

ASSEMBLY BILL

No. 2906

Introduced by Committee on Transportation (Assembly Members Frazier (Chair), Achadjian (Vice Chair), Baker, Bloom, Campos, Chu, Daly, Dodd, Eduardo Garcia, Gomez, Kim, Linder, Medina, Melendez, Nazarian, and O'Donnell)

March 7, 2016

An act to amend Sections 12527, 21107.8, 22502, 25802, and 27903 of, and to repeal Section 5101.7 of, the Vehicle Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2906, as introduced, Committee on Transportation. Transportation: omnibus bill.

(1) Existing law authorizes the issuance of commemorative 1984 Olympic reflectorized license plates in lieu of regular license plates, as specified. Existing law requires that the issue, renewal, cancellation, retention, and transfer of the Olympic plates be subject to specified provisions as if they were environmental license plates, including, among others, provisions that impose a \$48 registration fee and a \$38 renewal fee for the issuance of the plates.

This bill would repeal the provisions that require the Olympic plates to be subject to the environmental license plates provisions described above.

(2) Existing law requires a vehicle stopped or parked upon a roadway where there are adjacent curbs to be stopped or parked with the wheels of the vehicle parallel to, and within 18 inches of, the curb, as provided, except as specified.

This bill would additionally apply these provisions to vehicles stopped or parked upon a roadway where there are adjacent class IV bikeways, as defined.

(3) Existing law requires any vehicle transporting any explosive, blasting agent, flammable liquid, flammable solid, oxidizing material, corrosive, compressed gas, poison, radioactive material, or other hazardous materials, of the type and in quantities that require the display of placards or markings on the vehicle exterior by regulations of the United States Department of Transportation, to display those placards and markings as prescribed by those regulations.

This bill would also prohibit a vehicle described above from displaying other markings or placards on the vehicle exterior unless permitted or required by specified federal regulations.

(4) This bill would make other technical and clarifying changes.

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 Section 5101.7 of the Vehicle Code is repealed.
 2 ~~5101.7. (a) Until December 31, 1984, any person described~~
 3 ~~in Section 5101 may also apply for a set of commemorative 1984~~
 4 ~~Olympic reflectorized license plates and the department shall issue~~
 5 ~~those special license plates in lieu of the regular license plates. No~~
 6 ~~commemorative 1984 Olympic reflectorized license plates shall~~
 7 ~~be issued pursuant to an application therefor which is submitted~~
 8 ~~on or after January 1, 1985, but the holder of those plates may~~
 9 ~~thereafter renew or retain them, or transfer them to another vehicle,~~
 10 ~~subject to this article.~~
 11 ~~(b) Except as provided in this section, the issue, renewal,~~
 12 ~~cancellation, retention, and transfer of the commemorative 1984~~
 13 ~~Olympic reflectorized license plates shall be subject to the~~
 14 ~~provisions of this article as if they were environmental license~~
 15 ~~plates. Until December 31, 1989, duplicate, replacement plates~~
 16 ~~shall be identical commemorative 1984 Olympic reflectorized~~
 17 ~~license plates of the same letter, number, and design as originally~~
 18 ~~issued. On and after January 1, 1990, duplicate or replacement~~
 19 ~~plates shall be provided pursuant to this article.~~
 20 ~~(c) Notwithstanding the color, design, and number of digit~~
 21 ~~requirements of Section 5102, the department shall design the~~

1 commemorative 1984 Olympic reflectorized license plates, which
2 shall be reflectorized license plates issued pursuant to Section
3 4850. The commemorative 1984 Olympic reflectorized license
4 plates shall be of a distinctive design, as determined by the
5 department after consultation with the Los Angeles Olympic
6 Organizing Committee.

7 SEC. 2. Section 12527 of the Vehicle Code is amended to read:

8 12527. In addition to satisfying all requirements specified in
9 this code and *in* regulations adopted pursuant to this code, an
10 applicant for an ambulance driver certificate shall satisfy all of the
11 following requirements:

12 (a) Except as otherwise provided, every ambulance driver
13 responding to an emergency call or transporting patients shall be
14 at least 18 years of age, hold a driver's license valid in California,
15 possess a valid ambulance driver certificate, and be trained and
16 competent in ambulance operation and the use of safety and
17 emergency care equipment required by the California Code of
18 Regulations governing ambulances.

19 (b) Except as provided in subdivision (f), ~~no~~ a person shall *not*
20 operate an ambulance unless the person has in his or her immediate
21 possession a driver's license for the appropriate class of vehicle
22 to be ~~driven~~, *driven* and a certificate issued by the department to
23 permit the operation of an ambulance.

