

AMENDED IN SENATE JULY 18, 1995

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 99314.6 of, and to add Section 100011.5 to, the Public Utilities Code, to amend Sections ~~91.5, 348, 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. 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)~~

(2) 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)~~

(3) 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)~~

(4) 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)~~

(5) 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)~~

(6) 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)~~

(7) 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)~~



(8) 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)~~

(9) 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)~~

(10) 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)~~

(11) 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)~~

(12) 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)~~

(13) 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)~~

(14) 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)~~

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



~~(19)~~

(16) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. 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.

20 (2) The operator's average total operating cost per
21 revenue vehicle hour in the latest three years for which
22 audited data are available does not exceed the sum of the
23 average of the total operating cost per revenue vehicle
24 hour in the three years preceding the latest year for
25 which audited data are available and an amount equal to
26 the product of the average percentage change in the
27 Consumer Price Index for the same period multiplied by



1 the average total operating cost per revenue vehicle hour
2 in the same three years.

3 (b) The transportation planning agency, county
4 transportation commission, or the San Diego
5 Metropolitan Transit Development Board, as the case
6 may be, may adjust the calculation of operating costs and
7 revenue vehicle hours pursuant to subdivision (a) to
8 account for either or both of the following factors as it
9 deems appropriate to encourage progress in achieving
10 the objectives of efficiency, effectiveness, and
11 productivity pursuant to Section 99244:

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

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

17 (c) Funds withheld from allocation to an operator
18 pursuant to subdivision (a) shall be retained by the
19 transportation planning agency, county transportation
20 commission, or the San Diego Metropolitan Transit
21 Development Board, as the case may be, for reallocation
22 to that operator for two years following the year of
23 ineligibility. In a year in which an operator's funds are
24 allocated pursuant to subdivision (a), funds withheld
25 from allocation during a preceding year shall also be
26 allocated. Funds not allocated before the
27 commencement of the third year following the year of
28 ineligibility shall be reallocated to cost-effective high
29 priority regional transit activities, as determined by the
30 transportation planning agency, county transportation
31 commission, or the San Diego Metropolitan Transit
32 Development Board, as the case may be. If that agency
33 or commission, or the board, determines that no
34 cost-effective high priority regional transit activity exists,
35 the unallocated funds shall revert to the Controller for
36 reallocation.

37 (d) As used in this section, the following terms have
38 the following meanings:

39 (1) "Operating cost" means the total operating cost as
40 reported by the operator under the Uniform System of



1 Accounts and Records, pursuant to Section 99243 and
2 subdivision (a) of Section 99247.

3 (2) “Revenue vehicle hours” has the same meaning as
4 “vehicle service hours,” as defined in subdivision (h) of
5 Section 99247.

6 (3) “Consumer Price Index,” as applied to an operator,
7 is the regional Consumer Price Index for that operator’s
8 region, as published by the United States Bureau of Labor
9 Statistics. If a regional index is not published, the index for
10 the State of California applies.

11 (4) “New service” has the same meaning as “extension
12 of public transportation services” as defined in Section
13 99268.8.

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

16 (f) The Legislature finds and declares that the Loma
17 Prieta earthquake of 1989 caused damage to commercial
18 property and employment losses, with consequent
19 reductions in sales tax revenues, within the Santa Cruz
20 Metropolitan Transit District to the economic detriment
21 of that district. Accordingly, that district is exempt from
22 this section until July 1, 1998.

23 SEC. 3. Section 100011.5 is added to the Public
24 Utilities Code, to read:

25 100011.5. (a) The Santa Clara County Transit
26 District is renamed the Santa Clara County
27 Transportation Agency.

28 (b) Any reference in this part, or in any other
29 provision of law or regulation, to the Santa Clara County
30 Transit District is deemed to refer to the Santa Clara
31 County Transportation Agency.

32 (c) Nothing in the act that added this section during
33 the 1995–96 Regular Session is deemed to alter or impair
34 the agency’s status as a transit district and as an ongoing
35 legal entity established with the approval of the voters in
36 1972. All contractual and other legal rights, powers, and
37 obligations of the agency shall continue to be in full force
38 and effect without regard to the change in the agency’s
39 name, and no affirmation, adoption, or assumption by the
40 board of directors is required for that continuation.



