AMENDED IN SENATE SEPTEMBER 13, 1995

AMENDED IN SENATE AUGUST 31, 1995

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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 Sections 15975 and 29535 of the Government Code, to amend Section 99314.6 of*, and to add Sections 130051.21 and 130243 to,* the Public Utilities Code, to amend Sections 188.8, 348, and 438 of, and to add Section 73.3 to, the Streets and Highways Code, and to amend Sections 1801, 4000, 12500, 12800.5, 12804.14, 21212, 22651, 23136, 23137, 23158.2, and 42205 of, and to add Sections 5002.7 and 25282 to, and to repeal Section 32108 of, the Vehicle Code, relating to transportation, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1869, as amended, Katz. Transportation.

(1) 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.

(2) Under the Social Service Transportation Improvement Act, transportation planning agencies and county transportation commissions are required to adopt and submit reports to the Director of Transportation on all existing social service transportation services in their respective geographic areas, and were required, not later than December 31, 1981, to adopt and submit to the Secretary of the Business, Transportation and Housing Agency an action plan describing in detail the steps required to accomplish the consolidation of social service transportation services. The action plan includes designating a single agency or multiple agencies as consolidated transportation service agencies.

This bill would provide that in Ventura County, the county transportation commission is the consolidated transportation service agency.

(3) Existing law requires a local transportation commission to be established for each county not within the jurisdiction of a statutorily created regional transportation planning agency or a council of governments. A local transportation commission is required to be comprised of members appointed by the county board of supervisors, members appointed by the city councils of cities in the county, members appointed by a transit district in the county, and a member representing other transit operators in the county.

This bill would authorize members of the county board of supervisors, the city councils, the transit district, and other local transit operators to serve as members of the local transportation commission. The bill would also grant the commission specific powers.

(4) 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.

(5) *Existing law creates and prescribes the powers and duties of the Los Angeles County Metropolitan Transportation Authority.*

This bill would impose a state-mandated local program by requiring the authority to adopt a specified change order procedure for contracts awarded by the authority.

The bill would also impose a state-mandated local program by requiring the authority to require its inspector general to prepare a questionnaire to be completed by any firm seeking to do business with the authority. The bill would require the questionnaire to solicit information on specified topics, and would prohibit the authority from contracting or doing business with any firm that knowingly provides false information in the questionnaire.

(6) Under existing law, within each 4-year period beginning July 1, 1988, the funds from the State Highway Account in the State Transportation Fund, with the exception of those for specified programs, are required to be expended in accordance with the so-called county minimums and north-south split formulas. For purposes of this funding, county boards of supervisors may elect to pool their counties' minimum programming with adjacent counties.

The bill would designate that portion of the county population and state highway mileage in El Dorado and Placer Counties that is within the jurisdiction of the Tahoe Regional Planning Agency to be counted separately for purposes of receiving funding.

This bill would allow the regional transportation planning agency in Placer and El Dorado Counties to pool its minimum programming.

~~(6)~~

(7) 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.

~~(7)~~

(8) 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.

~~(8)~~

(9) 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 limited described counties, to any member of that county board of supervisors who is regularly issued a county-owned vehicle.

~~(9)~~

(10) 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 limit the above to the towing of trailers exceeding 10,000 pounds and would delete the repeal date, thus extending the provision indefinitely.

~~(10)~~

(11) 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.

~~(11)~~

(12) 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.

~~(12)~~

(13) 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.

~~(13)~~

(14) 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.

~~(14)~~

(15) 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.

~~(15)~~

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

This bill would allow vehicles owned or operated by licensed contractors or construction companies to display flashing amber warning lights to the front, sides, or rear of the vehicles while engaging in activities on a highway or in the vicinity of a highway that are related to construction projections, as specified. The bill would specify the affect of this provision on civil liability actions.

~~(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) This bill would incorporate additional changes in Section 22651 of the Vehicle Code proposed by this bill and AB 1228 if both bills are enacted and this bill is enacted last.

(20) *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.

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

Vote: $^{2}/_{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~ *yes*.

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

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

SEC. 2. Section 15975 of the Government Code is amended to read:

15975. Upon completion of the report required pursuant to Section 15973, the transportation planning agencies and the county transportation commissions shall prepare, adopt, and submit an action plan to the Director of Transportation that describes in detail the steps required to accomplish the consolidation of social service transportation services. The action plan shall substantiate that one or more of the benefits indicated in Sections 15951 and 15952 are feasible for the services in a given geographic area. The action plan shall include, but not be limited to, the following:

(a) The designation of consolidated transportation service agencies within the geographic area of jurisdiction of the transportation planning agency or county transportation commission. The action plan may designate more than a single agency or multiple agencies as consolidated transportation service agencies, if improved coordination of all services is demonstrated within the geographic area. In Ventura County, the county transportation commission is the consolidated transportation service agency.

