

AMENDED IN ASSEMBLY JUNE 29, 2015

AMENDED IN SENATE APRIL 22, 2015

SENATE BILL

No. 491

Introduced by Committee on Transportation and Housing (Senators Beall (Chair), Allen, Bates, Cannella, Gaines, Galgiani, Leyva, McGuire, Mendoza, Roth, and Wieckowski)

February 26, 2015

An act to *amend, repeal, and add Sections 116.870 and 116.880 of the Code of Civil Procedure, to amend Sections 14526.5 and 65074 of the Government Code, to amend Section 44241 of the Health and Safety Code, to amend Section 99164 of the Public Utilities Code, to amend Sections 143, 182.6, 182.7, 253.7, 392, 470, and 890.4 485, 538, 890.4, and 2384 of the Streets and Highways Code, and to amend Sections 1808, 1808.1, 13558, 16020.1, 16020.2, 21455.7, 24002, 24017, 24604, 25104, 25305, 25803, 26311, 27400, 29007, 34500.3, 34500.5, and 34520 of, to amend, repeal, and add Sections 1656.2, 12517.1, 13369, 16000, 16000.1, 16075, 16251, 16377, 16378, 16430, and 16434 of, and to add Section 27154.1 to, the Vehicle Code, relating to transportation.*

LEGISLATIVE COUNSEL'S DIGEST

SB 491, as amended, Committee on Transportation and Housing. Transportation: omnibus bill.

(1) Existing law authorizes certain air districts to impose a vehicle registration fee surcharge to be used for projects and programs to improve air quality. Existing law, in the area under the jurisdiction of the Bay Area Air Quality Management District, requires at least 40% of fee revenues to be proportionately allocated to each county within the district, and requires an entity receiving these revenues, at least once

a year, to hold one or more public meetings for the purpose of adopting criteria for expenditure of the funds and to review those expenditures.

This bill would instead, at least once a year, require one or more public meetings to adopt criteria for expenditure of funds, if the criteria have been modified from the previous year, and one or more public meetings to review those expenditures.

(2) Existing law imposes certain requirements on transit agencies with respect to the purchase and installation of security systems, including a requirement that the equipment be capable of storing recorded images for at least one year, subject to an exception.

This bill would provide that installation of a security system under these provisions does not create a duty to contemporaneously monitor the live video or other data collected by the system.

(2)

(3) Existing law requires the employers of drivers of certain types of vehicles, including vehicles for which the driver is required to have a Class C license with a hazardous materials endorsement, to enroll these drivers in the pull notice system under which the Department of Motor Vehicles notifies the employer of information appearing on a driver's driving record.

This bill would require the employer to enroll in the pull notice system any driver of a vehicle for which a Class C license with any endorsement is required.

(3)

(4) Existing law, among other things, provides that it is unlawful to operate any vehicle or vehicle combination that is in an unsafe condition, or that is not safely loaded, and that presents an immediate safety hazard, or that is not equipped as required by the Vehicle Code.

This bill would prohibit a motor carrier from requiring a person to drive a commercial motor vehicle, *as defined*, unless the person, by experience, training, or both, can determine whether the transported cargo, including passenger baggage, has been properly located, distributed, and secured, as specified. The bill would prohibit a driver from operating a commercial motor vehicle unless the driver can demonstrate familiarity with the methods and procedures for securing cargo. The bill would also require motor carriers and commercial motor vehicle drivers to comply with certain federal motor carrier regulations. Because a violation of these provisions would be a crime, this bill would impose a state-mandated local program.

(4)

(5) Existing law requires a transit bus operated by a motor carrier to be equipped with a speedometer, which is required to be maintained in good working order.

This bill would require every commercial motor vehicle operated by a motor carrier to be equipped with a speedometer maintained in good working order. Because a violation of this provision would be a crime, this bill would impose a state-mandated local program.

~~(5)~~

(6) Existing law, if the load on a vehicle or an integral part of the vehicle extends 4 feet or more beyond the rear of the vehicle, requires the vehicle to display 2 red lights at the extreme end of the load or projection if operating during darkness, or to display a solid red or fluorescent orange flag or cloth of not less than 12 square inches at the extreme end of the load or projection if operating at any other time. Existing law requires a vehicle or equipment operating under a permit due to exceeding normal vehicle width restrictions to display a solid red or fluorescent orange flag or cloth of not less than 12 square inches at the extreme left front and rear of the vehicle or equipment if operating other than during darkness. Existing law also requires certain other vehicles with a total outside width of more than 100 inches to display a solid red or fluorescent orange flag or cloth of not less than 12 square inches at the left outer extremity of the vehicle or load if operating other than during darkness.

This bill would increase the size of the required flag or cloth in these cases to 18 square inches. The bill would impose new requirements for a vehicle to display 2 flags or cloths if a projecting load to the rear is more than 2 feet in width, and for a commercial vehicle transporting a load that extends beyond the sides of a vehicle by more than 4 inches to display a flag or cloth at the extremities of the vehicle or equipment. The bill would also revise provisions relating to a vehicle or equipment operating under a permit for exceeding width restrictions to display a flag or cloth at the extremities of the vehicle or equipment, rather than at the extreme left front and left rear. Because a violation of these provisions would be a crime, this bill would impose a state-mandated local program.

~~(6)~~

(7) Existing law prohibits a person from placing, depositing, or displaying a lighted fusee upon or adjacent to any highway except as a warning to approaching vehicular traffic or railroad trains of an existing hazard.

This bill would prohibit a person from attaching or permitting any person to attach a lighted fusee to any part of a vehicle. Because a violation of this provision would be a crime, this bill would impose a state-mandated local program.

(7)

(8) Existing law generally requires every motor vehicle to be equipped with service brakes on all wheels, subject to certain exceptions, including trucks and truck tractors manufactured before January 1, 1982, with 3 or more axles, as specified, or any vehicle being towed in a driveaway-towaway operation.

This bill would specify that the requirement for a motor vehicle to be equipped with service brakes on all wheels applies to all wheels that are in contact with the roadway. The bill would narrow the above-referenced exceptions to instead apply to trucks or truck tractors manufactured before July 25, 1980, with 3 or more axles, and to the final towed vehicle in a triple-saddle-mount driveaway-towaway operation. Because the bill would change the definition of a crime, it would impose a state-mandated local program.

(8)

(9) Existing law imposes certain requirements for towing of a vehicle. Existing law provides that certain of these requirements do not apply to vehicles engaged in driveaway-towaway operations, if certain requirements are met.

This bill would impose additional requirements applicable to towing involving saddle mounts or use of more than one tow-bar or ball-and-socket coupling device in any combination. The bill would also require driveaway-towaway combinations to comply with specified federal regulations. Because a violation of these provisions would be a crime, this bill would impose a state-mandated local program.

(9)

(10) Existing law requires the cab of any motor vehicle to be reasonably tight against the penetration of gases and fumes from the engine or exhaust system.

This bill would require the flooring in all motor vehicles to be substantially constructed free of unnecessary holes and openings and to be maintained so as to minimize the entrance of fumes, exhaust gases, or fire. The bill would also prohibit floors from being permeated with oil or other substances likely to cause injury to persons using the floor as a traction device. Because a violation of these provisions would be a crime, this bill would impose a state-mandated local program.

(10)

(11) Existing law prohibits a person operating a motor vehicle or a bicycle from wearing a headset covering both ears, or from wearing earplugs in both ears, subject to certain exceptions.

This bill would also prohibit wearing earphones covering, resting on, or inserted in, both ears. Because a violation of these provisions would be a crime, this bill would impose a state-mandated local program.

(11)

(12) Existing law requires the Department of the California Highway Patrol to adopt regulations relative to cargo securement standards. Existing law provides an exemption from those regulations, in certain cases, for the transportation of a pole on a pole dolly by a public utility company or a local agency engaged in the business of supplying electricity or telephone service, or by a licensed contractor in the performance of work for the public utility company or the local agency, or for the Department of Transportation.

This bill would delete this exemption. Because this bill would change the definition of a crime, it would impose a state-mandated local program.

(12)

(13) Existing law generally requires drivers to show proof of financial responsibility to register their vehicles or upon the request of law enforcement, except that those requirements apply to residents of the Counties of Los Angeles and San Francisco only until January 1, 2016.

This bill would extend the proof of financial responsibility requirements to residents of those counties until January 1, 2020.

(13)

(14) Existing law classifies bikeways into various categories, including a Class IV bikeway, also known as a cycle track or separated bikeway, that provides a right-of-way designated exclusively for bicycle travel adjacent to a roadway and that is protected from vehicular traffic.

This bill would revise that description to delete the reference to a Class IV bikeway being protected from vehicular traffic and instead provide that it is separated from vehicular traffic.

(14)

(15) Existing law requires the Department of Transportation and regional transportation planning agencies to engage in various transportation planning activities, including the programming of transportation improvement projects. Existing federal law requires

projects seeking federal funds to be in compliance with certain federal planning and programming requirements.

This bill would revise these provisions to refer to the current names of certain federal transportation programming documents, and would make various modifications to the dates by which regional transportation planning agencies and the department are required to adopt those documents.

(15)

(16) Existing law requires the Department of Transportation to prepare a state highway operation and protection program every other year for the expenditure of transportation capital improvement funds for projects that are necessary to preserve and protect the state highway system, excluding projects that add new traffic lanes. Existing law, for each project in the program, requires the department to specify capital and support budgets as well as a projected delivery date for certain project ~~phases~~: *phases, including construction.*

This bill would delete the ~~requirement for the department to specify a projected delivery date for a project's construction phase~~: *reference to the construction phase, and instead require the department to specify a capital and support budget and a projected delivery date for the start of construction.*

(16)

(17) Existing law provides for the California Transportation Commission, except as otherwise provided by law, to adopt the location for a state highway on routes authorized by law. Existing law generally describes the various authorized routes in the state highway system, including Route 170 in the County of Los Angeles. Existing law also includes various state highway routes in the California freeway and expressway system.

This bill would revise the description of Route 170 to delete the unconstructed portion of this route between Los Angeles International Airport and Route 90 from both the state highway system and the California freeway and expressway system.

(18) *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. Existing law, with respect to certain relinquished former*

portions of State Highway Routes 92, 185, and 238 in the City of Hayward, requires the city to maintain within its jurisdiction signs directing motorists to the continuation of those routes or to the state highway system, as applicable, and also requires the city to ensure the continuity of traffic flow, including any traffic signal progression.

This bill would revise the route description for State Highway Route 92, and delete the requirement for the City of Hayward to ensure the continuity of traffic flow, including any traffic signal progression, on relinquished former portions of State Highway Routes 92, 185, and 238 within the city. The bill would also authorize the California Transportation Commission to relinquish all or any portion of these routes within the city under certain terms and conditions, including a requirement for the city to maintain within its jurisdiction signs directing motorists to the continuation of each route or to the state highway system, as applicable.

(19) Existing law creates the Active Transportation Program in the Department of Transportation for the purpose of encouraging increased use of active modes of transportation, including biking and walking, and provides for funding of various types of projects, including recreational trails, trailheads, and park projects that facilitate trail linkages or connectivity to nonmotorized corridors. Existing law provides for funds to be allocated to projects in the program by the California Transportation Commission. Existing law requires the California Transportation Commission to adopt the 2015 program of projects no later than December 31, 2015, with each subsequent program of projects to be adopted by April 1 of each odd-numbered year.

This bill would instead require the commission to adopt the 2015 program of projects by January 31, 2016.

(20) Existing law requires the driver of every motor vehicle who is involved in an accident that results in damage to the property of any one person in excess of \$750, or in bodily injury, or in the death of a person, to report the accident to the Department of Motor Vehicles within 10 days after the accident, as specified. Under existing law that threshold amount of damages also serves as a condition, among others, for (A) the suspension of a judgment debtor's driving privileges, as an aid in the enforcement of small claims or civil money judgments arising out of those accidents; and (B) the suspension or revocation of specified endorsements or certificates.

This bill, commencing January 1, 2017, would increase the minimum property damage that is required to be reported to \$1,000. The bill would make conforming changes to those related provisions described above.

(17)

(21) This bill would also correct several erroneous cross-references and references.

(18)

(22) 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.

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

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

1 SECTION 1. Section 116.870 of the Code of Civil Procedure
2 is amended to read:

3 116.870. (a) Sections 16250 to 16381, inclusive, of the
4 Vehicle Code, regarding the suspension of the judgment debtor's
5 privilege to operate a motor vehicle for failing to satisfy a
6 judgment, apply if the judgment (1) was for damage to property
7 in excess of seven hundred fifty dollars (\$750) or for bodily injury
8 to, or death of, a person in any amount, and (2) resulted from the
9 operation of a motor vehicle upon a California highway by the
10 defendant, or by any other person for whose conduct the defendant
11 was liable, unless the liability resulted from the defendant's signing
12 the application of a minor for a driver's license.

13 (b) *This section shall remain in effect only until January 1, 2017,*
14 *and as of that date is repealed, unless a later enacted statute, that*
15 *is enacted before January 1, 2017, deletes or extends that date.*

16 SEC. 2. Section 116.870 is added to the Code of Civil
17 Procedure, to read:

18 116.870. (a) Sections 16250 to 16381, inclusive, of the Vehicle
19 Code, regarding the suspension of the judgment debtor's privilege
20 to operate a motor vehicle for failing to satisfy a judgment, apply
21 if the judgment (1) was for damage to property in excess of one
22 thousand dollars (\$1,000) or for bodily injury to, or death of, a

1 *person in any amount, and (2) resulted from the operation of a*
2 *motor vehicle upon a California highway by the defendant, or by*
3 *any other person for whose conduct the defendant was liable,*
4 *unless the liability resulted from the defendant's signing the*
5 *application of a minor for a driver's license.*

6 *(b) This section shall become operative on January 1, 2017.*

7 *SEC. 3. Section 116.880 of the Code of Civil Procedure is*
8 *amended to read:*

9 116.880. (a) If the judgment (1) was for seven hundred fifty
10 dollars (\$750) or less, (2) resulted from a motor vehicle accident
11 occurring on a California highway caused by the defendant's
12 operation of a motor vehicle, and (3) has remained unsatisfied for
13 more than 90 days after the judgment became final, the judgment
14 creditor may file with the Department of Motor Vehicles a notice
15 requesting a suspension of the judgment debtor's privilege to
16 operate a motor vehicle.

17 (b) The notice shall state that the judgment has not been
18 satisfied, and shall be accompanied by (1) a fee set by the
19 department, (2) the judgment of the court determining that the
20 judgment resulted from a motor vehicle accident occurring on a
21 California highway caused by the judgment debtor's operation of
22 a motor vehicle, and (3) a declaration that the judgment has not
23 been satisfied. The fee shall be used by the department to finance
24 the costs of administering this section and ~~may~~ *shall* not exceed
25 the department's actual costs.

26 (c) Upon receipt of a notice, the department shall attempt to
27 notify the judgment debtor by telephone, if possible, otherwise by
28 certified mail, that the judgment debtor's privilege to operate a
29 motor vehicle will be suspended for a period of 90 days, beginning
30 20 days after receipt of notice by the department from the judgment
31 creditor, unless satisfactory proof, as provided in subdivision (e),
32 is provided to the department before that date.

33 (d) At the time the notice is filed, the department shall give the
34 judgment creditor a copy of the notice that ~~shall indicate~~ *indicates*
35 the filing fee paid by the judgment creditor, and ~~shall include~~
36 *includes* a space to be signed by the judgment creditor
37 acknowledging payment of the judgment by the judgment debtor.
38 The judgment creditor shall mail or deliver a signed copy of the
39 acknowledgment to the judgment debtor once the judgment is
40 satisfied.

1 (e) The department shall terminate the suspension, or the
2 suspension proceedings, upon the occurrence of one or more of
3 the following:

4 (1) Receipt of proof that the judgment has been satisfied, either
5 (A) by a copy of the notice required by this section signed by the
6 judgment creditor acknowledging satisfaction of the judgment, or
7 (B) by a declaration of the judgment debtor stating that the
8 judgment has been satisfied.

9 (2) Receipt of proof that the judgment debtor is complying with
10 a court-ordered payment schedule.

11 (3) Proof that the judgment debtor had insurance covering the
12 accident sufficient to satisfy the judgment.

13 (4) A deposit with the department of the amount of the
14 unsatisfied judgment, if the judgment debtor presents proof,
15 satisfactory to the department, of inability to locate the judgment
16 creditor.

17 (5) At the end of 90 days.

18 (f) ~~When~~*If* the suspension has been terminated under
19 subdivision (e), the action is final and ~~may~~ *shall* not be reinstated.
20 ~~Whenever~~ *If* the suspension is terminated, Section 14904 of the
21 Vehicle Code shall apply. Money deposited with the department
22 under this section shall be handled in the same manner as money
23 deposited under *paragraph (4) of subdivision*~~(d) (a)~~ of Section
24 16377 of the Vehicle Code.

25 (g) A public agency is not liable for an injury caused by the
26 suspension, termination of suspension, or the failure to suspend a
27 person's privilege to operate a motor vehicle as authorized by this
28 section.

