letters or numbers. Existing law allows an existing holder of Olympic license plates to renew them or transfer them to another vehicle.

This bill would provide that substitute or duplicate Olympic license plates shall not be available beginning on January 1, 2014. The bill would provide for the department to issue regular series plates whenever holders of Olympic plates request substitute or duplicate plates, and, in that regard, would also authorize holders of Olympic plates issued as environmental license plates to apply for other special license plates to be issued with the same combination of letters or numbers as appear on their Olympic plates. The bill would make other conforming changes.

(7) Existing law provides for certain revenues derived from Olympic license plates to be deposited in the California Olympic Training Account in the General Fund. Existing law requires the Controller to annually transfer the moneys in that account to the General Fund.

This bill would instead provide for deposit of those revenues directly into the General Fund.

(8) *Existing law also authorizes the Department of Motor Vehicles to issue specialized license plates for veterans’ associations and to fund child health and safety programs. Existing law requires payment of an additional specified charge for personalization of these plates.*

*This bill would provide that these specialized license plates are not subject to the payment of another charge generally applicable to personalization of license plates.*

(8)

(9) Existing law prohibits a person from employing, hiring, knowingly permitting, or authorizing any person to drive a motor vehicle owned by him or her or under his or her control upon the highways unless that person is licensed for the appropriate class of vehicle to be driven. Existing law requires that whenever a person fails to qualify, on reexamination, to operate a commercial motor vehicle, an employer shall report that failure to the Department of Motor Vehicles within 10 days. Existing law requires that, until January 30, 2014, if a driver has no medical certification status information in the Commercial Driver License Information System motor vehicle record obtained from the driver's state licensing agency, the employing motor carrier may accept as proof of medical certification a medical examiner's certificate issued to that driver prior to January 30, 2012. Existing law, operative January 1, 2014, requires an employer to obtain from a driver required to have a commercial driver's license or commercial endorsement a copy of the driver's medical certification before allowing the driver to operate a commercial motor vehicle. Existing law requires the employer to retain the certification as part of a driver qualification file.

This bill would change the provision with an operative date of January 1, 2014, to instead become operative on January 30, 2014.

(10) *Existing law allows an individual convicted of a traffic offense to attend a traffic violator school course under certain circumstances. Completion of the course results in confidentiality of the conviction on the driving record, except in the case of an individual with a commercial driver's license, in which case completion of the course results in a nonconfidential conviction with no violation points on the driving record. Existing law requires the courts, in a courtesy notice sent to a driver with a traffic citation, to include specified information on the effect on the driving record of attending a traffic violator school course.*

*This bill would revise the text of the required courtesy notice to reflect the distinction between noncommercial and commercial driver's licenses.*

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

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

1 SECTION 1. Section 21080 of the Public Resources Code is  
2 amended to read:

3 21080. (a) Except as otherwise provided in this division, this  
4 division shall apply to discretionary projects proposed to be carried  
5 out or approved by public agencies, including, but not limited to,  
6 the enactment and amendment of zoning ordinances, the issuance  
7 of zoning variances, the issuance of conditional use permits, and  
8 the approval of tentative subdivision maps unless the project is  
9 exempt from this division.

10 (b) This division does not apply to any of the following  
11 activities:

12 (1) Ministerial projects proposed to be carried out or approved  
13 by public agencies.

14 (2) Emergency repairs to public service facilities necessary to  
15 maintain service.

16 (3) Projects undertaken, carried out, or approved by a public  
17 agency to maintain, repair, restore, demolish, or replace property  
18 or facilities damaged or destroyed as a result of a disaster in a  
19 disaster-stricken area in which a state of emergency has been  
20 proclaimed by the Governor pursuant to Chapter 7 (commencing  
21 with Section 8550) of Division 1 of Title 2 of the Government  
22 Code.

23 (4) Specific actions necessary to prevent or mitigate an  
24 emergency.

25 (5) Projects which a public agency rejects or disapproves.

26 (6) Actions undertaken by a public agency relating to any  
27 thermal powerplant site or facility, including the expenditure,  
28 obligation, or encumbrance of funds by a public agency for  
29 planning, engineering, or design purposes, or for the conditional  
30 sale or purchase of equipment, fuel, water (except groundwater),  
31 steam, or power for a thermal powerplant, if the powerplant site  
32 and related facility will be the subject of an environmental impact  
33 report, negative declaration, or other document, prepared pursuant  
34 to a regulatory program certified pursuant to Section 21080.5,  
35 which will be prepared by the State Energy Resources Conservation  
36 and Development Commission, by the Public Utilities Commission,  
37 or by the city or county in which the powerplant and related facility  
38 would be located if the environmental impact report, negative

1 declaration, or document includes the environmental impact, if  
2 any, of the action described in this paragraph.

3 (7) Activities or approvals necessary to the bidding for, hosting  
4 or staging of, and funding or carrying out of, an Olympic games  
5 under the authority of the International Olympic Committee, except  
6 for the construction of facilities necessary for the Olympic games.

7 (8) The establishment, modification, structuring, restructuring,  
8 or approval of rates, tolls, fares, or other charges by public agencies  
9 which the public agency finds are for the purpose of (A) meeting  
10 operating expenses, including employee wage rates and fringe  
11 benefits, (B) purchasing or leasing supplies, equipment, or  
12 materials, (C) meeting financial reserve needs and requirements,  
13 (D) obtaining funds for capital projects necessary to maintain  
14 service within existing service areas, or (E) obtaining funds  
15 necessary to maintain those intracity transfers as are authorized  
16 by city charter. The public agency shall incorporate written findings  
17 in the record of any proceeding in which an exemption under this  
18 paragraph is claimed setting forth with specificity the basis for the  
19 claim of exemption.

20 (9) All classes of projects designated pursuant to Section 21084.

21 (10) A project for the institution or increase of passenger or  
22 commuter services on rail or highway rights-of-way already in  
23 use, including modernization of existing stations and parking  
24 facilities. For purposes of this paragraph, “highway” shall have  
25 the same meaning as defined in Section 360 of the Vehicle Code.

26 (11) A project for the institution or increase of passenger or  
27 commuter service on high-occupancy vehicle lanes already in use,  
28 including the modernization of existing stations and parking  
29 facilities.

30 (12) Facility extensions not to exceed four miles in length which  
31 are required for the transfer of passengers from or to exclusive  
32 public mass transit guideway or busway public transit services.

33 (13) A project for the development of a regional transportation  
34 improvement program, the state transportation improvement  
35 program, or a congestion management program prepared pursuant  
36 to Section 65089 of the Government Code.

37 (14) Any project or portion thereof located in another state  
38 which will be subject to environmental impact review pursuant to  
39 the National Environmental Policy Act of 1969 (42 U.S.C. Sec.  
40 4321 et seq.) or similar state laws of that state. Any emissions or

1 discharges that would have a significant effect on the environment  
2 in this state are subject to this division.

3 (15) Projects undertaken by a local agency to implement a rule  
4 or regulation imposed by a state agency, board, or commission  
5 under a certified regulatory program pursuant to Section 21080.5.  
6 Any site-specific effect of the project which was not analyzed as  
7 a significant effect on the environment in the plan or other written  
8 documentation required by Section 21080.5 is subject to this  
9 division.

10 (c) If a lead agency determines that a proposed project, not  
11 otherwise exempt from this division, would not have a significant  
12 effect on the environment, the lead agency shall adopt a negative  
13 declaration to that effect. The negative declaration shall be prepared  
14 for the proposed project in either of the following circumstances:

15 (1) There is no substantial evidence, in light of the whole record  
16 before the lead agency, that the project may have a significant  
17 effect on the environment.

18 (2) An initial study identifies potentially significant effects on  
19 the environment, but (A) revisions in the project plans or proposals  
20 made by, or agreed to by, the applicant before the proposed  
21 negative declaration and initial study are released for public review  
22 would avoid the effects or mitigate the effects to a point where  
23 clearly no significant effect on the environment would occur, and  
24 (B) there is no substantial evidence, in light of the whole record  
25 before the lead agency, that the project, as revised, may have a  
26 significant effect on the environment.

27 (d) If there is substantial evidence, in light of the whole record  
28 before the lead agency, that the project may have a significant  
29 effect on the environment, an environmental impact report shall  
30 be prepared.

31 (e) (1) For the purposes of this section and this division,  
32 substantial evidence includes fact, a reasonable assumption  
33 predicated upon fact, or expert opinion supported by fact.

34 (2) Substantial evidence is not argument, speculation,  
35 unsubstantiated opinion or narrative, evidence that is clearly  
36 inaccurate or erroneous, or evidence of social or economic impacts  
37 that do not contribute to, or are not caused by, physical impacts  
38 on the environment.

39 (f) As a result of the public review process for a mitigated  
40 negative declaration, including administrative decisions and public

1 hearings, the lead agency may conclude that certain mitigation  
2 measures identified pursuant to paragraph (2) of subdivision (c)  
3 are infeasible or otherwise undesirable. In those circumstances,  
4 the lead agency, prior to approving the project, may delete those  
5 mitigation measures and substitute for them other mitigation  
6 measures that the lead agency finds, after holding a public hearing  
7 on the matter, are equivalent or more effective in mitigating  
8 significant effects on the environment to a less than significant  
9 level and that do not cause any potentially significant effect on the  
10 environment. If those new mitigation measures are made conditions  
11 of project approval or are otherwise made part of the project  
12 approval, the deletion of the former measures and the substitution  
13 of the new mitigation measures shall not constitute an action or  
14 circumstance requiring recirculation of the mitigated negative  
15 declaration.

