

AMENDED IN ASSEMBLY AUGUST 5, 2013

AMENDED IN ASSEMBLY JUNE 26, 2013

AMENDED IN ASSEMBLY JUNE 10, 2013

AMENDED IN SENATE APRIL 11, 2013

**SENATE BILL**

**No. 814**

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**Introduced by Committee on Natural Resources and Water  
(Senators Pavley (Chair), Cannella, Evans, Fuller, Jackson, Lara,  
Monning, and Wolk)**

February 26, 2013

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An act to amend Sections 8405.2 and 12025 of the Fish and Game Code, to amend Sections 607, 2774, 2790, 30333, ~~and 30620~~ 30620, *and* 71205.3 of the Public Resources Code, and to amend Section 2810.2 of the Vehicle Code, relating to administration of public resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 814, as amended, Committee on Natural Resources and Water. Public resources: administration.

(1) Existing law prohibits sea cucumbers from being taken, possessed aboard a boat, or landed by a person for commercial purposes except under a valid sea cucumber permit. Existing law authorizes a sea cucumber permit to be transferred if specified conditions are met, including requiring that an application for transfer be submitted to the Department of Fish and Wildlife and the payment of a transfer fee.

This bill would require that a sea cucumber permit be valid to be transferred and would require the application for transfer to be in the form of a notarized letter. The bill would authorize, upon the death of a sea cucumber permitholder, a sea cucumber permit to be transferred

by the permitholder's heirs, assignees, or estate to a qualified ~~person~~ *person*, as specified.

(2) Existing law imposes various civil fines and penalties for a violation of specified provisions of the Fish and Game Code in connection with the production or cultivation of a controlled substance, as defined, on land within the jurisdiction of specified state, local, and federal agencies or within the ownership of a timberland production zone, as prescribed.

Existing law also authorizes a peace officer, as described, to stop a vehicle transporting agricultural irrigation supplies, as defined, that are in plain view on a rock road or unpaved road that is located in a county that elects to implement these provisions, and within the jurisdiction of specified state, local, or federal agencies or within the ownership of a timberland production zone and to inspect the bills of lading, shipping, or delivery papers, or other evidence, to determine whether the driver is in legal possession of the load. Existing law authorizes the peace officer, upon reasonable belief that the driver of the vehicle is not in legal possession, to take custody of the vehicle and load and turn them over to the custody of the sheriff of the county in which any of those items are apprehended.

This bill would revise these provisions to instead specify their application to lands under the management of these various state, local, and federal agencies.

(3) Under existing law, the California Coastal Commission is authorized to amend or adopt rules and regulations related to duties of the commission in accordance with specified provisions of law. Existing law requires the commission to prepare interim procedures for coastal development permit applications and claims of exemption, as specified, including interpretive guidelines to determine how policies of the California Coastal Act are applied in the coastal zone prior to the certification of local coastal programs.

This bill would require the interpretive guidelines to also include how the policies are applied through the preparation and amendment of local coastal programs and would make various technical, nonsubstantive changes to these California Coastal Commission provisions.

(4) *Existing law, the Marine Invasive Species Act, generally applies to a vessel carrying or capable of carrying ballast water into the coastal waters of the state after operating outside of the coastal waters of the state, and to all ballast water and associated sediments taken on the vessel. The act requires the State Lands Commission to adopt specified*

*regulations, including regulations requiring an owner or operator of a vessel carrying, or capable of carrying, ballast water that operates in the waters of the state to comply with an implementation schedule with specified compliance dates.*

*This bill would extend those compliance dates and make technical, nonsubstantive changes to these Marine Invasive Species Act provisions.*

~~(4)~~

(5) Under existing law, the Department of Conservation is divided between various entities, including the Division of Oil, Gas, and Geothermal Resources and the Office of Mine Reclamation. The Surface Mining and Reclamation Act of 1975, administered by the department, prohibits a person, with exceptions, from conducting surface mining operations unless, among other things, a reclamation plan is submitted to and approved by the lead agency for the operation. The act requires every lead agency to adopt ordinances that establish procedures for the review and approval of reclamation plans, and, before approving a reclamation plan, to submit the plan to the Director of Conservation. The act also authorizes the State Mining and Geology Board to designate specific geographic areas of the state as areas of statewide or regional significance, as specified.

