

AMENDED IN ASSEMBLY AUGUST 15, 2016

AMENDED IN ASSEMBLY JUNE 29, 2016

AMENDED IN ASSEMBLY JUNE 21, 2016

AMENDED IN ASSEMBLY JUNE 16, 2016

AMENDED IN SENATE MAY 31, 2016

AMENDED IN SENATE APRIL 27, 2016

AMENDED IN SENATE APRIL 12, 2016

AMENDED IN SENATE MARCH 17, 2016

AMENDED IN SENATE FEBRUARY 12, 2016

**SENATE BILL**

**No. 812**

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**Introduced by Senator Hill**

(Principal coauthors: Assembly Members Chiu and Ting)

January 4, 2016

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An act to amend Sections 1033.7, 5373.1, and 5378.5 of the Public Utilities Code, and to amend Sections 612, 34501, 34505, 34505.1, and 34513 of, and to add Section 34505.3 to, amend Sections 34501 and 34505.1 of the Vehicle Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 812, as amended, Hill. ~~Charter-party carriers of passengers: passenger stage corporations: private carriers of passengers: Tour buses: inspection.~~

(1)Existing

Existing law defines a tour bus to include any bus operated by or for a charter-party carrier of passengers or a passenger stage corporation,

with a bus in this respect defined to mean any vehicle designed, used, or maintained for carrying more than 10 persons, including the driver. Existing law provides for the Department of the California Highway Patrol to regulate the safe operation of various classes of vehicles, including tour buses. ~~Existing law requires charter-party carriers of passengers, upon initial application and annually thereafter, to pay tour bus terminal inspection fees to offset the costs of inspections of the department.~~ A violation of various statutes and regulations governing tour buses and operators of tour buses is a crime.

Existing law also requires the department, at least once every 13 months, to inspect every maintenance facility or terminal of any person who at any time operates any bus. Existing law requires that if the bus operation includes more than 100 buses, the inspection shall be without prior notice. ~~Existing law requires the Public Utilities Commission, pending a hearing in the matter, to suspend the operating certificate of a charter-party carrier of passengers or a passenger stage corporation upon receipt of a written recommendation from the department for, among other things, failure to maintain any vehicle used in transportation for compensation in a safe operating condition. Existing law also requires, among other things, upon a determination by the department that a tour bus or modified limousine carrier has failed to maintain any vehicle used in transportation for compensation in a safe operating condition such that the failure presents an imminent danger to public safety, that the department shall recommend to the commission that the carrier's operating authority be suspended, denied, or revoked, or to the United States Department of Transportation that appropriate administrative action be taken against the carrier's interstate operating authority, whichever is appropriate.~~

This bill would require the department, if a tour bus ~~or modified limousine carrier~~ has received an unsatisfactory compliance rating for 3 consecutive terminal inspections, as specified, to recommend to the commission that the carrier's operating authority be suspended, denied, or revoked, or to the United States Department of Transportation that appropriate administrative action be taken against the carrier's interstate operating authority, whichever is appropriate. The bill would also require the commission to suspend an operating certificate of a charter-party carrier of passengers or a passenger stage corporation in those circumstances. The bill would additionally require the department to inspect a maintenance facility or terminal of a tour bus operator that receives 2 or more successive satisfactory ratings at least once every

26 months instead of at least once every 13 months. The bill would also require the department to inspect a maintenance facility or terminal of a tour bus operator that receives an unsatisfactory rating every 6 months until the operator achieves a satisfactory rating during a regular terminal inspection. If the satisfactory rating is the result of a reinspection, the bill would require the next regular terminal inspection to be conducted within 6 months. The bill would require the department, if, subsequent to an inspection of a maintenance facility or terminal of a tour bus operator, a tour bus is issued an out-of-service order in the field, to conduct an inspection of that maintenance facility or terminal within 90 days of the issuance of the order. *rating, to conduct a follow up inspection between 30 and 90 days after the initial inspection during which the unsatisfactory rating was received. The bill would require the department to order a tour bus out of service upon determining during a terminal inspection or at any other time that the condition of a tour bus is such that it has multiple safety violations of a nature that operation of the tour bus could constitute an imminent danger to public safety. The bill would prohibit the tour bus from being operated with passengers until all of the safety violations have been corrected and the department has verified the correction of the safety violations upon a subsequent inspection by the department of the tour bus, which shall occur within five business days of the submission of a reinspection request from the tour bus carrier. By creating a new crime, the bill would impose a state-mandated local program.*

