

AMENDED IN ASSEMBLY APRIL 18, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 3020

Introduced by Assembly Member Bowler

February 23, 1996

An act to amend Section 1793.23 of the Civil Code, to amend Section 564 of the Code of Civil Procedure, to amend Section 11474 of the Health and Safety Code, to amend Section 20291 of the Public Contract Code, to amend ~~Section 92.3 of Sections 5374 and 21687 of~~, to add Section 5259.5 to, and to add Part 6 (commencing with Section 60000) to Division 10 of, the Public Utilities Code, to amend Sections 92.3, 164.10, 164.11, 164.12, 164.13, 164.14, 164.15, 164.16, and 253.8 of, and to repeal Section 575 of, the Streets and Highways Code, and to amend Sections 22, 23, ~~24, 9953, 11713.6, 21058, and 35550 of~~, and to add Section ~~21655.11 to, the Vehicle Code, relating to transportation.~~ 24, 2503, 3016, 4000.7, 5062, 5064, 9953, 11713.6, 12810, 14908, 21058, 21655.8, 21806, 22651, 23116, 25258, 25279, 26708, 27315, 34501.12, 34505.9, 35550, 40152, and 40225 of, to add Sections 257.5 and 21655.11 to, and to repeal Sections 24011.7 and 25258.1 of, the Vehicle Code, relating to transportation, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 3020, as amended, Bowler. Transportation.

(1) Existing law authorizes the executive director of the Public Utilities Commission to make application to an appropriate superior court for the purpose of stopping or

preventing, by means of mandamus, injunction, or impounding of vehicles, violations or threatened violations by household goods carriers of the law or the orders, decisions, rules, directions, or requirements of the commission.

Existing law authorizes the appointment of a receiver by the superior court at the request of the Public Utilities Commission when the commission determines that a water or sewer system corporation has, among other things, been abandoned by its owners.

Under existing law there is in the State Treasury a Transportation Rate Fund for purposes of, among other things, administering and enforcing the Household Goods Carriers Act.

This bill would require the commission to commence a proceeding in a prescribed superior court to seek relief by way of mandamus, injunction, or appointment of a receiver, whenever it determines that a household goods carrier has abandoned or is abandoning stored household goods or property of any shipper under contract with the carrier, or when the abandonment or threatened abandonment jeopardizes the property or funds of others in the custody or control of the carrier. The bill would authorize the superior court to appoint a receiver or commission staff to identify, take possession of, return, or otherwise preserve and protect the funds or property at issue. The bill would authorize the court to allow the commission to arrange for hiring the appointed receiver in accordance with certain requirements. The bill would require that fees for a receiver be paid from certain fees made available in the Transportation Rate Fund.

(2) The Automotive Consumer Notification Act requires any vehicle manufacturer who reacquires or assists a dealer or lienholder to reacquire a motor vehicle registered in this state, any other state, or a federally administered district, to cause the vehicle to be retitled in the name of the manufacturer, request the Department of Motor Vehicles to inscribe the ownership certificate with the notation "Lemon Law Buyback," and affix a specified decal to the vehicle, prior to any sale, lease, or transfer of the vehicle in this state, or prior to exporting the vehicle to another state for sale, lease, or transfer, if the vehicle was registered in this state and



reacquired pursuant to specified provisions relating to the buyback of specified new motor vehicles and the manufacturer knew or should have known that the vehicle was required by law to be replaced, accepted for restitution due to the failure of the manufacturer to conform the vehicle to specified warranties, or accepted for restitution by the manufacturer due to the failure of the manufacturer to conform the vehicle to warranties required by any other applicable law of the state, any other state, or federal law.

This bill would make a technical, clarifying change in the provision.

(2)

(3) Under existing law, a court order for the destruction of controlled substances, instruments, or paraphernalia may be carried out by a police or sheriff's department or by the Department of Justice.

This bill additionally would authorize the Department of the California Highway Patrol to carry out a court order for the destruction of these items.

(3)

(4) Existing law requires contracts of the Santa Cruz Metropolitan Transit District to be let to the lowest responsible bidder when the expenditure required exceeds \$10,000.

This bill would increase that expenditure limit from \$10,000 to \$50,000.

(4)

(5) *Existing law prohibits a charter party carrier of passengers, except as specified, to engage in specified transportation services without first having obtained a certificate of public convenience and necessity or a permit from the Public Utilities Commission. Existing law requires the commission, before issuing the certificate, to require the applicant to establish reasonable fitness and financial responsibility to initiate and conduct or continue to conduct the proposed or existing transportation services, including meeting specified requirements relating to hours of service, preventative maintenance, safety, and worker's compensation insurance.*



This bill would authorize the commission to delegate to its executive director or that executive director's designee the authority to renew, or authorize the transfer of, charter party carrier permits or certificates and to make findings relating to the requirements specified above.

(6) Existing law requires that, whenever any airport for which payments have been made from the Aeronautics Account or any predecessor fund ceases to be used as an airport open to the general public for a period in excess of one year, the public entity to which those payments were made pay to the state an amount computed by the Controller, and those funds are required to be deposited in the Aeronautics Account.

This bill would require that the amount to be paid as specified above be computed by the Department of Transportation, instead of the Controller.

(7) Existing law establishes various local entities to carry out transportation functions within their respective areas of jurisdiction.

This bill would create the Yolo County Transportation District in Yolo County, prescribe the membership of the district's governing board, and prescribe the functions, powers, and duties of the district.

The district would, among other things, succeed to all of the rights, powers, duties, and obligations of the existing Yolo County Transit Authority, a joint exercise of powers agency.

By requiring the newly created district to perform specified functions, the bill would impose a state-mandated local program.

(8) Existing law requires the Department of Transportation to take certain steps to reduce the use of water for freeway landscaping and to use recycled water for those purposes whenever possible. Existing law requires the department to report to the Legislature, as specified, regarding its compliance with these requirements.

This bill would delete that reporting requirement.

~~(5)~~

(9) Existing law requires the Department of Transportation to have developed a plan to identify projects on which construction can be started not later than June 30,



2000, which will provide the most adequate interregional road system to all economic centers in the state. The projects are required to be on eligible routes identified under specified provisions of existing law.

This bill would change the locations of certain routes identified under the specified provisions.

(10) Existing law establishes the California freeway and expressway system and requires that it be composed of the highways specified in certain provisions of existing law.

This bill would add certain portions of Routes 231, 241, and 261 to the California freeway and expressway system.

(11) Existing law requires that the state highway system consist of the routes described in specified provisions of existing law.

This bill would delete Route 275 from the state highway system.

(12) Existing law requires that whenever a notice is required to be given under the Vehicle Code by a department or any division, officer, or employee, that notice shall be given either by personal delivery to the person to be notified or by mailing the notice, postage prepaid, addressed to the person at the person's address as shown by the records of the Department of Motor Vehicles.

This bill would specify that the provision applies to instances when notice is required to be given by an agent of the department and that the notice may be given by certified mail, return receipt requested. The bill would provide that the giving of notice by the described certified mail is complete when the person signs the receipt and that signed receipt is deposited in the mail for its return to the department.

~~(6)~~

(13) Existing law authorizes the Commissioner of the California Highway Patrol to issue licenses for various services, including privately owned and operated ambulance and armored car services, lamp and brake adjusting stations, commercial motor vehicle inspection and maintenance stations, and hazardous material transportation services. Licenses issued by the commissioner are not transferable, and any change in ownership or control of the licensed activity requires a new license. A change in ownership or control



includes, among other things, the addition or deletion of a partner, transfer of ownership between family members, or a change in corporate status.

This bill would, instead, specify that a change in ownership or control is the transfer of ownership between separate entities or a stock transfer of shares possessing more than 50% of the voting power of the corporation.

(14) Existing law defines a “clean fuel vehicle” as any passenger or commercial vehicle or pickup truck that is fueled by alternative fuels, as defined, and produces emissions that do not exceed specified standards, as defined by regulations of the State Air Resources Board in effect on January 1, 1994, that are applicable to the model year of the vehicle. The specified standards are applicable to vehicles of the 1994 to 2000 model years.

This bill would, additionally, define a clean fuel vehicle as any passenger or commercial vehicle or pickup truck of a 1993 or earlier model year that is fueled by alternative fuels, as defined, and produces emissions that do not exceed the air quality standards promulgated by the State Air Resources Board for the vehicle at the time of the vehicle’s manufacture.

(15) Existing law authorizes any person who owns or leases a clean fuel vehicle, as defined in existing law, and applies for an original or renewal registration of that vehicle, to apply to the Department of Motor Vehicles, through a California nonprofit consortium known as CALSTART, for a set of Blue Sky license plates in lieu of regular license plates.

This bill would extend that authorization to persons who own or lease a clean fuel vehicle as defined by the provision specified above that the bill would add.

The bill would authorize any vehicle owned by the United States government, the state, or any city, county, or political subdivision of the state that is a clean fuel vehicle to be issued Blue Sky license plates displaying a specified distinguishing symbol required under a specified provision of existing law. The department would be authorized to charge a fee for the issuance of the plates authorized under this provision that is sufficient to cover the costs of producing those plates.



The bill would authorize Blue Sky license plates to be issued in a combination of numbers or letters, or both, as requested by the applicant for the plates.

The bill would authorize applicants for Blue Sky license plates to apply to reserve those plates for a clean fuel vehicle to be purchased or leased in the future. The bill would prohibit the department from manufacturing or releasing the reserved plates until the applicant submits proof acceptable to the department that the applicant has purchased or leased a clean fuel vehicle. The department would be authorized to charge a fee for reserving the plates that is sufficient to cover any additional costs of administering the reservation program.

(16) Existing law authorizes CALSTART, from November 1, 1995, until November 1, 1996, to receive 5,000 applications, the number of applications required under existing law to authorize the issuance of the plates. If, after that 12-month period, the requisite number of applications have not been received, CALSTART is required to immediately notify the department and refund to all applicants any fees or deposits that have been collected.

Existing law requires that if, on November 1, 1996, the department has not received the notice specified above from CALSTART or if, on or before that date CALSTART notifies the department that the requisite number of applications have not been received, the department is to provide that information to the Secretary of State. The provision authorizing the Blue Sky license plate program is required to become inoperative upon receipt of that information by the Secretary of State and is to be repealed on January 1, 1997.

This bill would, instead, authorize the application process to commence on January 1, 1997, and would authorize CALSTART until January 1, 1999, to receive the requisite number of applications.

If, on January 1, 1999, the department has not received the notice specified above from CALSTART or if, on or before that date CALSTART notifies the department that the requisite number of applications have not been received, the bill would require the department to provide that information to the Secretary of State. The bill would require the provision authorizing the Blue Sky license plate program to become



inoperative upon receipt of that information by the Secretary of State and to be repealed on January 1, 2000.

(17) Existing law authorizes the Department of Motor Vehicles to issue environmental license plates and a specified special environmental design license plate. The department is required to charge specified fees for specified services relating to those plates.

This bill would require the department to charge \$65 for the conversion of an existing environmental license plate to the specified special environmental design license plate.

(18) Existing law prohibits a person from operating any motor vehicle, trailer, or semitrailer upon a highway without tire traction devices when that highway is signed for the requirement of tire traction devices.

Existing law requires vehicle manufacturers and dealers to disclose specified information regarding tire chains.

This bill would require those disclosures to include information regarding tire traction devices, rather than only tire chains.

(19) Existing law requires that any person whose driving record shows a specified violation point count within a specified period to be prima facie presumed to be a negligent operator of a motor vehicle. For purposes of that provision, any conviction of a violation of specified provisions, relating to driving with a suspended or revoked license, is assigned a violation point count of 2.

This bill would, additionally, assign a violation point count of 2 to any conviction of a violation of a specified provision relating to driving a vehicle with a driver's license that has been administratively suspended or revoked by the Department of Motor Vehicles under specified provisions or driving in violation of restrictions imposed by the department under specified provisions.

(20) Existing law authorizes local authorities and the Department of Transportation to establish exclusive or preferential use of highway lanes for high-occupancy vehicles.

This bill would allow motor vehicles operated by licensed physicians, under described emergency situations, to use those lanes reserved for high-occupancy vehicles.

(8)



(21) Existing law requires that, upon the immediate approach of an authorized emergency vehicle that is sounding a siren and that has at least one lighted lamp exhibiting red light that is visible, under normal atmospheric conditions, from a distance of 1,000 feet to the front of the vehicle, the driver of every other vehicle yield the right-of-way and immediately drive to the right-hand edge or curb of the highway, clear of any intersection, and thereupon stop and remain stopped until the authorized emergency vehicle has passed.

This bill would require a person driving a vehicle in an exclusive or preferential use lane to exit that lane immediately upon determining that the exit can be accomplished with reasonable safety, upon the approach of an authorized emergency vehicle displaying a red light or siren, as specified.

(22) Existing law prohibits any person driving a pickup truck or a flatbed motortruck on a highway from transporting any person in or on the back of the truck. Existing law also prohibits any person from riding in or on the back of a truck or flatbed motortruck being driven on a highway. Those prohibitions do not apply if the person in the back of the truck is secured with a restraint system that meets or exceeds specified federal motor vehicle safety standards or if the person in the back of the truck is being transported in an enclosed camper or camper shell that prevents the person from being discharged.

This bill would, instead, make those prohibitions inapplicable if the person in the back of the truck is secured with a restraint system in the same manner as required for persons in the passenger compartment of the truck under specified provisions.

(23) Existing law authorizes the display of a steady flashing blue warning light visible from the front, sides, or rear of an authorized emergency vehicle when used by designated peace officers.

This bill would authorize the display of those blue warning lights on an authorized emergency vehicle used by a railroad police officer, as specified.

(24) Existing law authorizes the Sergeant-at-Arms of each house of the Legislature to use specified flashing lights only



when operating an authorized emergency vehicle under specified conditions, if the primary duty of the peace officer is the enforcement of the law in or about properties owned, operated, or administered by the employing agency or when performing duties with respect to patrons, employees, and properties of the employing agency.

This bill would repeal the provision imposing the specified conditions for using specified flashing lights in the operation of the authorized emergency vehicle by the Sergeant-at-Arms.

(25) Existing law authorizes vehicles owned and operated by private security agencies and utilized exclusively on specified privately owned and maintained roads to display flashing amber warning lights to the front, sides, or rear, while being operated in response to emergency calls for the immediate preservation of life or property.

This bill would authorize those vehicles to be equipped with a flashing amber warning light system while the vehicle is operated on a highway, if the vehicle is in compliance with a specified provision relating to special markings for police vehicles and the vehicle is distinctively marked in a specified manner.

The bill would prohibit the flashing amber warning light system specified above from being activated while the vehicle is on the highway, unless otherwise directed by a peace officer, as defined. Because a violation of this provision would be an infraction, the bill would impose a state-mandated local program by creating a new crime.

The bill would authorize a peace officer to order that the flashing amber warning light system of a vehicle that is found to be in violation of these provisions to be immediately removed at the place of business of the vehicle's owner or a garage.

