

Introduced by Senator PanFebruary 26, 2015

An act to amend Sections 5353, 5353.5, 5359, and 5373.1 of, and to add Sections 5359.5, 5364, 5373.2, and 5384.4 to, the Public Utilities Code, relating to charter-party carriers.

LEGISLATIVE COUNSEL'S DIGEST

SB 530, as introduced, Pan. Charter-party carriers: pedal-powered quadricycles.

Existing law, the Passenger Charter-party Carriers' Act, with certain exceptions, prohibits a charter-party carrier of passengers from engaging in transportation services subject to regulation by the Public Utilities Commission without obtaining a specified certificate or permit, as appropriate, from the commission. The act imposes certain requirements if alcoholic beverages are consumed by the passengers during the transportation service. A violation of the act is a crime.

This bill would apply the requirements of the act to persons rendering transportation service by means of pedal-powered quadricycles. The bill would prohibit the consumption of an alcoholic beverage unless the local jurisdiction in which the pedal-powered quadricycle operates has authorized that consumption and would impose additional restrictions regarding the consumption of alcoholic beverages in pedal-powered quadricycles. The bill would impose certain requirements on the operators of pedal-powered quadricycles. By expanding the requirements of the act to the operation of a pedal-powered quadricycle and imposing additional restrictions on pedal-powered quadricycles, the bill would create a new crime, thereby imposing a state-mandated local program. The bill would require the commission to require a charter-party carrier of passengers operating a pedal-powered

quadricycle to undergo an annual inspection of the quadricycle by the local law enforcement agency of the local jurisdiction in which the quadricycle operates. The bill would require a local law enforcement agency to conduct an annual inspection of pedal-powered quadricycles operated by a charter-party carrier of passengers, thereby imposing a state-mandated local program. The bill would authorize the local law enforcement agency to charge a reasonable fee to offset the cost of inspection.

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 specified reasons.

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 5353 of the Public Utilities Code is
- 2 amended to read:
- 3 5353. This chapter does not apply to any of the following:
- 4 (a) ~~Transportation~~—*Except as provided in Section 5353.5,*
- 5 *transportation* service rendered wholly within the corporate limits
- 6 of a single city or city and county and licensed or regulated by
- 7 ordinance.
- 8 (b) Transportation of school pupils conducted by or under
- 9 contract with the governing board of any school district entered
- 10 into pursuant to the Education Code.
- 11 (c) Common carrier transportation services between fixed
- 12 termini or over a regular route that are subject to authorization
- 13 pursuant to Article 2 (commencing with Section 1031) of Chapter
- 14 5 of Part 1 of Division 1.
- 15 (d) Transportation services occasionally afforded for farm
- 16 employees moving to and from farms on which employed when
- 17 the transportation is performed by the employer in an owned or
- 18 leased vehicle, or by a nonprofit agricultural cooperative
- 19 association organized and acting within the scope of its powers
- 20 under Chapter 1 (commencing with Section 54001) of Division
- 21 20 of the Food and Agricultural Code, and without any requirement
- 22 for the payment of compensation therefor by the employees.

1 (e) Transportation service rendered by a publicly owned transit
2 system.

3 (f) Passenger vehicles carrying passengers on a noncommercial
4 enterprise basis.

5 (g) Taxicab transportation service licensed and regulated by a
6 city or county, by ordinance or resolution, rendered in vehicles
7 designed for carrying not more than eight persons excluding the
8 driver.

9 (h) Transportation of persons between home and work locations
10 or of persons having a common work-related trip purpose in a
11 vehicle having a seating capacity of 15 passengers or less, including
12 the driver, which are used for the purpose of ridesharing, as defined
13 in Section 522 of the Vehicle Code, when the ridesharing is
14 incidental to another purpose of the driver. This exemption also
15 applies to a vehicle having a seating capacity of more than 15
16 passengers if the driver files with the commission evidence of
17 liability insurance protection in the same amount and in the same
18 manner as required for a passenger stage corporation, and the
19 vehicle undergoes and passes an annual safety inspection by the
20 Department of the California Highway Patrol. The insurance filing
21 shall be accompanied by a one-time filing fee of seventy-five
22 dollars (\$75). This exemption does not apply if the primary purpose
23 for the transportation of those persons is to make a profit. "Profit,"
24 as used in this subdivision, does not include the recovery of the
25 actual costs incurred in owning and operating a vanpool vehicle,
26 as defined in Section 668 of the Vehicle Code.

27 (i) Vehicles used exclusively to provide medical transportation,
28 including vehicles employed to transport developmentally disabled
29 persons for regional centers established pursuant to Chapter 5
30 (commencing with Section 4620) of Division 4.5 of the Welfare
31 and Institutions Code.

32 (j) Transportation services rendered solely within the Lake
33 Tahoe Basin, comprising that area included within the Tahoe
34 Regional Planning Compact as set forth in Section 66801 of the
35 Government Code, when the operator of the services has obtained
36 any permit required from the Tahoe Basin Transportation Authority
37 or the City of South Lake Tahoe, or both.

