

AMENDED IN SENATE JULY 3, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 1869

Introduced by Assembly Member Katz

February 24, 1995

~~An act to amend Section 179.3 of the Streets and Highways Code, relating to highways. An act to amend Section 99314.6 of, and to add Section 100011.5 to, the Public Utilities Code, to amend Sections 91.5, 348, and 438 of, and to add Section 73.3 to, the Streets and Highways Code, and to amend Sections 1801, 4000, 12500, 12804.14, 21212, 22651, 23136, 23137, 23158.2, 34501.5, and 42205 of, and to add Sections 298, 5002.7, and 25282 to, and to repeal Section 32108 of, the Vehicle Code, relating to transportation.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1869, as amended, Katz. ~~Highways: seismic safety retrofit projects~~ *Transportation.*

(1) Existing law authorizes the Department of Transportation to accept funds or services and authorizes the Director of Transportation to authorize a courtesy sign with respect to the maintenance of a section of a state highway by a person providing funds or services. Existing law also authorizes the department, as a limited demonstration program, to accept materials and equipment and to enter into a specified agreement involving the display of a corporate or community service logo instead of the courtesy sign.

This bill would make the described demonstration authorization applicable in all cases, would authorize the department to award contracts in these cases on a competitive basis, and would require revenues from these contracts to be deposited in the Environmental Enhancement and Mitigation Demonstration Program Fund.

(2) Existing law provides for the relinquishment of state highways or portions of state highways to any county or city by the California Transportation Commission in accordance with specified criteria and procedures.

This bill would authorize the commission to relinquish a specified segment of State Route 224 to a city in which that segment is located, if the city has agreed to accept the relinquishment. The relinquishment would be upon terms and conditions approved by the commission and would be effective on the day immediately following the date of that approval.

The bill would also revise the descriptions of State Routes 48 and 138.

(3) 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.

(4) Existing law defines various terms for purposes of the Vehicle Code.

This bill would specify that any reference in the Vehicle Code to a district attorney includes a city attorney if the city attorney is authorized to prosecute misdemeanor or infraction violations. To the extent that this bill would increase the duties of city attorneys, the bill would impose a state-mandated local program.

(5) Under existing law, various documents are required under the Vehicle Code to be submitted to the Department of Motor Vehicles.

This bill would provide that whenever certain documents are required to be submitted, those documents may be



submitted to the department by electronic transmission or other means approved by the department.

(6) Existing law requires motor vehicles and certain other vehicles to be registered and fees paid prior to, among other things, driving those vehicles on a highway. Existing law exempts from the registration and fee requirements a vehicle that is towed upon the order of a peace officer pursuant to certain, limited provisions of the Vehicle Code.

This bill would extend the exemption to the towing of a vehicle upon the order of a peace officer pursuant to any provision of the Vehicle Code.

(7) Existing law authorizes certain officials, under specified circumstances, to apply to the Department of Motor Vehicles for regular series license plates for state-owned vehicles that are issued to them.

This bill would extend that authorization, under specified circumstances, to any member of a county board of supervisors who is regularly issued a county-owned vehicle.

(8) Existing law authorizes the Department of Motor Vehicles to issue a restricted class A driver's license for the operation of any 2-axle vehicle weighing 4,000 pounds or more unladen when towing a livestock trailer not exceeding 15,000 pounds gross vehicle weight rating or gross vehicle weight, if all of specified conditions are met. This provision is to be repealed on January 1, 1996.

This bill would delete that repeal date, thus extending the provision indefinitely.

(9) Existing law prohibits a person under 18 years of age from operating, or riding upon a bicycle as a passenger, upon a street, bikeway, or other public bicycle path or trail unless the person is wearing a helmet meeting one of 2 specified standards.

This bill would include an additional helmet safety standard set by the American Society for Testing Materials (ASTM F-1447 standard) as a third option to meeting the specified helmet standards.

(10) 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.

(11) Existing law makes it unlawful for a person under the age of 21 years who has a blood-alcohol concentration of 0.01% or greater, as measured by a preliminary alcohol screening test, to drive a vehicle.

This bill would expressly include other chemical testing as an alternative to the preliminary alcohol screening test.

(12) Existing law requires a peace officer to immediately forward to the Department of Motor Vehicles a sworn report of all information relevant to certain enforcement action, including information which adequately identifies the person, and a statement of the officer's grounds for belief that the person violated certain driving-under-the-influence statutes.

This bill would provide that, for purposes of the above and a related statute, a report is a sworn report when it bears an entry identifying the maker of the document or a signature that has been affixed by means of an electronic device approved by the department.

(13) Existing law requires the Department of the California Highway Patrol to adopt regulations prescribing the conditions under which the transportation of an inhalation hazard, as defined, shall be accompanied by an escort vehicle and the conditions of that transportation.

This bill would repeal this provision.

(14) Existing law requires the Department of the California Highway Patrol to adopt certain rules and regulations that promote the safe operation of prescribed vehicles. Existing law also requires the Commissioner of the California Highway Patrol to appoint a 9-member advisory committee for purposes of developing and adopting regulations affecting schoolbuses and schoolbus operations.

This bill would increase the membership of the advisory committee to 10 members by including a representative of school pupil activity bus carriers on the committee, and would make a related change.



(15) Existing law prohibits flashing lights on vehicles except as otherwise specifically permitted.

This bill would authorize construction vehicles owned by private employers and used on construction projects to display flashing amber warning lights to the front, side, or rear of the vehicle while engaging in activities that are related to construction.

The bill would require the lights specified above to be covered when not in use. Because a violation of this provision would be an infraction, the bill would impose a state-mandated local program by creating a new crime.