~~This bill would require that the fees collected to offset the costs of inspections not be used to supplement other sources of funding or support for any other inspection program conducted by the department and would require the department to modify, by regulation, its existing tour bus terminal inspection program, beginning no later than January 1, 2018, to ensure that the performance-based program targets companies that are noncompliant, have a history of noncompliance with safety laws or regulations, or have received unsatisfactory ratings and to prioritize those companies for unannounced surprise inspections. The bill would also require no fewer than 10% of the total number of tour bus carrier inspections conducted by the department to be unannounced surprise inspections. The bill would require the department to conduct a followup inspection 30 days after an operator receives an unsatisfactory rating.~~

~~This bill would require a charter-party carrier of passengers or a passenger stage corporation that has received an unsatisfactory rating~~

and is currently being inspected every 6 months, prior to operating a newly acquired tour bus that is more than 2 years old, to first schedule an inspection of the tour bus with, and obtain a satisfactory rating for the tour bus from, the department. The bill would also require the Department of the California Highway Patrol, upon determining that the condition of a tour bus is such that it has multiple safety violations of a nature that operation of the tour bus could constitute an imminent danger to public safety, to immediately order the tour bus out of service, and would prohibit operation of the tour bus until all of the safety violations have been corrected and the department has verified the correction of the safety violations upon a subsequent inspection of the tour bus. By changing the definition of existing crimes and creating new crimes, the bill would impose a state-mandated local program.

(2) ~~The~~ *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 1033.7 of the Public Utilities Code is~~  
2 amended to read:  
3 1033.7. (a) Upon receipt of a written recommendation from  
4 the Department of the California Highway Patrol that the certificate  
5 of a passenger stage corporation be suspended (1) for failure to  
6 maintain any vehicle used in transportation for compensation in a  
7 safe operating condition or to comply with the Vehicle Code or  
8 with regulations contained in Title 13 of the California Code of  
9 Regulations relative to motor carrier safety, if that failure is either  
10 a consistent failure or presents an imminent danger to public safety,  
11 (2) for failure to enroll all drivers in the pull notice system as  
12 required by Section 1808.1 of the Vehicle Code, or (3) for receiving  
13 an unsatisfactory compliance rating in three consecutive terminal  
14 inspections as specified in subdivision (c) of Section 34505.1 of  
15 the Vehicle Code, the commission shall, pending a hearing in the  
16 matter pursuant to subdivision (d), suspend the corporation's

1 certificate. The department's written recommendation shall  
2 specifically indicate compliance with subdivision (c).

3 (b) A corporation whose certificate is suspended pursuant to  
4 subdivision (a) may obtain a reinspection of its terminal and  
5 vehicles by the department, by submitting a written request for  
6 reinstatement to the commission and paying a reinstatement fee  
7 of one hundred twenty-five dollars (\$125). The commission shall  
8 deposit all reinstatement fees collected pursuant to this subdivision  
9 in the Public Utilities Commission Transportation Reimbursement  
10 Account. The commission shall forward a request for reinspection  
11 to the department which shall perform a reinspection within a  
12 reasonable time. The commission shall reinstate a corporation's  
13 certificate suspended under subdivision (a) promptly upon receipt  
14 of a written recommendation from the department that the  
15 corporation's safety compliance has improved to the satisfaction  
16 of the department, unless the certificate is suspended for another  
17 reason or has been revoked.

18 (c) Before transmitting a recommendation pursuant to  
19 subdivision (a) to the commission, the Department of the California  
20 Highway Patrol shall notify the passenger stage corporation in  
21 writing of all of the following:

22 (1) That the department has determined that the corporation's  
23 safety record is unsatisfactory, furnishing a copy of any  
24 documentation or summary of any other evidence supporting the  
25 determination.

26 (2) That the determination may result in a suspension or  
27 revocation of the corporation's certificate by the commission.

28 (3) That the corporation may request a review of the  
29 determination by the department within five days of its receipt of  
30 the notice required under this subdivision. If a review pursuant to  
31 this paragraph is requested by the corporation, the department shall  
32 conduct and evaluate that review prior to transmitting any  
33 notification to the commission pursuant to subdivision (a).

