

AMENDED IN SENATE MARCH 29, 2016

SENATE BILL

No. 1035

Introduced by Senator Hueso

February 12, 2016

An act to amend Sections ~~910.4 and 910.5~~ of 5387, 5417.5, and 5436 of, and to add Sections 5431.3, 5436.3, 5445, 5446, and 5447 to, the Public Utilities Code, and to amend Section 14602.9 of the Vehicle Code, relating to ~~the Public Utilities Commission~~. transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1035, as amended, Hueso. ~~Public Utilities Commission: reports.~~ Transportation network companies.

(1) 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 and imposes various other requirements. The act defines a transportation network company as an organization, whether a corporation, partnership, sole proprietor, or other form, operating in California that provides prearranged transportation services for compensation using an online-enabled platform to connect passengers with drivers using their personal vehicles. A transportation network company is subject to regulation by the Public Utilities Commission, which requires, among other things, a criminal background check of each participating driver. A transportation network company is also required to have a specified certificate or permit, as appropriate, from the commission, and is subject to various other requirements. A violation of the act is generally a misdemeanor.

This bill would authorize the commission to fix the rates and establish rules for transportation network companies, prohibit discrimination, and award reparation for the exaction of unreasonable, excessive, or discriminatory charges by a transportation network company.

This bill would require the commission, in consultation with the Department of the California Highway Patrol and with the United States Department of Justice and local law enforcement agencies if they choose to participate, to study specified background check measures and to adopt a background check measure as a condition to participate as a driver of a transportation network company if it determines that the measure would enhance public safety.

Because a violation of these provisions would be a crime, the bill would impose a state-mandated local program.

(2) Existing law imposes specified requirements for liability insurance coverage on transportation network companies and their participating drivers. Existing law requires the commission and the Department of Insurance to collaborate on a study of transportation network company insurance, as specified, and to report the findings of the study to the Legislature no later than December 31, 2017.

This bill would require the study to contain additional information regarding transportation network company insurance. The bill would also require the commission to study accessibility issues for disabled populations with regard to transportation network companies and to report the findings of the study to the Legislature no later than December 31, 2017.

(3) Existing law authorizes the commission to inspect the accounts, books, papers, and documents of a charter-party carrier of passengers.

This bill would authorize the commission to collect any necessary data from a transportation network company. The bill would also require the commission to commence a proceeding to determine how data collected from a transportation network company can best be shared with local planning agencies and other local governments for purposes of transportation and environmental planning.

(4) Existing law authorizes peace officers to enforce and assist in the enforcement of specified criminal violations of the Passenger Charter-party Carriers' Act with respect to charter-party carriers of passengers. Existing law requires the commission to coordinate enforcement of the act with peace officers through educational outreach and establishing lines of communication so that the commission is

notified if an action is commenced so that the commission may take appropriate action to enforce the fine and penalty provisions of the act.

This bill would authorize peace officers to enforce and assist in the enforcement of specified criminal violations of the Passenger Charter-party Carriers' Act and rules adopted by the commission with respect to transportation network companies.

(5) The Passenger Charter-party Carriers' Act authorizes a peace officer to impound a bus or limousine of a charter-party carrier of passengers for 30 days if the officer determines that (A) the driver was operating the bus or limousine when the carrier did not have a permit or certificate issued by the commission or the carrier's permit or certificate was suspended, or (B) the driver was operating the bus or limousine without having a current and valid driver's license of the proper class, a passenger vehicle endorsement, or the required certificate. A provision of the Vehicle Code also authorizes a peace officer to impound a bus or limousine of a charter-party carrier of passengers for 30 days if the officer makes any of the determinations described above. Existing law provides that both of these provisions do not authorize the impoundment of privately owned personal vehicles that are not common carriers nor the impoundment of vehicles used in transportation for compensation by charter-party carriers that are not required to carry individual permits.

This bill would authorize a peace officer to impound any vehicle of a charter-party carrier of passengers for 30 days in those circumstances and would delete the limitation on the impoundment of the above described vehicles. The bill would revise the Vehicle Code provision in the same manner.

(6) 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.

