

AMENDED IN ASSEMBLY AUGUST 18, 2016  
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**

---

---

**Introduced by Senator Hill**

(Principal coauthors: Assembly Members Chiu and Ting)

January 4, 2016

---

---

An act to amend Sections ~~34501~~ 27375, 34501, and 34505.1 of the Vehicle Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 812, as amended, Hill. ~~Four buses: inspection. Modified limousines and tour buses: standards and inspection.~~

(1) Existing law, on and after January 1, 2017, requires any person operating a modified limousine that is modified prior to July 1, 2015, to ensure that the vehicle is equipped with one or 2 rear windows that

*the rear seat passengers or all passengers of the vehicle may open from the inside of the vehicle in case of any fire or other emergency.*

*This bill would extend the operative date of this requirement to January 1, 2018.*

~~Existing~~

(2) *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. 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.

This bill would require the department, if a tour bus has received an unsatisfactory compliance rating, to conduct a ~~follow-up~~ *followup* 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.

~~The~~

(3) *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 27375 of the Vehicle Code is amended to  
2 read:

3     27375. (a) Any person who operates a modified limousine  
4 shall ensure that the vehicle has at least two rear side doors, as  
5 specified in paragraph (2), and one or two rear windows, as  
6 specified in paragraph (1), that the rear seat passengers or all  
7 passengers of the vehicle may open from the inside of the vehicle  
8 in case of any fire or other emergency that may require the  
9 immediate exit of the passengers of the vehicle. A limousine  
10 subject to this subdivision shall be equipped with both of the  
11 following:

12     (1) (A) Except as provided in subparagraph (B), at least two  
13 rear push-out windows that are accessible to all passengers. At  
14 least one push-out window shall be located on each side of the  
15 vehicle, unless the design of the limousine precludes the installation  
16 of a push-out window on one side of the vehicle, in which case  
17 the second push-out window shall instead be located in the roof  
18 of the vehicle.

19     (B) If the design of the limousine precludes the installation of  
20 even one push-out window on a side of the vehicle, one push-out  
21 window shall instead be located in the roof of the vehicle.

22     (C) The Department of the California Highway Patrol shall  
23 establish, by regulation, standards to ensure that window exits are  
24 operable and sufficient in emergency situations for limousine  
25 passengers. The department shall ensure that these regulations  
26 comply with any applicable federal motor vehicle safety standards.

27     (D) For modified limousines modified prior to July 1, 2015, the  
28 requirements of this paragraph shall apply on and after January 1,  
29 ~~2017~~. 2018.

30     (2) (A) At least two rear side doors that are accessible to all  
31 passengers and that may be opened manually by any passenger.  
32 At least one rear side door shall be located on each side of the  
33 vehicle.

1 (B) For modified limousines modified on or after July 1, 2015,  
2 at least one of these side doors shall be located near the driver's  
3 compartment and another near the back of the vehicle.

4 (C) The rear side doors shall comply with any applicable federal  
5 motor vehicle safety standards as deemed necessary by the  
6 Department of the California Highway Patrol.

7 (b) In the case of a fire or other emergency that requires the  
8 immediate exit of the passengers from the limousine, the driver of  
9 the limousine shall unlock the doors so that the rear side doors can  
10 be opened by the passengers from the inside of the vehicle.

11 (c) An owner or operator of a limousine shall do all of the  
12 following:

13 (1) Instruct all passengers on the safety features of the vehicle  
14 prior to the beginning of any trip, including, but not limited to,  
15 instructions for lowering the partition between the driver and  
16 passenger compartments and for communicating with the driver  
17 by the use of an intercom or other onboard or wireless device.

18 (2) Disclose to the contracting party and the passengers whether  
19 the limousine meets the safety requirements described in this  
20 section.

21 (3) If paragraph (1) of subdivision (d) applies, the owner or  
22 operator of a limousine shall further disclose to the contracting  
23 party and the passengers that the limousine does not meet the safety  
24 requirements required in subdivision (a) regarding vehicle escape  
25 options because of its exempt status, and therefore may pose a  
26 greater risk to passengers should emergency escape be necessary.