The bill would prohibit a flashing amber warning light system from being installed on a vehicle that has been found to be in violation of these provisions, unless written authorization is obtained from the Commissioner of the California Highway Patrol. Because a violation of this provision would be an infraction, the bill would impose a state-mandated local program by creating a new crime.



The bill would authorize the vehicle to be removed from the highway when a peace officer issues a notice to appear for a violation of these provisions.

(26) Existing law prohibits any person from driving a motor vehicle with any object or material placed, displayed, installed, affixed, or applied upon the windshield or side or rear windows, except as specified.

This bill would exempt from that provision electronic communication devices that provide the capability for enforcement facilities of the Department of the California Highway Patrol to communicate with the vehicle, if the device is affixed to the upper-most center portion of the interior of the windshield within an area of not more than 5 inches by 5 inches.

(27) Existing law prohibits any person from operating a private passenger motor vehicle on a highway unless that person and all passengers 16 years of age or over are properly restrained by a safety belt. Existing law provides that this provision is not applicable to a peace officer, as defined, when in an authorized emergency vehicle as defined, or to any passenger in any seat behind the front seat of an authorized emergency vehicle operated by the peace officer, unless required by the agency employing the peace officer.

The bill would, instead, provide that the provision is not applicable to a public employee, under the circumstances specified above.

(28) Existing law requires the Department of the California Highway Patrol to inspect at least every 25 months every terminal of any motor carrier who operates specified commercial motor vehicles. The department is authorized to award a specified certificate and conduct an administrative review in lieu of the next required inspection when the terminal has been assigned 2 or more consecutive satisfactory compliance ratings under the 25-month inspections. Ocean marine terminals, as defined, are authorized to conduct an intermodal roadability inspection program, as described, in lieu of a required 90-day safety inspection if the terminal has been assigned 2 or more consecutive satisfactory compliance ratings under the 25-month inspection specified above.



This bill would prohibit the award of the certificate specified above and the in-lieu inspections specified above if the terminal has received an unsatisfactory compliance rating as a result of any inspection conducted in the interim between the 2 consecutive 25-month inspections specified above.

(29) Existing law prohibits the gross weight upon any one wheel, or wheels, supporting one end of an axle from exceeding 10,500 pounds, except that the gross weight imposed upon the highway by the wheels on any front steering axle of a motor vehicle shall not exceed 12,500 pounds. Existing law exempts specified vehicles from the front axle weight limit.

This bill would delete the front steering axle's 12,500 pound limit, would delete the exemptions from that limit, and would establish a maximum wheel load limit as the lesser of the road load limit set by the American Tire and Rim Association, as specified, or 600 pounds per lateral inch of tire width for all axles, except for the steering axle. To the extent that this latter provision would create a new crime, the bill would impose a state-mandated local program.

~~(9) 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.~~

(30) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.*

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state,



reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

Vote: ~~majority~~ ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Section 1793.23 of the Civil Code is
2 amended to read:

3 1793.23. (a) The Legislature finds and declares all of
4 the following:

5 (1) That the expansion of state warranty laws covering
6 new and used cars has given important and valuable
7 protection to consumers.

8 (2) That, in states without this valuable warranty
9 protection, used and irreparable motor vehicles are
10 being resold in the marketplace without notice to the
11 subsequent purchaser.

12 (3) That other states have addressed this problem by
13 requiring notices on the title of these vehicles or other
14 notice procedures to warn consumers that the motor
15 vehicles were repurchased by a dealer or manufacturer
16 because the vehicle could not be repaired in a reasonable
17 length of time or a reasonable number of repair attempts
18 or the dealer or manufacturer was not willing to repair
19 the vehicle.

20 (4) That these notices serve the interests of consumers
21 who have a right to information relevant to their buying
22 decisions.

23 (5) That the disappearance of these notices upon the
24 transfer of title from another state to this state encourages
25 the transport of “lemons” to this state for sale to the
26 drivers of this state.

27 (b) This section and Section 1793.24 shall be known,
28 and may be cited as, the Automotive Consumer
29 Notification Act.

30 (c) Any manufacturer who reacquires or assists a
31 dealer or lienholder to reacquire a motor vehicle



1 registered in this state, any other state, or a federally
 2 administered district shall, prior to any sale, lease, or
 3 transfer of the vehicle in this state, or prior to exporting
 4 the vehicle to another state for sale, lease, or transfer, if
 5 the vehicle was registered in this state and reacquired
 6 pursuant to paragraph (2) of subdivision (d) of Section
 7 1793.2, cause the vehicle to be retitled in the name of the
 8 manufacturer, request the Department of Motor
 9 Vehicles to inscribe the ownership certificate with the
 10 notation "Lemon Law Buyback," and affix a decal to the
 11 vehicle in accordance with Section 11713.12 of the
 12 Vehicle Code if the manufacturer knew or should have
 13 known that the vehicle is required by law to be replaced,
 14 accepted for restitution due to the failure of the
 15 manufacturer to conform the vehicle to applicable
 16 warranties pursuant to paragraph (2) of subdivision (d)
 17 of Section 1793.2, or accepted for restitution by the
 18 manufacturer due to the failure of the manufacturer to
 19 conform the vehicle to warranties required by any other
 20 applicable law of the state, any other state, or federal law.

21 (d) Any manufacturer who reacquires or assists a
 22 dealer or lienholder to reacquire a motor vehicle in
 23 response to a request by the buyer or lessee that the
 24 vehicle be either replaced or accepted for restitution
 25 because the vehicle did not conform to express warranties
 26 shall, prior to the sale, lease, or other transfer of the
 27 vehicle, execute and deliver to the subsequent transferee
 28 a notice and obtain the transferee's written
 29 acknowledgment of a notice, as prescribed by Section
 30 1793.24.

31 (e) Any person, including any dealer, who acquires a
 32 motor vehicle for resale and knows or should have known
 33 that the vehicle was reacquired by the vehicle's
 34 manufacturer in response to a request by the last retail
 35 owner or lessee of the vehicle that it be replaced or
 36 accepted for restitution because the vehicle did not
 37 conform to express warranties shall, prior to the sale,
 38 lease, or other transfer, execute and deliver to the
 39 subsequent transferee a notice and obtain the transferee's



1 written acknowledgment of a notice, as prescribed by
2 Section 1793.24.

3 (f) Any person, including any manufacturer or dealer,
4 who sells, leases, or transfers ownership of a motor vehicle
5 when the vehicle's ownership certificate is inscribed with
6 the notation "Lemon Law Buyback" shall, prior to the
7 sale, lease, or ownership transfer of the vehicle, provide
8 the transferee with a disclosure statement signed by the
9 transferee that states:

10

11 "THIS VEHICLE WAS REPURCHASED BY ITS
12 MANUFACTURER DUE TO A DEFECT IN THE
13 VEHICLE PURSUANT TO CONSUMER WARRANTY
14 LAWS. THE TITLE TO THIS VEHICLE HAS BEEN
15 PERMANENTLY BRANDED WITH THE NOTATION
16 'LEMON LAW BUYBACK'."

17

18 (g) The disclosure requirements in subdivisions (d),
19 (e), and (f) are cumulative with all other consumer
20 notice requirements and do not relieve any person,
21 including any dealer or manufacturer, from complying
22 with any other applicable law, including any requirement
23 of subdivision (f) of Section 1793.22.

24 (h) For purposes of this section, "dealer" means any
25 person engaged in the business of selling, offering for sale,
26 or negotiating the retail sale of, a used motor vehicle or
27 selling motor vehicles as a broker or agent for another,
28 including the officers, agents, and employees of the
29 person and any combination or association of dealers.

30 SEC. 2. *Section 564 of the Code of Civil Procedure is*
31 *amended to read:*

32 564. (a) A receiver may be appointed, in the manner
33 provided in this chapter, by the court in which an action
34 or proceeding is pending in any case in which the court
35 is empowered by law to appoint a receiver.

36 (b) In superior court a receiver may be appointed by
37 the court in which an action or proceeding is pending, or
38 by a judge thereof, in the following cases:

39 (1) In an action by a vendor to vacate a fraudulent
40 purchase of property, or by a creditor to subject any



1 property or fund to the creditor's claim, or between
2 partners or others jointly owning or interested in any
3 property or fund, on the application of the plaintiff, or of
4 any party whose right to or interest in the property or
5 fund, or the proceeds thereof, is probable, and where it
6 is shown that the property or fund is in danger of being
7 lost, removed, or materially injured.

8 (2) In an action by a secured lender for the foreclosure
9 of the deed of trust or mortgage and sale of the property
10 upon which there is a lien under a deed of trust or
11 mortgage, where it appears that the property is in danger
12 of being lost, removed, or materially injured, or that the
13 condition of the deed of trust or mortgage has not been
14 performed, and that the property is probably insufficient
15 to discharge the deed of trust or mortgage debt.

16 (3) After judgment, to carry the judgment into effect.

17 (4) After judgment, to dispose of the property
18 according to the judgment, or to preserve it during the
19 pendency of an appeal, or pursuant to Title 9
20 (commencing with Section 680.010) (enforcement of
21 judgments), or after sale of real property pursuant to a
22 decree of foreclosure, during the redemption period, to
23 collect, expend, and disburse rents as directed by the
24 court or otherwise provided by law.

25 (5) In the cases when a corporation has been dissolved,
26 or is insolvent, or in imminent danger of insolvency, or
27 has forfeited its corporate rights.

28 (6) In an action of unlawful detainer.

29 (7) At the request of the Public Utilities Commission
30 pursuant to ~~Section 855~~ *Sections 855 and 5259.5* of the
31 Public Utilities Code.

32 (8) In all other cases where receivers have heretofore
33 been appointed by the usages of courts of equity.

34 (9) At the request of the Office of Statewide Health
35 Planning and Development, or the Attorney General,
36 pursuant to Section 436.222 of the Health and Safety
37 Code.

38 (10) In an action by a secured lender for specific
39 performance of an assignment of rents provision in a deed
40 of trust, mortgage, or separate assignment document. In



1 addition, that appointment may be continued after entry
2 of a judgment for specific performance in that action, if
3 appropriate to protect, operate, or maintain real property
4 encumbered by the deed of trust or mortgage or to collect
5 the rents therefrom while a pending nonjudicial
6 foreclosure under power of sale in the deed of trust or
7 mortgage is being completed.

8 (c) A receiver may be appointed, in the manner
9 provided in this chapter, including, but not limited to,
10 Section 566, by the superior court in an action brought by
11 a secured lender to enforce the rights provided in Section
12 2929.5 of the Civil Code, to enable the secured lender to
13 enter and inspect the real property security for the
14 purpose of determining the existence, location, nature,
15 and magnitude of any past or present release or
16 threatened release of any hazardous substance into, onto,
17 beneath, or from the real property security. The secured
18 lender shall not abuse the right of entry and inspection or
19 use it to harass the borrower or tenant of the property.
20 Except in case of an emergency, when the borrower or
21 tenant of the property has abandoned the premises, or if
22 it is impracticable to do so, the secured lender shall give
23 the borrower or tenant of the property reasonable notice
24 of the secured lender's intent to enter and shall enter only
25 during the borrower's or tenant's normal business hours.
26 Twenty-four hours' notice shall be presumed to be
27 reasonable notice in the absence of evidence to the
28 contrary.

29 (d) Any action by a secured lender to appoint a
30 receiver pursuant to this section shall not constitute an
31 action within the meaning of subdivision (a) of Section
32 726.

33 (e) For purposes of this section:

34 (1) "Borrower" means the trustor under a deed of
35 trust, or a mortgagor under a mortgage, where the deed
36 of trust or mortgage encumbers real property security
37 and secures the performance of the trustor or mortgagor
38 under a loan, extension of credit, guaranty, or other
39 obligation. The term includes any successor-in-interest of
40 the trustor or mortgagor to the real property security



1 before the deed of trust or mortgage has been discharged,
2 reconveyed, or foreclosed upon.

3 (2) “Hazardous substance” means (A) any “hazardous
4 substance” as defined in subdivision (f) of Section 25281
5 of the Health and Safety Code as effective on January 1,
6 1991, or as subsequently amended, (B) any “waste” as
7 defined in subdivision (d) of Section 13050 of the Water
8 Code as effective on January 1, 1991, or as subsequently
9 amended, or (C) petroleum, including crude oil or any
10 fraction thereof, natural gas, natural gas liquids, liquefied
11 natural gas, or synthetic gas usable for fuel, or any mixture
12 thereof.

13 (3) “Real property security” means any real property
14 and improvements, other than a separate interest and
15 any related interest in the common area of a residential
16 common interest development, as the terms “separate
17 interest,” “common area,” and “common interest
18 development” are defined in Section 1351 of the Civil
19 Code, or real property consisting of one acre or less which
20 contains 1 to 15 dwelling units.

21 (4) “Release” means any spilling, leaking, pumping,
22 pouring, emitting, emptying, discharging, injecting,
23 escaping, leaching, dumping, or disposing into the
24 environment, including continuing migration, of
25 hazardous substances into, onto, or through soil, surface
26 water, or groundwater.

27 (5) “Secured lender” means the beneficiary under a
28 deed of trust against the real property security, or the
29 mortgagee under a mortgage against the real property
30 security, and any successor-in-interest of the beneficiary
31 or mortgagee to the deed of trust or mortgage.

32 *SEC. 3.* Section 11474 of the Health and Safety Code
33 is amended to read:

34 11474. A court order for the destruction of controlled
35 substances, instruments, or paraphernalia pursuant to the
36 provisions of Section 11473 or 11473.5 may be carried out
37 by a police or sheriff’s department, the Department of
38 Justice, or the Department of the California Highway
39 Patrol. The court order shall specify the agency
40 responsible for the destruction. Controlled substances,



1 instruments, or paraphernalia not in the possession of the
2 designated agency at the time the order of the court is
3 issued shall be delivered to the designated agency for
4 destruction in compliance with the order.

5 ~~SEC. 3.—~~

6 *SEC. 4.* Section 20291 of the Public Contract Code is
7 amended to read:

8 20291. The purchase of all supplies, equipment, and
9 materials, and construction of facilities and works, when
10 the expenditure required exceeds fifty thousand dollars
11 (\$50,000), shall be by contract let to the lowest
12 responsible bidder. Notice requesting bids shall be
13 published at least once in a newspaper of general
14 circulation, which publication shall be made at least 10
15 days before bids are received. The board may reject any
16 and all bids and readvertise in its discretion.