~~The California Constitution establishes the Public Utilities Commission, with jurisdiction over all public utilities. The California Constitution grants the commission certain general powers over all public utilities, subject to control by the Legislature, and authorizes the Legislature to confer additional authority and jurisdiction upon the commission that is cognate and germane to the regulation of public utilities.~~

~~Existing law requires the commission, by January 10 of each year, to report to the Joint Legislative Budget Committee and appropriate fiscal and policy committees of the Legislature on all sources and amounts of funding and actual and proposed expenditures related to specified entities or programs established by the commission and related to interactions by the commission, its officers, or its staff with the California Public Utilities Commission Foundation.~~

~~This bill would instead require that the commission report the above-described information by February 1 of each year.~~

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

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

1 SECTION 1. Section 5387 of the Public Utilities Code is
2 amended to read:

3 5387. (a) It is unlawful for the owner of a charter-party carrier
4 of passengers to permit the operation of a vehicle upon a public
5 highway for compensation without (1) having obtained from the
6 commission a certificate or permit pursuant to this chapter, (2)
7 having complied with the vehicle identification requirements of
8 Section 5385, and (3) having complied with the accident liability
9 protection requirements of Section 5391.

10 (b) A person who drives a bus for a charter-party carrier without
11 having a current and valid driver’s license of the proper class, a
12 passenger vehicle endorsement, or the required certificate shall be
13 suspended from driving a bus of any kind, including, but not
14 limited to, a bus, schoolbus, school pupil activity bus, or transit
15 bus, with passengers for a period of five years pursuant to Section
16 13369 of the Vehicle Code.

17 (c) (1) A charter-party carrier shall have its authority to operate
18 as a charter-party carrier permanently revoked by the commission
19 or be permanently barred from receiving a permit or certificate
20 from the commission if it commits any of the following acts:

21 (A) Operates a bus without having been issued a permit or
22 certificate from the commission.

23 (B) Operates a bus with a permit that was suspended by the
24 commission pursuant to Section 5378.5.

25 (C) Commits three or more liability insurance violations within
26 a two-year period for which it has been cited.

1 (D) Operates a bus with a permit that was suspended by the
2 commission during a period that the charter-party carrier's liability
3 insurance lapsed for which it has been cited.

4 (E) Knowingly employs a busdriver who does not have a current
5 and valid driver's license of the proper class, a passenger vehicle
6 endorsement, or the required certificate to drive a bus.

7 (F) Has one or more buses improperly registered with the
8 Department of Motor Vehicles.

9 (2) The commission shall not issue a new permit or certificate
10 to operate as a charter-party carrier if any officer, director, or owner
11 of that charter-party carrier was an officer, director, or owner of
12 a charter-party carrier that had its authority to operate as a
13 charter-party carrier permanently revoked by the commission or
14 that was permanently barred from receiving a permit or certificate
15 from the commission pursuant to this subdivision.

16 (d) A peace officer, as designated pursuant to Chapter 4.5
17 (commencing with Section 830) of Title 3 of Part 2 of the Penal
18 Code, may impound a ~~bus or limousine~~ *vehicle* of a charter-party
19 carrier of passengers for 30 days pursuant to Section 14602.9 of
20 the Vehicle Code if the peace officer determines that any of the
21 following violations occurred while the driver was operating the
22 ~~bus or limousine~~ *vehicle* of the charter-party carrier:

23 (1) The driver was operating the ~~bus or limousine~~ *vehicle* of a
24 charter-party carrier of passengers when the charter-party carrier
25 of passengers did not have a permit or certificate issued by the
26 commission.

27 (2) The driver was operating the ~~bus or limousine~~ *vehicle* of a
28 charter-party carrier of passengers when the charter-party carrier
29 of passengers was operating with a suspended permit or certificate
30 from the commission.

31 (3) The driver was operating the ~~bus or limousine~~ *vehicle* of a
32 charter-party carrier of passengers without having a current and
33 valid driver's license of the proper class, a passenger vehicle
34 endorsement, or the required certificate.