(16) Existing law provides for the formation of the Santa Clara County Transit District.

This bill would require that any reference in specified provisions of law, or in any other provision of law or regulation, to the district is deemed to refer to the Santa Clara County Transportation Agency.

(17) Existing law requires the department to remit all money collected from motor vehicle weight fees to the Treasurer for deposit in the State Highway Account in the State Transportation Fund. The Controller is then required to transfer from that account to the Motor Vehicle Account, which is also in the fund, an amount equal to the costs incurred by the department and the Franchise Tax Board in connection with the administration of the provisions regarding weight fees.

This bill, instead of requiring the Controller to transfer that amount, would provide that the Legislature shall appropriate the amount specified above from the State Highway Account to the department and the board.

(18) The bill would make various additional technical and nonsubstantive changes.

(19) 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.

~~(1) Under existing law, the Department of Transportation, with respect to state highways, and the Counties of Los~~



~~Angeles and Santa Clara, with respect to other than state highways within their jurisdictions, are required to review the structural design and construction details of all publicly owned bridges and assess the need for seismic retrofit work, taking into account the structural deficiencies which surfaced following the Sylmar, Whittier, and 1989 Loma Prieta earthquakes.~~

~~This bill would impose a state-mandated local program by requiring those agencies to also take into account the 1994 Northridge earthquake.~~

~~(2) 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

~~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 179.3 of the Streets and~~
- 2 ~~SECTION 1. This act shall be known and may be cited~~
- 3 ~~as the Omnibus Transportation Act of 1995.~~
- 4 ~~SEC. 2. Section 99314.6 of the Public Utilities Code is~~
- 5 ~~amended to read:~~
- 6 ~~99314.6. Except as provided in Section 99314.7, the~~
- 7 ~~following eligibility standards apply:~~
- 8 ~~(a) Except as provided in subdivision (b), funds shall~~
- 9 ~~not be allocated for operating purposes pursuant to~~
- 10 ~~Sections 99313 and 99314 to an operator unless the~~
- 11 ~~operator meets either of the following efficiency~~
- 12 ~~standards:~~



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

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

19 (b) The transportation planning agency, county
20 transportation commission, or the San Diego
21 Metropolitan Transit Development Board, as the case
22 may be, may adjust the calculation of operating costs and
23 revenue vehicle hours pursuant to subdivision (a) to
24 account for either or both of the following factors as it
25 deems appropriate to encourage progress in achieving
26 the objectives of efficiency, effectiveness, and
27 productivity pursuant to Section 99244:

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

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

33 (c) Funds withheld from allocation to an operator
34 pursuant to subdivision (a) shall be retained by the
35 transportation planning agency, county transportation
36 commission, or the San Diego Metropolitan Transit
37 Development Board, as the case may be, for reallocation
38 to that operator for two years following the year of
39 ineligibility. In a year in which an operator's funds are
40 allocated pursuant to subdivision (a), funds withheld



1 from allocation during a preceding year shall also be
2 allocated. Funds not allocated before the
3 commencement of the third year following the year of
4 ineligibility shall be reallocated to cost-effective high
5 priority regional transit activities, as determined by the
6 transportation planning agency, county transportation
7 commission, or the San Diego Metropolitan Transit
8 Development Board, as the case may be. If that agency
9 or commission, or the board, determines that no
10 cost-effective high priority regional transit activity exists,
11 the unallocated funds shall revert to the Controller for
12 reallocation.

13 (d) As used in this section, the following terms have
14 the following meanings:

15 (1) "Operating cost" means the total operating cost as
16 reported by the operator under the Uniform System of
17 Accounts and Records, pursuant to Section 99243 and
18 subdivision (a) of Section 99247.

19 (2) "Revenue vehicle hours" has the same meaning as
20 "vehicle service hours," as defined in subdivision (h) of
21 Section 99247.

22 (3) "Consumer Price Index," as applied to an operator,
23 is the regional Consumer Price Index for that operator's
24 region, as published by the United States Bureau of Labor
25 Statistics. If a regional index is not published, the index for
26 the State of California applies.

27 (4) "New service" has the same meaning as "extension
28 of public transportation services" as defined in Section
29 99268.8.

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

32 (f) *The Legislature finds and declares that the Loma
33 Prieta earthquake of 1989 caused damage to commercial
34 property and employment losses, with consequent
35 reductions in sales tax revenues, within the Santa Cruz
36 Metropolitan Transit District to the economic detriment
37 of that district. Accordingly, that district is exempt from
38 this section until July 1, 1998.*

39 *SEC. 3. Section 100011.5 is added to the Public
40 Utilities Code, to read:*



1 100011.5. (a) The Santa Clara County Transit
2 District is renamed the Santa Clara County
3 Transportation Agency.

4 (b) Any reference in this part, or in any other
5 provision of law or regulation, to the Santa Clara County
6 Transit District is deemed to refer to the Santa Clara
7 County Transportation Agency.

8 (c) Nothing in the act that added this section during
9 the 1995–96 Regular Session is deemed to alter or impair
10 the agency’s status as a transit district and as an ongoing
11 legal entity established with the approval of the voters in
12 1972. All contractual and other legal rights, powers, and
13 obligations of the agency shall continue to be in full force
14 and effect without regard to the change in the agency’s
15 name, and no affirmation, adoption, or assumption by the
16 board of directors is required for that continuation.

17 SEC. 4. Section 73.3 is added to the Streets and
18 Highways Code to read:

19 73.3. Upon determination by the commission that it is
20 in the best interest of the state to do so, the commission
21 may, upon terms and conditions approved by it,
22 relinquish State Route 224 from post mile 0.0 to post mile
23 1.7 to a city in which that segment of the highway is
24 located, if the city has agreed to accept the
25 relinquishment. The relinquishment shall be effective on
26 the day immediately following the date of the approval
27 of the terms and conditions by the commission.