17 ~~SEC. 4.—~~

18 *SEC. 5.* *Section 5259.5 is added to the Public Utilities*
19 *Code, to read:*

20 5259.5. (a) *Whenever the commission determines*
21 *that any household goods carrier or any officer, director,*
22 *or agent of any household goods carrier has abandoned,*
23 *or is abandoning stored household goods or property of*
24 *any shippers under contract with the carrier or carriers,*
25 *it may commence a proceeding in superior court for the*
26 *purpose of having the court appoint either a receiver or*
27 *commission staff to identify the stored items of property,*
28 *to take possession of the property, and to arrange the*
29 *return of the property to its owners in accordance with*
30 *the orders of the court and with regard for the protection*
31 *of all property rights involved.*

32 (b) *The proceeding shall be brought in the superior*
33 *court in and for the county, or city and county, in which*
34 *the cause or some part thereof arose, or in which the*
35 *person or corporation complained of has its principal*
36 *place of business, or in which the person complained of*
37 *resides. The commission shall commence the proceeding*
38 *in the name of the people of the State of California, by*
39 *petition to the superior court, alleging the facts and*
40 *circumstances involved and praying for appropriate*



1 relief by way of mandamus, or injunction, or the
2 appointment of a receiver, and authorizing the
3 commission to arrange for the hiring of a receiver who
4 shall be required to comply with the requirements of
5 Sections 566, 567, and 568 of the Code of Civil Procedure.

6 (c) The court may also appoint a receiver to manage
7 the business of the household goods carrier or carriers and
8 return property to its owner or owners upon a showing by
9 the commission satisfactory to the court that the
10 abandonment or threatened abandonment by the carrier
11 jeopardizes property or funds of others in the custody or
12 under the control of the carrier. The court may make any
13 other order that it finds appropriate to protect and
14 preserve those funds or property.

15 (d) In the event a receiver is appointed by the court
16 and the commission is responsible for contracting for a
17 receiver to carry out the duties authorized by this section,
18 the commission may contract on an emergency basis with
19 a qualified person or corporation to serve as receiver
20 under the conditions and guidelines set by the court. The
21 contract for the receiver services may be executed by the
22 commission on an expedited basis and without
23 compliance with the requirements of Sections 11042 and
24 14615 of the Government Code and Sections 10295 and
25 10318 of the Public Contract Code. The receiver shall be
26 paid from the fees collected pursuant to Section 5003.2.

27 SEC. 6. Section 5374 of the Public Utilities Code is
28 amended to read:

29 5374. (a) Before a permit is issued or renewed, the
30 commission shall require the applicant to establish
31 reasonable fitness and financial responsibility to initiate
32 and conduct or continue to conduct the proposed or
33 existing transportation services. The commission shall not
34 issue or renew a permit pursuant to this chapter unless
35 the applicant meets both of the following requirements:

36 (1) It certifies on a form acceptable to the commission
37 that the applicant will maintain its vehicles in a safe
38 operating condition and in compliance with the Vehicle
39 Code and with regulations contained in Title 13 of the



1 California Code of Regulations relative to motor vehicle
2 safety.

3 (2) It provides for a mandatory controlled substance
4 and alcohol testing certification program as adopted by
5 the commission pursuant to Section 1032.1.

6 (b) (1) Before a certificate is issued or renewed, the
7 commission shall require the applicant to establish
8 reasonable fitness and financial responsibility to initiate
9 and conduct or continue to conduct the proposed or
10 existing transportation services. The commission shall not
11 issue or renew a certificate pursuant to this chapter unless
12 the applicant meets all of the following requirements:

13 (A) It is financially and organizationally capable of
14 conducting an operation that complies with the rules and
15 regulations of the Department of the California Highway
16 Patrol governing highway safety.

17 (B) It is committed to observing the hours of service
18 regulations of state and, where applicable, federal law, for
19 all persons, whether employees or subcarriers, operating
20 vehicles in transportation for compensation under the
21 certificate.

22 (C) It has a preventive maintenance program in effect
23 for its vehicles used in transportation for compensation
24 that conforms to regulations of the Department of the
25 California Highway Patrol in Title 13 of the California
26 Code of Regulations.

27 (D) It participates in a program to regularly check the
28 driving records of all persons, whether employees or
29 subcarriers, operating vehicles used in transportation for
30 compensation requiring a class B driver's license under
31 the certificate.

32 (E) It has a safety education and training program in
33 effect for all employees or subcarriers operating vehicles
34 used in transportation for compensation.

35 (F) It will maintain its vehicles used in transportation
36 for compensation in a safe operating condition and in
37 compliance with the Vehicle Code and with regulations
38 contained in Title 13 of the California Code of Regulations
39 relative to motor vehicle safety.



1 (G) It has filed with the commission the certificate of
2 workers' compensation insurance coverage or statement
3 required by Section 5378.1.

4 (H) It has provided the commission an address of an
5 office or terminal where documents supporting the
6 factual matters specified in the showing required by this
7 subdivision may be inspected by the commission and the
8 Department of the California Highway Patrol.

9 (I) It provides for a mandatory controlled substance
10 and alcohol testing certification program as adopted by
11 the commission pursuant to Section 1032.1.

12 (2) With respect to subparagraphs (B) and (F) of
13 paragraph (1), the commission may base a finding on a
14 certification by the commission that an applicant has
15 filed, with the commission, a sworn declaration of ability
16 to comply and intent to comply.

17 (c) In addition to the requirements in subdivision (b),
18 class A and class B charter-party carriers shall meet all
19 other state and, where applicable, federal regulations as
20 prescribed.

21 *(d) The commission may delegate to its executive*
22 *director or that executive director's designee the*
23 *authority to renew, or authorize the transfer of, charter*
24 *party carrier permits or certificates and to make the*
25 *findings specified in subdivision (b) that are necessary to*
26 *that delegated authority.*

27 *SEC. 7. Section 21687 of the Public Utilities Code is*
28 *amended to read:*

29 21687. (a) Whenever any airport, for which
30 payments have been made from the Aeronautics Account
31 or any predecessor fund, ceases to be used as an airport
32 open to the general public for a period in excess of one
33 year, the public entity to which ~~such~~ those payments
34 were made shall pay to the state, ~~which payments shall be~~
35 ~~deposited in the Aeronautics Account,~~ an amount
36 computed by the ~~Controller~~ department, and those funds
37 shall be deposited in the Aeronautics Account. The
38 amount shall equal the total of all payments made for ~~such~~
39 the airport from the Aeronautics Account during the
40 preceding 20 years less 5 percent of the amount of a



1 particular payment multiplied by the number of years
2 since the payment was made, or the unused balance,
3 whichever is greater. This section ~~shall not be applicable~~
4 *does not apply* to an airport that is replaced by a
5 comparable facility, as determined by the department,
6 within a period of one year.

7 (b) This section ~~shall~~ *does* not apply in the case of an
8 airport for which the department ~~has~~, on or after January
9 1, 1981, *has* suspended the airport permit and for which
10 payments made pursuant to this article are being
11 expended to correct the deficiency or condition which
12 resulted in the suspension of the airport’s permit.

13 SEC. 8. Part 6 (commencing with Section 60000) is
14 added to Division 10 of the Public Utilities Code, to read:

15
16 PART 6. YOLO COUNTY TRANSPORTATION
17 DISTRICT
18

19 60000. *This part shall be known and may be cited as*
20 *the Yolo County Transportation District Act.*

21 60002. *As used in this part, the following terms have*
22 *the following meanings:*

23 (a) “Authority” means the Yolo County Transit
24 Authority, a joint exercise of powers agency.

25 (b) “Board of directors” means the Board of Directors
26 of the Yolo County Transportation District.

27 (c) “Board of supervisors” means the Yolo County
28 Board of Supervisors.

29 (d) “County” means the County of Yolo.

30 (e) “District” means the Yolo County Transportation
31 District created by Section 60004.

32 60004. *There is hereby created the Yolo County*
33 *Transportation District. The jurisdiction of the district*
34 *extends throughout the county, including all of the*
35 *incorporated and unincorporated territory.*

36 60006. *On and after July 1, 1997, the authority is*
37 *dissolved and the district succeeds to, and is vested with,*
38 *all of the rights, powers, duties, and obligations of the*
39 *authority. The district is the successor to the authority’s*
40 *interests in any property, its rights and obligations under*



1 any contract, any outstanding indebtedness of the
 2 authority, and its rights under any grants, without the
 3 necessity of any further action.

4 60008. (a) The district shall be governed by a
 5 five-member board of directors representing the county
 6 and cities in the county, appointed as follows:

7 (1) One member representing the County of Yolo,
 8 appointed by the board of supervisors.

9 (2) One member representing the City of Davis,
 10 appointed by the city council of that city.

11 (3) One member representing the City of West
 12 Sacramento, appointed by the city council of that city.

13 (4) One member representing the City of Woodland,
 14 appointed by the city council of that city.

15 (5) One member representing the City of Winters,
 16 appointed by the city council of that city.

17 (b) The appointing authority for each regular
 18 member shall also appoint an alternate member who shall
 19 serve only in the regular member's absence.

20 (c) A person appointed by the University of California
 21 at Davis, who shall serve as a nonvoting *ex officio*
 22 member.

23 (d) A person appointed by the Department of
 24 Transportation, who shall serve as a nonvoting *ex officio*
 25 member.

26 60010. Upon dissolution of the authority, employees of
 27 the authority shall be deemed to be employees of the
 28 district without any break in service nor any loss or
 29 reduction of compensation or benefits, except as may be
 30 imposed by express action of the district governing board.

31 60012. (a) The district shall assume the duties of
 32 public transit provider performed by the authority. On
 33 and after July 1, 1997, the Cities of West Sacramento,
 34 Davis, Woodland, and Winters are included within the
 35 district and shall not thereafter be included in the
 36 jurisdiction of the Sacramento Regional Transit District.

37 (b) Additionally, the district is deemed to be each of
 38 the following agencies, with all of the powers and duties
 39 attendant thereto:



1 (1) *The consolidated transportation services agency*
2 *for the county.*

3 (2) *The congestion management agency for the*
4 *county.*

5 60014. *The district, at its first meeting, and thereafter*
6 *annually at the meeting designated by the district, shall*
7 *elect a chairperson who shall preside at all meetings, and*
8 *a vice chairperson who shall preside in the absence of the*
9 *chairperson. In the event of their absence or inability to*
10 *act, the members present, by an order entered in the*
11 *minutes, shall select one of their members to act as*
12 *chairperson pro tempore, who, while so acting, shall have*
13 *all the authority of the chairperson.*

14 60016. *The district shall adopt rules for its proceedings*
15 *consistent with the laws of the state.*

16 60018. *A majority of the members of the district*
17 *constitutes a quorum for the transaction of business, and*
18 *all official acts of the district requires the affirmative vote*
19 *of a majority of the members of the district.*

20 60020. *The acts of the district shall be expressed by*
21 *motion, resolution, or ordinance.*

22 60022. *All meetings of the district shall be conducted*
23 *pursuant to Chapter 9 (commencing with Section 54950)*
24 *of Part 1 of Division 2 of Title 5 of the Government Code.*

25 60024. *The district shall do all the following:*

26 (a) *Adopt an annual budget.*

27 (b) *Adopt an administrative code, by ordinance,*
28 *which prescribes the powers and duties of the district*
29 *officers, the method of appointment of the district*
30 *employees, and methods, procedures, and systems of*
31 *operation and management of the district.*

32 (c) *Cause a postaudit of the financial transactions and*
33 *records of the district to be made at least annually by a*
34 *certified public accountant.*

35 (d) *Do any and all things necessary to carry out the*
36 *purposes of this part.*

37 60026. (a) *The district may hire an independent staff*
38 *of its own or contract with any department or agency of*
39 *the United States or with any public agency to implement*
40 *this part.*



1 (b) The district may contract with private entities in
2 conformance with applicable procurement procedures
3 for the procurement of engineering, project
4 management, and contract management services.

5 (c) The district shall rely, to the extent possible, on
6 existing state, regional, and local transportation planning
7 and programming data and expertise, rather than on a
8 large duplicative staff and set of plans.

9 60028. The authority shall fix the compensation of its
10 officers and employees.

11 60030. (a) Notice of the time and place of a public
12 hearing on the adoption of the annual budget shall be
13 published pursuant to Section 6061 of the Government
14 Code not later than the 15th day prior to the day of the
15 hearing.

16 (b) The proposed annual budget shall be available for
17 public inspection at least 15 days prior to the hearing.

18 60032. The district may sue and be sued, except as
19 otherwise provided by law, in all actions and proceedings,
20 in all courts and tribunals of competent jurisdiction.

21 60034. All claims for money or damages against the
22 district are governed by Division 3.6 (commencing with
23 Section 810) of Title 1 of the Government Code, except
24 as provided therein, or by other statutes or regulations
25 expressly applicable thereto.

26 60036. The district may make contracts and enter into
27 stipulations of any nature whatsoever, either in
28 connection with eminent domain proceedings or
29 otherwise, including, but not limited to, contracts and
30 stipulations to indemnify and hold harmless, to employ
31 labor, and to do all acts necessary and convenient for the
32 full exercise of the powers granted in this part.

33 60038. The district may contract with any department
34 or agency of the United States, with any public agency,
35 including, but not limited to, the Department of
36 Transportation, any county, city, or district, or with any
37 person or a private entity upon any terms and conditions
38 that the district finds in its best interest for the
39 procurement of engineering, project management, and
40 contract management services.



1 60040. (a) Contracts for the purchase of services,
2 supplies, equipment, and materials in excess of ten
3 thousand dollars (\$10,000) shall be awarded to the lowest
4 responsible bidder after competitive bidding, except in
5 an emergency declared by the district or by an executive
6 committee to which the district has delegated
7 responsibility to make that declaration.

8 (b) If, after rejecting bids received under subdivision
9 (a), the district determines and declares that, in its
10 opinion, the services, supplies, equipment, or materials
11 may be purchased at a lower price on the open market,
12 the district may proceed to purchase these services,
13 supplies, equipment, or materials in the open market
14 without further observance of the provisions regarding
15 contracts, bids, or advertisements.

16 60042. The district has no authority to impose
17 property, sales, or special taxes, but may propose the
18 imposition of those taxes as a general ballot measure.

19 60044. If approved as required by law, the district may
20 impose and administer taxes, assessments, fees, and other
21 funding sources secured for transportation system
22 maintenance and improvement.

23 60046. The district may not exercise any authority
24 over the land use decisions of a local governmental
25 agency.

26 60048. The district shall include in its bylaws a process
27 for assuring that member jurisdictions of the district may
28 reasonably determine to what extent their share of
29 Mills-Alquist-Deddeh Act funds and other local revenue
30 sources existing prior to the district's formation are
31 allocated. Each member jurisdiction shall be financially
32 responsible for its share of obligations incurred by the
33 district on that member jurisdiction's behalf. The
34 district's bylaws shall include a budget conflict resolution
35 process.

36 60050. The district may advocate and act on behalf of
37 all Yolo County transportation agencies to further Yolo
38 County transportation system interests, funding,
39 projects, and priorities.