1 SEC. 4. Section 73.3 is added to the Streets and
2 Highways Code to read:

3 73.3. Upon determination by the commission that it is
4 in the best interest of the state to do so, the commission
5 may, upon terms and conditions approved by it,
6 relinquish State Route 224 from post mile 0.0 to post mile
7 1.7 to a city in which that segment of the highway is
8 located, if the city has agreed to accept the
9 relinquishment. The relinquishment shall be effective on
10 the day immediately following the date of the approval
11 of the terms and conditions by the commission.

12 ~~SEC. 5. Section 91.5 of the Streets and Highways Code~~
13 ~~is amended to read:~~

14 ~~91.5. (a) The department may enter into an~~
15 ~~agreement to accept funds, materials, equipment, or~~
16 ~~services from any person for maintenance or roadside~~
17 ~~enhancement of a section of a state highway. The~~
18 ~~department and the sponsoring person may specify in the~~
19 ~~agreement the level of maintenance that will be~~
20 ~~performed.~~

21 ~~(b) The director may authorize a courtesy sign. These~~
22 ~~courtesy signs shall be consistent with existing code~~
23 ~~provisions and department rules and regulations~~
24 ~~concerning signs.~~

25 ~~(c) (1) Instead of a courtesy sign authorized pursuant~~
26 ~~to subdivision (b), the director may authorize a program~~
27 ~~providing for the placement of recognition on the~~
28 ~~sponsored materials, other than safety equipment, or the~~
29 ~~planting and maintenance by the sponsor of~~
30 ~~organizational logos created from live plant materials.~~
31 ~~The planting, materials, and equipment shall be~~
32 ~~consistent with federal and departmental rules and~~
33 ~~regulations.~~

34 ~~(2) The department may award contracts under this~~
35 ~~subdivision on a competitive basis. Revenues received~~
36 ~~pursuant to those contracts shall be deposited in the~~
37 ~~Environmental Enhancement and Mitigation~~
38 ~~Demonstration Program Fund created pursuant to~~
39 ~~Section 164.56.~~

40 ~~SEC. 6.~~



1 *SEC. 5.* Section 348 of the Streets and Highways Code
2 is amended to read:

3 348. Route 48 is from Route 14 near Lancaster to
4 Route 122 near the San Bernardino county line.

5 ~~*SEC. 7.*~~

6 *SEC. 6.* Section 438 of the Streets and Highways Code
7 is amended to read:

8 438. Route 138 is from:

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

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

11 ~~*SEC. 8.*~~

12 *SEC. 7.* Section 298 is added to the Vehicle Code, to
13 read:

14 298. Any reference in this code to district attorney
15 may include a city attorney if the city attorney is
16 authorized by the city and by law to prosecute
17 misdemeanor and infraction violations.

18 ~~*SEC. 9.*~~

19 *SEC. 8.* Section 1801 of the Vehicle Code is amended
20 to read:

21 1801. (a) Whenever any notice, report, statement,
22 court abstract, or record is required to be submitted to the
23 department by this code, the document may be
24 submitted to the department by electronic transmission
25 or other means approved by the department.

26 (b) All records maintained by the department may be
27 stored in any feasible manner, including, but not limited
28 to, any electronic media or any other form of data
29 compilation.

30 (c) Notwithstanding any other provision of law, the
31 records shall be deemed original documents and shall be
32 admissible in evidence in all administrative,
33 quasi-judicial, and judicial proceedings.

34 ~~*SEC. 10.*~~

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

37 4000. (a) (1) No person shall drive, move, or leave
38 standing upon a highway, or in an offstreet public parking
39 facility, any motor vehicle, trailer, semitrailer, pole or
40 pipe dolly, logging dolly, or auxiliary dolly unless it is



1 registered and the appropriate fees have been paid under
2 this code, except that an off-highway motor vehicle which
3 displays an identification plate or device issued by the
4 department pursuant to Section 38010 may be driven,
5 moved, or left standing in an offstreet public parking
6 facility without being registered or paying registration
7 fees.

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

10 (A) Any publicly owned parking facility.

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

14 (3) This subdivision does not apply to any motor
15 vehicle stored in a privately owned offstreet parking
16 facility by, or with the express permission of, the owner
17 of the privately owned offstreet parking facility.