28 SEC. 5. Section 91.5 of the Streets and Highways Code
29 is amended to read:

30 91.5. (a) The department may enter into an
31 agreement to accept funds, materials, equipment, or
32 services from any person for maintenance or roadside
33 enhancement of a section of a state highway. The
34 department and the sponsoring person may specify in the
35 agreement the level of maintenance that will be
36 performed.

37 (b) The director may authorize a courtesy sign. These
38 courtesy signs shall be consistent with existing code
39 provisions and department rules and regulations
40 concerning signs.



1 (c) (1) Instead of a courtesy sign authorized pursuant
2 to subdivision (b), the director may authorize a
3 ~~demonstration~~ program providing for the placement of
4 recognition on the sponsored materials, other than safety
5 equipment, or the planting and maintenance by the
6 sponsor of organizational logos created from live plant
7 materials. The planting, materials, and equipment shall
8 be consistent with federal and departmental rules and
9 regulations. ~~A demonstration program undertaken~~
10 ~~pursuant to this subdivision shall only be authorized in the~~
11 ~~County of Los Angeles~~

12 (2) *The department may award contracts under this*
13 *subdivision on a competitive basis. Revenues received*
14 *pursuant to those contracts shall be deposited in the*
15 *Environmental Enhancement and Mitigation*
16 *Demonstration Program Fund created pursuant to*
17 *Section 164.56.*

18 *SEC. 6. Section 348 of the Streets and Highways Code*
19 *is amended to read:*

20 348. Route 48 is from Route 138 ~~east of Gorman~~ 14
21 near Lancaster to Route 122 near the San Bernardino
22 county line.

23 *SEC. 7. Section 438 of the Streets and Highways Code*
24 *is amended to read:*

25 438. Route 138 is from:

26 (a) Route 5 near Gorman to Route 14 near Lancaster.

27 (b) Route 14 near Palmdale to Route 18 near Crestline.

28 *SEC. 8. Section 298 is added to the Vehicle Code, to*
29 *read:*

30 298. *Any reference in this code to district attorney*
31 *may include a city attorney if the city attorney is*
32 *authorized by the city and by law to prosecute*
33 *misdemeanor and infraction violations.*

34 *SEC. 9. Section 1801 of the Vehicle Code is amended*
35 *to read:*

36 1801. (a) *Whenever any notice, report, statement,*
37 *court abstract, or record is required to be submitted to the*
38 *department by this code, the document may be*
39 *submitted to the department by electronic transmission*
40 *or other means approved by the department.*



1 (b) All records maintained by the department may be
2 stored in any feasible manner, including, but not limited
3 to, any electronic media or any other form of data
4 compilation.

5 (c) Notwithstanding any other provision of law, the
6 records shall be deemed original documents and shall be
7 admissible in evidence in all administrative,
8 quasi-judicial, and judicial proceedings.

9 *SEC. 10. Section 4000 of the Vehicle Code is amended*
10 *to read:*

11 4000. (a) (1) No person shall drive, move, or leave
12 standing upon a highway, or in an offstreet public parking
13 facility, any motor vehicle, trailer, semitrailer, pole or
14 pipe dolly, logging dolly, or auxiliary dolly unless it is
15 registered and the appropriate fees have been paid under
16 this code, except that an off-highway motor vehicle which
17 displays an identification plate or device issued by the
18 department pursuant to Section 38010 may be driven,
19 moved, or left standing in an offstreet public parking
20 facility without being registered or paying registration
21 fees.

22 (2) For purposes of this subdivision, “offstreet public
23 parking facility” means either of the following:

24 (A) Any publicly owned parking facility.

25 (B) Any privately owned parking facility for which no
26 fee for the privilege to park is charged and which is held
27 open for the common public use of retail customers.

28 (3) This subdivision does not apply to any motor
29 vehicle stored in a privately owned offstreet parking
30 facility by, or with the express permission of, the owner
31 of the privately owned offstreet parking facility.

32 (b) No person shall drive, move, or leave standing
33 upon a highway any motor vehicle, as defined in Chapter
34 2 (commencing with Section 39010) of Part 1 of Division
35 26 of the Health and Safety Code, which has been
36 registered in violation of Part 5 (commencing with
37 Section 43000) of that Division 26.

38 (c) Subdivisions (a) and (b) do not apply to
39 off-highway motor vehicles operated pursuant to Sections
40 38025 and 38026.5.



1 (d) This section does not apply, following payment of
2 fees due for registration, during the time that registration
3 and transfer is being withheld by the department
4 pending the investigation of any use tax due under the
5 Revenue and Taxation Code.

6 (e) Subdivision (a) does not apply to a vehicle that is
7 towed by a tow truck on the order of a sheriff, marshal,
8 or other official acting pursuant to a court order or on the
9 order of a peace officer acting pursuant to ~~Chapter 10~~
10 ~~(commencing with Section 22650) of Division 11~~ *this*
11 *code*.

12 (f) Subdivision (a) applies to a vehicle that is towed
13 from a highway or off-street parking facility under the
14 direction of a highway service organization when that
15 organization is providing emergency roadside assistance
16 to that vehicle. However, the operator of a tow truck
17 providing that assistance to that vehicle is not responsible
18 for the violation of subdivision (a) with respect to that
19 vehicle. The owner of an unregistered vehicle that is
20 disabled and located on private property, shall obtain a
21 permit from the department pursuant to Section 4003
22 prior to having the vehicle towed on the highway.