1 60052. *The district shall act as a countywide forum for*
2 *the coordination of transportation system planning,*
3 *programming, and prioritization of significant projects.*

4 60054. *The district may promulgate a plan for funding*
5 *transportation projects within its jurisdiction.*

6 60056. *The board of directors shall adopt priorities*
7 *reflecting the district's goals, including exploring being*
8 *designated the federal Designated Recipient for Yolo*
9 *County, exploring additional transportation funding*
10 *sources, examining the feasibility of Yolo County*
11 *becoming a self-help county, and examining possible*
12 *agency consolidations within Yolo County.*

13 60058. *The district bylaws shall establish an advisory*
14 *committee structure, including a Technical Advisory*
15 *Committee and a Citizen's Advisory Committee, and*
16 *shall establish a process for appealing decisions of the*
17 *board of directors.*

18 60060. *Transportation funding and project*
19 *prioritization decisions made by the board of directors*
20 *shall endeavor to be mode neutral, and not biased in favor*
21 *of any one transportation mode. Those decisions shall*
22 *take into account the needs of the local jurisdictions and*
23 *the overall county needs relative to streets, roads, transit,*
24 *pedestrian, bicycle, telecommuting, and other*
25 *alternative transportation mode projects, shall consider*
26 *the movement of information and freight as well as*
27 *people, and shall attempt to balance all transportation*
28 *choices in order to most effectively utilize limited*
29 *funding sources to the best advantage of Yolo County*
30 *residents and in the region.*

31 60062. *The district shall act as the clearinghouse for all*
32 *state and federal funding applications where appropriate.*

33 SEC. 9. Section 92.3 of the Streets and Highways Code
34 is amended to read:

35 92.3. (a) The department shall do both of the
36 following:

37 (1) Discontinue further water intensive freeway
38 landscaping and use drought resistant landscaping
39 whenever feasible, taking into consideration such factors
40 as erosion control and fire retardant needs.



1 (2) Eliminate any dependency on imported water for
2 landscaping as soon as practicable.

3 (b) The department shall require the use of recycled
4 water for the irrigation of freeway landscaping when it
5 finds and determines that all of the following conditions
6 exist:

7 (1) The recycled water is of adequate quality and is
8 available in adequate quantity for the proposed use.

9 (2) The proposed use of the recycled water is
10 approved by the California regional water quality control
11 board having jurisdiction.

12 (3) There is a direct benefit to the state highway
13 program for the proposed use of recycled water.

14 (4) The recycled water is supplied by a local public
15 agency or water public utility able to contract for delivery
16 of water and the installation, maintenance, and repair of
17 facilities to deliver the water.

18 (5) The installation of the water delivery facilities does
19 not unreasonably increase any hazard to vehicles on the
20 freeway or create unreasonable problems of highway
21 maintenance and repair.

22 (c) In cooperation with local public agencies and
23 water public utilities, the department shall permit local
24 public agencies and water public utilities to place
25 transmission lines for recycled water in freeway
26 rights-of-way for use by the local public agencies and
27 water public utilities to transmit recycled water to others,
28 when to do so will promote a beneficial use of recycled
29 water and that transmission does not unreasonably
30 interfere with use of the freeway or unreasonably
31 increase any hazard to vehicles on the freeway, subject to
32 paragraphs (1) to (5), inclusive, of subdivision (b) and
33 the following additional requirements:

34 (1) The local public agency or water public utility
35 holds the department harmless for any liability caused by
36 a disruption of service to other users of the recycled water
37 and will defend the department in any resulting legal
38 action and pay any damages awarded as a result of that
39 disruption.



- 1 (2) The department, in cooperation with the local
2 public agency or water public utility, may temporarily
3 interrupt service in order to add to or modify its facilities
4 without liability, as specified in paragraph (1).
- 5 (3) The local public agency or water public utility
6 obtains and furnishes the department an agreement by all
7 other users of recycled water from the transmission
8 system holding the department harmless for any
9 disruption in service.
- 10 (4) The local public agency or water public utility has
11 furnished the department a list of other recycled water
12 users and information on any backup system or other
13 source of water available for use in case of a service
14 disruption.
- 15 (5) The local public agency is responsible for the initial
16 cost or any relocation cost of the recycled water
17 transmission lines for service to other users in the
18 right-of-way and waives its rights to require the
19 department to pay the relocation costs pursuant to
20 Sections 702 and 704.
- 21 (6) The local public agency or water public utility
22 maintains the water transmission system subject to
23 reasonable access for maintenance purposes to be
24 negotiated between the department and the local public
25 agency or water public utility.
- 26 (7) The department has first priority with respect to
27 the recycled water supply contracted for by the
28 department.
- 29 (8) The local public agency or water public utility
30 installs an automatic control system which will allow the
31 water transmission system to be shut down in case of an
32 emergency. The department shall have access to all parts
33 of the transmission system for purposes of the agreement.
- 34 (9) All transmission lines are placed underground and
35 as close as possible to the freeway right-of-way boundary
36 or at other locations authorized by the department.
- 37 (10) The plans and specifications for the recycled
38 water transmission facilities have been approved by the
39 department prior to construction.
- 40 (d) As used in this section:



1 (1) “Local public agency” means any local public
2 agency which transmits or supplies recycled water to
3 others.

4 (2) “Water public utility” means any privately owned
5 water corporation which is subject to the jurisdiction and
6 control of the Public Utilities Commission.

7 ~~SEC. 5.—~~

8 *SEC. 10. Section 164.10 of the Streets and Highways*
9 *Code is amended to read:*

10 164.10. For purposes of subdivision (e) of Section
11 164.3, the eligible interregional and intercounty routes
12 include all of the following:

13 Route 1.

14 Route 2, between the north urban limits of Los
15 Angeles-Long Beach and Route 138.

16 Route 4, between the east urban limits of
17 Antioch-Pittsburg and Route 89.

18 Route 5.

19 Route 6.

20 *Route 7.*

21 Route 8.

22 Route 9, between the north urban limits of Santa Cruz
23 and the south urban limits of San Jose.

24 Route 10, between the east urban limits of San
25 Bernardino-Riverside and the Arizona state line.

26 *SEC. 11. Section 164.11 of the Streets and Highways*
27 *Code is amended to read:*

28 164.11. For purposes of subdivision (e) of Section
29 164.3, the eligible interregional and intercounty routes
30 include all of the following:

31 Route 12.

32 Route 14.

33 Route 15.

34 Route 16, between the east urban limits of Sacramento
35 and Route 49.

36 Route 17, between the north urban limits of Santa Cruz
37 and the south urban limits of San Jose.

38 Route 18, between the north urban limits of San
39 Bernardino-Riverside and Route ~~15~~ 138.

40 Route 20.



1 Route 25, between Route 146 in Bear Valley and Route
2 156 in Hollister.

3 Route 28.

4 Route 29.

5 SEC. 12. Section 164.12 of the Streets and Highways
6 Code is amended to read:

7 164.12. For purposes of subdivision (e) of Section
8 164.3, the eligible interregional and intercounty routes
9 include all of the following:

10 Route 36, between Route 5 and Route 395.

11 Route 37, between the east urban limits of San
12 Francisco-Oakland near Novato and the west urban limits
13 of San Francisco-Oakland near Vallejo.

14 Route 38, between the east urban limits of San
15 Bernardino-Riverside and Route 18 west of Big Bear
16 Lake.

17 Route 40.

18 Route 41, between Route 1 and Yosemite National
19 Park.

20 Route 44, between the east urban limits of Redding and
21 Route 36.

22 Route 46, between Route 1 and Route 599.

23 Route 49, between Route 41 and Route 89.

24 SEC. 13. Section 164.13 of the Streets and Highways
25 Code is amended to read:

26 164.13. For purposes of subdivision (e) of Section
27 164.3, the eligible interregional and intercounty routes
28 include all of the following:

29 Route 50.

30 Route 53.

31 Route 58, between Route 5 and Route 15.

32 Route 62.

33 Route 63, between the north urban limits of Visalia and
34 Route 180.

35 Route 65, between the north urban limits of Bakersfield
36 and Route 198 near Exeter; and between Route 80 and
37 Route 70 near Yuba City.

38 Route 68.

39 SEC. 14. Section 164.14 of the Streets and Highways
40 Code is amended to read:



1 164.14. For purposes of subdivision (e) of Section
2 164.3, the eligible interregional and intercounty routes
3 include all of the following:

4 Route 70, between Route ~~149 north of Oroville~~ *99 north*
5 *of Sacramento* and Route 395.

6 Route 74.

7 Route 78.

8 Route 79, between Route 8 and Route ~~15~~ *10*.

9 Route 80.

10 Route 86, between Route 111 in Brawley and Route 10.

11 Route 88.

12 Route 89.

13 *SEC. 15. Section 164.15 of the Streets and Highways*
14 *Code is amended to read:*

15 164.15. For purposes of subdivision (e) of Section
16 164.3, the eligible interregional and intercounty routes
17 include all of the following:

18 Route 95, between Route 10 and the Nevada state line.

19 Route 97.

20 *Route 98, between Route 111 and Route 7.*

21 Route 99, with routing to be determined via Route 70
22 or via Route 99 between Route 70 north of Sacramento
23 and Route 149 north of Oroville.

24 Route 101.

25 Route 108, between Route 120 at Yosemite Junction and
26 Route 395.

27 Route 111, between the Mexico border near Calexico
28 and Route 10 near Whitewater.

29 Route 113, between Route 80 and Route 5.

30 Route 116, between Route 1 and Route 12.

31 *SEC. 16. Section 164.16 of the Streets and Highways*
32 *Code is amended to read:*

33 164.16. For purposes of subdivision (e) of Section
34 164.3, the eligible interregional and intercounty routes
35 include all of the following:

36 Route 120, between Route 5 and Route 395.

37 Route 126, between the east urban limits of
38 Oxnard-Ventura-Thousand Oaks and Route 5.

39 Route 127.

40 Route 128.



1 Route 129, between Route 1 and Route 101.
2 Route 132, west of Route 99.
3 Route 138, between Route 5 and Route 18.
4 Route 139, between Route 299 and the Oregon state
5 line.
6 SEC. 17. Section 253.8 of the Streets and Highways
7 Code is amended to read:
8 253.8. The California freeway and expressway system
9 shall also include:
10 Route 227 from Route 1 south of Oceano to Route 101
11 near Arroyo Grande.
12 Route 231 from Route 5 at Route 133 to Route 91.
13 Route 241 from Route 231 near Tustin and Irvine to
14 Route 5 south of San Clemente.
15 Route 244 from Route 80 to Auburn Boulevard.
16 Route 261 from Route 5 near Tustin and Irvine to Route
17 321.
18 Route 299 from:
19 (a) Route 101 near Arcata to Route 5 at Redding.
20 (b) Route 5 at Redding to Route 395 at Alturas.
21 Route 395 from:
22 (a) Route 15 near Cajon Pass to the Nevada state line.
23 (b) Nevada state line northwest of Reno to Route 36
24 near Johnstonville.
25 (c) Route 36 near Termo to the Oregon state line.
26 Route 905 from Route 5 near the south end of San Diego
27 Bay to the international boundary southerly of Brown
28 Field.
29 SEC. 18. Section 575 of the Streets and Highways
30 Code is repealed.
31 ~~575. Route 275 is from Route 50 near Westacre Road~~
32 ~~west of Sacramento to the junction of Capitol Avenue and~~
33 ~~Ninth Street in Sacramento.~~
34 ~~No funds in the State Highway Account shall be used~~
35 ~~for the construction or maintenance of any further~~
36 ~~aesthetic improvements on that portion of the route in~~
37 ~~the City of Sacramento.~~
38 SEC. 19. Section 22 of the Vehicle Code is amended
39 to read:



1 22. Whenever notice is required to be given under
2 this code by a department or any division, officer,
3 employee, or agent, the notice shall be given either by
4 personal delivery to the person to be notified, by certified
5 mail, return receipt requested, or by mailing the notice,
6 postage prepaid, addressed to the person at his or her
7 address as shown by the records of the department.

8 ~~SEC. 6.—~~

9 *SEC. 20.* Section 23 of the Vehicle Code is amended
10 to read:

11 23. The giving of notice by personal delivery is
12 complete upon delivery of a copy of the notice to the
13 person to be notified. The giving of notice by mail is
14 complete upon the expiration of four days after deposit of
15 the notice in the mail, except that in the case of a notice
16 informing any person of an offense against the person
17 under Section 40001, the notice is complete 10 days after
18 mailing. The giving of notice by certified mail, return
19 receipt requested, is complete when the person signs the
20 certified mail return receipt and the signed receipt is
21 deposited in the mail for its return to the department.

22 ~~SEC. 7.—~~

23 *SEC. 21.* Section 24 of the Vehicle Code is amended
24 to read:

25 24. Proof of the giving of notice may be made by the
26 certificate of any officer, employee, or agent of the
27 Department of Motor Vehicles and the Department of
28 the California Highway Patrol or of any peace officer, or
29 by an affidavit of any person over 18 years of age, naming
30 the person to whom the notice was given and specifying
31 the time, place, and manner of the giving of the notice.

32 ~~SEC. 8.—~~

33 *SEC. 22.* Section 257.5 is added to the Vehicle Code,
34 to read:

35 *257.5. Notwithstanding Section 257, a “clean fuel*
36 *vehicle” is also any passenger or commercial vehicle or*
37 *pickup truck of a 1993 or earlier model year that is fueled*
38 *by alternative fuels, as defined in Section 301 of the*
39 *Energy Policy Act of 1992 (P.L. 102-486), and produces*
40 *emissions that do not exceed the air quality standards*



1 promulgated by the State Air Resources Board for the
2 vehicle at the time of the vehicle's manufacture.

3 SEC. 23. Section 2503 of the Vehicle Code is amended
4 to read:

5 2503. (a) Licenses issued by the commissioner shall
6 not be transferable. ~~Any~~A change in ownership or control
7 of the licensed activity shall require a new license. A
8 change in ownership or control ~~includes, but is not~~
9 ~~limited to, the addition or deletion of a partner, transfer~~
10 ~~of ownership between family members, change in~~
11 ~~corporate status,~~ *is the transfer of ownership between*
12 *separate entities* or a stock transfer of shares possessing
13 more than 50 percent of the voting power of the
14 corporation.

15 (b) In the event of a change of name, not involving a
16 change of ownership or control, the license shall be
17 returned to the commissioner for cancellation, and a new
18 license application form shall be submitted. The
19 commissioner shall cancel the returned license and issue
20 a new license for the unexpired term without fee.

21 (c) In the event of loss, destruction, or mutilation of a
22 license issued by the commissioner, the person to whom
23 it was issued may obtain a duplicate upon paying a fee of
24 five dollars (\$5). Any person who loses a license issued by
25 the commissioner and who, after obtaining a duplicate,
26 finds the original license shall immediately surrender the
27 original license to the commissioner.

28 (d) Any change of address or relocation of a licensed
29 service shall be reported to the commissioner within 10
30 days.