24 (c) An ambulance driver certificate ~~may~~ *shall only* be issued by
25 the department ~~only~~ upon the successful completion of an
26 examination conducted by the department and subject to all of the
27 following conditions:

28 (1) An applicant for an original or renewal driver certificate
29 shall submit a report of medical examination on a form approved
30 by the department, the Federal ~~Highway Administration~~, *Motor*
31 *Carrier Safety Administration*, or the Federal Aviation
32 Administration. The report shall be dated within the two years
33 preceding the application date.

34 (2) An applicant for an original driver certificate shall submit
35 an acceptable fingerprint card.

36 (3) The certificate to drive an ambulance shall be valid for a
37 period not exceeding five years and six months and shall expire
38 on the same date as the driver's license. The ambulance driver
39 certificate shall *only* be valid ~~only~~ when both of the following
40 conditions exist:

1 (A) The certificate is accompanied by a medical examination
2 certificate that was issued within the preceding two years and
3 approved by the department, ~~the Federal Highway Administration,~~
4 *Motor Carrier Safety Administration* or *the Federal Aviation*
5 *Administration*.

6 (B) A copy of the medical examination report ~~from~~ *based upon*
7 which the certificate was issued is on file with the department.

8 (4) The ambulance driver certificate is renewable under
9 conditions prescribed by the department. Except as ~~permitted under~~
10 *provided in* paragraphs (2) and (3) of subdivision (d), applicants
11 renewing an ambulance driver certificate shall possess certificates
12 or licenses evidencing compliance with the emergency medical
13 training and educational standards for ambulance attendants
14 established by the Emergency Medical Service Authority.

15 (d) (1) Every ambulance driver shall have been trained to assist
16 the ambulance attendant in the care and handling of the ill and
17 injured.

18 Except as provided in paragraph (2), the driver of a
19 California-based ambulance shall, within one year of initial
20 issuance of the driver's ambulance driver certificate, possess a
21 certificate or license evidencing compliance with the emergency
22 medical training and educational standards established for
23 ambulance attendants by the Emergency Medical Service
24 Authority. In those emergencies requiring both the regularly
25 assigned driver and attendant to be utilized in providing patient
26 care, the specialized emergency medical training requirement shall
27 not apply to persons temporarily detailed to drive the ambulance.

28 (2) Paragraph (1) does not apply to an ambulance driver who
29 is a volunteer driver for a volunteer ambulance service under the
30 circumstances specified in this paragraph, if the service is provided
31 in the unincorporated areas of a county with a population of less
32 than 125,000 persons, as determined by the most recent federal
33 decennial census. The operation of an ambulance ~~under~~ *subject to*
34 this paragraph shall only apply if the name of the driver and the
35 volunteer ambulance service and facts substantiating the public
36 health necessity for an exemption are submitted to the department
37 by the county board of supervisors and by at least one of the
38 following entities in the county where the driver operates the
39 ambulance:

40 (A) The county health officer.

1 (B) The county medical care committee.

2 (C) The local emergency medical services agency coordinator.

3 (3) The information required by paragraph (2) shall be submitted
4 to the department at the time of application for an ambulance driver
5 certificate. Upon receipt of that information, the department shall
6 restrict the certificate holder to driving an ambulance for the
7 volunteer ambulance service.

8 (4) The director may terminate any certificate issued pursuant
9 to paragraph (2) at any time the department determines that the
10 qualifying conditions specified ~~therein~~ no longer exist.

11 (5) The exemption granted pursuant to paragraph (2) shall expire
12 on the expiration date of the ambulance driver certificate.

13 ~~(e) A person holding a valid certificate to permit the operation
14 of an ambulance, issued prior to January 1, 1991, shall not be
15 required to reapply for a certificate to satisfy the requirements of
16 this section until the certificate he or she holds expires or is
17 canceled or revoked.~~

18 ~~(f)~~

19 (e) An ambulance certificate is not required for persons
20 operating ambulances in the line of duty as salaried, regular,
21 full-time police officers, deputy sheriffs, or members of a fire
22 department of a public agency. This exemption does not include
23 volunteers and part-time employees or members of a department
24 whose duties are primarily clerical or administrative.