29 (h) *This section shall remain in effect only until January 1, 2017,*
30 *and as of that date is repealed, unless a later enacted statute, that*
31 *is enacted before January 1, 2017, deletes or extends that date.*

32 *SEC. 4. Section 116.880 is added to the Code of Civil*
33 *Procedure, to read:*

34 *116.880. (a) If the judgment (1) was for one thousand dollars*
35 *(\$1,000) or less, (2) resulted from a motor vehicle accident*
36 *occurring on a California highway caused by the defendant's*
37 *operation of a motor vehicle, and (3) has remained unsatisfied for*
38 *more than 90 days after the judgment became final, the judgment*
39 *creditor may file with the Department of Motor Vehicles a notice*

1 *requesting a suspension of the judgment debtor's privilege to*
2 *operate a motor vehicle.*

3 *(b) The notice shall state that the judgment has not been*
4 *satisfied, and shall be accompanied by (1) a fee set by the*
5 *department, (2) the judgment of the court determining that the*
6 *judgment resulted from a motor vehicle accident occurring on a*
7 *California highway caused by the judgment debtor's operation of*
8 *a motor vehicle, and (3) a declaration that the judgment has not*
9 *been satisfied. The fee shall be used by the department to finance*
10 *the costs of administering this section and shall not exceed the*
11 *department's actual costs.*

12 *(c) Upon receipt of a notice, the department shall attempt to*
13 *notify the judgment debtor by telephone, if possible, otherwise by*
14 *certified mail, that the judgment debtor's privilege to operate a*
15 *motor vehicle will be suspended for a period of 90 days, beginning*
16 *20 days after receipt of notice by the department from the judgment*
17 *creditor, unless satisfactory proof, as provided in subdivision (e),*
18 *is provided to the department before that date.*

19 *(d) At the time the notice is filed, the department shall give the*
20 *judgment creditor a copy of the notice that indicates the filing fee*
21 *paid by the judgment creditor, and includes a space to be signed*
22 *by the judgment creditor acknowledging payment of the judgment*
23 *by the judgment debtor. The judgment creditor shall mail or deliver*
24 *a signed copy of the acknowledgment to the judgment debtor once*
25 *the judgment is satisfied.*

26 *(e) The department shall terminate the suspension, or the*
27 *suspension proceedings, upon the occurrence of one or more of*
28 *the following:*

29 *(1) Receipt of proof that the judgment has been satisfied, either*
30 *(A) by a copy of the notice required by this section signed by the*
31 *judgment creditor acknowledging satisfaction of the judgment, or*
32 *(B) by a declaration of the judgment debtor stating that the*
33 *judgment has been satisfied.*

34 *(2) Receipt of proof that the judgment debtor is complying with*
35 *a court-ordered payment schedule.*

36 *(3) Proof that the judgment debtor had insurance covering the*
37 *accident sufficient to satisfy the judgment.*

38 *(4) A deposit with the department of the amount of the*
39 *unsatisfied judgment, if the judgment debtor presents proof,*

1 *satisfactory to the department, of inability to locate the judgment*
2 *creditor.*

3 *(5) At the end of 90 days.*

4 *(f) If the suspension has been terminated under subdivision (e),*
5 *the action is final and shall not be reinstated. If the suspension*
6 *is terminated, Section 14904 of the Vehicle Code shall apply.*
7 *Money deposited with the department under this section shall be*
8 *handled in the same manner as money deposited under paragraph*
9 *(4) of subdivision (a) of Section 16377 of the Vehicle Code.*

10 *(g) A public agency is not liable for an injury caused by the*
11 *suspension, termination of suspension, or the failure to suspend*
12 *a person's privilege to operate a motor vehicle as authorized by*
13 *this section.*

14 *(h) This section shall become operative on January 1, 2017.*

15 **SECTION 4.**

16 *SEC. 5.* Section 14526.5 of the Government Code is amended
17 to read:

18 14526.5. (a) Based on the asset management plan prepared
19 and approved pursuant to Section 14526.4, the department shall
20 prepare a state highway operation and protection program for the
21 expenditure of transportation funds for major capital improvements
22 that are necessary to preserve and protect the state highway system.
23 Projects included in the program shall be limited to capital
24 improvements relative to maintenance, safety, and rehabilitation
25 of state highways and bridges that do not add a new traffic lane to
26 the system.

27 (b) The program shall include projects that are expected to be
28 advertised prior to July 1 of the year following submission of the
29 program, but which have not yet been funded. The program shall
30 include those projects for which construction is to begin within
31 four fiscal years, starting July 1 of the year following the year the
32 program is submitted.

33 (c) The department, at a minimum, shall specify, for each project
34 in the state highway operation and protection program, the capital
35 and support budget for each of the following project components,
36 *budget*, as well as a projected delivery ~~date~~ *date*, for ~~components~~
37 ~~(1), (2), and (3):~~ *each of the following project components:*

38 (1) Completion of project approval and environmental
39 documents.

40 (2) Preparation of plans, specifications, and estimates.

1 (3) Acquisition of rights-of-way, including, but not limited to,
2 support activities.

3 ~~(4) Construction.~~

4 (4) *Start of construction.*

5 (d) The program shall be submitted to the commission not later
6 than January 31 of each even-numbered year. Prior to submitting
7 the plan, the department shall make a draft of its proposed program
8 available to transportation planning agencies for review and
9 comment and shall include the comments in its submittal to the
10 commission.

11 (e) The commission may review the program relative to its
12 overall adequacy, consistency with the asset management plan
13 prepared and approved pursuant to Section 14526.4 and funding
14 priorities established in Section 167 of the Streets and Highways
15 Code, the level of annual funding needed to implement the
16 program, and the impact of those expenditures on the state
17 transportation improvement program. The commission shall adopt
18 the program and submit it to the Legislature and the Governor not
19 later than April 1 of each even-numbered year. The commission
20 may decline to adopt the program if the commission determines
21 that the program is not sufficiently consistent with the asset
22 management plan prepared and approved pursuant to Section
23 14526.4.

24 (f) Expenditures for these projects shall not be subject to
25 Sections 188 and 188.8 of the Streets and Highways Code.

26 ~~SEC. 2.~~

27 *SEC. 6.* Section 65074 of the Government Code is amended
28 to read:

29 65074. The Department of Transportation shall prepare, in
30 cooperation with the metropolitan planning agencies, a Federal
31 Statewide Transportation Improvement Program in accordance
32 with subsection (g) of Section 135 of Title 23 of the United States
33 Code. The Federal Statewide Transportation Improvement Program
34 shall be submitted by the department to the United States Secretary
35 of Transportation, by not later than December 1 of each
36 even-numbered year.

37 ~~SEC. 3.~~

38 *SEC. 7.* Section 44241 of the Health and Safety Code is
39 amended to read:

1 44241. (a) Fee revenues generated under this chapter in the
2 bay district shall be subvended to the bay district by the Department
3 of Motor Vehicles after deducting its administrative costs pursuant
4 to Section 44229.

5 (b) Fee revenues generated under this chapter shall be allocated
6 by the bay district to implement the following mobile source and
7 transportation control projects and programs that are included in
8 the plan adopted pursuant to Sections 40233, 40717, and 40919:

9 (1) The implementation of ridesharing programs.

10 (2) The purchase or lease of clean fuel buses for school districts
11 and transit operators.

12 (3) The provision of local feeder bus or shuttle service to rail
13 and ferry stations and to airports.

14 (4) Implementation and maintenance of local arterial traffic
15 management, including, but not limited to, signal timing, transit
16 signal preemption, bus stop relocation and “smart streets.”

17 (5) Implementation of rail-bus integration and regional transit
18 information systems.

19 (6) Implementation of demonstration projects in telecommuting
20 and in congestion pricing of highways, bridges, and public transit.
21 No funds expended pursuant to this paragraph for telecommuting
22 projects shall be used for the purchase of personal computing
23 equipment for an individual’s home use.

24 (7) Implementation of vehicle-based projects to reduce mobile
25 source emissions, including, but not limited to, engine repowers,
26 engine retrofits, fleet modernization, alternative fuels, and advanced
27 technology demonstrations.

28 (8) Implementation of a smoking vehicles program.

29 (9) Implementation of an automobile buy-back scrappage
30 program operated by a governmental agency.

31 (10) Implementation of bicycle facility improvement projects
32 that are included in an adopted countywide bicycle plan or
33 congestion management program.

34 (11) The design and construction by local public agencies of
35 physical improvements that support development projects that
36 achieve motor vehicle emission reductions. The projects and the
37 physical improvements shall be identified in an approved
38 area-specific plan, redevelopment plan, general plan, or other
39 similar plan.

1 (c) (1) Fee revenue generated under this chapter shall be
2 allocated by the bay district for projects and programs specified
3 in subdivision (b) to cities, counties, the Metropolitan
4 Transportation Commission, transit districts, or any other public
5 agency responsible for implementing one or more of the specified
6 projects or programs. Fee revenue generated under this chapter
7 may also be allocated by the bay district for projects and programs
8 specified in paragraph (7) of subdivision (b) to entities that include,
9 but are not limited to, public agencies, consistent with applicable
10 policies adopted by the governing board of the bay district. Those
11 policies shall include, but are not limited to, requirements for
12 cost-sharing for projects subject to the policies. Fee revenues shall
13 not be used for any planning activities that are not directly related
14 to the implementation of a specific project or program.

15 (2) The bay district shall adopt cost-effectiveness criteria for
16 fee revenue generated under this chapter that projects and programs
17 are required to meet. The cost-effectiveness criteria shall maximize
18 emissions reductions and public health benefits.

19 (d) Not less than 40 percent of fee revenues shall be allocated
20 to the entity or entities designated pursuant to subdivision (e) for
21 projects and programs in each county within the bay district based
22 upon the county's proportionate share of fee-paid vehicle
23 registration.

24 (e) In each county, one or more entities may be designated as
25 the overall program manager for the county by resolutions adopted
26 by the county board of supervisors and the city councils of a
27 majority of the cities representing a majority of the population in
28 the incorporated area of the county. The resolution shall specify
29 the terms and conditions for the expenditure of funds. The entities
30 so designated shall be allocated the funds pursuant to subdivision
31 (d) in accordance with the terms and conditions of the resolution.

32 (f) Any county, or entity designated pursuant to subdivision (e),
33 that receives funds pursuant to this section, at least once a year,
34 shall hold one or more public meetings for the purpose of adopting
35 criteria for expenditure of the funds, if those criteria have been
36 modified in any way from the previous year. Any county, or entity
37 designated pursuant to subdivision (e), that receives funds pursuant
38 to this section, at least once a year, shall also hold one or more
39 public meetings to review the expenditure of revenues received
40 pursuant to this section by any designated entity. If any county or

1 entity designated pursuant to subdivision (e) that receives funds
2 pursuant to this section has not allocated all of those funds within
3 six months of the date of the formal approval of its expenditure
4 plan by the bay district, the bay district shall allocate the
5 unallocated funds in accordance with subdivision (c).

6 *SEC. 8. Section 99164 of the Public Utilities Code is amended*
7 *to read:*

8 99164. (a) When installing new security systems, a transit
9 agency operated by an operator as defined in Section 99210 shall
10 only purchase and install equipment capable of storing recorded
11 images for at least one year, unless all of the following conditions
12 apply:

13 (1) The transit agency has made a diligent effort to identify a
14 security system that is capable of storing recorded data for one
15 year.

16 (2) The transit agency determines that the technology to store
17 recorded data in an economically and technologically feasible
18 manner for one year is not available.

19 (3) The transit agency purchases and installs the best available
20 technology with respect to storage capacity that is both
21 economically and technologically feasible at that time.

22 (b) Notwithstanding any other provision of law, videotapes or
23 recordings made by security systems operated as part of a public
24 transit system shall be retained for one year, unless one of the
25 following conditions applies:

26 (1) The videotapes or recordings are evidence in any claim filed
27 or any pending litigation, in which case the videotapes or
28 recordings shall be preserved until the claim or the pending
29 litigation is resolved.

30 (2) The videotapes or recordings recorded an event that was or
31 is the subject of an incident report, in which case the videotapes
32 or recordings shall be preserved until the incident is resolved.

33 (3) The transit agency utilizes a security system that was
34 purchased or installed prior to January 1, 2004, or that meets the
35 requirements of subdivision (a), in which case the videotapes or
36 recordings shall be preserved for as long as the installed technology
37 allows.

38 (c) *Installation of a security system by a transit agency pursuant*
39 *to this section shall not create a duty to contemporaneously monitor*
40 *the live video or other data collected by the system.*

1 ~~SEC. 4.~~

2 *SEC. 9.* Section 143 of the Streets and Highways Code is
3 amended to read:

4 143. (a) (1) “Best value” means a value determined by
5 objective criteria, including, but not limited to, price, features,
6 functions, life-cycle costs, and other criteria deemed appropriate
7 by the department or the regional transportation agency.

8 (2) “Contracting entity or lessee” means a public or private
9 entity, or consortia thereof, that has entered into a comprehensive
10 development lease agreement with the department or a regional
11 transportation agency for a transportation project pursuant to this
12 section.

13 (3) “Design-build” means a procurement process in which both
14 the design and construction of a project are procured from a single
15 entity.

16 (4) “Regional transportation agency” means any of the
17 following:

18 (A) A transportation planning agency as defined in Section
19 29532 or 29532.1 of the Government Code.

20 (B) A county transportation commission as defined in Section
21 130050, 130050.1, or 130050.2 of the Public Utilities Code.

22 (C) Any other local or regional transportation entity that is
23 designated by statute as a regional transportation agency.

24 (D) A joint exercise of powers authority as defined in Chapter
25 5 (commencing with Section 6500) of Division 7 of Title 1 of the
26 Government Code, with the consent of a transportation planning
27 agency or a county transportation commission for the jurisdiction
28 in which the transportation project will be developed.

29 (5) “Public Infrastructure Advisory Commission” means a unit
30 or auxiliary organization established by the Transportation Agency
31 that advises the department and regional transportation agencies
32 in developing transportation projects through performance-based
33 infrastructure partnerships.

34 (6) “Transportation project” means one or more of the following:
35 planning, design, development, finance, construction,
36 reconstruction, rehabilitation, improvement, acquisition, lease,
37 operation, or maintenance of highway, public street, rail, or related
38 facilities supplemental to existing facilities currently owned and
39 operated by the department or regional transportation agencies
40 that is consistent with the requirements of subdivision (c).

1 (b) (1) The Public Infrastructure Advisory Commission shall
2 do all of the following:

3 (A) Identify transportation project opportunities throughout the
4 state.

5 (B) Research and document similar transportation projects
6 throughout the state, nationally, and internationally, and further
7 identify and evaluate lessons learned from these projects.

8 (C) Assemble and make available to the department or regional
9 transportation agencies a library of information, precedent,
10 research, and analysis concerning infrastructure partnerships and
11 related types of public-private transactions for public infrastructure.

12 (D) Advise the department and regional transportation agencies,
13 upon request, regarding infrastructure partnership suitability and
14 best practices.

15 (E) Provide, upon request, procurement-related services to the
16 department and regional transportation agencies for infrastructure
17 partnership.

18 (2) The Public Infrastructure Advisory Commission may charge
19 a fee to the department and regional transportation agencies for
20 the services described in subparagraphs (D) and (E) of paragraph
21 (1), the details of which shall be articulated in an agreement entered
22 into between the Public Infrastructure Advisory Commission and
23 the department or the regional transportation agency.

24 (c) (1) Notwithstanding any other provision of law, only the
25 department, in cooperation with regional transportation agencies,
26 and regional transportation agencies, may solicit proposals, accept
27 unsolicited proposals, negotiate, and enter into comprehensive
28 development lease agreements with public or private entities, or
29 consortia thereof, for transportation projects.

30 (2) Projects proposed pursuant to this section and associated
31 lease agreements shall be submitted to the California Transportation
32 Commission. The commission, at a regularly scheduled public
33 hearing, shall select the candidate projects from projects nominated
34 by the department or a regional transportation agency after
35 reviewing the nominations for consistency with paragraphs (3)
36 and (4). Approved projects may proceed with the process described
37 in paragraph (5).

38 (3) The projects authorized pursuant to this section shall be
39 primarily designed to achieve the following performance
40 objectives:

1 (A) Improve mobility by improving travel times or reducing
2 the number of vehicle hours of delay in the affected corridor.

3 (B) Improve the operation or safety of the affected corridor.

4 (C) Provide quantifiable air quality benefits for the region in
5 which the project is located.

6 (4) In addition to meeting the requirements of paragraph (3),
7 the projects authorized pursuant to this section shall address a
8 known forecast demand, as determined by the department or
9 regional transportation agency.

10 (5) At least 60 days prior to executing a final lease agreement
11 authorized pursuant to this section, the department or regional
12 transportation agency shall submit the agreement to the Legislature
13 and the Public Infrastructure Advisory Commission for review.
14 Prior to submitting a lease agreement to the Legislature and the
15 Public Infrastructure Advisory Commission, the department or
16 regional transportation agency shall conduct at least one public
17 hearing at a location at or near the proposed facility for purposes
18 of receiving public comment on the lease agreement. Public
19 comments made during this hearing shall be submitted to the
20 Legislature and the Public Infrastructure Advisory Commission
21 with the lease agreement. The Secretary of Transportation or the
22 chairperson of the Senate or Assembly fiscal committees or policy
23 committees with jurisdiction over transportation matters may, by
24 written notification to the department or regional transportation
25 agency, provide any comments about the proposed agreement
26 within the 60-day period prior to the execution of the final
27 agreement. The department or regional transportation agency shall
28 consider those comments prior to executing a final agreement and
29 shall retain the discretion for executing the final lease agreement.

