

AMENDED IN SENATE AUGUST 22, 1996

AMENDED IN SENATE JULY 10, 1996

AMENDED IN SENATE JUNE 18, 1996

AMENDED IN ASSEMBLY MAY 7, 1996

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 564 of the Code of Civil Procedure, to amend Section 19993.7 of, and to add Section 65088.5 to, the Government Code, and to amend Sections 11474, 44013.5, and 44251 of, ~~to amend and repeal Section 43705 of,~~ and to repeal Sections 39047.4, 39053.1, 40925, 40927, ~~43705,~~ 44001, 44001.6, 44001.7, 44011, 44012, 44015, ~~44037 44037.1,~~ 44225.1, 44236.1, 44255, and 44256 of, the Health and Safety Code, ~~to amend Section 20291 of the Public Contract Code,~~ to amend Sections 5374, 21687, and 103222 of, and to add Section 5259.5 to, the Public Utilities Code, to amend Sections 92.3, 164.10, 164.11, 164.12, 164.13, 164.14, 164.15, 164.16, 253.1, 253.7, 318, 411, 433, 541, 561, and 2557 of, and to repeal Sections 524, 531, and 575 of, the Streets and Highways Code, and to amend Sections 22, ~~23, 24, 2421.5, 4021, 3016, 24, 2421.5,~~ 4000.7, ~~4021,~~ 5064, 12810, 12815, 13003, 14908, 16000, 16056, 16431, 21655.8, 21806, 22651, 23157, 23190, 23250, 23302, 25258, 25279, 26708, 27315, 27365, 34501.12, 34505.9, 35550, 40152, 40225, and 40254 of, and to

repeal ~~Sections 24011.7 and 25258.1~~ *Section 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 an 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) Existing law makes specified provisions relating to state-owned motor vehicles inapplicable to members of the Department of the California Highway Patrol.

This bill would, additionally, make those provisions inapplicable to the Sergeant-at-Arms of each house of the Legislature, as specified.

(3) Existing law requires the development, adoption, and updating of a congestion management program for each county that includes an urbanized area. Existing law requires congestion management programs to be incorporated into the regional transportation improvement program by December 15 of each odd-numbered year.

The bill would impose a state-mandated local program by requiring regional transportation planning agencies to incorporate the congestion management programs prepared by county transportation commissions and transportation authorities, as specified, into a federally required congestion management system.

(4) 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.

(5) Existing law, which is to become operative only if specified conditions are met, establishes a pilot program consisting of requirements for odometer checks, annual smog checks, and reduction of target pollution miles, applicable in the San Diego County Air Pollution Control District and the Ventura County Air Pollution Control District. Existing law imposes various requirements on the State Air Resources Board, the Department of Consumer Affairs, and the Bureau of Automotive Repair relative to the pilot program.

This bill would repeal those provisions relating to that pilot program. The bill would also ~~revise~~ *repeal* provisions pertaining to the establishment and use of a vehicle smog index system.



This bill would also provide for the smog index for diesel fuel vehicles and would impose duties on the state board regarding that index.

~~(6) 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.~~

~~(7) 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.

~~(8)~~

~~(7) 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.

~~(9)~~



(8) Under existing law, contracts by the San Mateo County Transit District for the purchase of supplies, equipment, and materials in excess of \$10,000 are to be awarded pursuant to a competitive bid procedure, except in a declared board emergency.

This bill would increase the dollar amount subject to the bid procedure to \$25,000 and would authorize the board to delegate to the district general manager, the power to award a contract of up to \$50,000.

(10)

(9) 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.

(11)

(10) 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.

(12)

(11) Existing law establishes the California ~~freeway~~ *Freeway* and ~~expressway system~~ *Expressway System* and requires that it be composed of the highways specified in certain provisions of existing law.

This bill would make specified changes to the California freeway and expressway system.

(13)

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

This bill would make specified changes to the state highway system.



~~(14)~~

(13) Existing law requires that specified funds be used for the implementation, maintenance, and operation of a motorist aid system of call boxes, including the lease or lease-purchase of facilities and equipment for the system, on the portions of the California Freeway and Expressway System and a county expressway system, and on state highway routes that connect segments of these systems, which are located within the county in which a specified authority is established and over which the Department of the California Highway Patrol or an agency designated by that department has law enforcement responsibility. Existing law requires the department to answer calls and provide central dispatching services for the system.

This bill would, additionally, include unincorporated county roads in ~~the County of Los Angeles~~ *counties with a population of over 6,000,000 persons* within that system of call boxes. The bill would require the department to answer calls and provide central dispatching services for the system for those roads.

~~(15)~~

(14) 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.~~

~~(16)~~

(15) Existing law exempts a vehicle from registration with the Department of Motor Vehicles if the vehicle is designed or altered for, and used exclusively for, the refueling of aircraft at a public airport and the vehicle is operated upon a highway



under the control of a local authority for a continuous distance not exceeding $\frac{1}{4}$ mile each way to and from a bulk fuel storage facility.

This bill would increase the distance specified above to $\frac{1}{2}$ mile.

~~(17)~~

(16) 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)~~

(17) 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.

~~(19)~~

(18) Existing law requires the Department of Motor Vehicles to provide, as specified, a duplicate driver's license or identification card to a person whose license or card has been lost, destroyed, or mutilated.

This bill would require a person in possession of a valid driver's license or identification card who has been informed either by the department or by a law enforcement agency that the document is mutilated, as defined by the bill, to surrender the document to the department not later than 10 days after that notification.



~~(20)~~

(19) Existing law requires the driver of every motor vehicle who is in any manner involved in an accident originating from the operation of a motor vehicle on any street or highway that has resulted in damage to the property of any one person in excess of \$500 or in bodily injury or in the death of any person to report the accident within 10 days after the accident, either personally or through an insurance agent, broker, or legal representative, on a form approved by the Department of Motor Vehicles to the office of the department at Sacramento.

Existing law requires the department to suspend the driving privilege of any person who fails, refuses, or neglects to make the specified report or when the person fails to prove the existence of financial responsibility, as defined, at the time of the accident.

This bill would specify that the department is not required to file the specified report or suspend the driving privilege as specified above if none of the parties involved in an accident has reported that accident to the department within one year following the date of the accident.

~~(21)~~

(20) Existing law requires that a driver involved in a reportable accident, as specified, establish proof of financial responsibility to the satisfaction of the department. Existing law authorizes that proof to be in the form of a certificate or certificates that meets specified requirements, including that it be from an insurance carrier duly authorized to do business within the state, in addition to other specified requirements.

Existing law requires the department to require that a person whose driver's license has been revoked, suspended, or restricted pursuant to specified provisions of the Vehicle Code provide, as proof of financial responsibility, a certificate or certificates that covers all motor vehicles registered to the person and meets the requirement specified above, before reinstatement of his or her driver's license.

This bill would authorize a resident of another state to provide proof of financial responsibility when required to do so under the Vehicle Code from a company authorized to do business in that person's state of residence, if that proof is



satisfactory to the department, covers the operation of a vehicle in this state, and meets specified minimum coverage limit requirements.

The bill would prohibit the department from issuing or returning a driver's license to a nonresident who has established proof of financial responsibility as specified above and then returned to the state, until the person files a written certificate or certificates, as specified above, that meets the minimum coverage limit requirements specified above and covers the period during which the person is required to maintain proof of financial responsibility.

~~(22)~~

(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.

~~(23)~~

(22) Existing law authorizes a law enforcement officer to use a preliminary alcohol screening test, as specified, only after the officer evaluates the totality of the circumstances, including a person's performance on field sobriety tests. The preliminary alcohol screening test is authorized to be used as a further investigative tool if a person refuses to take field sobriety tests or is incapable of taking the tests, unless the person refuses to take the preliminary alcohol screening test.

This bill would delete the conditions specified above for administering the preliminary alcohol screening test and would, instead, specify that the test is a field sobriety test that may be used by an officer as a further investigative tool.



~~(24)~~

(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.

~~(25)~~

(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.

~~(26)~~

(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.

(27)

(26) Existing law requires that a person convicted of being under the influence of drugs or alcohol, or under the combined influence of those, while driving a vehicle and concurrently doing any act forbidden by law that proximately causes bodily injury to any person other than the driver be punished by specified terms of imprisonment in the state prison and by specified fines if the offense occurred within 7 years of 2 or more separate violations of specified provisions prohibiting driving while under the influence of alcohol or drugs, or both alcohol and drugs. Existing law requires the court to order a person punished by imprisonment in the state prison under that provision to participate in an alcohol or drug program that is available at the prison during the person's confinement.

Existing law requires that the driving privileges of a person punished as specified above be revoked for 5 years and not reinstated until, among other things, the person gives proof satisfactory to the Department of Motor Vehicles of successful completion of a drug or alcohol program licensed under a specified provision of the Health and Safety Code, or a program specified in a specified provision of the Penal Code.

This bill would specify that participation in an alcohol or drug program under the punishment provision specified above does not meet the program completion requirement



specified above, unless the drug or alcohol program is licensed as specified above or is specified in the Penal Code as specified above.