35 ~~(e) This section does not authorize the impoundment of privately~~
36 ~~owned personal vehicles that are not common carriers nor the~~
37 ~~impoundment of vehicles used in transportation for compensation~~
38 ~~by charter-party carriers of passengers that are not required to carry~~
39 ~~individual permits.~~

1 *SEC. 2. Section 5417.5 of the Public Utilities Code is amended*
2 *to read:*

3 5417.5. (a) The commission shall ensure that this chapter is
4 enforced and obeyed, and that violations thereof are promptly
5 prosecuted and that penalty moneys due to the state are recovered
6 and collected, and to this end it may sue in the name of the people
7 of the State of California. Upon the request of the commission,
8 the Attorney General or the district attorney of the proper county
9 or city and county may aid in any investigation, hearing, or trial
10 under this chapter. The Attorney General, a district attorney of the
11 proper county or city and county, or a city attorney may institute
12 and prosecute actions or proceedings for the violation of any law
13 committed in connection with, or arising from, a transaction
14 involving a charter-party carrier of passengers.

15 (b) For purposes of this section, “peace officer” means a person
16 designated as a peace officer pursuant to Chapter 4.5 (commencing
17 with Section 830) of Title 3 of Part 2 of the Penal Code.

18 (c) A peace officer may enforce and assist in the enforcement
19 of Sections 5411 and 5412 resulting from a violation of Section
20 5371, 5379, 5385, 5385.7, ~~or 5387~~, 5387, or 5442 or more than
21 one of those sections. A peace officer may additionally enforce
22 and assist in the enforcement of Sections 5411.3 and 5414.5. *A*
23 *peace officer may additionally enforce and assist in the*
24 *enforcement of the rules for transportation network companies*
25 *adopted by the commission.* In any case in which an arrest
26 authorized by this subdivision is made for an offense declared to
27 be a misdemeanor, and the person arrested does not demand to be
28 taken before a magistrate, the arresting peace officer may, instead
29 of taking such person before a magistrate, follow the procedure
30 prescribed by Chapter 5C (commencing with Section 853.5) of
31 Title 3 of Part 2 of the Penal Code. The provisions of that chapter
32 shall thereafter apply with reference to any proceeding based upon
33 the issuance of a citation pursuant to this authority.

34 (d) The commission shall coordinate enforcement of this section
35 with those peace officers likely to be involved in enforcing this
36 section, including undertaking both of the following:

37 (1) Educational outreach to promote awareness among those
38 peace officers about the requirements of Sections 5371, 5379,
39 5385, 5385.7, 5387, 5411, 5411.3, 5412, ~~and 5414.5~~. *5414.5, 5442,*

1 *and the rules for transportation network companies adopted by*
2 *the commission.*

3 (2) Establishing lines of communication so that the commission
4 is notified if an action is commenced to enforce the requirements
5 of those sections specified in subdivision (c), so that the
6 commission may take appropriate action to enforce the fine and
7 penalty provisions of this article.

8 (e) The Attorney General, a district attorney of the proper county
9 or city and county, or a city attorney may institute and prosecute
10 actions or proceedings for the violation of any law committed in
11 connection with, or arising from, a transaction involving the
12 transportation of passengers by a charter-party carrier of
13 passengers.

14 *SEC. 3. Section 5431.3 is added to the Public Utilities Code,*
15 *to read:*

16 *5431.3. The commission may fix the rates and establish rules*
17 *for transportation network companies, prohibit discrimination,*
18 *and award reparation for the exaction of unreasonable, excessive,*
19 *or discriminatory charges by a transportation network company.*

20 *SEC. 4. Section 5436 of the Public Utilities Code is amended*
21 *to read:*

22 5436. The commission and the Department of Insurance shall
23 collaborate on a study of transportation network company insurance
24 to assess whether coverage requirements are appropriate to the
25 risk of transportation network company services in order to
26 promote data-driven decisions on insurance requirements, and
27 shall report the findings of this study to the Legislature no later
28 than December 31, 2017. *The study shall also include information*
29 *regarding insurance products available to satisfy the requirements*
30 *of this article, the level of subscription for insurance required*
31 *pursuant to this article among participating drivers and*
32 *transportation network companies, and the number of claims filed*
33 *with insurers for accidents involving participating drivers,*
34 *including the number disputed claims.*

35 *SEC. 5. Section 5436.3 is added to the Public Utilities Code,*
36 *to read:*

37 *5436.3. (a) The commission shall study accessibility issues*
38 *for disabled populations with regard to transportation network*
39 *companies.*

1 (b) The commission shall report the findings of this study to the
2 Legislature no later than December 31, 2017.

