

**ASSEMBLY BILL**

**No. 153**

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**Introduced by Assembly Member Katz**

January 18, 1995

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An act to amend Section 99314.6 of the Public Utilities Code, and to amend Sections 20002, 20003, and 22651 of the Vehicle Code, relating to transportation, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 153, as introduced, Katz. Transportation.

(1) Existing law prohibits certain funds from being allocated to a public transit operator for operating purposes unless the operator meets prescribed efficiency standards, except as specified.

This bill would, for a stated reason, exempt the Santa Cruz Metropolitan Transit District from the prohibition until July 1, 1998.

(2) Existing law requires the driver of a vehicle involved in certain accidents and, in certain instances, the registered owner, to present, as specified, his or her driver's license, vehicle registration, or other valid identification, upon being requested to do so.

This bill would require the driver or registered owner to present those documents without first being requested to do so. Because this would have the effect of expanding the scope of an existing crime, the bill would impose a state-mandated local program.

(3) Existing law provides for the removal of a vehicle by a peace officer or specified public employee under enumerated circumstances, including when a vehicle is found with a registration expiration date in excess of one year, as specified.

This bill would provide for the removal under the same circumstances when the registration expiration date is in excess of 6 months, rather than one year, as specified.

(4) 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.

(5) The bill would declare that it is to take effect immediately as an urgency statute.

Vote: <sup>2</sup>/<sub>3</sub>. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. This act shall be known and may be cited  
2 as the Omnibus Transportation Act of 1995.

3 SEC. 2. Section 99314.6 of the Public Utilities Code is  
4 amended to read:

5 99314.6. Except as provided in Section 99314.7, the  
6 following eligibility standards apply:

7 (a) Except as provided in subdivision (b), funds shall  
8 not be allocated for operating purposes pursuant to  
9 Sections 99313 and 99314 to an operator unless the  
10 operator meets either of the following efficiency  
11 standards:

12 (1) The operator's total operating cost per revenue  
13 vehicle hour in the latest year for which audited data are  
14 available does not exceed the sum of the preceding year's  
15 total operating cost per revenue vehicle hour and an  
16 amount equal to the product of the percentage change in  
17 the Consumer Price Index for the same period multiplied  
18 by the preceding year's total operating cost per revenue  
19 vehicle hour.



1 (2) The operator's average total operating cost per  
2 revenue vehicle hour in the latest three years for which  
3 audited data are available does not exceed the sum of the  
4 average of the total operating cost per revenue vehicle  
5 hour in the three years preceding the latest year for  
6 which audited data are available and an amount equal to  
7 the product of the average percentage change in the  
8 Consumer Price Index for the same period multiplied by  
9 the average total operating cost per revenue vehicle hour  
10 in the same three years.

11 (b) The transportation planning agency, county  
12 transportation commission, or the San Diego  
13 Metropolitan Transit Development Board, as the case  
14 may be, may adjust the calculation of operating costs and  
15 revenue vehicle hours pursuant to subdivision (a) to  
16 account for either or both of the following factors as it  
17 deems appropriate to encourage progress in achieving  
18 the objectives of efficiency, effectiveness, and  
19 productivity pursuant to Section 99244:

20 (1) Exclusion of costs increases beyond the change in  
21 the Consumer Price Index for fuel, alternative fuel  
22 programs, insurance, or state or federal mandates.

23 (2) Exclusion of startup costs for new services for a  
24 period of not more than two years.

25 (c) Funds withheld from allocation to an operator  
26 pursuant to subdivision (a) shall be retained by the  
27 transportation planning agency, county transportation  
28 commission, or the San Diego Metropolitan Transit  
29 Development Board, as the case may be, for reallocation  
30 to that operator for two years following the year of  
31 ineligibility. In a year in which an operator's funds are  
32 allocated pursuant to subdivision (a), funds withheld  
33 from allocation during a preceding year shall also be  
34 allocated. Funds not allocated before the  
35 commencement of the third year following the year of  
36 ineligibility shall be reallocated to cost-effective high  
37 priority regional transit activities, as determined by the  
38 transportation planning agency, county transportation  
39 commission, or the San Diego Metropolitan Transit  
40 Development Board, as the case may be. If that agency



1 or commission, or the board, determines that no  
2 cost-effective high priority regional transit activity exists,  
3 the unallocated funds shall revert to the Controller for  
4 reallocation.