34 (d) Whenever the commission suspends the certificate of any  
35 passenger stage corporation pursuant to subdivision (a), the  
36 commission shall furnish the corporation written notice of the  
37 suspension and shall hold a hearing within a reasonable time, not  
38 to exceed 21 days, after a written request therefor is filed with the  
39 commission, with a copy thereof furnished to the Department of  
40 the California Highway Patrol. At the hearing, the corporation

1 shall show cause why the suspension should not be continued. At  
2 the conclusion of the hearing, the commission may, in addition to  
3 any other applicable penalty provided in this part, terminate the  
4 suspension, continue the suspension in effect, or revoke the  
5 certificate. The commission may revoke the certificate of any  
6 passenger stage corporation suspended pursuant to subdivision (a)  
7 at any time 90 days or more after its suspension if the commission  
8 has not received a written recommendation for reinstatement from  
9 the department and the corporation has not filed a written request  
10 for a hearing with the commission.

11 (e) If the commission, after a hearing, finds that a passenger  
12 stage corporation has continued to operate as such after its  
13 certificate has been suspended pursuant to subdivision (a), the  
14 commission shall do one of the following:

15 (1) Revoke the certificate of the corporation.

16 (2) Impose upon the holder of the certificate a civil penalty of  
17 not less than one thousand dollars (\$1,000) nor more than five  
18 thousand dollars (\$5,000) for each day of unlawful operations.

19 SEC. 2. Section 5373.1 of the Public Utilities Code is amended  
20 to read:

21 5373.1. (a) Each application for a charter-party carrier of  
22 passengers certificate or permit shall be accompanied by a filing  
23 fee as follows:

24 (1) Class A certificates (new): one thousand five hundred dollars  
25 (\$1,500).

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

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

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

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

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

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

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

33 (b) The commission shall also require each application to be  
34 accompanied by a fee to offset the cost of the charter-party carrier  
35 bus terminal inspections conducted by the Department of the  
36 California Highway Patrol. The fee shall be fifteen dollars (\$15)  
37 per tour bus, as defined in Section 612 of the Vehicle Code, or a  
38 maximum of six thousand five hundred dollars (\$6,500) for each  
39 operating carrier.

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

8 ~~(d) The commission shall deposit the fees collected pursuant to~~  
9 ~~subdivisions (b) and (c) in the Motor Vehicle Account in the State~~  
10 ~~Transportation Fund to cover the costs of the inspections conducted~~  
11 ~~by the department as specified in subdivisions (b) and (c). The~~  
12 ~~revenues from the fees shall not be used to supplant other sources~~  
13 ~~of funding for, or otherwise support, any other inspection program~~  
14 ~~conducted by the department.~~

15 ~~SEC. 3. Section 5378.5 of the Public Utilities Code is amended~~  
16 ~~to read:~~

17 ~~5378.5. (a) Upon receipt of a written recommendation from~~  
18 ~~the Department of the California Highway Patrol that the certificate~~  
19 ~~or permit of a charter-party carrier be suspended (1) for failure to~~  
20 ~~maintain any vehicle used in transportation for compensation in a~~  
21 ~~safe operating condition or to comply with the Vehicle Code or~~  
22 ~~with regulations contained in Title 13 of the California Code of~~  
23 ~~Regulations relative to motor carrier safety if that failure is either~~  
24 ~~a consistent failure or presents an imminent danger to public safety,~~  
25 ~~(2) for failure to enroll all drivers in the pull notice system as~~  
26 ~~required by Section 1808.1 of the Vehicle Code, or (3) for receiving~~  
27 ~~an unsatisfactory compliance rating in three consecutive terminal~~  
28 ~~inspections as specified in subdivision (c) of Section 34505.1 of~~  
29 ~~the Vehicle Code, the commission shall, pending a hearing in the~~  
30 ~~matter pursuant to subdivision (d), suspend the carrier's certificate~~  
31 ~~or permit. The written recommendation shall specifically indicate~~  
32 ~~compliance with subdivision (c).~~

33 ~~(b) A carrier whose certificate or permit is suspended pursuant~~  
34 ~~to subdivision (a) may obtain a reinspection of its terminal and~~  
35 ~~vehicles by the department, by submitting a written request for~~  
36 ~~reinstatement to the commission and paying a reinstatement fee~~  
37 ~~of one thousand dollars (\$1,000). The commission shall deposit~~  
38 ~~all reinstatement fees collected pursuant to this subdivision in the~~  
39 ~~Public Utilities Commission Transportation Reimbursement~~  
40 ~~Account. The commission shall then forward a request for~~

1 ~~reinspection to the department which shall then perform a~~  
2 ~~reinspection within a reasonable time. The commission shall~~  
3 ~~reinstate a carrier's certificate or permit suspended under~~  
4 ~~subdivision (a) promptly upon receipt of a written recommendation~~  
5 ~~from the department that the carrier's safety compliance has~~  
6 ~~improved to the satisfaction of the department, unless the certificate~~  
7 ~~or permit is suspended for another reason, or has been revoked.~~