18 (b) No person shall drive, move, or leave standing
19 upon a highway any motor vehicle, as defined in Chapter
20 2 (commencing with Section 39010) of Part 1 of Division
21 26 of the Health and Safety Code, which has been
22 registered in violation of Part 5 (commencing with
23 Section 43000) of that Division 26.

24 (c) Subdivisions (a) and (b) do not apply to
25 off-highway motor vehicles operated pursuant to Sections
26 38025 and 38026.5.

27 (d) This section does not apply, following payment of
28 fees due for registration, during the time that registration
29 and transfer is being withheld by the department
30 pending the investigation of any use tax due under the
31 Revenue and Taxation Code.

32 (e) Subdivision (a) does not apply to a vehicle that is
33 towed by a tow truck on the order of a sheriff, marshal,
34 or other official acting pursuant to a court order or on the
35 order of a peace officer acting pursuant to this code.

36 (f) Subdivision (a) applies to a vehicle that is towed
37 from a highway or off-street parking facility under the
38 direction of a highway service organization when that
39 organization is providing emergency roadside assistance
40 to that vehicle. However, the operator of a tow truck



1 providing that assistance to that vehicle is not responsible
2 for the violation of subdivision (a) with respect to that
3 vehicle. The owner of an unregistered vehicle that is
4 disabled and located on private property, shall obtain a
5 permit from the department pursuant to Section 4003
6 prior to having the vehicle towed on the highway.

7 (g) For purposes of this section, possession of a
8 California driver's license by the registered owner of a
9 vehicle shall give rise to a rebuttable presumption that
10 the owner is a resident of California.

11 ~~SEC. 11. Section 5002.7 is added to the Vehicle Code,~~
12 ~~to read:~~

13 ~~5002.7. (a) Any member of a county board of~~
14 ~~supervisors who is regularly issued a county-owned~~
15 ~~vehicle may apply to the department for regular series~~
16 ~~license plates for that vehicle, if a request for that issuance~~
17 ~~is also made by the county board of supervisors. The~~
18 ~~application and the request shall be in the manner~~
19 ~~specified by the department.~~

20 ~~(b) Regular series license plates issued pursuant to~~
21 ~~subdivision (a) shall be surrendered to the department~~
22 ~~by the board member or administrative officer, as~~
23 ~~applicable, upon the reassignment of a vehicle, for which~~
24 ~~those plates have been issued, to a person other than the~~
25 ~~person who requested those plates.~~

26 ~~SEC. 12.—~~

27 ~~SEC. 10. Section 12500 of the Vehicle Code is~~
28 ~~amended to read:~~

29 12500. (a) No person shall drive a motor vehicle upon
30 a highway, unless the person then holds a valid driver's
31 license issued under this code, except those persons who
32 are expressly exempted under this code.

33 (b) No person shall drive any motorcycle,
34 motor-driven cycle, or motorized bicycle upon a
35 highway, unless the person then holds a valid driver's
36 license or endorsement issued under this code for that
37 class, except those persons who are expressly exempted
38 under this code, or those persons specifically authorized
39 to operate motorized bicycles with a valid driver's license



1 of any class, as specified in subdivision (g) of Section
2 12804.9.

3 (c) No person shall drive a motor vehicle in or upon
4 any offstreet parking facility, unless the person then holds
5 a valid driver's license of the appropriate class or
6 certification to operate the vehicle. As used in this
7 subdivision, "offstreet parking facility" means any
8 offstreet facility held open for use by the public for
9 parking vehicles and includes any publicly owned
10 facilities for offstreet parking, and privately owned
11 facilities for offstreet parking where no fee is charged for
12 the privilege to park and which are held open for the
13 common public use of retail customers.

14 (d) No person shall drive a motor vehicle or
15 combination of vehicles that is not of a type for which the
16 person is licensed.

17 ~~SEC. 13.~~

18 *SEC. 11.* Section 12804.14 of the Vehicle Code is
19 amended to read:

20 12804.14. (a) The department may issue a restricted
21 class A driver's license for the operation of any two-axle
22 vehicle weighing 4,000 pounds or more unladen when
23 towing a livestock trailer not exceeding 15,000 pounds
24 gross vehicle weight rating or gross vehicle weight, if all
25 of the following conditions are met:

- 26 (1) The vehicle is controlled and operated by a farmer.
- 27 (2) The vehicle is used to transport livestock to or from
28 a farm.
- 29 (3) The vehicle is not used in the operations of a
30 common or contract carrier.
- 31 (4) The vehicle is used within 150 miles of the person's
32 farm.