31 SEC. 24. Section 3016 of the Vehicle Code is amended
32 to read:

33 3016. New motor vehicle dealers and other licensees
34 under the jurisdiction of the board shall be charged fees
35 sufficient to fully fund the board's activities other than
36 those conducted pursuant to Section ~~9889.75~~ 472.5 of the
37 Business and Professions Code. The board may recover
38 the direct cost of the activities required by Section ~~9889.75~~
39 472.5 of the Business and Professions Code by charging
40 the ~~Bureau of Automotive Repair~~ *Department of*



1 *Consumer Affairs* a fee which shall be paid by ~~the bureau~~
2 *that department* with funds appropriated from the
3 Certification Account in the ~~Vehicle Inspection and~~
4 ~~Repair—Consumer Affairs~~ Fund. All fees shall be
5 deposited, and held separate from other moneys, in the
6 Motor Vehicle Account in the State Transportation Fund,
7 and shall not be transferred to the State Highway Account
8 pursuant to Section 42273.

9 The fees shall be available, when appropriated,
10 exclusively to fund the board's activities. If, at the
11 conclusion of any fiscal year, the amount of fees collected
12 exceeds the amount of expenditures for this purpose
13 during the fiscal year, the surplus shall be carried over
14 into the succeeding fiscal year.

15 *SEC. 25. Section 4000.7 of the Vehicle Code is*
16 *amended to read:*

17 4000.7. (a) For purposes of subdivision (a) of Section
18 4000.3, for any vehicle which is registered for the first
19 time in this state on or after January 1, 1994, the first
20 certificate of compliance shall be required upon the
21 second renewal of its registration.

22 (b) (1) Commencing not later than October 1, 1996,
23 at the time of application and payment for the second
24 renewal of the registration of a ~~new~~ motor vehicle *that*
25 *was first sold as new in California on or after January 1,*
26 *1994, and* which is subject to Part 5 (commencing with
27 Section 43000) of Division 26 of the Health and Safety
28 Code, the department shall solicit an additional payment
29 which ~~may~~, at the option of the applicant, *may* be made
30 to the department. The Department of Consumer Affairs
31 shall determine the amount of the additional payment,
32 but the amount shall not exceed fifty dollars (\$50). In
33 soliciting the additional payment in the application for
34 the second renewal, the department shall include a brief
35 summary of the air quality benefits being achieved by the
36 inspection and maintenance and high-polluter repair or
37 removal programs. The Legislature hereby finds and
38 declares that the payment is in the nature of a donation
39 for purposes of the high-polluter repair or removal
40 program established pursuant to Article 9 (commencing



1 with Section 44090), and the accelerated light-duty
2 vehicle retirement program established pursuant to
3 Article 10 (commencing with Section 44100); of Chapter
4 5 of Part 5 of Division 26 of the Health and Safety Code.

5 (2) (A) On a monthly basis, the department shall
6 transmit all payments received pursuant to paragraph
7 (1), including any accrued interest, to the Treasurer for
8 deposit in the High Polluter Repair or Removal Account
9 created pursuant to subdivision (a) of Section 44091 of the
10 Health and Safety Code, for expenditure, upon
11 appropriation by the Legislature, by the Department of
12 Consumer Affairs pursuant to Article 9 (commencing
13 with Section 44090) and Article 10 (commencing with
14 Section 44100) of Chapter 5 of Part 5 of Division 26 of the
15 Health and Safety Code.

16 (B) The department and the Department of
17 Consumer Affairs—~~shall~~, by interagency agreement, *shall*
18 establish a procedure for the Department of Consumer
19 Affairs to reimburse the department for its reasonable
20 costs incurred in collecting the payments received
21 pursuant to paragraph (1).

22 (3) (A) Upon receipt of a payment pursuant to
23 paragraph (1), the department shall mark the record of
24 the subject vehicle with an exemption from the
25 requirements of subdivision (a) of Section 4000.3. The
26 exemption shall be valid for the ~~second~~—*first* biennial
27 inspection period, and shall have the same force and
28 effect as a certificate of compliance issued in accordance
29 with Section 44015 of the Health and Safety Code. The
30 exemption shall be void if the title to, or any interest in,
31 the vehicle is transferred pursuant to Section 5600.

32 (B) The department shall collect a fee at the time of
33 the payment pursuant to paragraph (1) for marking the
34 record with an exemption which is equal to the fee that
35 is charged for the issuance of a certificate of compliance.
36 All fee revenue received pursuant to this subparagraph
37 shall be deposited in the Vehicle Inspection and Repair
38 Fund and be available for purposes of administering and
39 enforcing the vehicle inspection and maintenance
40 program.



1 (4) Notwithstanding paragraph (1) of subdivision (b),
2 the provisions of Section 4000.6 in existence on December
3 31, 1995, authorizing an optional additional payment at
4 the time of application for the initial registration for a new
5 motor vehicle shall continue in effect until October 1,
6 1996.

7 *SEC. 26. Section 5062 of the Vehicle Code is amended*
8 *to read:*

9 5062. (a) This section shall be known, and may be
10 cited, as the Rosenthal Blue Sky License Plate Program.

11 (b) The Legislature hereby finds and declares that
12 CALSTART is a California nonprofit consortium
13 dedicated to the development and commercialization of
14 advanced transportation technologies, including clean
15 fuel vehicles, and that CALSTART should be authorized
16 to undertake a special environmental “Blue Sky” license
17 plate program to facilitate the purchase and use of clean
18 fuel vehicles in the state.

19 (c) CALSTART may, with the approval of the
20 department, participate in this special interest license
21 plate program.

22 (d) CALSTART may, with the approval of the
23 department, develop a distinctive design, in
24 conformance with Section 5060, for inclusion on a special
25 interest license plate. The license plate shall be known as
26 the Blue Sky license plate and shall signify that the vehicle
27 to which it is assigned is a clean fuel vehicle.

28 (e) Any person who owns or leases a clean fuel vehicle,
29 as defined in Section 257 or 257.5, and who applies for an
30 original or renewal registration of that vehicle, may
31 apply, through CALSTART, for a set of Blue Sky license
32 plates in lieu of regular license plates.

33 (f) (1) The Blue Sky license plate is subject to Sections
34 5106 and 5108. The revenues derived from the sale of the
35 license plates shall be deposited in the California
36 Environmental License Plate Fund, after the
37 department has deducted its costs for developing and
38 administering the program.

39 (2) *Notwithstanding subdivision (a) of Section 5060,*
40 *Blue Sky license plates may be issued in a combination of*



1 *numbers or letters, or both, as requested by the applicant*
2 *for the plates.*

3 (g) Notwithstanding Section 5060, a Blue Sky license
4 plate may, upon application of the holder, be transferred
5 to another clean fuel vehicle. If the vehicle to which
6 transfer is sought is not a clean fuel vehicle, the plates
7 shall be surrendered to the department.

8 (h) CALSTART, in coordination with the State Air
9 Resources Board, the State Energy Resources
10 Conservation and Development Commission, and the
11 Public Utilities Commission, shall undertake efforts to
12 publicize the availability of Blue Sky license plates.

13 (i) Notwithstanding Section 5060, CALSTART shall
14 have ~~12~~24 months, commencing ~~November 1, 1995~~
15 *January 1, 1997*, to receive the required applications and
16 to notify the department that the requisite number of
17 applications have been received. If, after that ~~12-month~~
18 *24-month* period, 5,000 applications have not been
19 received, CALSTART shall immediately notify the
20 department and refund to all applicants any fees or
21 deposits which have been collected.

22 (j) If, on ~~November 1, 1996~~*January 1, 1999*, the
23 department has not received a notice from CALSTART
24 pursuant to subdivision (i) or if, on or before that date
25 CALSTART notifies the department that the requisite
26 number of applications have not been received, the
27 department shall provide that information to the
28 Secretary of State, and this section shall become
29 inoperative upon receipt of that information by the
30 Secretary of State, and shall remain in effect only until
31 *January 1, 1997-2000*, and as of that date is repealed, unless
32 a later enacted statute, which is enacted before January
33 ~~1, 1997~~ *2000*, deletes or extends that date.

34 (k) *(1) Any vehicle owned by the United States*
35 *government, the state, or any city, county, or political*
36 *subdivision of the state that is a clean fuel vehicle may be*
37 *issued Blue Sky license plates displaying the*
38 *distinguishing symbol required under subdivision (a) of*
39 *Section 4155.*



1 (2) *The department may charge a fee for the issuance*
2 *of the plates authorized under this subdivision that is*
3 *sufficient to cover the costs of producing those plates.*

4 (1) *Applicants for Blue Sky license plates may*
5 *apply to reserve those plates for a clean fuel vehicle to be*
6 *purchased or leased in the future.*

7 (2) *The department shall not manufacture or release*
8 *plates reserved under paragraph (1) until the applicant*
9 *submits proof acceptable to the department that the*
10 *applicant has purchased or leased a clean fuel vehicle.*

11 (3) *The department may charge a fee for reserving*
12 *plates under this subdivision that is sufficient to cover any*
13 *additional costs of administering the reservation*
14 *program.*

15 SEC. 27. *Section 5064 of the Vehicle Code is amended*
16 *to read:*

17 5064. (a) *The department, in consultation with the*
18 *Yosemite Foundation, shall design and make available for*
19 *issuance pursuant to this article special environmental*
20 *design license plates bearing, notwithstanding Section*
21 *5060, a full-plate graphic design depicting a significant*
22 *feature or quality of Yosemite National Park. Any person*
23 *described in Section 5101 may, upon payment of the*
24 *additional fees set forth in subdivision (b), may apply for*
25 *and be issued a set of special environmental design license*
26 *plates. Notwithstanding subdivision (a) of Section 5060,*
27 *the plates may be issued in a combination of numbers or*
28 *letters, or both, requested by the owner or lessee of the*
29 *vehicle.*

30 (b) *In addition to the regular fees for an original*
31 *registration or renewal of registration, the following*
32 *additional fees shall be paid for the issuance, renewal, or*
33 *transfer of the special environmental design license*
34 *plates authorized pursuant to this section:*

35 (1) *For the original issuance of the plates, fifty dollars*
36 *(\$50).*

37 (2) *For a renewal of registration with the plates, forty*
38 *dollars (\$40).*

39 (3) *For transfer of the plates to another vehicle, fifteen*
40 *dollars (\$15).*



1 (4) For each substitute replacement plate, thirty-five
2 dollars (\$35).

3 (5) *For the conversion of an existing environmental*
4 *license plate to the special environmental design license*
5 *plate authorized pursuant to this section, sixty-five dollars*
6 *(\$65).*

7 (c) After deducting its administrative costs under this
8 section, the department shall deposit the additional
9 revenue derived from the issuance, renewal, transfer,
10 and substitution of special environmental design license
11 plates as follows:

12 (1) One-half in the Yosemite Foundation Account,
13 which is hereby created in the California Environmental
14 License Plate Fund. Upon appropriation by the
15 Legislature, the money in the account shall be allocated
16 by the Controller to the Yosemite Foundation or its
17 successor for expenditure for the exclusive trust purposes
18 of preservation and restoration projects in Yosemite
19 National Park.

20 (2) One-half in the California Environmental License
21 Plate Fund.

22 (d) The Yosemite Foundation shall report to the
23 Legislature on or before June 30 of each year on its use
24 and expenditure of the money in the Yosemite
25 Foundation Account, beginning one year after the initial
26 issuance of the special interest license plates authorized
27 by this section.

28 *SEC. 28.* Section 9953 of the Vehicle Code is amended
29 to read:

30 9953. Every manufacturer of a new motor vehicle sold
31 in this state which, as equipped, may not be operated with
32 tire traction devices shall do both of the following:

33 (a) Indicate that fact in the owner’s manual for the
34 vehicle or other written material provided by the
35 manufacturer regarding the vehicle.

36 (b) Provide each of its franchised new motor vehicle
37 dealers in this state with a list of the affected vehicle
38 models on an annual basis and prior to the manufacturer’s
39 introduction of its new model year vehicles. The list shall
40 include sufficient information, including information



1 regarding tire sizes where necessary, to allow the selling
2 dealer to determine when disclosure is required pursuant
3 to Section 11713.6.

4 ~~SEC. 9.—~~

5 *SEC. 29.* Section 11713.6 of the Vehicle Code is
6 amended to read:

7 11713.6. (a) It is unlawful and a violation of this code
8 for the holder of any dealer's license issued under this
9 article to fail to disclose in writing to the buyer or lessee
10 of a new motor vehicle, that the vehicle, as equipped, may
11 not be operated on a highway signed for the requirement
12 of tire traction devices if the owner's manual or other
13 material provided by the manufacturer states that the
14 vehicle, as equipped, may not be operated with tire
15 chains.

16 (b) The disclosure required under subdivision (a)
17 shall meet both of the following requirements:

18 (1) The disclosure shall be printed in not less than
19 14-point boldface type on a single sheet of paper that
20 contains no information other than the disclosure.

21 (2) The disclosure shall include the following language
22 in capital letters: "AS EQUIPPED, THIS VEHICLE MAY
23 NOT BE OPERATED WITH TIRE CHAINS OR OTHER
24 TIRE TRACTION DEVICES. SEE THE OWNER'S
25 MANUAL FOR DETAILS."

26 (c) Prior to the sale or lease, the dealer shall present
27 the disclosure statement for the buyer's or lessee's
28 signature and then shall provide the buyer or lessee with
29 a copy of the signed disclosure.

30 ~~SEC. 10.—~~

31 *SEC. 30.* Section 12810 of the Vehicle Code is
32 amended to read:

33 12810. In determining the violation point count, the
34 following shall apply:

35 (a) Any conviction of failure to stop in the event of an
36 accident in violation of Section 20001 or 20002 shall be
37 given a value of two points.

38 (b) Any conviction of a violation of Section 23152 or
39 23153 shall be given a value of two points.



1 (c) Any conviction of reckless driving shall be given a
2 value of two points.

3 (d) (1) Any conviction of a violation of subdivision
4 (c) of Section 192 of the Penal Code, or of Section 2800.2
5 or 2800.3, subdivision (b) of Section 21651, subdivision (b)
6 of Section 22348, subdivision (a) of Section 23109,
7 subdivision (c) of Section 23109, or Section 31602 of this
8 code, shall be given a value of two points.

9 (2) Any conviction of a violation of subdivision (a) or
10 (b) of Section 23140 shall be given a value of two points.

11 (e) Except as provided in subdivision (g), any other
12 traffic conviction involving the safe operation of a motor
13 vehicle upon the highway shall be given a value of one
14 point.

15 (f) Any accident in which the operator is deemed by
16 the department to be responsible shall be given a value
17 of one point.

18 (g) (1) A violation of paragraph (1), (2), (3), or (5)
19 of subdivision (b) of Section 40001 shall not result in a
20 violation point count being given to the driver if the
21 driver is not the owner of the vehicle.

22 (2) Any conviction of a violation of subdivision (a) of
23 Section 21116, Section 21207.5, 21708, 21710, 21716, 23120,
24 24800, or 26707 shall not be given a violation point count.

25 (3) A violation of Section 23136 shall not result in a
26 violation point count.

27 (h) A conviction for only one violation arising from
28 one occasion of arrest or citation shall be counted in
29 determining the violation point count for the purposes of
30 this section.

31 (i) Any conviction of a violation of Section 14601,
32 14601.1, 14601.2, ~~or 14601.3~~, or 14601.5 shall be given a
33 value of two points.