8 ~~(e) Before transmitting a recommendation pursuant to~~  
9 ~~subdivision (a) to the commission, the Department of the California~~  
10 ~~Highway Patrol shall notify the charter-party carrier in writing of~~  
11 ~~all of the following:~~

12 ~~(1) That the department has determined that the carrier's safety~~  
13 ~~record is unsatisfactory, furnishing a copy of any documentation~~  
14 ~~or summary of any other evidence supporting the determination.~~

15 ~~(2) That the determination may result in suspension or~~  
16 ~~revocation of the carrier's certificate or permit by the commission.~~

17 ~~(3) That the carrier may request a review of the determination~~  
18 ~~by the department within five days of its receipt of the notice~~  
19 ~~required under this subdivision. If a review pursuant to this~~  
20 ~~paragraph is requested by the carrier, the department shall conduct~~  
21 ~~and evaluate that review prior to transmitting any notification to~~  
22 ~~the commission pursuant to subdivision (a).~~

23 ~~(d) Whenever the commission suspends the certificate or permit~~  
24 ~~of any charter-party carrier pursuant to subdivision (a), the~~  
25 ~~commission shall furnish the carrier written notice of the~~  
26 ~~suspension and shall hold a hearing within a reasonable time, not~~  
27 ~~to exceed 21 days, after a written request therefor is filed with the~~  
28 ~~commission, with a copy thereof furnished to the Department of~~  
29 ~~the California Highway Patrol. At the hearing, the carrier shall~~  
30 ~~show cause why the suspension should not be continued. At the~~  
31 ~~conclusion of the hearing, the commission may, in addition to any~~  
32 ~~other penalty provided in this chapter, terminate the suspension,~~  
33 ~~continue the suspension in effect, or revoke the certificate or~~  
34 ~~permit. The commission may revoke the certificate or permit of~~  
35 ~~any carrier suspended pursuant to subdivision (a) at any time 90~~  
36 ~~days or more after its suspension if the commission has not~~  
37 ~~received a written recommendation for reinstatement from the~~  
38 ~~department and the carrier has not filed a written request for a~~  
39 ~~hearing with the commission.~~

1 ~~(e) If the commission, after a hearing, finds that a charter-party~~  
2 ~~carrier has continued to operate as such a carrier after its certificate~~  
3 ~~or permit has been suspended pursuant to subdivision (a), the~~  
4 ~~commission shall do one of the following:~~

5 ~~(1) Revoke the operating certificate or permit of the carrier.~~

6 ~~(2) Impose upon the holder of the certificate or permit a civil~~  
7 ~~penalty of not less than one thousand five hundred dollars (\$1,500)~~  
8 ~~nor more than seven thousand five hundred dollars (\$7,500) for~~  
9 ~~each day of unlawful operations.~~

10 ~~SEC. 4. Section 612 of the Vehicle Code is amended to read:~~

11 ~~612. "Tour bus" means a vehicle designed, used, or maintained~~  
12 ~~for carrying more than 10 persons, including the driver, which is~~  
13 ~~operated by or for a charter-party carrier of passengers, as defined~~  
14 ~~in Section 5360 of the Public Utilities Code, or a passenger stage~~  
15 ~~corporation, as defined in Section 226 of the Public Utilities Code.~~

16 ~~SEC. 5.~~

17 ~~SECTION 1. Section 34501 of the Vehicle Code is amended~~  
18 ~~to read:~~

19 34501. (a) (1) The department shall adopt reasonable rules  
20 and regulations that, in the judgment of the department, are  
21 designed to promote the safe operation of vehicles described in  
22 Section 34500, regarding, but not limited to, controlled substances  
23 and alcohol testing of drivers by motor carriers, hours of service  
24 of drivers, equipment, fuel containers, fueling operations,  
25 inspection, maintenance, recordkeeping, accident reports, and  
26 drawbridges. The rules and regulations shall not, however, be  
27 applicable to schoolbuses, which shall be subject to rules and  
28 regulations adopted pursuant to Section 34501.5.

29 The rules and regulations shall exempt local law enforcement  
30 agencies, within a single county, engaged in the transportation of  
31 inmates or prisoners when those agencies maintain other motor  
32 vehicle operations records which furnish hours of service  
33 information on drivers which are in substantial compliance with  
34 the rules and regulations. This exemption does not apply to any  
35 local law enforcement agency engaged in the transportation of  
36 inmates or prisoners outside the county in which the agency is  
37 located, if that agency would otherwise be required, by existing  
38 law, to maintain driving logs.