23 (g) For purposes of this section, possession of a
24 California driver's license by the registered owner of a
25 vehicle shall give rise to a rebuttable presumption that
26 the owner is a resident of California.

27 *SEC. 11. Section 5002.7 is added to the Vehicle Code,*
28 *to read:*

29 *5002.7. (a) Any member of a county board of*
30 *supervisors who is regularly issued a county-owned*
31 *vehicle may apply to the department for regular series*
32 *license plates for that vehicle, if a request for that issuance*
33 *is also made by the county board of supervisors. The*
34 *application and the request shall be in the manner*
35 *specified by the department.*

36 *(b) Regular series license plates issued pursuant to*
37 *subdivision (a) shall be surrendered to the department*
38 *by the board member or administrative officer, as*
39 *applicable, upon the reassignment of a vehicle, for which*



1 *those plates have been issued, to a person other than the*
2 *person who requested those plates.*

3 *SEC. 12. Section 12500 of the Vehicle Code is*
4 *amended to read:*

5 12500. (a) No person shall drive a motor vehicle upon
6 a highway, unless the person then holds a valid driver's
7 license issued under this code, except those persons who
8 are expressly exempted under this code.

9 (b) No person shall drive any motorcycle,
10 motor-driven cycle, or motorized bicycle upon a
11 highway, unless the person then holds a valid driver's
12 license or endorsement issued under this code for that
13 class, except those persons who are expressly exempted
14 under this code, or those persons specifically authorized
15 to operate motorized bicycles with a valid driver's license
16 of any class, as specified in subdivision (g) of Section
17 12804.9.

18 (c) No person shall drive a motor ~~vehicle or~~
19 ~~combination of vehicles that is not of a type for which the~~
20 ~~person is licensed.~~

21 (d) ~~No person shall drive a motor~~ vehicle in or upon
22 any offstreet parking facility, unless the person then holds
23 a valid driver's license of the appropriate class or
24 certification to operate the vehicle. As used in this
25 subdivision, "offstreet parking facility" means any
26 offstreet facility held open for use by the public for
27 parking vehicles and includes any publicly owned
28 facilities for offstreet parking, and privately owned
29 facilities for offstreet parking where no fee is charged for
30 the privilege to park and which are held open for the
31 common public use of retail customers.

32 (d) *No person shall drive a motor vehicle or*
33 *combination of vehicles that is not of a type for which the*
34 *person is licensed.*

35 *SEC. 13. Section 12804.14 of the Vehicle Code is*
36 *amended to read:*

37 12804.14. (a) The department may issue a restricted
38 class A driver's license for the operation of any two-axle
39 vehicle weighing 4,000 pounds or more unladen when
40 towing a livestock trailer not exceeding 15,000 pounds



1 gross vehicle weight rating or gross vehicle weight, if all
2 of the following conditions are met:

3 (1) The vehicle is controlled and operated by a farmer.

4 (2) The vehicle is used to transport livestock to or from
5 a farm.

6 (3) The vehicle is not used in the operations of a
7 common or contract carrier.

8 (4) The vehicle is used within 150 miles of the person's
9 farm.

10 (b) The requirements of subdivision (a) incorporate
11 the guidelines published by the Federal Highway
12 Administration in the Federal Register on September 26,
13 1988 (53 FR 37313). The department shall follow those
14 guidelines in acting pursuant to this section as those
15 guidelines now exist and as they are hereafter amended.

16 (c) In lieu of a report of a medical examination
17 required by Sections 12804 and 12804.9, a licensed
18 California driver applying for a restricted license issued
19 pursuant to subdivision (a) shall, upon application and
20 every two years thereafter, submit medical information
21 on a form approved by the department.

22 ~~(d) This section shall remain in effect only until
23 January 1, 1996, and on that date is repealed, unless a later
24 enacted statute, which is enacted before January 1, 1996,
25 deletes or extends that date.~~

26 *SEC. 14. Section 21212 of the Vehicle Code is*
27 *amended to read:*

28 21212. (a) A person under 18 years of age shall not
29 operate a bicycle, or ride upon a bicycle as a passenger,
30 upon a street, bikeway, as defined in subdivision (a) of
31 Section 2373 of the Streets and Highways Code, or any
32 other public bicycle path or trail unless that person is
33 wearing a properly fitted and fastened bicycle helmet
34 that meets the standards of the American National
35 Standards Institute (ANSI Z 90.4 bicycle helmet
36 standard) ~~or~~ the Snell Memorial Foundation's Standard
37 for Protective Headgear for Use in Bicycling, *or the*
38 *American Society for Testing Materials (ASTM F-1447*
39 *standard)*. This requirement also applies to a person who



1 rides upon a bicycle while in a restraining seat that is
2 attached to the bicycle or in a trailer towed by the bicycle.

3 (b) Any helmet sold or offered for sale for use by
4 operators and passengers of bicycles shall be
5 conspicuously labeled in accordance with the standard
6 described in subdivision (a) which shall constitute the
7 manufacturer's certification that the helmet conforms to
8 the applicable safety standards.

9 (c) No person shall sell, or offer for sale, for use by an
10 operator or passenger of a bicycle any safety helmet
11 which is not of a type meeting requirements established
12 by this section.

13 (d) (1) A person who violates a requirement of this
14 section in 1994 shall be warned of the violation by the
15 enforcing official, but shall not be issued a notice to
16 appear.

17 (2) Any charge under this subdivision shall be
18 dismissed when the person charged alleges in court,
19 under oath, that the charge against the person is the first
20 charge against that person under this subdivision, unless
21 it is otherwise established in court that the charge is not
22 the first charge against the person.