~~(28)~~

(27) Under existing law, it is unlawful to refuse to pay tolls or other charges on any vehicular crossing or toll highway. Existing law provides that it is prima facie evidence of a violation of this prohibition for any person to enter upon any vehicular crossing without either lawful money or an Automatic Vehicle Identification account with a sufficient balance.

This bill would expand this provision to include toll highways within the provision and would include a transponder or other electronic toll payment device associated with a valid Automatic Vehicle Identification account within the scope of the provision. The bill would require transponders or other electronic toll payment devices to be located, as specified. To the extent that these provisions would expand the scope of an existing crime, the bill would impose a state-mandated local program.

~~(29)~~

(28) 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, or for electronic toll and traffic management on public or private roads or facilities, 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.

~~(30)~~

(29) 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.

~~(31)~~

(30) Under existing law, every car rental agency is required to inform each of its customers of information regarding child restraint systems which information is required to be posted.

This bill would revise the contents of the posted information to conform to existing statutory requirements regarding child restraint systems.

~~(32)~~

(31) 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.

~~(33)~~

(32) 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 established by the tire manufacturer, as specified, or 620 pounds per lateral inch of tire width, *as prescribed*, 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.

~~(34)~~

(33) Under existing law, if a vehicle has evaded tolls on any toll road or bridge, among other things, the notice of toll evasion violation is required to include fixing the time and place for appearance by the registered owner, the lessee, or the renter to answer the notice.

This bill would delete the requirement that the notice contain the specified information regarding fixing the time and place for appearance.

~~(35)~~

(34) 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.

(35) This bill would incorporate additional changes as follows: (a) in Section 564 of the Code of Civil Procedure, proposed by SB 947, (b) in Sections 16056 and 16431 of the Vehicle Code, proposed by SB 1129, (c) in Section 22651 of the



Vehicle Code, proposed by AB 3157 or AB 2288, or both, and (d) in Section 34501.12 of the Vehicle Code, proposed by AB 1675, to be operative only if the other bills are also enacted and this bill is enacted last.

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

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

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

1 SECTION 1. This act shall be known and may be cited
2 as the Omnibus Transportation Act of 1996.

3 SEC. 2. Section 564 of the Code of Civil Procedure is
4 amended to read:

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

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

12 (1) In an action by a vendor to vacate a fraudulent
13 purchase of property, or by a creditor to subject any
14 property or fund to the creditor's claim, or between
15 partners or others jointly owning or interested in any
16 property or fund, on the application of the plaintiff, or of
17 any party whose right to or interest in the property or
18 fund, or the proceeds thereof, is probable, and where it
19 is shown that the property or fund is in danger of being
20 lost, removed, or materially injured.

21 (2) In an action by a secured lender for the foreclosure
22 of the deed of trust or mortgage and sale of the property
23 upon which there is a lien under a deed of trust or
24 mortgage, where it appears that the property is in danger
25 of being lost, removed, or materially injured, or that the
26 condition of the deed of trust or mortgage has not been
27 performed, and that the property is probably insufficient
28 to discharge the deed of trust or mortgage debt.

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



1 (4) After judgment, to dispose of the property
2 according to the judgment, or to preserve it during the
3 pendency of an appeal, or pursuant to Title 9
4 (commencing with Section 680.010) (enforcement of
5 judgments), or after sale of real property pursuant to a
6 decree of foreclosure, during the redemption period, to
7 collect, expend, and disburse rents as directed by the
8 court or otherwise provided by law.

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

12 (6) In an action of unlawful detainer.

13 (7) At the request of the Public Utilities Commission
14 pursuant to Sections 855 and 5259.5 of the Public Utilities
15 Code.

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

18 (9) At the request of the Office of Statewide Health
19 Planning and Development, or the Attorney General,
20 pursuant to Section 436.222 of the Health and Safety
21 Code.

22 (10) In an action by a secured lender for specific
23 performance of an assignment of rents provision in a deed
24 of trust, mortgage, or separate assignment document. In
25 addition, that appointment may be continued after entry
26 of a judgment for specific performance in that action, if
27 appropriate to protect, operate, or maintain real property
28 encumbered by the deed of trust or mortgage or to collect
29 the rents therefrom while a pending nonjudicial
30 foreclosure under power of sale in the deed of trust or
31 mortgage is being completed.

32 (c) A receiver may be appointed, in the manner
33 provided in this chapter, including, but not limited to,
34 Section 566, by the superior court in an action brought by
35 a secured lender to enforce the rights provided in Section
36 2929.5 of the Civil Code, to enable the secured lender to
37 enter and inspect the real property security for the
38 purpose of determining the existence, location, nature,
39 and magnitude of any past or present release or
40 threatened release of any hazardous substance into, onto,



1 beneath, or from the real property security. The secured
2 lender shall not abuse the right of entry and inspection or
3 use it to harass the borrower or tenant of the property.
4 Except in case of an emergency, when the borrower or
5 tenant of the property has abandoned the premises, or if
6 it is impracticable to do so, the secured lender shall give
7 the borrower or tenant of the property reasonable notice
8 of the secured lender's intent to enter and shall enter only
9 during the borrower's or tenant's normal business hours.
10 Twenty-four hours' notice shall be presumed to be
11 reasonable notice in the absence of evidence to the
12 contrary.

13 (d) Any action by a secured lender to appoint a
14 receiver pursuant to this section shall not constitute an
15 action within the meaning of subdivision (a) of Section
16 726.

17 (e) For purposes of this section:

18 (1) "Borrower" means the trustor under a deed of
19 trust, or a mortgagor under a mortgage, where the deed
20 of trust or mortgage encumbers real property security
21 and secures the performance of the trustor or mortgagor
22 under a loan, extension of credit, guaranty, or other
23 obligation. The term includes any successor-in-interest of
24 the trustor or mortgagor to the real property security
25 before the deed of trust or mortgage has been discharged,
26 reconveyed, or foreclosed upon.

27 (2) "Hazardous substance" means (A) any "hazardous
28 substance" as defined in subdivision (f) of Section 25281
29 of the Health and Safety Code as effective on January 1,
30 1991, or as subsequently amended, (B) any "waste" as
31 defined in subdivision (d) of Section 13050 of the Water
32 Code as effective on January 1, 1991, or as subsequently
33 amended, or (C) petroleum, including crude oil or any
34 fraction thereof, natural gas, natural gas liquids, liquefied
35 natural gas, or synthetic gas usable for fuel, or any mixture
36 thereof.

37 (3) "Real property security" means any real property
38 and improvements, other than a separate interest and
39 any related interest in the common area of a residential
40 common interest development, as the terms "separate



1 interest,” “common area,” and “common interest
 2 development” are defined in Section 1351 of the Civil
 3 Code, or real property consisting of one acre or less which
 4 contains 1 to 15 dwelling units.

5 (4) “Release” means any spilling, leaking, pumping,
 6 pouring, emitting, emptying, discharging, injecting,
 7 escaping, leaching, dumping, or disposing into the
 8 environment, including continuing migration, of
 9 hazardous substances into, onto, or through soil, surface
 10 water, or groundwater.

11 (5) “Secured lender” means the beneficiary under a
 12 deed of trust against the real property security, or the
 13 mortgagee under a mortgage against the real property
 14 security, and any successor-in-interest of the beneficiary
 15 or mortgagee to the deed of trust or mortgage.

16 *SEC. 2.1. Section 564 of the Code of Civil Procedure*
 17 *is amended to read:*

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

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

25 (1) In an action by a vendor to vacate a fraudulent
 26 purchase of property, or by a creditor to subject any
 27 property or fund to the creditor’s claim, or between
 28 partners or others jointly owning or interested in any
 29 property or fund, on the application of the plaintiff, or of
 30 any party whose right to or interest in the property or
 31 fund, or the proceeds thereof, is probable, and where it
 32 is shown that the property or fund is in danger of being
 33 lost, removed, or materially injured.

34 (2) In an action by a secured lender for the foreclosure
 35 of the deed of trust or mortgage and sale of the property
 36 upon which there is a lien under a deed of trust or
 37 mortgage, where it appears that the property is in danger
 38 of being lost, removed, or materially injured, or that the
 39 condition of the deed of trust or mortgage has not been



1 performed, and that the property is probably insufficient
2 to discharge the deed of trust or mortgage debt.

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

4 (4) After judgment, to dispose of the property
5 according to the judgment, or to preserve it during the
6 pendency of an appeal, or pursuant to Title 9
7 (commencing with Section 680.010) (enforcement of
8 judgments), or after sale of real property pursuant to a
9 decree of foreclosure, during the redemption period, to
10 collect, expend, and disburse rents as directed by the
11 court or otherwise provided by law.

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

15 (6) In an action of unlawful detainer.

16 (7) At the request of the Public Utilities Commission
17 pursuant to ~~Section~~ Sections 855 and 5259.5 of the Public
18 Utilities Code.

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

21 (9) At the request of the Office of Statewide Health
22 Planning and Development, or the Attorney General,
23 pursuant to Section 436.222 of the Health and Safety
24 Code.