25 SEC. 3. Section 21107.8 of the Vehicle Code is amended to
26 read:

27 21107.8. (a) (1) ~~Any city or county~~ *A city, county, or city and*
28 *county* may, by ordinance or resolution, find and declare that there
29 are privately owned and maintained offstreet parking facilities as
30 described in the ordinance or resolution within the ~~city or county~~
31 *city, county, or city and county* that are generally held open for
32 use of the public for purposes of vehicular parking. Upon
33 enactment by ~~a city or county~~ *a city, county, or city and county* of
34 the ordinance or resolution, Sections 22350, 23103, and 23109
35 and the provisions of Division 16.5 (commencing with Section
36 38000) shall apply to privately owned and maintained offstreet
37 parking facilities, except as provided in subdivision (b).

38 (2) (A) If ~~a city or county~~ *a city, county, or city and county*
39 enacts an ordinance or resolution authorized by paragraph (1), ~~a~~
40 ~~city or county~~ *the city, county, or city and county* may include in

1 that ordinance or resolution authorization for the operator of a
 2 privately owned and maintained offstreet parking facility to
 3 regulate unauthorized parking in that facility.

4 (B) (i) ~~If a city or county~~ *a city, county, or city and county* has
 5 exercised its authority pursuant to subparagraph (A) and
 6 unauthorized parking is regulated in a privately owned and
 7 maintained offstreet parking facility, the owner or operator of that
 8 facility shall include in a parking fee invoice instructions that
 9 describe the manner in which to contest the parking fee invoice.

10 (ii) ~~If a city or county~~ *a city, county, or city and county* has
 11 exercised its authority pursuant to subparagraph (A) and
 12 unauthorized parking is regulated in a privately owned and
 13 maintained offstreet parking facility, the owner or operator of that
 14 facility shall not file with, or transmit to, the Department of Motor
 15 Vehicles a parking fee invoice for the purpose of having the
 16 Department of Motor Vehicles attempt to collect unpaid parking
 17 fees by refusing to issue or renew a license pursuant to Section
 18 12808.1 or refusing to renew the registration of a vehicle pursuant
 19 to Section 4760.

20 (b) (1) Notwithstanding subdivision (a), an ordinance or
 21 resolution enacted ~~thereunder~~ *pursuant to that subdivision* does
 22 not apply to ~~any an~~ *an* offstreet parking facility ~~described in that~~
 23 ~~subdivision~~ unless the owner or operator has caused to be posted
 24 in a conspicuous place at each entrance to that offstreet parking
 25 facility a notice not less than 17 by 22 inches in size with lettering
 26 not less than one inch in height, to the effect that the offstreet
 27 parking facility is subject to public moving vehicle laws and
 28 violators may be subject to a parking invoice fee.

29 (2) If applicable, a parking receipt distributed to drivers shall
 30 include language explicitly stating that violators may be subject
 31 to a parking invoice fee.

32 (c) ~~No~~ *An* ordinance or resolution shall *not* be enacted ~~under~~
 33 *pursuant to* subdivision (a) without a public hearing ~~thereon~~ *on*
 34 *the matter* and 10 days prior written notice to the owner and
 35 operator of the privately owned and maintained offstreet parking
 36 facility involved.

37 (d) Section 22507.8 may be enforced without enactment of an
 38 ordinance or resolution as required ~~under~~ *pursuant to* subdivision
 39 (a) or the posting of a notice at each entrance to the offstreet

1 parking facility as required ~~under~~ *by* paragraph (1) of subdivision
2 (b).

3 (e) The department shall not be required to provide patrol or *to*
4 enforce any ~~provisions~~ *provision* of this code ~~on any~~ *in a* privately
5 owned and maintained offstreet parking facility subject to ~~the~~
6 ~~provisions of this code under~~ this section except those provisions
7 applicable to private property ~~other than by action under~~ *actions*
8 *not described in* this section.

9 (f) ~~A city or county~~ *A city, county, or city and county* that
10 authorizes private parking regulation pursuant to this section shall,
11 in its ordinance or resolution, include provisions that include all
12 of the following:

13 (1) Procedures ~~of for~~ dispute resolution in accordance with ~~those~~
14 ~~procedures set forth in~~ Section 40215, ~~which shall include all of~~
15 ~~the following:~~ *including all of the following:*

16 (A) A written and publicly available dispute resolution policy
17 that includes specified time periods for notifications, review, and
18 appeal.

19 (B) An administrative hearing process that includes all of the
20 following:

21 (i) Options for a hearing in person or by mail.

22 (ii) Administrative review.

23 (iii) A hearing by a third-party examiner who has been
24 adequately trained and who provides an independent, objective,
25 fair, and impartial review.

26 (iv) Personal delivery or delivery by first-class mail of ~~an~~ *the*
27 examiner's decision.

