

ASSEMBLY BILL

No. 2201

Introduced by Assembly Member House

February 8, 1996

An act to amend Sections 34000 and 34060 of, to repeal Sections 34020, 34061, 34062, 34063, 34100, 34101, and 34101.5 of, to amend and renumber Section 34102 of, and to repeal Article 3 (commencing with Section 34040) of, and Article 6 (commencing with Section 34120) of, Division 14.7 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2201, as introduced, House. Vehicles: cargo tanks: flammable liquids: certification.

Existing law imposes various duties and responsibilities on the Department of the California Highway Patrol and the Commissioner of the California Highway Patrol with regard to the certification and registration of cargo tanks, as defined, used for the transportation of flammable liquids or combustible liquids.

This bill would delete the certification and registration duties imposed on the department and the commissioner with respect to those cargo tanks and would delete certain related functions and requirements.

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

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

1 SECTION 1. Section 34000 of the Vehicle Code is
2 amended to read:

3 34000. It is the intent of the Legislature to provide
4 additional protection to the public and reduce the risk of
5 possible hazards in the highway transportation of
6 flammable and combustible liquids in tank vehicles. It is
7 further the intent of the Legislature that the Department
8 of the California Highway Patrol shall inspect ~~and certify~~
9 cargo tanks, ~~compile the necessary data, and administer~~
10 ~~the program in cooperation with the State Air Resources~~
11 ~~Board for compliance with this code.~~

12 SEC. 2. Section 34020 of the Vehicle Code is repealed.

13 ~~34020. The commissioner may adopt regulations as~~
14 ~~necessary to enforce and administer the provisions of this~~
15 ~~division, including proration of annual fees as necessary~~
16 ~~to implement year-round registration.~~

17 SEC. 3. Article 3 (commencing with Section 34040) of
18 Division 14.7 of the Vehicle Code is repealed.

19 SEC. 4. Section 34060 of the Vehicle Code is amended
20 to read:

21 34060. The commissioner shall provide for the
22 establishment, operation, and enforcement of an
23 inspection service for cargo tanks, and shall designate the
24 duly authorized employees of the department who may
25 inspect cargo tanks to determine whether or not the
26 cargo tanks are designed, constructed, and maintained in
27 accordance with the regulations adopted by the
28 commissioner pursuant to ~~Sections 34019 and 34020~~ *this*
29 *code*, and otherwise comply with this division.

30 SEC. 5. Section 34061 of the Vehicle Code is repealed.

31 ~~34061. The department may, pursuant to Chapter 5~~
32 ~~(commencing with Section 11500) of Part 1 of Division 3~~
33 ~~of Title 2 of the Government Code, suspend or revoke the~~
34 ~~registration of a cargo tank for any of the following~~
35 ~~reasons:~~

36 ~~(a) Failure of the registrant to pay required fees or~~
37 ~~misrepresentation upon application for original or~~
38 ~~renewal registration.~~



1 ~~(b) Failure of the cargo tank to comply with the~~
2 ~~regulations of the commissioner adopted pursuant to this~~
3 ~~division.~~

4 ~~(c) Failure or refusal of the registrant to permit~~
5 ~~inspection of the cargo tank or make available the cargo~~
6 ~~tank for inspection by a duly authorized employee of the~~
7 ~~department upon reasonable notice.~~

8 ~~(d) Violation of any provisions of this division.~~

9 SEC. 6. Section 34062 of the Vehicle Code is repealed.

10 ~~34062. Upon revocation or suspension of the~~
11 ~~registration of a cargo tank, the department may order~~
12 ~~the removal of the certificate of compliance from the~~
13 ~~cargo tank during the period of revocation or suspension.~~
14 ~~The certificate of compliance shall thereupon be~~
15 ~~removed by the registrant pursuant to that order.~~