3 SEC. 6. Section 5445 is added to the Public Utilities Code, to
4 read:

5 5445. (a) The commission, in consultation with the Department
6 of the California Highway Patrol and with the United States
7 Department of Justice and local law enforcement agencies if they
8 choose to participate, shall study background check measures
9 described in subdivision (b) to determine whether requiring the
10 fulfillment of any of the measures as a condition to participate as
11 a driver of a transportation network company would enhance
12 public safety by capturing records of any criminal offense,
13 including any sexual offense, or any act of fraud.

14 (b) The commission shall study all of the following background
15 check measures:

16 (1) The United States Department of Justice background check.

17 (2) Using biometric data.

18 (3) Background check measures that search the name of a
19 potential driver in commercially available databases.

20 (c) If the commission determines that the fulfillment of any of
21 the background check measures described in subdivision (b) would
22 enhance public safety, the commission shall adopt that measure
23 as a condition to participate as a driver of a transportation network
24 company.

25 SEC. 7. Section 5446 is added to the Public Utilities Code, to
26 read:

27 5446. (a) The commission may collect any necessary data
28 from a transportation network company.

29 (b) The commission shall commence a proceeding to determine
30 how data collected from a transportation network company can
31 best be shared with local planning agencies and other local
32 governments for purposes of transportation and environmental
33 planning.

34 SEC. 8. Section 5447 is added to the Public Utilities Code, to
35 read:

36 5447. In order to facilitate enforcement by peace officers
37 pursuant to Section 5417.5, the commission shall adopt a general
38 order containing its rules for transportation network companies.

39 SEC. 9. Section 14602.9 of the Vehicle Code is amended to
40 read:

1 14602.9. (a) For purposes of this section, “peace officer” means
2 a person designated as a peace officer pursuant to Chapter 4.5
3 (commencing with Section 830) of Title 3 of Part 2 of the Penal
4 Code.

5 (b) A peace officer may impound a ~~bus or limousine~~ *vehicle* of
6 a charter-party carrier for 30 days if the officer determines that
7 any of the following violations occurred while the driver was
8 operating the ~~bus or limousine~~ *vehicle* of the charter-party carrier:

9 (1) The driver was operating the ~~bus or limousine~~ *vehicle* of a
10 charter-party carrier when the charter-party carrier did not have a
11 permit or certificate issued by the Public Utilities Commission,
12 pursuant to Section 5375 of the Public Utilities Code.

13 (2) The driver was operating the ~~bus or limousine~~ *vehicle* of a
14 charter-party carrier when the charter-party carrier was operating
15 with a suspended permit or certificate from the Public Utilities
16 Commission.

17 (3) The driver was operating the ~~bus or limousine~~ *vehicle* of a
18 charter-party carrier without having a current and valid driver’s
19 license of the proper class, a passenger vehicle endorsement, or
20 the required certificate.

21 (c) A peace officer may impound a bus or limousine belonging
22 to a passenger stage corporation for 30 days if the officer
23 determines any of the following violations occurred while the
24 driver was operating the bus or limousine:

25 (1) The driver was operating the bus or limousine when the
26 passenger stage corporation did not have a certificate of public
27 convenience and necessity issued by the Public Utilities
28 Commission as required pursuant to Article 2 (commencing with
29 Section 1031) of Chapter 5 of Part 1 of Division 1 of the Public
30 Utilities Code.

31 (2) The driver was operating the bus or limousine when the
32 operating rights or certificate of public convenience and necessity
33 of a passenger stage corporation was suspended, canceled, or
34 revoked pursuant to Section 1033.5, 1033.7, or 1045 of the Public
35 Utilities Code.

36 (3) The driver was operating the bus or limousine without having
37 a current and valid driver’s license of the proper class.