16 (g) Nothing in this section shall preclude a project applicant or  
17 any other person from challenging, in an administrative or judicial  
18 proceeding, the legality of a condition of project approval imposed  
19 by the lead agency. If, however, any condition of project approval  
20 set aside by either an administrative body or court was necessary  
21 to avoid or lessen the likelihood of the occurrence of a significant  
22 effect on the environment, the lead agency's approval of the  
23 negative declaration and project shall be invalid and a new  
24 environmental review process shall be conducted before the project  
25 can be reapproved, unless the lead agency substitutes a new  
26 condition that the lead agency finds, after holding a public hearing  
27 on the matter, is equivalent to, or more effective in, lessening or  
28 avoiding significant effects on the environment and that does not  
29 cause any potentially significant effect on the environment.

30 SEC. 2. Section 6480.1 of the Revenue and Taxation Code is  
31 amended to read:

32 6480.1. (a) At any time that motor vehicle fuel tax or diesel  
33 fuel tax is imposed or would be imposed, but for the dyed diesel  
34 fuel exemption in paragraph (1) of subdivision (a) of Section  
35 60100, or the train operator exemption in paragraph (7) of  
36 subdivision (a) of Section 60100 or paragraph (11) of subdivision  
37 (a) of Section 7401, or, pursuant to subdivision (f) of Section 6480,  
38 would be deemed to be imposed, on any removal, entry, or sale in  
39 this state of motor vehicle fuel, aircraft jet fuel, or diesel fuel, the  
40 supplier shall collect prepayment of retail sales tax from the person

1 to whom the motor vehicle fuel, aircraft jet fuel, or diesel fuel is  
2 sold. However, if no sale occurs at the time of imposition of motor  
3 vehicle fuel tax or diesel fuel tax, the supplier shall prepay the  
4 retail sales tax on that motor vehicle fuel, aircraft jet fuel, or diesel  
5 fuel. The prepayment required to be collected by the supplier  
6 constitutes a debt owed by the supplier to this state until paid to  
7 the board, until satisfactory proof has been submitted to prove that  
8 the retailer of the fuel has paid the retail sales tax to the board, or  
9 until a supplier or wholesaler who has consumed the fuel has paid  
10 the use tax to the board. Each supplier shall report and pay the  
11 prepayment amounts to the board, in a form as prescribed by the  
12 board, in the period in which the fuel is sold. On each subsequent  
13 sale of that fuel, each seller, other than the retailer, shall collect  
14 from his or her purchaser a prepayment computed using the rate  
15 applicable at the time of sale. Each supplier shall provide his or  
16 her purchaser with an invoice for, or other evidence of, the  
17 collection of the prepayment amounts which shall be separately  
18 stated thereon.

19 (b) (1) A wholesaler shall collect prepayment of the retail sales  
20 tax from the person to whom the motor vehicle fuel, aircraft jet  
21 fuel, or diesel fuel is sold. Each wholesaler shall provide his or  
22 her purchaser with an invoice for or other evidence of the collection  
23 of the prepayment amounts, which shall be separately stated  
24 thereon.

25 (2) Each wholesaler shall report to the board, in a form as  
26 prescribed by the board and for the period in which the motor  
27 vehicle fuel, aircraft jet fuel, or diesel fuel was sold, all of the  
28 following:

29 (A) The number of gallons of fuel sold and the amount of sales  
30 tax prepayments collected by the wholesaler.

31 (B) The number of tax-paid gallons purchased and the amount  
32 of sales tax prepayments made by the wholesaler.

33 (C) In the event that the amount of sales tax prepayments  
34 collected by the wholesaler is greater than the amount of sales tax  
35 prepayments made by the wholesaler, then the excess constitutes  
36 a debt owed by the wholesaler to the state until paid to the board,  
37 or until satisfactory proof has been submitted that the retailer of  
38 the fuel has paid the tax to the board.

39 (c) A supplier or wholesaler who pays the prepayment and issues  
40 a resale certificate to the seller, but subsequently consumes the

1 motor vehicle fuel, aircraft jet fuel, or diesel fuel, shall be entitled  
2 to a credit against his or her sales and use taxes due and payable  
3 for the period in which the prepayment was made, provided that  
4 he or she reports and pays the use tax to the board on the  
5 consumption of that fuel.

6 (d) The amount of a prepayment paid by the retailer or a supplier  
7 or wholesaler who has consumed the motor vehicle fuel, aircraft  
8 jet fuel, or diesel fuel to the seller from whom he or she acquired  
9 the fuel shall constitute a credit against his or her sales and use  
10 taxes due and payable for the period in which the sale was made.  
11 Failure of the supplier or wholesaler to report prepayments or the  
12 supplier's or wholesaler's failure to comply with any other duty  
13 under this article shall not constitute grounds for denial of the  
14 credit to the retailer, supplier, or wholesaler, either on a temporary  
15 or permanent basis or otherwise. To be entitled to the credit, the  
16 retailer, supplier, or wholesaler shall retain for inspection by the  
17 board any receipts, invoices, or other documents showing the  
18 amount of sales tax prepaid to his or her supplier, together with  
19 the evidence of payment.

20 (e) The rate of the prepayment required to be collected during  
21 the period from July 1, 1986, through March 31, 1987, shall be  
22 four cents (\$0.04) per gallon of motor vehicle fuel distributed or  
23 transferred.

24 (f) The rate of prepayment required to be collected for motor  
25 vehicle fuel, aircraft jet fuel, and diesel fuel as established by the  
26 board in effect on January 1, 2013, shall remain in effect through  
27 June 30, 2013.

28 (g) On July 1 of each succeeding year, the prepayment rate per  
29 gallon for motor vehicle fuel, rounded to the nearest one-half of  
30 one cent (\$0.005), of the required prepayment shall be established  
31 by the board based upon 80 percent of the combined state and local  
32 sales tax rate established by Sections 6051, 6051.2, 6051.3, 6051.5,  
33 7202, and 7203.1, and Section 35 of Article XIII of the California  
34 Constitution on the arithmetic average selling price (excluding  
35 sales tax) as reported by an industry publication of all grades of  
36 gasoline sold through a self-service gasoline station. The board  
37 shall make its determination of the rate no later than March 1 of  
38 the same year as the effective date of the new rate. Immediately  
39 upon making its determination and setting of the rate, the board  
40 shall each year, no later than May 1, notify every supplier,

1 wholesaler, and retailer of motor vehicle fuel. In the event the price  
2 of fuel decreases or increases or an exemption from sales tax for  
3 sales of fuel is enacted, and the established rate results in or could  
4 result in prepayments which consistently exceed or are significantly  
5 lower than the retailers' sales tax liability, the board may readjust  
6 the rate.

7 (h) On July 1 of each succeeding year, the prepayment rate per  
8 gallon for aircraft jet fuel, rounded to the nearest one-half of one  
9 cent (\$0.005), shall be established by the board based upon 80  
10 percent of the combined state and local sales tax rate established  
11 by Sections 6051, 6051.2, 6051.3, 6051.5, 7202, and 7203.1, and  
12 Section 35 of Article XIII of the California Constitution on the  
13 arithmetic average selling price (excluding sales and state excise  
14 taxes) as determined by the board *based on published industry*  
15 *reports*. The board shall make its determination of the rate no later  
16 than March 1 of the same year as the effective date of the new rate.  
17 ~~The rate of the prepayment required to be collected for aircraft jet~~  
18 ~~fuel shall be equal to 80 percent of the arithmetic average selling~~  
19 ~~price of aircraft jet fuel as specified by industry publications.~~  
20 Immediately upon making its determination and setting of the rate,  
21 the board shall each year, no later than May 1, notify every  
22 supplier, wholesaler, and retailer of aircraft jet fuel. In the event  
23 the price of aircraft jet fuel decreases or increases, and the  
24 established rate results in prepayments that consistently exceed or  
25 are significantly lower than the retailers' sales tax liability, the  
26 board may readjust the rate.

27 (i) On July 1 of each succeeding year, the prepayment rate per  
28 gallon for diesel fuel, rounded to the nearest one-half of one cent  
29 (\$0.005), shall be established by the board based upon 80 percent  
30 of the combined state and local sales tax rate established by  
31 Sections 6051, 6051.2, 6051.3, 6051.5, 6051.8, 7202, and 7203.1,  
32 and Section 35 of Article XIII of the California Constitution on  
33 the arithmetic average selling price (excluding sales and state  
34 excise taxes) as determined by the board *based on published*  
35 *industry reports*. The board shall make its determination of the  
36 rate no later than March 1 of the same year as the effective date  
37 of the new rate. ~~The rate of the prepayment required to be collected~~  
38 ~~for diesel fuel shall be equal to 80 percent of the arithmetic average~~  
39 ~~selling price of diesel fuel as specified by industry publications.~~  
40 Immediately upon making its determination and setting of the rate,

1 the board shall each year, no later than May 1, notify every  
2 supplier, wholesaler, and retailer of diesel fuel. In the event the  
3 rate of sales tax imposed on sales of diesel fuel increases or  
4 decreases or the price of diesel fuel decreases or increases, and the  
5 established rate results in or could result in prepayments that  
6 consistently exceed or are significantly lower than the retailers'  
7 sales tax liability, the board may readjust the rate.

8 (j) (1) Notwithstanding any other provision of this section,  
9 motor vehicle fuel sold by a supplier or wholesaler to a qualified  
10 purchaser who, pursuant to a contract with the State of California  
11 or its instrumentalities, resells that fuel to the State of California  
12 or its instrumentalities shall be exempt from the prepayment  
13 requirements.

14 (2) A qualified purchaser who acquires motor vehicle fuel for  
15 subsequent resale to the State of California or its instrumentalities  
16 pursuant to this subdivision shall furnish to the supplier or  
17 wholesaler from whom the fuel is acquired an exemption  
18 certificate, completed in accordance with any instructions or  
19 regulations as the board may prescribe. The supplier or wholesaler  
20 shall retain the certificate in his or her records in support of the  
21 exemption. To qualify for the prepayment exemption, both of the  
22 following conditions shall apply:

23 (A) The qualified purchaser does not take possession of the fuel  
24 at any time.