34 (j) Any conviction of a violation of Section 27360
35 within a 37-month period shall be given a value of one
36 point.

37 *SEC. 31. Section 14908 of the Vehicle Code is*
38 *amended to read:*

39 14908. If a person fails to surrender his or her license
40 to the department as required by Section ~~13351.1~~, 13551.1,



1 the department shall set and charge a license
2 reinstatement penalty fee, as determined by the
3 department, in addition to any fees that may be required
4 by Section 14904, 14905, or 14906, as the case may be. The
5 fee shall be waived if the person returns to the
6 department an acknowledgment of the license
7 suspension or revocation along with a statement that the
8 license has been previously surrendered to a court or
9 peace officer, or that provides any other reasonable
10 explanation.

11 *SEC. 32.* Section 21058 of the Vehicle Code is
12 amended to read:

13 21058. A physician traveling in response to an
14 emergency call is subject to Section 21655.11 and is
15 exempt from Sections 22351 and 22352 if the vehicle so
16 used by the physician displays an insigne approved by the
17 department indicating that the vehicle is owned by a
18 licensed physician. This section does not relieve the
19 driver of the vehicle from the duty to drive with due
20 regard for the safety of all persons using the highway, nor
21 protect the driver from the consequences of an arbitrary
22 exercise of the privileges of this section.

23 ~~SEC. 11.~~

24 *SEC. 33.* Section 21655.8 of the Vehicle Code is
25 amended to read:

26 21655.8. ~~When~~ (a) *Except as required under*
27 *subdivision (b), when* exclusive or preferential use lanes
28 for high-occupancy vehicles are established pursuant to
29 Section 21655.5 and double parallel solid lines are in place
30 to the right thereof, no person driving a vehicle may cross
31 over these double lines to enter into or exit from the
32 exclusive or preferential use lanes.—~~Entrance, and~~
33 *entrance* or exit may be made only in areas designated for
34 these purposes or where a single broken line is in place
35 to the right of the exclusive or preferential use lanes.

36 ~~Raised~~

37 (b) *Upon the approach of an authorized emergency*
38 *vehicle displaying a red light or siren, as specified in*
39 *Section 21806, a person driving a vehicle in an exclusive*
40 *or preferential use lane shall exit that lane immediately*



1 upon determining that the exit can be accomplished with
2 reasonable safety.

3 (c) Raised pavement markers may be used to simulate
4 painted lines described in this section.

5 SEC. 34. Section 21655.11 is added to the Vehicle
6 Code, to read:

7 21655.11. Notwithstanding any other provision of law,
8 motor vehicles displaying an insigne and operated by a
9 licensed physician in the manner described in Section
10 21058 may be operated upon the exclusive or preferential
11 use lanes established pursuant to Section 21655.5.

12 ~~SEC. 12.—~~

13 SEC. 35. Section 21806 of the Vehicle Code is
14 amended to read:

15 21806. Upon the immediate approach of an
16 authorized emergency vehicle which is sounding a siren
17 and which has at least one lighted lamp exhibiting red
18 light that is visible, under normal atmospheric conditions,
19 from a distance of 1,000 feet to the front of the vehicle, the
20 surrounding traffic shall, except as otherwise directed by
21 a traffic officer, do the following:

22 (a) ~~The~~ (1) Except as required under paragraph (2),
23 the driver of every other vehicle shall yield the
24 right-of-way and shall immediately drive to the
25 right-hand edge or curb of the highway, clear of any
26 intersection, and thereupon shall stop and remain
27 stopped until the authorized emergency vehicle has
28 passed.

29 (2) A person driving a vehicle in an exclusive or
30 preferential use lane shall exit that lane immediately
31 upon determining that the exit can be accomplished with
32 reasonable safety.

33 (b) The operator of every street car shall immediately
34 stop the street car, clear of any intersection, and remain
35 stopped until the authorized emergency vehicle has
36 passed.

37 (c) All pedestrians upon the highway shall proceed to
38 the nearest curb or place of safety and remain there until
39 the authorized emergency vehicle has passed.



1 SEC. 36. Section 22651 of the Vehicle Code is
2 amended to read:

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

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

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

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

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

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

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

39 (g) When the person or persons in charge of a vehicle
40 upon a highway or any public lands are, by reason of



1 physical injuries or illness, incapacitated to an extent so as
2 to be unable to provide for its custody or removal.

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

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

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

29 (A) Evidence of his or her identity.

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

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

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



1 (3) A notice of parking violation issued for an
2 unlawfully parked vehicle shall be accompanied by a
3 warning that repeated violations may result in the
4 impounding of the vehicle. In lieu of furnishing
5 satisfactory evidence that the full amount of parking
6 penalties or bail has been deposited, that person may
7 demand to be taken without unnecessary delay before a
8 magistrate, for traffic offenses, or a hearing examiner, for
9 parking offenses, within the county in which the offenses
10 charged are alleged to have been committed and who has
11 jurisdiction of the offenses and is nearest or most
12 accessible with reference to the place where the vehicle
13 is impounded. Evidence of current registration shall be
14 produced after a vehicle has been impounded, or, at the
15 discretion of the impounding law enforcement agency, a
16 notice to appear for violation of subdivision (a) of Section
17 4000 shall be issued to that person.

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

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

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

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



1 any local administrative charges imposed pursuant to
2 Section 22850.5.

3 (5) The impounding agency that has a lien on the
4 surplus that remains upon the sale of a vehicle to which
5 a registered owner is entitled pursuant to paragraph (4)
6 has a deficiency claim against the registered owner for
7 the full amount of the parking penalties for all notices of
8 parking violations issued for the vehicle and for any local
9 administrative charges imposed pursuant to Section
10 22850.5, less the amount received from the sale of the
11 vehicle.

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

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

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

30 (m) Wherever the use of the highway, or any portion
31 thereof, is authorized by local authorities for a purpose
32 other than the normal flow of traffic or for the movement
33 of equipment, articles, or structures of unusual size, and
34 the parking of any vehicle would prohibit or interfere
35 with that use or movement, and signs giving notice that
36 the vehicle may be removed are erected or placed at least
37 24 hours prior to the removal by local authorities pursuant
38 to the ordinance.

39 (n) Whenever any vehicle is parked or left standing
40 where local authorities, by resolution or ordinance, have



1 prohibited parking and have authorized the removal of
2 vehicles. No vehicle may be removed unless signs are
3 posted giving notice of the removal.

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

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

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

36 (q) Whenever any vehicle is parked for more than 24
37 hours on a portion of highway which is located within the
38 boundaries of a common interest development, as
39 defined in subdivision (c) of Section 1351 of the Civil
40 Code, and signs, as required by Section 22658.2, have been



1 posted on that portion of highway providing notice to
2 drivers that vehicles parked thereon for more than 24
3 hours will be removed at the owner's expense, pursuant
4 to a resolution or ordinance adopted by the local
5 authority.

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

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

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

24 (t) *When a peace officer issues a notice to appear for*
25 *a violation of Section 25279.*

26 *SEC. 37. Section 23116 of the Vehicle Code is*
27 *amended to read:*

28 23116. (a) No person driving a pickup truck or a
29 flatbed motortruck on a highway shall transport any
30 person in or on the back of the truck.

31 (b) No person shall ride in or on the back of a truck or
32 flatbed motortruck being driven on a highway.

33 (c) Subdivisions (a) and (b) do not apply if the person
34 in the back of the truck is secured with a restraint system
35 *in the same manner as required under Section 27315,*
36 *27360, or 27360.5 for persons in the passenger*
37 *compartment of the truck.* The restraint system shall
38 meet or exceed the federal motor vehicle safety standards
39 published in ~~Sections 571.207, 571.209, and 571.210~~ of Title
40 49 of the Code of Federal Regulations.



1 (d) Subdivisions (a), (b), and (c) do not apply if the
2 person in the back of the truck or the flatbed is being
3 transported in an emergency response situation by a
4 public agency or pursuant to the direction or authority of
5 a public agency.

6 As used in this subdivision, “emergency response
7 situation” means instances in which necessary measures
8 are needed in order to prevent injury or death to persons
9 or to prevent, confine, or mitigate damage or destruction
10 to property.

11 ~~(e) Subdivisions (a) and (b) do not apply if the person
12 in the back of the truck is being transported in an
13 enclosed camper or camper shell that prevents the
14 person from being discharged.~~

15 ~~(f) This section does not affect requirements imposed
16 by the Labor Code or by any other state or federal law or
17 regulation regarding the transportation of employees in
18 a motortruck.~~

19 ~~(g)~~

20 (f) Subdivisions (a) and (b) do not apply if the person
21 in the back of the truck or flatbed motortruck is being
22 transported in a parade that is supervised by a law
23 enforcement agency and the speed of the truck while in
24 the parade does not exceed eight miles per hour.

25 *SEC. 38. Section 24011.7 of the Vehicle Code is*
26 *repealed.*

27 ~~24011.7. (a) Nothing in Chapter 20.4 (commencing
28 with Section 9889.50) of Division 3 of the Business and
29 Professions Code, shall be construed as having any effect
30 on the existing inspection program conducted by the
31 department. Rather, it is the intent of the Legislature that
32 such program continue and that a cooperative
33 relationship between the department and the
34 Department of Consumer Affairs be established, under
35 which the department can inform the Department of
36 Consumer Affairs of the results and experiences of the
37 department in order to provide data on exhaust and noise
38 emission control device tampering and performance
39 deterioration following mandatory inspections.~~



1 *SEC. 39. Section 25258 of the Vehicle Code is*
2 *amended to read:*

3 25258. (a) An authorized emergency vehicle
4 operating under the conditions specified in Section 21055
5 may display a flashing white light from a gaseous
6 discharge lamp designed and used for the purpose of
7 controlling official traffic control signals.

8 (b) An authorized emergency vehicle used by a peace
9 officer, as defined in Section 830.1 of, subdivision (a), (b),
10 (c), (d), (e), (f), (g), (h), or (j) of Section 830.2 of,
11 subdivision (b) of Section 830.31 of, subdivision (a) or (b)
12 of Section 830.32 of, ~~subdivision (a), (b), (c), or (d) of~~
13 Section 830.33 of, subdivision (a) of Section 830.36 of,
14 subdivision (a) of Section 830.4 of, or Section 830.6 of, the
15 Penal Code, in the performance of the peace officer's
16 duties, may, in addition, display a steady or flashing blue
17 warning light visible from the front, sides, or rear of the
18 vehicle.

19 *SEC. 40. Section 25258.1 of the Vehicle Code is*
20 *repealed.*

21 ~~25258.1. A peace officer, as defined in subdivision (a)~~
22 ~~of Section 830.36 of the Penal Code, may use the flashing~~
23 ~~lights specified in subdivision (b) of Section 25258 only~~
24 ~~when operating an authorized emergency vehicle under~~
25 ~~the applicable conditions specified in subdivision (a) of~~
26 ~~Section 21055.~~

27 *SEC. 41. Section 25279 of the Vehicle Code is*
28 *amended to read:*

29 25279. (a) Vehicles owned and operated by private
30 security agencies and utilized exclusively on privately
31 owned and maintained roads to which this code is made
32 applicable by local ordinance or resolution, may display
33 flashing amber warning lights to the front, sides, or rear,
34 while being operated in response to emergency calls for
35 the immediate preservation of life or property.

36 (b) (1) *Vehicles owned by a private security agency*
37 *and operated by personnel who are registered with the*
38 *Department of Consumer Affairs under Article 3*
39 *(commencing with Section 7582) of Chapter 11.5 of*
40 *Division 3 of the Business and Professions Code may be*



1 *equipped with a flashing amber warning light system*
2 *while the vehicle is operated on a highway, if the vehicle*
3 *is in compliance with Section 27605 and is distinctively*
4 *marked with the words “PRIVATE SECURITY” or*
5 *“SECURITY PATROL” on the rear and both sides of the*
6 *vehicle in a size that is legible from a distance of not less*
7 *than 50 feet.*

8 (2) *The flashing amber warning light system*
9 *authorized under paragraph (1) shall not be activated*
10 *while the vehicle is on the highway, unless otherwise*
11 *directed by a peace officer, as defined in Chapter 4.5*
12 *(commencing with Section 830) of Title 3 of Part 2 of the*
13 *Penal Code.*

14 (c) *A peace officer may order that the flashing amber*
15 *warning light system of a vehicle that is found to be in*
16 *violation of this section be immediately removed at the*
17 *place of business of the vehicle’s owner or a garage.*

18 (d) *A flashing amber warning light system shall not be*
19 *installed on a vehicle that has been found to be in*
20 *violation of this section, unless written authorization is*
21 *obtained from the Commissioner of the California*
22 *Highway Patrol.*

23 *SEC. 42. Section 26708 of the Vehicle Code is*
24 *amended to read:*

25 26708. (a) (1) *No person shall drive any motor*
26 *vehicle with any object or material placed, displayed,*
27 *installed, affixed, or applied upon the windshield or side*
28 *or rear windows.*

29 (2) *No person shall drive any motor vehicle with any*
30 *object or material placed, displayed, installed, affixed, or*
31 *applied in or upon the vehicle which obstructs or reduces*
32 *the driver’s clear view through the windshield or side*
33 *windows.*

34 (3) *This subdivision applies to a person driving a motor*
35 *vehicle with the driver’s clear vision through the*
36 *windshield, or side or rear windows, obstructed by snow*
37 *or ice.*

38 (b) *This section does not apply to:*

39 (1) *Rearview mirrors.*



- 1 (2) Adjustable nontransparent sunvisors which are
2 mounted forward of the side windows and are not
3 attached to the glass.
- 4 (3) Signs, stickers, or other materials which are
5 displayed in a 7-inch square in the lower corner of the
6 windshield farthest removed from the driver, signs,
7 stickers, or other materials which are displayed in a 7-inch
8 square in the lower corner of the rear window farthest
9 removed from the driver, or signs, stickers, or other
10 materials which are displayed in a 5-inch square in the
11 lower corner of the windshield nearest the driver.
- 12 (4) Side windows which are to the rear of the driver.
- 13 (5) Direction, destination, or termini signs upon a
14 passenger common carrier motor vehicle or a schoolbus,
15 if those signs do not interfere with the driver's clear view
16 of approaching traffic.
- 17 (6) Rear window wiper motor.
- 18 (7) Rear trunk lid handle or hinges.
- 19 (8) The rear window or windows, when the motor
20 vehicle is equipped with outside mirrors on both the left-
21 and right-hand sides of the vehicle that are so located as
22 to reflect to the driver a view of the highway through
23 each mirror for a distance of at least 200 feet to the rear
24 of the vehicle.
- 25 (9) A clear, transparent lens affixed to the side window
26 opposite the driver on a vehicle greater than 80 inches in
27 width and which occupies an area not exceeding 50
28 square inches of the lowest corner toward the rear of that
29 window and which provides the driver with a wide-angle
30 view through the lens.
- 31 (10) Sun screening devices meeting the requirements
32 of Section 26708.2 installed on the side windows on either
33 side of the vehicle's front seat, if the driver or a passenger
34 in the front seat has in his or her possession a letter or
35 other document signed by a licensed physician and
36 surgeon certifying that the person must be shaded from
37 the sun due to a medical condition, or has in his or her
38 possession a letter or other document signed by a licensed
39 optometrist certifying that the person must be shaded
40 from the sun due to a visual condition. The devices



1 authorized by this paragraph shall not be used during
2 darkness.