39 (2) The department may adopt rules and regulations relating to  
40 commercial vehicle safety inspection and out-of-service criteria.

1 In adopting the rules and regulations, the commissioner may  
2 consider the commercial vehicle safety inspection and  
3 out-of-service criteria adopted by organizations such as the  
4 Commercial Vehicle Safety Alliance, other intergovernmental  
5 safety group, or the United States Department of Transportation.  
6 The commissioner may provide departmental representatives to  
7 that alliance or other organization for the purpose of promoting  
8 the continued improvement and refinement of compatible  
9 nationwide commercial vehicle safety inspection and out-of-service  
10 criteria.

11 (3) The commissioner shall appoint a committee of 15 members,  
12 consisting of representatives of industry subject to the regulations  
13 to be adopted pursuant to this section, to act in an advisory capacity  
14 to the department, and the department shall cooperate and confer  
15 with the advisory committee so appointed. The commissioner shall  
16 appoint a separate committee to advise the department on rules  
17 and regulations concerning wheelchair lifts for installation and use  
18 on buses, consisting of persons who use the wheelchair lifts,  
19 representatives of transit districts, representatives of designers or  
20 manufacturers of wheelchairs and wheelchair lifts, and  
21 representatives of the Department of Transportation.

22 (4) The department may inspect any vehicles in maintenance  
23 facilities or terminals, as well as any records relating to the dispatch  
24 of vehicles or drivers, and the pay of drivers, to ensure compliance  
25 with this code and regulations adopted pursuant to this section.

26 (b) The department, using the definitions adopted pursuant to  
27 Section 2402.7, shall adopt regulations for the transportation of  
28 hazardous materials in this state, except the transportation of  
29 materials which are subject to other provisions of this code, that  
30 the department determines are reasonably necessary to ensure the  
31 safety of persons and property using the highways. The regulations  
32 may include provisions governing the filling, marking, packing,  
33 labeling, and assembly of, and containers that may be used for,  
34 hazardous materials shipments, and the manner by which the  
35 shipper attests that the shipments are correctly identified and in  
36 proper condition for transport.

37 (c) (1) ~~Except as provided in paragraphs (2), (3), and (4), at~~  
38 ~~least once every 13 months, the department shall inspect every~~  
39 ~~maintenance facility or terminal of any person who at any time~~

1 operates any bus. If the bus operation includes more than 100  
2 buses, the inspection shall be without prior notice.

3 ~~(2) A maintenance facility or terminal of a tour bus operator  
4 that receives two or more consecutive satisfactory ratings shall be  
5 inspected at least once every 26 months unless the first satisfactory  
6 rating is the result of a reinspection required pursuant to paragraph  
7 (2) of subdivision (b) of Section 34513.~~

8 ~~(3) A maintenance facility or terminal of a tour bus operator  
9 that receives an unsatisfactory rating shall be inspected every six  
10 months until the operator achieves a satisfactory rating during a  
11 regular terminal inspection. Following the assignment of a  
12 satisfactory rating as the result of a reinspection pursuant to  
13 paragraph (2) of subdivision (b) of Section 34513, the next regular  
14 terminal inspection shall be conducted within six months.~~

15 ~~(4) If, subsequent to the inspection of a maintenance facility or  
16 terminal of a tour bus operator pursuant to this subdivision, a tour  
17 bus is issued an out-of-service order in the field as described in  
18 subdivision (d) of Section 2800 or under criteria adopted pursuant  
19 to paragraph (2) of subdivision (a), the department shall conduct  
20 an inspection of that maintenance facility or terminal within 90  
21 days after issuance of the order.~~

22 *(2) This subdivision does not preclude the department from  
23 conducting inspections of tour bus operations with fewer than 100  
24 buses without prior notice. To the extent possible, the department  
25 shall conduct inspections without prior notice of any tour bus  
26 operation, including tour bus operations that have a history of  
27 noncompliance with safety laws or regulations, that have received  
28 unsatisfactory ratings, or that have had buses ordered out of  
29 service for safety violations.*

30 *(3) If a tour bus operator receives an unsatisfactory rating, the  
31 department shall conduct a follow up inspection between 30 and  
32 90 days after the initial inspection during which the unsatisfactory  
33 rating was received.*

34 (d) The commissioner shall adopt and enforce regulations which  
35 will make the public or private users of any bus aware of the  
36 operator's last safety rating.