5 (d) As used in this section, the following terms have  
6 the following meanings:

7 (1) "Operating cost" means the total operating cost as  
8 reported by the operator under the Uniform System of  
9 Accounts and Records, pursuant to Section 99243 and  
10 subdivision (a) of Section 99247.

11 (2) "Revenue vehicle hours" has the same meaning as  
12 "vehicle service hours," as defined in subdivision (h) of  
13 Section 99247.

14 (3) "Consumer Price Index," as applied to an operator,  
15 is the regional Consumer Price Index for that operator's  
16 region, as published by the United States Bureau of Labor  
17 Statistics. If a regional index is not published, the index for  
18 the State of California applies.

19 (4) "New service" has the same meaning as "extension  
20 of public transportation services" as defined in Section  
21 99268.8.

22 (e) The restrictions in this section do not apply to  
23 allocations made for capital purposes.

24 (f) *The Legislature finds and declares that the Loma*  
25 *Prieta Earthquake of 1989 caused damage to commercial*  
26 *property and employment losses, with consequent*  
27 *reductions in sales tax revenues, within the Santa Cruz*  
28 *Metropolitan Transit District to the economic detriment*  
29 *of that district. Accordingly, that district is exempt from*  
30 *this section until July 1, 1998.*

31 SEC. 3. Section 20002 of the Vehicle Code is amended  
32 to read:

33 20002. (a) The driver of any vehicle involved in an  
34 accident resulting in damage to any property, including  
35 vehicles, shall immediately stop the vehicle at the scene  
36 of the accident and do either of the following:

37 (1) Locate and notify the owner or person in charge of  
38 that property of the name and address of the driver and  
39 owner of the vehicle involved and, upon locating the  
40 driver of any other vehicle involved or the owner or



1 person in charge of any damaged property, ~~upon being~~  
2 ~~requested,~~ present his or her driver's license, and vehicle  
3 registration, to the other driver, property owner, or  
4 person in charge of that property. The information  
5 presented shall include the current residence address of  
6 the driver and of the registered owner. If the registered  
7 owner of an involved vehicle is present at the scene, he  
8 or she shall also, ~~upon request,~~ present his or her driver's  
9 license information, if available, or other valid  
10 identification to the other involved parties.

11 (2) Leave in a conspicuous place on the vehicle or  
12 other property damaged a written notice giving the  
13 name and address of the driver and of the owner of the  
14 vehicle involved and a statement of the circumstances  
15 thereof and shall without unnecessary delay notify the  
16 police department of the city wherein the collision  
17 occurred or, if the collision occurred in unincorporated  
18 territory, the local headquarters of the Department of the  
19 California Highway Patrol.

20 (b) Any person who parks a vehicle which, prior to the  
21 vehicle again being driven, becomes a runaway vehicle  
22 and is involved in an accident resulting in damage to any  
23 property, attended or unattended, shall comply with the  
24 requirements of this section relating to notification and  
25 reporting and shall, upon conviction thereof, be liable to  
26 the penalties of this section for failure to comply with the  
27 requirements.

28 (c) Any person failing to comply with all the  
29 requirements of this section is guilty of a misdemeanor  
30 and, upon conviction thereof, shall be punished by  
31 imprisonment in the county jail not exceeding six months,  
32 or by a fine not exceeding one thousand dollars (\$1,000),  
33 or by both.

34 SEC. 4. Section 20003 of the Vehicle Code is amended  
35 to read:

36 20003. (a) The driver of any vehicle involved in an  
37 accident resulting in injury to or death of any person shall  
38 also give his or her name, current residence address, the  
39 names and current residence addresses of any occupant  
40 of the driver's vehicle injured in the accident, the



1 registration number of the vehicle he or she is driving,  
 2 and the name and current residence address of the owner  
 3 to the person struck or the driver or occupants of any  
 4 vehicle collided with, and shall give the information to  
 5 any traffic or police officer at the scene of the accident.  
 6 The driver also shall render to any person injured in the  
 7 accident reasonable assistance, including transporting, or  
 8 making arrangements for transporting, any injured  
 9 person to a physician, surgeon, or hospital for medical or  
 10 surgical treatment if it is apparent that treatment is  
 11 necessary or if that transportation is requested by any  
 12 injured person.