The action plan may also specify that the consolidation of some services and the coordination of other services is the most feasible approach, at the time the action plan is submitted, which will provide improved efficiency and effectiveness of those services.

(b) The identification of the social service recipients to be served, of funds available for use by the consolidated or coordinated services, and of an orderly strategy and

schedule detailing the steps required to develop the financial program and management structure necessary to implement consolidated or coordinated services.

(c) Measures to coordinate the services provided under subdivision (a) with existing fixed route service provided by public and private transportation providers.

(d) Measures for the effective coordination of specialized transportation service from one provider service area to another.

(e) Measures to insure that the objectives of the action plan are consistent with the legislative intent declared in Section 15951.

SEC. 3. Section 29535 of the Government Code is amended to read:

29535. Within each county which is not within the jurisdiction of a statutorily created regional transportation planning agency or a council of governments, a local transportation commission shall be established and composed of three members appointed by the board of supervisors, three members appointed by the city selection committee of the county or by the city council in any county in which there is only one incorporated city, and, where applicable, three members appointed by a transit district and one member representing, collectively, the other transit operators in the county.

However, in a county in which there are no incorporated cities, five members may be appointed to the commission by the board of supervisors. The appointments to the commission may include members of the board of supervisors, the city councils, the transit district, and other local transit operators.

The appointing authority, for each regular member it appoints, may appoint an alternate member to serve in place of the regular member when the regular member is absent or disqualified from participating in a meeting of the commission.

A local transportation commission may employ staff, enter into contracts, and conduct other activities necessary to fulfill its responsibilities as a regional

transportation planning agency and local transportation commission.

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

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

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

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

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

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

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

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

(c) Funds withheld from allocation to an operator pursuant to subdivision (a) shall be retained by the transportation planning agency, county transportation commission, or the San Diego Metropolitan Transit Development Board, as the case may be, for reallocation to that operator for two years following the year of ineligibility. In a year in which an operator's funds are allocated pursuant to subdivision (a), funds withheld from allocation during a preceding year shall also be allocated. Funds not allocated before the commencement of the third year following the year of ineligibility shall be reallocated to cost-effective high priority regional transit activities, as determined by the transportation planning agency, county transportation commission, or the San Diego Metropolitan Transit Development Board, as the case may be. If that agency or commission, or the board, determines that no cost-effective high priority regional transit activity exists, the unallocated funds shall revert to the Controller for reallocation.

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

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

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

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

(4) ‘‘New service’’ has the same meaning as ‘‘extension of public transportation services’’ as defined in Section 99268.8.

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

(f) The Legislature finds and declares that the Loma Prieta earthquake of 1989 caused damage to commercial property and employment losses, with consequent reductions in sales tax revenues, within the Santa Cruz Metropolitan Transit District to the economic detriment of that district. Accordingly, that district’s exemption from this section, as initially provided for by Section 4 of Chapter 35 of the Statutes of 1991, is reinstated and shall continue until July 1, 1998; therefore, the district is exempt from this section for the 1995–96, 1996–97, and 1997–98 fiscal years.

SEC. 4.3. Section 130051.21 is added to the Public Utilities Code, to read:

130051.21. (a) The Los Angeles County Metropolitan Transportation Authority shall require its inspector general to prepare a prequalification questionnaire to be completed by each construction company, engineering firm, consultant, legal firm, product vendor, and any other business entity seeking to contract with the authority for the furnishing of goods or services. The questionnaire shall, at a minimum, solicit information on all of the following subjects regarding the firm:

(1) Experience.

(2) Quality and timeliness of past performance.

(3) Reliability and responsibility.

(4) Compliance with equal employment requirements.

(5) Compliance with wage, hours, and other fair labor standards.

(6) Subcontractors used by the firm.

(7) Integrity of the firm and its key personnel.

(8) Gifts given, or contributions made, to members or alternate members or employees of the authority.

(b) Neither the authority nor any of its organizational units shall contract or do business with any responding

firm that knowingly provides false information in the questionnaire.