37 (e) It is unlawful and constitutes a misdemeanor for any person  
38 to operate any bus without the inspections specified in subdivision  
39 (c) having been conducted.

1 (f) The department may adopt regulations restricting or  
2 prohibiting the movement of any vehicle from a maintenance  
3 facility or terminal if the vehicle is found in violation of this code  
4 or regulations adopted pursuant to this section.

5 ~~SEC. 6. Section 34505 of the Vehicle Code is amended to read:~~

6 ~~34505. (a) Tour bus operators shall, in addition to the~~  
7 ~~systematic inspection, maintenance, and lubrication services~~  
8 ~~required of all motor carriers, require each tour bus to be inspected~~  
9 ~~at least every 45 days, or more often if necessary to ensure safe~~  
10 ~~operation. This inspection shall include, but not be limited to, all~~  
11 ~~of the following:~~

12 ~~(1) Brake adjustment.~~

13 ~~(2) Brake system components and leaks.~~

14 ~~(3) Steering and suspension systems.~~

15 ~~(4) Tires and wheels.~~

16 ~~(b) A tour bus shall not be used to transport passengers until all~~  
17 ~~defects listed during the inspection conducted pursuant to~~  
18 ~~subdivision (a) have been corrected and attested to by the signature~~  
19 ~~of the operator's authorized representative.~~

20 ~~(c) Records of inspections conducted pursuant to subdivision~~  
21 ~~(a) shall be kept at the operator's maintenance facility or terminal~~  
22 ~~where the tour bus is regularly garaged. The records shall be~~  
23 ~~retained by the operator for one year, and shall be made available~~  
24 ~~for inspection upon request by any authorized employee of the~~  
25 ~~department. Each record shall include, but not be limited to, all of~~  
26 ~~the following:~~

27 ~~(1) Identification of the vehicle, including make, model, license~~  
28 ~~number, or other means of positive identification.~~

29 ~~(2) Date and nature of each inspection and any repair performed.~~

30 ~~(3) Signature of operator's authorized representative attesting~~  
31 ~~to the inspection and to the completion of all required repairs.~~

32 ~~(4) Company vehicle number.~~

33 ~~(d) Prior to operating a newly acquired tour bus that is more~~  
34 ~~than two years old, a charter-party carrier of passengers or a~~  
35 ~~passenger stage corporation that has received an unsatisfactory~~  
36 ~~rating and is being inspected every six months pursuant to~~  
37 ~~paragraph (3) of subdivision (c) of Section 34501, shall first~~  
38 ~~schedule an inspection of the tour bus with, and obtain a~~  
39 ~~satisfactory rating for the tour bus from, the department. This~~  
40 ~~requirement shall not apply to a charter-party carrier of passengers~~

1 or a passenger stage corporation that has received two or more  
2 consecutive satisfactory ratings and is being inspected pursuant to  
3 the inspection schedule authorized under paragraph (2) of  
4 subdivision (e) of Section 34501.

5 SEC. 7. Section 34505.1 of the Vehicle Code is amended to  
6 read:

7 34505.1. (a) Upon determining that a tour bus carrier or  
8 modified limousine carrier has either (1) failed to maintain any  
9 vehicle used in transportation for compensation in a safe operating  
10 condition or to comply with the Vehicle Code or with regulations  
11 contained in Title 13 of the California Code of Regulations relative  
12 to motor carrier safety, and, in the department's opinion, that failure  
13 presents an imminent danger to public safety or constitutes such  
14 a consistent failure as to justify a recommendation to the Public  
15 Utilities Commission or the United States Department of  
16 Transportation or (2) failed to enroll all drivers in the pull notice  
17 system as required by Section 1808.1, the department shall  
18 recommend to the Public Utilities Commission that the carrier's  
19 operating authority be suspended, denied, or revoked, or to the  
20 United States Department of Transportation that appropriate  
21 administrative action be taken against the carrier's interstate  
22 operating authority, whichever is appropriate.

23 (b) For purposes of this section, two consecutive unsatisfactory  
24 compliance ratings for an inspected terminal assigned because the  
25 tour bus carrier or modified limousine carrier failed to comply  
26 with the periodic report requirements of Section 1808.1 or the  
27 cancellation of the carrier's enrollment by the Department of Motor  
28 Vehicles for nonpayment of required fees may be determined by  
29 the department to be a consistent failure. However, when  
30 recommending denial of an application for new or renewal  
31 authority, the department need not conclude that the carrier's failure  
32 presents an imminent danger to public safety or that it constitutes  
33 a consistent failure. The department need only conclude that the  
34 carrier's compliance with the safety-related matters described in  
35 paragraph (1) of subdivision (a) is sufficiently unsatisfactory to  
36 justify a recommendation for denial.