38 (d) Within two working days after impoundment, the
39 impounding agency shall send a notice by certified mail, return
40 receipt requested, to the legal owner of the vehicle, at the address

1 obtained from the department, informing the owner that the vehicle
2 has been impounded. Failure to notify the legal owner within two
3 working days shall prohibit the impounding agency from charging
4 for more than 15 day's impoundment when the legal owner
5 redeems the impounded vehicle. The impounding agency shall
6 maintain a published telephone number that provides information
7 24 hours a day regarding the impoundment of vehicles and the
8 rights of a registered owner to request a hearing.

9 (e) The registered and legal owner of a vehicle that is removed
10 and seized under subdivision (b) or (c) or his or her agent shall be
11 provided the opportunity for a storage hearing to determine the
12 validity of, or consider any mitigating circumstances attendant to,
13 the storage, in accordance with Section 22852.

14 (f) (1) The impounding agency shall release the vehicle to the
15 registered owner or his or her agent prior to the end of the
16 impoundment period under any of the following circumstances:

17 (A) When the vehicle is a stolen vehicle.

18 (B) When the vehicle is subject to bailment and is driven by an
19 unlicensed employee of a business establishment, including a
20 parking service or repair garage.

21 (C) When, for a charter-party carrier of passengers, the driver
22 of the vehicle is not the sole registered owner of the vehicle and
23 the vehicle is being released to another registered owner of the
24 vehicle who agrees not to allow the driver to use the vehicle until
25 after the end of the impoundment period and the charter-party
26 carrier has been issued a valid permit from the Public Utilities
27 Commission, pursuant to Section 5375 of the Public Utilities Code.

28 (D) When, for a passenger stage corporation, the driver of the
29 vehicle is not the sole registered owner of the vehicle and the
30 vehicle is being released to another registered owner of the vehicle
31 who agrees not to allow the driver to use the vehicle until after the
32 end of the impoundment period and the passenger stage corporation
33 has been issued a valid certificate of public convenience and
34 necessity by the Public Utilities Commission, pursuant to Article
35 2 (commencing with Section 1031) of Chapter 5 of Part 1 of
36 Division 1 of the Public Utilities Code.

37 (2) A vehicle shall not be released pursuant to this subdivision
38 without presentation of the registered owner's or agent's currently
39 valid driver's license to operate the vehicle and proof of current
40 vehicle registration, or upon order of a court.

1 (g) The registered owner or his or her agent is responsible for
2 all towing and storage charges related to the impoundment, and
3 any administrative charges authorized under Section 22850.5.

4 (h) A vehicle removed and seized under subdivision (b) or (c)
5 shall be released to the legal owner of the vehicle or the legal
6 owner's agent prior to the end of the impoundment period if all of
7 the following conditions are met:

8 (1) The legal owner is a motor vehicle dealer, bank, credit union,
9 acceptance corporation, or other licensed financial institution
10 legally operating in this state, or is another person who is not the
11 registered owner and holds a security interest in the vehicle.

12 (2) The legal owner or the legal owner's agent pays all towing
13 and storage fees related to the seizure of the vehicle. A lien sale
14 processing fee shall not be charged to the legal owner who redeems
15 the vehicle prior to the 10th day of impoundment. The impounding
16 authority or any person having possession of the vehicle shall not
17 collect from the legal owner of the type specified in paragraph (1),
18 or the legal owner's agent, any administrative charges imposed
19 pursuant to Section 22850.5 unless the legal owner voluntarily
20 requested a poststorage hearing.

21 (3) (A) The legal owner or the legal owner's agent presents
22 either lawful foreclosure documents or an affidavit of repossession
23 for the vehicle, and a security agreement or title showing proof of
24 legal ownership for the vehicle. All presented documents may be
25 originals, photocopies, or facsimile copies, or may be transmitted
26 electronically. The impounding agency shall not require a
27 document to be notarized. The impounding agency may require
28 the agent of the legal owner to produce a photocopy or facsimile
29 copy of its repossession agency license or registration issued
30 pursuant to Chapter 11 (commencing with Section 7500) of
31 Division 3 of the Business and Professions Code, or to demonstrate,
32 to the satisfaction of the impounding agency, that the agent is
33 exempt from licensure pursuant to Section 7500.2 or 7500.3 of the
34 Business and Professions Code.