25 (B) The fuel is delivered into storage tanks owned or leased by  
26 the State of California or its instrumentalities via facilities of the  
27 supplier or wholesaler, or by common or contract carriers under  
28 contract with the supplier or wholesaler.

29 (3) For purposes of this subdivision, "qualified purchaser" means  
30 a wholesaler who does not have or maintain a storage facility or  
31 facilities for the purpose of selling motor vehicle fuel.

32 ~~SEC. 3. Section 73.2 is added to the Streets and Highways~~  
33 ~~Code, to read:~~

34 ~~73.2. (a) Upon a determination by the commission that it is in~~  
35 ~~the best interest of the state to do so, the commission may, upon~~  
36 ~~terms and conditions approved by it, relinquish to the City of~~  
37 ~~Hollister the portion of Route 25 that is located between~~  
38 ~~Sunnyslope Road and San Felipe Road within the city limits of~~  
39 ~~that city prior to the relocation of that portion of Route 25 through~~

1 adoption of the proposed new easterly bypass alignment of Route  
2 25, if the city agrees to accept the relinquishment.

3 ~~(b) The terms and conditions imposed pursuant to subdivision~~  
4 ~~(a) shall include a requirement for the City of Hollister to maintain~~  
5 ~~within its jurisdiction signs directing motorists to the continuation~~  
6 ~~of Route 25 until such time as the new easterly bypass alignment~~  
7 ~~is adopted and opens to traffic.~~

8 ~~(c) A relinquishment under this section shall become effective~~  
9 ~~immediately following the recording by the county recorder of the~~  
10 ~~relinquishment resolution containing the commission's approval~~  
11 ~~of the terms and conditions of the relinquishment.~~

12 ~~(d) On and after the effective date of the relinquishment, both~~  
13 ~~of the following shall apply:~~

14 ~~(1) The relinquished portion of Route 25 shall cease to be a state~~  
15 ~~highway.~~

16 ~~(2) The relinquished portion of Route 25 may not be considered~~  
17 ~~for future adoption under Section 81.~~

18 ~~(e) The relinquishment shall be done at no cost to the state~~  
19 ~~except upon a finding of need by the commission.~~

20 ~~(f) Upon a determination by the commission that it is in the best~~  
21 ~~interest of the state to do so, the commission shall, upon terms and~~  
22 ~~conditions approved by it, adopt into the state highway system the~~  
23 ~~proposed easterly bypass alignment for Route 25 that is located~~  
24 ~~between Sunnyside Road and San Felipe Road in the City of~~  
25 ~~Hollister. The adoption may occur at any time after the effective~~  
26 ~~date of the relinquishment pursuant to subdivision (c).~~

27 *SEC. 3. Section 301 of the Streets and Highways Code is*  
28 *amended to read:*

29 301. Route 1 is from:

30 (a) Route 5 south of San Juan Capistrano to Route 101 near El  
31 Rio except for the ~~portion~~ *portions* of Route 1 relinquished:

32 (1) Within the city limits of the City of Dana Point between the  
33 western edge of the San Juan Creek Bridge and Eastline Road at  
34 the city limits of the City of Laguna Beach.

35 (2) Within the city limits of the City of Newport Beach between  
36 Jamboree Road and Newport Coast Drive.

37 (3) *Within the city limits of the City of Santa Monica between*  
38 *the southern city limits and Route 10.*

1 (b) Route 101 at Emma Wood State Beach, 1.3 miles north of  
2 Route 33, to Route 101, 2.8 miles south of the Ventura-Santa  
3 Barbara county line at Mobil Pier Undercrossing.

4 (c) Route 101 near Las Cruces to Route 101 in Pismo Beach  
5 via the vicinity of Lompoc, Vandenberg Air Force Base, and  
6 Guadalupe.

7 (d) Route 101 in San Luis Obispo to Route 280 south of San  
8 Francisco along the coast via Cambria, San Simeon, and Santa  
9 Cruz.

10 (e) Route 280 near the south boundary of the City and County  
11 of San Francisco to Route 101 near the approach to the Golden  
12 Gate Bridge in San Francisco.

13 (f) Route 101 near the southerly end of Marin Peninsula to Route  
14 101 near Leggett via the coast route through Jenner and Westport.

15 (g) The relinquished former portions of Route 1 within the ~~City~~  
16 ~~Cities~~ of Dana Point ~~and the City of~~, Newport Beach, *and Santa*  
17 *Monica* are not state highways and are not eligible for adoption  
18 under Section 81. For those relinquished former portions of Route  
19 1, the ~~City Cities~~ of Dana Point ~~and the City of~~, Newport Beach,  
20 *and Santa Monica* shall maintain within their respective  
21 jurisdictions signs directing motorists to the continuation of Route  
22 1. The City of Newport Beach shall ensure the continuity of traffic  
23 flow on the relinquished portions of Route 1 within its jurisdiction,  
24 including, but not limited to, any traffic signal progression.

25 (h) The commission may relinquish to the City of Oxnard the  
26 portion of Route 1 that is located within the city limits of that city  
27 and is between Pleasant Valley Road and Route 101, upon terms  
28 and conditions the commission finds to be in the best interests of  
29 the state, if the commission and the city enter into an agreement  
30 providing for that relinquishment.

31 (1) A relinquishment under this subdivision shall become  
32 effective immediately after the county recorder records the  
33 relinquishment resolution that contains the commission's approval  
34 of the terms and conditions of the relinquishment.

35 (2) On and after the effective date of the relinquishment, that  
36 portion of Route 1 relinquished shall cease to be a state highway  
37 and may not be considered for future adoption under Section 81.

38 (3) For portions of Route 1 relinquished under this subdivision,  
39 the City of Oxnard shall maintain within its jurisdiction signs  
40 directing motorists to the continuation of Route 1.

1 *SEC. 4. Section 301.2 of the Streets and Highways Code is*  
2 *repealed.*

3 ~~301.2. (a) Notwithstanding Section 301, the commission may~~  
4 ~~relinquish to the City of Santa Monica the portion of Route 1 that~~  
5 ~~is located within the city limits of the city, from where the route~~  
6 ~~crosses the city limit south of Ozone Street to the Route 10~~  
7 ~~westbound offramp, pursuant to a cooperative agreement between~~  
8 ~~the city and the department, upon terms and conditions the~~  
9 ~~commission finds to be in the best interests of the state.~~

10 ~~(b) A relinquishment under this section shall become effective~~  
11 ~~immediately following the recordation by the county recorder of~~  
12 ~~the relinquishment resolution containing the commission's approval~~  
13 ~~of the terms and conditions of the relinquishment.~~

14 ~~(c) On and after the effective date of the relinquishment, both~~  
15 ~~of the following shall occur:~~

16 ~~(1) The portion of Route 1 relinquished under this section shall~~  
17 ~~cease to be a state highway.~~

18 ~~(2) The portion of Route 1 relinquished under this section may~~  
19 ~~not be considered for future adoption under Section 81.~~

20 ~~(d) For the portion of Route 1 that is relinquished, the City of~~  
21 ~~Santa Monica shall maintain within its jurisdiction signs directing~~  
22 ~~motorists to the continuation of Route 1.~~

23 *SEC. 5. Section 319 of the Streets and Highways Code is*  
24 *amended to read:*

25 319. (a) Route 19 is from ~~Del Amo Boulevard near Long~~  
26 ~~Beach~~ *the northern city limit of the City of Lakewood* to Gardendale  
27 Street/Foster Road in the Cities of Bellflower and Downey.

28 (b) If the commission determines it is in the state's best interests  
29 to do so, it may do the following, pursuant to a cooperative  
30 agreement between the respective city and the department:

31 (1) Relinquish to the City of Bellflower the portion of Route 19  
32 between the city's southerly city limit near Rose Avenue and  
33 Gardendale Street/Foster Road.

34 (2) Relinquish to the City of Downey the portion of Route 19  
35 between the city's southerly city limit at Century Boulevard and  
36 Gardendale Street.

37 ~~(3) Relinquish to the City of Lakewood the portion of Route 19~~  
38 ~~that is within the city limits or the sphere of influence of the city.~~

39 (c) A relinquishment under this section shall become effective  
40 when the county recorder records the relinquishment resolution

1 containing the commissioner's approval of the relinquishment's  
2 terms and conditions.

3 (d) ~~(4)~~ Any portion of Route 19 relinquished pursuant to this  
4 section shall cease to be a state highway on the effective date of  
5 the relinquishment.

6 ~~(2) The portion of Route 19 relinquished under paragraph (3)~~  
7 ~~of subdivision (b) may not be considered for future adoption under~~  
8 ~~Section 81.~~

9 ~~(3) For the portion of Route 19 relinquished under paragraph~~  
10 ~~(3) of subdivision (b), the city shall ensure the continuity of traffic~~  
11 ~~flow, including any traffic signal progression, and shall maintain~~  
12 ~~signs directing motorists to the continuation of Route 19.~~

13 (e) The relinquished former portions of Route 19 within the  
14 Cities of Downey, *Lakewood*, Long Beach, and Pico Rivera are  
15 not state highways and are not eligible for adoption under Section  
16 81. For the relinquished former portions of Route 19, the Cities of  
17 Downey, *Lakewood*, Long Beach, and Pico Rivera shall maintain  
18 within their respective jurisdictions signs directing motorists to  
19 the continuation of Route 19. *The City of Lakewood shall ensure*  
20 *the continuity of traffic flow on the relinquished former portion of*  
21 *Route 19, including any traffic signal progression.*

22 SEC. 6. Section 325 of the Streets and Highways Code is  
23 amended to read:

24 325. (a) Route 25 is from Route 198 to Route 101; near  
25 Gilroy.