27 (d) (1) Except as provided in paragraph (2), subdivision (a)  
28 shall not apply to any limousine manufactured before 1970 that  
29 has an active transportation charter-party carrier (TCP) number  
30 that was issued by the commission as of August 15, 2013.

31 (2) Subdivision (a) shall apply to any limousine manufactured  
32 before 1970 if it was modified after August 15, 2013.

33 ~~SECTION 4.~~

34 *SEC. 2.* Section 34501 of the Vehicle Code is amended to read:

35 34501. (a) (1) The department shall adopt reasonable rules  
36 and regulations that, in the judgment of the department, are  
37 designed to promote the safe operation of vehicles described in  
38 Section 34500, regarding, but not limited to, controlled substances  
39 and alcohol testing of drivers by motor carriers, hours of service  
40 of drivers, equipment, fuel containers, fueling operations,

1 inspection, maintenance, recordkeeping, accident reports, and  
2 drawbridges. The rules and regulations shall not, however, be  
3 applicable to schoolbuses, which shall be subject to rules and  
4 regulations adopted pursuant to Section 34501.5.

5 The rules and regulations shall exempt local law enforcement  
6 agencies, within a single county, engaged in the transportation of  
7 inmates or prisoners when those agencies maintain other motor  
8 vehicle operations records which furnish hours of service  
9 information on drivers which are in substantial compliance with  
10 the rules and regulations. This exemption does not apply to any  
11 local law enforcement agency engaged in the transportation of  
12 inmates or prisoners outside the county in which the agency is  
13 located, if that agency would otherwise be required, by existing  
14 law, to maintain driving logs.

15 (2) The department may adopt rules and regulations relating to  
16 commercial vehicle safety inspection and out-of-service criteria.  
17 In adopting the rules and regulations, the commissioner may  
18 consider the commercial vehicle safety inspection and  
19 out-of-service criteria adopted by organizations such as the  
20 Commercial Vehicle Safety Alliance, other intergovernmental  
21 safety group, or the United States Department of Transportation.  
22 The commissioner may provide departmental representatives to  
23 that alliance or other organization for the purpose of promoting  
24 the continued improvement and refinement of compatible  
25 nationwide commercial vehicle safety inspection and out-of-service  
26 criteria.

27 (3) The commissioner shall appoint a committee of 15 members,  
28 consisting of representatives of industry subject to the regulations  
29 to be adopted pursuant to this section, to act in an advisory capacity  
30 to the department, and the department shall cooperate and confer  
31 with the advisory committee so appointed. The commissioner shall  
32 appoint a separate committee to advise the department on rules  
33 and regulations concerning wheelchair lifts for installation and use  
34 on buses, consisting of persons who use the wheelchair lifts,  
35 representatives of transit districts, representatives of designers or  
36 manufacturers of wheelchairs and wheelchair lifts, and  
37 representatives of the Department of Transportation.

38 (4) The department may inspect any vehicles in maintenance  
39 facilities or terminals, as well as any records relating to the dispatch

1 of vehicles or drivers, and the pay of drivers, to ensure compliance  
2 with this code and regulations adopted pursuant to this section.

3 (b) The department, using the definitions adopted pursuant to  
4 Section 2402.7, shall adopt regulations for the transportation of  
5 hazardous materials in this state, except the transportation of  
6 materials which are subject to other provisions of this code, that  
7 the department determines are reasonably necessary to ensure the  
8 safety of persons and property using the highways. The regulations  
9 may include provisions governing the filling, marking, packing,  
10 labeling, and assembly of, and containers that may be used for,  
11 hazardous materials shipments, and the manner by which the  
12 shipper attests that the shipments are correctly identified and in  
13 proper condition for transport.

14 (c) (1) At least once every 13 months, the department shall  
15 inspect every maintenance facility or terminal of any person who  
16 at any time operates any bus. If the bus operation includes more  
17 than 100 buses, the inspection shall be without prior notice.