30 (d) For the purpose of facilitating those projects, the agreements
31 between the parties may include provisions for the lease of
32 rights-of-way in, and airspace over or under, highways, public
33 streets, rail, or related facilities for the granting of necessary
34 easements, and for the issuance of permits or other authorizations
35 to enable the construction of transportation projects. Facilities
36 subject to an agreement under this section shall, at all times, be
37 owned by the department or the regional transportation agency,
38 as appropriate. For department projects, the commission shall
39 certify the department's determination of the useful life of the
40 project in establishing the lease agreement terms. In consideration

1 therefor, the agreement shall provide for complete reversion of the
2 leased facility, together with the right to collect tolls and user fees,
3 to the department or regional transportation agency, at the
4 expiration of the lease at no charge to the department or regional
5 transportation agency. At the time of the reversion, the facility
6 shall be delivered to the department or regional transportation
7 agency, as applicable, in a condition that meets the performance
8 and maintenance standards established by the department or
9 regional transportation agency and that is free of any encumbrance,
10 lien, or other claims.

11 (e) Agreements between the department or regional
12 transportation agency and the contracting entity or lessee shall
13 authorize the contracting entity or lessee to use a design-build
14 method of procurement for transportation projects, subject to the
15 requirements for utilizing such a method contained in Chapter 6.5
16 (commencing with Section 6800) of Part 1 of Division 2 of the
17 Public Contract Code, other than Sections 6802, 6803, and 6813
18 of that code, if those provisions are enacted by the Legislature
19 during the 2009–10 Regular Session, or a 2009–10 extraordinary
20 session.

21 (f) (1) (A) Notwithstanding any other provision of this chapter,
22 for projects on the state highway system, the department is the
23 responsible agency for the performance of project development
24 services, including performance specifications, preliminary
25 engineering, prebid services, the preparation of project reports and
26 environmental documents, and construction inspection services.
27 The department is also the responsible agency for the preparation
28 of documents that may include, but need not be limited to, the size,
29 type, and desired design character of the project, performance
30 specifications covering the quality of materials, equipment, and
31 workmanship, preliminary plans, and any other information deemed
32 necessary to describe adequately the needs of the department or
33 regional transportation agency.

34 (B) The department may use department employees or
35 consultants to perform the services described in subparagraph (A),
36 consistent with Article XXII of the California Constitution.
37 Department resources, including personnel requirements, necessary
38 for the performance of those services shall be included in the
39 department's capital outlay support program for workload purposes
40 in the annual Budget Act.

1 (2) The department or a regional transportation agency may
2 exercise any power possessed by it with respect to transportation
3 projects to facilitate the transportation projects pursuant to this
4 section. The department, regional transportation agency, and other
5 state or local agencies may provide services to the contracting
6 entity or lessee for which the public entity is reimbursed, including,
7 but not limited to, planning, environmental planning, environmental
8 certification, environmental review, preliminary design, design,
9 right-of-way acquisition, construction, maintenance, and policing
10 of these transportation projects. The department or regional
11 transportation agency, as applicable, shall regularly inspect the
12 facility and require the contracting entity or lessee to maintain and
13 operate the facility according to adopted standards. Except as may
14 otherwise be set forth in the lease agreement, the contracting entity
15 or lessee shall be responsible for all costs due to development,
16 maintenance, repair, rehabilitation, and reconstruction, and
17 operating costs.

18 (g) (1) In selecting private entities with which to enter into
19 these agreements, notwithstanding any other provision of law, the
20 department and regional transportation agencies may utilize, but
21 are not limited to utilizing, one or more of the following
22 procurement approaches:

23 (A) Solicitations of proposals for defined projects and calls for
24 project proposals within defined parameters.

25 (B) Prequalification and short-listing of proposers prior to final
26 evaluation of proposals.

27 (C) Final evaluation of proposals based on qualifications and
28 best value. The California Transportation Commission shall
29 develop and adopt criteria for making that evaluation prior to
30 evaluation of a proposal.

31 (D) Negotiations with proposers prior to award.

32 (E) Acceptance of unsolicited proposals, with issuance of
33 requests for competing proposals. Neither the department nor a
34 regional transportation agency may award a contract to an
35 unsolicited bidder without receiving at least one other responsible
36 bid.

37 (2) When evaluating a proposal submitted by the contracting
38 entity or lessee, the department or the regional transportation
39 agency may award a contract on the basis of the lowest bid or best
40 value.

1 (h) The contracting entity or lessee shall have the following
2 qualifications:

3 (1) Evidence that the members of the contracting entity or lessee
4 have completed, or have demonstrated the experience, competency,
5 capability, and capacity to complete, a project of similar size,
6 scope, or complexity, and that proposed key personnel have
7 sufficient experience and training to competently manage and
8 complete the design and construction of the project, and a financial
9 statement that ensures that the contracting entity or lessee has the
10 capacity to complete the project.

11 (2) The licenses, registration, and credentials required to design
12 and construct the project, including, but not limited to, information
13 on the revocation or suspension of any license, credential, or
14 registration.

15 (3) Evidence that establishes that members of the contracting
16 entity or lessee have the capacity to obtain all required payment
17 and performance bonding, liability insurance, and errors and
18 omissions insurance.

19 (4) Evidence that the contracting entity or lessee has workers'
20 compensation experience, history, and a worker safety program
21 of members of the contracting entity or lessee that is acceptable
22 to the department or regional transportation agency.

23 (5) A full disclosure regarding all of the following with respect
24 to each member of the contracting entity or lessee during the past
25 five years:

26 (A) Any serious or willful violation of Part 1 (commencing with
27 Section 6300) of Division 5 of the Labor Code or the federal
28 Occupational Safety and Health Act of 1970-~~(P.L.~~ (*Public Law*
29 91-596).

30 (B) Any instance where members of the contracting entity or
31 lessee were debarred, disqualified, or removed from a federal,
32 state, or local government public works project.

33 (C) Any instance where members of the contracting entity or
34 lessee, or its owners, officers, or managing employees submitted
35 a bid on a public works project and were found to be nonresponsive
36 or were found by an awarding body not to be a responsible bidder.

37 (D) Any instance where members of the contracting entity or
38 lessee, or its owners, officers, or managing employees defaulted
39 on a construction contract.

1 (E) Any violations of the Contractors' State License Law
2 (Chapter 9 (commencing with Section 7000) of Division 3 of the
3 Business and Professions Code), including, but not limited to,
4 alleged violations of federal or state law regarding the payment of
5 wages, benefits, apprenticeship requirements, or personal income
6 tax withholding, or Federal Insurance Contributions Act (FICA)
7 withholding requirements.

8 (F) Any bankruptcy or receivership of any member of the
9 contracting entity or lessee, including, but not limited to,
10 information concerning any work completed by a surety.

11 (G) Any settled adverse claims, disputes, or lawsuits between
12 the owner of a public works project and any member of the
13 contracting entity or lessee during the five years preceding
14 submission of a bid under this article, in which the claim,
15 settlement, or judgment exceeds fifty thousand dollars (\$50,000).
16 Information shall also be provided concerning any work completed
17 by a surety during this five-year period.

18 (H) If the contracting entity or lessee is a partnership, joint
19 venture, or an association that is not a legal entity, a copy of the
20 agreement creating the partnership or association that specifies
21 that all general partners, joint venturers, or association members
22 agree to be fully liable for the performance under the agreement.

23 (i) No agreement entered into pursuant to this section shall
24 infringe on the authority of the department or a regional
25 transportation agency to develop, maintain, repair, rehabilitate,
26 operate, or lease any transportation project. Lease agreements may
27 provide for reasonable compensation to the contracting entity or
28 lessee for the adverse effects on toll revenue or user fee revenue
29 due to the development, operation, or lease of supplemental
30 transportation projects with the exception of any of the following:

31 (1) Projects identified in regional transportation plans prepared
32 pursuant to Section 65080 of the Government Code.

33 (2) Safety projects.

34 (3) Improvement projects that will result in incidental capacity
35 increases.

36 (4) Additional high-occupancy vehicle lanes or the conversion
37 of existing lanes to high-occupancy vehicle lanes.

38 (5) Projects located outside the boundaries of a public-private
39 partnership project, to be defined by the lease agreement.

1 However, compensation to a contracting entity or lessee shall
2 only be made after a demonstrable reduction in use of the facility
3 resulting in reduced toll or user fee revenues, and may not exceed
4 the difference between the reduction in those revenues and the
5 amount necessary to cover the costs of debt service, including
6 principal and interest on any debt incurred for the development,
7 operation, maintenance, or rehabilitation of the facility.

8 (j) (1) Agreements entered into pursuant to this section shall
9 authorize the contracting entity or lessee to impose tolls and user
10 fees for use of a facility constructed by it, and shall require that
11 over the term of the lease the toll revenues and user fees be applied
12 to payment of the capital outlay costs for the project, the costs
13 associated with operations, toll and user fee collection,
14 administration of the facility, reimbursement to the department or
15 other governmental entity for the costs of services to develop and
16 maintain the project, police services, and a reasonable return on
17 investment. The agreement shall require that, notwithstanding
18 Sections 164, 188, and 188.1, any excess toll or user fee revenue
19 either be applied to any indebtedness incurred by the contracting
20 entity or lessee with respect to the project, improvements to the
21 project, or be paid into the State Highway Account, or for all three
22 purposes, except that any excess toll revenue under a lease
23 agreement with a regional transportation agency may be paid to
24 the regional transportation agency for use in improving public
25 transportation in and near the project boundaries.

26 (2) Lease agreements shall establish specific toll or user fee
27 rates. Any proposed increase in those rates not otherwise
28 established or identified in the lease agreement during the term of
29 the agreement shall first be approved by the department or regional
30 transportation agency, as appropriate, after at least one public
31 hearing conducted at a location near the proposed or existing
32 facility.

33 (3) The collection of tolls and user fees for the use of these
34 facilities may be extended by the commission or regional
35 transportation agency at the expiration of the lease agreement.
36 However, those tolls or user fees shall not be used for any purpose
37 other than for the improvement, continued operation, or
38 maintenance of the facility.

39 (k) Agreements entered into pursuant to this section shall include
40 indemnity, defense, and hold harmless provisions agreed to by the

1 department or regional transportation agency and the contracting
2 entity or lessee, including provisions for indemnifying the State
3 of California or the regional transportation agency against any
4 claims or losses resulting or accruing from the performance of the
5 contracting entity or lessee.

6 (l) The plans and specifications for each transportation project
7 on the state highway system developed, maintained, repaired,
8 rehabilitated, reconstructed, or operated pursuant to this section
9 shall comply with the department's standards for state
10 transportation projects. The lease agreement shall include
11 performance standards, including, but not limited to, levels of
12 service. The agreement shall require facilities on the state highway
13 system to meet all requirements for noise mitigation, landscaping,
14 pollution control, and safety that otherwise would apply if the
15 department were designing, building, and operating the facility.
16 If a facility is on the state highway system, the facility leased
17 pursuant to this section shall, during the term of the lease, be
18 deemed to be a part of the state highway system for purposes of
19 identification, maintenance, enforcement of traffic laws, and for
20 the purposes of Division 3.6 (commencing with Section 810) of
21 Title 1 of the Government Code.

22 (m) Failure to comply with the lease agreement in any significant
23 manner shall constitute a default under the agreement and the
24 department or the regional transportation agency, as appropriate,
25 shall have the option to initiate processes to revert the facility to
26 the public agency.

27 (n) The assignment authorized by subdivision (c) of Section
28 130240 of the Public Utilities Code is consistent with this section.

29 (o) A lease to a private entity pursuant to this section is deemed
30 to be public property for a public purpose and exempt from
31 leasehold, real property, and ad valorem taxation, except for the
32 use, if any, of that property for ancillary commercial purposes.

33 (p) Nothing in this section is intended to infringe on the authority
34 to develop high-occupancy toll lanes pursuant to Section 149.4,
35 149.5, or 149.6.

36 (q) Nothing in this section shall be construed to allow the
37 conversion of any existing nontoll or nonuser-fee lanes into tolled
38 or user fee lanes with the exception of a high-occupancy vehicle
39 lane that may be operated as a high-occupancy toll lane for vehicles
40 not otherwise meeting the requirements for use of that lane.

1 (r) The lease agreement shall require the contracting entity or
2 lessee to provide any information or data requested by the
3 California Transportation Commission or the Legislative Analyst.
4 The commission, in cooperation with the Legislative Analyst, shall
5 annually prepare a report on the progress of each project and
6 ultimately on the operation of the resulting facility. The report
7 shall include, but not be limited to, a review of the performance
8 standards, a financial analysis, and any concerns or
9 recommendations for changes in the program authorized by this
10 section.

11 (s) Notwithstanding any other provision of this section, no lease
12 agreement may be entered into pursuant to the section that affects,
13 alters, or supersedes the Memorandum of Understanding (MOU),
14 dated November 26, 2008, entered into by the Golden Gate Bridge
15 Highway and Transportation District, the Metropolitan
16 Transportation Commission, and the San Francisco County
17 Transportation Authority, relating to the financing of the U.S.
18 Highway 101/Doyle Drive reconstruction project located in the
19 City and County of San Francisco.

20 (t) No lease agreements may be entered into under this section
21 on or after January 1, 2017.

22 ~~SEC. 5.~~

23 *SEC. 10.* Section 182.6 of the Streets and Highways Code is
24 amended to read:

25 182.6. (a) Notwithstanding Sections 182 and 182.5, Sections
26 188, 188.8, and 825 do not apply to the expenditure of an amount
27 of federal funds equal to the amount of federal funds apportioned
28 to the state pursuant to that portion of subsection (b)(3) of Section
29 104, subsections (a) and (c) of Section 157, and subsection (d) of
30 Section 160 of Title 23 of the United States Code that is allocated
31 within the state subject to subsection (d)(3) of Section 133 of that
32 code. These funds shall be known as the regional surface
33 transportation program funds. The department, the transportation
34 planning agencies, the county transportation commissions, and the
35 metropolitan planning organizations may do all things necessary
36 in their jurisdictions to secure and expend those federal funds in
37 accordance with the intent of federal law and this chapter.

38 (b) The regional surface transportation program funds shall be
39 apportioned by the department to the metropolitan planning
40 organizations designated pursuant to Section 134 of Title 23 of

1 the United States Code and, in areas where none has been
2 designated, to the transportation planning agency designated
3 pursuant to Section 29532 of the Government Code. The funds
4 shall be apportioned in the manner and in accordance with the
5 formula set forth in subsection (d)(3) of Section 133 of Title 23
6 of the United States Code, except that the apportionment shall be
7 among all areas of the state. Funds apportioned under this
8 subdivision shall remain available for three federal fiscal years,
9 including the federal fiscal year apportioned.

10 (c) Where county transportation commissions have been created
11 by Division 12 (commencing with Section 130000) of the Public
12 Utilities Code, all regional surface transportation program funds
13 shall be further apportioned by the metropolitan planning
14 organization to the county transportation commission on the basis
15 of relative population.

16 In the Monterey Bay region, all regional surface transportation
17 program funds shall be further apportioned, on the basis of relative
18 population, by the metropolitan planning organization to the
19 regional transportation planning agencies designated under
20 subdivision (b) of Section 29532 of the Government Code.

21 (d) The applicable metropolitan planning organization, county
22 transportation commission, or transportation planning agency shall
23 annually apportion the regional surface transportation program
24 funds for projects in each county, as follows:

25 (1) An amount equal to the amount apportioned under the
26 federal-aid urban program in federal fiscal year 1990–91 adjusted
27 for population. The adjustment for population shall be based on
28 the population determined in the 1990 federal census except that
29 no county shall be apportioned less than 110 percent of the
30 apportionment received in the 1990–91 fiscal year. These funds
31 shall be apportioned for projects implemented by cities, counties,
32 and other transportation agencies on a fair and equitable basis
33 based upon an annually updated five-year average of allocations.
34 Projects shall be nominated by cities, counties, transit operators,
35 and other public transportation agencies through a process that
36 directly involves local government representatives.

37 (2) An amount not less than 110 percent of the amount that the
38 county was apportioned under the federal-aid secondary program
39 in federal fiscal year 1990–91, for use by that county.

1 (e) The department shall notify each metropolitan planning
2 organization, county transportation commission, and transportation
3 planning agency receiving an apportionment under this section,
4 as soon as possible each year, of the amount of obligation authority
5 estimated to be available for program purposes.

6 The metropolitan planning organization and transportation
7 planning agency, in cooperation with the department, congestion
8 management agencies, cities, counties, and affected transit
9 operators, shall select and program projects in conformance with
10 federal law. The metropolitan planning organization and
11 transportation planning agency shall submit its Federal
12 Transportation Improvement Program prepared pursuant to Section
13 134 of Title 23 of the United States Code to the department for
14 incorporation into the Federal Statewide Transportation
15 Improvement Program not later than October 1 of each
16 even-numbered year. The Federal Transportation Improvement
17 Programs shall, at a minimum, include the years covered by the
18 Federal Statewide Transportation Improvement Program.