26 (b) (1) *Upon a determination by the commission that it is in*  
27 *the best interests of the state to do so, the commission may, upon*  
28 *terms and conditions approved by it, relinquish to the City of*  
29 *Hollister the portion of Route 25 that is located within the city's*  
30 *jurisdiction between Sunnyslope Road and San Felipe Road prior*  
31 *to the relocation of that portion of Route 25 through adoption of*  
32 *the proposed new easterly bypass alignment of Route 25, if the*  
33 *department and the city enter into an agreement providing for that*  
34 *relinquishment.*

35 (2) *The terms and conditions imposed pursuant to paragraph*  
36 *(1) shall include a requirement for the City of Hollister to maintain*  
37 *within its jurisdiction signs directing motorists to the continuation*  
38 *of Route 25 until such time as the new easterly bypass alignment*  
39 *is adopted and opens to traffic.*

1 (3) A relinquishment under this subdivision shall become  
2 effective immediately following the recording by the county  
3 recorder of the relinquishment resolution containing the  
4 commission's approval of the terms and conditions of the  
5 relinquishment.

6 (4) On and after the effective date of the relinquishment, both  
7 of the following shall apply:

8 (A) The relinquished former portion of Route 25 shall cease to  
9 be a state highway.

10 (B) The relinquished former portion of Route 25 may not be  
11 considered for future adoption under Section 81.

12 (5) Upon a determination by the commission that it is in the  
13 best interests of the state to do so, the commission shall, upon  
14 terms and conditions approved by it, adopt into the state highway  
15 system the proposed easterly bypass alignment for Route 25 that  
16 is located between Sunnyslope Road and San Felipe Road in the  
17 City of Hollister. The adoption may occur at any time after the  
18 effective date of the relinquishment pursuant to paragraph (3).

19 SEC. 7. Section 339 of the Streets and Highways Code is  
20 amended to read:

21 339. Route 39 is from:

22 (a) Route 1 near Huntington Beach to ~~Route 72 in La Habra via~~  
23 ~~Beach Boulevard~~ the southern city limit of Buena Park.

24 (b) Route 5 in Buena Park to Route 72 in La Habra via Beach  
25 Boulevard.

26 ~~(b)~~

27 (c) Beach Boulevard to Harbor Boulevard in La Habra via  
28 Whittier Boulevard.

29 ~~(e)~~

30 (d) Whittier Boulevard in La Habra to Route 2 via Harbor  
31 Boulevard to the vicinity of Fullerton Road, then to Azusa Avenue,  
32 Azusa Avenue to San Gabriel Canyon Road, San Gabriel Avenue  
33 southbound between Azusa Avenue and San Gabriel Canyon Road,  
34 and San Gabriel Canyon Road, other than the portion of the  
35 segment described by this subdivision that is within the city limits  
36 of Azusa, Covina, and West Covina.

37 The relinquished former portions of Route 39 within the city  
38 limits of Azusa, Buena Park, Covina, and West Covina are not  
39 state highways and are not eligible for adoption under Section 81.

40 For the relinquished former portions of Route 39, the Cities of

1 Azusa, Buena Park, Covina, and West Covina shall maintain within  
2 their respective jurisdictions signs directing motorists to the  
3 continuation of Route 39.

4 ~~(d) Notwithstanding subdivision (a), the commission may~~  
5 ~~relinquish to the City of Buena Park the portion of Route 39 within~~  
6 ~~the city limits of Buena Park from the Anaheim/Buena Park city~~  
7 ~~limits to the junction with State Highway Route 5 (post mile 12.9~~  
8 ~~to post mile 15.1), on terms and conditions that the commission~~  
9 ~~finds to be within the best interests of the state, if the department~~  
10 ~~and the city enter into an agreement providing for that~~  
11 ~~relinquishment. The following conditions shall apply upon~~  
12 ~~relinquishment:~~

13 ~~(1) The relinquishment shall become effective on the date~~  
14 ~~following the county recorder’s recordation of the relinquishment~~  
15 ~~resolution containing the commission’s approval of the terms and~~  
16 ~~conditions of the relinquishment.~~

17 ~~(2) On and after the effective date of the relinquishment, the~~  
18 ~~portion of Route 39 relinquished under this subdivision shall cease~~  
19 ~~to be a state highway and shall be ineligible for future adoption~~  
20 ~~under Section 81.~~

21 ~~(3) For the portion of Route 39 relinquished under this~~  
22 ~~subdivision, the City of Buena Park shall maintain within its~~  
23 ~~jurisdiction signs directing motorists to the continuation of Route~~  
24 ~~39.~~

25 *SEC. 8. Section 349 of the Streets and Highways Code is*  
26 *amended to read:*

27 349. (a) Route 49 is from:

- 28 (1) Route 41 near Oakhurst to Route 140 at Mariposa.
- 29 (2) Route 140 at Mariposa to Route 120 near Moccasin.
- 30 (3) Route 120 near Chinese Camp to Route 80 near Auburn via
- 31 the vicinity of Sonora; via Angels Camp, San Andreas, and
- 32 Jackson; and via the vicinity of El Dorado, Diamond Springs, and
- 33 Placerville.
- 34 (4) Route 80 near Auburn to Route 20 in Grass Valley.
- 35 (5) Route 20 at Nevada City to Route 89 near Sattley via
- 36 Downieville.
- 37 (6) Route 89 near Sierraville to Route 70 near Vinton via
- 38 Loyalton.

39 (b) The relinquished former portion of Route 49 within the City  
40 of Auburn is not a state highway and is not eligible for adoption

1 under Section 81. For the relinquished former portion of Route  
2 49, the City of Auburn shall maintain within its jurisdiction signs  
3 directing motorists to the continuation of Route 49 and shall ensure  
4 the continuity of traffic flow on the relinquished portion of Route  
5 49, including any traffic signal progression. The city may apply  
6 to the department for approval of a business route designation in  
7 accordance with Chapter 20, Topic 21, of the Highway Design  
8 Manual.

9 *SEC. 9. Section 358 of the Streets and Highways Code is*  
10 *amended to read:*

11 358. (a) Route 58 is from:

12 (1) Route 101 near Santa Margarita to Route 33.

13 (2) Route 33 to Route 43.

14 (3) Route 43 to ~~Route 99~~ just west of Van Buren Place near  
15 Bakersfield.

16 (4) Mohawk Street near Bakersfield to Route 99.

17 ~~(4)~~

18 (5) Route 99 to Route 15 near Barstow via Bakersfield and  
19 Mojave.

20 (b) Upon a determination by the commission that it is in the  
21 best interests of the state to do so, the commission may, upon terms  
22 and conditions approved by it, relinquish to the City of Bakersfield  
23 or the County of Kern the portion of Route 58 that is located within  
24 the jurisdiction of that city or county if the city or county agrees  
25 to accept it. The following conditions shall apply upon  
26 relinquishment:

27 (1) The relinquishment shall become effective on the date  
28 following the county recorder's recordation of the relinquishment  
29 resolution containing the commission's approval of the terms and  
30 conditions of the relinquishment.

31 (2) On and after the effective date of the relinquishment, the  
32 relinquished portion of Route 58 shall cease to be a state highway.

33 (3) The portion of Route 58 relinquished under this subdivision  
34 shall be ineligible for future adoption under Section 81.

35 (4) For the portion of Route 58 that is relinquished under this  
36 subdivision, the City of Bakersfield or the County of Kern shall  
37 install and maintain within the jurisdiction of the city or county  
38 signs directing motorists to the continuation of Route 58.

39 (c) *The relinquished former portions of Route 58 within the*  
40 *unincorporated area of the County of Kern and within the City of*

1 *Bakersfield are not state highways and are not eligible for adoption*  
2 *under Section 81. For the relinquished former portions of Route*  
3 *58, the County of Kern and the City of Bakersfield shall maintain*  
4 *within their respective jurisdictions signs directing motorists to*  
5 *the continuation of Route 58.*

6 *SEC. 10. Section 366 of the Streets and Highways Code is*  
7 *amended to read:*

8 366. (a) Route 66 is from:

9 (1) Route 210 near San Dimas to the ~~Los Angeles-San~~  
10 ~~Bernardino county line at the western~~ *eastern* city limit of the City  
11 ~~of Upland~~ *Pomona*.

12 (2) The eastern city limit of the City of ~~Fontana~~ *near Maple*  
13 ~~Avenue Rialto~~ to Route 215 in San Bernardino.

14 (b) The relinquished former portions of Route 66 within the city  
15 limits of the Cities of *Claremont*, Fontana, Rancho Cucamonga,  
16 Rialto, and Upland are not state highways and are not eligible for  
17 adoption under Section 81. For the portions of Route 66  
18 relinquished under this section, the Cities of *Claremont*, Fontana,  
19 Rancho Cucamonga, Rialto, and Upland shall maintain within  
20 their respective jurisdictions signs directing motorists to the  
21 continuation of Route 66 and shall ensure the continuity of traffic  
22 flow on the relinquished portions of Route 66, including any traffic  
23 signal progression.

24 ~~(c) (1) Notwithstanding subdivision (a), the commission may~~  
25 ~~relinquish to the City of Claremont the portion of Route 66 that is~~  
26 ~~located within the city limits or the sphere of influence of the city;~~  
27 ~~upon terms and conditions the commission finds to be in the best~~  
28 ~~interests of the state.~~

29 ~~(2) A relinquishment under this subdivision shall become~~  
30 ~~effective immediately following the recordation by the county~~  
31 ~~recorder of the relinquishment resolution containing the~~  
32 ~~commission's approval of the terms and conditions of the~~  
33 ~~relinquishment.~~

34 ~~(3) On and after the effective date of the relinquishment, both~~  
35 ~~of the following shall occur:~~

36 ~~(A) The portion of Route 66 relinquished under this subdivision~~  
37 ~~shall cease to be a state highway.~~

38 ~~(B) The portion of Route 66 relinquished under this subdivision~~  
39 ~~may not be considered for future adoption under Section 81.~~

1 ~~(4) The City of Claremont shall ensure the continuity of traffic~~  
2 ~~flow on the relinquished portion of Route 66, including any traffic~~  
3 ~~signal progression.~~

4 ~~(5) For the relinquished portion of Route 66, the City of~~  
5 ~~Claremont shall maintain signs directing motorists to the~~  
6 ~~continuation of Route 66.~~

7 ~~SEC. 4.~~

8 *SEC. 11.* Section 368 of the Streets and Highways Code is  
9 amended to read:

10 368. (a) Route 68 is from:

11 (1) Asilomar State Beach to Route 1.