23 (e) Except as provided in subdivision (d), a violation
24 of this section is an infraction punishable by a fine of not
25 more than twenty-five dollars (\$25).

26 The parent or legal guardian having control or custody
27 of an unemancipated minor whose conduct violates this
28 section shall be jointly and severally liable with the minor
29 for the amount of the fine imposed pursuant to this
30 subdivision.

31 (f) Notwithstanding Section 1463 of the Penal Code or
32 any other provision of law, the fines collected for a
33 violation of this section shall be allocated as follows:

34 (1) Seventy-two and one-half percent of the amount
35 collected shall be deposited in a special account of the
36 county health department, to be used for bicycle safety
37 education and for assisting low-income families in
38 obtaining approved bicycle helmets for children under
39 the age of 18 years, either on a loan or purchase basis. The
40 county may contract for the implementation of this



1 program, which, to the extent practicable, shall be
2 operated in conjunction with the child passenger
3 restraint program pursuant to Section 27360.

4 (2) Two and one-half percent of the amount collected
5 shall be deposited in the county treasury to be used by the
6 county to administer the program described in paragraph
7 (1).

8 (3) If the violation occurred within a city, 25 percent
9 of the amount collected shall be transferred to and
10 deposited in the treasury of that city. If the violation
11 occurred in an unincorporated area, this 25 percent shall
12 be deposited and used pursuant to paragraph (1).

13 *SEC. 15. Section 22651 of the Vehicle Code is*
14 *amended to read:*

15 22651. Any peace officer, as defined in Chapter 4.5
16 (commencing with Section 830) of Title 3 of Part 2 of the
17 Penal Code; or any regularly employed and salaried
18 employee, who is engaged in directing traffic or
19 enforcing parking laws and regulations, of a city or a
20 county in which a vehicle is located, may remove a
21 vehicle located within the territorial limits in which the
22 officer or employee may act, under any of the following
23 circumstances:

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

27 (b) When any vehicle is parked or left standing upon
28 a highway in a position so as to obstruct the normal
29 movement of traffic or in a condition so as to create a
30 hazard to other traffic upon the highway.

31 (c) When any vehicle is found upon a highway or any
32 public lands and a report has previously been made that
33 the vehicle has been stolen or a complaint has been filed
34 and a warrant thereon issued charging that the vehicle
35 has been embezzled.

36 (d) When any vehicle is illegally parked so as to block
37 the entrance to a private driveway and it is impractical to
38 move the vehicle from in front of the driveway to another
39 point on the highway.



1 (e) When any vehicle is illegally parked so as to
2 prevent access by firefighting equipment to a fire
3 hydrant and it is impracticable to move the vehicle from
4 in front of the fire hydrant to another point on the
5 highway.

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

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

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

20 (2) When an officer serves a notice of an order of
21 suspension or revocation of a driver's license pursuant to
22 Section 23137.

23 (i) (1) When any vehicle, other than a rented vehicle,
24 is found upon a highway or any public lands, or is removed
25 pursuant to this code, and it is known to have been issued
26 five or more notices of parking violation, to which the
27 owner or person in control of the vehicle has not
28 responded within 21 days of citation issuance or 10 days
29 of a notice of delinquent parking violation to the agency
30 responsible for processing notices of parking violation or
31 the registered owner of the vehicle is known to have been
32 issued five or more notices for failure to pay or failure to
33 appear in court for traffic violations for which no
34 certificate has been issued by the magistrate or clerk of
35 the court hearing the case showing that the case has been
36 adjudicated or concerning which the registered owner's
37 record has not been cleared pursuant to Chapter 6
38 (commencing with Section 41500) of Division 17, the
39 vehicle may be impounded until that person furnishes to



1 the impounding law enforcement agency all of the
2 following:

3 (A) Evidence of his or her identity.

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

6 (C) Satisfactory evidence that all parking penalties
7 due for the vehicle and any other vehicle registered to the
8 registered owner of the impounded vehicle, and all traffic
9 violations of the registered owner, have been cleared.

10 (2) The requirements in subparagraph (C) of
11 paragraph (1) shall be fully enforced by the impounding
12 law enforcement agency on and after the time that the
13 Department of Motor Vehicles is able to provide access
14 to the necessary records.

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

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

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

36 (B) Submits evidence of payment of fees as provided
37 in Section 9561.

38 (C) Completes an affidavit in a form acceptable to the
39 impounding law enforcement agency stating that the
40 vehicle was not in possession of the legal owner at the



1 time of occurrence of the offenses relating to standing or
2 parking. A vehicle released to a legal owner under this
3 subdivision is a repossessed vehicle for purposes of
4 disposition or sale. The impounding agency shall have a
5 lien on any surplus that remains upon sale of the vehicle
6 to which the registered owner is or may be entitled, as
7 security for the full amount of the parking penalties for
8 all notices of parking violations issued for the vehicle and
9 for any local administrative charges imposed pursuant to
10 Section 22850.5. The legal owner shall promptly remit to,
11 and deposit with, the agency responsible for processing
12 notices of parking violations from that surplus, on receipt
13 thereof, full amount of the parking penalties for all
14 notices of parking violations issued for the vehicle and for
15 any local administrative charges imposed pursuant to
16 Section 22850.5.

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

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

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

36 (l) When any vehicle is illegally parked on a highway
37 in violation of any local ordinance forbidding standing or
38 parking and the use of a highway, or a portion thereof, is
39 necessary for the cleaning, repair, or construction of the
40 highway, or for the installation of underground utilities,



1 and signs giving notice that the vehicle may be removed
2 are erected or placed at least 24 hours prior to the
3 removal by local authorities pursuant to the ordinance.