19 (f) Not later than July 1 of each year, the metropolitan planning
20 organizations, and the regional transportation planning agencies,
21 receiving obligational authority under this article shall notify the
22 department of the projected amount of obligational authority that
23 each entity intends to use during the remainder of the current
24 federal fiscal year, including, but not limited to, a list of projects
25 that will be obligated by the end of the current federal fiscal year.
26 Any federal obligational authority that will not be used shall be
27 redistributed by the department to other projects in a manner that
28 ensures that the state will continue to compete for and receive
29 increased obligational authority during the federal redistribution
30 of obligational authority. If the department does not have sufficient
31 federal apportionments to fully use excess obligational authority,
32 the metropolitan planning organizations or regional transportation
33 planning agencies relinquishing obligational authority shall make
34 sufficient apportionments available to the department to fund
35 alternate projects, when practical, within the geographical areas
36 relinquishing the obligational authority. Notwithstanding this
37 subdivision, the department shall comply with subsections (d)(3)
38 and (f) of Section 133 of Title 23 of the United States Code.

39 (g) A regional transportation planning agency that is not
40 designated as, nor represented by, a metropolitan planning

1 organization with an urbanized area population greater than
2 200,000 pursuant to the 1990 federal census may exchange its
3 annual apportionment received pursuant to this section on a
4 dollar-for-dollar basis for nonfederal State Highway Account funds,
5 which shall be apportioned in accordance with subdivision (d).

6 (h) (1) If a regional transportation planning agency described
7 in subdivision (g) does not elect to exchange its annual
8 apportionment, a county located within the boundaries of that
9 regional transportation planning agency may elect to exchange its
10 annual apportionment received pursuant to paragraph (2) of
11 subdivision (d) for nonfederal State Highway Account funds.

12 (2) A county not included in a regional transportation planning
13 agency described in subdivision (g), whose apportionment pursuant
14 to paragraph (2) of subdivision (d) was less than 1 percent of the
15 total amount apportioned to all counties in the state, may exchange
16 its apportionment for nonfederal State Highway Account funds.
17 If the apportionment to the county was more than 3 ½ percent of
18 the total apportioned to all counties in the state, it may exchange
19 that portion of its apportionment in excess of 3 ½ percent for
20 nonfederal State Highway Account funds. Exchange funds received
21 by a county pursuant to this section may be used for any
22 transportation purpose.

23 (i) The department shall be responsible for closely monitoring
24 the use of federal transportation funds, including regional surface
25 transportation program funds to ensure full and timely use. The
26 department shall prepare a quarterly report for submission to the
27 commission regarding the progress in use of all federal
28 transportation funds. The department shall notify the commission
29 and the appropriate implementation agency whenever there is a
30 failure to use federal funds within the three-year apportionment
31 period established under subdivision (b).

32 (j) The department shall provide written notice to implementing
33 agencies when there is one year remaining within the three-year
34 apportionment period established under subdivision (b) of this
35 section.

36 (k) Within six months of the date of notification required under
37 subdivision (j), the implementing agency shall provide to the
38 department a plan to obligate funds that includes, but need not be
39 limited to, a list of projects and milestones.

1 (l) If the implementing agency has not met the milestones
2 established in the implementation plan required under subdivision
3 (k), prior to the end of the three-year apportionment period
4 established under subdivision (b), the commission shall redirect
5 those funds for use on other transportation projects in the state.

6 (m) Notwithstanding subdivisions (g) and (h), regional surface
7 transportation program funds available under this section
8 exchanged pursuant to Section 182.8 may be loaned to and
9 expended by the department. The department shall repay from the
10 State Highway Account to the Traffic Congestion Relief Fund all
11 funds received as federal reimbursements for funds exchanged
12 under Section 182.8 as they are received from the Federal Highway
13 Administration, except that those repayments are not required to
14 be made more frequently than on a quarterly basis.

15 (n) Prior to determining the amount for local subvention required
16 by this section, the department shall first deduct the amount
17 authorized by the Legislature for increased department oversight
18 of the federal subvented program.

19 ~~SEC. 6.~~

20 *SEC. 11.* Section 182.7 of the Streets and Highways Code is
21 amended to read:

22 182.7. (a) Notwithstanding Sections 182 and 182.5, Sections
23 188, 188.8, and 825 do not apply to the expenditure of an amount
24 of federal funds equal to the amount of federal funds apportioned
25 to the state pursuant to Section 104(b)(4) of Title 23 of the United
26 States Code. These funds shall be known as the congestion
27 mitigation and air quality improvement program funds and shall
28 be expended in accordance with Section 149 of Title 23 of the
29 United States Code, including the requirements relating to
30 particulate matter less than 2.5 micrometers in diameter in
31 subsections (g) and (k) of the section. The department, the
32 transportation planning agencies, and the metropolitan planning
33 organizations may do all things necessary in their jurisdictions to
34 secure and expend those federal funds in accordance with the intent
35 of federal law and this chapter.

36 (b) The congestion mitigation and air quality improvement
37 program funds shall be apportioned by the department to the
38 metropolitan planning organizations designated pursuant to Section
39 134 of Title 23 of the United States Code and, in areas where none
40 has been designated, to the transportation planning agency

1 established by Section 29532 or 29532.1 of the Government Code.
2 All funds apportioned to the state pursuant to Section 104(b)(4)
3 of Title 23 of the United States Code shall be apportioned to
4 metropolitan planning organizations and transportation planning
5 agencies responsible for air quality conformity determinations in
6 federally designated air quality nonattainment and maintenance
7 areas within the state as follows:

8 (1) The department shall apportion these funds in the ratio that
9 the weighted nonattainment and maintenance population in each
10 federally designated area within the state bears to the total of all
11 weighted nonattainment and maintenance area populations in the
12 state.

13 (2) Subject to paragraph (3), the weighted nonattainment and
14 maintenance area population shall be calculated by multiplying
15 the population of each area in the state that is a nonattainment area
16 or maintenance area as described in Section 149(b) of Title 23 of
17 the United States Code for ozone or carbon monoxide by the
18 following factors:

19 (A) A factor of 1.0, if, at the time of apportionment, the area is
20 a maintenance area.

21 (B) A factor of 1.0, if, at the time of the apportionment, the area
22 is classified as a marginal ozone nonattainment area under Subpart
23 2 of Part D of Title I of the Clean Air Act (42 U.S.C. Sec. 7511 et
24 seq.).

25 (C) A factor of 1.1, if, at the time of the apportionment, the area
26 is classified as a moderate ozone nonattainment area under Subpart
27 2 of Part D of Title I of the Clean Air Act (42 U.S.C. Sec. 7511 et
28 seq.).

29 (D) A factor of 1.2, if, at the time of the apportionment, the area
30 is classified as a serious ozone nonattainment area under Subpart
31 2 of Part D of Title I of the Clean Air Act (42 U.S.C. Sec. 7511 et
32 seq.).

33 (E) A factor of 1.3, if, at the time of the apportionment, the area
34 is classified as a severe ozone nonattainment area under Subpart
35 2 of Part D of Title I of the Clean Air Act (42 U.S.C. Sec. 7511 et
36 seq.).

37 (F) A factor of 1.4, if, at the time of the apportionment, the area
38 is classified as an extreme ozone nonattainment area under Subpart
39 2 of Part D of Title I of the Clean Air Act (42 U.S.C. Sec. 7511 et
40 seq.).

1 (G) A factor of 1.0, if, at the time of the apportionment, the area
2 is not a nonattainment or maintenance area for ozone, but is
3 classified under Subpart 3 of Part D of Title I of the Clean Air Act
4 (42 U.S.C. Sec. 7512 et seq.) as a nonattainment area for carbon
5 monoxide.

6 (H) A factor of 1.0, if, at the time of the apportionment, an area
7 is designated as a nonattainment area for ozone under Subpart 1
8 of Part D of Title I of the Clean Air Act (42 U.S.C. Sec. 7512 et
9 seq.).

10 (3) If, in addition to being designated as a nonattainment or
11 maintenance area for ozone as described in paragraph (2), any
12 county within the area is also classified under Subpart 3 of Part D
13 of Title I of the Clean Air Act (42 U.S.C. Sec. 7512 et seq.) as a
14 nonattainment or maintenance area described in paragraph (2) for
15 carbon monoxide, the weighted nonattainment or maintenance
16 area population of the county, as determined under subparagraphs
17 (A) to (F), inclusive, or subparagraph (H) of paragraph (2), shall
18 be further multiplied by a factor of 1.2.

19 (4) Funds allocated under this subdivision shall remain available
20 for three federal fiscal years, including the federal fiscal year
21 apportioned.

22 (c) Notwithstanding subdivision (b), where county transportation
23 commissions have been created by Division 12 (commencing with
24 Section 130000) of the Public Utilities Code, all congestion
25 mitigation and air quality improvement program funds shall be
26 further apportioned by the metropolitan planning organization to
27 the county transportation commission on the basis of relative
28 population within the federally designated air quality nonattainment
29 and maintenance areas after first apportioning to the nonattainment
30 and maintenance areas in the manner and in accordance with the
31 formula set forth in subdivision (b).

32 In the Monterey Bay region, all congestion mitigation and air
33 quality improvement program funds shall be further apportioned,
34 on the basis of relative population, by the metropolitan planning
35 organization to the regional transportation planning agencies
36 designated under subdivision (b) of Section 29532 of the
37 Government Code.

38 (d) The department shall notify each metropolitan planning
39 organization, transportation planning agency, and county
40 transportation commission receiving an apportionment under this

1 section, as soon as possible each year, of the amount of obligational
2 authority estimated to be available for expenditure from the federal
3 apportionment. The metropolitan planning organizations,
4 transportation planning agencies, and county transportation
5 commissions, in cooperation with the department, congestion
6 management agencies, cities and counties, and affected transit
7 operators, shall select and program projects in conformance with
8 federal law. Each metropolitan planning organization and
9 transportation planning agency shall, not later than October 1 of
10 each even-numbered year, submit its Federal Transportation
11 Improvement Program prepared pursuant to Section 134 of Title
12 23 of the United States Code to the department for incorporation
13 into the Federal Statewide Transportation Improvement Program.
14 Federal Transportation Improvement Programs shall, at a
15 minimum, include the years covered by the Federal Statewide
16 Transportation Improvement Program.

17 (e) Not later than July 1 of each year, the metropolitan planning
18 organizations and the regional transportation planning agencies
19 receiving obligational authority under this section, shall notify the
20 department of the projected amount of obligational authority that
21 each entity intends to use during the remainder of the current
22 federal fiscal year, including, but not limited to, a list of projects
23 that will use the obligational authority. Any federal obligational
24 authority that will not be used shall be redistributed by the
25 department to other projects in a manner that ensures that the state
26 will continue to compete for and receive increased obligational
27 authority during the federal redistribution of obligational authority.
28 If the department does not have sufficient federal apportionments
29 to fully use excess obligational authority, the metropolitan planning
30 organization or transportation planning agency relinquishing
31 obligational authority shall make sufficient funding available to
32 the department to fund alternate projects, when practical, within
33 the geographical areas relinquishing the obligational authority.
34 Notwithstanding this subdivision, the department shall comply
35 with subsection (f) of Section 133 of Title 23 of the United States
36 Code.

37 (f) The department shall be responsible for closely monitoring
38 the use of federal transportation funds, including congestion
39 management and air quality improvement program funds to ensure
40 full and timely use. The department shall prepare a quarterly report

1 for submission to the commission regarding the progress in use of
2 all federal transportation funds. The department shall notify the
3 commission and the appropriate implementation agency whenever
4 there is a failure to use federal funds within the three-year
5 apportionment period established under paragraph (4) of
6 subdivision (b).

7 (g) The department shall provide written notice to implementing
8 agencies when there is one year remaining within the three-year
9 apportionment period established under paragraph (4) of
10 subdivision (b).

11 (h) Within six months of the date of notification required under
12 subdivision (g), the implementing agency shall provide to the
13 department a plan to obligate funds that includes, but need not be
14 limited to, a list of projects and milestones.

15 (i) If the implementing agency has not met the milestones
16 established in the implementation plan required under subdivision
17 (h), prior to the end of the three-year apportionment period
18 established under paragraph (4) of subdivision (b), the commission
19 shall redirect those funds for use on other transportation projects
20 in the state.

21 (j) Congestion mitigation and air quality improvement program
22 funds available under this section exchanged pursuant to Section
23 182.8 may be loaned to and expended by the department. The
24 department shall repay from the State Highway Account to the
25 Traffic Congestion Relief Fund all funds received as federal
26 reimbursements for funds exchanged under Section 182.8 as they
27 are received from the Federal Highway Administration, except
28 that those repayments are not required to be made more frequently
29 than on a quarterly basis.

30 (k) Prior to determining the amount for local subvention required
31 by this section, the department shall first deduct the amount
32 authorized by the Legislature for increased department oversight
33 of the federal subvented program.

34 ~~SEC. 7.~~

35 *SEC. 12.* Section 253.7 of the Streets and Highways Code is
36 amended to read:

37 253.7. The California freeway and expressway system shall
38 also include:

39 Route 133 from Route 73 to Route 241.

40 Route 137 from Route 99 near Tulare to Route 65 near Lindsay.

- 1 Route 138 from Route 5 near Gorman to Route 15 near Cajon
- 2 Pass.
- 3 Route 142 from Route 71 near Chino to Route 210 near Upland.
- 4 Route 152 from Route 101 to Route 65 near Sharon via Pacheco
- 5 Pass.
- 6 Route 160 from:
- 7 (a) Route 4 near Antioch to Route 12 near Rio Vista.
- 8 (b) Sacramento to Route 51.
- 9 Route 166 from:
- 10 (a) Route 101 near Santa Maria to Route 33 in Cuyama Valley.
- 11 (b) Route 33 near Maricopa to Route 5.
- 12 Route 168 from Fresno to Huntington Lake.
- 13 Route 170 from Route 101 near Riverside Drive to Route 5 near
- 14 Tujunga Wash.
- 15 Route 178 from:
- 16 (a) Bakersfield to Route 14 near Freeman.
- 17 (b) Route 14 near Freeman to the vicinity of the San Bernardino
- 18 county line.
- 19 Route 180 from:
- 20 (a) Route 25 near Paicines to Route 5.
- 21 (b) Route 5 to Route 99 passing near Mendota.
- 22 (c) Route 99 near Fresno to General Grant Grove section of
- 23 Kings Canyon National Park.
- 24 Route 190 from Route 136 near Keeler to Route 127 near Death
- 25 Valley Junction.
- 26 Route 193 from Route 65 near Lincoln to Route 80 near
- 27 Newcastle.
- 28 Route 198 from Route 5 near Oilfields to the Sequoia National
- 29 Park line.
- 30 *SEC. 13. Section 392 of the Streets and Highways Code is*
- 31 *amended to read:*
- 32 392. (a) Route 92 is from:
- 33 (1) Route 1 near Half Moon Bay to Route 280.
- 34 (2) Route 280 to ~~Route 580 near Castro Valley~~ and 238 in
- 35 Hayward.
- 36 (b) The relinquished former portion of Route 92 within the City
- 37 of Hayward is not a state highway and is not eligible for adoption
- 38 under Section 81. For the relinquished former portion of Route
- 39 92, the City of Hayward shall maintain within its jurisdiction signs
- 40 directing motorists to the continuation of Route 92 or to the state

1 highway system, as applicable, and shall ensure the continuity of
2 traffic flow on the relinquished portion of Route 92, including any
3 traffic signal progression. *applicable.*

4 (c) (1) *The commission may relinquish to the City of Hayward*
5 *all or any portion of Route 92 located within the city limits of that*
6 *city, upon terms and conditions the commission finds to be in the*
7 *best interests of the state, if the department and the city enter into*
8 *an agreement providing for that relinquishment.*

9 (2) *A relinquishment under this subdivision shall become*
10 *effective immediately after the county recorder's recordation of*
11 *the relinquishment resolution containing the commission's*
12 *approval of the terms and conditions of the relinquishment.*

13 (3) *On and after the effective date of the relinquishment, both*
14 *of the following shall occur:*

15 (A) *The portion of Route 92 relinquished shall cease to be a*
16 *state highway.*

17 (B) *The portion of Route 92 relinquished shall be ineligible for*
18 *future adoption under Section 81.*

19 (4) *For relinquished portions of Route 92, the City of Hayward*
20 *shall maintain signs within its jurisdiction directing motorists to*
21 *the continuation of Route 92 or to the state highway system, as*
22 *applicable.*

23 ~~SEC. 8.~~

24 *SEC. 14.* Section 470 of the Streets and Highways Code is
25 amended to read:

26 470. (a) Route 170 is from Route 101 near Riverside Drive to
27 Route 5 near Tujunga Wash.

28 (b) The relinquished former portion of Route 170 within the
29 City of Los Angeles between Route 2 and Route 101 is not a state
30 highway and is not eligible for adoption under Section 81. For that
31 relinquished former portion of Route 170, the City of Los Angeles
32 shall maintain signs directing motorists to the continuation of
33 Route 170.

34 *SEC. 15.* Section 485 of the Streets and Highways Code is
35 amended to read:

36 485. (a) Route 185 is from Route 92 in Hayward to Route 77
37 in Oakland.