3 *(11) Electronic communication devices that provide*
4 *the capability for enforcement facilities of the*
5 *Department of the California Highway Patrol to*
6 *communicate with the vehicle, if the device is affixed to*
7 *the upper-most center portion of the interior of the*
8 *windshield within an area of not more than 5 inches by 5*
9 *inches.*

10 (c) Notwithstanding subdivision (a), transparent
11 material may be installed, affixed, or applied to the
12 topmost portion of the windshield if:

13 (1) The bottom edge of the material is at least 29
14 inches above the undepressed driver's seat when
15 measured from a point 5 inches in front of the bottom of
16 the backrest with the driver's seat in its rearmost and
17 lowermost position with the vehicle on a level surface.

18 (2) The material is not red or amber in color.

19 (3) There is no opaque lettering on the material and
20 any other lettering does not affect primary colors or
21 distort vision through the windshield.

22 (4) The material does not reflect sunlight or headlight
23 glare into the eyes of occupants of oncoming or following
24 vehicles to any greater extent than the windshield
25 without the material.

26 *SEC. 43. Section 27315 of the Vehicle Code is*
27 *amended to read:*

28 27315. (a) The Legislature finds that a mandatory
29 seatbelt law will contribute to reducing highway deaths
30 and injuries by encouraging greater usage of existing
31 manual seatbelts, that automatic crash protection systems
32 which require no action by vehicle occupants offer the
33 best hope of reducing deaths and injuries, and that
34 encouraging the use of manual safety belts is only a partial
35 remedy for addressing this major cause of death and
36 injury. The Legislature declares that the enactment of
37 this section is intended to be compatible with support for
38 federal safety standards requiring automatic crash
39 protection systems and should not be used in any manner



1 to rescind federal requirements for installation of
2 automatic restraints in new cars.

3 (b) This section shall be known and may be cited as the
4 Private Passenger Motor Vehicle Safety Act.

5 (c) As used in this section, “private passenger motor
6 vehicle” means any passenger vehicle and any
7 motortruck of less than 6,001 pounds unladen weight, but
8 “private passenger motor vehicle” does not include a
9 motorcycle.

10 (d) (1) No person shall operate a private passenger
11 motor vehicle on a highway unless that person and all
12 passengers 16 years of age or over are properly restrained
13 by a safety belt. This paragraph does not apply to the
14 operator of a taxicab, as defined in Section 27908, when
15 the taxicab is driven on a city street. The safety belt
16 requirement established by this paragraph is the
17 minimum safety standard applicable to employees being
18 transported in a private passenger motor vehicle. This
19 paragraph does not preempt any more stringent or
20 restrictive standards imposed by the Labor Code or any
21 other state or federal regulation regarding the
22 transportation of employees in a private passenger motor
23 vehicle.

24 (2) The operator of a limousine for hire or the operator
25 of an authorized emergency vehicle, as defined in
26 subdivision (a) of Section 165, shall not operate the
27 limousine for hire or authorized emergency vehicle
28 unless the operator and any passengers four years of age
29 or over and weighing 40 pounds or more, in the front seat
30 are properly restrained by a safety belt.

31 (3) The operator of a taxicab shall not operate the
32 taxicab unless any passengers four years of age or over and
33 weighing 40 pounds or more, in the front seat are
34 properly restrained by a safety belt.

35 (e) No person 16 years of age or over shall be a
36 passenger in a private passenger motor vehicle on a
37 highway unless that person is properly restrained by a
38 safety belt.

39 (f) Every owner of a private passenger motor vehicle,
40 including every owner or operator of a taxicab, as defined



1 in Section 27908, or a limousine for hire, operated on a
2 highway shall maintain safety belts in good working order
3 for the use of occupants of the vehicle. The safety belts
4 shall conform to motor vehicle safety standards
5 established by the United States Department of
6 Transportation. This subdivision does not, however,
7 require installation or maintenance of safety belts where
8 not required by the laws of the United States applicable
9 to the vehicle at the time of its initial sale.

10 (g) This section does not apply to a passenger or
11 operator with a physically disabling condition or medical
12 condition which would prevent appropriate restraint in
13 a safety belt, if the condition is duly certified by a licensed
14 physician and surgeon or by a licensed chiropractor who
15 shall state the nature of the condition, as well as the reason
16 the restraint is inappropriate. This section also does not
17 apply to a ~~peace officer, as defined in Section 830 of the~~
18 ~~Penal Code~~ *public employee*, when in an authorized
19 emergency vehicle as defined in paragraph (1) of
20 subdivision (b) of Section 165, or to any passenger in any
21 seat behind the front seat of an authorized emergency
22 vehicle as defined in paragraph (1) of subdivision (b) of
23 Section 165 operated by the ~~peace officer~~ *public*
24 *employee*, unless required by the agency employing the
25 ~~peace officer~~ *public employee*.

26 (h) Notwithstanding subdivision (a) of Section 42001,
27 any violation of subdivision (d), (e), or (f) is an infraction
28 punishable by a fine, including all penalty assessments
29 and court costs imposed on the convicted person, of not
30 more than twenty dollars (\$20) for a first offense, and a
31 fine, including all penalty assessments and court costs
32 imposed on the convicted person, of not more than fifty
33 dollars (\$50) for each subsequent offense. In lieu of the
34 fine and any penalty assessment or court costs, the court,
35 pursuant to Section 42005, may order that a person
36 convicted of a first offense attend a school for traffic
37 violators or a driving school in which the proper use of
38 safety belts is demonstrated.

39 (i) For any violation of subdivision (d), (e), or (f), in
40 addition to the fines provided for pursuant to subdivision



1 (h) and the penalty assessments provided for pursuant to
2 Section 1464 of the Penal Code, an additional penalty
3 assessment of two dollars (\$2) shall be levied for any first
4 offense, and an additional penalty assessment of five
5 dollars (\$5) shall be levied for any subsequent offense.

6 All moneys collected pursuant to this subdivision shall
7 be utilized in accordance with Section 1464 of the Penal
8 Code.

9 (j) In any civil action, a violation of subdivision (d),
10 (e), or (f) or information of a violation of subdivision (h)
11 shall not establish negligence as a matter of law or
12 negligence per se for comparative fault purposes, but
13 negligence may be proven as a fact without regard to the
14 violation.

15 (k) If the United States Secretary of Transportation
16 fails to adopt safety standards for manual safety belt
17 systems by September 1, 1989, no private passenger
18 motor vehicle manufactured after that date for sale or
19 sold in this state shall be registered unless it contains a
20 manual safety belt system which meets the performance
21 standards applicable to automatic crash protection
22 devices adopted by the Secretary of Transportation
23 pursuant to Federal Motor Vehicle Safety Standard No.
24 208 (49 C.F.R. 571.208) as in effect on January 1, 1985.

25 (l) Each private passenger motor vehicle offered for
26 original sale in this state which has been manufactured on
27 or after September 1, 1989, shall comply with the
28 automatic restraint requirements of Section S4.1.2.1 of
29 Federal Motor Vehicle Safety Standard No. 208 (49 C.F.R.
30 571.208), as published in Volume 49 of the Federal
31 Register, No. 138, page 29009. Any automobile
32 manufacturer who sells or delivers a private passenger
33 motor vehicle subject to the requirements of this
34 subdivision, and fails to comply with this subdivision, shall
35 be punished by a fine of not more than five hundred
36 dollars (\$500) for each sale or delivery of a noncomplying
37 private passenger motor vehicle.

38 (m) Compliance with subdivision (k) or (l) by a
39 manufacturer shall be made by self-certification in the



1 same manner as self-certification is accomplished under
2 federal law.

3 (n) This section does not apply to a person actually
4 engaged in delivery of newspapers to customers along the
5 person's route if the person is properly restrained by a
6 safety belt prior to commencing and subsequent to
7 completing delivery on the route.

8 (o) This section does not apply to a person actually
9 engaged in collection and delivery activities as a rural
10 delivery carrier for the United States Postal Service if the
11 person is properly restrained by a safety belt prior to
12 stopping at the first box and subsequent to stopping at the
13 last box on the route.

14 (p) Subdivisions (d), (e), (f), (g), and (h) shall
15 become inoperative immediately upon the date that the
16 United States Secretary of Transportation, or his or her
17 delegate, determines to rescind the portion of the
18 Federal Motor Vehicle Safety Standard No. 208 (49 C.F.R.
19 571.208) which requires the installation of automatic
20 restraints in new private passenger motor vehicles,
21 except that those subdivisions shall not become
22 inoperative if the secretary's decision to rescind that
23 Standard No. 208 is not based, in any respect, on the
24 enactment or continued operation of those subdivisions.

25 ~~(q) This section shall become operative on January 1,~~
26 ~~1996.~~

27 *SEC. 44. Section 34501.12 of the Vehicle Code is*
28 *amended to read:*

29 34501.12. (a) Notwithstanding Section 408, as used in
30 this section and Sections 34505.5 and 34505.6, "motor
31 carrier" means the registered owner of any vehicle
32 described in subdivision (a), (b), (e), (f), or (g) of
33 Section 34500, except in the following circumstances:

34 (1) The registered owner leases the vehicle to another
35 person for a term of more than four months. If the lease
36 is for more than four months, the lessee is the motor
37 carrier.

38 (2) The registered owner operates the vehicle
39 exclusively under the authority and direction of another
40 person. If the operation is exclusively under the authority



1 and direction of another person, that other person may
 2 assume the responsibilities as the motor carrier. If not so
 3 assumed, the registered owner is the motor carrier. A
 4 person who assumes the motor carrier responsibilities of
 5 another pursuant to subdivision (b) shall provide to that
 6 other person whose motor carrier responsibility is so
 7 assumed, a completed copy of a department form
 8 documenting that assumption, stating the period for
 9 which responsibility is assumed, and signed by an agent
 10 of the assuming person. A legible copy shall be carried in
 11 each vehicle or combination of vehicles operated on the
 12 highway during the period for which responsibility is
 13 assumed. That copy shall be presented upon request by
 14 any authorized employee of the department. The original
 15 completed departmental form documenting the
 16 assumption shall be provided to the department within 30
 17 days of the assumption. If the assumption of responsibility
 18 is terminated, the person who had assumed responsibility
 19 shall so notify the department in writing within 30 days
 20 of the termination.

21 (b) (1) A motor carrier may combine two or more
 22 terminals for purposes of the inspection required by
 23 subdivision (d) subject to all of the following conditions:

24 (A) The carrier identifies to the department, in
 25 writing, each terminal proposed to be included in the
 26 combination of terminals for purposes of this subdivision
 27 prior to an inspection of the designated terminal pursuant
 28 to subdivision (d).

29 (B) The carrier provides the department, prior to the
 30 inspection of the designated terminal pursuant to
 31 subdivision (d) a written listing of all its vehicles of a type
 32 subject to subdivision (a), (b), (e), (f), or (g) of Section
 33 34500 which are based at each of the terminals combined
 34 for purposes of this subdivision. The listing shall specify
 35 the number of vehicles of each type at each terminal.

36 (C) The carrier provides to the department at the
 37 designated terminal during the inspection all
 38 maintenance records and driver records and a
 39 representative sample of vehicles based at each of the
 40 terminals included within the combination of terminals.



1 (2) If the carrier fails to provide the maintenance
 2 records, driver records, and representative sample of
 3 vehicles pursuant to subparagraph (C) of paragraph (1),
 4 the department shall assign the carrier an unsatisfactory
 5 terminal rating and require a reinspection to be
 6 conducted pursuant to subdivision (h).

7 (3) For purposes of this subdivision, the following
 8 terms have the meanings given:

9 (A) "Driver records" includes pull notice system
 10 records, driver proficiency records, and driver
 11 timekeeping records.

12 (B) "Maintenance records" includes all required
 13 maintenance, lubrication, and repair records and drivers'
 14 daily vehicle condition reports.

15 (C) "Representative sample" means the following,
 16 applied separately to the carrier's fleet of motor trucks
 17 and truck tractors and its fleet of trailers:

Fleet Size	Representative Sample
1 or 2	All
3 to 8	3
9 to 15	4
16 to 25	6
26 to 50	9
51 to 90	14
91 or more	20

28
 29 (c) Each motor carrier who, in this state, directs the
 30 operation of, or maintains, any vehicle of a type described
 31 in subdivision (a) shall designate one or more terminals,
 32 as defined in Section 34515, in this state where vehicles
 33 can be inspected by the department pursuant to
 34 paragraph (3) of subdivision (a) of Section 34501 and
 35 where vehicle inspection and maintenance records and
 36 driver records will be made available for inspection.

37 (d) The department shall inspect, at least every 25
 38 months, every terminal, as defined in Section 34515, of
 39 any motor carrier who, at any time, operates any vehicle
 40 described in subdivision (a).



1 As used in this section and in Sections 34505.5 and
2 34505.6, subdivision (f) of Section 34500 includes only
3 those combinations where the gross vehicle weight rating
4 (GVWR) of the towing vehicle exceeds 10,100 pounds,
5 and subdivision (g) of Section 34500 includes only those
6 vehicles transporting hazardous material for which the
7 display of placards is required pursuant to Section 27903,
8 a license is required pursuant to Section 32000.5, or for
9 which hazardous waste hauler registration is required
10 pursuant to Section 25163 of the Health and Safety Code.
11 Historical vehicles, as described in Section 5004, vehicles
12 which display special identification plates in accordance
13 with Section 5011, implements of husbandry, as defined
14 in Chapter 1 (commencing with Section 36000) of
15 Division 16, and vehicles owned or operated by an agency
16 of the federal government are not subject to this section
17 or to Sections 34505.5 and 34505.6.

18 (e) (1) It is the responsibility of the motor carrier to
19 schedule with the department the inspection required by
20 subdivision (d). The motor carrier shall submit an
21 application form supplied by the department,
22 accompanied by the required fee. The fee, which is
23 nonrefundable, is four hundred dollars (\$400) per
24 terminal, except in the case of an owner-operator, as
25 defined in Section 3557 of the Public Utilities Code, or a
26 nonregulated motor carrier who owns, leases, or
27 otherwise operates not more than one heavy power unit
28 and not more than three towed vehicles described in
29 subdivision (a), (b), (e), (f), or (g) of Section 34500, for
30 which the fee shall be one hundred dollars (\$100).
31 Federal, state, and local public entities are exempt from
32 the fee requirements of this section.