SEC. 4.5. Section 130243 is added to the Public Utilities Code, to read:

130243. The Los Angeles County Metropolitan Transportation Authority shall adopt a change order procedure for contracts awarded by the authority that includes each of the following requirements:

(a) When a change order is proposed, the contract administrator of the authority shall be notified and shall determine whether a change order is required. After consulting with the general counsel of the authority and appropriate technical advisers, the contract administrator shall either approve or disapprove the proposed contract change order.

(b) The general counsel of the authority shall be consulted on the proposed change order at the earliest possible time to consider and render advice on the legal implications of the proposed change. The contract administrator shall not approve a proposed change order unless the general counsel recommends changing the terms of the contract.

(c) The contract administrator shall require the contractor to submit certified cost and pricing data for the proposed change, and shall require an internal fiscal audit of any proposed change order that would cost in excess of one hundred thousand dollars ($100,000) to implement.

(d) The opinions of informed individuals working on the contract who oppose the adoption of a proposed change order shall be documented and be taken into consideration by the authority's change control board when determining whether a contract change is warranted.

SEC. 5. Section 73.3 is added to the Streets and Highways Code, to read:

73.3. Upon determination by the commission that it is in the best interest of the state to do so, the commission may, upon terms and conditions approved by it, relinquish State Route 224 from post mile 0.0 to post mile

1.7 to a city in which that segment of the highway is located, if the city has agreed to accept the relinquishment. The relinquishment shall be effective on the day immediately following the date of the approval of the terms and conditions by the commission.

SEC. 6. Section 188.8 of the Streets and Highways Code is amended to read:

188.8. (a) From the funds programmed pursuant to Section 188, the commission shall approve programs, program amendments, and fund reservations so that funding is distributed to each county of County Group No. 1 and in each county of County Group No. 2 during the period commencing July 1, 1983, and ending June 30, 1988, and for the period commencing July 1, 1988, and ending June 30, 1993, each period of four years thereafter, not less than an amount computed as follows:

(1) The commission shall compute, for the five-year period and for each of the four-year periods, an amount equal to 70 percent of the funds for County Groups Nos. 1 and 2, respectively, as provided in Section 188.

(2) From the amount computed for County Group No. 1 in subdivision (a) for the five-year period and each four-year period, the commission shall determine the minimum amount of programming for each county in the group based on a formula which is based 75 percent on the population of the county to the total population of County Group No. 1 and 25 percent on state highway miles in the county to the total state highway miles in County Group No. 1.

(3) From the amount computed for County Group No. 2 in subdivision (a) for the five-year period and each four-year period, the commission shall determine the minimum amount of programming for each county in the group based on a formula which is based 75 percent on the population of the county to the total population of County Group No. 2 and 25 percent on state highway miles in the county to the total state highway miles in County Group No. 2.

(b) Notwithstanding subdivision (a), that portion of the county population and state highway mileage in El

Dorado and Placer Counties that is included within the jurisdiction of the Tahoe Regional Planning Agency shall be counted separately toward the area under the jurisdiction of the Tahoe Regional Transportation Agency and shall not be included in El Dorado and Placer Counties. The commission shall approve programs, program amendments, and fund reservations for the area under the jurisdiction of the Tahoe Regional Transportation Agency which shall be calculated using the formula described in paragraph (2) of subdivision (a).

(c) A county board of supervisors or, in Placer and El Dorado Counties, a regional transportation agency designated in Section 29532 of the Government Code, may adopt a resolution to pool its county minimum programming with adjacent counties adopting similar resolutions. The resolution shall provide for pooling the county minimum programming in any of the pooling counties for a four-year period and shall be submitted to the commission not later than May 1 immediately preceding the commencement of the four-year period.

(d) For the purposes of this section, ‘‘project costs’’ consist of any of the following:

(1) The amount programmed for right-of-way, adjusted for final estimates in the department’s annual right-of-way plans, including early hardship and protection acquisitions from 1982 or later against the first year in which right-of-way funding is programmed.

(2) The engineer’s final estimate of project costs presented to the commission for approval pursuant to Section 14533 of the Government Code.

(3) Project costs shown in the program, as amended where project allocations have not yet been approved by the commission, escalated to the date of scheduled project delivery.

(4) Any preliminary, environmental, design, or construction engineering costs programmed and allocated by the commission to local agencies.

(e) Project costs shall not be changed to reflect actual right-of-way purchase costs or construction contract

award amounts, or for changes in construction expenditures.