12 (2) Monterey to Route 101 in Salinas.

13 (b) (1) Upon a determination by the commission that it is in  
14 the best interests of the state to do so, the commission may, upon  
15 terms and conditions approved by it, relinquish to the City of  
16 Pacific Grove or the County of Monterey the portion of Route 68  
17 described in paragraph (1) of subdivision (a) located within the  
18 jurisdiction of the city or the unincorporated area of the county,  
19 respectively, if ~~the department and the city or county agrees to~~  
20 ~~accept it enter into an agreement providing for that relinquishment.~~

21 (2) A relinquishment under this subdivision shall become  
22 effective immediately following the county recorder's recordation  
23 of the relinquishment resolution concerning the commission's  
24 approval of the terms and conditions of the relinquishment.

25 (3) On and after the effective date of the relinquishment, both  
26 of the following shall occur:

27 (A) The portion of Route 68 relinquished under this subdivision  
28 shall cease to be a state highway.

29 (B) The portion of Route 68 relinquished under this subdivision  
30 shall be ineligible for future adoption under Section 81.

31 (4) The city or county shall ensure the continuity of traffic flow  
32 on the relinquished former portion of Route 68 within its  
33 jurisdiction, including, but not limited to, any traffic signal  
34 progression.

35 (5) The city or county shall maintain signs on the relinquished  
36 former portion of Route 68 within its jurisdiction directing  
37 motorists to the continuation of Route 68.

38 ~~(6) The relinquishment shall be done at no cost to the state~~  
39 ~~except upon a finding of need by the commission.~~

1     ~~SEC. 5.~~

2     *SEC. 12.* Section 374 of the Streets and Highways Code is  
3 amended to read:

4     374. (a) Route 74 is from:

5       (1) Route 5 near San Juan Capistrano to Route 15 near Lake  
6 Elsinore.

7       (2) Route 15 near Lake Elsinore to Route 215 near Perris.

8       (3) Route 215 near Perris to the southern city limit of Palm  
9 Desert.

10     ~~(4) Highway 111 in Palm Desert to Route 10 near Thousand  
11 Palms.~~

12     (b) The relinquished former portions of Route 74 within the  
13 Cities of Palm Desert and Perris are not state highways and are  
14 not eligible for adoption under Section 81. For the former portions  
15 of Route 74 relinquished under this subdivision, the Cities of Palm  
16 Desert and Perris shall maintain within their respective jurisdictions  
17 signs directing motorists to the continuation of Route 74 and shall  
18 ensure the continuity of traffic flow on the relinquished portions  
19 of Route 74, including any traffic signal progression.

20     (c) (1) The commission may relinquish to the City of Lake  
21 Elsinore the portion of Route 74 located within the city limits of  
22 that city, upon terms and conditions the commission finds to be  
23 in the best interests of the state.

24       (2) Any relinquishment agreement shall require that the City of  
25 Lake Elsinore administer the operation and maintenance of the  
26 highway in a manner consistent with professional traffic  
27 engineering standards.

28       (3) Any relinquishment agreement shall require the City of Lake  
29 Elsinore to ensure that appropriate traffic studies or analyses will  
30 be performed to substantiate any decisions affecting the highway.

31       (4) Any relinquishment agreement shall also require the City  
32 of Lake Elsinore to provide for public notice and the consideration  
33 of public input on the proximate effects of any proposed decision  
34 on traffic flow, residences, or businesses, other than a decision on  
35 routine maintenance.

36       (5) Notwithstanding any of its other terms, any relinquishment  
37 agreement shall require the City of Lake Elsinore to indemnify  
38 and hold the department harmless from any liability for any claims  
39 made or damages suffered by any person, including a public entity,  
40 as a result of any decision made or action taken by the City of Lake

1 Elsinore, its officers, employees, contractors, or agents, with  
2 respect to the design, maintenance, construction, or operation of  
3 that portion of Route 74 that is to be relinquished to the city.

4 (6) A relinquishment under this subdivision shall become  
5 effective immediately after the county recorder records the  
6 relinquishment resolution that contains the commission's approval  
7 of the terms and conditions of the relinquishment.

8 (7) On and after the effective date of the relinquishment, both  
9 of the following shall occur:

10 (A) The portion of Route 74 relinquished under this subdivision  
11 shall cease to be a state highway.

12 (B) The portion of Route 74 relinquished under this subdivision  
13 may not be considered for future adoption under Section 81.

14 (8) The City of Lake Elsinore shall ensure the continuity of  
15 traffic flow on the portion of Route 74 relinquished under this  
16 subdivision, including any traffic signal progression.

17 (9) For portions of Route 74 relinquished under this subdivision,  
18 the City of Lake Elsinore shall maintain signs directing motorists  
19 to the continuation of Route 74.

20 (d) (1) Notwithstanding subdivision (a), the commission may  
21 relinquish to the City of Hemet the portion of State Highway Route  
22 74 that is located within the city limits ~~or the sphere of influence~~ of  
23 the City of Hemet, upon terms and conditions the commission  
24 finds to be in the best interests of the state, *if the department and*  
25 *the City of Hemet enter into an agreement providing for that*  
26 *relinquishment.*

27 (2) A relinquishment under this subdivision shall become  
28 effective immediately following the recordation by the county  
29 recorder of the relinquishment resolution containing the  
30 commission's approval of the terms and conditions of the  
31 relinquishment.

32 (3) On and after the effective date of the relinquishment, both  
33 of the following shall occur:

34 (A) The portion of State Highway Route 74 relinquished under  
35 this subdivision shall cease to be a state highway.

36 (B) The portion of State Highway Route 74 relinquished under  
37 this subdivision may not be considered for future adoption under  
38 Section 81.

1 (4) The City of Hemet shall ensure the continuity of traffic flow  
2 on the portion of State Highway Route 74 relinquished under this  
3 subdivision, including any traffic signal progression.

4 (5) For portions of State Highway Route 74 relinquished under  
5 this subdivision, the City of Hemet shall maintain signs directing  
6 motorists to the continuation of State Highway Route 74.

7 ~~(6) The relinquishment shall be done at no cost to the state  
8 except upon a finding of need by the commission.~~

9 *SEC. 13. Section 382 of the Streets and Highways Code is*  
10 *amended to read:*

11 382. (a) Route 82 is from Route 101 near Blossom Hill Road  
12 880 in San Jose to Route 280 in San Francisco.

13 ~~(b) Upon a determination by the commission that it is in the  
14 best interests of the state to do so, the commission may, upon terms  
15 and conditions approved by it, relinquish to the City of San Jose  
16 the portion of Route 82 from Route 101 to Route 880 in that city,  
17 if the department and the city enter into an agreement providing  
18 for that relinquishment. The following conditions shall apply upon  
19 relinquishment:~~

20 ~~(1) The relinquishment shall become effective on the date  
21 following the county recorder's recordation of the relinquishment  
22 resolution containing the commission's approval of the terms and  
23 conditions of the relinquishment.~~

24 ~~(2) On and after the effective date of the relinquishment, the  
25 relinquished portion of Route 82 shall cease to be a state highway.~~

26 ~~(3) The portion of Route 82 relinquished under this subdivision  
27 shall be ineligible for future adoption under Section 81.~~

28 ~~(4) The City of San Jose shall ensure the continuity of traffic  
29 flow on the relinquished portion of Route 82, including any traffic  
30 signal progression.~~

31 ~~(5) For the portion of Route 82 that is relinquished under this  
32 subdivision, the City of San Jose shall install and maintain within  
33 the jurisdiction of the city signs directing motorists to the  
34 continuation of Route 82 to the extent deemed necessary by the  
35 department.~~

36 ~~(b) The relinquished former portion of Route 82 within the City  
37 of San Jose is not a state highway and is not eligible for adoption  
38 under Section 81. For the relinquished former portion of Route  
39 82, the City of San Jose shall maintain within its jurisdiction signs  
40 directing motorists to the continuation of Route 82 and shall ensure~~

1 *the continuity of traffic flow on the relinquished former portion of*  
2 *Route 82, including any traffic signal progression. The city may*  
3 *apply to the department for approval of a business route*  
4 *designation in accordance with Chapter 20, Topic 21, of the*  
5 *Highway Design Manual.*

6 ~~SEC. 6.~~

7 *SEC. 14.* Section 386 of the Streets and Highways Code is  
8 amended to read:

9 386. (a) Route 86 is from:

10 (1) Route 111 to Route 8 near El Centro.

11 (2) Route 8 near El Centro to Route 10 in Indio via the vicinity  
12 of Brawley.

13 (b) Upon a determination by the commission that it is in the  
14 best interests of the state to do so, the commission may, upon terms  
15 and conditions approved by it, relinquish the following portions  
16 of Route 86, if the department and the applicable local agency  
17 enter into an agreement providing for that relinquishment, as  
18 follows:

19 (1) To the County of Imperial, the ~~portion~~ *portions* of Route 86  
20 *within unincorporated areas of the county* from the beginning of  
21 the route at the junction of Route 111 to ~~Duff~~ *0.5 mile south of*  
22 *Fredricks Road.*

23 (2) To the City of El Centro, the portion of Route 86 ~~from Duff~~  
24 ~~Road to Treshill Road~~ *within its city limits.*

25 (3) To the City of Imperial, the portion of Route 86 ~~from Treshill~~  
26 ~~Road to Ralph Road~~ *within its city limits.*

27 ~~(4) To the County of Imperial, the portion of Route 86 from~~  
28 ~~Ralph Road to 0.3 mile south of Legion Road.~~

29 ~~(5)~~

30 (4) To the City of Brawley, the portion of Route 86 ~~from 0.3~~  
31 ~~miles south of Legion Road to 0.5 mile south of Fredericks Road~~  
32 *within its city limits.*

33 (c) The following conditions shall apply upon relinquishment:

34 (1) The relinquishment shall become effective on the date  
35 following the county recorder's recordation of the relinquishment  
36 resolution containing the commission's approval of the terms and  
37 conditions of the relinquishment.