4 (m) Wherever the use of the highway, or any portion
5 thereof, is authorized by local authorities for a purpose
6 other than the normal flow of traffic or for the movement
7 of equipment, articles, or structures of unusual size, and
8 the parking of any vehicle would prohibit or interfere
9 with that use or movement, and signs giving notice that
10 the vehicle may be removed are erected or placed at least
11 24 hours prior to the removal by local authorities pursuant
12 to the ordinance.

13 (n) Whenever any vehicle is parked or left standing
14 where local authorities, by resolution or ordinance, have
15 prohibited parking and have authorized the removal of
16 vehicles. No vehicle may be removed unless signs are
17 posted giving notice of the removal.

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

32 (2) As used in this subdivision, "offstreet parking
33 facility" means any offstreet facility held open for use by
34 the public for parking vehicles and includes any publicly
35 owned facilities for offstreet parking, and privately
36 owned facilities for offstreet parking where no fee is
37 charged for the privilege to park and which are held open
38 for the common public use of retail customers.

39 (p) When the peace officer issues the driver of a
40 vehicle a notice to appear for a violation of Section 12500,



1 14601, 14601.1, 14601.2, 14601.3, 14601.4, 14601.5, or 14604
2 and the vehicle has not been impounded pursuant to
3 Section 22655.5. Any vehicle so removed from the
4 highway or any public lands, or from private property
5 after having been on a highway or public lands, shall not
6 be released to the registered owner or his or her agent,
7 except upon presentation of the registered owner's or his
8 or her agent's currently valid driver's license to operate
9 the vehicle and proof of current vehicle registration, or
10 upon order of a court.

11 (q) Whenever any vehicle is parked for more than 24
12 hours on a portion of highway which is located within the
13 boundaries of a common interest development, as
14 defined in subdivision (c) of Section 1351 of the Civil
15 Code, and signs, as required by Section 22658.2, have been
16 posted on that portion of highway providing notice to
17 drivers that vehicles parked thereon for more than 24
18 hours will be removed at the owner's expense, pursuant
19 to a resolution or ordinance adopted by the local
20 authority.

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

23 (s) (1) When any vehicle, except highway
24 maintenance or construction equipment, an authorized
25 emergency vehicle, or a vehicle which is properly
26 permitted or otherwise authorized by the Department of
27 Transportation, is stopped, parked, or left standing for
28 more than eight hours within a roadside rest area or
29 viewpoint.

30 (2) For purposes of this subdivision, a roadside rest
31 area or viewpoint is a publicly maintained vehicle
32 parking area, adjacent to a highway, utilized for the
33 convenient, safe stopping of a vehicle to enable motorists
34 to rest or to view the scenery. If two or more roadside rest
35 areas are located on opposite sides of the highway, or
36 upon the center divider, within seven miles of each other,
37 then that combination of rest areas is considered to be the
38 same rest area.

39 *SEC. 16. Section 23136 of the Vehicle Code is*
40 *amended to read:*



1 23136. (a) Notwithstanding Sections 23152 and
2 23153, it is unlawful for a person under the age of 21 years
3 who has a blood-alcohol concentration of 0.01 percent or
4 greater, as measured by a preliminary alcohol screening
5 *test or other chemical* test, to drive a vehicle. However,
6 this section shall not be a bar to prosecution under Section
7 23152 or 23153 or any other provision of law.

8 (b) A person shall be found to be in violation of
9 subdivision (a) if the person was, at the time of driving,
10 under the age of 21 years, and the trier of fact finds that
11 the person had consumed an alcoholic beverage and was
12 driving a vehicle with a blood-alcohol concentration of
13 0.01 percent or greater, as measured by a preliminary
14 alcohol screening *test or other chemical* test.

15 (c) (1) Any person under the age of 21 years who
16 drives a motor vehicle is deemed to have given his or her
17 consent to a preliminary alcohol screening *test or other*
18 *chemical* test for the purpose of determining the
19 presence of alcohol in the person, if lawfully detained for
20 an alleged violation of subdivision (a).

21 (2) The testing shall be incidental to a lawful detention
22 and administered at the direction of a peace officer
23 having reasonable cause to believe the person was driving
24 a motor vehicle in violation of subdivision (a).

25 (3) The person shall be told that his or her failure to
26 submit to, or the failure to complete, a preliminary
27 alcohol screening *test or other chemical* test as requested
28 will result in the suspension or revocation of the person's
29 privilege to operate a motor vehicle for a period of one
30 year to three years, as provided in Section 13353.1.

31 *SEC. 17. Section 23137 of the Vehicle Code is*
32 *amended to read:*

33 23137. (a) If a peace officer lawfully detains a
34 person under 21 years of age who is driving a motor
35 vehicle, and the officer has reasonable cause to believe
36 that the person is in violation of Section 23136, the officer
37 shall request that the person take a preliminary alcohol
38 screening test to determine the presence of alcohol in the
39 person, if a preliminary alcohol screening test device is
40 immediately available. *If a preliminary alcohol screening*



1 *test device is not immediately available, the officer may*
2 *request the person to submit to chemical testing of his or*
3 *her blood, breath, or urine, conducted pursuant to*
4 *Section 23157.*

5 (b) If the person refuses to take, or fails to complete,
6 the preliminary alcohol screening test or *refuses to take*
7 *or fails to complete a chemical test if a preliminary alcohol*
8 *device is not immediately available, or if the person takes*
9 the preliminary alcohol screening test and that *test*
10 *reveals a blood-alcohol concentration of 0.01 percent or*
11 *greater, or if the results of a chemical test ~~reveals~~ reveal*
12 a blood-alcohol concentration of 0.01 percent or greater,
13 the officer shall proceed as follows:

14 (1) The officer, acting on behalf of the department,
15 shall serve the person with a notice of an order of
16 suspension of the person's driving privilege.