33 (b) The requirements of subdivision (a) incorporate
34 the guidelines published by the Federal Highway
35 Administration in the Federal Register on September 26,
36 1988 (53 FR 37313). The department shall follow those
37 guidelines in acting pursuant to this section as those
38 guidelines now exist and as they are hereafter amended.

39 (c) In lieu of a report of a medical examination
40 required by Sections 12804 and 12804.9, a licensed



1 California driver applying for a restricted license issued
2 pursuant to subdivision (a) shall, upon application and
3 every two years thereafter, submit medical information
4 on a form approved by the department.

5 ~~SEC. 14.~~

6 *SEC. 12.* Section 21212 of the Vehicle Code is
7 amended to read:

8 21212. (a) A person under 18 years of age shall not
9 operate a bicycle, or ride upon a bicycle as a passenger,
10 upon a street, bikeway, as defined in subdivision (a) of
11 Section 2373 of the Streets and Highways Code, or any
12 other public bicycle path or trail unless that person is
13 wearing a properly fitted and fastened bicycle helmet
14 that meets the standards of the American National
15 Standards Institute (ANSI Z 90.4 bicycle helmet
16 standard), the Snell Memorial Foundation's Standard for
17 Protective Headgear for Use in Bicycling, or the
18 American Society for Testing Materials (ASTM F-1447
19 standard). This requirement also applies to a person who
20 rides upon a bicycle while in a restraining seat that is
21 attached to the bicycle or in a trailer towed by the bicycle.

22 (b) Any helmet sold or offered for sale for use by
23 operators and passengers of bicycles shall be
24 conspicuously labeled in accordance with the standard
25 described in subdivision (a) which shall constitute the
26 manufacturer's certification that the helmet conforms to
27 the applicable safety standards.

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

32 (d) (1) A person who violates a requirement of this
33 section in 1994 shall be warned of the violation by the
34 enforcing official, but shall not be issued a notice to
35 appear.

36 (2) Any charge under this subdivision shall be
37 dismissed when the person charged alleges in court,
38 under oath, that the charge against the person is the first
39 charge against that person under this subdivision, unless



1 it is otherwise established in court that the charge is not
2 the first charge against the person.

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

6 The parent or legal guardian having control or custody
7 of an unemancipated minor whose conduct violates this
8 section shall be jointly and severally liable with the minor
9 for the amount of the fine imposed pursuant to this
10 subdivision.

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

14 (1) Seventy-two and one-half percent of the amount
15 collected shall be deposited in a special account of the
16 county health department, to be used for bicycle safety
17 education and for assisting low-income families in
18 obtaining approved bicycle helmets for children under
19 the age of 18 years, either on a loan or purchase basis. The
20 county may contract for the implementation of this
21 program, which, to the extent practicable, shall be
22 operated in conjunction with the child passenger
23 restraint program pursuant to Section 27360.

24 (2) Two and one-half percent of the amount collected
25 shall be deposited in the county treasury to be used by the
26 county to administer the program described in paragraph
27 (1).

28 (3) If the violation occurred within a city, 25 percent
29 of the amount collected shall be transferred to and
30 deposited in the treasury of that city. If the violation
31 occurred in an unincorporated area, this 25 percent shall
32 be deposited and used pursuant to paragraph (1).

33 ~~SEC. 15.—~~

34 *SEC. 13.* Section 22651 of the Vehicle Code is
35 amended to read:

36 22651. Any peace officer, as defined in Chapter 4.5
37 (commencing with Section 830) of Title 3 of Part 2 of the
38 Penal Code; or any regularly employed and salaried
39 employee, who is engaged in directing traffic or
40 enforcing parking laws and regulations, of a city or a



1 county in which a vehicle is located, may remove a
2 vehicle located within the territorial limits in which the
3 officer or employee may act, under any of the following
4 circumstances:

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

8 (b) When any vehicle is parked or left standing upon
9 a highway in a position so as to obstruct the normal
10 movement of traffic or in a condition so as to create a
11 hazard to other traffic upon the highway.

12 (c) When any vehicle is found upon a highway or any
13 public lands and a report has previously been made that
14 the vehicle has been stolen or a complaint has been filed
15 and a warrant thereon issued charging that the vehicle
16 has been embezzled.