38 (2) On and after the effective date of the relinquishment, the  
39 relinquished portions of Route 86 shall cease to be a state highway.

1 (3) The portions of Route 86 relinquished under this subdivision  
2 shall be ineligible for future adoption under Section 81.

3 (4) The Cities of Brawley, El Centro, and Imperial and the  
4 County of Imperial shall ensure the continuity of traffic flow on  
5 the relinquished portions of Route 86, including any traffic signal  
6 progression.

7 (5) For the portions of Route 86 that are relinquished under this  
8 subdivision, the Cities of Brawley, El Centro, and Imperial, and  
9 the County of Imperial shall install and maintain, within their  
10 respective jurisdictions, the city or county signs directing motorists  
11 to the continuation of Route 86 to the extent deemed necessary by  
12 the department.

13 (d) Following the relinquishments authorized in subdivision  
14 (b), the portion of Route 86 from 0.5 mile south of Fredricks Road  
15 to the north junction of Route 78 shall be redesignated as a part of  
16 Route 78.

17 ~~(e) The relinquishments authorized in subdivision (b) shall be  
18 done at no cost to the state except upon a finding of need by the  
19 commission.~~

20 *SEC. 15. Section 430 of the Streets and Highways Code is*  
21 *amended to read:*

22 430. (a) Route 130 is from ~~Route 101~~ *in the eastern city limit*  
23 *of the City of San Jose near Manning Avenue* to Route 33 near  
24 Patterson via the vicinity of Mount Hamilton.

25 ~~(b) Upon a determination by the commission that it is in the  
26 best interests of the state to do so, the commission may, upon terms  
27 and conditions approved by it, relinquish to the City of San Jose  
28 the portion of Route 130 within the city limits of the City of San  
29 Jose, if the department and the city enter into an agreement  
30 providing for that relinquishment. The following conditions shall  
31 apply upon relinquishment:~~

32 ~~(1) The relinquishment shall become effective on the date  
33 following the county recorder's recordation of the relinquishment  
34 resolution containing the commission's approval of the terms and  
35 conditions of the relinquishment.~~

36 ~~(2) On and after the effective date of the relinquishment, the  
37 relinquished portion of Route 130 shall cease to be a state highway.~~

38 ~~(3) The portion of Route 130 relinquished under this subdivision  
39 shall be ineligible for future adoption under Section 81.~~

1 ~~(4) The City of San Jose shall ensure the continuity of traffic~~  
2 ~~flow on the relinquished portion of Route 130, including any traffic~~  
3 ~~signal progression.~~

4 ~~(5) For the portion of Route 130 that is relinquished under this~~  
5 ~~subdivision, the City of San Jose shall install and maintain within~~  
6 ~~the jurisdiction of the city signs directing motorists to the~~  
7 ~~continuation of Route 130.~~

8 *(b) The relinquished former portion of Route 130 within the*  
9 *City of San Jose is not a state highway and is not eligible for*  
10 *adoption under Section 81. For the relinquished former portion*  
11 *of Route 130, the City of San Jose shall maintain within its*  
12 *jurisdiction signs directing motorists to the continuation of Route*  
13 *130 and shall ensure the continuity of traffic flow on the*  
14 *relinquished former portion of Route 130, including any traffic*  
15 *signal progression.*

16 *SEC. 16. Section 622.1 of the Streets and Highways Code is*  
17 *amended to read:*

18 622.1. ~~(a)~~Route 710 shall also include that portion of the  
19 freeway between Route 1 and the northern end of Harbor Scenic  
20 Drive, that portion of Harbor Scenic Drive to Ocean Boulevard,  
21 that portion of Ocean Boulevard west of its intersection with  
22 Harbor Scenic Drive to its junction with Seaside Boulevard, and  
23 that portion of Seaside Boulevard from the junction with Ocean  
24 Boulevard to Route 47.

25 ~~(b) Subdivision (a) shall not become operative, and this section~~  
26 ~~shall be repealed on January 1, 1985, unless the commission~~  
27 ~~approves, not later than December 31, 1984, a financial plan, which~~  
28 ~~is submitted to them by the Los Angeles County Transportation~~  
29 ~~Commission not later than January 1, 1984.~~

30 ~~(c) The financial plan shall be prepared in cooperation with the~~  
31 ~~department and shall include, but not be limited to, a cost estimate~~  
32 ~~and the source of funding to make the route changes in subdivision~~  
33 ~~(a) and any proposed improvements.~~

34 ~~SEC. 7.~~

35 *SEC. 17. Section 890.4 of the Streets and Highways Code is*  
36 *amended to read:*

37 890.4. As used in this article, “bikeway” means all facilities  
38 that provide primarily for bicycle travel. For purposes of this  
39 article, bikeways shall be categorized as follows:

1 (a) Class I bikeways, also known as “bike paths” or “shared-use  
2 paths,” which provide a completely separated right-of-way  
3 designated for the exclusive use of bicycles and pedestrians with  
4 crossflows by motorists minimized.

5 (b) Class II bikeways, also known as “bike lanes,” which provide  
6 a restricted right-of-way designated for the exclusive or  
7 semiexclusive use of bicycles with through travel by motor vehicles  
8 or pedestrians prohibited, but with vehicle parking and crossflows  
9 by pedestrians and motorists permitted.

10 (c) Class III bikeways, also known as onstreet or offstreet “bike  
11 routes,” which provide a right-of-way designated by signs or  
12 permanent markings and shared with pedestrians and motorists.

13 ~~SEC. 8.~~

14 *SEC. 18.* Section 378 of the Vehicle Code is repealed.

15 ~~SEC. 9.~~

16 *SEC. 19.* Section 379 of the Vehicle Code is repealed.

17 ~~SEC. 10.~~

18 *SEC. 20.* Section 385.2 is added to the Vehicle Code, to read:

19 385.2. A “logging dolly” is a vehicle designed for carrying  
20 logs, having one or more axles that, if there are more than one, are  
21 not more than 54 inches apart, and used in connection with a motor  
22 truck solely for the purpose of transporting logs and securely  
23 connected with the towing vehicle both by a reach and by the load.

24 ~~SEC. 11.~~

25 *SEC. 21.* Section 385.3 is added to the Vehicle Code, to read:

26 385.3. A “logging vehicle” is a vehicle used exclusively in the  
27 conduct of logging operations and not designed for the  
28 transportation of persons or property on a highway.

29 *SEC. 22.* *Section 585 of the Vehicle Code is amended to read:*

30 585. A “station wagon” is a dual purpose vehicle designed for  
31 the transportation of persons and also designed in such a manner  
32 that the seats may be removed or folded out of the way for the  
33 purpose of increasing the property carrying space within the  
34 vehicle. The term includes, but is not limited to, types of vehicles  
35 which carry the trade names of station wagon, estate wagon, town  
36 and country wagon, and country sedan. *A vehicle used primarily*  
37 *for the transportation of cadavers to or from a funeral home,*  
38 *mortuary, or burial site is not a station wagon.*

39 ~~SEC. 12.~~

40 *SEC. 23.* Section 5022 of the Vehicle Code is amended to read:

1 5022. (a) Until December 31, 1984, a person described in  
2 Section 5101 may also apply for a set of commemorative 1984  
3 Olympic reflectorized license plates and the department shall issue  
4 those special license plates in lieu of the regular license plates. No  
5 commemorative 1984 Olympic reflectorized license plates shall  
6 be issued pursuant to an application therefor which is submitted  
7 on or after January 1, 1985, but the holder of those plates may  
8 thereafter renew or retain them, or transfer them to another vehicle,  
9 subject to this section.

10 (b) The commemorative 1984 Olympic reflectorized license  
11 plates shall be of a distinctive design and shall be available in a  
12 special series of letters or numbers, or both, as determined by the  
13 department after consultation with the Los Angeles Olympic  
14 Organizing Committee.

15 (c) In addition to the regular fees for an original registration or  
16 renewal of registration, a special fee of twelve dollars (\$12) shall  
17 be paid for the transfer of the special plates to another vehicle.

18 (d) When payment of renewal fees is not required as specified  
19 in Section 4000, or when the person determines to retain the plates  
20 upon sale, trade, or other release of the vehicle upon which the  
21 special plates have been displayed, the person shall notify the  
22 department and the person may retain the special plates.

23 (e) Until December 31, 1989, duplicate, replacement plates shall  
24 be identical commemorative 1984 Olympic reflectorized license  
25 plates of the same letter, number, and design as originally issued.  
26 However, duplicate, replacement plates of the commemorative  
27 1984 Olympic reflectorized license plate series shall not be  
28 available on or after January 1, 1990. Thereafter, unless otherwise  
29 provided by this code, regular series plates shall be issued for the  
30 fee provided in Section 9265 whenever substitute or duplicate  
31 plates are requested.

32 (f) All revenue derived from the additional special fees provided  
33 in this section shall be deposited in the California Environmental  
34 License Plate Fund pursuant to Section 21191 of the Public  
35 Resources Code.

36 ~~SEC. 13.~~

37 *SEC. 24.* Section 5023 of the Vehicle Code is amended to read:

38 5023. (a) (1) Until December 31, 2013, a person described in  
39 Section 5101 may also apply for a set of commemorative Olympic  
40 reflectorized license plates and the department shall issue those

1 special license plates in lieu of regular license plates. The  
2 commemorative Olympic reflectorized license plates shall be of  
3 a distinctive design and shall be available in a special series of  
4 letters or numbers, or both, as determined by the department after  
5 consultation with the United States Olympic Committee. The  
6 department may issue the commemorative Olympic reflectorized  
7 license plates as environmental license plates, as defined in Section  
8 5103, in a combination of numbers or letters, or both, as requested  
9 by the owner or lessee of the vehicle.