38 (b) The relinquished former portion of Route 185 within the
39 City of Hayward is not a state highway and is not eligible for
40 adoption under Section 81. For the relinquished former portion of

1 Route 185, the City of Hayward shall maintain within its
2 jurisdiction signs directing motorists to the continuation of Route
3 185 or to the state highway system, ~~as applicable, and shall ensure~~
4 ~~the continuity of traffic flow on the relinquished portion of Route~~
5 ~~185, including any traffic signal progression.~~ *applicable.*

6 *(c) (1) The commission may relinquish to the City of Hayward*
7 *all or any portion of Route 185 located within the city limits of*
8 *that city, upon terms and conditions the commission finds to be in*
9 *the best interests of the state, if the department and the city enter*
10 *into an agreement providing for that relinquishment.*

11 *(2) A relinquishment under this subdivision shall become*
12 *effective immediately after the county recorder's recordation of*
13 *the relinquishment resolution containing the commission's*
14 *approval of the terms and conditions of the relinquishment.*

15 *(3) On and after the effective date of the relinquishment, both*
16 *of the following shall occur:*

17 *(A) The portion of Route 185 relinquished shall cease to be a*
18 *state highway.*

19 *(B) The portion of Route 185 relinquished shall be ineligible*
20 *for future adoption under Section 81.*

21 *(4) For relinquished portions of Route 185, the City of Hayward*
22 *shall maintain signs within its jurisdiction directing motorists to*
23 *the continuation of Route 185 or to the state highway system, as*
24 *applicable.*

25 *SEC. 16. Section 538 of the Streets and Highways Code is*
26 *amended to read:*

27 538. (a) Route 238 is from Route 680 in Fremont to Route 61
28 near San Lorenzo via Hayward.

29 (b) The relinquished former portion of Route 238 within the
30 City of Hayward is not a state highway and is not eligible for
31 adoption under Section 81. For the relinquished former portion of
32 Route 238, the City of Hayward shall maintain within its
33 jurisdiction signs directing motorists to the continuation of Route
34 238 or to the state highway system, ~~as applicable, and shall ensure~~
35 ~~the continuity of traffic flow on the relinquished portion of Route~~
36 ~~238, including any traffic signal progression.~~ *applicable.*

37 *(c) (1) The commission may relinquish to the City of Hayward*
38 *all or any portion of Route 238 located within the city limits of*
39 *that city, upon terms and conditions the commission finds to be in*

1 *the best interests of the state, if the department and the city enter*
2 *into an agreement providing for that relinquishment.*

3 (2) *A relinquishment under this subdivision shall become*
4 *effective immediately after the county recorder's recordation of*
5 *the relinquishment resolution containing the commission's*
6 *approval of the terms and conditions of the relinquishment.*

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

9 (A) *The portion of Route 238 relinquished shall cease to be a*
10 *state highway.*

11 (B) *The portion of Route 238 relinquished shall be ineligible*
12 *for future adoption under Section 81.*

13 (4) *For relinquished portions of Route 238, the City of Hayward*
14 *shall maintain signs within its jurisdiction directing motorists to*
15 *the continuation of Route 238 or to the state highway system, as*
16 *applicable.*

17 ~~SEC. 9.~~

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

20 890.4. As used in this article, "bikeway" means all facilities
21 that provide primarily for, and promote, bicycle travel. For
22 purposes of this article, bikeways shall be categorized as follows:

23 (a) Bike paths or shared use paths, also referred to as "Class I
24 bikeways," which provide a completely separated right-of-way
25 designated for the exclusive use of bicycles and pedestrians with
26 crossflows by motorists minimized.

27 (b) Bike lanes, also referred to as "Class II bikeways," which
28 provide a restricted right-of-way designated for the exclusive or
29 semiexclusive use of bicycles with through travel by motor vehicles
30 or pedestrians prohibited, but with vehicle parking and crossflows
31 by pedestrians and motorists permitted.

32 (c) Bike routes, also referred to as "Class III bikeways," which
33 provide a right-of-way on-street or off-street, designated by signs
34 or permanent markings and shared with pedestrians and motorists.

35 (d) Cycle tracks or separated bikeways, also referred to as "Class
36 IV bikeways," which promote active transportation and provide a
37 right-of-way designated exclusively for bicycle travel adjacent to
38 a roadway and which are separated from vehicular traffic. Types
39 of separation include, but are not limited to, grade separation,
40 flexible posts, inflexible physical barriers, or on-street parking.

1 *SEC. 18. Section 2384 of the Streets and Highways Code is*
2 *amended to read:*

3 2384. The commission shall adopt a program of projects to
4 receive allocations under this chapter. The guidelines for an initial
5 two-year program of projects shall be adopted within six months
6 of the enactment of the act enacting this section. The commission
7 shall adopt the 2015 program of projects no later than ~~December~~
8 ~~31, 2015~~, *January 31, 2016*, and shall adopt each subsequent
9 program not later than April 1 of each odd-numbered year, but
10 may alternatively elect to adopt a program annually. Each
11 subsequent program shall cover a period of four fiscal years,
12 beginning July 1 of the year of adoption, and shall be a statement
13 of intent by the commission for the allocation or expenditure of
14 funds during those four fiscal years. The commission shall form
15 a multidisciplinary advisory group to assist it in evaluating project
16 applications.

17 *SEC. 19. Section 1656.2 of the Vehicle Code is amended to*
18 *read:*

19 1656.2. (a) The department shall prepare and publish a printed
20 summary describing the penalties for noncompliance with Sections
21 16000 and 16028, which shall be included with each motor vehicle
22 registration, registration renewal, and transfer of registration and
23 with each driver’s license and license renewal. The printed
24 summary may contain, but is not limited to, the following wording:
25

26 ~~“IMPORTANT FACTS ABOUT ENFORCEMENT OF~~
27 ~~CALIFORNIA’S COMPULSORY FINANCIAL~~
28 ~~RESPONSIBILITY LAW~~

29
30
31
32 “*IMPORTANT FACTS ABOUT ENFORCEMENT OF*
33 *CALIFORNIA’S COMPULSORY FINANCIAL RESPONSIBILITY*
34 *LAW*

35
36 California law requires every driver to carry written evidence
37 of valid automobile liability insurance, a ~~thirty-five thousand~~
38 ~~dollar (\$35,000)~~ \$35,000 bond, a ~~thirty-five thousand dollar~~
39 ~~(\$35,000)~~ \$35,000 cash deposit, or a certificate of self-insurance
40 that has been issued by the Department of Motor Vehicles.

1
 2 You must provide evidence of financial responsibility when you
 3 renew the registration of a motor vehicle, and after you are cited
 4 by a peace officer for a traffic violation or are involved in any
 5 traffic accident. The law requires that you provide the officer
 6 with the name and address of your insurer and the policy
 7 identification number. Your insurer will provide written evidence
 8 of this number. Failure to provide evidence of your financial
 9 responsibility can result in fines of up to ~~five hundred dollars~~
 10 ~~(\$500)~~ \$500 and loss of your driver’s license. Falsification of
 11 evidence can result in fines of up to ~~seven hundred fifty dollars~~
 12 ~~(\$750)~~ \$750 or 30 days in jail, or both, in addition to a one-year
 13 suspension of driving privileges.

14
 15 Under existing California law, if you are involved in an accident
 16 that results in damages of over ~~seven hundred fifty dollars (\$750)~~
 17 \$750 to the property of any person or in any injury or fatality,
 18 you must file a report of the accident with the Department of
 19 Motor Vehicles within 10 days of the accident. If you fail to file
 20 a report or fail to provide evidence of financial responsibility on
 21 the report, your driving privilege will be suspended for up to
 22 four years. Your suspension notice will notify you of the
 23 department’s action and of your right to a hearing. Your
 24 suspension notice will also inform you that if you request a
 25 hearing, it must be conducted within 30 days of your written
 26 request, and that a decision is to be rendered within 15 days of
 27 the conclusion of the hearing.”

28
 29 *(b) This section shall remain in effect only until January 1,*
 30 *2017, and as of that date is repealed, unless a later enacted statute,*
 31 *that is enacted before January 1, 2017, deletes or extends that*
 32 *date.*

33 *SEC. 20. Section 1656.2 is added to the Vehicle Code, to read:*
 34 *1656.2. (a) The department shall prepare and publish a printed*
 35 *summary describing the penalties for noncompliance with Sections*
 36 *16000 and 16028, which shall be included with each motor vehicle*
 37 *registration, registration renewal, and transfer of registration and*
 38 *with each driver’s license and license renewal. The printed*
 39 *summary may contain, but is not limited to, the following wording:*

1 “IMPORTANT FACTS ABOUT ENFORCEMENT OF
2 CALIFORNIA’S COMPULSORY FINANCIAL RESPONSIBILITY
3 LAW
4

5 *California law requires every driver to carry written evidence*
6 *of valid automobile liability insurance, a \$35,000 bond, a*
7 *\$35,000 cash deposit, or a certificate of self-insurance that has*
8 *been issued by the Department of Motor Vehicles.*
9

10 *You must provide evidence of financial responsibility when you*
11 *renew the registration of a motor vehicle, and after you are cited*
12 *by a peace officer for a traffic violation or are involved in any*
13 *traffic accident. The law requires that you provide the officer*
14 *with the name and address of your insurer and the policy*
15 *identification number. Your insurer will provide written evidence*
16 *of this number. Failure to provide evidence of your financial*
17 *responsibility can result in fines of up to \$500 and loss of your*
18 *driver’s license. Falsification of evidence can result in fines of*
19 *up to \$750 or 30 days in jail, or both, in addition to a one-year*
20 *suspension of driving privileges.*
21

22 *Under existing California law, if you are involved in an accident*
23 *that results in damages of over \$1,000 to the property of any*
24 *person or in any injury or fatality, you must file a report of the*
25 *accident with the Department of Motor Vehicles within 10 days*
26 *of the accident. If you fail to file a report or fail to provide*
27 *evidence of financial responsibility on the report, your driving*
28 *privilege will be suspended for up to four years. Your suspension*
29 *notice will notify you of the department’s action and of your*
30 *right to a hearing. Your suspension notice will also inform you*
31 *that if you request a hearing, it must be conducted within 30*
32 *days of your written request, and that a decision is to be rendered*
33 *within 15 days of the conclusion of the hearing.”*
34

35 *(b) This section shall become operative on January 1, 2017.*

36 ~~SEC. 10.~~

37 *SEC. 21. Section 1808 of the Vehicle Code is amended to read:*

38 *1808. (a) Except where a specific provision of law prohibits*
39 *the disclosure of records or information or provides for*
40 *confidentiality, all records of the department relating to the*

1 registration of vehicles, other information contained on an
2 application for a driver's license, abstracts of convictions, and
3 abstracts of accident reports required to be sent to the department
4 in Sacramento, except for abstracts of accidents where, in the
5 opinion of a reporting officer, another individual was at fault, shall
6 be open to public inspection during office hours. All abstracts of
7 accident reports shall be available to law enforcement agencies
8 and courts of competent jurisdiction.

9 (b) The department shall make available or disclose abstracts
10 of convictions and abstracts of accident reports required to be sent
11 to the department in Sacramento, as described in subdivision (a),
12 if the date of the occurrence is not later than the following:

13 (1) Ten years for a violation pursuant to Section 23140, 23152,
14 or 23153.

15 (2) Seven years for a violation designated as two points pursuant
16 to Section 12810, except as provided in paragraph (1) of this
17 subdivision.

18 (3) Three years for accidents and all other violations.

19 (c) The department shall make available or disclose suspensions
20 and revocations of the driving privilege while the suspension or
21 revocation is in effect and for three years following termination
22 of the action or reinstatement of the privilege, except that driver's
23 license suspension actions taken pursuant to Sections 13202.6 and
24 13202.7, Section 17520 of the Family Code, or Section 256 or
25 former Section 11350.6 of the Welfare and Institutions Code shall
26 be disclosed only during the actual time period in which the
27 suspension is in effect.

28 (d) The department shall not make available or disclose a
29 suspension or revocation that has been judicially set aside or stayed.

30 (e) The department shall not make available or disclose personal
31 information about a person unless the disclosure is in compliance
32 with the Driver's Privacy Protection Act of 1994 (18 U.S.C. Sec.
33 2721 et seq.). However, a disclosure is subject to the prohibition
34 in paragraph (2) of subdivision (a) of Section 12800.5.

35 (f) The department shall make available or disclose to the courts
36 and law enforcement agencies a conviction of Section 23103, as
37 specified in Section 23103.5, or a conviction of Section 23140,
38 23152, or 23153, or Section 655 of the Harbors and Navigation
39 Code, or paragraph (1) of subdivision (c) of Section 192 of the
40 Penal Code for a period of 10 years from the date of the offense

1 for the purpose of imposing penalties mandated by this code, or
2 by other applicable provisions of California law.

3 (g) The department shall make available or disclose to the courts
4 and law enforcement agencies a conviction of Section 191.5, or
5 subdivision (a) of Section 192.5 of the Penal Code, punished as a
6 felony, for the purpose of imposing penalties mandated by Section
7 23550.5, or by other applicable provisions of California law.

8 ~~SEC. 11.~~

9 *SEC. 22.* Section 1808.1 of the Vehicle Code is amended to
10 read:

11 1808.1. (a) The prospective employer of a driver who drives
12 a vehicle specified in subdivision (k) shall obtain a report showing
13 the driver's current public record as recorded by the department.
14 For purposes of this subdivision, a report is current if it was issued
15 less than 30 days prior to the date the employer employs the driver.
16 The report shall be reviewed, signed, and dated by the employer
17 and maintained at the employer's place of business until receipt
18 of the pull-notice system report pursuant to subdivisions (b) and
19 (c). These reports shall be presented upon request to an authorized
20 representative of the Department of the California Highway Patrol
21 during regular business hours.

22 (b) The employer of a driver who drives a vehicle specified in
23 subdivision (k) shall participate in a pull-notice system, which is
24 a process for the purpose of providing the employer with a report
25 showing the driver's current public record as recorded by the
26 department, and any subsequent convictions, failures to appear,
27 accidents, driver's license suspensions, driver's license revocations,
28 or any other actions taken against the driving privilege or
29 certificate, added to the driver's record while the employer's
30 notification request remains valid and uncanceled. As used in this
31 section, participation in the pull-notice system means obtaining a
32 requester code and enrolling all employed drivers who drive a
33 vehicle specified in subdivision (k) under that requester code.

34 (c) The employer of a driver of a vehicle specified in subdivision
35 (k) shall, additionally, obtain a periodic report from the department
36 at least every 12 months. The employer shall verify that each
37 employee's driver's license has not been suspended or revoked,
38 the employee's traffic violation point count, and whether the
39 employee has been convicted of a violation of Section 23152 or
40 23153. The report shall be signed and dated by the employer and

1 maintained at the employer's principal place of business. The
2 report shall be presented upon demand to an authorized
3 representative of the Department of the California Highway Patrol
4 during regular business hours.

5 (d) Upon the termination of a driver's employment, the employer
6 shall notify the department to discontinue the driver's enrollment
7 in the pull-notice system.

8 (e) For the purposes of the pull-notice system and periodic report
9 process required by subdivisions (b) and (c), an owner, other than
10 an owner-operator as defined in Section 34624, and an employer
11 who drives a vehicle described in subdivision (k) shall be enrolled
12 as if he or she were an employee. A family member and a volunteer
13 driver who drives a vehicle described in subdivision (k) shall also
14 be enrolled as if he or she were an employee.

15 (f) An employer who, after receiving a driving record pursuant
16 to this section, employs or continues to employ as a driver a person
17 against whom a disqualifying action has been taken regarding his
18 or her driving privilege or required driver's certificate, is guilty of
19 a public offense, and upon conviction thereof, shall be punished
20 by confinement in a county jail for not more than six months, by
21 a fine of not more than one thousand dollars (\$1,000), or by both
22 that confinement and fine.

23 (g) As part of its inspection of bus maintenance facilities and
24 terminals required at least once every 13 months pursuant to
25 subdivision (c) of Section 34501, the Department of the California
26 Highway Patrol shall determine whether each transit operator, as
27 defined in Section 99210 of the Public Utilities Code, is then in
28 compliance with this section and Section 12804.6, and shall certify
29 each operator found to be in compliance. Funds shall not be
30 allocated pursuant to Chapter 4 (commencing with Section 99200)
31 of Part 11 of Division 10 of the Public Utilities Code to a transit
32 operator that the Department of the California Highway Patrol has
33 not certified pursuant to this section.

34 (h) (1) A request to participate in the pull-notice system
35 established by this section shall be accompanied by a fee
36 determined by the department to be sufficient to defray the entire
37 actual cost to the department for the notification service. For the
38 receipt of subsequent reports, the employer shall also be charged
39 a fee established by the department pursuant to Section 1811. An
40 employer who qualifies pursuant to Section 1812 shall be exempt

1 from any fee required pursuant to this section. Failure to pay the
2 fee shall result in automatic cancellation of the employer's
3 participation in the notification services.

4 (2) A regularly organized fire department, having official
5 recognition of the city, county, city and county, or district in which
6 the department is located, shall participate in the pull-notice
7 program and shall not be subject to the fee established pursuant
8 to this subdivision.

9 (3) The Board of Pilot Commissioners for Monterey Bay and
10 the Bays of San Francisco, San Pablo, and Suisun, and its port
11 agent shall participate in the pull-notice system established by this
12 section, subject to Section 1178.5 of the Harbors and Navigation
13 Code, and shall not be subject to the fees established pursuant to
14 this subdivision.

15 (i) The department, as soon as feasible, may establish an
16 automatic procedure to provide the periodic reports to an employer
17 by mail or via an electronic delivery method, as required by
18 subdivision (c), on a regular basis without the need for individual
19 requests.