25 (10) In an action by a secured lender for ~~specific~~
26 *specified* performance of an assignment of rents provision
27 in a deed of trust, mortgage, or separate assignment
28 document. In addition, that appointment may be
29 continued after entry of a judgment for specific
30 performance in that action, if appropriate to protect,
31 operate, or maintain real property encumbered by the
32 deed of trust or mortgage or to collect the rents therefrom
33 while a pending nonjudicial foreclosure under power of
34 sale in the deed of trust or mortgage is being completed.

35 *(11) In a case brought by an assignee under an*
36 *assignment of leases, rents, issues, or profits pursuant to*
37 *subdivision (g) of Section 2938 of the Civil Code.*

38 (c) A receiver may be appointed, in the manner
39 provided in this chapter, including, but not limited to,
40 Section 566, by the superior court in an action brought by



1 a secured lender to enforce the rights provided in Section
2 2929.5 of the Civil Code, to enable the secured lender to
3 enter and inspect the real property security for the
4 purpose of determining the existence, location, nature,
5 and magnitude of any past or present release or
6 threatened release of any hazardous substance into, onto,
7 beneath, or from the real property security. The secured
8 lender shall not abuse the right of entry and inspection or
9 use it to harass the borrower or tenant of the property.
10 Except in case of an emergency, when the borrower or
11 tenant of the property has abandoned the premises, or if
12 it is impracticable to do so, the secured lender shall give
13 the borrower or tenant of the property reasonable notice
14 of the secured lender's intent to enter and shall enter only
15 during the borrower's or tenant's normal business hours.
16 Twenty-four hours' notice shall be presumed to be
17 reasonable notice in the absence of evidence to the
18 contrary.

19 (d) Any action by a secured lender to appoint a
20 receiver pursuant to this section shall not constitute an
21 action within the meaning of subdivision (a) of Section
22 726.

23 (e) For purposes of this section:

24 (1) "Borrower" means the trustor under a deed of
25 trust, or a mortgagor under a mortgage, where the deed
26 of trust or mortgage encumbers real property security
27 and secures the performance of the trustor or mortgagor
28 under a loan, extension of credit, guaranty, or other
29 obligation. The term includes any successor-in-interest of
30 the trustor or mortgagor to the real property security
31 before the deed of trust or mortgage has been discharged,
32 reconveyed, or foreclosed upon.

33 (2) "Hazardous substance" means (A) any "hazardous
34 substance" as defined in subdivision (f) of Section 25281
35 of the Health and Safety Code as effective on January 1,
36 1991, or as subsequently amended, (B) any "waste" as
37 defined in subdivision (d) of Section 13050 of the Water
38 Code as effective on January 1, 1991, or as subsequently
39 amended, or (C) petroleum, including crude oil or any
40 fraction thereof, natural gas, natural gas liquids, liquefied



1 natural gas, or synthetic gas usable for fuel, or any mixture
2 thereof.

3 (3) “Real property security” means any real property
4 and improvements, other than a separate interest and
5 any related interest in the common area of a residential
6 common interest development, as the terms “separate
7 interest,” “common area,” and “common interest
8 development” are defined in Section 1351 of the Civil
9 Code, or real property consisting of one acre or less which
10 contains 1 to 15 dwelling units.

11 (4) “Release” means any spilling, leaking, pumping,
12 pouring, emitting, emptying, discharging, injecting,
13 escaping, leaching, dumping, or disposing into the
14 environment, including continuing migration, of
15 hazardous substances into, onto, or through soil, surface
16 water, or groundwater.

17 (5) “Secured lender” means the beneficiary under a
18 deed of trust against the real property security, or the
19 mortgagee under a mortgage against the real property
20 security, and any successor-in-interest of the beneficiary
21 or mortgagee to the deed of trust or mortgage.

22 SEC. 3. Section 19993.7 of the Government Code is
23 amended to read:

24 19993.7. The provisions of this chapter shall not apply
25 to members of the California Highway Patrol nor to a
26 peace officer defined in subdivision (a) of Section 830.36
27 of the Penal Code.

28 SEC. 4. Section 65088.5 is added to the Government
29 Code, to read:

30 65088.5. Congestion management programs, *if*
31 prepared by county transportation commissions and
32 transportation authorities created pursuant to Division 12
33 (commencing with Section 130000) of the Public Utilities
34 Code, shall be used by the regional transportation
35 planning agency to meet federal requirements for a
36 congestion management system, and shall be
37 incorporated into the congestion management system.

38 SEC. 5. Section 11474 of the Health and Safety Code
39 is amended to read:

1 11474. A court order for the destruction of controlled
 2 substances, instruments, or paraphernalia pursuant to the
 3 provisions of Section 11473 or 11473.5 may be carried out
 4 by a police or sheriff’s department, the Department of
 5 Justice, or the Department of the California Highway
 6 Patrol. The court order shall specify the agency
 7 responsible for the destruction. Controlled substances,
 8 instruments, or paraphernalia not in the possession of the
 9 designated agency at the time the order of the court is
 10 issued shall be delivered to the designated agency for
 11 destruction in compliance with the order.

12 SEC. 6. Section 39047.4 of the Health and Safety Code
 13 is repealed.

14 SEC. 7. Section 39053.1 of the Health and Safety Code
 15 is repealed.

16 SEC. 8. Section 40925 of the Health and Safety Code,
 17 as amended by Section 8 of Chapter 1192 of the Statutes
 18 of 1994, is repealed.

19 SEC. 9. Section 40925 of the Health and Safety Code,
 20 as added by Section 9 of Chapter 1192 of the Statutes of
 21 1994, is repealed.

22 SEC. 10. Section 40927 of the Health and Safety Code,
 23 as added by Chapter 1192 of the Statutes of 1994, is
 24 repealed.

25 ~~SEC. 11. Section 43705 of the Health and Safety Code,~~
 26 ~~as added by Chapter 1008 of the Statutes of 1994, is~~
 27 ~~amended to read:~~

28 ~~43705. (a) There is hereby established a five-year~~
 29 ~~pilot statewide smog index system for light duty vehicles.~~

30 ~~(b) (1) The state board shall petition the Federal~~
 31 ~~Trade Commission, pursuant to Part 455 of Title 16 of the~~
 32 ~~Code of Federal Regulations, for a limited exemption~~
 33 ~~from the Federal Trade Commission’s Buyer’s Guide, to~~
 34 ~~allow this state to incorporate into the Buyer’s Guide~~
 35 ~~utilized by motor vehicle dealers in this state, a smog~~
 36 ~~index chart pursuant to subdivision (b) of Section 44254.~~

37 ~~(2) Ninety days following approval by the Federal~~
 38 ~~Trade Commission of a petition pursuant to paragraph~~
 39 ~~(1), it shall be unlawful for any motor vehicle dealer~~
 40 ~~licensed by the Department of Motor Vehicles to display~~



1 ~~or offer for sale any used vehicle unless there is affixed to~~
2 ~~the vehicle the Federal Trade Commission's Buyer's~~
3 ~~Guide as required by Part 455 of Title 16 of the Code of~~
4 ~~Federal Regulations which includes a smog index chart~~
5 ~~pursuant to subdivision (b) of Section 44254. Ninety days~~
6 ~~following the final disapproval by the Federal Trade~~
7 ~~Commission of a petition pursuant to paragraph (1), it~~
8 ~~shall be unlawful for any motor vehicle dealer licensed by~~
9 ~~the Department of Motor Vehicles to display or offer for~~
10 ~~sale any used vehicle unless there is attached, by a~~
11 ~~perforated attachment, to the Federal Trade~~
12 ~~Commission's Buyer's Guide as required by Part 455 of~~
13 ~~Title 16 of the Code of Federal Regulations, a smog index~~
14 ~~chart pursuant to subdivision (b) of Section 44254.~~

15 ~~(c) Subdivision (b) does not apply to any of the~~
16 ~~following:~~

17 ~~(1) A vehicle sold by a dismantler after the vehicle has~~
18 ~~been reported for dismantling pursuant to Section 11520~~
19 ~~of the Vehicle Code.~~

20 ~~(2) A vehicle sold by a salvage pool after a salvage~~
21 ~~certificate has been obtained for the vehicle pursuant to~~
22 ~~Section 11515 of the Vehicle Code.~~

23 ~~(3) A vehicle sold by a salvage pool or a dismantler~~
24 ~~after a nonrepairable vehicle certificate has been~~
25 ~~obtained for the vehicle pursuant to Section 11515.2 of the~~
26 ~~Vehicle Code.~~

27 ~~(4) A vehicle sold by a dealer to another dealer.~~

28 ~~(5) A vehicle sold for the purpose of being legally~~
29 ~~wrecked or dismantled.~~

30 *SEC. 11. Section 43705 of the Health and Safety Code,*
31 *as added by Section 2 of Chapter 1008 of the Statutes of*
32 *1994, is repealed.*

33 ~~43705. (a) The Legislature hereby declares its intent~~
34 ~~to implement a five-year pilot statewide smog index~~
35 ~~system for light duty vehicles and to conduct a five-year~~
36 ~~pilot study in the San Diego County Air Pollution Control~~
37 ~~District and the Ventura County Air Pollution Control~~
38 ~~District for testing a pollution miles per vehicle proposal~~
39 ~~to reduce air pollution by identifying high-pollution;~~