37 (c) If a tour bus or modified limousine carrier has either (1)  
38 received an unsatisfactory compliance rating for a regular terminal  
39 inspection and the next two consecutive follow-up terminal  
40 inspections or (2) received an unsatisfactory compliance rating for

1 ~~three consecutive regular terminal inspections irrespective of~~  
2 ~~receiving satisfactory ratings on the follow-up inspections~~  
3 ~~associated with the first two terminal inspections, the department~~  
4 ~~shall recommend to the Public Utilities Commission that the~~  
5 ~~carrier's operating authority be suspended, denied, or revoked, or~~  
6 ~~to the United States Department of Transportation that appropriate~~  
7 ~~administrative action be taken against the carrier's interstate~~  
8 ~~operating authority, whichever is appropriate.~~

9 ~~(d) Before transmitting a recommendation pursuant to this~~  
10 ~~section, the department shall notify the carrier in writing of all of~~  
11 ~~the following:~~

12 ~~(1) That the department has determined that the carrier's safety~~  
13 ~~record is unsatisfactory, furnishing a copy of any documentation~~  
14 ~~or summary of any other evidence supporting the determination.~~

15 ~~(2) That the determination may result in a suspension,~~  
16 ~~revocation, or denial of the carrier's operating authority by the~~  
17 ~~Public Utilities Commission or the United States Department of~~  
18 ~~Transportation, as appropriate.~~

19 ~~(3) That the carrier may request a review of the determination~~  
20 ~~by the department within five days of its receipt of the notice~~  
21 ~~required under this subdivision. If a review is requested by the~~  
22 ~~carrier, the department shall conduct and evaluate that review prior~~  
23 ~~to transmitting any notification pursuant to this section.~~

24 ~~(e) Notwithstanding anything to the contrary in subdivision (a),~~  
25 ~~(b), or (c), upon determining during a terminal inspection or at any~~  
26 ~~other time that the condition of a tour bus is such that it has~~  
27 ~~multiple safety violations of a nature that operation of the tour bus~~  
28 ~~could constitute an imminent danger to public safety, the~~  
29 ~~department shall immediately order the tour bus out of service.~~  
30 ~~The tour bus shall not be subsequently operated with passengers~~  
31 ~~until all of the safety violations have been corrected and the~~  
32 ~~department has verified the correction of the safety violations upon~~  
33 ~~a subsequent inspection by the department of the tour bus, which~~  
34 ~~shall occur within five business days of the submission of a~~  
35 ~~reinspection request from the tour bus carrier to the department.~~

36 ~~(f) The department shall retain a record, by carrier, of every~~  
37 ~~recommendation made pursuant to this section.~~

38 ~~SEC. 8. Section 34505.3 is added to the Vehicle Code, to read:~~

39 ~~34505.3. (a) (1) The department shall conduct unannounced~~  
40 ~~surprise inspections of charter-party carriers of passengers and~~

1 ~~passenger stage corporations operating one or more tour buses in~~  
2 ~~addition to regularly scheduled inspections.~~

3 ~~(2) The department shall prioritize unannounced surprise~~  
4 ~~inspections of companies that are noncompliant, have a history of~~  
5 ~~noncompliance with safety laws or regulations, or that have~~  
6 ~~received unsatisfactory ratings.~~

7 ~~(b) Each fiscal year, no fewer than 10 percent of the total number~~  
8 ~~of tour bus carrier inspections conducted by the department shall~~  
9 ~~be unannounced surprise inspections.~~

10 ~~SEC. 9. Section 34513 of the Vehicle Code is amended to read:~~

11 ~~34513. (a) The department shall adopt rules and regulations~~  
12 ~~relating to the equipment, maintenance, and operation of tour buses.~~

13 ~~(b) (1) No later than January 1, 2018, the department shall, by~~  
14 ~~regulation, modify its existing tour bus terminal inspection program~~  
15 ~~to ensure that the performance-based program targets companies~~  
16 ~~that are noncompliant, have a history of noncompliance with safety~~  
17 ~~laws or regulations, or that have received unsatisfactory ratings.~~