38 (k) Subject to Section 34507.6 of the Vehicle Code,
39 transportation service provided by the operator of an automobile
40 rental business in vehicles owned or leased by that operator,

1 without charge other than as may be included in the automobile
2 rental charges, to carry its customers to or from its office or facility
3 where rental vehicles are furnished or returned after the rental
4 period.

5 (l) Subject to Section 34507.6 of the Vehicle Code,
6 transportation service provided by the operator of a hotel, motel,
7 or other place of temporary lodging in vehicles owned or leased
8 by that operator, without charge other than as may be included in
9 the charges for lodging, between the lodging facility and an air,
10 rail, water, or bus passenger terminal or between the lodging
11 facility and any place of entertainment or commercial attraction,
12 including, but not limited to, facilities providing snow skiing.
13 Nothing in this subdivision authorizes the operator of a hotel,
14 motel, or other place of temporary lodging to provide any round
15 trip sightseeing service without a permit, as required by subdivision
16 (c) of Section 5384.

17 (m) (1) Transportation of hot air balloon ride passengers in a
18 balloon chase vehicle from the balloon landing site back to the
19 original takeoff site, provided that the balloon ride was conducted
20 by a balloonist who meets all of the following conditions:

21 (A) Does not fly more than a total of 30 passenger rides for
22 compensation annually.

23 (B) Does not provide any preflight ground transportation
24 services in their vehicles.

25 (C) In providing return transportation to the launch site from
26 landing does not drive more than 300 miles annually.

27 (D) Files with the commission an exemption declaration and
28 proof of vehicle insurance, as prescribed by the commission,
29 certifying that the operator qualifies for the exemption and will
30 maintain minimum insurance on each vehicle of one hundred
31 thousand dollars (\$100,000) for injury or death of one person, three
32 hundred thousand dollars (\$300,000) for injury or death of two or
33 more persons and one hundred thousand dollars (\$100,000) for
34 damage to property.

35 (2) Nothing in this subdivision authorizes the operator of a
36 commercial balloon operation to provide any round trip sightseeing
37 service without a permit, as required by subdivision (c) of Section
38 5384.

39 (n) (1) Transportation services incidental to operation of a youth
40 camp that are provided by either a nonprofit organization that

1 qualifies for tax exemption under Section 501(c)(3) of the Internal
2 Revenue Code or an organization that operates an organized camp,
3 as defined in Section 18897 of the Health and Safety Code, serving
4 youth 18 years of age or younger.

5 (2) Any transportation service described in paragraph (1) shall
6 comply with all of the following requirements:

7 (A) Register as a private carrier with the commission pursuant
8 to Section 4005.

9 (B) Participate in a pull notice system for employers of drivers
10 as prescribed in Section 1808.1 of the Vehicle Code.

11 (C) Ensure compliance with the annual bus terminal inspection
12 required by subdivision (c) of Section 34501 of the Vehicle Code.

13 (D) Obtain the following minimum amounts of general liability
14 insurance coverage for vehicles that are used to transport youth:

15 (i) A minimum of five hundred thousand dollars (\$500,000)
16 general liability insurance coverage for passenger vehicles designed
17 to carry up to eight passengers. For organized camps, as defined
18 in Section 18897 of the Health and Safety Code, an additional two
19 hundred fifty thousand dollars (\$250,000) general umbrella policy
20 that covers vehicles.

21 (ii) A minimum of one million dollars (\$1,000,000) general
22 liability insurance coverage for vehicles designed to carry up to
23 15 passengers. For organized camps, as defined in Section 18897
24 of the Health and Safety Code, an additional five hundred thousand
25 dollars (\$500,000) general umbrella policy that covers vehicles.

26 (iii) A minimum of one million five hundred thousand dollars
27 (\$1,500,000) general liability insurance coverage for vehicles
28 designed to carry more than 15 passengers, and an additional three
29 million five hundred thousand dollars (\$3,500,000) general
30 umbrella liability insurance policy that covers vehicles.

31 SEC. 2. Section 5353.5 of the Public Utilities Code is amended
32 to read:

33 5353.5. ~~On and after July 1, 1989, this~~ *This* chapter does not
34 apply to transportation service, other than transportation service
35 furnished in a limousine for ~~hire~~, *hire or a pedal-powered*
36 *quadricycle*, rendered wholly within the corporate limits of a single
37 city or city and county and licensed or regulated by ordinance.

38 SEC. 3. Section 5359 of the Public Utilities Code is amended
39 to read:

1 5359. “Motor vehicle” means a vehicle—~~which~~ *that* is
2 self-propelled. “*Motor vehicle*” *includes a pedal-powered*
3 *quadricycle*.

4 SEC. 4. Section 5359.5 is added to the Public Utilities Code,
5 to read:

6 5359.5. “Pedal-powered quadricycle” means a vehicle that
7 meets all of the following:

8 (a) Is powered primarily by pedal-power.

9 (b) Has an electric motor that is used to propel the vehicle during
10 emergencies.

11 (c) Cannot travel in excess of 15 miles per hour.