1 ~~high-mileage vehicles and requiring annual smog checks~~
2 ~~for those vehicles.~~

3 ~~(b) (1) The state board shall petition the Federal~~
4 ~~Trade Commission, pursuant to Part 455 of Title 16 of the~~
5 ~~Code of Federal Regulations, for a limited exemption~~
6 ~~from the Federal Trade Commission's Buyer's Guide, to~~
7 ~~allow this state to incorporate into the Buyer's Guide~~
8 ~~utilized by motor vehicle dealers in this state, a smog~~
9 ~~index chart pursuant to subdivision (b) of Section 44254.~~

10 ~~(2) Ninety days following approval by the Federal~~
11 ~~Trade Commission of a petition pursuant to paragraph~~
12 ~~(1), it shall be unlawful for any motor vehicle dealer~~
13 ~~licensed by the Department of Motor Vehicles to display~~
14 ~~or offer for sale any used vehicle unless there is affixed to~~
15 ~~the vehicle the Federal Trade Commission's Buyer's~~
16 ~~Guide as required by Part 455 of Title 16 of the Code of~~
17 ~~Federal Regulations which includes a smog index chart~~
18 ~~pursuant to subdivision (b) of Section 44254. Ninety days~~
19 ~~following the final disapproval by the Federal Trade~~
20 ~~Commission of a petition pursuant to paragraph (1), it~~
21 ~~shall be unlawful for any motor vehicle dealer licensed by~~
22 ~~the Department of Motor Vehicles to display or offer for~~
23 ~~sale any used vehicle unless there is attached, by a~~
24 ~~perforated attachment, to the Federal Trade~~
25 ~~Commission's Buyer's Guide as required by Part 455 of~~
26 ~~Title 16 of the Code of Federal Regulations, a smog index~~
27 ~~chart pursuant to subdivision (b) of Section 44254.~~

28 ~~(c) Subdivision (b) does not apply to any of the~~
29 ~~following:~~

30 ~~(1) A vehicle sold by a dismantler after the vehicle has~~
31 ~~been reported for dismantling pursuant to Section 11520~~
32 ~~of the Vehicle Code.~~

33 ~~(2) A vehicle sold by a salvage pool after a salvage~~
34 ~~certificate has been obtained for the vehicle pursuant to~~
35 ~~Section 11515 of the Vehicle Code.~~

36 ~~(3) A vehicle sold by a salvage pool or a dismantler~~
37 ~~after a nonrepairable vehicle certificate has been~~
38 ~~obtained for the vehicle pursuant to Section 11515.2 of the~~
39 ~~Vehicle Code.~~

40 ~~(4) A vehicle sold by a dealer to another dealer.~~



1 ~~(5) A vehicle sold for the purpose of being legally~~
2 ~~wrecked or dismantled.~~

3 SEC. 12. Section 43705 of the Health and Safety Code,
4 as added by Chapter 1192 of the Statutes of 1994, is
5 repealed.

6 SEC. 13. Section 44001 of the Health and Safety Code,
7 as amended by Section 17 of Chapter 1192 of the Statutes
8 of 1994, is repealed.

9 SEC. 14. Section 44001 of the Health and Safety Code,
10 as added by Section 17.5 of Chapter 1192 of the Statutes
11 of 1994, is repealed.

12 SEC. 15. Section 44001.6 of the Health and Safety
13 Code is repealed.

14 SEC. 16. Section 44001.7 of the Health and Safety
15 Code is repealed.

16 SEC. 17. Section 44011 of the Health and Safety Code,
17 as amended by Section 2 of Chapter 929 of the Statutes of
18 1995, is repealed.

19 SEC. 18. Section 44011 of the Health and Safety Code,
20 as amended by Section 3 of Chapter 929 of the Statutes of
21 1995, is repealed.

22 SEC. 19. Section 44012 of the Health and Safety Code,
23 as amended by Section 21 of Chapter 1192 of the Statutes
24 of 1994, is repealed.

25 SEC. 20. Section 44012 of the Health and Safety Code,
26 *as added by Section 21.5 of Chapter 1192 of the Statutes*
27 *of 1994*, is repealed.

28 SEC. 21. Section 44013.5 of the Health and Safety
29 Code is amended to read:

30 44013.5. (a) If the department, in consultation with
31 the state board, determines that substantial demand for
32 emission retrofit devices exists, the department shall
33 develop a program for the certification of emissions
34 retrofit device installations by licensed installers. The
35 department may require installers of emissions retrofit
36 devices to be qualified pursuant to this chapter. The
37 department may assess biennial license fees upon those
38 installers in an amount not to exceed the reasonable cost
39 of administering the emissions retrofit device
40 certification program.



1 (b) The certification shall be performed at a referee or
2 test-only station and shall be based on a visual inspection
3 of the emissions retrofit device and its installation, and
4 verification of the proper operation of any new or
5 modified components that are a part of the emissions
6 retrofit device, and not on the results of an emissions test.

7 (c) The department shall develop a program for the
8 identification of retrofitted vehicles at smog check
9 stations and for providing information required for the
10 inspection of those systems to smog check stations.

11 (d) This section shall become inoperative pursuant to
12 Section 33 of the act adding this section or, in any case,
13 five years from the date determined pursuant to Section
14 32 of the act adding this section, and on the January 1
15 following the date upon which this section becomes
16 inoperative, is repealed.

17 SEC. 22. Section 44015 of the Health and Safety Code,
18 as amended by Section 3 of Chapter 982 of the Statutes of
19 1995, is repealed.

20 SEC. 23. Section 44015 of the Health and Safety Code,
21 *as amended by Section 4 of Chapter 982 of the Statutes of*
22 *1995*, is repealed.

23 SEC. 24. Section 44037.1 of the Health and Safety
24 Code, as amended by Section 25 of Chapter 1192 of the
25 Statutes of 1994, is repealed.

26 SEC. 25. Section 44037.1 of the Health and Safety
27 Code, as added by Section 25.5 of Chapter 1192 of the
28 Statutes of 1994, is repealed.

29 SEC. 26. Section 44225.1 of the Health and Safety
30 Code is repealed.

31 SEC. 27. Section 44236.1 of the Health and Safety
32 Code is repealed.

33 SEC. 28. Section 44251 of the Health and Safety Code
34 is amended to read:

35 44251. (a) The state board shall specify smog index
36 numbers for new light-duty passenger vehicles and
37 light-duty trucks with a gross vehicle weight up to 6,000
38 pounds to be sold in California. That smog index shall be
39 based on certification data quantifying tailpipe and



1 evaporative emissions of ozone precursor chemicals for
2 classes of vehicles.

3 (b) *For diesel fuel vehicles, the smog index shall be*
4 *based on certification data quantifying tailpipe emissions*
5 *of ozone precursor chemicals and particulate matter.*
6 *Particulate emissions from diesel fuel vehicles certified to*
7 *model year standards that did not include a particulate*
8 *limit may be assumed to be equal to particulate emissions*
9 *for model year 1985 diesel fuel vehicles.*

10 (c) *The state board shall specify the relative weight of*
11 *emissions of ozone precursor chemicals and particulates*
12 *in the smog index values for diesel vehicles. This*
13 *weighting shall be based on the relative importance of*
14 *each category of emissions to air quality problems in*
15 *California.*

16 (d) Smog index number 1.0 shall be assigned to a
17 hypothetical light-duty passenger vehicle, a hypothetical
18 light-duty truck with a gross vehicle weight of 3,750
19 pounds or less, and a hypothetical light-duty truck with a
20 gross vehicle weight of greater than 3,750 pounds up to
21 6,000 pounds, emitting the maximum amount of pollution
22 allowed for that class of vehicle certified for sale in this
23 state as of the January 1 immediately preceding the
24 operative date of this section. The state board shall
25 determine the existing class or classes of vehicles to which
26 the smog index shall be applied.

27 SEC. 29. Section 44255 of the Health and Safety Code
28 is repealed.

29 SEC. 30. Section 44256 of the Health and Safety Code
30 is repealed.

31 ~~SEC. 31. Section 20291 of the Public Contract Code is~~
32 ~~amended to read:~~

33 ~~20291. The purchase of all supplies, equipment, and~~
34 ~~materials, and construction of facilities and works, when~~
35 ~~the expenditure required exceeds fifty thousand dollars~~
36 ~~(\$50,000), shall be by contract let to the lowest~~
37 ~~responsible bidder. Notice requesting bids shall be~~
38 ~~published at least once in a newspaper of general~~
39 ~~circulation, which publication shall be made at least 10~~



1 ~~days before bids are received. The board may reject any~~
2 ~~and all bids and readvertise in its discretion.~~

3 ~~SEC. 32.~~

4 *SEC. 31.* Section 5259.5 is added to the Public Utilities
5 Code, to read:

6 5259.5. (a) Whenever the commission determines
7 that any household goods carrier or any officer, director,
8 or agent of any household goods carrier has abandoned,
9 or is abandoning stored household goods or property of
10 any shippers under contract with the carrier or carriers,
11 it may commence a proceeding in superior court for the
12 purpose of having the court appoint either a receiver or
13 commission staff to identify the stored items of property,
14 to take possession of the property, and to arrange the
15 return of the property to its owners in accordance with
16 the orders of the court and with regard for the protection
17 of all property rights involved.