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

26 (3) If a tour bus operator receives an unsatisfactory rating, the  
27 department shall conduct a ~~follow up~~ *followup* inspection between  
28 30 and 90 days after the initial inspection during which the  
29 unsatisfactory rating was received.

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

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

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

1     ~~SEC. 2.~~

2     SEC. 3. Section 34505.1 of the Vehicle Code is amended to  
3 read:

4     34505.1. (a) Upon determining that a tour bus carrier or  
5 modified limousine carrier has either (1) failed to maintain any  
6 vehicle used in transportation for compensation in a safe operating  
7 condition or to comply with the Vehicle Code or with regulations  
8 contained in Title 13 of the California Code of Regulations relative  
9 to motor carrier safety, and, in the department’s opinion, that failure  
10 presents an imminent danger to public safety or constitutes such  
11 a consistent failure as to justify a recommendation to the Public  
12 Utilities Commission or the United States Department of  
13 Transportation or (2) failed to enroll all drivers in the pull notice  
14 system as required by Section 1808.1, the department shall  
15 recommend to the Public Utilities Commission that the carrier’s  
16 operating authority be suspended, denied, or revoked, or to the  
17 United States Department of Transportation that appropriate  
18 administrative action be taken against the carrier’s interstate  
19 operating authority, whichever is appropriate. For purposes of this  
20 subdivision, two consecutive unsatisfactory compliance ratings  
21 for an inspected terminal assigned because the tour bus carrier or  
22 modified limousine carrier failed to comply with the periodic report  
23 requirements of Section 1808.1 or the cancellation of the carrier’s  
24 enrollment by the Department of Motor Vehicles for nonpayment  
25 of required fees may be determined by the department to be a  
26 consistent failure. However, when recommending denial of an  
27 application for new or renewal authority, the department need not  
28 conclude that the carrier’s failure presents an imminent danger to  
29 public safety or that it constitutes a consistent failure. The  
30 department need only conclude that the carrier’s compliance with  
31 the safety-related matters described in paragraph (1) of subdivision  
32 (a) is sufficiently unsatisfactory to justify a recommendation for  
33 denial. The department shall retain a record, by carrier, of every  
34 recommendation made pursuant to this section.

35     (b) Before transmitting a recommendation pursuant to  
36 subdivision (a), the department shall notify the carrier in writing  
37 of all of the following:

38     (1) That the department has determined that the carrier’s safety  
39 record is unsatisfactory, furnishing a copy of any documentation  
40 or summary of any other evidence supporting the determination.

1 (2) That the determination may result in a suspension,  
2 revocation, or denial of the carrier’s operating authority by the  
3 Public Utilities Commission or the United States Department of  
4 Transportation, as appropriate.

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

10 (c) Notwithstanding subdivision (a) or (b), upon determining  
11 during a terminal inspection or at any other time that the condition  
12 of a tour bus is such that it has multiple safety violations of a nature  
13 that operation of the tour bus could constitute an imminent danger  
14 to public safety, the department shall immediately order the tour  
15 bus out of service. The tour bus shall not be subsequently operated  
16 with passengers until all of the safety violations have been  
17 corrected and the department has verified the correction of the  
18 safety violations upon a subsequent inspection by the department  
19 of the tour bus, which shall occur within five business days of the  
20 submission of a reinspection request from the tour bus carrier to  
21 the department.

22 ~~SEC. 3.~~

23 *SEC. 4.* No reimbursement is required by this act pursuant to  
24 Section 6 of Article XIII B of the California Constitution because  
25 the only costs that may be incurred by a local agency or school  
26 district will be incurred because this act creates a new crime or  
27 infraction, eliminates a crime or infraction, or changes the penalty  
28 for a crime or infraction, within the meaning of Section 17556 of  
29 the Government Code, or changes the definition of a crime within  
30 the meaning of Section 6 of Article XIII B of the California  
31 Constitution.