This bill would make technical, nonsubstantive changes to these Department of Conservation provisions.

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 8405.2 of the Fish and Game Code is
- 2 amended to read:
- 3 8405.2. (a) A valid sea cucumber permit may be transferred
- 4 by the permittee if the permittee has previously held a valid sea
- 5 cucumber permit for any four permit years and landed at least 100
- 6 pounds of sea cucumbers in each of those permit years, as
- 7 documented by landing receipts with the name of the permittee
- 8 shown on the receipts.
- 9 (b) A valid sea cucumber permit that has not been suspended
- 10 or revoked may be transferred only to a person who has a valid
- 11 commercial fishing license issued pursuant to Section 7852, that
- 12 has not been suspended or revoked. A sea cucumber permit shall
- 13 not be transferred to a person who has had a sea cucumber permit

1 suspended or revoked while the suspension or revocation is in  
2 effect.

3 (c) An application for transfer of a permit shall be in the form  
4 of a notarized letter and shall be submitted to the department, with  
5 reasonable proof as the department may require to establish the  
6 qualifications of the permitholder and the person the permit is to  
7 be transferred to, accompanied by payment to the department of  
8 a nonrefundable transfer fee of two hundred dollars (\$200). The  
9 transfer shall take effect on the date notice of approval of the  
10 application is given to the transferee by the department. The sea  
11 cucumber permit shall be valid for the remainder of the permit  
12 year and may be renewed in subsequent years.

13 (d) A sea cucumber trawl permit may be transferred to a  
14 qualified person as provided in subdivisions (b) and (c) to take sea  
15 cucumbers by diving or by use of trawl nets. A sea cucumber dive  
16 permit may be transferred to a qualified person as provided in  
17 subdivisions (b) and (c) only to take sea cucumbers by diving. The  
18 transferee shall specify the gear type, either trawl or dive, that the  
19 transferee intends to use to take sea cucumbers. The gear type of  
20 the sea cucumber permit, either trawl or dive, shall not be  
21 transferable.

22 (e) (1) Upon the death of a sea cucumber permitholder, the  
23 deceased person's sea cucumber dive or trawl permit may be  
24 transferred by his or her heirs, assignees, or estate to a qualified  
25 person as provided in subdivision (b), upon payment of the fee  
26 described in subdivision (c), and in accordance with subdivisions  
27 (a) and (d). The estate of the decedent may transfer the permit  
28 pursuant to this chapter no later than two years from the date of  
29 death of the permitholder, as listed on the death certificate.

30 (2) For purposes of a transfer under this subdivision, the heirs,  
31 assignees, or estate shall renew the permit as specified in Section  
32 8405.1 to keep the permit valid until transferred.

33 SEC. 2. Section 12025 of the Fish and Game Code is amended  
34 to read:

35 12025. (a) In addition to any penalties imposed by any other  
36 law, a person found to have violated Section 1602, 5650, or 5652  
37 in connection with the production or cultivation of a controlled  
38 substance on land under the management of the Department of  
39 Parks and Recreation, the Department of Fish and Wildlife, the  
40 Department of Forestry and Fire Protection, the State Lands

1 Commission, a regional park district, the United States Forest  
2 Service, or the Bureau of Land Management, or within the  
3 respective ownership of a timberland production zone, as defined  
4 in Chapter 6.7 (commencing with Section 51100) of Division 1 of  
5 Title 5 of the Government Code, of more than 50,000 acres, shall  
6 be liable for a civil penalty in the following amounts:

7 (1) A person who violates Section 1602 in connection with the  
8 production or cultivation of a controlled substance is subject to a  
9 civil penalty of not more than ten thousand dollars (\$10,000) for  
10 each violation.