18 (b) The proceeding shall be brought in the superior
19 court in and for the county, or city and county, in which
20 the cause or some part thereof arose, or in which the
21 person or corporation complained of has its principal
22 place of business, or in which the person complained of
23 resides. The commission shall commence the proceeding
24 in the name of the people of the State of California, by
25 petition to the superior court, alleging the facts and
26 circumstances involved and praying for appropriate
27 relief by way of mandamus, or injunction, or the
28 appointment of a receiver, and authorizing the
29 commission to arrange for the hiring of a receiver who
30 shall be required to comply with the requirements of
31 Sections 566, 567, and 568 of the Code of Civil Procedure.

32 (c) The court may also appoint a receiver to manage
33 the business of the household goods carrier or carriers and
34 return property to its owner or owners upon a showing by
35 the commission satisfactory to the court that the
36 abandonment or threatened abandonment by the carrier
37 jeopardizes property or funds of others in the custody or
38 under the control of the carrier. The court may make any
39 other order that it finds appropriate to protect and
40 preserve those funds or property.



1 (d) In the event a receiver is appointed by the court
2 and the commission is responsible for contracting for a
3 receiver to carry out the duties authorized by this section,
4 the commission may contract on an emergency basis with
5 a qualified person or corporation to serve as receiver
6 under the conditions and guidelines set by the court. The
7 contract for the receiver services may be executed by the
8 commission on an expedited basis and without
9 compliance with the requirements of Sections 11042 and
10 14615 of the Government Code and Sections 10295 and
11 10318 of the Public Contract Code. The receiver shall be
12 paid from the fees collected pursuant to Section 5003.2.

13 ~~SEC. 33.~~

14 *SEC. 32.* Section 5374 of the Public Utilities Code is
15 amended to read:

16 5374. (a) Before a permit is issued or renewed, the
17 commission shall require the applicant to establish
18 reasonable fitness and financial responsibility to initiate
19 and conduct or continue to conduct the proposed or
20 existing transportation services. The commission shall not
21 issue or renew a permit pursuant to this chapter unless
22 the applicant meets both of the following requirements:

23 (1) It certifies on a form acceptable to the commission
24 that the applicant will maintain its vehicles in a safe
25 operating condition and in compliance with the Vehicle
26 Code and with regulations contained in Title 13 of the
27 California Code of Regulations relative to motor vehicle
28 safety.

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

32 (b) (1) Before a certificate is issued or renewed, the
33 commission shall require the applicant to establish
34 reasonable fitness and financial responsibility to initiate
35 and conduct or continue to conduct the proposed or
36 existing transportation services. The commission shall not
37 issue or renew a certificate pursuant to this chapter unless
38 the applicant meets all of the following requirements:

39 (A) It is financially and organizationally capable of
40 conducting an operation that complies with the rules and



1 regulations of the Department of the California Highway
2 Patrol governing highway safety.

3 (B) It is committed to observing the hours of service
4 regulations of state and, where applicable, federal law, for
5 all persons, whether employees or subcarriers, operating
6 vehicles in transportation for compensation under the
7 certificate.

8 (C) It has a preventive maintenance program in effect
9 for its vehicles used in transportation for compensation
10 that conforms to regulations of the Department of the
11 California Highway Patrol in Title 13 of the California
12 Code of Regulations.

13 (D) It participates in a program to regularly check the
14 driving records of all persons, whether employees or
15 subcarriers, operating vehicles used in transportation for
16 compensation requiring a class B driver's license under
17 the certificate.

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

21 (F) It will maintain its vehicles used in transportation
22 for compensation in a safe operating condition and in
23 compliance with the Vehicle Code and with regulations
24 contained in Title 13 of the California Code of Regulations
25 relative to motor vehicle safety.

26 (G) It has filed with the commission the certificate of
27 workers' compensation insurance coverage or statement
28 required by Section 5378.1.

29 (H) It has provided the commission an address of an
30 office or terminal where documents supporting the
31 factual matters specified in the showing required by this
32 subdivision may be inspected by the commission and the
33 Department of the California Highway Patrol.

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

37 (2) With respect to subparagraphs (B) and (F) of
38 paragraph (1), the commission may base a finding on a
39 certification by the commission that an applicant has



1 filed, with the commission, a sworn declaration of ability
2 to comply and intent to comply.

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

7 (d) The commission may delegate to its executive
8 director or that executive director's designee the
9 authority to renew, or authorize the transfer of,
10 charter-party carrier permits or certificates and to make
11 the findings specified in subdivision (b) that are
12 necessary to that delegated authority.

13 ~~SEC. 34.~~

14 *SEC. 33.* Section 21687 of the Public Utilities Code is
15 amended to read:

16 21687. (a) Whenever any airport, for which
17 payments have been made from the Aeronautics Account
18 or any predecessor fund, ceases to be used as an airport
19 open to the general public for a period in excess of one
20 year, the public entity to which those payments were
21 made shall pay to the state an amount computed by the
22 department, and those funds shall be deposited in the
23 Aeronautics Account. The amount shall equal the total of
24 all payments made for the airport from the Aeronautics
25 Account during the preceding 20 years less 5 percent of
26 the amount of a particular payment multiplied by the
27 number of years since the payment was made, or the
28 unused balance, whichever is greater. This section does
29 not apply to an airport that is replaced by a comparable
30 facility, as determined by the department, within a
31 period of one year.

32 (b) This section does not apply in the case of an airport
33 for which the department, on or after January 1, 1981, has
34 suspended the airport permit and for which payments
35 made pursuant to this article are being expended to
36 correct the deficiency or condition which resulted in the
37 suspension of the airport's permit.

38 ~~SEC. 35.~~

39 *SEC. 34.* Section 103222 of the Public Utilities Code is
40 amended to read:



1 103222. (a) Contracts for the purchase of supplies,
2 equipment, and materials in excess of twenty-five
3 thousand dollars (\$25,000) shall be awarded to the lowest
4 responsible bidder after competitive bidding, except in
5 an emergency declared by the vote of seven members of
6 the board.

7 (b) When the contract is for less than fifty thousand
8 dollars (\$50,000), the board may authorize the general
9 manager to act for the board.

10 ~~SEC. 36.~~

11 *SEC. 35.* Section 92.3 of the Streets and Highways
12 Code is amended to read:

13 92.3. (a) The department shall do both of the
14 following:

15 (1) Discontinue further water intensive freeway
16 landscaping and use drought resistant landscaping
17 whenever feasible, taking into consideration such factors
18 as erosion control and fire retardant needs.

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

21 (b) The department shall require the use of recycled
22 water for the irrigation of freeway landscaping when it
23 finds and determines that all of the following conditions
24 exist:

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

27 (2) The proposed use of the recycled water is
28 approved by the California regional water quality control
29 board having jurisdiction.

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

32 (4) The recycled water is supplied by a local public
33 agency or water public utility able to contract for delivery
34 of water and the installation, maintenance, and repair of
35 facilities to deliver the water.

36 (5) The installation of the water delivery facilities does
37 not unreasonably increase any hazard to vehicles on the
38 freeway or create unreasonable problems of highway
39 maintenance and repair.



1 (c) In cooperation with local public agencies and
2 water public utilities, the department shall permit local
3 public agencies and water public utilities to place
4 transmission lines for recycled water in freeway
5 rights-of-way for use by the local public agencies and
6 water public utilities to transmit recycled water to others,
7 when to do so will promote a beneficial use of recycled
8 water and that transmission does not unreasonably
9 interfere with use of the freeway or unreasonably
10 increase any hazard to vehicles on the freeway, subject to
11 paragraphs (1) to (5), inclusive, of subdivision (b) and
12 the following additional requirements:

13 (1) The local public agency or water public utility
14 holds the department harmless for any liability caused by
15 a disruption of service to other users of the recycled water
16 and will defend the department in any resulting legal
17 action and pay any damages awarded as a result of that
18 disruption.

19 (2) The department, in cooperation with the local
20 public agency or water public utility, may temporarily
21 interrupt service in order to add to or modify its facilities
22 without liability, as specified in paragraph (1).

23 (3) The local public agency or water public utility
24 obtains and furnishes the department an agreement by all
25 other users of recycled water from the transmission
26 system holding the department harmless for any
27 disruption in service.

28 (4) The local public agency or water public utility has
29 furnished the department a list of other recycled water
30 users and information on any backup system or other
31 source of water available for use in case of a service
32 disruption.

33 (5) The local public agency is responsible for the initial
34 cost or any relocation cost of the recycled water
35 transmission lines for service to other users in the
36 right-of-way and waives its rights to require the
37 department to pay the relocation costs pursuant to
38 Sections 702 and 704.

39 (6) The local public agency or water public utility
40 maintains the water transmission system subject to



1 reasonable access for maintenance purposes to be
2 negotiated between the department and the local public
3 agency or water public utility.

4 (7) The department has first priority with respect to
5 the recycled water supply contracted for by the
6 department.

7 (8) The local public agency or water public utility
8 installs an automatic control system which will allow the
9 water transmission system to be shut down in case of an
10 emergency. The department shall have access to all parts
11 of the transmission system for purposes of the agreement.