17 (d) When any vehicle is illegally parked so as to block
18 the entrance to a private driveway and it is impractical to
19 move the vehicle from in front of the driveway to another
20 point on the highway.

21 (e) When any vehicle is illegally parked so as to
22 prevent access by firefighting equipment to a fire
23 hydrant and it is impracticable to move the vehicle from
24 in front of the fire hydrant to another point on the
25 highway.

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

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

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



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

4 (i) (1) When any vehicle, other than a rented vehicle,
5 is found upon a highway or any public lands, or is removed
6 pursuant to this code, and it is known to have been issued
7 five or more notices of parking violation, to which the
8 owner or person in control of the vehicle has not
9 responded within 21 days of citation issuance or 10 days
10 of a notice of delinquent parking violation to the agency
11 responsible for processing notices of parking violation or
12 the registered owner of the vehicle is known to have been
13 issued five or more notices for failure to pay or failure to
14 appear in court for traffic violations for which no
15 certificate has been issued by the magistrate or clerk of
16 the court hearing the case showing that the case has been
17 adjudicated or concerning which the registered owner's
18 record has not been cleared pursuant to Chapter 6
19 (commencing with Section 41500) of Division 17, the
20 vehicle may be impounded until that person furnishes to
21 the impounding law enforcement agency all of the
22 following:

- 23 (A) Evidence of his or her identity.
- 24 (B) An address within this state at which he or she can
25 be located.
- 26 (C) Satisfactory evidence that all parking penalties
27 due for the vehicle and any other vehicle registered to the
28 registered owner of the impounded vehicle, and all traffic
29 violations of the registered owner, have been cleared.

30 (2) The requirements in subparagraph (C) of
31 paragraph (1) shall be fully enforced by the impounding
32 law enforcement agency on and after the time that the
33 Department of Motor Vehicles is able to provide access
34 to the necessary records.

35 (3) A notice of parking violation issued for an
36 unlawfully parked vehicle shall be accompanied by a
37 warning that repeated violations may result in the
38 impounding of the vehicle. In lieu of furnishing
39 satisfactory evidence that the full amount of parking
40 penalties or bail has been deposited, that person may



1 demand to be taken without unnecessary delay before a
2 magistrate, for traffic offenses, or a hearing examiner, for
3 parking offenses, within the county in which the offenses
4 charged are alleged to have been committed and who has
5 jurisdiction of the offenses and is nearest or most
6 accessible with reference to the place where the vehicle
7 is impounded. Evidence of current registration shall be
8 produced after a vehicle has been impounded, or, at the
9 discretion of the impounding law enforcement agency, a
10 notice to appear for violation of subdivision (a) of Section
11 4000 shall be issued to that person.

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

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

16 (B) Submits evidence of payment of fees as provided
17 in Section 9561.

18 (C) Completes an affidavit in a form acceptable to the
19 impounding law enforcement agency stating that the
20 vehicle was not in possession of the legal owner at the
21 time of occurrence of the offenses relating to standing or
22 parking. A vehicle released to a legal owner under this
23 subdivision is a repossessed vehicle for purposes of
24 disposition or sale. The impounding agency shall have a
25 lien on any surplus that remains upon sale of the vehicle
26 to which the registered owner is or may be entitled, as
27 security for the full amount of the parking penalties for
28 all notices of parking violations issued for the vehicle and
29 for any local administrative charges imposed pursuant to
30 Section 22850.5. The legal owner shall promptly remit to,
31 and deposit with, the agency responsible for processing
32 notices of parking violations from that surplus, on receipt
33 thereof, full amount of the parking penalties for all
34 notices of parking violations issued for the vehicle and for
35 any local administrative charges imposed pursuant to
36 Section 22850.5.

37 (5) The impounding agency that has a lien on the
38 surplus that remains upon the sale of a vehicle to which
39 a registered owner is entitled pursuant to paragraph (4)
40 has a deficiency claim against the registered owner for



1 the full amount of the parking penalties for all notices of
2 parking violations issued for the vehicle and for any local
3 administrative charges imposed pursuant to Section
4 22850.5, less the amount received from the sale of the
5 vehicle.