18 ~~(2) If a carrier receives an unsatisfactory rating, the department~~  
19 ~~shall conduct a followup inspection between 30 to 90 days after~~  
20 ~~the initial inspection during which an unsatisfactory rating was~~  
21 ~~deemed appropriate.~~

22 ~~(3) It is the intent of the Legislature that, to the greatest extent~~  
23 ~~possible, the bus inspection program shall strive to inspect as many~~  
24 ~~tour buses operated by or for charter-party carriers of passengers~~  
25 ~~and passenger stage corporations as possible.~~

26 ~~SEC. 2. Section 34505.1 of the Vehicle Code is amended to~~  
27 ~~read:~~

28 ~~34505.1. (a) Upon determining that a tour bus carrier or~~  
29 ~~modified limousine carrier has either (1) failed to maintain any~~  
30 ~~vehicle used in transportation for compensation in a safe operating~~  
31 ~~condition or to comply with the Vehicle Code or with regulations~~  
32 ~~contained in Title 13 of the California Code of Regulations relative~~  
33 ~~to motor carrier safety, and, in the department's opinion, that failure~~  
34 ~~presents an imminent danger to public safety or constitutes such~~  
35 ~~a consistent failure as to justify a recommendation to the Public~~  
36 ~~Utilities Commission or the United States Department of~~  
37 ~~Transportation or (2) failed to enroll all drivers in the pull notice~~  
38 ~~system as required by Section 1808.1, the department shall~~  
39 ~~recommend to the Public Utilities Commission that the carrier's~~  
40 ~~operating authority be suspended, denied, or revoked, or to the~~

1 United States Department of Transportation that appropriate  
2 administrative action be taken against the carrier's interstate  
3 operating authority, whichever is appropriate. For purposes of this  
4 subdivision, two consecutive unsatisfactory compliance ratings  
5 for an inspected terminal assigned because the tour bus carrier or  
6 modified limousine carrier failed to comply with the periodic report  
7 requirements of Section 1808.1 or the cancellation of the carrier's  
8 enrollment by the Department of Motor Vehicles for nonpayment  
9 of required fees may be determined by the department to be a  
10 consistent failure. However, when recommending denial of an  
11 application for new or renewal authority, the department need not  
12 conclude that the carrier's failure presents an imminent danger to  
13 public safety or that it constitutes a consistent failure. The  
14 department need only conclude that the carrier's compliance with  
15 the safety-related matters described in paragraph (1) of subdivision  
16 (a) is sufficiently unsatisfactory to justify a recommendation for  
17 denial. The department shall retain a record, by carrier, of every  
18 recommendation made pursuant to this section.

19 (b) Before transmitting a recommendation pursuant to  
20 subdivision (a), the department shall notify the carrier in writing  
21 of all of the following:

22 (1) That the department has determined that the carrier's safety  
23 record is unsatisfactory, furnishing a copy of any documentation  
24 or summary of any other evidence supporting the determination.

25 (2) That the determination may result in a suspension,  
26 revocation, or denial of the carrier's operating authority by the  
27 Public Utilities Commission or the United States Department of  
28 Transportation, as appropriate.

29 (3) That the carrier may request a review of the determination  
30 by the department within five days of its receipt of the notice  
31 required under this subdivision. If a review is requested by the  
32 carrier, the department shall conduct and evaluate that review prior  
33 to transmitting any notification pursuant to subdivision (a).

34 (c) *Notwithstanding subdivision (a) or (b), upon determining*  
35 *during a terminal inspection or at any other time that the condition*  
36 *of a tour bus is such that it has multiple safety violations of a nature*  
37 *that operation of the tour bus could constitute an imminent danger*  
38 *to public safety, the department shall immediately order the tour*  
39 *bus out of service. The tour bus shall not be subsequently operated*  
40 *with passengers until all of the safety violations have been*

1 *corrected and the department has verified the correction of the*  
2 *safety violations upon a subsequent inspection by the department*  
3 *of the tour bus, which shall occur within five business days of the*  
4 *submission of a reinspection request from the tour bus carrier to*  
5 *the department.*

6 ~~SEC. 10.~~

7 SEC. 3. No reimbursement is required by this act pursuant to  
8 Section 6 of Article XIII B of the California Constitution because  
9 the only costs that may be incurred by a local agency or school  
10 district will be incurred because this act creates a new crime or  
11 infraction, eliminates a crime or infraction, or changes the penalty  
12 for a crime or infraction, within the meaning of Section 17556 of  
13 the Government Code, or changes the definition of a crime within  
14 the meaning of Section 6 of Article XIII B of the California  
15 Constitution.

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