16 SEC. 7. Section 34063 of the Vehicle Code is repealed.

17 ~~34063. If, upon inspection of any currently registered~~
18 ~~cargo tank, a cargo tank is found to be not in compliance~~
19 ~~with the regulations of the commissioner or the United~~
20 ~~States Department of Transportation or any provision of~~
21 ~~this division, the inspector may immediately remove the~~
22 ~~certificate of compliance from the cargo tank. At the time~~
23 ~~of the removal, the inspector shall deliver to the~~
24 ~~registrant or his or her representative a written notice~~
25 ~~specifying in what particulars the cargo tank does not so~~
26 ~~comply. Within 20 days from the date of the removal of~~
27 ~~the certificate of compliance and the written notice, a~~
28 ~~statement of suspension or revocation of the cargo tank~~
29 ~~registration shall be filed. If within that 20-day period the~~
30 ~~registrant notifies the department and the department is~~
31 ~~satisfied that the cargo tank has been brought into~~
32 ~~compliance, the certificate of compliance may be~~
33 ~~reinstated by issuance of a duplicate thereof. In such~~
34 ~~event, the statement of suspension or revocation may, but~~
35 ~~need not, be filed.~~

36 SEC. 8. Section 34100 of the Vehicle Code is repealed.

37 ~~34100. No person shall drive, move, or leave standing~~
38 ~~any tank vehicle upon any highway unless all cargo tanks~~
39 ~~on such vehicles have been registered, pursuant to this~~



1 ~~division, with the department and the appropriate fees~~
2 ~~have been paid.~~

3 ~~This section does not apply to trucks, trailers,~~
4 ~~semitrailers, vacuum tanks, cargo tanks, or containers~~
5 ~~certified pursuant to Section 25169.1 of the Health and~~
6 ~~Safety Code.~~

7 SEC. 9. Section 34101 of the Vehicle Code is repealed.

8 ~~34101. No tank vehicle shall be operated upon any~~
9 ~~highway in this state unless there is plainly affixed on the~~
10 ~~cargo tank of the tank vehicle a valid certificate of~~
11 ~~compliance label for the cargo tank, as provided in this~~
12 ~~division and the regulations of the commissioner. This~~
13 ~~section does not apply to trucks, trailers, semitrailers,~~
14 ~~vacuum tanks, cargo tanks, or containers certified~~
15 ~~pursuant to Section 25169.1 of the Health and Safety~~
16 ~~Code.~~

17 SEC. 10. Section 34101.5 of the Vehicle Code is
18 repealed.

19 ~~34101.5. (a) It is unlawful for any person, company,~~
20 ~~corporation, or public or private entity to possess or~~
21 ~~display on any cargo tank a certificate of compliance~~
22 ~~sticker unless authorized by the commissioner.~~

23 ~~(b) It is unlawful for any person, company,~~
24 ~~corporation, or public or private entity to manufacture,~~
25 ~~possess, issue, or display on any cargo tank a sticker that~~
26 ~~is a facsimile of, or substantially similar to, the certificate~~
27 ~~of compliance sticker.~~

28 ~~(c) It is unlawful for any person, company,~~
29 ~~corporation, or public or private entity to alter,~~
30 ~~counterfeit, or falsify any certificate of compliance sticker~~
31 ~~issued pursuant to Section 34044, or to transfer a~~
32 ~~certificate of compliance sticker to a tank other than the~~
33 ~~tank to which it was issued by the department.~~

34 ~~(d) Any person convicted of a first violation of this~~
35 ~~section shall be punished by a fine of five hundred dollars~~
36 ~~(\$500).~~

37 ~~(e) Any person convicted of a second or subsequent~~
38 ~~violation of this section shall be punished by a fine of one~~
39 ~~thousand dollars (\$1,000).~~



1 SEC. 11. Section 34102 of the Vehicle Code is
2 amended and renumbered to read:

3 ~~34102.~~

4 *34100.* A violation of ~~any provision of~~ this division or
5 of any regulation adopted by the commissioner pursuant
6 ~~thereto to this division~~ is a misdemeanor. No person shall
7 operate a tank vehicle upon a highway in violation of ~~any~~
8 ~~provision of~~ this division or of any regulation adopted by
9 the commissioner pursuant ~~thereto to this division~~.

10 SEC. 12. Article 6 (commencing with Section 34120)
11 of Division 14.7 of the Vehicle Code is repealed.

O