13 (b) Any driver or injured occupant of a driver's  
 14 vehicle subject to the provisions of subdivision (a) shall  
 15 also, ~~upon being requested,~~ exhibit his or her driver's  
 16 license, if available, or, in the case of an injured occupant,  
 17 any other available identification, to the person struck or  
 18 to the driver or occupants of any vehicle collided with,  
 19 and to any traffic or police officer at the scene of the  
 20 accident.

21 SEC. 5. Section 22651 of the Vehicle Code is amended  
 22 to read:

23 22651. Any peace officer, as defined in Chapter 4.5  
 24 (commencing with Section 830) of Title 3 of Part 2 of the  
 25 Penal Code; or any regularly employed and salaried  
 26 employee, who is engaged in directing traffic or  
 27 enforcing parking laws and regulations, of a city or a  
 28 county in which a vehicle is located, may remove a  
 29 vehicle located within the territorial limits in which the  
 30 officer or employee may act, under any of the following  
 31 circumstances:

32 (a) When any vehicle is left unattended upon any  
 33 bridge, viaduct, or causeway or in any tube or tunnel  
 34 where the vehicle constitutes an obstruction to traffic.

35 (b) When any vehicle is parked or left standing upon  
 36 a highway in a position so as to obstruct the normal  
 37 movement of traffic or in a condition so as to create a  
 38 hazard to other traffic upon the highway.

39 (c) When any vehicle is found upon a highway or any  
 40 public lands and a report has previously been made that



1 the vehicle has been stolen or a complaint has been filed  
2 and a warrant thereon issued charging that the vehicle  
3 has been embezzled.

4 (d) When any vehicle is illegally parked so as to block  
5 the entrance to a private driveway and it is impractical to  
6 move the vehicle from in front of the driveway to another  
7 point on the highway.

8 (e) When any vehicle is illegally parked so as to  
9 prevent access by firefighting equipment to a fire  
10 hydrant and it is impracticable to move the vehicle from  
11 in front of the fire hydrant to another point on the  
12 highway.

13 (f) When any vehicle, except any highway  
14 maintenance or construction equipment, is stopped,  
15 parked, or left standing for more than four hours upon the  
16 right-of-way of any freeway which has full control of  
17 access and no crossings at grade and the driver, if present,  
18 cannot move the vehicle under its own power.

19 (g) When the person or persons in charge of a vehicle  
20 upon a highway or any public lands are, by reason of  
21 physical injuries or illness, incapacitated to an extent so as  
22 to be unable to provide for its custody or removal.

23 (h) (1) When an officer arrests any person driving or  
24 in control of a vehicle for an alleged offense and the  
25 officer is, by this code or other law, required or permitted  
26 to take, and does take, the person into custody.

27 (2) When an officer serves a notice of an order of  
28 suspension or revocation of a driver's license pursuant to  
29 Section 23137.

30 (i) (1) When any vehicle, other than a rented vehicle,  
31 is found upon a highway or any public lands, or is removed  
32 pursuant to this code, and it is known to have been issued  
33 five or more notices of parking violation, to which the  
34 owner or person in control of the vehicle has not  
35 responded within 21 days of citation issuance or 10 days  
36 of a notice of delinquent parking violation to the agency  
37 responsible for processing notices of parking violation or  
38 the registered owner of the vehicle is known to have been  
39 issued five or more notices for failure to pay or failure to  
40 appear in court for traffic violations for which no



1 certificate has been issued by the magistrate or clerk of  
2 the court hearing the case showing that the case has been  
3 adjudicated or concerning which the registered owner's  
4 record has not been cleared pursuant to Chapter 6  
5 (commencing with Section 41500) of Division 17, the  
6 vehicle may be impounded until that person furnishes to  
7 the impounding law enforcement agency all of the  
8 following:

9 (A) Evidence of his or her identity.

10 (B) An address within this state at which he or she can  
11 be located.