11 (2) A person who violates Section 5650 in connection with the  
12 production or cultivation of a controlled substance is subject to a  
13 civil penalty of not more than forty thousand dollars (\$40,000) for  
14 each violation.

15 (3) A person who violates Section 5652 in connection with the  
16 production or cultivation of a controlled substance is subject to a  
17 civil penalty of not more than forty thousand dollars (\$40,000) for  
18 each violation.

19 (b) The civil penalty imposed for each separate violation  
20 pursuant to this section is in addition to any other civil penalty  
21 imposed for another violation of this section, or any violation of  
22 any other law.

23 (c) All civil penalties collected for a separate violation pursuant  
24 to this section shall not be considered to be fines or forfeitures, as  
25 described in Section 13003, and shall be apportioned in the  
26 following manner:

27 (1) Thirty percent shall be distributed to the county in which  
28 the violation was committed pursuant to Section 13003. The county  
29 board of supervisors shall first use any revenues from those  
30 penalties to reimburse the costs incurred by the district attorney  
31 or city attorney in investigating and prosecuting the violation.

32 (2) Thirty percent shall be distributed to the investigating agency  
33 to be used to reimburse the cost of any investigation directly related  
34 to the violations described in this section.

35 (3) Forty percent shall be distributed to the agency performing  
36 the cleanup or abatement of the cultivation or production site for  
37 the reimbursement for all reasonable costs associated with the  
38 cleanup or abatement.

1 (d) For purposes of this section, “controlled substance” has the  
2 same meaning as defined in Section 11007 of the Health and Safety  
3 Code.

4 SEC. 3. Section 607 of the Public Resources Code is amended  
5 to read:

6 607. The work of the department shall be divided into at least  
7 the following:

- 8 (a) California Geological Survey.
- 9 (b) Division of Oil, Gas, and Geothermal Resources.
- 10 (c) Division of Land Resource Protection.
- 11 (d) Office of Mine Reclamation.

12 SEC. 4. Section 2774 of the Public Resources Code is amended  
13 to read:

14 2774. (a) Every lead agency shall adopt ordinances in  
15 accordance with state policy that establish procedures for the  
16 review and approval of reclamation plans and financial assurances  
17 and the issuance of a permit to conduct surface mining operations,  
18 except that any lead agency without an active surface mining  
19 operation in its jurisdiction may defer adopting an implementing  
20 ordinance until the filing of a permit application. The ordinances  
21 shall establish procedures requiring at least one public hearing and  
22 shall be periodically reviewed by the lead agency and revised, as  
23 necessary, to ensure that the ordinances continue to be in  
24 accordance with state policy.

25 (b) The lead agency shall conduct an inspection of a surface  
26 mining operation within six months of receipt by the lead agency  
27 of the surface mining operation’s report submitted pursuant to  
28 Section 2207, solely to determine whether the surface mining  
29 operation is in compliance with this chapter. In no event shall a  
30 lead agency inspect a surface mining operation less than once in  
31 any calendar year. The lead agency may cause an inspection to be  
32 conducted by a state licensed geologist, state licensed civil  
33 engineer, state licensed landscape architect, or state licensed  
34 forester, who is experienced in land reclamation and who has not  
35 been employed by a surface mining operation within the  
36 jurisdiction of the lead agency in any capacity during the previous  
37 12 months. All inspections shall be conducted using a form  
38 developed by the department and approved by the board that shall  
39 include the professional licensing and disciplinary information of  
40 the person who conducted the inspection. The operator shall be

