

AMENDED IN SENATE JULY 8, 2015

AMENDED IN SENATE APRIL 29, 2015

**SENATE BILL**

**No. 372**

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**Introduced by Senator Galgiani**

February 24, 2015

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~~An act to amend Section 1808.4 of the Vehicle Code, relating to the Department of Motor Vehicles. An act to add Section 5445 to the Public Utilities Code, relating to transportation, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 372, as amended, Galgiani. ~~Department of Motor Vehicles: records: confidentiality. Transportation network companies: sex offenders.~~

(1) *The Passenger Charter-party Carriers' Act defines a transportation network company as an organization, whether a corporation, partnership, sole proprietor, or other form, operating in California that provides prearranged transportation services for compensation using an online-enabled platform to connect passengers with drivers using their personal vehicles. A transportation network company is subject to regulation by the Public Utilities Commission, is required to have a specified certificate or permit, as appropriate, from the commission, and is subject to various other requirements. A violation of the act is generally a misdemeanor.*

*This bill would prohibit a transportation network company from hiring or retaining a driver who is required by law to register as a sex offender.*

*Because a violation of this provision would be a crime, this bill would impose a state-mandated local program.*

(2) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

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

~~Existing law prohibits the disclosure of the home addresses of certain public employees and officials that appear in records of the Department of Motor Vehicles, except to a court, a law enforcement agency, an attorney in a civil or criminal action under certain circumstances, and certain other official entities.~~

~~This bill would extend that prohibition, subject to those same exceptions, to the disclosure of the home addresses of an investigator employed by the Department of Insurance, code enforcement officers, as defined, and parking control officers, as specified.~~

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~no~~-yes.

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

1     SECTION 1. *Section 5445 is added to the Public Utilities Code,*  
2     *to read:*

3     5445. *A transportation network company shall not employ or*  
4     *retain, or continue to employ or retain, a participating driver if*  
5     *he or she is required by any law to register as a sex offender.*

6     SEC. 2. *No reimbursement is required by this act pursuant to*  
7     *Section 6 of Article XIII B of the California Constitution because*  
8     *the only costs that may be incurred by a local agency or school*  
9     *district will be incurred because this act creates a new crime or*  
10    *infraction, eliminates a crime or infraction, or changes the penalty*  
11    *for a crime or infraction, within the meaning of Section 17556 of*  
12    *the Government Code, or changes the definition of a crime within*  
13    *the meaning of Section 6 of Article XIII B of the California*  
14    *Constitution.*

15    SEC. 3. *This act is an urgency statute necessary for the*  
16    *immediate preservation of the public peace, health, or safety within*  
17    *the meaning of Article IV of the Constitution and shall go into*  
18    *immediate effect. The facts constituting the necessity are:*

1 *In order to ensure the protection and safety of the members of*  
2 *the public who use the services of transportation network*  
3 *companies, it is necessary that this act take effect immediately.*

4 ~~SECTION 1. Section 1808.4 of the Vehicle Code is amended~~  
5 ~~to read:~~

6 ~~1808.4. (a) For all of the following persons, his or her home~~  
7 ~~address that appears in a record of the department is confidential~~  
8 ~~if the person requests the confidentiality of that information:~~

9 ~~(1) Attorney General.~~

10 ~~(2) State Public Defender.~~

11 ~~(3) A Member of the Legislature.~~

12 ~~(4) A judge or court commissioner.~~

13 ~~(5) A district attorney.~~

14 ~~(6) A public defender.~~

15 ~~(7) An attorney employed by the Department of Justice, the~~  
16 ~~office of the State Public Defender, or a county office of the district~~  
17 ~~attorney or public defender.~~

18 ~~(8) A city attorney and an attorney who submits verification~~  
19 ~~from his or her public employer that the attorney represents the~~  
20 ~~city in matters that routinely place the attorney in personal contact~~  
21 ~~with persons under investigation for, charged with, or convicted~~  
22 ~~of, committing criminal acts, if that attorney is employed by a city~~  
23 ~~attorney.~~

24 ~~(9) A nonsworn police dispatcher.~~

25 ~~(10) A child abuse investigator or social worker, working in~~  
26 ~~child protective services within a social services department.~~

27 ~~(11) An active or retired peace officer, as defined in Chapter~~  
28 ~~4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal~~  
29 ~~Code.~~

30 ~~(12) An employee of the Department of Corrections and~~  
31 ~~Rehabilitation, Division of Juvenile Facilities, or the Prison~~  
32 ~~Industry Authority specified in Sections 20403 and 20405 of the~~  
33 ~~Government Code.~~

34 ~~(13) A nonsworn employee of a city police department, a county~~  
35 ~~sheriff's office, the Department of the California Highway Patrol,~~  
36 ~~a federal, state, or local detention facility, or a local juvenile hall,~~  
37 ~~camp, ranch, or home, who submits agency verification that, in~~  
38 ~~the normal course of his or her employment, he or she controls or~~  
39 ~~supervises inmates or is required to have a prisoner in his or her~~  
40 ~~care or custody.~~

1     ~~(14) A county counsel assigned to child abuse cases.~~

2     ~~(15) An investigator employed by the Department of Justice,~~  
3 ~~the Department of Insurance, a county district attorney, or a county~~  
4 ~~public defender.~~

5     ~~(16) A member of a city council.~~

6     ~~(17) A member of a board of supervisors.~~

7     ~~(18) A federal prosecutor, criminal investigator, or National~~  
8 ~~Park Service Ranger working in this state.~~

9     ~~(19) An active or retired city enforcement officer engaged in~~  
10 ~~the enforcement of the Vehicle Code or municipal parking~~  
11 ~~ordinances.~~