(f) For funding programmed prior to the 1990 State Transportation Improvement Program, all project costs count in the fiscal year from which the commission allocates funding; for funding programmed by the commission in the 1990 State Transportation Improvement Program and subsequently, all project costs count at the original year of commission programming, regardless of subsequent changes in schedule of project delivery. The commission may designate in a program the split funding of projects, with specified amounts or percentages of the project's cost to be assigned to separate years or four-year periods. Nevertheless, additional funding programmed by the commission to cover a cost increase greater than 120 percent of a project's base cost pursuant to paragraph (1) of subdivision (f) of Section 14529 of the Government Code shall be counted in the fiscal year from which the commission programs the additional funding, and any supplemental allocation of funds by commission vote shall be counted in the year that vote occurs.

(g) For the purpose of this section, the population in each county is that determined by the last preceding federal census, or a subsequent census validated by the Population Research Unit of the Department of Finance, at the beginning of each four-year period.

(h) For the purpose of this section, ''state highway miles'' means the miles of state highways open to vehicular traffic at the beginning of each four-year period.

(i) It is the intent of the Legislature that there is to be flexibility in programming under this section and Section 188 so that, while ensuring that each county will receive an equitable share of state dollars, the types of projects selected and the programs from which they are funded may vary from county to county.

SEC. 7. Section 348 of the Streets and Highways Code is amended to read:

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

SEC. 8. Section 438 of the Streets and Highways Code is amended to read:

438. Route 138 is from:

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

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

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

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

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

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

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

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

(2) For purposes of this subdivision, ‘‘offstreet public parking facility’’ means either of the following:

(A) Any publicly owned parking facility.

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

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

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

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

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

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

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

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

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

5002.7. (a) For any county of over 20,000 square miles in area and 2,855 miles of maintained county roads, any member of the county board of supervisors who is regularly issued a county-owned vehicle may apply to the department for regular series license plates for that vehicle, if a request for that issuance is also made by the county board of supervisors. The application and the request shall be in the manner specified by the department.

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

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

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

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

(c) No person shall drive a motor vehicle in or upon any offstreet parking facility, unless the person then holds a valid driver's license of the appropriate class or certification to operate the vehicle. As used in this subdivision, ''offstreet parking facility'' means any offstreet facility held open for use by the public for parking vehicles and includes any publicly owned facilities for offstreet parking, and privately owned

facilities for offstreet parking where no fee is charged for the privilege to park and which are held open for the common public use of retail customers.

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

SEC. 13. Section 12800.5 of the Vehicle Code is amended to read:

12800.5. (a) A license issued after January 1, 1981, shall bear a fullface engraved picture or photograph of the licensee.

(b) A license issued on or after July 1, 1995, including a temporary license issued pursuant to Section 12506, shall bear the following notice: ‘‘This license is issued as a license to drive a motor vehicle ; it does not establish eligibility for employment, voter registration, or public benefits.’’

(c) The department may demand proof of age prior to the issuance of a license.

SEC. 14. Section 12804.14 of the Vehicle Code is amended to read:

12804.14. (a) The department may issue a restricted class A driver’s license for the operation of any two-axle vehicle weighing 4,000 pounds or more unladen when towing a livestock trailer exceeding 10,000 pounds, but not exceeding 15,000 pounds gross vehicle weight rating or gross vehicle weight, if all of the following conditions are met:

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

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

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

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

(b) The requirements of subdivision (a) incorporate the guidelines published by the Federal Highway Administration in the Federal Register on September 26, 1988 (53 FR 37313). The department shall follow those

guidelines in acting pursuant to this section as those guidelines now exist and as they are hereafter amended.

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

SEC. 15. Section 21212 of the Vehicle Code is amended to read:

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

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

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

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

(2) Any charge under this subdivision shall be dismissed when the person charged alleges in court,

under oath, that the charge against the person is the first charge against that person under this subdivision, unless it is otherwise established in court that the charge is not the first charge against the person.

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

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

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

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

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

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

SEC. 16. Section 22651 of the Vehicle Code is amended to read:

22651. Any peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code; or any regularly employed and salaried employee, who is engaged in directing traffic or

enforcing parking laws and regulations, of a city or a county in which a vehicle is located, may remove a vehicle located within the territorial limits in which the officer or employee may act, under any of the following circumstances:

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

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

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

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

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

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

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

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

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

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

(A) Evidence of his or her identity.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 17. Section 22651 of the Vehicle Code is amended to read:

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

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

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

(c) When any vehicle is found upon a highway or any public lands and a report has previously been made that the vehicle has been stolen or a complaint has been filed

and a warrant thereon issued charging that the vehicle has been embezzled.