1 solely responsible for the reasonable cost of the inspection. The  
2 lead agency shall notify the director within 30 days of the date of  
3 completion of the inspection that the inspection has been  
4 conducted. The notice shall contain a statement regarding the  
5 surface mining operation's compliance with this chapter, shall  
6 include a copy of the completed inspection form, and shall specify  
7 which aspects of the surface mining operations, if any, are  
8 inconsistent with this chapter. If the surface mining operation has  
9 a review of its reclamation plan, financial assurances, or an interim  
10 management plan pending under subdivision (b), (c), (d), or (h)  
11 of Section 2770, or an appeal pending before the board or lead  
12 agency governing body under subdivision (e) or (h) of Section  
13 2770, the notice shall so indicate. The lead agency shall forward  
14 to the operator a copy of the notice, a copy of the completed  
15 inspection form, and any supporting documentation, including,  
16 but not limited to, any inspection report prepared by the geologist,  
17 civil engineer, landscape architect, or forester, who conducted the  
18 inspection.

19 (c) Before approving a surface mining operation's reclamation  
20 plan, financial assurances, including existing financial assurances  
21 reviewed by the lead agency pursuant to subdivision (c) of Section  
22 2770, or any amendments, the lead agency shall submit the plan,  
23 assurances, or amendments to the director for review. All  
24 documentation for that submission shall be submitted to the director  
25 at one time. When the lead agency submits a reclamation plan or  
26 plan amendments to the director for review, the lead agency shall  
27 also submit to the director, for use in reviewing the reclamation  
28 plan or plan amendments, information from any related document  
29 prepared, adopted, or certified pursuant to Division 13  
30 (commencing with Section 21000), and shall submit any other  
31 pertinent information. The lead agency shall certify to the director  
32 that the reclamation plan is in compliance with the applicable  
33 requirements of this chapter and Article 1 (commencing with  
34 Section 3500) of Chapter 8 of Division 2 of Title 14 of the  
35 California Code of Regulations and the lead agency's mining  
36 ordinance in effect at the time that the reclamation plan is submitted  
37 to the director for review.

38 (d) (1) The director shall have 30 days from the date of receipt  
39 of a reclamation plan or plan amendments submitted pursuant to  
40 subdivision (c), and 45 days from the date of receipt of financial

1 assurances submitted pursuant to subdivision (c), to prepare written  
2 comments, if the director so chooses. The lead agency shall  
3 evaluate written comments received from the director relating to  
4 the reclamation plan, plan amendments, or financial assurances  
5 within a reasonable amount of time.

6 (2) The lead agency shall prepare a written response to the  
7 director’s comments describing the disposition of the major issues  
8 raised by the director’s comments, and submit the lead agency’s  
9 proposed response to the director at least 30 days prior to approval  
10 of the reclamation plan, plan amendment, or financial assurance.  
11 The lead agency’s response to the director’s comments shall  
12 describe whether the lead agency proposes to adopt the director’s  
13 comments to the reclamation plan, plan amendment, or financial  
14 assurance. If the lead agency does not propose to adopt the  
15 director’s comments, the lead agency shall specify, in detail, why  
16 the lead agency proposes not to adopt the comments. Copies of  
17 any written comments received and responses prepared by the lead  
18 agency shall be forwarded to the operator. The lead agency shall  
19 also give the director at least 30 days’ notice of the time, place,  
20 and date of the hearing before the lead agency at which time the  
21 reclamation plan, plan amendment, or financial assurance is  
22 scheduled to be approved by the lead agency. If no hearing is  
23 required by this chapter, or by the local ordinance, or other state  
24 law, then the lead agency shall provide 30 days’ notice to the  
25 director that it intends to approve the reclamation plan, plan  
26 amendment, or financial assurance. The lead agency shall send to  
27 the director its final response to the director’s comments within  
28 30 days following its approval of the reclamation plan, plan  
29 amendment, or financial assurance during which period the  
30 department retains all powers, duties, and authorities of this  
31 chapter.

32 (3) To the extent that there is a conflict between the comments  
33 of a trustee agency or a responsible agency that are based on the  
34 agency’s statutory or regulatory authority and the comments of  
35 other commenting agencies which are received by the lead agency  
36 pursuant to Division 13 (commencing with Section 21000)  
37 regarding a reclamation plan or plan amendments, the lead agency  
38 shall consider only the comments of the trustee agency or  
39 responsible agency.