17 (2) The officer shall take possession of any driver's
18 license issued by this state which is held by the person.
19 When the officer takes possession of a valid driver's
20 license, the officer shall issue, on behalf of the
21 department, a temporary driver's license. The temporary
22 driver's license shall be an endorsement on the notice of
23 the order of suspension and shall be valid for 30 days from
24 the date of issuance, or until receipt of the order of
25 suspension from the department, whichever occurs first.

26 (3) The officer immediately shall forward a copy of the
27 completed notice of order of suspension form, and any
28 driver's license taken into possession under paragraph
29 (2), with the report required by Section 23158.2, to the
30 department. For purposes of this paragraph,
31 "immediately" means on or before the end of the fifth
32 ordinary business day after the notice of order of
33 suspension was served.

34 (c) For the purposes of this section, a preliminary
35 alcohol screening test device is an instrument designed
36 and used to measure the presence of alcohol in a person
37 based on a breath sample.

38 *SEC. 18. Section 23158.2 of the Vehicle Code is*
39 *amended to read:*



1 23158.2. (a) If a peace officer serves a notice of an
2 order of suspension pursuant to Section 23137, or arrests
3 any person for a violation of Section 23140, 23152, or 23153,
4 the peace officer shall immediately forward to the
5 department a sworn report of all information relevant to
6 the enforcement action, including information which
7 adequately identifies the person, a statement of the
8 officer's grounds for belief that the person violated
9 Section 23136, 23140, 23152, or 23153, a report of the
10 results of any chemical tests which were conducted on the
11 person or the circumstances constituting a refusal to
12 submit to or complete the chemical testing pursuant to
13 Section 23137 or 23157, a copy of any notice to appear
14 under which the person was released from custody, and,
15 if immediately available, a copy of the complaint filed
16 with the court. For purposes of this section and
17 subdivision (g) of Section 23157, "immediately" means on
18 or before the end of the fifth ordinary business day
19 following the arrest, except that with respect to Section
20 23137 only, "immediately" has the same meaning as
21 defined in paragraph (3) of subdivision (b) of Section
22 23137.

23 (b) The peace officer's sworn report shall be made on
24 forms furnished or approved by the department.

25 (c) *For purposes of this section, a report prepared*
26 *pursuant to subdivision (a) and received pursuant to*
27 *subdivision (a) of Section 1801, is a sworn report when it*
28 *bears an entry identifying the maker of the document or*
29 *a signature that has been affixed by means of an*
30 *electronic device approved by the department.*

31 *SEC. 19. Section 25282 is added to the Vehicle Code,*
32 *to read:*

33 *25282. Construction vehicles owned by private*
34 *employers and used on construction projects may display*
35 *flashing amber warning lights to the front, side, or rear of*
36 *the vehicle while engaging in activities that are related*
37 *to construction. Amber warning lights on those vehicles*
38 *shall be covered when not in use.*

39 *SEC. 20. Section 32108 of the Vehicle Code is*
40 *repealed.*



1 ~~32108. The department shall adopt regulations~~
 2 ~~prescribing the conditions under which the~~
 3 ~~transportation of an inhalation hazard shall be~~
 4 ~~accompanied by an escort vehicle provided by the~~
 5 ~~shipper, with a driver qualified to drive the vehicle~~
 6 ~~carrying the inhalation hazard.~~

7 *SEC. 21. Section 34501.5 of the Vehicle Code is*
 8 *amended to read:*

9 34501.5. The Department of the California Highway
 10 Patrol shall adopt reasonable rules and regulations ~~which~~
 11 *that*, in the judgment of the department, ~~are designed to~~
 12 promote the safe operation of vehicles described in
 13 ~~Sections 39830 and 82321 of the Education Code and~~
 14 ~~Sections 545 and 34500 of this code~~ *subdivision (c) of*
 15 *Section 34500.* The Commissioner of the California
 16 Highway Patrol shall appoint a committee of ~~nine~~ *10*
 17 members to act in an advisory capacity when developing
 18 and adopting regulations affecting schoolbuses ~~and~~
 19 ~~schoolbus~~, *school pupil activity buses, and school*
 20 *transportation* operations. The advisory member
 21 committee shall consist of ~~nine~~ *10* members appointed as
 22 follows:

23 (a) One member of the State Department of
 24 Education.

25 (b) One member of the Department of Motor
 26 Vehicles.

27 (c) One member of the Department of the California
 28 Highway Patrol.

29 (d) One member who is employed as a schoolbus
 30 driver.

31 (e) One member of the Office of Traffic Safety in the
 32 Business, Transportation and Housing Agency.

33 (f) *One member who is a representative of school*
 34 *pupil activity bus carriers.*

35 (g) Two members who are schoolbus contractors, one
 36 which shall be from an urban area of the state and one
 37 which shall be from a rural area of the state, as
 38 determined by the department.

39 ~~(g)~~



1 (h) Two members who are representatives of school
2 districts, one which shall be from an urban area of the
3 state and one which shall be from a rural area of the state,
4 as determined by the department.

5 The department shall cooperate and confer with the
6 advisory committee appointed pursuant to this section
7 prior to adopting rules or regulations affecting
8 schoolbuses and schoolbus operations.