35 (B) Administrative costs authorized under subdivision (a) of
36 Section 22850.5 shall not be charged to the legal owner of the type
37 specified in paragraph (1), who redeems the vehicle unless the
38 legal owner voluntarily requests a poststorage hearing. A city,
39 county, or state agency shall not require a legal owner or a legal
40 owner's agent to request a poststorage hearing as a requirement

1 for release of the vehicle to the legal owner or the legal owner's
2 agent. The impounding agency shall not require any documents
3 other than those specified in this paragraph. The impounding
4 agency shall not require any documents to be notarized.

5 (C) As used in this paragraph, "foreclosure documents" means
6 an "assignment" as that term is defined in subdivision (b) of
7 Section 7500.1 of the Business and Professions Code.

8 (i) (1) A legal owner or the legal owner's agent who obtains
9 release of the vehicle pursuant to subdivision (h) may not release
10 the vehicle to the registered owner of the vehicle or any agents of
11 the registered owner, unless the registered owner is a rental car
12 agency, until after the termination of the impoundment period.

13 (2) The legal owner or the legal owner's agent shall not
14 relinquish the vehicle to the registered owner until the registered
15 owner or that owner's agent presents his or her valid driver's
16 license or valid temporary driver's license to the legal owner or
17 the legal owner's agent. The legal owner or the legal owner's agent
18 shall make every reasonable effort to ensure that the license
19 presented is valid.

20 (3) Prior to relinquishing the vehicle, the legal owner may
21 require the registered owner to pay all towing and storage charges
22 related to the impoundment and any administrative charges
23 authorized under Section 22850.5 that were incurred by the legal
24 owner in connection with obtaining custody of the vehicle.

25 (j) (1) A vehicle removed and seized under subdivision (b) or
26 (c) shall be released to a rental agency prior to the end of the
27 impoundment period if the agency is either the legal owner or
28 registered owner of the vehicle and the agency pays all towing and
29 storage fees related to the seizure of the vehicle.

30 (2) The owner of a rental vehicle that was seized under this
31 section may continue to rent the vehicle upon recovery of the
32 vehicle. However, the rental agency shall not rent another vehicle
33 to the driver of the vehicle that was seized until the impoundment
34 period has expired.

35 (3) The rental agency may require the person to whom the
36 vehicle was rented to pay all towing and storage charges related
37 to the impoundment and any administrative charges authorized
38 under Section 22850.5 that were incurred by the rental agency in
39 connection with obtaining custody of the vehicle.

1 (k) Notwithstanding any other provision of this section, the
2 registered owner, and not the legal owner, shall remain responsible
3 for any towing and storage charges related to the impoundment,
4 any administrative charges authorized under Section 22850.5, and
5 any parking fines, penalties, and administrative fees incurred by
6 the registered owner.

7 (l) The impounding agency is not liable to the registered owner
8 for the improper release of the vehicle to the legal owner or the
9 legal owner’s agent provided the release complies with this section.

10 ~~(m) This section does not authorize the impoundment of~~
11 ~~privately owned personal vehicles that are not common carriers~~
12 ~~nor the impoundment of vehicles used in transportation for~~
13 ~~compensation by charter-party carriers that are not required to~~
14 ~~carry individual permits.~~

15 ~~(n)~~

16 (m) For the purposes of this section, a “charter-party carrier”
17 means a charter-party carrier of passengers as defined by Section
18 5360 of the Public Utilities Code.

19 ~~(o)~~

20 (n) For purposes of this section, a “passenger stage corporation”
21 means a passenger stage corporation as defined by Section 226 of
22 the Public Utilities Code.