1 (e) A lead agency shall notify the director of the filing of an  
2 application for a permit to conduct surface mining operations  
3 within 30 days of an application being filed with the lead agency.  
4 By July 1, 1991, each lead agency shall submit to the director for  
5 every active or idle mining operation within its jurisdiction, a copy  
6 of the mining permit required pursuant to Section 2774, and any  
7 conditions or amendments to those permits. By July 1 of each  
8 subsequent year, the lead agency shall submit to the director for  
9 each active or idle mining operation a copy of any permit or  
10 reclamation plan amendments, as applicable, or a statement that  
11 there have been no changes during the previous year. Failure to  
12 file with the director the information required under this section  
13 shall be cause for action under Section 2774.4.

14 SEC. 5. Section 2790 of the Public Resources Code is amended  
15 to read:

16 2790. After receipt of mineral information from the State  
17 Geologist pursuant to subdivision (d) of Section 2761, the board  
18 may, by regulation adopted after a public hearing, designate  
19 specific geographic areas of the state as areas of statewide or  
20 regional significance and specify the boundaries of the geographic  
21 areas. The designation shall be included as a part of the state policy  
22 and shall indicate the reason for which the particular area  
23 designated is of significance to the state or region, the adverse  
24 effects that might result from premature development of  
25 incompatible land uses, the advantages that might be achieved  
26 from extraction of the minerals of the area, and the specific goals  
27 and policies to protect against the premature incompatible  
28 development of the area.

29 SEC. 6. Section 30333 of the Public Resources Code is  
30 amended to read:

31 30333. (a) Except as provided in Section 18930 of the Health  
32 and Safety Code, the commission may adopt or amend, by vote of  
33 a majority of the appointed membership of the commission, rules  
34 and regulations to carry out the purposes and provisions of this  
35 division, and to govern procedures of the commission.

36 (b) Except as provided in Section 18930 of the Health and Safety  
37 Code and paragraph (3) of subdivision (a) of Section 30620, these  
38 rules and regulations shall be adopted in accordance with the  
39 provisions of Chapter 3.5 (commencing with Section 11340) of  
40 Part 1 of Division 3 of Title 2 of the Government Code. These

1 rules and regulations shall be consistent with this division and  
2 other applicable law.

3 SEC. 7. Section 30620 of the Public Resources Code is  
4 amended to read:

5 30620. (a) By January 30, 1977, the commission shall,  
6 consistent with this chapter, prepare interim procedures for the  
7 submission, review, and appeal of coastal development permit  
8 applications and of claims of exemption. These procedures shall  
9 include, but are not limited to, all of the following:

10 (1) Application and appeal forms.

11 (2) Reasonable provisions for notification to the commission  
12 and other interested persons of an action taken by a local  
13 government pursuant to this chapter, in sufficient detail to ensure  
14 that a preliminary review of that action for conformity with this  
15 chapter can be made.

16 (3) Interpretive guidelines designed to assist local governments,  
17 the commission, and persons subject to this chapter in determining  
18 how the policies of this division shall be applied in the coastal  
19 zone prior to the certification, and through the preparation and  
20 amendment, of local coastal programs. However, the guidelines  
21 shall not supersede, enlarge, or diminish the powers or authority  
22 of the commission or any other public agency.

23 (b) Not later than May 1, 1977, the commission shall, after  
24 public hearing, adopt permanent procedures that include the  
25 components specified in subdivision (a) and shall transmit a copy  
26 of those procedures to each local government within the coastal  
27 zone and make them readily available to the public. The  
28 commission may thereafter, from time to time, and, except in cases  
29 of emergency, after public hearing, modify or adopt additional  
30 procedures or guidelines that the commission determines to be  
31 necessary to better carry out the purposes of this division.