9 *SEC. 22. Section 42205 of the Vehicle Code is*
10 *amended to read:*

11 42205. Notwithstanding Chapter 3 (commencing
12 with Section 42270), the department shall file, at least
13 monthly with the Controller, a report of money received
14 by the department pursuant to Section 9400 for the
15 previous month and shall, at the same time, remit all
16 money so reported to the Treasurer. On order of the
17 Controller, the Treasurer shall deposit all money so
18 remitted in the State Highway Account in the State
19 Transportation Fund.

20 The ~~Controller~~ *Legislature* shall ~~transfer~~ *appropriate*
21 from the State Highway Account in the State
22 Transportation Fund to the ~~Motor Vehicle Account in the~~
23 ~~State Transportation Fund~~ *department and the*
24 *Franchise Tax Board* amounts equal to the costs incurred
25 by ~~the department and the Franchise Tax Board~~ *each* in
26 performing their duties pursuant to Article 3
27 (commencing with Section 9400) of Chapter 6 of Division
28 3. The applicable ~~amount~~ *amounts* shall be determined so
29 that the appropriate costs for registration and weight fee
30 collection activities are appropriated between the
31 recipients of revenues in proportion to the revenues
32 received individually by those recipients.

33 *SEC. 23. No reimbursement is required by this act*
34 *pursuant to Section 6 of Article XIII B of the California*
35 *Constitution because the only costs that may be incurred*
36 *by a local agency or school district will be incurred*
37 *because this act creates a new crime or infraction,*
38 *eliminates a crime or infraction, or changes the penalty*
39 *for a crime or infraction, within the meaning of Section*
40 *17556 of the Government Code, or changes the definition*



1 of a crime within the meaning of Section 6 of Article
2 XIII B of the California Constitution.

3 Notwithstanding Section 17580 of the Government
4 Code, unless otherwise specified, the provisions of this act
5 shall become operative on the same date that the act
6 takes effect pursuant to the California Constitution.

7 ~~Highways Code is amended to read:~~

8 ~~179.3. (a) The department shall be the lead agency~~
9 ~~for the seismic evaluation of publicly owned bridges~~
10 ~~throughout the state, except for those bridges not on the~~
11 ~~state highway system in the County of Los Angeles and~~
12 ~~in the unincorporated areas of the County of Santa Clara,~~
13 ~~in which cases the respective counties shall be the lead~~
14 ~~agency.~~

15 ~~(b) The appropriate lead agency shall review the~~
16 ~~structural design and construction details of all publicly~~
17 ~~owned bridges for which it is the lead agency and shall~~
18 ~~assess the need for seismic retrofit work, taking into~~
19 ~~account the structural deficiencies which surfaced~~
20 ~~following the Sylmar, Whittier, 1989 Loma Prieta, and~~
21 ~~1994 Northridge earthquakes.~~

22 ~~(c) For each bridge for which it is determined that~~
23 ~~seismic structural deficiencies exist, the lead agency shall~~
24 ~~identify a retrofit project to be funded from the account.~~

25 ~~(d) (1) Funds shall be allocated by the director to the~~
26 ~~department, or the local agency, as the case may be,~~
27 ~~whose bridge is to be retrofitted. Of the funds~~
28 ~~appropriated by subdivision (a) of Section 8 of Chapter~~
29 ~~18 of the Statutes of 1989, First Extraordinary Session,~~
30 ~~sixty million dollars (\$60,000,000) shall be allocated to the~~
31 ~~department for the state retrofit program and to meet~~
32 ~~matching requirements for any federal funds available~~
33 ~~for that purpose. The sum of twenty million dollars~~
34 ~~(\$20,000,000) shall be allocated to local agencies, for~~
35 ~~expenditure on retrofit projects identified by them~~
36 ~~pursuant to subdivision (b). Of the amount allocated to~~
37 ~~local agencies, highest priority shall be given to~~
38 ~~identifying and retrofitting bridges found to be~~
39 ~~seismically deficient.~~



1 ~~(2) For purposes of the allocations to local agencies~~
2 ~~under paragraph (1), the director shall include in the~~
3 ~~allocation to the Counties of Los Angeles and Santa Clara~~
4 ~~an additional amount for those counties' administrative~~
5 ~~overhead and other federally nonreimbursable costs~~
6 ~~associated with their activities conducted pursuant to~~
7 ~~subdivision (b).~~

8 ~~(c) The director shall notify the commission at least~~
9 ~~once annually of the amount of federal highway capital~~
10 ~~outlay funds required by the department to accomplish~~
11 ~~seismic retrofit work in accordance with the deadlines set~~
12 ~~forth in subdivision (b) of Section 179.4. Upon receiving~~
13 ~~that notification, the commission shall promptly allocate~~
14 ~~those funds to the department from federal funds~~
15 ~~appropriated by the Legislature which are authorized to~~
16 ~~be used for this purpose.~~

17 ~~(f) For purposes of this section, "bridges" includes~~
18 ~~pedestrian bridges and rail transit bridges.~~

19 ~~SEC. 2. Notwithstanding Section 17610 of the~~
20 ~~Government Code, if the Commission on State Mandates~~
21 ~~determines that this act contains costs mandated by the~~
22 ~~state, reimbursement to local agencies and school~~
23 ~~districts for those costs shall be made pursuant to Part 7~~
24 ~~(commencing with Section 17500) of Division 4 of Title~~
25 ~~2 of the Government Code. If the statewide cost of the~~
26 ~~claim for reimbursement does not exceed one million~~
27 ~~dollars (\$1,000,000), reimbursement shall be made from~~
28 ~~the State Mandates Claims Fund.~~

29 ~~Notwithstanding Section 17580 of the Government~~
30 ~~Code, unless otherwise specified, the provisions of this act~~
31 ~~shall become operative on the same date that the act~~
32 ~~takes effect pursuant to the California Constitution.~~