12 (d) Has a seating capacity of not more than 15 passengers.

13 SEC. 5. Section 5364 is added to the Public Utilities Code, to
14 read:

15 5364. (a) A pedal-powered quadricycle providing
16 transportation service pursuant to this chapter shall be operated
17 by a driver and a safety monitor who are over 21 years of age. The
18 driver shall possess a Class C driver’s license. The safety monitor
19 shall supervise the passengers while the quadricycle is in motion.

20 (b) The driver and safety monitor shall attend and satisfactorily
21 complete the Licensee Education on Alcohol and Drugs program
22 implemented by the Department of Alcoholic Beverage Control.

23 SEC. 6. Section 5373.1 of the Public Utilities Code is amended
24 to read:

25 5373.1. (a) ~~Each~~ *Except as provided in Section 5373.2, each*
26 application for a charter-party carrier of passengers certificate or
27 permit shall be accompanied by a filing fee as follows:

28 (1) Class A certificates (new): one thousand five hundred dollars
29 (\$1,500).

30 (2) Class A certificates (renewal): one hundred dollars (\$100).

31 (3) Class B certificates (new): one thousand dollars (\$1,000).

32 (4) Class B certificates (renewal): one hundred dollars (\$100).

33 (5) Class C certificates (new): one thousand dollars (\$1,000).

34 (6) Class C certificates (renewal): one hundred dollars (\$100).

35 (7) Permits (new): one thousand dollars (\$1,000).

36 (8) Permits (renewal): one hundred dollars (\$100).

37 (b) The commission shall also require each application to be
38 accompanied by a fee to offset the cost of the charter-party carrier
39 bus terminal inspections conducted by the Department of the
40 California Highway Patrol. The fee shall be fifteen dollars (\$15)

1 per tour bus, as defined in Section 612 of the Vehicle Code, or a
2 maximum of six thousand five hundred dollars (\$6,500) for each
3 operating carrier.

4 (c) The commission shall require each charter-party carrier that
5 operates tour buses, as defined in Section 612 of the Vehicle Code,
6 to undergo an annual bus terminal inspection conducted by the
7 Department of the California Highway Patrol and to pay an annual
8 fee of fifteen dollars (\$15) per tour bus, or a maximum of six
9 thousand five hundred dollars (\$6,500), to offset the cost of the
10 inspections.

11 (d) The commission shall deposit the fees collected pursuant to
12 subdivisions (b) and (c) in the Motor Vehicle Account in the State
13 Transportation Fund to cover the costs of the inspections conducted
14 by the ~~department~~ *Department of the California Highway Patrol*
15 as specified in subdivisions (b) and (c).

16 SEC. 7. Section 5373.2 is added to the Public Utilities Code,
17 to read:

18 5373.2. (a) An application for, or the renewal of, a permit for
19 a charter-party carrier of passengers operating a pedal-powered
20 quadricycle shall be accompanied by a filing fee not to exceed five
21 hundred dollars (\$500).

22 (b) (1) The commission shall require a charter-party carrier that
23 operates a pedal-powered quadricycle to undergo an annual
24 inspection conducted by the local law enforcement agency of the
25 local jurisdiction in which the charter-party carrier operates to
26 ensure that the quadricycle is in safe operating condition.

27 (2) A local law enforcement agency shall inspect annually a
28 pedal-powered quadricycle operated by a charter-party carrier of
29 passengers and may charge a reasonable fee to offset the costs of
30 inspecting the pedal-powered quadricycle.

31 SEC. 8. Section 5384.4 is added to the Public Utilities Code,
32 to read:

33 5384.4. (a) Notwithstanding any other provision of this chapter,
34 a charter-party carrier of passengers shall not allow the
35 consumption of alcoholic beverages on a pedal-powered
36 quadricycle unless the local jurisdiction in which the quadricycle
37 operates, by ordinance or resolution, has authorized the
38 consumption of alcoholic beverages in a pedal-powered
39 quadricycle.

1 (b) In a local jurisdiction in which the consumption of alcohol
2 beverages is authorized in a pedal-powered quadricycle, in addition
3 to the requirements of Section 5384.1, for a pedal-powered
4 quadricycle, all of the following apply:

5 (1) Distilled spirits, as defined in Section 23005 of the Business
6 and Professions Code, shall not be consumed.

7 (2) Alcoholic beverages shall be contained in plastic containers.

8 (3) Glass containers shall not be permitted.

9 SEC. 9. No reimbursement is required by this act pursuant to
10 Section 6 of Article XIII B of the California Constitution because
11 a local agency or school district has the authority to levy service
12 charges, fees, or assessments sufficient to pay for the program or
13 level of service mandated by this act or because costs that may be
14 incurred by a local agency or school district will be incurred
15 because this act creates a new crime or infraction, eliminates a
16 crime or infraction, or changes the penalty for a crime or infraction,
17 within the meaning of Section 17556 of the Government Code, or
18 changes the definition of a crime within the meaning of Section 6
19 of Article XIII B of the California Constitution.