33 (2) Except as provided in paragraph (4), the
34 inspection term for each inspected terminal of a motor
35 carrier shall expire 25 months from the date the terminal
36 receives a satisfactory compliance rating, as specified in
37 subdivision (h). Applications and fees for subsequent
38 inspections shall be submitted not earlier than nine
39 months and not later than seven months before the
40 expiration of the motor carrier's then current inspection



1 term. If the motor carrier has submitted the inspection
2 application and the required accompanying fees, but the
3 department is unable to complete the inspection within
4 the 25-month inspection period, then no additional fee
5 shall be required for the inspection requested in the
6 original application.

7 (3) All fees collected pursuant to this subdivision shall
8 be deposited in the Motor Vehicle Account in the State
9 Transportation Fund. An amount equal to the fees
10 collected shall be available for appropriation by the
11 Legislature from the Motor Vehicle Account to the
12 department for the purpose of conducting truck terminal
13 inspections and for the additional roadside safety
14 inspections required by Section 34514.

15 (4) To avoid the scheduling of a renewal terminal
16 inspection pursuant to this section during a carrier's
17 seasonal peak business periods, the current inspection
18 term of a terminal that has paid all required fees and has
19 been rated satisfactory in its last inspection may be
20 reduced by not more than nine months if a written
21 request is submitted by the carrier to the department at
22 least four months prior to the desired inspection month,
23 or at the time of payment of renewal inspection fees in
24 compliance with paragraph (2), whichever date is
25 earlier. A motor carrier may request this adjustment of
26 the inspection term during any inspection cycle. A
27 request made pursuant to this paragraph shall not result
28 in a fee proration and does not relieve the carrier from the
29 requirements of paragraph (2).

30 (f) It is unlawful for a motor carrier to operate any
31 vehicle subject to this section without having submitted
32 an inspection application and the required fees to the
33 department as required by subdivision (e) or (h).

34 (g) On and after July 1, 1992, it is unlawful for any
35 motor carrier to operate any vehicle subject to this
36 section after submitting an inspection application to the
37 department, without the inspection described in
38 subdivision (d) having been performed and a safety
39 compliance report having been issued to the motor



1 carrier within the 25-month inspection period or within
2 60 days immediately preceding the inspection period.

3 (h) (1) Any inspected terminal that receives an
4 unsatisfactory compliance rating shall be reinspected
5 within 120 days after the issuance of the unsatisfactory
6 compliance rating.

7 (2) A terminal's first required reinspection under this
8 subdivision shall be without charge unless one or more of
9 the following is established:

10 (A) The motor carrier's operation presented an
11 imminent danger to public safety.

12 (B) The motor carrier was not in compliance with the
13 requirement to enroll all drivers in the pull notice
14 program pursuant to Section 1808.1.

15 (C) The motor carrier failed to provide all required
16 records and vehicles for a consolidated inspection
17 pursuant to subdivision (b).

18 (3) If the unsatisfactory rating was assigned for any of
19 the reasons set forth in paragraph (2), the carrier shall
20 submit the required fee as provided in paragraph (4).

21 (4) Applications for reinspection pursuant to
22 paragraph (3) or for second and subsequent consecutive
23 reinspections under this subdivision shall be
24 accompanied by the fee specified in paragraph (1) of
25 subdivision (e) and shall be filed within 60 days of
26 issuance of the unsatisfactory compliance rating. The
27 reinspection fee is nonrefundable.

28 (5) When a motor carrier's Public Utilities
29 Commission operating authority is suspended as a result
30 of an unsatisfactory compliance rating, the department
31 shall conduct no reinspection until requested to do so by
32 the Public Utilities Commission.

33 (i) It is the intent of the Legislature that the
34 department make its best efforts to inspect terminals
35 within the resources provided. In the interest of the state,
36 the Commissioner of the California Highway Patrol may
37 extend for a period not to exceed six months the
38 inspection terms beginning prior to July 1, 1990.

39 (j) To encourage truck terminal operators to attain
40 continuous satisfactory compliance ratings, the



1 department may establish and implement an incentive
2 program consisting of the following:

3 (1) After the second consecutive satisfactory
4 compliance rating assigned as a result of an inspection
5 conducted pursuant to subdivision (d), and each
6 consecutive satisfactory compliance rating thereafter, an
7 appropriate certificate, denoting the number of
8 consecutive satisfactory ratings, shall be awarded to the
9 terminal, *unless the terminal has received an*
10 *unsatisfactory compliance rating as a result of any*
11 *inspection conducted in the interim between the*
12 *consecutive inspections conducted under subdivision*
13 *(d).*

14 (2) Unless the department's evaluation of the motor
15 carrier's safety record indicates a declining level of
16 compliance, a terminal that has attained two consecutive
17 satisfactory compliance ratings assigned following
18 inspections conducted pursuant to subdivision (d) is
19 eligible for an administrative review in lieu of the next
20 required inspection, *unless the terminal has received an*
21 *unsatisfactory compliance rating as a result of any*
22 *inspection conducted in the interim between the*
23 *consecutive inspections conducted under subdivision*
24 *(d).* An administrative review shall consist of all of the
25 following:

26 (A) A signed request by a terminal management
27 representative requesting the administrative review in
28 lieu of the required inspection containing a promise to
29 continue to maintain a satisfactory level of compliance for
30 the next 25-month inspection term.

31 (B) A review with a terminal management
32 representative of the carrier's record as contained in the
33 department's files.

34 (C) Absent any cogent reasons to the contrary, upon
35 completion of subparagraphs (A) and (B), the safety
36 compliance rating assigned during the last required
37 inspection shall be extended for 25 months.

38 (3) Administrative reviews may not be conducted
39 consecutively. At the completion of the 25-month
40 inspection term following an administrative review, a



1 terminal inspection shall be conducted pursuant to
2 subdivision (d). If this inspection results in a satisfactory
3 compliance rating, the terminal shall again be eligible for
4 an administrative review in lieu of the next required
5 inspection. If the succession of satisfactory ratings is
6 interrupted by a rating of other than satisfactory, the
7 terminal shall again attain two consecutive satisfactory
8 ratings to become eligible for an administrative review.

9 *SEC. 45. Section 34505.9 of the Vehicle Code is*
10 *amended to read:*

11 34505.9. (a) As used in this section, the following
12 terms have the following meanings:

13 (1) An “intermodal chassis” is a trailer designed for
14 carrying intermodal freight containers.

15 (2) An “ocean marine terminal” is a terminal, as
16 defined in Section 34515, located at a port facility that
17 engages in the loading and unloading of the cargo of
18 ocean-going vessels.

19 (b) An ocean marine terminal that receives and
20 dispatches intermodal chassis may conduct the
21 intermodal roadability inspection program, as described
22 in this section, in lieu of the inspection required by
23 Section 34505.5, if the terminal meets all of the following
24 conditions:

25 (1) More than 1,000 chassis are based at the ocean
26 marine terminal.

27 (2) The ocean marine terminal has, following the two
28 most recent consecutive inspections required by Section
29 34501.12, received satisfactory compliance ratings, *and*
30 *the terminal has received no unsatisfactory compliance*
31 *ratings as a result of any inspection conducted in the*
32 *interim between the consecutive inspections conducted*
33 *under Section 34501.12.*

34 (3) Each intermodal chassis exiting the ocean marine
35 terminal shall have a current decal and supporting
36 documentation in accordance with Section 396.17 of Title
37 49 of the Code of Federal Regulations.

38 (4) The ocean marine terminal’s intermodal
39 roadability inspection program consists of all of the
40 following:



1 (A) Each time an intermodal chassis is released from
2 the ocean marine terminal, the chassis shall be inspected.
3 The inspection shall include, but not be limited to, brake
4 adjustment, brake system components and leaks,
5 suspension systems, tires and wheels, vehicle connecting
6 devices, and lights and electrical system.

7 (B) Each inspection shall be recorded on a daily
8 roadability inspection report, which shall include, but not
9 be limited to, all of the following:

10 (i) Positive identification of the intermodal chassis,
11 including company identification number.

12 (ii) Date and nature of each inspection.

13 (iii) Signature of the ocean marine terminal operator
14 or an authorized representative.

15 (C) Records of each inspection conducted pursuant to
16 subparagraph (A) shall be retained for 90 days at the
17 ocean marine terminal at which each chassis is based and
18 shall be made available upon request by any authorized
19 employee of the department.

20 (D) Defects noted on any intermodal chassis shall be
21 repaired, and the repairs shall be recorded on the
22 intermodal chassis maintenance file, before the
23 intermodal chassis is released from the control of the
24 ocean marine terminal. No vehicle subject to this section
25 shall be operated on the highway other than to a place of
26 repair until all defects listed during the inspection
27 conducted pursuant to subparagraph (A) have been
28 corrected and attested to by the signature of the
29 operator's authorized representative.

30 (E) Records of maintenance or repairs performed
31 pursuant to the inspection in subparagraph (A) shall be
32 maintained at the ocean marine terminal for two years
33 and shall be made available upon request of the
34 department. Repair records may be retained in a
35 computer system if printouts of those records are
36 provided to the department upon request.

37 (F) Individuals performing ocean marine terminal
38 roadability inspections pursuant to this section shall, at a
39 minimum, be qualified as set forth in Section 396.19 of
40 Title 49 of the Code of Federal Regulations. Evidence of



1 each inspector's qualification shall be retained by the
2 ocean marine terminal operator for the period during
3 which the inspector is performing intermodal roadability
4 inspections.

5 (c) Following a terminal inspection in which the
6 department determines an operator of an ocean marine
7 terminal utilizing the intermodal roadability inspection
8 program has failed to comply with the requirements of
9 this section, the department shall conduct a reinspection
10 within 120 days as specified in subdivision (h) of Section
11 34501.12. If the terminal fails the reinspection, the
12 department shall direct the operator to comply with the
13 requirements of Section 34505.5 until eligibility to utilize
14 the inspection program described in this section is
15 reestablished pursuant to subdivision (b). If any
16 inspection results in an unsatisfactory rating due to
17 conditions presenting an imminent danger to the public
18 safety, as described in Section 34505.6 or 34506.7, the
19 department immediately shall direct the operator to
20 comply with the requirements of Section 34505.5 until
21 eligibility to utilize the inspection program described in
22 this section is reestablished pursuant to subdivision (b).

23 (d) This section shall remain in effect only until
24 January 1, 1998, and as of that date is repealed, unless a
25 later enacted statute, which is enacted before January 1,
26 1998, deletes or extends that date.

27 *SEC. 46.* Section 35550 of the Vehicle Code is
28 amended to read:

29 35550. (a) The gross weight imposed upon the
30 highway by the wheels on any one axle of a vehicle shall
31 not exceed 20,000 pounds and the gross weight upon any
32 one wheel, or wheels, supporting one end of an axle, and
33 resting upon the roadway, shall not exceed 10,500 pounds.

34 (b) The gross weight limit provided for weight
35 bearing upon any one wheel, or wheels, supporting one
36 end of an axle shall not apply to vehicles the loads of which
37 consist of livestock.

38 (c) The maximum wheel load is the lesser of the
39 following:



1 (1) The load limit set by the American Tire and Rim
2 Association as molded on at least one sidewall of the tire.

3 (2) A load of 600 pounds per lateral inch of tire width
4 for all axles, except for the steering axle, in which case
5 paragraph (1) applies.

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

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

20 *SEC. 47. Section 40152 of the Vehicle Code is*
21 *amended to read:*

22 40152. (a) Whenever any vehicle or combination of
23 vehicles is found to be not registered as required by this
24 code, and a notice to appear is issued or a complaint is
25 filed for ~~such~~ *that* violation, the person to whom the
26 notice to appear is issued or against whom the complaint
27 is filed shall produce in court satisfactory evidence that
28 the vehicle or combination of vehicles ~~is~~ *has been*
29 *registered; or has had the appropriate fees paid, or is has*
30 *been* reduced to junk, to conform with the requirements
31 of this code. The court shall not ~~adjudicate dismiss~~
32 offense until that evidence is produced.

33 (b) A four-day, nonresident commercial trip permit of
34 the type authorized in Section 4004 may not be accepted
35 as evidence of registration compliance as required in
36 subdivision (a) of this section.

37 *SEC. 48. Section 40225 of the Vehicle Code is*
38 *amended to read:*

39 40225. (a) An equipment violation entered on the
40 notice of parking violation attached to the vehicle under



1 Section 40203 shall be processed in accordance with this
2 article. All of the violations entered on the notice of
3 parking violation shall be noticed in the notice of
4 delinquent parking violation delivered pursuant to
5 Section 40206, together with the amount of civil penalty.

6 (b) Whether or not a vehicle is in violation of any
7 regulation governing the standing or parking of a vehicle
8 but is in violation of subdivision (a) of Section 5204, a
9 person authorized to enforce parking laws and
10 regulations shall issue a written notice of parking
11 violation, setting forth the alleged violation. The violation
12 shall be processed pursuant to this section.

13 (c) The civil penalty for each equipment violation is
14 the amount established for the violation in the Uniform
15 Bail and Penalty Schedule, as adopted by the Judicial
16 Council, except that upon proof of the correction to the
17 processing agency, the penalty shall be reduced to ten
18 dollars (\$10). The civil penalty for each violation of
19 Section 5204 is the amount established for the violation in
20 the Uniform Bail and Penalty Schedule, as adopted by the
21 Judicial Council, except that upon proof of the correction
22 to the processing agency, the penalty shall be reduced to
23 ten dollars (\$10).

24 (d) Fifty percent of any penalty collected pursuant to
25 this section for registration or equipment violations by a
26 processing agency shall be paid to the county for
27 remittance to the State Treasurer and the remaining 50
28 percent shall be retained by the issuing agency and
29 processing agency subject to the terms of the contract
30 described in Section 40200.5.

31 (e) *Subdivisions (a) and (b) do not preclude the*
32 *recording of a violation of subdivision (a) or (b) of*
33 *Section 4000 on a notice of parking violation or the*
34 *adjudication of that violation under the civil process set*
35 *forth in this article.*

36 *SEC. 49. No reimbursement is required by this act*
37 *pursuant to Section 6 of Article XIII B of the California*
38 *Constitution for certain costs that may be incurred by a*
39 *local agency or school district because in that regard this*
40 *act creates a new crime or infraction, eliminates a crime*



1 or infraction, or changes the penalty for a crime or
2 infraction, within the meaning of Section 17556 of the
3 Government Code, or changes the definition of a crime
4 within the meaning of Section 6 of Article XIII B of the
5 California Constitution.

6 However, notwithstanding Section 17610 of the
7 Government Code, if the Commission on State Mandates
8 determines that this act contains other costs mandated by
9 the state, reimbursement to local agencies and school
10 districts for those costs shall be made pursuant to Part 7
11 (commencing with Section 17500) of Division 4 of Title
12 2 of the Government Code. If the statewide cost of the
13 claim for reimbursement does not exceed one million
14 dollars (\$1,000,000), reimbursement shall be made from
15 the State Mandates Claims Fund.

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

20 SEC. 50. This act is an urgency statute necessary for
21 the immediate preservation of the public peace, health,
22 or safety within the meaning of Article IV of the
23 Constitution and shall go into immediate effect. The facts
24 constituting the necessity are:

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

