

AMENDED IN SENATE APRIL 11, 2016

**SENATE BILL**

**No. 1399**

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**Introduced by Senator Hueso**

February 19, 2016

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An act to amend Section ~~5386.5 of the Public Utilities Code, relating to transportation:~~ 4853 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1399, as amended, Hueso. ~~Charter-party carriers of passengers: advertisement as taxicabs. Department of Motor Vehicles: license plate alternatives pilot program.~~

*Existing law requires the Department of Motor Vehicles to issue license plates for vehicles, as specified, and authorizes the department to issue one or more stickers, tabs, or other suitable devices in lieu of the license plates, as specified. Existing law also authorizes the department to establish a pilot program, to be completed no later than January 1, 2017, to evaluate the use of alternatives to stickers, tabs, license plates, and registration cards, subject to certain requirements, and to report the results of the pilot program, as specified, to the Legislature no later than July 1, 2018.*

*This bill would instead require the department to complete any pilot program established pursuant to those provisions no later than January 1, 2018, and to report the results of the pilot program to the Legislature by July 1, 2019.*

~~The Passenger Charter-party Carriers Act requires a charter-party carrier of passengers, as defined, to obtain a certificate of public convenience and necessity or a permit issued by the Public Utilities Commission, and to operate within the state on a prearranged basis. The act prohibits a charter-party carrier of passengers from advertising~~

~~or otherwise representing their services to the public, as a taxicab or taxi service, and defines “advertise” to include, among other things, any business card, stationery, or printed or published paid advertisement in any media form. A violation of the act is a crime.~~

~~This bill would specifically include the use of any Internet Web site or any online-enabled application or platform within this prohibition.~~

~~To the extent the bill would expand the taxi advertisement prohibition, the bill would impose a state-mandated local program by expanding the application of an existing crime.~~

~~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~~-no.

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

1     SECTION 1. Section 4853 of the Vehicle Code is amended to  
2 read:

3     4853. (a) The department may issue one or more stickers, tabs,  
4 or other suitable devices in lieu of the license plates provided for  
5 under this code. Except where the physical differences between  
6 the stickers, tabs, or devices and license plates by their nature  
7 render the provisions of this code inapplicable, all provisions of  
8 this code relating to license plates may apply to stickers, tabs, or  
9 devices.

10    (b) The department may establish a pilot program to evaluate  
11 the use of alternatives to the stickers, tabs, license plates, and  
12 registration cards authorized by this code, subject to all of the  
13 following requirements:

14    (1) The alternative products shall be approved by the Department  
15 of the California Highway Patrol.

16    (2) The pilot program shall be limited to no more than 0.5  
17 percent of registered vehicles for the purpose of road testing and  
18 evaluation.

19    (3) The alternative products to be evaluated shall be provided  
20 at no cost to the state.

1 (4) Any pilot program established by the department pursuant  
2 to this subdivision shall be completed no later than January 1,  
3 ~~2017.~~ 2018.

4 (5) Any pilot program established by the department pursuant  
5 to this subdivision shall be limited to vehicle owners who have  
6 voluntarily chosen to participate in the pilot program.

7 (c) In the conduct of any pilot program pursuant to this section,  
8 any data exchanged between the department and any electronic  
9 device or the provider of any electronic device shall be limited to  
10 that data necessary to display evidence of registration compliance.  
11 The department shall not receive or retain any information  
12 generated during the pilot program regarding the movement,  
13 location, or use of a vehicle participating in the pilot program.

14 (d) If the department conducts a pilot program authorized in  
15 subdivision (b), the department shall, no later than July 1, ~~2018,~~  
16 2019, submit a report of the results of the pilot program to the  
17 Legislature, in compliance with Section 9795 of the Government  
18 Code, to include, but not be limited to, the following:

19 (1) An evaluation of the cost effectiveness of the alternatives  
20 used in the pilot program when compared to the department's  
21 current use of stickers, tabs, license plates, and registration cards.

22 (2) A review of all products evaluated in the pilot program and  
23 of the features of those products. The report shall note if the devices  
24 evaluated in the pilot program are available with the ability to  
25 transmit and retain information relating to the movement, location,  
26 or use of a vehicle, and if a product contains that feature, the report  
27 shall also note if the product includes any security features to  
28 protect against unauthorized access to information.

29 (3) Recommendations for subsequent actions, if any, that should  
30 be taken with regard to alternatives evaluated in the pilot program.

31 ~~SECTION 1. Section 5386.5 of the Public Utilities Code is~~  
32 ~~amended to read:~~

33 ~~5386.5. A charter-party carrier of passengers shall not advertise~~  
34 ~~its services, or in any manner represent its services, as being a~~  
35 ~~taxicab or taxi service. For purposes of this section, "advertise"~~  
36 ~~includes the use of any business card, stationery, brochure, flyer,~~  
37 ~~circle, newsletter, fax form, printed or published paid~~  
38 ~~advertisement in any media form, telephone book listing, Internet~~  
39 ~~Web site, or online-enabled application (App) or platform.~~

1     ~~SEC. 2. No reimbursement is required by this act pursuant to~~  
2     ~~Section 6 of Article XIII B of the California Constitution because~~  
3     ~~the only costs that may be incurred by a local agency or school~~  
4     ~~district will be incurred because this act creates a new crime or~~  
5     ~~infraction, eliminates a crime or infraction, or changes the penalty~~  
6     ~~for a crime or infraction, within the meaning of Section 17556 of~~  
7     ~~the Government Code, or changes the definition of a crime within~~  
8     ~~the meaning of Section 6 of Article XIII B of the California~~  
9     ~~Constitution.~~

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