12 (9) All transmission lines are placed underground and
13 as close as possible to the freeway right-of-way boundary
14 or at other locations authorized by the department.

15 (10) The plans and specifications for the recycled
16 water transmission facilities have been approved by the
17 department prior to construction.

18 (d) As used in this section:

19 (1) "Local public agency" means any local public
20 agency which transmits or supplies recycled water to
21 others.

22 (2) "Water public utility" means any privately owned
23 water corporation which is subject to the jurisdiction and
24 control of the Public Utilities Commission.

25 ~~SEC. 37.~~

26 SEC. 36. Section 164.10 of the Streets and Highways
27 Code is amended to read:

28 164.10. For purposes of subdivision (e) of Section
29 164.3, the eligible interregional and intercounty routes
30 include all of the following:

31 Route 1.

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

34 Route 4, between the east urban limits of
35 Antioch-Pittsburg and Route 89.

36 Route 5.

37 Route 6.

38 Route 7.

39 Route 8.



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

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

5 ~~SEC. 38.~~

6 *SEC. 37.* Section 164.11 of the Streets and Highways
7 Code is amended to read:

8 164.11. For purposes of subdivision (e) of Section
9 164.3, the eligible interregional and intercounty routes
10 include all of the following:

11 Route 12.

12 Route 14.

13 Route 15.

14 Route 16, between the east urban limits of Sacramento
15 and Route 49.

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

18 Route 18, between the north urban limits of San
19 Bernardino-Riverside and Route 138.

20 Route 20.

21 Route 25, between Route 146 and Route ~~156~~ 101 in San
22 Benito County.

23 Route 28.

24 Route 29.

25 ~~SEC. 39.~~

26 *SEC. 38.* Section 164.12 of the Streets and Highways
27 Code is amended to read:

28 164.12. For purposes of subdivision (e) of Section
29 164.3, the eligible interregional and intercounty routes
30 include all of the following:

31 Route 36, between Route 5 and Route 395.

32 Route 37, between the east urban limits of San
33 Francisco-Oakland near Novato and the west urban limits
34 of San Francisco-Oakland near Vallejo.

35 Route 38, between the east urban limits of San
36 Bernardino-Riverside and Route 18 west of Big Bear
37 Lake.

38 Route 40.

39 Route 41, between Route 1 and Yosemite National
40 Park.



1 Route 44, between the east urban limits of Redding and
2 Route 36.
3 Route 46, between Route 1 and Route 99.
4 Route 49, between Route 41 and Route 89.
5 ~~SEC. 40.~~
6 *SEC. 39.* Section 164.13 of the Streets and Highways
7 Code is amended to read:
8 164.13. For purposes of subdivision (e) of Section
9 164.3, the eligible interregional and intercounty routes
10 include all of the following:
11 Route 50.
12 Route 53.
13 Route 58, between Route 5 and Route 15.
14 Route 62.
15 Route 63, between the north urban limits of Visalia and
16 Route 180.
17 Route 65, between the north urban limits of Bakersfield
18 and Route 198 near Exeter, and between Route 80 and
19 Route ~~70~~ 99 near Yuba City.
20 Route 68.
21 ~~SEC. 41.~~
22 *SEC. 40.* Section 164.14 of the Streets and Highways
23 Code is amended to read:
24 164.14. For purposes of subdivision (e) of Section
25 164.3, the eligible interregional and intercounty routes
26 include all of the following:
27 Route 70, between Route 99 north of Sacramento and
28 Route 395.
29 Route 74.
30 Route 78.
31 Route 79, between Route 8 and Route 10.
32 Route 80.
33 Route 86, between Route 111 in Brawley and Route 10.
34 Route 88.
35 Route 89.
36 ~~SEC. 42.~~
37 *SEC. 41.* Section 164.15 of the Streets and Highways
38 Code is amended to read:



1 164.15. For purposes of subdivision (e) of Section
2 164.3, the eligible interregional and intercounty routes
3 include all of the following:

4 *Route 94, except within the urban limits of the County*
5 *of San Diego.*

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

7 Route 97.

8 Route 98, between Route 111 and Route 7.

9 Route 99, with routing to be determined via Route 70
10 or via Route 99 between Route 70 north of Sacramento
11 and Route 149 north of Oroville.

12 Route 101.

13 Route 108, between Route 120 at Yosemite Junction and
14 Route 395.

15 Route 111, between the Mexico border near Calexico
16 and Route 10 near Whitewater.

17 Route 113, between Route 80 and Route 5.

18 Route 116, between Route 1 and Route 12.

19 ~~SEC. 43.~~

20 *SEC. 42.* Section 164.16 of the Streets and Highways
21 Code is amended to read:

22 164.16. For purposes of subdivision (e) of Section
23 164.3, the eligible interregional and intercounty routes
24 include all of the following:

25 Route 120, between Route 5 and Route 395.

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

28 Route 127.

29 Route 128.

30 Route 129, between Route 1 and Route 101.

31 Route 132, west of Route 99.

32 Route 138, between Route 5 and Route 18.

33 Route 139, between Route 299 and the Oregon state
34 line.

35 ~~SEC. 44.~~

36 *Route 188.*

37 *SEC. 43.* Section 253.1 of the Streets and Highways
38 Code is amended to read:

39 253.1. The California freeway and expressway system
40 shall include:



1 Routes 5, 6, 8, 10, 14, 15, 18, 24, 28, 30, 32, 34, 37, 40, 44,
2 47, 48, 50, 51, 52, 53, 54, 55, 56, 57, 59, 60, 61, 63, 65, 67, 68,
3 70, 71, 73, 74, 78, 80, 81, 83, 85, 87, 88, 89, 90, 93, 97, 100, 102,
4 103, 105, 107, 108, 118, 121, 122, 124, 125, 126, 134, 136, 139,
5 140, 145, 148, 149, 154, 156, 161, 163, 164, 179, 181, 183, 184,
6 199, 205, 210, 215, 217, 221, 223, 230, 232, 234, 235, 237, 238,
7 239, 241, 242, 247, 249, 251, 257, 258, 259, 261, 280, 330, 371,
8 380, 405, 505, 580, 605, 680, 710, 780, 805, 880, and 980 in
9 their entirety.

10 ~~SEC. 45.~~

11 *SEC. 44.* Section 253.7 of the Streets and Highways
12 Code is amended to read:

13 253.7. The California freeway and expressway system
14 shall also include:

15 Route 133 from Route 73 to Route 241.

16 Route 137 from Route 99 near Tulare to Route 65 near
17 Lindsay.

18 Route 138 from Route 5 near Gorman to Route 15 near
19 Cajon Pass.

20 Route 142 from Route 71 near Chino to Route 30 near
21 Upland.

22 Route 152 from Route 101 to Route 65 near Sharon via
23 Pacheco Pass.

24 Route 160 from:

25 (a) Route 4 near Antioch to Route 12 near Rio Vista.

26 (b) Sacramento to Route 51.

27 Route 166 from:

28 (a) Route 101 near Santa Maria to Route 33 in Cuyama
29 Valley.

30 (b) Route 33 near Maricopa to Route 5.

31 Route 168 from Fresno to Huntington Lake.

32 Route 170 from:

33 (a) Los Angeles International Airport to Route 90.

34 (b) Route 101 near Riverside Drive to Route 5 near
35 Tujunga Wash.

36 Route 178 from:

37 (a) Bakersfield to Route 14 near Freeman.

38 (b) Route 14 near Freeman to the vicinity of the San
39 Bernardino county line.

40 Route 180 from:



- 1 (a) Route 25 near Paicines to Route 5.
- 2 (b) Route 5 to Route 99 passing near Mendota.
- 3 (c) Route 99 near Fresno to General Grant Grove
- 4 section of Kings Canyon National Park.
- 5 Route 190 from Route 136 near Keeler to Route 127
- 6 near Death Valley Junction.
- 7 Route 193 from Route 65 near Lincoln to Route 80 near
- 8 Newcastle.
- 9 Route 198 from Route 5 near Oilfields to the Sequoia
- 10 National Park line.
- 11 ~~SEC. 46.~~
- 12 *SEC. 45.* Section 318 of the Streets and Highways
- 13 Code is amended to read:
- 14 318. Route 18 is from:
- 15 (a) Route 10 near San Bernardino to Route 30.
- 16 (b) Route 30 near San Bernardino to Route 15 in
- 17 Victorville via Big Bear Lake.
- 18 (c) Route 15 near Victorville to Route 138 near
- 19 Pearblossom.
- 20 ~~SEC. 47.~~
- 21 *SEC. 46.* Section 411 of the Streets and Highways
- 22 Code is amended to read:
- 23 411. Route 111 is from:
- 24 (a) The international border south of Calexico to
- 25 Route 78 near Brawley, passing east of Heber.
- 26 (b) Route 78 near Brawley to Route 86 via the north
- 27 shore of the Salton Sea.
- 28 (c) Route 10 near Indio to the southeast city limit of
- 29 Rancho Mirage.
- 30 (d) West city limits of Cathedral City to Route 10 near
- 31 Whitewater, passing near Palm Desert.
- 32 ~~SEC. 48.~~
- 33 *SEC. 47.* Section 433 of the Streets and Highways
- 34 Code is amended to read:
- 35 433. Route 133 is from Route 1 near Laguna Beach to
- 36 Route 241.
- 37 ~~SEC. 49.~~
- 38 *SEC. 48.* Section 524 of the Streets and Highways
- 39 Code is repealed.
- 40 ~~SEC. 50.~~



1 SEC. 49. Section 531 of the Streets and Highways
2 Code is repealed.

3 ~~SEC. 51.~~

4 SEC. 50. Section 541 of the Streets and Highways
5 Code is amended to read:

6 541. Route 241 is from Route 5 south of San Clemente
7 to Route 91 in the City of Anaheim.