6 (j) When any vehicle is found illegally parked and
7 there are no license plates or other evidence of
8 registration displayed, the vehicle may be impounded
9 until the owner or person in control of the vehicle
10 furnishes the impounding law enforcement agency
11 evidence of his or her identity and an address within this
12 state at which he or she can be located.

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

16 (l) When any vehicle is illegally parked on a highway
17 in violation of any local ordinance forbidding standing or
18 parking and the use of a highway, or a portion thereof, is
19 necessary for the cleaning, repair, or construction of the
20 highway, or for the installation of underground utilities,
21 and signs giving notice that the vehicle may be removed
22 are erected or placed at least 24 hours prior to the
23 removal by local authorities pursuant to the ordinance.

24 (m) Wherever the use of the highway, or any portion
25 thereof, is authorized by local authorities for a purpose
26 other than the normal flow of traffic or for the movement
27 of equipment, articles, or structures of unusual size, and
28 the parking of any vehicle would prohibit or interfere
29 with that use or movement, and signs giving notice that
30 the vehicle may be removed are erected or placed at least
31 24 hours prior to the removal by local authorities pursuant
32 to the ordinance.

33 (n) Whenever any vehicle is parked or left standing
34 where local authorities, by resolution or ordinance, have
35 prohibited parking and have authorized the removal of
36 vehicles. No vehicle may be removed unless signs are
37 posted giving notice of the removal.

38 (o) (1) When any vehicle is found upon a highway,
39 any public lands, or an offstreet parking facility with a
40 registration expiration date in excess of six months before



1 the date it is found on the highway, public lands, or the
 2 offstreet parking facility. However, if the vehicle is
 3 occupied, only a peace officer, as defined in Chapter 4.5
 4 (commencing with Section 830) of Title 3 of Part 2 of the
 5 Penal Code, may remove the vehicle. For purposes of this
 6 subdivision, the vehicle shall be released to the owner or
 7 person in control of the vehicle only after the owner or
 8 person furnishes the storing law enforcement agency
 9 with proof of current registration and a currently valid
 10 driver’s license to operate the vehicle.

11 (2) As used in this subdivision, “offstreet parking
 12 facility” means any offstreet facility held open for use by
 13 the public for parking vehicles and includes any publicly
 14 owned facilities for offstreet parking, and privately
 15 owned facilities for offstreet parking where no fee is
 16 charged for the privilege to park and which are held open
 17 for the common public use of retail customers.

18 (p) When the peace officer issues the driver of a
 19 vehicle a notice to appear for a violation of Section 12500,
 20 14601, 14601.1, 14601.2, 14601.3, 14601.4, 14601.5, or 14604
 21 and the vehicle has not been impounded pursuant to
 22 Section 22655.5. Any vehicle so removed from the
 23 highway or any public lands, or from private property
 24 after having been on a highway or public lands, shall not
 25 be released to the registered owner or his or her agent,
 26 except upon presentation of the registered owner’s or his
 27 or her agent’s currently valid driver’s license to operate
 28 the vehicle and proof of current vehicle registration, or
 29 upon order of a court.

30 (q) Whenever any vehicle is parked for more than 24
 31 hours on a portion of highway which is located within the
 32 boundaries of a common interest development, as
 33 defined in subdivision (c) of Section 1351 of the Civil
 34 Code, and signs, as required by Section 22658.2, have been
 35 posted on that portion of highway providing notice to
 36 drivers that vehicles parked thereon for more than 24
 37 hours will be removed at the owner’s expense, pursuant
 38 to a resolution or ordinance adopted by the local
 39 authority.



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

3 (s) (1) When any vehicle, except highway
4 maintenance or construction equipment, an authorized
5 emergency vehicle, or a vehicle which is properly
6 permitted or otherwise authorized by the Department of
7 Transportation, is stopped, parked, or left standing for
8 more than eight hours within a roadside rest area or
9 viewpoint.

10 (2) For purposes of this subdivision, a roadside rest
11 area or viewpoint is a publicly maintained vehicle
12 parking area, adjacent to a highway, utilized for the
13 convenient, safe stopping of a vehicle to enable motorists
14 to rest or to view the scenery. If two or more roadside rest
15 areas are located on opposite sides of the highway, or
16 upon the center divider, within seven miles of each other,
17 then that combination of rest areas is considered to be the
18 same rest area.