32 (c) (1) The commission may require a reasonable filing fee and  
33 the reimbursement of expenses for the processing by the  
34 commission of an application for a coastal development permit  
35 under this division and, except for local coastal program submittals,  
36 for any other filing, including, but not limited to, a request for  
37 revocation, categorical exclusion, or boundary adjustment, that is  
38 submitted for review by the commission.

39 (2) Any coastal development permit fees that are collected by  
40 the commission under paragraph (1) shall be deposited in the

1 Coastal Act Services Fund established pursuant to Section 30620.1.  
2 This paragraph does not authorize an increase in fees or create any  
3 new authority on the part of the commission.

4 (d) With respect to an appeal of an action taken by a local  
5 government pursuant to Section 30602 or 30603, the executive  
6 director shall, within five working days of receipt of an appeal  
7 from a person other than a member of the commission or a public  
8 agency, determine whether the appeal is patently frivolous. If the  
9 executive director determines that an appeal is patently frivolous,  
10 the appeal shall not be filed unless a filing fee in the amount of  
11 three hundred dollars (\$300) is deposited with the commission  
12 within five working days of the receipt of the executive director’s  
13 determination. If the commission subsequently finds that the appeal  
14 raises a substantial issue, the filing fee shall be refunded.

15 *SEC. 8. Section 71205.3 of the Public Resources Code is*  
16 *amended to read:*

17 71205.3. (a) On or before January 1, 2008, the commission  
18 shall adopt regulations that do all of the following:

19 (1) Except as provided ~~otherwise~~ in Section 71204.7, require  
20 an owner or operator of a vessel carrying, or capable of carrying,  
21 ballast water that operates in the waters of the state to implement  
22 the interim performance standards for the discharge of ballast water  
23 recommended in accordance with Table x-1 of the California State  
24 Lands Commission Report on Performance Standards for Ballast  
25 Water Discharges in California Waters, as approved by the  
26 commission on January 26, 2006.

27 (2) Except as provided ~~otherwise~~ in Section 71204.7, require  
28 an owner or operator of a vessel carrying, or capable of carrying,  
29 ballast water that operates in the waters of the state to comply with  
30 the following implementation schedule:

31			
32	Ballast water capacity	Standards apply to new	Standards apply to all
33	of vessel	vessels in this size class	other vessels in this size
34		constructed on or after:	class beginning on:
35	<1500 metric tons	January 1, <del>2010</del> 2016	January 1, <del>2016</del> 2018
36	1500-5000 metric tons	January 1, <del>2010</del> 2016	January 1, <del>2014</del> 2016
37	>5000 metric tons	January 1, <del>2012</del> 2016	January 1, <del>2016</del> 2018
38			

39 (3) Notwithstanding Section 71204.7, require an owner or  
40 operator of a vessel carrying, or capable of carrying, ballast water

1 that operates in the waters of the state to meet the final performance  
2 standard for the discharge of ballast water of zero detectable for  
3 all organism size classes by 2020, as approved by the commission  
4 on January 26, 2006.

5 ~~(b) On or before January 1, 2009, for the interim performance~~  
6 ~~standards specified in paragraph (1) of subdivision (a) that have~~  
7 ~~to be complied with in 2010, as specified in paragraph (2) of~~  
8 ~~subdivision (a), and not~~ *Not* less than 18 months prior to the  
9 scheduled compliance date specified in paragraph (2) of subdivision  
10 (a) for each subsequent class and the date for implementation of  
11 the final performance standard, as specified in paragraph (3) of  
12 subdivision (a), the commission, in consultation with the State  
13 Water Resources Control Board, the United States Coast Guard,  
14 and the advisory panel described in subdivision (b) of Section  
15 71204.9, shall prepare, or update, and submit to the Legislature a  
16 review of the efficacy, availability, and environmental impacts,  
17 including the effect on water quality, of currently available  
18 technologies for ballast water treatment systems. If technologies  
19 to meet the performance standards are determined in a review to  
20 be unavailable, the commission shall include in that review an  
21 assessment of why the technologies are unavailable.