28 (v) Authority for the examiner to allow payment of the parking
29 ~~charge invoice fee~~ *in* installments for persons showing evidence
30 of inability to pay the parking ~~charge invoice fee~~ *in* full.

31 (2) A prohibition against incentives based on the number of
32 invoices issued or the number or ~~percent~~ *percentage* of disputed
33 invoices adjudicated that uphold parking ~~charges:~~ *invoice fees.*

34 (3) A cap on a parking invoice fee that is commensurate with
35 the most nearly equivalent municipal parking fine.

36 (4) Measures to prevent a private parking regulator from
37 representing itself as a government enforcement agency, including
38 a prohibition against *the* use of terminology ~~in ordinances or~~
39 ~~resolutions, and in parking fee invoices, which are in ordinances,~~
40 *resolutions, and parking fee invoices that is* restricted to

1 governmental law ~~enforcement~~, *enforcement* and a requirement
 2 ~~for that~~ a conspicuous statement *be included* on parking fee
 3 invoices to the effect that “This parking ~~charge invoice fee~~ notice
 4 is not issued by the [local government].”

5 SEC. 4. Section 22502 of the Vehicle Code is amended to read:

6 22502. (a) Except as otherwise provided in this chapter, a
 7 vehicle stopped or parked upon a roadway ~~where there are~~ *with*
 8 adjacent curbs *or class IV bikeways, as defined in Section 890.4*
 9 *of the Streets and Highways Code*, shall be stopped or parked with
 10 the right-hand wheels of the vehicle parallel ~~with and within 18~~
 11 ~~inches of to, and within 18 inches of,~~ the right-hand ~~curb,~~ *curb or*
 12 *the right-hand edge of the class IV bikeway*, except that a
 13 motorcycle shall be parked with at least one wheel or fender
 14 touching the right-hand curb. ~~Where no curbs or barriers or edge.~~
 15 *If no curbs, barriers, or class IV bikeways bound a two-way*
 16 *roadway, right-hand parallel parking is required unless otherwise*
 17 *indicated.*

18 (b) (1) The provisions of subdivision (a) or (e) do not apply to
 19 a commercial vehicle if a variation from the requirements of
 20 subdivision (a) or (e) is reasonably necessary to accomplish the
 21 loading or unloading of merchandise or passengers on, or from, a
 22 vehicle and while anything connected with the loading, or
 23 unloading, is being executed.

24 (2) This subdivision does not permit a vehicle to stop or park
 25 upon a roadway in a direction opposite to that in which traffic
 26 normally ~~moves upon that half of the roadway on which the vehicle~~
 27 ~~is stopped or parked.~~ *moves.*

28 (c) Notwithstanding subdivision (b), a local authority may, by
 29 ordinance, prohibit a commercial vehicle from stopping, parking,
 30 or standing on one side of a roadway in a business district with
 31 the wheels of the vehicle more than 18 inches from the ~~curb,~~ *curb*
 32 *or the edge of a class IV bikeway*. The ordinance shall be effective
 33 only if signs are placed ~~in the areas to which it is applicable~~ clearly
 34 indicating the ~~prohibition.~~ *prohibition in the areas to which it*
 35 *applies.*

36 (d) This section does not apply to vehicles of a public utility
 37 when the vehicles are being used in connection with the operation,
 38 maintenance, or repair of facilities of the public utility or are being
 39 used in connection with providing public utility service.

1 (e) (1) Upon a one-way roadway, a vehicle may be stopped or
2 parked as provided in subdivision (a) or with the left-hand wheels
3 parallel to and within 18 inches of to, and within 18 inches of, the
4 left-hand curb, curb or left-hand edge of a class IV bikeway, except
5 that a motorcycle, if parked on the left-hand side, shall have either
6 one wheel or one fender touching the curb. ~~Where no curb or~~
7 ~~barriers or edge. If no curb, barriers, or class IV bikeway bound~~
8 a one-way roadway, parallel parking on either side is required
9 unless otherwise indicated.

10 (2) This subdivision does not apply upon a roadway of a divided
11 highway.