19 ~~SEC. 16.~~

20 *SEC. 14.* Section 23136 of the Vehicle Code is
21 amended to read:

22 23136. (a) Notwithstanding Sections 23152 and
23 23153, it is unlawful for a person under the age of 21 years
24 who has a blood-alcohol concentration of 0.01 percent or
25 greater, as measured by a preliminary alcohol screening
26 test or other chemical test, to drive a vehicle. However,
27 this section shall not be a bar to prosecution under Section
28 23152 or 23153 or any other provision of law.

29 (b) A person shall be found to be in violation of
30 subdivision (a) if the person was, at the time of driving,
31 under the age of 21 years, and the trier of fact finds that
32 the person had consumed an alcoholic beverage and was
33 driving a vehicle with a blood-alcohol concentration of
34 0.01 percent or greater, as measured by a preliminary
35 alcohol screening test or other chemical test.

36 (c) (1) Any person under the age of 21 years who
37 drives a motor vehicle is deemed to have given his or her
38 consent to a preliminary alcohol screening test or other
39 chemical test for the purpose of determining the



1 presence of alcohol in the person, if lawfully detained for
2 an alleged violation of subdivision (a).

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

7 (3) The person shall be told that his or her failure to
8 submit to, or the failure to complete, a preliminary
9 alcohol screening test or other chemical test as requested
10 will result in the suspension or revocation of the person's
11 privilege to operate a motor vehicle for a period of one
12 year to three years, as provided in Section 13353.1.

13 ~~SEC. 17.—~~

14 *SEC. 15.* Section 23137 of the Vehicle Code is
15 amended to read:

16 23137. (a) If a peace officer lawfully detains a
17 person under 21 years of age who is driving a motor
18 vehicle, and the officer has reasonable cause to believe
19 that the person is in violation of Section 23136, the officer
20 shall request that the person take a preliminary alcohol
21 screening test to determine the presence of alcohol in the
22 person, if a preliminary alcohol screening test device is
23 immediately available. If a preliminary alcohol screening
24 test device is not immediately available, the officer may
25 request the person to submit to chemical testing of his or
26 her blood, breath, or urine, conducted pursuant to
27 Section 23157.

28 (b) If the person refuses to take, or fails to complete,
29 the preliminary alcohol screening test or refuses to take
30 or fails to complete a chemical test if a preliminary alcohol
31 device is not immediately available, or if the person takes
32 the preliminary alcohol screening test and that test
33 reveals a blood-alcohol concentration of 0.01 percent or
34 greater, or if the results of a chemical test reveal a
35 blood-alcohol concentration of 0.01 percent or greater,
36 the officer shall proceed as follows:

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



1 (2) The officer shall take possession of any driver's
2 license issued by this state which is held by the person.
3 When the officer takes possession of a valid driver's
4 license, the officer shall issue, on behalf of the
5 department, a temporary driver's license. The temporary
6 driver's license shall be an endorsement on the notice of
7 the order of suspension and shall be valid for 30 days from
8 the date of issuance, or until receipt of the order of
9 suspension from the department, whichever occurs first.

10 (3) The officer immediately shall forward a copy of the
11 completed notice of order of suspension form, and any
12 driver's license taken into possession under paragraph
13 (2), with the report required by Section 23158.2, to the
14 department. For purposes of this paragraph,
15 "immediately" means on or before the end of the fifth
16 ordinary business day after the notice of order of
17 suspension was served.

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

22 ~~SEC. 18.—~~

23 *SEC. 16.* Section 23158.2 of the Vehicle Code is
24 amended to read:

25 23158.2. (a) If a peace officer serves a notice of an
26 order of suspension pursuant to Section 23137, or arrests
27 any person for a violation of Section 23140, 23152, or 23153,
28 the peace officer shall immediately forward to the
29 department a sworn report of all information relevant to
30 the enforcement action, including information which
31 adequately identifies the person, a statement of the
32 officer's grounds for belief that the person violated
33 Section 23136, 23140, 23152, or 23153, a report of the
34 results of any chemical tests which were conducted on the
35 person or the circumstances constituting a refusal to
36 submit to or complete the chemical testing pursuant to
37 Section 23137 or 23157, a copy of any notice to appear
38 under which the person was released from custody, and,
39 if immediately available, a copy of the complaint filed
40 with the court. For purposes of this section and



1 subdivision (g) of Section 23157, “immediately” means on
 2 or before the end of the fifth ordinary business day
 3 following the arrest, except that with respect to Section
 4 23137 only, “immediately” has the same meaning as
 5 defined in paragraph (3) of subdivision (b) of Section
 6 23137.