12     ~~(20) An employee of a trial court.~~

13     ~~(21) A psychiatric social worker employed by a county.~~

14     ~~(22) A police or sheriff department employee designated by the~~  
15 ~~chief of police of the department or the sheriff of the county as~~  
16 ~~being in a sensitive position. A designation pursuant to this~~  
17 ~~paragraph shall, for purposes of this section, remain in effect for~~  
18 ~~three years subject to additional designations that, for purposes of~~  
19 ~~this section, shall remain in effect for additional three-year periods.~~

20     ~~(23) A state employee in one of the following classifications:~~

21     ~~(A) Licensing Registration Examiner, Department of Motor~~  
22 ~~Vehicles.~~

23     ~~(B) Motor Carrier Specialist I, Department of the California~~  
24 ~~Highway Patrol.~~

25     ~~(C) Museum Security Officer and Supervising Museum Security~~  
26 ~~Officer.~~

27     ~~(D) Licensing Program Analyst, Department of Social Services.~~

28     ~~(24) A code enforcement officer, as defined in Section 829.5~~  
29 ~~of the Penal Code.~~

30     ~~(25) A parking control officer employed by a city, county, or~~  
31 ~~city and county, university, college, public hospital, public airport,~~  
32 ~~special district, or other public agency to monitor and enforce state~~  
33 ~~laws and ordinances relating to parking.~~

34     ~~(26) (A) The spouse or child of a person listed in paragraphs~~  
35 ~~(1) to (25), inclusive, regardless of the spouse's or child's place~~  
36 ~~of residence.~~

37     ~~(B) The surviving spouse or child of a peace officer, as defined~~  
38 ~~in Chapter 4.5 (commencing with Section 830) of Title 3 of Part~~  
39 ~~2 of the Penal Code, if the peace officer died in the line of duty.~~

1     ~~(C) (i) Subparagraphs (A) and (B) shall not apply if the person~~  
2 ~~listed in those subparagraphs was convicted of a crime and is on~~  
3 ~~active parole or probation.~~

4     ~~(ii) For requests made on or after January 1, 2011, the person~~  
5 ~~requesting confidentiality for their spouse or child listed in~~  
6 ~~subparagraph (A) or (B) shall declare, at the time of the request~~  
7 ~~for confidentiality, whether the spouse or child has been convicted~~  
8 ~~of a crime and is on active parole or probation.~~

9     ~~(iii) Neither the listed person's employer nor the department~~  
10 ~~shall be required to verify, or be responsible for verifying, that a~~  
11 ~~person listed in subparagraph (A) or (B) was convicted of a crime~~  
12 ~~and is on active parole or probation.~~

13     ~~(b) The confidential home address of a person listed in~~  
14 ~~subdivision (a) shall not be disclosed, except to any of the~~  
15 ~~following:~~

16     ~~(1) A court.~~

17     ~~(2) A law enforcement agency.~~

18     ~~(3) The State Board of Equalization.~~

19     ~~(4) An attorney in a civil or criminal action that demonstrates~~  
20 ~~to a court the need for the home address, if the disclosure is made~~  
21 ~~pursuant to a subpoena.~~

22     ~~(5) A governmental agency to which, under any provision of~~  
23 ~~law, information is required to be furnished from records~~  
24 ~~maintained by the department.~~

25     ~~(c) (1) A record of the department containing a confidential~~  
26 ~~home address shall be open to public inspection, as provided in~~  
27 ~~Section 1808, if the address is completely obliterated or otherwise~~  
28 ~~removed from the record.~~

29     ~~(2) Following termination of office or employment, a~~  
30 ~~confidential home address shall be withheld from public inspection~~  
31 ~~for three years, unless the termination is the result of conviction~~  
32 ~~of a criminal offense. If the termination or separation is the result~~  
33 ~~of the filing of a criminal complaint, a confidential home address~~  
34 ~~shall be withheld from public inspection during the time in which~~  
35 ~~the terminated individual may file an appeal from termination,~~  
36 ~~while an appeal from termination is ongoing, and until the appeal~~  
37 ~~process is exhausted, after which confidentiality shall be at the~~  
38 ~~discretion of the employing agency if the termination or separation~~  
39 ~~is upheld. Upon reinstatement to an office or employment, the~~  
40 ~~protections of this section are available.~~

1     ~~(3) With respect to a retired peace officer, his or her home~~  
2     ~~address shall be withheld from public inspection permanently upon~~  
3     ~~request of confidentiality at the time the information would~~  
4     ~~otherwise be opened. The home address of the surviving spouse~~  
5     ~~or child listed in subparagraph (B) of paragraph (26) of subdivision~~  
6     ~~(a) shall be withheld from public inspection for three years~~  
7     ~~following the death of the peace officer.~~

8     ~~(4) The department shall inform a person who requests a~~  
9     ~~confidential home address what agency the individual whose~~  
10    ~~address was requested is employed by or the court at which the~~  
11    ~~judge or court commissioner presides.~~

12    ~~(d) A violation of subdivision (a) by the disclosure of the~~  
13    ~~confidential home address of a peace officer, as specified in~~  
14    ~~paragraph (11) of subdivision (a), a nonsworn employee of the~~  
15    ~~city police department or county sheriff's office, or the spouses or~~  
16    ~~children of these persons, including, but not limited to, the~~  
17    ~~surviving spouse or child listed in subparagraph (B) of paragraph~~  
18    ~~(26) of subdivision (a), that results in bodily injury to the peace~~  
19    ~~officer, employee of the city police department or county sheriff's~~  
20    ~~office, or the spouses or children of these persons is a felony.~~