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

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

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

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

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

(2) When an officer serves a notice of an order of suspension or revocation pursuant to Section 23137.

(i) (1) When any vehicle, other than a rented vehicle, is found upon a highway or any public lands, or is removed pursuant to this code, and it is known to have been issued five or more notices of parking violation, to which the owner or person in control of the vehicle has not responded within 21 calendar days of notice of citation issuance or citation issuance or 14 calendar days of a notice of delinquent parking violation to the agency responsible for processing notices of parking violation or the registered owner of the vehicle is known to have been issued five or more notices for failure to pay or failure to appear in court for traffic violations for which no certificate has been issued by the magistrate or clerk of

the court hearing the case showing that the case has been adjudicated or concerning which the registered owner's record has not been cleared pursuant to Chapter 6 (commencing with Section 41500) of Division 17, the vehicle may be impounded until that person furnishes to the impounding law enforcement agency all of the following:

(A) Evidence of his or her identity.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) As used in this subdivision, ''offstreet parking facility'' means any offstreet facility held open for use by the public for parking vehicles and includes any publicly owned facilities for offstreet parking, and privately owned facilities for offstreet parking where no fee is

charged for the privilege to park and which are held open for the common public use of retail customers.

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

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

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

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

(2) For purposes of this subdivision, a roadside rest area or viewpoint is a publicly maintained vehicle parking area, adjacent to a highway, utilized for the convenient, safe stopping of a vehicle to enable motorists to rest or to view the scenery. If two or more roadside rest areas are located on opposite sides of the highway, or upon the center divider, within seven miles of each other,

then that combination of rest areas is considered to be the same rest area.

SEC. 18. Section 23136 of the Vehicle Code is amended to read:

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

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

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

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

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

SEC. 19. Section 23137 of the Vehicle Code is amended to read:

23137. (a) If a peace officer lawfully detains a person under 21 years of age who is driving a motor vehicle, and the officer has reasonable cause to believe that the person is in violation of Section 23136, the officer

shall request that the person take a preliminary alcohol screening test to determine the presence of alcohol in the person, if a preliminary alcohol screening test device is immediately available. If a preliminary alcohol screening test device is not immediately available, the officer may request the person to submit to chemical testing of his or her blood, breath, or urine, conducted pursuant to Section 23157.

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

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

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

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

(c) For the purposes of this section, a preliminary alcohol screening test device is an instrument designed

and used to measure the presence of alcohol in a person based on a breath sample.

SEC. 20. Section 23158.2 of the Vehicle Code is amended to read:

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

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

(c) For purposes of this section, a report prepared pursuant to subdivision (a) and received pursuant to subdivision (a) of Section 1801, 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.

SEC. 21. Section 25282 is added to the Vehicle Code, to read:

25282. Any vehicle owned or operated by a contractor or a construction company licensed to operate in this state pursuant to the Business and Professions Code may display flashing amber warning lights to the front, sides,

or rear, if the vehicle is engaged in any phase of a construction project performed on a highway, or in the vicinity of a highway, and the vehicle is parked on the highway or moving at a speed lower than the normal flow of traffic. The use of, or absence of, amber warning lights as authorized in this section shall not serve as the basis for any civil action, a defense to civil action, or establish negligence as a matter of law or negligence per se for comparative fault purposes.

SEC. 22. Section 32108 of the Vehicle Code is repealed.

SEC. 23. Section 42205 of the Vehicle Code is amended to read:

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

The Legislature shall appropriate from the State Highway Account in the State Transportation Fund to the department and the Franchise Tax Board amounts equal to the costs incurred by each in performing their duties pursuant to Article 3 (commencing with Section 9400) of Chapter 6 of Division 3. The applicable amounts shall be determined so that the appropriate costs for registration and weight fee collection activities are appropriated between the recipients of revenues in proportion to the revenues received individually by those recipients.

SEC. 24. Section 17 of this bill incorporates amendments to Section 22651 of the Vehicle Code proposed by both this bill and AB 1228. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 1996, but this bill becomes operative first, (2) each bill amends Section 22651 of the Vehicle Code, and (3) this bill is enacted after AB 1228, in which case Section 22651 of the Vehicle Code,

as amended by Section 16 of this bill, shall remain operative only until the operative date of AB 1228, at which time Section 17 of this bill shall become operative.

SEC. 25. *No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.*

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

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

In order to put into effect as quickly as possible certain statutory changes that need to become effective for the orderly administration of transportation and vehicle laws as quickly as possible, it is necessary that this act take effect immediately.

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