10 (2) On or after January 1, 2014, original, substitute, or duplicate  
11 Olympic license plates, including those issued as environmental  
12 license plates, shall not be available. However, the holder of  
13 Olympic license plates may thereafter renew or retain those plates,  
14 or transfer them to another vehicle, subject to this section. Unless  
15 otherwise provided by this code, regular series plates shall be  
16 issued for the fee provided in Section 9265 whenever substitute  
17 or duplicate plates are requested.

18 (3) On or after January 1, 2014, the holder of Olympic license  
19 plates issued as environmental license plates, as defined in Section  
20 5103, may apply for other special license plates using the exact  
21 combination of numbers or letters, or both, if authorized by this  
22 code, whenever the holder requests substitute or duplicate plates.

23 (b) In addition to the regular fees for an original registration or  
24 renewal of registration, the following special fees shall be paid:

25 (1) Fifteen dollars (\$15) for the transfer of the special plates to  
26 another vehicle.

27 (2) Thirty dollars (\$30) for the annual renewal of the special  
28 plates.

29 (c) When payment of renewal fees is not required as specified  
30 in Section 4000, or when the person determines to retain the plates  
31 upon sale, trade, or other release of the vehicle upon which the  
32 special plates have been displayed, the person shall notify the  
33 department and the person may retain the special plates.

34 (d) All revenue derived from the additional special fees provided  
35 in this section, less costs incurred by the department pursuant to  
36 this section, shall be deposited in the General Fund.

37 *SEC. 25. Section 5068 of the Vehicle Code is amended to read:*

38 5068. (a) (1) (A) A veterans' organization may apply either  
39 individually or with other veterans' organizations to meet the  
40 application threshold set forth in Section 5060 for special interest

1 plates. An organization that meets the minimum application  
2 requirement by applying with other organizations under this  
3 subdivision shall be issued a regular license plate bearing a  
4 distinctive design or decal approved under subdivision (a) of  
5 Section 5060.

6 (B) The Department of Veterans Affairs may modify the  
7 distinctive design or decal described in subparagraph (A),  
8 consistent with the design criteria imposed by Section 5060, to  
9 honor all veterans, or veterans who served in a particular war or  
10 armed conflict as described in subdivision (a) of Section 5068.1.  
11 Special interest plates issued under this section and bearing the  
12 modified design or decal shall be issued only after all existing  
13 plates have been issued.

14 (2) Any person who is the registered owner or lessee of a  
15 passenger vehicle, commercial motor vehicle, motorcycle, trailer,  
16 or semitrailer registered or certificated with the department, or any  
17 person who applies for an original registration or renewal of  
18 registration of that vehicle may apply under this section for a  
19 special interest license plate with a decal that honors all veterans  
20 or veterans who served in a particular war or armed conflict.

21 (3) Special interest license plates issued under this section may  
22 be issued in a combination of numbers or letters, or both, requested  
23 by the owner or lessee of the vehicle, to be displayed in addition  
24 to the design or decal authorized under paragraph (1), subject to  
25 Section 5105.

26 (b) In addition to the regular fees for an original registration, a  
27 renewal of registration, or a transfer of registration, the following  
28 fees shall be paid by individuals applying for a special interest  
29 license plate or a decal issued under this section:

30 (1) Fifty dollars (\$50) for the initial issuance of the plates and  
31 decals. The plates shall be permanent and shall not be required to  
32 be replaced.

33 (2) Forty dollars (\$40) for each renewal of registration that  
34 includes the continued display of the plates or decals.

35 (3) Fifteen dollars (\$15) for transfer of the plates to another  
36 vehicle.

37 (4) Thirty-five dollars (\$35) for replacement plates, if they  
38 become damaged or unserviceable.

39 (5) Ten dollars (\$10) for replacement decals, if they become  
40 damaged or unserviceable.

1 (6) ~~Seventy-eight~~ *Notwithstanding Section 5106, seventy-eight*  
2 dollars (\$78) for the personalization of the plates, as authorized  
3 under paragraph (3) of subdivision (a).

4 (c) The department shall maintain on its Internet Web site, a  
5 link to order online the special interest license plates issued  
6 pursuant to this section.

7 *SEC. 26. Section 5072 of the Vehicle Code is amended to read:*

8 5072. (a) Any person described in Section 5101 may also  
9 apply for a set of “Have a Heart, Be a Star, Help Our Kids” license  
10 plates, and the department shall issue those special license plates  
11 in lieu of the regular license plates. The “Have a Heart, Be a Star,  
12 Help Our Kids” plates shall be distinct from other existing license  
13 plates by the inclusion of a well within the portion of the license  
14 plate that has the alpha-numeric sequence. The well may be placed  
15 in any position within that portion of the license plate. A heart  
16 shape, a five-pointed star, a hand shape, a plus-sign shape, shall  
17 be imprinted within the well itself. However, for purposes of  
18 processing the alpha-numeric sequence, the symbol within the well  
19 shall be read as a blank within the alpha-numeric sequence. The  
20 Department of Motor Vehicles shall cooperate with representatives  
21 of the California Highway Patrol and the Prison Industries  
22 Authority to design the final shape and dimension of the symbols  
23 for these license plates.

24 (b) An applicant for a license plate described in subdivision (a)  
25 may choose to either accept a license plate character sequence  
26 assigned by the department that includes one of the four symbols  
27 or request a specialized license plate character sequence determined  
28 by the applicant that includes one of the four symbols, in  
29 accordance with instructions which shall be provided by the  
30 department.

31 (c) In addition to the regular fees for an original registration, a  
32 renewal of registration, or a transfer of registration, the following  
33 “Have a Heart, Be a Star, Help Our Kids” license plate fees shall  
34 be paid:

35 (1) ~~For~~ *Notwithstanding Section 5106, for* those specialized  
36 license plates whose character sequence is determined by the  
37 license owner or applicant:

38 (A) Fifty dollars (\$50) for the initial issuance of the plates. These  
39 plates shall be permanent and shall not be required to be replaced.

1 (B) Forty dollars (\$40) for each renewal of registration which  
2 includes the continued display of the plates.

3 (C) Fifteen dollars (\$15) for transfer of the plates to another  
4 vehicle.

5 (D) Thirty-five dollars (\$35) for replacement plates, if the plates  
6 become damaged or unserviceable.

7 (2) For those specialized license plates whose character sequence  
8 is assigned by the department:

9 (A) Twenty dollars (\$20) for the initial issuance of the plates.  
10 These plates shall be permanent and shall not be required to be  
11 replaced.

12 (B) The legally allowed fee for renewal plus fifteen dollars (\$15)  
13 for each renewal of registration, which includes the continued  
14 display of the plates.

15 (C) Fifteen dollars (\$15) for transfer of the plates to another  
16 vehicle.

17 (D) Twenty dollars (\$20) for replacement plates, if the plates  
18 become damaged or unserviceable.

19 (d) When payment of renewal fees is not required as specified  
20 in Section 4000, or when the person determines to retain the “Have  
21 a Heart, Be a Star, Help Our Kids” license plates upon sale, trade,  
22 or other release of the vehicle upon which the plates have been  
23 displayed, the person shall notify the department and the person  
24 may retain the plates.

25 (e) The revenue derived from the additional special fees  
26 provided in this section, less costs incurred by the department, the  
27 Department of the California Highway Patrol, and local law  
28 enforcement for developing and administering this license plate  
29 program pursuant to this section, shall be deposited in the Child  
30 Health and Safety Fund, created pursuant to Chapter 4.6  
31 (commencing with Section 18285) of Part 6 of Division 9 of the  
32 Welfare and Institutions Code, and, when appropriated by the  
33 Legislature shall be available for the purposes specified in that  
34 chapter.

35 (f) It is the intent of the Legislature that the additional special  
36 fees specified in subdivision (e) are not used to replace existing  
37 appropriation levels in the 1991–92 Budget Act.

38 ~~(g) Subdivisions (a) to (f), inclusive, of this section shall not~~  
39 ~~become operative unless 5,000 applications for “Have a Heart, Be~~  
40 ~~a Star, Help Our Kids” license plates have been received by the~~

1 department by December 31, 1993. The department shall design  
2 and provide the original application forms, which can be copied,  
3 pursuant to rules adopted by the department, by organizations  
4 which have an interest in the distribution of the application forms.  
5 The department shall not be responsible for collecting applications,  
6 depositing applications, depositing application fees, or returning  
7 applications and attached fee payments until no less than 5,000  
8 applications and appropriate fees are collected and turned over to  
9 the department by organizations who have originally distributed  
10 the applications. The organizations distributing the applications  
11 shall be responsible for returning the applications and attached  
12 fees to the applicants if within one year after the enactment of this  
13 program the threshold number of applications is not submitted.

14 ~~SEC. 14.~~

15 *SEC. 27.* Section 5101.7 of the Vehicle Code is amended to  
16 read:

17 5101.7. (a) Until December 31, 1984, any person described  
18 in Section 5101 may also apply for a set of commemorative 1984  
19 Olympic reflectorized license plates and the department shall issue  
20 those special license plates in lieu of the regular license plates. No  
21 commemorative 1984 Olympic reflectorized license plates shall  
22 be issued pursuant to an application therefor which is submitted  
23 on or after January 1, 1985, but the holder of those plates may  
24 thereafter renew or retain them, or transfer them to another vehicle,  
25 subject to this article.