22 ~~SEC. 8.~~

23 *SEC. 9.* Section 2810.2 of the Vehicle Code is amended to  
24 read:

25 2810.2. (a) (1) A peace officer, as described in Chapter 4.5  
26 (commencing with Section 830) of Title 3 of Part 2 of the Penal  
27 Code, may stop any vehicle transporting agricultural irrigation  
28 supplies that are in plain view to inspect the bills of lading,  
29 shipping, or delivery papers, or other evidence to determine  
30 whether the driver is in legal possession of the load, if the vehicle  
31 is on a rock road or unpaved road that is located in a county that  
32 has elected to implement this section and the road is located as  
33 follows:

34 (A) Located under the management of the Department of Parks  
35 and Recreation, the Department of Fish and Wildlife, the  
36 Department of Forestry and Fire Protection, the State Lands  
37 Commission, a regional park district, the United States Forest  
38 Service, or the Bureau of Land Management.

39 (B) Located within the respective ownership of a timberland  
40 production zone, as defined in Chapter 6.7 (commencing with

1 Section 51100) of Division 1 of Title 5 of the Government Code,  
2 either that is larger than 50,000 acres or for which the owner of  
3 more than 2,500 acres has given express written permission for a  
4 vehicle to be stopped within that zone pursuant to this section.

5 (2) Upon reasonable belief that the driver of the vehicle is not  
6 in legal possession, the law enforcement officer specified in  
7 paragraph (1) shall take custody of the vehicle and load and turn  
8 them over to the custody of the sheriff of the county that has elected  
9 to implement this section where the agricultural irrigation supplies  
10 are apprehended.

11 (b) The sheriff shall receive and provide for the care and  
12 safekeeping of the apprehended agricultural irrigation supplies  
13 that were in plain view within the boundaries of public lands under  
14 the management of the entities listed in subparagraph (A) of  
15 paragraph (1) of subdivision (a) or on a timberland production  
16 zone as specified in subparagraph (B) of paragraph (1) of  
17 subdivision (a), and immediately, in cooperation with the  
18 department, proceed with an investigation and its legal disposition.

19 (c) Any expense incurred by the sheriff in the performance of  
20 his or her duties under this section shall be a legal charge against  
21 the county.

22 (d) Except as provided in subdivision (e), a peace officer shall  
23 not cause the impoundment of a vehicle at a traffic stop made  
24 pursuant to subdivision (a) if the driver's only offense is a violation  
25 of Section 12500.

26 (e) During the conduct of pulling a driver over in accordance  
27 with subdivision (a), if the peace officer encounters a driver who  
28 is in violation of Section 12500, the peace officer shall make a  
29 reasonable attempt to identify the registered owner of the vehicle.  
30 If the registered owner is present, or the peace officer is able to  
31 identify the registered owner and obtain the registered owner's  
32 authorization to release the motor vehicle to a licensed driver  
33 during the vehicle stop, the vehicle shall be released to either the  
34 registered owner of the vehicle if he or she is a licensed driver or  
35 to the licensed driver authorized by the registered owner of the  
36 vehicle. If a notice to appear is issued, the name and the driver's  
37 license number of the licensed driver to whom the vehicle was  
38 released pursuant to this subdivision shall be listed on the officer's  
39 copy of the notice to appear issued to the unlicensed driver. When  
40 a vehicle cannot be released, the vehicle shall be removed pursuant

1 to subdivision (p) of Section 22651, whether a notice to appear  
2 has been issued or not.

3 (f) For purposes of this section, “agricultural irrigation supplies”  
4 include agricultural irrigation water bladder and one-half inch  
5 diameter or greater irrigation line.

6 (g) This section shall be implemented only in a county where  
7 the board of supervisors adopts a resolution authorizing the  
8 enforcement of this section.

O