12 (C) Satisfactory evidence that all parking penalties  
13 due for the vehicle and any other vehicle registered to the  
14 registered owner of the impounded vehicle, and all traffic  
15 violations of the registered owner, have been cleared.

16 (2) The requirements in subparagraph (C) of  
17 paragraph (1) shall be fully enforced by the impounding  
18 law enforcement agency on and after the time that the  
19 Department of Motor Vehicles is able to provide access  
20 to the necessary records.

21 (3) A notice of parking violation issued for an  
22 unlawfully parked vehicle shall be accompanied by a  
23 warning that repeated violations may result in the  
24 impounding of the vehicle. In lieu of furnishing  
25 satisfactory evidence that the full amount of parking  
26 penalties or bail has been deposited, that person may  
27 demand to be taken without unnecessary delay before a  
28 magistrate, for traffic offenses, or a hearing examiner, for  
29 parking offenses, within the county in which the offenses  
30 charged are alleged to have been committed and who has  
31 jurisdiction of the offenses and is nearest or most  
32 accessible with reference to the place where the vehicle  
33 is impounded. Evidence of current registration shall be  
34 produced after a vehicle has been impounded, or, at the  
35 discretion of the impounding law enforcement agency, a  
36 notice to appear for violation of subdivision (a) of Section  
37 4000 shall be issued to that person.

38 (4) A vehicle shall be released to the legal owner, as  
39 defined in Section 370, if the legal owner does all of the  
40 following:



1 (A) Pays the cost of towing and storing the vehicle.

2 (B) Submits evidence of payment of fees as provided  
3 in Section 9561.

4 (C) Completes an affidavit in a form acceptable to the  
5 impounding law enforcement agency stating that the  
6 vehicle was not in possession of the legal owner at the  
7 time of occurrence of the offenses relating to standing or  
8 parking. A vehicle released to a legal owner under this  
9 subdivision is a repossessed vehicle for purposes of  
10 disposition or sale. The impounding agency shall have a  
11 lien on any surplus that remains upon sale of the vehicle  
12 to which the registered owner is or may be entitled, as  
13 security for the full amount of the parking penalties for  
14 all notices of parking violations issued for the vehicle and  
15 for any local administrative charges imposed pursuant to  
16 Section 22850.5. The legal owner shall promptly remit to,  
17 and deposit with, the agency responsible for processing  
18 notices of parking violations from that surplus, on receipt  
19 thereof, full amount of the parking penalties for all  
20 notices of parking violations issued for the vehicle and for  
21 any local administrative charges imposed pursuant to  
22 Section 22850.5.

23 (5) The impounding agency that has a lien on the  
24 surplus that remains upon the sale of a vehicle to which  
25 a registered owner is entitled pursuant to paragraph (4)  
26 has a deficiency claim against the registered owner for  
27 the full amount of the parking penalties for all notices of  
28 parking violations issued for the vehicle and for any local  
29 administrative charges imposed pursuant to Section  
30 22850.5, less the amount received from the sale of the  
31 vehicle.

32 (j) When any vehicle is found illegally parked and  
33 there are no license plates or other evidence of  
34 registration displayed, the vehicle may be impounded  
35 until the owner or person in control of the vehicle  
36 furnishes the impounding law enforcement agency  
37 evidence of his or her identity and an address within this  
38 state at which he or she can be located.



1 (k) When any vehicle is parked or left standing upon  
2 a highway for 72 or more consecutive hours in violation  
3 of a local ordinance authorizing removal.

4 (l) When any vehicle is illegally parked on a highway  
5 in violation of any local ordinance forbidding standing or  
6 parking and the use of a highway, or a portion thereof, is  
7 necessary for the cleaning, repair, or construction of the  
8 highway, or for the installation of underground utilities,  
9 and signs giving notice that the vehicle may be removed  
10 are erected or placed at least 24 hours prior to the  
11 removal by local authorities pursuant to the ordinance.

12 (m) Wherever the use of the highway, or any portion  
13 thereof, is authorized by local authorities for a purpose  
14 other than the normal flow of traffic or for the movement  
15 of equipment, articles, or structures of unusual size, and  
16 the parking of any vehicle would prohibit or interfere  
17 with that use or movement, and signs giving notice that  
18 the vehicle may be removed are erected or placed at least  
19 24 hours prior to the removal by local authorities pursuant  
20 to the ordinance.