20 (j) (1) The employer of a driver who is employed as a casual
21 driver is not required to enter that driver's name in the pull-notice
22 system, as otherwise required by subdivision (a). However, the
23 employer of a casual driver shall be in possession of a report of
24 the driver's current public record as recorded by the department,
25 prior to allowing a casual driver to drive a vehicle specified in
26 subdivision (k). A report is current if it was issued less than six
27 months prior to the date the employer employs the driver.

28 (2) For the purposes of this subdivision, a driver is employed
29 as a casual driver when the employer has employed the driver less
30 than 30 days during the preceding six months. "Casual driver"
31 does not include a driver who operates a vehicle that requires a
32 passenger transportation endorsement.

33 (k) This section applies to a vehicle for the operation of which
34 the driver is required to have a class A or class B driver's license,
35 a class C license with any endorsement issued pursuant to Section
36 15278, a class C license issued pursuant to Section 12814.7, or a
37 certificate issued pursuant to Section 12517, 12519, 12520, 12523,
38 12523.5, or 12527, or a passenger vehicle having a seating capacity
39 of not more than 10 persons, including the driver, operated for
40 compensation by a charter-party carrier of passengers or passenger

1 stage corporation pursuant to a certificate of public convenience
2 and necessity or a permit issued by the Public Utilities
3 Commission.

4 (l) This section shall not be construed to change the definition
5 of “employer,” “employee,” or “independent contractor” for any
6 purpose.

7 (m) A motor carrier who contracts with a person to drive a
8 vehicle described in subdivision (k) that is owned by, or leased to,
9 that motor carrier, shall be subject to subdivisions (a), (b), (c), (d),
10 (f), (j), (k), and (l) and the employer obligations in those
11 subdivisions.

12 (n) Reports issued pursuant to this section, but only those for a
13 driver of a taxicab engaged in transportation services as described
14 in subdivision (a) of Section 53075.5 of the Government Code,
15 shall be presented upon request, during regular business hours, to
16 an authorized representative of the administrative agency
17 responsible for issuing permits to taxicab transportation services
18 pursuant to Section 53075.5 of the Government Code.

19 *SEC. 23. Section 12517.1 of the Vehicle Code is amended to*
20 *read:*

21 12517.1. (a) A “schoolbus accident” means any of the
22 following:

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

28 (2) A collision between a vehicle and a pupil or a schoolbus
29 driver while the pupil or driver is crossing the highway when the
30 schoolbus flashing red signal lamps are required to be operated
31 pursuant to Section 22112 or when the schoolbus is stopped for
32 the purpose of loading or unloading pupils.

33 (3) Injury of a pupil inside a vehicle described in paragraph (1)
34 as a result of acceleration, deceleration, or other movement of the
35 vehicle.

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

1 (c) *This section shall remain in effect only until January 1, 2017,*
2 *and as of that date is repealed, unless a later enacted statute, that*
3 *is enacted before January 1, 2017, deletes or extends that date.*

4 SEC. 24. *Section 12517.1 is added to the Vehicle Code, to*
5 *read:*

6 12517.1. (a) A “schoolbus accident” means any of the
7 following:

8 (1) *A motor vehicle accident resulting in property damage in*
9 *excess of one thousand dollars (\$1,000), or personal injury, on*
10 *public or private property, and involving a schoolbus, youth bus,*
11 *school pupil activity bus, or general public paratransit vehicle*
12 *transporting a pupil.*

13 (2) *A collision between a vehicle and a pupil or a schoolbus*
14 *driver while the pupil or driver is crossing the highway when the*
15 *schoolbus flashing red signal lamps are required to be operated*
16 *pursuant to Section 22112 or when the schoolbus is stopped for*
17 *the purpose of loading or unloading pupils.*

18 (3) *Injury of a pupil inside a vehicle described in paragraph*
19 *(1) as a result of acceleration, deceleration, or other movement*
20 *of the vehicle.*

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

25 (c) *This section shall become operative on January 1, 2017.*

26 SEC. 25. *Section 13369 of the Vehicle Code is amended to*
27 *read:*

28 13369. (a) *This section applies to the following endorsements*
29 *and certificates:*

30 (1) *Passenger transportation vehicle.*

31 (2) *Hazardous materials.*

32 (3) *Schoolbus.*

33 (4) *School pupil activity bus.*

34 (5) *Youth bus.*

35 (6) *General public paratransit vehicle.*

36 (7) *Farm labor vehicle.*

37 (8) *Vehicle used for the transportation of developmentally*
38 *disabled persons.*

1 (b) The department shall refuse to issue or renew, or shall
2 revoke, the certificate or endorsement of ~~any~~ a person who meets
3 the following conditions:

4 (1) Within three years, has committed any violation that results
5 in a conviction assigned a violation point count of two or more,
6 as defined in Sections 12810 and 12810.5. The department ~~may~~
7 *shall* not refuse to issue or renew, nor may it revoke, a person's
8 hazardous materials or passenger transportation vehicle
9 endorsement if the violation leading to the conviction occurred in
10 the person's private vehicle and not in a commercial motor vehicle,
11 as defined in Section 15210.

12 (2) Within three years, has had his or her driving privilege
13 suspended, revoked, or on probation for any reason involving
14 unsafe operation of a motor vehicle. The department ~~may~~ *shall*
15 not refuse to issue or renew, nor may it revoke, a person's
16 passenger transportation vehicle endorsement if the person's
17 driving privilege has, within three years, been placed on probation
18 only for ~~any~~ a reason involving unsafe operation of a motor vehicle.

19 (3) Notwithstanding paragraphs (1) and (2), does not meet the
20 qualifications for issuance of a hazardous materials endorsement
21 set forth in Parts 383, 384, and 1572 of Title 49 of the Code of
22 Federal Regulations.

23 (c) The department may refuse to issue or renew, or may suspend
24 or revoke, the certificate or endorsement of ~~any~~ a person who
25 meets any of the following conditions:

26 (1) Within 12 months, has been involved as a driver in three
27 accidents in which the driver caused or contributed to the causes
28 of the accidents.

29 (2) Within 24 months, as a driver, caused or contributed to the
30 cause of an accident resulting in a fatality or serious injury or
31 serious property damage in excess of seven hundred fifty dollars
32 (\$750).

33 (3) Has violated any provision of this code, or any rule or
34 regulation pertaining to the safe operation of a vehicle for which
35 the certificate or endorsement was issued.

36 (4) Has violated any restriction of the certificate, endorsement,
37 or commercial driver's license.

38 (5) Has knowingly made a false statement or failed to disclose
39 a material fact on an application for a certificate or endorsement.

1 (6) Has been determined by the department to be a negligent or
2 incompetent operator.

3 (7) Has demonstrated irrational behavior to the extent that a
4 reasonable and prudent person would have reasonable cause to
5 believe that the applicant's ability to perform the duties of a driver
6 may be impaired.

7 (8) Excessively or habitually uses, or is addicted to, alcoholic
8 beverages, narcotics, or dangerous drugs.

9 (9) Does not meet the minimum medical standards established
10 or approved by the department.

11 (d) The department may cancel the certificate or endorsement
12 of any driver who meets any of the following conditions:

13 (1) Does not have a valid driver's license of the appropriate
14 class.

15 (2) Has requested cancellation of the certificate or endorsement.

16 (3) Has failed to meet any of the requirements for issuance or
17 retention of the certificate or endorsement, including, but not
18 limited to, payment of the proper fee, submission of an acceptable
19 medical report and fingerprint cards, and compliance with
20 prescribed training requirements.

21 (4) Has had his or her driving privilege suspended or revoked
22 for a cause involving other than the safe operation of a motor
23 vehicle.

24 (e) (1) The department shall refuse to issue or renew, or shall
25 suspend or revoke, the passenger vehicle endorsement of a person
26 who violates subdivision (b) of Section 5387 of the Public Utilities
27 Code.

28 (2) A person found to be in violation of subdivision (b) of
29 Section 5387 of the Public Utilities Code shall be ineligible for a
30 passenger vehicle endorsement that would permit him or her to
31 drive a bus of any kind, including, but not limited to, a bus,
32 schoolbus, youth bus, school pupil activity bus, trailer bus, or a
33 transit bus, with passengers, for a period of five years.

34 (f) (1) Reapplication following refusal or revocation under
35 subdivision (b) or (c) may be made after a period of not less than
36 one year from the effective date of denial or revocation, except in
37 cases where a longer period of suspension or revocation is required
38 by law.

39 (2) Reapplication following cancellation under subdivision (d)
40 may be made at any time without prejudice.

1 (g) *This section shall remain in effect only until January 1, 2017,*
2 *and as of that date is repealed, unless a later enacted statute, that*
3 *is enacted before January 1, 2017, deletes or extends that date.*

4 SEC. 26. *Section 13369 is added to the Vehicle Code, to read:*

5 13369. (a) *This section applies to the following endorsements*
6 *and certificates:*

7 (1) *Passenger transportation vehicle.*

8 (2) *Hazardous materials.*

9 (3) *Schoolbus.*

10 (4) *School pupil activity bus.*

11 (5) *Youth bus.*

12 (6) *General public paratransit vehicle.*

13 (7) *Farm labor vehicle.*

14 (8) *Vehicle used for the transportation of developmentally*
15 *disabled persons.*

16 (b) *The department shall refuse to issue or renew, or shall*
17 *revoke, the certificate or endorsement of a person who meets the*
18 *following conditions:*

19 (1) *Within three years, has committed any violation that results*
20 *in a conviction assigned a violation point count of two or more,*
21 *as defined in Sections 12810 and 12810.5. The department shall*
22 *not refuse to issue or renew, nor may it revoke, a person's*
23 *hazardous materials or passenger transportation vehicle*
24 *endorsement if the violation leading to the conviction occurred in*
25 *the person's private vehicle and not in a commercial motor vehicle,*
26 *as defined in Section 15210.*

27 (2) *Within three years, has had his or her driving privilege*
28 *suspended, revoked, or on probation for any reason involving*
29 *unsafe operation of a motor vehicle. The department shall not*
30 *refuse to issue or renew, nor may it revoke, a person's passenger*
31 *transportation vehicle endorsement if the person's driving privilege*
32 *has, within three years, been placed on probation only for a reason*
33 *involving unsafe operation of a motor vehicle.*

34 (3) *Notwithstanding paragraphs (1) and (2), does not meet the*
35 *qualifications for issuance of a hazardous materials endorsement*
36 *set forth in Parts 383, 384, and 1572 of Title 49 of the Code of*
37 *Federal Regulations.*

38 (c) *The department may refuse to issue or renew, or may suspend*
39 *or revoke, the certificate or endorsement of a person who meets*
40 *any of the following conditions:*

1 (1) *Within 12 months, has been involved as a driver in three*
2 *accidents in which the driver caused or contributed to the causes*
3 *of the accidents.*

4 (2) *Within 24 months, as a driver, caused or contributed to the*
5 *cause of an accident resulting in a fatality or serious injury or*
6 *serious property damage in excess of one thousand dollars*
7 *(\$1,000).*

8 (3) *Has violated any provision of this code, or any rule or*
9 *regulation pertaining to the safe operation of a vehicle for which*
10 *the certificate or endorsement was issued.*

11 (4) *Has violated any restriction of the certificate, endorsement,*
12 *or commercial driver's license.*

13 (5) *Has knowingly made a false statement or failed to disclose*
14 *a material fact on an application for a certificate or endorsement.*

15 (6) *Has been determined by the department to be a negligent*
16 *or incompetent operator.*

17 (7) *Has demonstrated irrational behavior to the extent that a*
18 *reasonable and prudent person would have reasonable cause to*
19 *believe that the applicant's ability to perform the duties of a driver*
20 *may be impaired.*

21 (8) *Excessively or habitually uses, or is addicted to, alcoholic*
22 *beverages, narcotics, or dangerous drugs.*

23 (9) *Does not meet the minimum medical standards established*
24 *or approved by the department.*

25 (d) *The department may cancel the certificate or endorsement*
26 *of any driver who meets any of the following conditions:*

27 (1) *Does not have a valid driver's license of the appropriate*
28 *class.*

29 (2) *Has requested cancellation of the certificate or endorsement.*

30 (3) *Has failed to meet any of the requirements for issuance or*
31 *retention of the certificate or endorsement, including, but not*
32 *limited to, payment of the proper fee, submission of an acceptable*
33 *medical report and fingerprint cards, and compliance with*
34 *prescribed training requirements.*

35 (4) *Has had his or her driving privilege suspended or revoked*
36 *for a cause involving other than the safe operation of a motor*
37 *vehicle.*

38 (e) (1) *The department shall refuse to issue or renew, or shall*
39 *suspend or revoke, the passenger vehicle endorsement of a person*

1 *who violates subdivision (b) of Section 5387 of the Public Utilities*
2 *Code.*

3 *(2) A person found to be in violation of subdivision (b) of Section*
4 *5387 of the Public Utilities Code shall be ineligible for a passenger*
5 *vehicle endorsement that would permit him or her to drive a bus*
6 *of any kind, including, but not limited to, a bus, schoolbus, youth*
7 *bus, school pupil activity bus, trailer bus, or a transit bus, with*
8 *passengers, for a period of five years.*

9 *(f) (1) Reapplication following refusal or revocation under*
10 *subdivision (b) or (c) may be made after a period of not less than*
11 *one year from the effective date of denial or revocation, except in*
12 *cases where a longer period of suspension or revocation is required*
13 *by law.*

14 *(2) Reapplication following cancellation under subdivision (d)*
15 *may be made at any time without prejudice.*

16 *(g) This section shall become operative on January 1, 2017.*

17 ~~SEC. 12.~~

18 *SEC. 27.* Section 13558 of the Vehicle Code is amended to
19 read:

20 13558. (a) Any person, who has received a notice of an order
21 of suspension or revocation of the person's privilege to operate a
22 motor vehicle pursuant to Section 13353, 13353.1, 13353.2, 13388,
23 23612, or 13382 or a notice pursuant to Section 13557, may request
24 a hearing on the matter pursuant to Article 3 (commencing with
25 Section 14100) of Chapter 3, except as otherwise provided in this
26 section.

27 (b) If the person wishes to have a hearing before the effective
28 date of the order of suspension or revocation, the request for a
29 hearing shall be made within 10 days of the receipt of the notice
30 of the order of suspension or revocation. The hearing shall be held
31 at a place designated by the department as close as practicable to
32 the place where the arrest occurred, unless the parties agree to a
33 different location. Any evidence at the hearing shall not be limited
34 to the evidence presented at an administrative review pursuant to
35 Section 13557.

36 (c) (1) The only issues at the hearing on an order of suspension
37 or revocation pursuant to Section 13353 or 13353.1 shall be those
38 facts listed in paragraph (1) of subdivision (b) of Section 13557.
39 Notwithstanding Section 14106, the period of suspension or
40 revocation specified in Section 13353 or 13353.1 shall not be

1 reduced and, notwithstanding Section 14105.5, the effective date
2 of the order of suspension or revocation shall not be stayed pending
3 review at a hearing pursuant to this section.

4 (2) The only issues at the hearing on an order of suspension
5 pursuant to Section 13353.2 shall be those facts listed in paragraph
6 (3) of subdivision (b) of Section 13557. Notwithstanding Section
7 14106, the period of suspension specified in Section 13353.3 shall
8 not be reduced.

9 (d) The department shall hold the administrative hearing before
10 the effective date of the order of suspension or revocation if the
11 request for the hearing is postmarked or received by the department
12 on or before 10 days after the person's receipt of the service of the
13 notice of the order of suspension or revocation pursuant to Section
14 13353.2, 13388, 23612, or 13382.

15 (e) A request for an administrative hearing does not stay the
16 suspension or revocation of a person's privilege to operate a motor
17 vehicle. If the department does not conduct an administrative
18 hearing and make a determination after an administrative hearing
19 within the time limit in subdivision (d), the department shall stay
20 the effective date of the order of suspension or revocation pending
21 the determination and, if the person's driver's license has been
22 taken by the peace officer pursuant to Section 13388, 23612, or
23 13382, the department shall notify the person before the expiration
24 date of the temporary permit issued pursuant to Section 13388,
25 23612, or 13382, or the expiration date of any previous extension
26 issued pursuant to this subdivision, provided the person is otherwise
27 eligible, in a form that permits the person to establish to any peace
28 officer that his or her privilege to operate a motor vehicle is not
29 suspended or revoked.

30 (f) The department shall give written notice of its determination
31 pursuant to Section 14105. If the department determines, upon a
32 hearing of the matter, to suspend or revoke the person's privilege
33 to operate a motor vehicle, notwithstanding the term of any
34 temporary permit issued pursuant to Section 13388, 23612, or
35 13382, the temporary permit shall be revoked and the suspension
36 or revocation of the person's privilege to operate a motor vehicle
37 shall become effective five days after notice is given. If the
38 department sustains the order of suspension or revocation, the
39 department shall include notice that the person has a right to review
40 by the court pursuant to Section 13559.

1 (g) A determination of facts by the department upon a hearing
2 pursuant to this section has no collateral estoppel effect on a
3 subsequent criminal prosecution and does not preclude litigation
4 of those same facts in the criminal proceeding.