8 ~~SEC. 52.~~

9 SEC. 51. Section 561 of the Streets and Highways
10 Code is amended to read:

11 561. Route 261 is from Walnut Avenue in the City of
12 Irvine to Route 241.

13 ~~SEC. 53.~~

14 SEC. 52. Section 575 of the Streets and Highways
15 Code is repealed.

16 ~~SEC. 54.~~

17 SEC. 53. Section 2557 of the Streets and Highways
18 Code is amended to read:

19 2557. (a) Except as provided in subdivisions (c) and
20 (d), the moneys received by each authority pursuant to
21 subdivision (b) of Section 9250.10 of the Vehicle Code
22 shall be used for the implementation, maintenance, and
23 operation of a motorist aid system of call boxes, including
24 the lease or lease-purchase of facilities and equipment for
25 the system, on the portions of the California Freeway and
26 Expressway System and a county expressway system, ~~on~~
27 *and, in counties with a population of over 6,000,000*
28 *persons, the unincorporated county roads in the County*
29 *of Los Angeles that county,* and on state highway routes
30 that connect segments of these systems, which are located
31 within the county in which the authority is established
32 and over which the Department of the California
33 Highway Patrol or an agency designated by that
34 department has law enforcement responsibility. The
35 Department of Transportation and the Department of
36 the California Highway Patrol shall each review and
37 approve plans for implementation of a motorist aid
38 system proposed for any state highway route and shall be
39 reimbursed by the service authority for all costs incurred.



1 (b) An authority or any other public entity may
2 construct and maintain, and lease or lease-purchase on
3 terms and conditions it deems appropriate, the facilities
4 of a motorist aid system or it may contract with a private
5 person or entity to do so.

6 (c) If leases or lease-purchase agreements are entered
7 into pursuant to subdivision (a), or if revenue bonds are
8 issued and sold pursuant to Section 2558, the moneys
9 received by each authority pursuant to subdivision (b) of
10 Section 9250.10 of the Vehicle Code shall be used to the
11 extent necessary to make lease payments or to pay the
12 principal of, and interest on, the amount of bonded
13 indebtedness outstanding, as the case may be. Facilities
14 and equipment acquired through the expenditure of
15 proceeds from the sale of those bonds shall have a useful
16 life at least equal to the term of the bonds.

17 (d) (1) Any money received by an authority pursuant
18 to subdivision (b) of Section 9250.10 of the Vehicle Code
19 which exceeds the amount needed for full
20 implementation and ongoing costs to maintain and
21 operate the motorist aid system of call boxes, installed
22 pursuant to subdivision (a), may be used for purposes of
23 paragraph (2) and for additional motorist aid services or
24 support, including, but not limited to, the following
25 safety-related projects:

26 (A) Changeable message signs.

27 (B) Lighting for call boxes.

28 (C) Support for traffic operations centers.

29 (D) Contracting for removal of disabled vehicles from
30 the traveled portion of the right-of-way.

31 (2) Any amendment to an existing plan for a motorist
32 aid system adopted by an authority for any state highway
33 route shall, prior to implementation, be submitted to the
34 Department of Transportation and the Department of
35 the California Highway Patrol for review and approval
36 and shall not be implemented until so reviewed and
37 approved. The authority shall reimburse each
38 department for the costs of that review.

39 (e) A motorist aid system constructed, maintained, or
40 operated pursuant to this section shall meet the



1 applicable standards of Title II of the Americans with
2 Disabilities Act of 1990 (Public Law 101-336) and federal
3 regulations adopted pursuant thereto.

4 ~~SEC. 55.~~

5 *SEC. 54.* Section 22 of the Vehicle Code is amended
6 to read:

7 22. Whenever notice is required to be given under
8 this code by a department or any division, officer,
9 employee, or agent, the notice shall be given either by
10 personal delivery to the person to be notified, by certified
11 mail, return receipt requested, or by mailing the notice,
12 postage prepaid, addressed to the person at his or her
13 address as shown by the records of the department.

14 ~~SEC. 56.~~ Section 23 of the Vehicle Code is amended
15 to read:

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

27 ~~SEC. 57.~~

28 *SEC. 55.* Section 24 of the Vehicle Code is amended
29 to read:

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

37 ~~SEC. 58.~~

38 *SEC. 56.* Section 2421.5 of the Vehicle Code is
39 amended to read:



1 2421.5. When any Service Authority for Freeway
2 Emergencies has imposed additional fees on vehicles
3 pursuant to Section 2555 of the Streets and Highways
4 Code, the department shall answer calls and provide
5 central dispatching services for the system on the
6 portions of the California Freeway and Expressway
7 System, ~~on unincorporated county roads in the County of~~
8 ~~Los Angeles system, and, in counties with a population of~~
9 ~~over 6,000,000 persons, the unincorporated county roads~~
10 ~~of that county, and on state highway routes that connect~~
11 ~~segments of the system, which are located within the~~
12 ~~county and over which the Department of the California~~
13 ~~Highway Patrol has law enforcement responsibility. The~~
14 ~~department shall determine and authorize the service~~
15 ~~providers eligible to participate in the system. The~~
16 ~~service authority shall reimburse the department for all~~
17 ~~costs incurred under this section.~~

18 ~~SEC. 59. Section 3016 of the Vehicle Code is amended~~
19 ~~to read:~~

20 ~~3016. New motor vehicle dealers and other licensees~~
21 ~~under the jurisdiction of the board shall be charged fees~~
22 ~~sufficient to fully fund the board's activities other than~~
23 ~~those conducted pursuant to Section 472.5 of the Business~~
24 ~~and Professions Code. The board may recover the direct~~
25 ~~cost of the activities required by Section 472.5 of the~~
26 ~~Business and Professions Code by charging the~~
27 ~~Department of Consumer Affairs a fee which shall be paid~~
28 ~~by that department with funds appropriated from the~~
29 ~~Certification Account in the Consumer Affairs Fund. All~~
30 ~~fees shall be deposited, and held separate from other~~
31 ~~moneys, in the Motor Vehicle Account in the State~~
32 ~~Transportation Fund, and shall not be transferred to the~~
33 ~~State Highway Account pursuant to Section 42273.~~

34 ~~The fees shall be available, when appropriated,~~
35 ~~exclusively to fund the board's activities. If, at the~~
36 ~~conclusion of any fiscal year, the amount of fees collected~~
37 ~~exceeds the amount of expenditures for this purpose~~
38 ~~during the fiscal year, the surplus shall be carried over~~
39 ~~into the succeeding fiscal year.~~

40 ~~SEC. 60.~~



1 SEC. 56.5. Section 4000.7 of the Vehicle Code is
2 amended to read:

3 4000.7. (a) For purposes of subdivision (a) of Section
4 4000.3, for any vehicle which is registered for the first
5 time in this state on or after January 1, 1994, the first
6 certificate of compliance shall be required upon the
7 second renewal of its registration.

8 (b) (1) Commencing not later than October 1, 1996,
9 at the time of application and payment for the second
10 renewal of the registration of a motor vehicle that was
11 first sold as new in California on or after January 1, 1994,
12 and which is subject to Part 5 (commencing with Section
13 43000) of Division 26 of the Health and Safety Code, the
14 department shall solicit an additional payment which, at
15 the option of the applicant, may be made to the
16 department. The Department of Consumer Affairs shall
17 determine the amount of the additional payment, but the
18 amount shall not exceed fifty dollars (\$50). In soliciting
19 the additional payment in the application for the second
20 renewal, the department shall include a brief summary of
21 the air quality benefits being achieved by the inspection
22 and maintenance and high-polluter repair or removal
23 programs. The Legislature hereby finds and declares that
24 the payment is in the nature of a donation for purposes of
25 the high-polluter repair or removal program established
26 pursuant to Article 9 (commencing with Section 44090),
27 and the accelerated light-duty vehicle retirement
28 program established pursuant to Article 10 (commencing
29 with Section 44100) of Chapter 5 of Part 5 of Division 26
30 of the Health and Safety Code.

31 (2) (A) On a monthly basis, the department shall
32 transmit all payments received pursuant to paragraph
33 (1), including any accrued interest, to the Treasurer for
34 deposit in the High Polluter Repair or Removal Account
35 created pursuant to subdivision (a) of Section 44091 of the
36 Health and Safety Code, for expenditure, upon
37 appropriation by the Legislature, by the Department of
38 Consumer Affairs pursuant to Article 9 (commencing
39 with Section 44090) and Article 10 (commencing with



1 Section 44100) of Chapter 5 of Part 5 of Division 26 of the
2 Health and Safety Code.

3 (B) The department and the Department of
4 Consumer Affairs, by interagency agreement, shall
5 establish a procedure for the Department of Consumer
6 Affairs to reimburse the department for its reasonable
7 costs incurred in collecting the payments received
8 pursuant to paragraph (1).