21 (n) Whenever any vehicle is parked or left standing  
22 where local authorities, by resolution or ordinance, have  
23 prohibited parking and have authorized the removal of  
24 vehicles. No vehicle may be removed unless signs are  
25 posted giving notice of the removal.

26 (o) (1) When any vehicle is found upon a highway,  
27 any public lands, or an offstreet parking facility with a  
28 registration expiration date in excess of ~~one-year~~ *six*  
29 *months* before the date it is found on the highway, public  
30 lands, or the offstreet parking facility. However, if the  
31 vehicle is occupied, only a peace officer, as defined in  
32 Chapter 4.5 (commencing with Section 830) of Title 3 of  
33 Part 2 of the Penal Code, may remove the vehicle. For  
34 purposes of this subdivision, the vehicle shall be released  
35 to the owner or person in control of the vehicle only after  
36 the owner or person furnishes the storing law  
37 enforcement agency with proof of current registration  
38 and a currently valid driver's license to operate the  
39 vehicle.



1 (2) As used in this subdivision, “offstreet parking  
2 facility” means any offstreet facility held open for use by  
3 the public for parking vehicles and includes any publicly  
4 owned facilities for offstreet parking, and privately  
5 owned facilities for offstreet parking where no fee is  
6 charged for the privilege to park and which are held open  
7 for the common public use of retail customers.

8 (p) When the peace officer issues the driver of a  
9 vehicle a notice to appear for a violation of Section 12500,  
10 14601, 14601.1, 14601.2, 14601.3, 14601.4, 14601.5, or 14604  
11 and the vehicle has not been impounded pursuant to  
12 Section 22655.5. Any vehicle so removed from the  
13 highway or any public lands, or from private property  
14 after having been on a highway or public lands, shall not  
15 be released to the registered owner or his or her agent,  
16 except upon presentation of the registered owner’s or his  
17 or her agent’s currently valid driver’s license to operate  
18 the vehicle and proof of current vehicle registration, or  
19 upon order of a court.

20 (q) Whenever any vehicle is parked for more than 24  
21 hours on a portion of highway which is located within the  
22 boundaries of a common interest development, as  
23 defined in subdivision (c) of Section 1351 of the Civil  
24 Code, and signs, as required by Section 22658.2, have been  
25 posted on that portion of highway providing notice to  
26 drivers that vehicles parked thereon for more than 24  
27 hours will be removed at the owner’s expense, pursuant  
28 to a resolution or ordinance adopted by the local  
29 authority.

30 (r) When any vehicle is illegally parked and blocks the  
31 movement of a legally parked vehicle.

32 (s) (1) When any vehicle, except highway  
33 maintenance or construction equipment, an authorized  
34 emergency vehicle, or a vehicle which is properly  
35 permitted or otherwise authorized by the Department of  
36 Transportation, is stopped, parked, or left standing for  
37 more than eight hours within a roadside rest area or  
38 viewpoint.

39 (2) For purposes of this subdivision, a roadside rest  
40 area or viewpoint is a publicly maintained vehicle



1 parking area, adjacent to a highway, utilized for the  
 2 convenient, safe stopping of a vehicle to enable motorists  
 3 to rest or to view the scenery. If two or more roadside rest  
 4 areas are located on opposite sides of the highway, or  
 5 upon the center divider, within seven miles of each other,  
 6 then that combination of rest areas is considered to be the  
 7 same rest area.

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

18 Notwithstanding Section 17580 of the Government  
 19 Code, unless otherwise specified, the provisions of this act  
 20 shall become operative on the same date that the act  
 21 takes effect pursuant to the California Constitution.

22 SEC. 7. This act is an urgency statute necessary for the  
 23 immediate preservation of the public peace, health, or  
 24 safety within the meaning of Article IV of the  
 25 Constitution and shall go into immediate effect. The facts  
 26 constituting the necessity are:

27 In order to restore various provisions that were  
 28 superseded by later enacted statutes during the 1994  
 29 portion of the 1993–94 Regular Session and to make  
 30 certain clarifying changes as soon as possible, it is  
 31 necessary that this act take effect immediately.