5 *SEC. 28. Section 16000 of the Vehicle Code is amended to*
6 *read:*

7 16000. (a) The driver of a motor vehicle who is in any manner
8 involved in an accident originating from the operation of the motor
9 vehicle on a street or highway, or is involved in a reportable
10 off-highway accident, as defined in Section 16000.1, that has
11 resulted in damage to the property of any one person in excess of
12 seven hundred fifty dollars (\$750), or in bodily injury, or in the
13 death of any person shall report the accident, within 10 days after
14 the accident, either personally or through an insurance agent,
15 broker, or legal representative, on a form approved by the
16 department, to the office of the department at Sacramento, subject
17 to this chapter. The driver shall identify on the form, by name and
18 current residence address, if available, any person involved in the
19 accident complaining of bodily injury.

20 (b) A report is not required under subdivision (a) if the motor
21 vehicle involved in the accident was owned or leased by, or under
22 the direction of, the United States, this state, another state, or a
23 local agency.

24 (c) If none of the parties involved in an accident has reported
25 the accident to the department under this section within one year
26 following the date of the accident, the department is not required
27 to file a report on the accident and the driver's license suspension
28 requirements of Section 16004 or 16070 do not apply.

29 (d) *This section shall remain in effect only until January 1, 2017,*
30 *and as of that date is repealed, unless a later enacted statute, that*
31 *is enacted before January 1, 2017, deletes or extends that date.*

32 *SEC. 29. Section 16000 is added to the Vehicle Code, to read:*

33 16000. (a) *The driver of a motor vehicle who is in any manner*
34 *involved in an accident originating from the operation of the motor*
35 *vehicle on a street or highway, or is involved in a reportable*
36 *off-highway accident, as defined in Section 16000.1, that has*
37 *resulted in damage to the property of any one person in excess of*
38 *one thousand dollars (\$1,000), or in bodily injury, or in the death*
39 *of any person shall report the accident, within 10 days after the*
40 *accident, either personally or through an insurance agent, broker,*

1 or legal representative, on a form approved by the department, to
2 the office of the department at Sacramento, subject to this chapter.
3 The driver shall identify on the form, by name and current
4 residence address, if available, any person involved in the accident
5 complaining of bodily injury.

6 (b) A report is not required under subdivision (a) if the motor
7 vehicle involved in the accident was owned or leased by, or under
8 the direction of, the United States, this state, another state, or a
9 local agency.

10 (c) If none of the parties involved in an accident has reported
11 the accident to the department under this section within one year
12 following the date of the accident, the department is not required
13 to file a report on the accident and the driver's license suspension
14 requirements of Section 16004 or 16070 do not apply.

15 (d) This section shall become operative on January 1, 2017.

16 SEC. 30. Section 16000.1 of the Vehicle Code is amended to
17 read:

18 16000.1. (a) For purposes of this division, a "reportable
19 off-highway accident" means an accident ~~which~~ that includes all
20 of the following:

21 (1) Occurs off the street or highway.

22 (2) Involves a vehicle that is subject to registration under this
23 code.

24 (3) Results in damages to the property of any one person in
25 excess of seven hundred fifty dollars (\$750) or in bodily injury or
26 in the death of any person.

27 (b) A "reportable off-highway accident" does not include any
28 accident ~~which~~ that occurs off-highway in which damage occurs
29 only to the property of the driver or owner of the motor vehicle
30 and no bodily injury or death of a person occurs.

31 (c) This section shall remain in effect only until January 1, 2017,
32 and as of that date is repealed, unless a later enacted statute, that
33 is enacted before January 1, 2017, deletes or extends that date.

34 SEC. 31. Section 16000.1 is added to the Vehicle Code, to
35 read:

36 16000.1. (a) For purposes of this division, a "reportable
37 off-highway accident" means an accident that includes all of the
38 following:

39 (1) Occurs off the street or highway.

1 (2) *Involves a vehicle that is subject to registration under this*
 2 *code.*

3 (3) *Results in damages to the property of any one person in*
 4 *excess of one thousand dollars (\$1,000) or in bodily injury or in*
 5 *the death of any person.*

6 (b) *A “reportable off-highway accident” does not include any*
 7 *accident that occurs off-highway in which damage occurs only to*
 8 *the property of the driver or owner of the motor vehicle and no*
 9 *bodily injury or death of a person occurs.*

10 (c) *This section shall become operative on January 1, 2017.*

11 ~~SEC. 13.~~

12 *SEC. 32.* Section 16020.1 of the Vehicle Code is amended to
 13 read:

14 16020.1. (a) On and after January 1, 2020, Section 4000.37
 15 does not apply to vehicle owners with a residence address in the
 16 County of Los Angeles at the time of registration renewal.

17 (b) On and after January 1, 2020, subdivisions (a) and (b) of
 18 Section 16028 do not apply to a person who drives a motor vehicle
 19 upon a highway in the County of Los Angeles.

20 ~~SEC. 14.~~

21 *SEC. 33.* Section 16020.2 of the Vehicle Code is amended to
 22 read:

23 16020.2. (a) On and after January 1, 2020, Section 4000.37
 24 does not apply to vehicle owners with a residence address in the
 25 City and County of San Francisco at the time of registration
 26 renewal.

27 (b) On and after January 1, 2020, subdivisions (a) and (b) of
 28 Section 16028 do not apply to a person who drives a motor vehicle
 29 upon a highway in the City and County of San Francisco.

30 *SEC. 34.* *Section 16075 of the Vehicle Code is amended to*
 31 *read:*

32 16075. (a) The suspension provisions of this article shall not
 33 apply to a driver or owner until 30 days after the department sends
 34 to the driver or owner notice of its intent to suspend his or her
 35 driving privilege, pursuant to subdivision (b) of Section 16070,
 36 and advises the driver or owner of his or her right to a hearing as
 37 ~~hereinafter provided.~~ *provided in this section.*

38 (b) If the driver or owner receiving the notice of intent to
 39 suspend wishes to have a hearing, the request for a hearing shall
 40 be made in writing to the department within 10 days of the receipt

1 of the notice. Failure to respond to a notice of intent within 10
2 days of receipt of the notice is a waiver of the person's right to a
3 hearing.

4 (c) If the driver or owner makes a timely request for a hearing,
5 the department shall hold the hearing before the effective date of
6 the suspension to determine the applicability of this chapter to the
7 driver or owner, including a determination of whether:

8 (1) The accident has resulted in property damage in excess of
9 seven hundred fifty dollars (\$750), or bodily injury, or death.

10 (2) The driver or owner has established *evidence of* financial
11 responsibility, as provided in Article 3 (commencing with Section
12 16050), *that* was in effect at the time of the accident.

13 (d) A request for a hearing does not stay the suspension of a
14 person's driving privilege. However, if the department does not
15 conduct a hearing and make a determination pursuant thereto within
16 the time limit provided in subdivision (b) of Section 16070, the
17 department shall stay the effective date of the order of suspension
18 pending a determination.

19 (e) The hearing provided for by this section shall be held in the
20 county of residence of the person requesting the hearing. The
21 hearing shall be conducted pursuant to Article 3 (commencing
22 with Section 14100) of Chapter 3 of Division 6.

23 (f) The department shall render its decision within 15 days after
24 conclusion of the hearing.

25 (g) *This section shall remain in effect only until January 1, 2017,*
26 *and as of that date is repealed, unless a later enacted statute, that*
27 *is enacted before January 1, 2017, deletes or extends that date.*

28 SEC. 35. *Section 16075 is added to the Vehicle Code, to read:*

29 16075. (a) *The suspension provisions of this article shall not*
30 *apply to a driver or owner until 30 days after the department sends*
31 *to the driver or owner notice of its intent to suspend his or her*
32 *driving privilege, pursuant to subdivision (b) of Section 16070,*
33 *and advises the driver or owner of his or her right to a hearing as*
34 *provided in this section.*

35 (b) *If the driver or owner receiving the notice of intent to*
36 *suspend wishes to have a hearing, the request for a hearing shall*
37 *be made in writing to the department within 10 days of the receipt*
38 *of the notice. Failure to respond to a notice of intent within 10*
39 *days of receipt of the notice is a waiver of the person's right to a*
40 *hearing.*

1 (c) If the driver or owner makes a timely request for a hearing,
2 the department shall hold the hearing before the effective date of
3 the suspension to determine the applicability of this chapter to the
4 driver or owner, including a determination of whether:

5 (1) The accident has resulted in property damage in excess of
6 one thousand dollars (\$1,000), or bodily injury, or death.

7 (2) The driver or owner has established evidence of financial
8 responsibility, as provided in Article 3 (commencing with Section
9 16050), that was in effect at the time of the accident.

10 (d) A request for a hearing does not stay the suspension of a
11 person's driving privilege. However, if the department does not
12 conduct a hearing and make a determination pursuant thereto
13 within the time limit provided in subdivision (b) of Section 16070,
14 the department shall stay the effective date of the order of
15 suspension pending a determination.

16 (e) The hearing provided for by this section shall be held in the
17 county of residence of the person requesting the hearing. The
18 hearing shall be conducted pursuant to Article 3 (commencing
19 with Section 14100) of Chapter 3 of Division 6.

20 (f) The department shall render its decision within 15 days after
21 conclusion of the hearing.

22 (g) This section shall become operative on January 1, 2017.

23 SEC. 36. Section 16251 of the Vehicle Code is amended to
24 read:

25 16251. (a) As used in this chapter and Chapter 3 (commencing
26 with Section 16430), "cause of action" means any cause of action
27 for damage to property in excess of seven hundred fifty dollars
28 (\$750) or for damage in any amount on account of bodily injury
29 to or death of any person resulting from the operation by the
30 defendant or any other person of any motor vehicle upon a highway
31 in this state, except a cause of action based upon statutory liability
32 by reason of signing the application of a minor for a driver's
33 license.

34 (b) This section shall remain in effect only until January 1, 2017,
35 and as of that date is repealed, unless a later enacted statute, that
36 is enacted before January 1, 2017, deletes or extends that date.

37 SEC. 37. Section 16251 is added to the Vehicle Code, to read:

38 16251. (a) As used in this chapter and Chapter 3 (commencing
39 with Section 16430), "cause of action" means any cause of action
40 for damage to property in excess of one thousand dollars (\$1,000)

1 or for damage in any amount on account of bodily injury to or
2 death of any person resulting from the operation by the defendant
3 or any other person of any motor vehicle upon a highway in this
4 state, except a cause of action based upon statutory liability by
5 reason of signing the application of a minor for a driver's license.

6 (b) This section shall become operative on January 1, 2017.

7 SEC. 38. Section 16377 of the Vehicle Code is amended to
8 read:

9 16377. Every judgment shall for

10 (a) For the purposes of this ~~chapter~~ chapter, every judgment
11 shall be deemed satisfied: satisfied if any of the following apply:

12 ~~(a) When fifteen~~

13 (1) Fifteen thousand dollars (\$15,000) has been credited, upon
14 any judgment in excess of that amount, or upon all judgments,
15 collectively, which together total in excess of that amount, for
16 personal injury to or death of one person as a result of any one
17 accident.

18 ~~(b) When, subject~~

19 (2) Subject to the limit of fifteen thousand dollars (\$15,000) as
20 to one person, the sum of thirty thousand dollars (\$30,000) has
21 been credited, upon any judgment in excess of that amount, or
22 upon all judgments, collectively, which together total in excess of
23 that amount, for personal injury to or death of more than one person
24 as a result of any one accident.

25 ~~(c) When five~~

26 (3) Five thousand dollars (\$5,000) has been credited, upon any
27 judgment in excess of that amount, or upon all judgments,
28 collectively, each of which is in excess of seven hundred fifty
29 dollars (\$750), and which together total in excess of five thousand
30 dollars (\$5,000), for damage to property of others as a result of
31 any one accident.

32 ~~(d) When the~~

33 (4) The judgment debtor or a person designated by him or her
34 has deposited with the department a sum equal to the amount of
35 the unsatisfied judgment for which the suspension action was taken
36 and presents proof, satisfactory to the department, of inability to
37 locate the judgment creditor.

38 (b) This section shall remain in effect only until January 1, 2017,
39 and as of that date is repealed, unless a later enacted statute, that
40 is enacted before January 1, 2017, deletes or extends that date.

1 SEC. 39. Section 16377 is added to the Vehicle Code, to read:
2 16377. (a) For the purposes of this chapter, every judgment
3 shall be deemed satisfied if any of the following apply:

4 (1) Fifteen thousand dollars (\$15,000) has been credited, upon
5 any judgment in excess of that amount, or upon all judgments,
6 collectively, which together total in excess of that amount, for
7 personal injury to or death of one person as a result of any one
8 accident.

9 (2) Subject to the limit of fifteen thousand dollars (\$15,000) as
10 to one person, the sum of thirty thousand dollars (\$30,000) has
11 been credited, upon any judgment in excess of that amount, or
12 upon all judgments, collectively, which together total in excess of
13 that amount, for personal injury to or death of more than one
14 person as a result of any one accident.

15 (3) Five thousand dollars (\$5,000) has been credited, upon any
16 judgment in excess of that amount, or upon all judgments,
17 collectively, each of which is in excess of one thousand dollars
18 (\$1,000), and which together total in excess of five thousand dollars
19 (\$5,000), for damage to property of others as a result of any one
20 accident.

21 (4) The judgment debtor or a person designated by him or her
22 has deposited with the department a sum equal to the amount of
23 the unsatisfied judgment for which the suspension action was taken
24 and presents proof, satisfactory to the department, of inability to
25 locate the judgment creditor.

26 (b) This section shall become operative on January 1, 2017.

27 SEC. 40. Section 16378 of the Vehicle Code is amended to
28 read:

29 16378. (a) Money deposited pursuant to subdivision (d) of
30 Section 16377 shall be:

31 (a)

32 (1) Deposited by the department in the special deposit fund with
33 the State Treasurer.

34 (b)

35 (2) Payable to the judgment creditor upon presentation of a valid
36 claim establishing that he or she is the judgment creditor for which
37 the deposit was made and that the judgment remains unsatisfied.

38 (c)

39 (3) Refunded to the person making the deposit or to a person
40 designated by ~~him~~ himself or herself if the deposit remains

1 unclaimed by the judgment creditor for a period of two years
2 following the date of the deposit.

3 ~~(d)~~

4 (4) The ~~State~~ Controller shall draw his or her warrant on the
5 State Treasurer for any payment ordered pursuant to this section
6 as ordered by the department.

7 (b) *This section shall remain in effect only until January 1, 2017,*
8 *and as of that date is repealed, unless a later enacted statute, that*
9 *is enacted before January 1, 2017, deletes or extends that date.*

10 SEC. 41. *Section 16378 is added to the Vehicle Code, to read:*

11 16378. (a) *Money deposited pursuant to paragraph (4) of*
12 *subdivision (a) of Section 16377 shall be:*

13 (1) *Deposited by the department in the special deposit fund with*
14 *the Treasurer.*

15 (2) *Payable to the judgment creditor upon presentation of a*
16 *valid claim establishing that he or she is the judgment creditor for*
17 *which the deposit was made and that the judgment remains*
18 *unsatisfied.*

19 (3) *Refunded to the person making the deposit or to a person*
20 *designated by himself or herself if the deposit remains unclaimed*
21 *by the judgment creditor for a period of two years following the*
22 *date of the deposit.*

23 (4) *The Controller shall draw his or her warrant on the*
24 *Treasurer for any payment ordered pursuant to this section as*
25 *ordered by the department.*

26 (b) *This section shall become operative on January 1, 2017.*

27 SEC. 42. *Section 16430 of the Vehicle Code is amended to*
28 *read:*

29 16430. **Proof**

30 (a) *“Proof of financial ~~responsibility~~ responsibility,” when*
31 *required by this code code, means proof of financial responsibility*
32 *resulting from the ownership or operation of a motor vehicle and*
33 *arising by reason of personal injury to, or death of, any one person,*
34 *of at least fifteen thousand dollars (\$15,000), and, subject to the*
35 *limit of fifteen thousand dollars (\$15,000) for each person injured*
36 *or killed, of at least thirty thousand dollars (\$30,000) for the injury*
37 *to, or the death of, two or more persons in any one accident, and*
38 *for damages to property ~~(in in~~ excess of seven hundred fifty dollars*
39 *(\$750)); (\$750), of at least five thousand dollars (\$5,000) resulting*

1 from any one accident. Proof of financial responsibility may be
2 given in any manner authorized in this chapter.

3 *(b) This section shall remain in effect only until January 1, 2017,*
4 *and as of that date is repealed, unless a later enacted statute, that*
5 *is enacted before January 1, 2017, deletes or extends that date.*

6 SEC. 43. Section 16430 is added to the Vehicle Code, to read:

7 16430. (a) “Proof of financial responsibility,” when required
8 by this code, means proof of financial responsibility resulting from
9 the ownership or operation of a motor vehicle and arising by
10 reason of personal injury to, or death of, any one person, of at
11 least fifteen thousand dollars (\$15,000), and, subject to the limit
12 of fifteen thousand dollars (\$15,000) for each person injured or
13 killed, of at least thirty thousand dollars (\$30,000) for the injury
14 to, or the death of, two or more persons in any one accident, and
15 for damages to property in excess of one thousand dollars (\$1,000),
16 of at least five thousand dollars (\$5,000) resulting from any one
17 accident. Proof of financial responsibility may be given in any
18 manner authorized in this chapter.

19 *(b) This section shall become operative on January 1, 2017.*

20 SEC. 44. Section 16434 of the Vehicle Code is amended to
21 read:

22 16434. (a) Proof of financial responsibility may be given by
23 a bond. The bond shall be conditioned for the payment of the
24 amount specified in Section 16430, and shall provide for the entry
25 of judgment on motion of the state in favor of any holder of any
26 final judgment on account of damages to property over seven
27 hundred fifty dollars (\$750) in amount, or injury to any person
28 caused by the operation of the person’s motor vehicle.