26 (b) Except as provided in this section, the issue, renewal,  
27 cancellation, retention, and transfer of the commemorative 1984  
28 Olympic reflectorized license plates shall be subject to the  
29 provisions of this article as if they were environmental license  
30 plates. Until December 31, 1989, duplicate, replacement plates  
31 shall be identical commemorative 1984 Olympic reflectorized  
32 license plates of the same letter, number, and design as originally  
33 issued. On and after January 1, 1990, duplicate or replacement  
34 plates shall be provided pursuant to this article.

35 (c) Notwithstanding the color, design, and number of digit  
36 requirements of Section 5102, the department shall design the  
37 commemorative 1984 Olympic reflectorized license plates, which  
38 shall be reflectorized license plates issued pursuant to Section  
39 4850. The commemorative 1984 Olympic reflectorized license  
40 plates shall be of a distinctive design, as determined by the

1 department after consultation with the Los Angeles Olympic  
2 Organizing Committee.

3 ~~SEC. 15.~~

4 *SEC. 28.* Section 5106 of the Vehicle Code is amended to read:

5 5106. (a) In addition to the regular registration fee or a  
6 permanent trailer identification fee, the applicant shall be charged  
7 a fee of forty-eight dollars (\$48) for issuance of environmental  
8 license plates.

9 (b) In addition to the regular renewal fee or a permanent trailer  
10 identification fee for the vehicle to which the plates are assigned,  
11 the applicant for a renewal of environmental license plates shall  
12 be charged an additional fee of thirty-eight dollars (\$38). An  
13 applicant with a permanent trailer identification plate shall be  
14 charged an annual fee of thirty-eight dollars (\$38) for renewal of  
15 environmental license plates. However, applicants for renewal of  
16 prisoner-of-war special license plates issued under Section 5101.5  
17 shall not be charged the additional renewal fee under this  
18 subdivision.

19 (c) When payment of renewal fees is not required as specified  
20 in Section 4000, the holder of any environmental license plate may  
21 retain the plate upon payment of an annual fee of thirty-eight  
22 dollars (\$38). The fee shall be due at the expiration of the  
23 registration year of the vehicle to which the environmental license  
24 plate was last assigned. However, applicants for retention of  
25 prisoner-of-war special license plates issued under Section 5101.5  
26 shall not be charged the additional retention fee under this  
27 subdivision.

28 (d) Notwithstanding Section 9265, the applicant for a duplicate  
29 environmental license plate shall be charged a fee of thirty-eight  
30 dollars (\$38).

31 *SEC. 29. Section 12517.1 of the Vehicle Code is amended to*  
32 *read:*

33 12517.1. (a) A “schoolbus accident” means any of the  
34 following:

35 (1) A motor vehicle accident resulting in property damage in  
36 excess of seven hundred fifty dollars (\$750) or personal injury, on  
37 public or private property, and involving a schoolbus, youth bus,  
38 school pupil activity bus, or general public paratransit vehicle  
39 transporting a pupil.

1 (2) A collision between a vehicle and a pupil or a schoolbus  
2 driver while the pupil or driver is crossing the highway when the  
3 schoolbus flashing red signal lamps are required to be operated  
4 pursuant to Section 22112 *or when the schoolbus is stopped for*  
5 *the purpose of loading or unloading pupils when Section 22112*  
6 *does not apply.*

7 (3) Injury of a pupil inside a vehicle described in paragraph (1)  
8 as a result of acceleration, deceleration, or other movement of the  
9 vehicle.

10 (b) The Department of the California Highway Patrol shall  
11 investigate all schoolbus accidents, except that accidents involving  
12 only property damage and occurring entirely on private property  
13 shall be investigated only if they involve a violation of this code.

14 ~~SEC. 16.~~

15 *SEC. 30.* Section 14606 of the Vehicle Code, as added by  
16 Section 7 of Chapter 670 of the Statutes of 2012, is amended to  
17 read:

18 14606. (a) A person shall not employ, hire, knowingly permit,  
19 or authorize any person to drive a motor vehicle owned by him or  
20 her or under his or her control upon the highways unless that person  
21 is licensed for the appropriate class of vehicle to be driven.

22 (b) Whenever a person fails to qualify, on reexamination, to  
23 operate a commercial motor vehicle, an employer shall report that  
24 failure to the department within 10 days.

25 (c) An employer shall obtain from a driver required to have a  
26 commercial driver's license or commercial endorsement a copy  
27 of the driver's medical certification before allowing the driver to  
28 operate a commercial motor vehicle. The employer shall retain the  
29 certification as part of a driver qualification file.

30 (d) This section shall become operative on January 30, 2014.

31 *SEC. 31. Section 42007 of the Vehicle Code is amended to*  
32 *read:*

33 42007. (a) (1) The clerk of the court shall collect a fee from  
34 every person who is ordered or permitted to attend a traffic violator  
35 school pursuant to Section 41501 or 42005 in an amount equal to  
36 the total bail set forth for the eligible offense on the uniform  
37 countywide bail schedule. As used in this subdivision, "total bail"  
38 means the amount established pursuant to Section 1269b of the  
39 Penal Code in accordance with the Uniform Bail and Penalty  
40 Schedule adopted by the Judicial Council, including all

1 assessments, surcharges, and penalty amounts. Where multiple  
2 offenses are charged in a single notice to appear, the “total bail”  
3 is the amount applicable for the greater of the qualifying offenses.  
4 However, the court may determine a lesser fee under this  
5 subdivision upon a showing that the defendant is unable to pay  
6 the full amount.

7 The fee shall not include the cost, or any part thereof, of traffic  
8 safety instruction offered by a traffic violator school.

9 (2) The clerk may accept from a defendant who is ordered or  
10 permitted to attend traffic violator school a payment of at least 10  
11 percent of the fee required by paragraph (1) upon filing a written  
12 agreement by the defendant to pay the remainder of the fee  
13 according to an installment payment schedule of no more than 90  
14 days as agreed upon with the court. The Judicial Council shall  
15 prescribe the form of the agreement for payment of the fee in  
16 installments. When the defendant signs the Judicial Council form  
17 for payment of the fee in installments, the court shall continue the  
18 case to the date in the agreement to complete payment of the fee  
19 and submit the certificate of completion of traffic violator school  
20 to the court. The clerk shall collect a fee of up to thirty-five dollars  
21 (\$35) to cover administrative and clerical costs for processing an  
22 installment payment of the traffic violator school fee under this  
23 paragraph.

24 (3) If a defendant fails to make an installment payment of the  
25 fee according to an installment agreement, the court may convert  
26 the fee to bail, declare it forfeited, and report the forfeiture as a  
27 conviction under Section 1803. The court may also charge a failure  
28 to pay under Section 40508 and impose a civil assessment as  
29 provided in Section 1214.1 of the Penal Code or issue an arrest  
30 warrant for a failure to pay. For the purposes of reporting a  
31 conviction under this subdivision to the department under Section  
32 1803, the date that the court declares the bail forfeited shall be  
33 reported as the date of conviction.

34 (b) Revenues derived from the fee collected under this section  
35 shall be deposited in accordance with Section 68084 of the  
36 Government Code in the general fund of the county and, as may  
37 be applicable, distributed as follows:

38 (1) In any county in which a fund is established pursuant to  
39 Section 76100 or 76101 of the Government Code, the sum of one

1 dollar (\$1) for each fund so established shall be deposited with the  
2 county treasurer and placed in that fund.

3 (2) In any county that has established a Maddy Emergency  
4 Medical Services Fund pursuant to Section 1797.98a of the Health  
5 and Safety Code, an amount equal to the sum of each two dollars  
6 (\$2) for every seven dollars (\$7) that would have been collected  
7 pursuant to Section 76000 of the Government Code and,  
8 commencing January 1, 2009, an amount equal to the sum of each  
9 two dollars (\$2) for every ten dollars (\$10) that would have been  
10 collected pursuant to Section 76000.5 of the Government Code  
11 with respect to those counties to which that section is applicable  
12 shall be deposited in that fund. Nothing in the act that added this  
13 paragraph shall be interpreted in a manner that would result in  
14 either of the following:

15 (A) The utilization of penalty assessment funds that had been  
16 set aside, on or before January 1, 2000, to finance debt service on  
17 a capital facility that existed before January 1, 2000.

18 (B) The reduction of the availability of penalty assessment  
19 revenues that had been pledged, on or before January 1, 2000, as  
20 a means of financing a facility which was approved by a county  
21 board of supervisors, but on January 1, 2000, is not under  
22 construction.

23 (3) The amount of the fee that is attributable to Section 70372  
24 of the Government Code shall be transferred pursuant to  
25 subdivision (f) of that section.

26 (c) For fees resulting from city arrests, an amount equal to the  
27 amount of base fines that would have been deposited in the treasury  
28 of the appropriate city pursuant to paragraph (3) of subdivision  
29 (b) of Section 1463.001 of the Penal Code shall be deposited in  
30 the treasury of the appropriate city.

31 (d) The clerk of the court, in a county that offers traffic school  
32 shall include in any courtesy notice mailed to a defendant for an  
33 offense that qualifies for traffic school attendance the following  
34 statement:

35

36 NOTICE: If you are eligible and decide not to attend traffic  
37 school your automobile insurance may be adversely affected. ~~One~~  
38 *For drivers with a noncommercial driver's license, one* conviction  
39 in any 18-month period will be held confidential and not show on  
40 your driving record if you complete a traffic violator school

1 program. *For drivers with a commercial driver's license, one*  
2 *conviction in any 18-month period will show on your driving record*  
3 *without a violation point if you complete a traffic violator school*  
4 *program.*

5  
6 (e) Notwithstanding any other provision of law, a county that  
7 has established a Maddy Emergency Medical Services Fund  
8 pursuant to Section 1797.98a of the Health and Safety Code shall  
9 not be held liable for having deposited into the fund, prior to  
10 January 1, 2009, an amount equal to two dollars (\$2) for every ten  
11 dollars (\$10) that would have been collected pursuant to Section  
12 76000.5 of the Government Code from revenues derived from  
13 traffic violator school fees collected pursuant to this section.

O