23 *SEC. 10. No reimbursement is required by this act pursuant*
24 *to 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.*

32 ~~SECTION 1. Section 910.4 of the Public Utilities Code is~~
33 ~~amended to read:~~

34 ~~910.4. By February 1 of each year, the commission shall report~~
35 ~~to the Joint Legislative Budget Committee and appropriate fiscal~~
36 ~~and policy committees of the Legislature, on all sources and~~
37 ~~amounts of funding and actual and proposed expenditures, both~~
38 ~~in the two prior fiscal years and for the proposed fiscal year,~~
39 ~~including any costs to ratepayers, related to both of the following:~~

1 (a) ~~Entities or programs established by the commission by order,~~
2 ~~decision, motion, settlement, or other action, including, but not~~
3 ~~limited to, the California Clean Energy Fund, the California~~
4 ~~Emerging Technology Fund, and the Pacific Forest and Watershed~~
5 ~~Lands Stewardship Council. The report shall contain descriptions~~
6 ~~of relevant issues, including, but not limited to, all of the following:~~

7 (1) ~~Any governance structure established for an entity or~~
8 ~~program.~~

9 (2) ~~Any staff or employees hired by or for the entity or program~~
10 ~~and their salaries and expenses.~~

11 (3) ~~Any staff or employees transferred or loaned internally or~~
12 ~~interdepartmentally for the entity or program and their salaries and~~
13 ~~expenses.~~

14 (4) ~~Any contracts entered into by the entity or program, the~~
15 ~~funding sources for those contracts, and the legislative authority~~
16 ~~under which the commission entered into the contract.~~

17 (5) ~~The public process and oversight governing the entity or~~
18 ~~program's activities.~~

19 (b) ~~Entities or programs established by the commission, other~~
20 ~~than those expressly authorized by statute, under the following~~
21 ~~sections:~~

22 (1) ~~Section 379.6.~~

23 (2) ~~Section 399.8.~~

24 (3) ~~Section 739.1.~~

25 (4) ~~Section 2790.~~

26 (5) ~~Section 2851.~~

27 ~~SEC. 2. Section 910.5 of the Public Utilities Code is amended~~
28 ~~to read:~~

29 910.5. (a) ~~By February 1 of each year, the commission shall~~
30 ~~report to the Joint Legislative Budget Committee and appropriate~~
31 ~~fiscal and policy committees of the Legislature, on all sources and~~
32 ~~amounts of funding and actual and proposed expenditures, both~~
33 ~~in the two prior fiscal years and for the proposed fiscal year,~~
34 ~~including any costs to ratepayers, related to interactions by the~~
35 ~~commission, its officers, or its staff with the California Public~~
36 ~~Utilities Commission Foundation, or any derivative, or successor,~~
37 ~~or with any agent or director of the foundation, including all of~~
38 ~~the following:~~

39 (1) ~~Attendance at meetings, conferences, or events organized~~
40 ~~or sponsored by the foundation.~~

1 ~~(2) Any contract or other agreement between the commission,~~
2 ~~its officers, or its staff and the foundation, including agreements~~
3 ~~relating to attendance at any educational or training conference or~~
4 ~~event.~~

5 ~~(3) Any agenda item, order, decision, resolution, or motion,~~
6 ~~referencing the foundation.~~

7 ~~(4) Endorsements of the foundation or its activities.~~

8 ~~(5) Any contribution made to the foundation at the behest of a~~
9 ~~member of the commission, its officers, or its staff, and any direct~~
10 ~~or indirect contribution made to the foundation by a member of~~
11 ~~the commission, its officers, or its staff. For purposes of this~~
12 ~~paragraph, “contribution” means any payment, a forgiveness of a~~
13 ~~loan, a payment of a loan by a third party, or an enforceable~~
14 ~~promise to make a payment, except to the extent that full and~~
15 ~~adequate consideration is received.~~

16 ~~(b) (1) Within eight weeks of any contribution to the foundation~~
17 ~~made at the behest of a member of the commission, its officers,~~
18 ~~or its staff, the commission shall report the contribution to the Joint~~
19 ~~Legislative Budget Committee and appropriate fiscal and policy~~
20 ~~committees of the Legislature, and include any documents~~
21 ~~pertaining to the contribution.~~

22 ~~(2) Each report shall include certification from the commission~~
23 ~~that the contribution does not violate the Conflict of Interest Code~~
24 ~~and Statement of Incompatible Activities adopted pursuant to~~
25 ~~Section 303.~~