29 *(b) This section shall remain in effect only until January 1, 2017,*
30 *and as of that date is repealed, unless a later enacted statute, that*
31 *is enacted before January 1, 2017, deletes or extends that date.*

32 SEC. 45. Section 16434 is added to the Vehicle Code, to read:

33 16434. (a) Proof of financial responsibility may be given by
34 a bond. The bond shall be conditioned for the payment of the
35 amount specified in Section 16430, and shall provide for the entry
36 of judgment on motion of the state in favor of any holder of any
37 final judgment on account of damages to property over one
38 thousand dollars (\$1,000) in amount, or injury to any person
39 caused by the operation of the person’s motor vehicle.

40 *(b) This section shall become operative on January 1, 2017.*

1 *SEC. 46. Section 21455.7 of the Vehicle Code is amended to*
2 *read:*

3 21455.7. (a) At an intersection at which there is an automated
4 enforcement system in operation, the minimum yellow light change
5 interval shall be established in accordance with the ~~Traffic Manual~~
6 ~~of the Department of Transportation.~~ *California Manual on*
7 *Uniform Traffic Control Devices.*

8 (b) For purposes of subdivision (a), the minimum yellow light
9 change intervals relating to designated approach speeds provided
10 in the ~~Traffic Manual of the Department of Transportation~~
11 *California Manual on Uniform Traffic Control Devices* are
12 mandatory minimum yellow light intervals.

13 (c) A yellow light change interval may exceed the minimum
14 interval established pursuant to subdivision (a).

15 ~~SEC. 15.~~

16 *SEC. 47. Section 24002 of the Vehicle Code is amended to*
17 *read:*

18 24002. (a) It is unlawful to operate any vehicle or combination
19 of vehicles which is in an unsafe condition, or which is not safely
20 loaded, and which presents an immediate safety hazard.

21 (b) It is unlawful to operate any vehicle or combination of
22 vehicles which is not equipped as provided in this code.

23 (c) A motor carrier shall not require a person to drive a
24 commercial motor vehicle unless the driver can, by reason of
25 experience, training, or both, determine whether the cargo being
26 transported, including baggage in a passenger-carrying commercial
27 vehicle, has been properly located, distributed, and secured in or
28 on the commercial motor vehicle operated by the driver.

29 (d) A driver shall not operate a commercial motor vehicle unless
30 the driver can, by reason of experience, training, or both,
31 demonstrate familiarity with the methods and procedures for
32 securing cargo in or on the commercial motor vehicle operated by
33 the driver.

34 (e) Drivers and motor carriers of commercial motor vehicles
35 shall comply with Section 392.9 of Title 49 of the Code of Federal
36 Regulations.

37 (f) *For purposes of this section, “commercial motor vehicle”*
38 *has the same meaning as defined in subdivision (b) of Section*
39 *15210, and also includes any vehicle listed in Section 34500.*

1 ~~SEC. 16.~~

2 *SEC. 48.* Section 24017 of the Vehicle Code is amended to
3 read:

4 24017. A commercial motor vehicle, as defined in Section 260,
5 operated by a motor carrier, whether the motor carrier is a private
6 company or a public agency shall be equipped with a speedometer
7 that shall be maintained in good working order. The speedometer
8 shall indicate the vehicle's speed in miles per hour or kilometers
9 (km) per hour and shall be accurate to within plus or minus 5 miles
10 per hour (8 km/hour) at a speed of 50 miles per hour (80 km/hour).

11 ~~SEC. 17.~~

12 *SEC. 49.* Section 24604 of the Vehicle Code is amended to
13 read:

14 24604. (a) Whenever the load upon any vehicle extends, or
15 whenever any integral part of any vehicle projects, to the rear four
16 feet or more beyond the rear of the vehicle, as measured from the
17 taillamps, there shall be displayed at the extreme end of the load
18 or projecting part of the vehicle during darkness, in addition to the
19 required taillamp, two red lights with a bulb rated not in excess of
20 six candlepower plainly visible from a distance of at least 500 feet
21 to the sides and rear. At any other time there shall be displayed at
22 the extreme end of the load or projecting part of the vehicle a solid
23 red or fluorescent orange flag or cloth not less than 18 inches
24 square.

25 (b) There shall be a single flag or cloth at the extreme rear if
26 the projecting load is two feet wide or less. Two warning flags or
27 cloths are required if the projecting load is wider than two feet.
28 Flags or cloths shall be located to indicate maximum width of
29 loads that extend beyond the sides or rear of the vehicle.

30 ~~SEC. 18.~~

31 *SEC. 50.* Section 25104 of the Vehicle Code is amended to
32 read:

33 25104. (a) Any vehicle or equipment that requires a permit
34 issued pursuant to Article 6 (commencing with Section 35780) of
35 Chapter 5 of Division 15 because it is wider than permitted under
36 Chapter 2 (commencing with Section 35100) of Division 15 shall
37 display a solid red or fluorescent orange flag or cloth not less than
38 18 inches square at the extremities of the vehicle or equipment, if
39 the vehicle or equipment is being operated other than during
40 darkness.

1 (b) Any vehicle defined in Section 34500 transporting a load
2 that extends beyond the sides of the vehicle by more than four
3 inches shall also comply with subdivision (a).

4 ~~SEC. 19.~~

5 *SEC. 51.* Section 25305 of the Vehicle Code is amended to
6 read:

7 25305. (a) No person shall place, deposit, or display upon or
8 adjacent to any highway any lighted fusee, except as a warning to
9 approaching vehicular traffic or railroad trains, or both, of an
10 existing hazard upon or adjacent to the highway or
11 highway-railroad crossing.

12 (b) It is unlawful to use any fusee which produces other than a
13 red light. The provisions of this subdivision shall not apply to any
14 railroad, as defined in Section 229 of the Public Utilities Code.

15 (c) No person shall attach or permit any person to attach a
16 lighted fusee to any part of a vehicle.

17 ~~SEC. 20.~~

18 *SEC. 52.* Section 25803 of the Vehicle Code is amended to
19 read:

20 25803. (a) All vehicles not otherwise required to be equipped
21 with headlamps, rear lights, or reflectors by this chapter shall, if
22 operated on a highway during darkness, be equipped with a lamp
23 exhibiting a red light visible from a distance of 500 feet to the rear
24 of the vehicle. In addition, all of these vehicles operated alone or
25 as the first vehicle in a combination of vehicles, shall be equipped
26 with at least one lighted lamp exhibiting a white light visible from
27 a distance of 500 feet to the front of the vehicle.

28 (b) A vehicle shall also be equipped with an amber reflector on
29 the front near the left side and a red reflector on the rear near the
30 left side. The reflectors shall be mounted on the vehicle not lower
31 than 16 inches nor higher than 60 inches above the ground and so
32 designed and maintained as to be visible during darkness from all
33 distances within 500 feet from the vehicle when directly in front
34 of a motor vehicle displaying lawful lighted headlamps undimmed.

35 (c) In addition, if a vehicle described in subdivision (a) or the
36 load thereon has a total outside width in excess of 100 inches there
37 shall be displayed during darkness at the left outer extremity at
38 least one amber light visible under normal atmospheric conditions
39 from a distance of 500 feet to the front, sides, and rear. At all other
40 times there shall be displayed at the left outer extremity a solid

1 red or fluorescent orange flag or cloth not less than 18 inches
2 square.

3 ~~SEC. 21.~~

4 *SEC. 53.* Section 26311 of the Vehicle Code is amended to
5 read:

6 26311. (a) Every motor vehicle shall be equipped with service
7 brakes on all wheels in contact with the roadway, except as follows:

8 (1) Trucks and truck tractors manufactured before July 25, 1980,
9 having three or more axles need not have brakes on the front
10 wheels, except when such vehicles are equipped with at least two
11 steerable axles, the wheels of one such axle need not be equipped
12 with brakes.

13 (2) The final towed vehicle in a triple saddle-mount
14 driveaway-towaway operation.

15 (3) Any vehicle manufactured prior to 1930.

16 (4) Any two-axle truck tractor manufactured prior to 1964.

17 (5) Any sidecar attached to a motorcycle.

18 (6) Any motorcycle manufactured prior to 1966. Such
19 motorcycle shall be equipped with brakes on at least one wheel.

20 (b) Any bus, truck, or truck tractor may be equipped with a
21 manual or automatic means for reducing the braking effort on the
22 front wheels. The manual means shall be used only when operating
23 under adverse road conditions, such as wet, snowy, or icy roads.

24 (c) Vehicles and combinations of vehicles exempted in
25 subdivisions (a) and (b) from the requirements of brakes on all
26 wheels shall comply with the stopping distance requirements of
27 Section 26454.

28 ~~SEC. 22.~~

29 *SEC. 54.* Section 27154.1 is added to the Vehicle Code, to
30 read:

31 27154.1. (a) The flooring in all motor vehicles shall be
32 substantially constructed, free of unnecessary holes and openings
33 and shall be maintained so as to minimize the entrance of fumes,
34 exhaust gases, or fire.

35 (b) Floors shall not be permeated with oil or other substances
36 likely to cause injury to persons using the floor as a traction
37 surface.

38 ~~SEC. 23.~~

39 *SEC. 55.* Section 27400 of the Vehicle Code is amended to
40 read:

1 27400. A person operating a motor vehicle or bicycle may not
2 wear a headset covering, earplugs in, or earphones covering, resting
3 on, or inserted in, both ears. This prohibition does not apply to any
4 of the following:

5 (a) A person operating authorized emergency vehicles, as
6 defined in Section 165.

7 (b) A person engaged in the operation of either special
8 construction equipment or equipment for use in the maintenance
9 of any highway.

10 (c) A person engaged in the operation of refuse collection
11 equipment who is wearing a safety headset or safety earplugs.

12 (d) A person wearing personal hearing protectors in the form
13 of earplugs or molds that are specifically designed to attenuate
14 injurious noise levels. The plugs or molds shall be designed in a
15 manner so as to not inhibit the wearer's ability to hear a siren or
16 horn from an emergency vehicle or a horn from another motor
17 vehicle.

18 (e) A person using a prosthetic device that aids the hard of
19 hearing.

20 ~~SEC. 24.~~

21 *SEC. 56.* Section 29007 of the Vehicle Code is amended to
22 read:

23 29007. The requirements of Section 29004 shall not apply to
24 vehicles engaged in driveaway-towaway operations if all the
25 following conditions are met:

26 (a) The towed vehicle has one end supported by the towing
27 vehicle.

28 (b) The towed vehicle is secured to the towing vehicle by a
29 device designed and constructed as to be readily demountable and
30 to perform the functions of a fifth-wheel-type connection.

31 (c) The fifth-wheel-type connection device is securely affixed
32 to the vehicles to prevent shifting of the device on the vehicles to
33 which it is attached.

34 (d) The fifth-wheel-type connection device provides a means
35 of variation of inclination between the towing and towed vehicle
36 due to vertical curvatures of the highway. Such means shall not
37 depend upon either the looseness or deformation of the connection
38 or the vehicles to provide for such variation.

39 (e) No more than three saddle-mounts may be used in any
40 combination.

1 (f) No more than one tow-bar or ball-and-socket type coupling
2 device may be used in any combination.

3 (g) Driveaway-towaway combinations shall comply with all
4 provisions specified in Section 393.71 of Title 49 of the Code of
5 Federal Regulations.

6 ~~SEC. 25.~~

7 *SEC. 57.* Section 34500.3 of the Vehicle Code is amended to
8 read:

9 34500.3. (a) The department shall adopt rules and regulations
10 that are designed to promote the safe operation of vehicles,
11 regarding cargo securement standards. The regulations adopted
12 pursuant to this section shall be consistent with the securement
13 regulations adopted by the United States Department of
14 Transportation in Part 393 (commencing with Section 393.1) of
15 Title 49 of the Code of Federal Regulations, as those regulations
16 now exist or are amended in the future.

17 (b) Regulations adopted pursuant to subdivision (a) do not apply
18 to a farmer transporting his or her own hay or straw, incidental to
19 his or her farming operation, if that transportation requires that the
20 farmer use a highway, except that this subdivision does not relieve
21 the farmer from loading and securing the hay or straw in a safe
22 manner.

23 ~~SEC. 26.~~

24 *SEC. 58.* Section 34500.5 of the Vehicle Code is amended to
25 read:

26 34500.5. For purposes of this division, the term “commercial
27 motor vehicle” has the same meaning as defined in subdivision
28 (b) of Section 15210, or any vehicle listed in Section 34500.

29 ~~SEC. 27.~~

30 *SEC. 59.* Section 34520 of the Vehicle Code is amended to
31 read:

32 34520. (a) Motor carriers and drivers shall comply with the
33 controlled substances and alcohol use, transportation, and testing
34 requirements of the United States Secretary of Transportation as
35 set forth in Part 382 (commencing with Section 382.101) of, and
36 Sections 392.4 and 392.5 of, Title 49 of the Code of Federal
37 Regulations.

38 (b) (1) A motor carrier shall make available for inspection,
39 upon the request of an authorized employee of the department,
40 copies of all results and other records pertaining to controlled

1 substances and alcohol use and testing conducted pursuant to
2 federal law, as specified in subdivision (a), including those records
3 contained in individual driver qualification files.

4 (2) For the purposes of complying with the return-to-duty
5 alcohol or controlled substances test requirements, or both, of
6 Section 382.309 of Title 49 of the Code of Federal Regulations
7 and the followup alcohol or controlled substances test requirements,
8 or both, of Section 382.311 of that title, the department may use
9 those test results to monitor drivers who are motor carriers.

10 (3) Evidence derived from a positive test result in the possession
11 of a motor carrier shall not be admissible in a criminal prosecution
12 concerning unlawful possession, sale, or distribution of controlled
13 substances.

14 (c) A drug or alcohol testing consortium, as defined in Section
15 382.107 of Title 49 of the Code of Federal Regulations, shall mail
16 a copy of all drug and alcohol positive test result summaries to the
17 department within three days of the test. This requirement applies
18 only to drug and alcohol positive tests of those drivers employed
19 by motor carriers who operate terminals within this state.

20 (d) A transit agency receiving federal financial assistance under
21 Section 3, 9, or 18 of the Federal Transit Act, or under Section
22 103(e)(4) of Title 23 of the United States Code, shall comply with
23 the controlled substances and alcohol use and testing requirements
24 of the United States Secretary of Transportation as set forth in Part
25 655 (commencing with Section 655.1) of Title 49 of the Code of
26 Federal Regulations.

27 (e) The owner-operator shall notify all other motor carriers with
28 whom he or she is under contract when the owner-operator has
29 met the requirements of subdivision (c) of Section 15242.
30 Notwithstanding subdivision (i), a violation of this subdivision is
31 an infraction.

32 (f) Except as provided in Section 382.301 of Title 49 of the
33 Code of Federal Regulations, an applicant for employment as a
34 commercial driver or an owner-operator seeking to provide
35 transportation services and meeting the requirements of subdivision
36 (b) of Section 34624, may not be placed on duty by a motor carrier
37 until a preemployment test for controlled substances and alcohol
38 use meeting the requirements of the federal regulations referenced
39 in subdivision (a) have been completed and a negative test result
40 has been reported.

1 (g) An applicant for employment as a commercial driver or an
2 owner-operator, seeking to provide transportation services and
3 meeting the requirements of subdivision (b) of Section 34624, may
4 not be placed on duty by a motor carrier until the motor carrier
5 has completed a full investigation of the driver's employment
6 history meeting the requirements of the federal regulations cited
7 under subdivision (a). Every motor carrier, whether making or
8 receiving inquiries concerning a driver's history, shall document
9 all activities it has taken to comply with this subdivision.

10 (h) A motor carrier that utilizes a preemployment screening
11 service to review applications is in compliance with the employer
12 duties under subdivisions (e) and (f) if the preemployment
13 screening services that are provided satisfy the requirements of
14 state and federal law and the motor carrier abides by any findings
15 that would, under federal law, disqualify an applicant from
16 operating a commercial vehicle.

17 (i) It is a misdemeanor punishable by imprisonment in the county
18 jail for six months and a fine not to exceed five thousand dollars
19 (\$5,000), or by both the imprisonment and fine, for a person to
20 willfully violate this section. As used in this subdivision,
21 "willfully" has the same meaning as defined in Section 7 of the
22 Penal Code.

23 (j) This section does not apply to a peace officer, as defined in
24 Section 830.1 or 830.2 of the Penal Code, who is authorized to
25 drive vehicles described in Section 34500, or to a firefighter, as
26 defined in subdivision (f) of Section 15250.6, who is authorized
27 to operate firefighting equipment as defined in subdivision (g) of
28 Section 15250.6, if that peace officer or firefighter is participating
29 in a substance abuse detection program within the scope of his or
30 her employment.

31 ~~SEC. 28.~~

32 *SEC. 60.* No reimbursement is required by this act pursuant to
33 Section 6 of Article XIII B of the California Constitution because
34 the only costs that may be incurred by a local agency or school
35 district will be incurred because this act creates a new crime or
36 infraction, eliminates a crime or infraction, or changes the penalty
37 for a crime or infraction, within the meaning of Section 17556 of
38 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

O