12 (f) (1) The City of Long Beach may, by ordinance or resolution,
13 implement a pilot program to authorize vehicles to park on the
14 left-hand side of the roadway parallel to and within 18 inches of
15 the left-hand curb on two-way local residential streets that dead-end
16 with no cul-de-sac or other designated area in which to turn around,
17 if the City of Long Beach has first made a finding, supported by
18 a professional engineering study, that the ordinance or resolution
19 is justified by the need to facilitate the safe and orderly movement
20 of vehicles on the roadways affected by the resolution or ordinance.
21 The area covered by the ordinance or resolution shall be limited
22 to the streets perpendicular to Ocean Boulevard beginning at
23 Balboa Place and ending at 72nd Place, but shall not cover 62nd
24 Place. The ordinance or resolution permitting that parking shall
25 not apply until signs or markings giving adequate notice have been
26 placed near the designated roadways. The city shall submit to the
27 Legislature, two years from the date of the enactment of the
28 ordinance or resolution that establishes the pilot program, a report
29 that outlines the advantages and disadvantages of the pilot program.
30 The report submitted pursuant to this subdivision shall be submitted
31 in compliance with Section 9795 of the Government Code.

32 (2) The pilot program authorized under this subdivision shall
33 terminate, and this subdivision shall become inoperative, three
34 years from the date of enactment of the ordinance or resolution
35 that establishes the pilot program.

36 SEC. 5. Section 25802 of the Vehicle Code is amended to read:
37 25802. Sections 24002, 24005, 24012, 24250, 24251, 24400
38 to 24404, inclusive, 24600 to 24604, inclusive, 24606 to 24610,
39 inclusive, Article 4 (commencing with Section 24800), Article 5
40 (commencing with Section 24950), Article 6 (commencing with

1 Section 25100), Article 9 (commencing with Section 25350),
 2 Article 11 (commencing with Section 25450), and Article 13
 3 (commencing with Section 25650) of Chapter 2 of this division,
 4 Chapter 3 (commencing with Section 26301), Chapter 4
 5 (commencing with Section 26700), and Chapter 5 (commencing
 6 with Section 27000) of this division, ~~and Chapter 2 (commencing~~
 7 ~~with Section 29200), Chapter 3 (commencing with Section 29800),~~
 8 ~~Chapter 4 (commencing with Section 30800);~~ and Chapter 5
 9 (commencing with Section 31301) of Division 13 do not apply to
 10 logging vehicles or any vehicle of a type subject to registration
 11 under this code that is not designed, used, or maintained for the
 12 transportation of persons or property and that is operated or moved
 13 over a highway only incidentally ; but any such vehicle shall be
 14 subject to Sections 2800, 2806, 24004, 25260, 25803, 25950,
 15 25952, 26457, 27454, 27602, 31500, and 40150, and to Article 12
 16 (commencing with Section 25500) of Chapter 2 of this division.

17 SEC. 6. Section 27903 of the Vehicle Code is amended to read:

18 27903. (a) Subject to Section 114765 of the Health and Safety
 19 Code, ~~any a~~ vehicle transporting ~~any an~~ explosive, blasting agent,
 20 flammable liquid, flammable solid, oxidizing material, corrosive,
 21 compressed gas, poison, radioactive material, or other hazardous
 22 materials, of the type and in quantities that require the display of
 23 placards or markings on the vehicle exterior by the United States
 24 Department of Transportation ~~regulations (49 C.F.R., Parts 172,~~
 25 ~~173, and 177), pursuant to Parts 172, 173, and 177 of Title 49 of~~
 26 ~~the Code of Federal Regulations shall display the those~~ placards
 27 and markings in the manner and under conditions prescribed by
 28 ~~those regulations of the United States Department of~~
 29 ~~Transportation. regulations.~~

30 (b) *A vehicle described in subdivision (a) shall not display other*
 31 *markings or placards on the vehicle exterior unless permitted or*
 32 *required by Subparts D and F of Part 172 of Title 49 of the Code*
 33 *of Federal Regulations.*

34 (b)

35 (c) This section does not apply to the following:

36 (1) ~~Any~~ A vehicle transporting not more than 20 pounds of
 37 smokeless powder or not more than five pounds of black sporting
 38 powder or any combination thereof.

39 (2) An authorized emergency vehicle as defined in paragraph
 40 (1) of subdivision (b) of Section 165, operated by a peace officer

1 as defined in Sections 830.1 and 830.2 of the Penal Code, when
2 transportation is required within the scope and course of law
3 enforcement explosives detection or removal duties, provided one
4 of the following conditions applies:

5 (A) The law enforcement agency operating the vehicle complies
6 with regulations adopted by the California Highway Patrol pursuant
7 to subdivision (b) of Section 34501, notwithstanding Section 34500
8 and subdivision (a) of Section 34501.

9 (B) The peace officer possesses an exemption issued by the
10 commissioner, who may require additional transportation
11 restrictions as deemed appropriate.

O