7 (b) The peace officer’s sworn report shall be made on
 8 forms furnished or approved by the department.

9 (c) For purposes of this section, a report prepared
 10 pursuant to subdivision (a) and received pursuant to
 11 subdivision (a) of Section 1801, is a sworn report when it
 12 bears an entry identifying the maker of the document or
 13 a signature that has been affixed by means of an
 14 electronic device approved by the department.

15 ~~SEC. 19.—~~

16 *SEC. 17.* Section 25282 is added to the Vehicle Code,
 17 to read:

18 25282. Construction vehicles owned by private
 19 employers and used on construction projects may display
 20 flashing amber warning lights to the front, side, or rear of
 21 the vehicle while engaging in activities that are related
 22 to construction. Amber warning lights on those vehicles
 23 shall be covered when not in use.

24 ~~SEC. 20.—~~

25 *SEC. 18.* Section 32108 of the Vehicle Code is
 26 repealed.

27 ~~SEC. 21. Section 34501.5 of the Vehicle Code is~~
 28 ~~amended to read:~~

29 ~~34501.5. The Department of the California Highway~~
 30 ~~Patrol shall adopt reasonable rules and regulations that,~~
 31 ~~in the judgment of the department, promote the safe~~
 32 ~~operation of vehicles described in subdivision (c) of~~
 33 ~~Section 34500. The Commissioner of the California~~
 34 ~~Highway Patrol shall appoint a committee of 10 members~~
 35 ~~to act in an advisory capacity when developing and~~
 36 ~~adopting regulations affecting schoolbuses, school pupil~~
 37 ~~activity buses, and school transportation operations. The~~
 38 ~~advisory member committee shall consist of 10 members~~
 39 ~~appointed as follows:~~



1 ~~(a) One member of the State Department of~~
2 ~~Education.~~

3 ~~(b) One member of the Department of Motor~~
4 ~~Vehicles.~~

5 ~~(c) One member of the Department of the California~~
6 ~~Highway Patrol.~~

7 ~~(d) One member who is employed as a schoolbus~~
8 ~~driver.~~

9 ~~(e) One member of the Office of Traffic Safety in the~~
10 ~~Business, Transportation and Housing Agency.~~

11 ~~(f) One member who is a representative of school~~
12 ~~pupil activity bus carriers.~~

13 ~~(g) Two members who are schoolbus contractors, one~~
14 ~~which shall be from an urban area of the state and one~~
15 ~~which shall be from a rural area of the state, as~~
16 ~~determined by the department.~~

17 ~~(h) Two members who are representatives of school~~
18 ~~districts, one which shall be from an urban area of the~~
19 ~~state and one which shall be from a rural area of the state,~~
20 ~~as determined by the department.~~

21 ~~The department shall cooperate and confer with the~~
22 ~~advisory committee appointed pursuant to this section~~
23 ~~prior to adopting rules or regulations affecting~~
24 ~~schoolbuses and schoolbus operations.~~

25 ~~SEC. 22.—~~

26 *SEC. 19.* Section 42205 of the Vehicle Code is
27 amended to read:

28 42205. Notwithstanding Chapter 3 (commencing
29 with Section 42270), the department shall file, at least
30 monthly with the Controller, a report of money received
31 by the department pursuant to Section 9400 for the
32 previous month and shall, at the same time, remit all
33 money so reported to the Treasurer. On order of the
34 Controller, the Treasurer shall deposit all money so
35 remitted in the State Highway Account in the State
36 Transportation Fund.

37 The Legislature shall appropriate from the State
38 Highway Account in the State Transportation Fund to the
39 department and the Franchise Tax Board amounts equal
40 to the costs incurred by each in performing their duties



1 pursuant to Article 3 (commencing with Section 9400) of
2 Chapter 6 of Division 3. The applicable amounts shall be
3 determined so that the appropriate costs for registration
4 and weight fee collection activities are appropriated
5 between the recipients of revenues in proportion to the
6 revenues received individually by those recipients.

7 ~~SEC. 23.—~~

8 *SEC. 20.* 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.