9 (3) (A) Upon receipt of a payment pursuant to
10 paragraph (1), the department shall mark the record of
11 the subject vehicle with an exemption from the
12 requirements of subdivision (a) of Section 4000.3. The
13 exemption shall be valid for the first biennial inspection
14 period, and shall have the same force and effect as a
15 certificate of compliance issued in accordance with
16 Section 44015 of the Health and Safety Code. The
17 exemption shall be void if the title to, or any interest in,
18 the vehicle is transferred pursuant to Section 5600.

19 (B) The department shall collect a fee at the time of
20 the payment pursuant to paragraph (1) for marking the
21 record with an exemption which is equal to the fee that
22 is charged for the issuance of a certificate of compliance.
23 All fee revenue received pursuant to this subparagraph
24 shall be deposited in the Vehicle Inspection and Repair
25 Fund and be available for purposes of administering and
26 enforcing the vehicle inspection and maintenance
27 program.

28 (4) Notwithstanding paragraph (1) of subdivision (b),
29 the provisions of Section 4000.6 in existence on December
30 31, 1995, authorizing an optional additional payment at
31 the time of application for the initial registration for a new
32 motor vehicle shall continue in effect until October 1,
33 1996.

34 ~~SEC. 61.~~

35 *SEC. 57.* Section 4021 of the Vehicle Code is amended
36 to read:

37 4021. Any vehicle that is designed or altered for, and
38 used exclusively for, the refueling of aircraft at a public
39 airport is exempt from registration, if the vehicle is
40 operated upon a highway under the control of a local



1 authority for a continuous distance not exceeding
2 one-half mile each way to and from a bulk fuel storage
3 facility.

4 ~~SEC. 62.~~

5 SEC. 58. Section 5064 of the Vehicle Code is amended
6 to read:

7 5064. (a) The department, in consultation with the
8 Yosemite Foundation, shall design and make available for
9 issuance pursuant to this article special environmental
10 design license plates bearing, notwithstanding Section
11 5060, a full-plate graphic design depicting a significant
12 feature or quality of Yosemite National Park. Any person
13 described in Section 5101, upon payment of the additional
14 fees set forth in subdivision (b), may apply for and be
15 issued a set of special environmental design license plates.
16 Notwithstanding subdivision (a) of Section 5060, the
17 plates may be issued in a combination of numbers or
18 letters, or both, requested by the owner or lessee of the
19 vehicle.

20 (b) In addition to the regular fees for an original
21 registration or renewal of registration, the following
22 additional fees shall be paid for the issuance, renewal, or
23 transfer of the special environmental design license
24 plates authorized pursuant to this section:

25 (1) For the original issuance of the plates, fifty dollars
26 (\$50).

27 (2) For a renewal of registration with the plates, forty
28 dollars (\$40).

29 (3) For transfer of the plates to another vehicle, fifteen
30 dollars (\$15).

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

33 (5) For the conversion of an existing environmental
34 license plate to the special environmental design license
35 plate authorized pursuant to this section, sixty-five dollars
36 (\$65).

37 (c) After deducting its administrative costs under this
38 section, the department shall deposit the additional
39 revenue derived from the issuance, renewal, transfer,



1 and substitution of special environmental design license
2 plates as follows:

3 (1) One-half in the Yosemite Foundation Account,
4 which is hereby created in the California Environmental
5 License Plate Fund. Upon appropriation by the
6 Legislature, the money in the account shall be allocated
7 by the Controller to the Yosemite Foundation or its
8 successor for expenditure for the exclusive trust purposes
9 of preservation and restoration projects in Yosemite
10 National Park.

11 (2) One-half in the California Environmental License
12 Plate Fund.

13 (d) The Yosemite Foundation shall report to the
14 Legislature on or before June 30 of each year on its use
15 and expenditure of the money in the Yosemite
16 Foundation Account, beginning one year after the initial
17 issuance of the special interest license plates authorized
18 by this section.

19 ~~SEC. 63.~~

20 SEC. 59. Section 12810 of the Vehicle Code is
21 amended to read:

22 12810. In determining the violation point count, the
23 following shall apply:

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

27 (b) Any conviction of a violation of Section 23152 or
28 23153 shall be given a value of two points.

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

31 (d) (1) Any conviction of a violation of subdivision
32 (c) of Section 192 of the Penal Code, or of Section 2800.2
33 or 2800.3, subdivision (b) of Section 21651, subdivision (b)
34 of Section 22348, subdivision (a) of Section 23109,
35 subdivision (c) of Section 23109, or Section 31602 of this
36 code, shall be given a value of two points.

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

39 (e) Except as provided in subdivision (g), any other
40 traffic conviction involving the safe operation of a motor



1 vehicle upon the highway shall be given a value of one
2 point.

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

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

10 (2) Any conviction of a violation of subdivision (a) of
11 Section 21116, Section 21207.5, 21708, 21710, 21716, 23120,
12 24800, or 26707 shall not be given a violation point count.

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

15 (h) A conviction for only one violation arising from
16 one occasion of arrest or citation shall be counted in
17 determining the violation point count for the purposes of
18 this section.

19 (i) Any conviction of a violation of Section 14601,
20 14601.1, 14601.2, 14601.3, or 14601.5 shall be given a value
21 of two points.

22 (j) Any conviction of a violation of Section 27360
23 within a 37-month period shall be given a value of one
24 point.

25 ~~SEC. 64.~~

26 *SEC. 60.* Section 12815 of the Vehicle Code is
27 amended to read:

28 12815. (a) In the event a driver's license issued under
29 this code is lost, destroyed or mutilated, or a new name is
30 acquired, the person to whom it was issued shall obtain a
31 duplicate upon furnishing to the department
32 (a) satisfactory proof of such loss, destruction, or
33 mutilation and (b) if the licensee is a minor, evidence of
34 permission to obtain a duplicate secured from the
35 parents, guardian or person having custody of such minor.
36 Any person who loses a driver's license and who, after
37 obtaining a duplicate, finds the original license shall
38 immediately destroy the original license.

39 (b) A person in possession of a valid driver's license
40 who has been informed either by the department or by



1 a law enforcement agency that the document is mutilated
2 shall surrender the license to the department not later
3 than 10 days after that notification.

4 (c) For purposes of this section, a mutilated license is
5 one that has been damaged sufficiently to render any or
6 all of the elements of identity set forth in Sections 12800.5
7 and 12811 unreadable or unidentifiable through visual,
8 mechanical, or electronic means.

9 ~~SEC. 65.~~

10 *SEC. 61.* Section 13003 of the Vehicle Code is
11 amended to read:

12 13003. (a) In the event an identification card issued
13 under this code is lost, destroyed, mutilated, or a new
14 name is acquired, the person to whom it was issued shall
15 make application for an original identification card as
16 specified in Section 13000. The fee provided in Section
17 14902 shall be paid to the department upon application
18 for the card. Every identification card issued pursuant to
19 this section shall expire as provided in Section 13002 and
20 shall be deemed an original identification card for that
21 purpose.

22 (b) A person in possession of a valid identification card
23 who has been informed either by the department or by
24 a law enforcement agency that the document is mutilated
25 shall surrender the ~~license~~ *identification card* to the
26 department not later than 10 days after that notification.

27 (c) For purposes of this section a mutilated
28 identification card is one that has been damaged
29 sufficiently to render any or all of the elements of identity
30 set forth in Sections 13005 and 13005.5 unreadable or
31 unidentifiable through visual, mechanical, or electronic
32 means.

33 ~~SEC. 66.~~

34 *SEC. 62.* Section 14908 of the Vehicle Code is
35 amended to read:

36 14908. If a person fails to surrender his or her license
37 to the department as required by Section 13551.1, the
38 department shall set and charge a license reinstatement
39 penalty fee, as determined by the department, in
40 addition to any fees that may be required by Section



1 14904, 14905, or 14906, as the case may be. The fee shall be
2 waived if the person returns to the department an
3 acknowledgment of the license suspension or revocation
4 along with a statement that the license has been
5 previously surrendered to a court or peace officer, or that
6 provides any other reasonable explanation.

7 ~~SEC. 67.~~

8 SEC. 63. Section 16000 of the Vehicle Code is
9 amended to read:

10 16000. (a) The driver of every motor vehicle who is
11 in any manner involved in an accident originating from
12 the operation of a motor vehicle on any street or highway
13 or any reportable off-highway accident defined in Section
14 16000.1 which has resulted in damage to the property of
15 any one person in excess of five hundred dollars (\$500) or
16 in bodily injury or in the death of any person shall, within
17 10 days after the accident, report the accident, either
18 personally or through an insurance agent, broker, or legal
19 representative, on a form approved by the department to
20 the office of the department at Sacramento, subject to the
21 provisions of this chapter. The driver shall identify on the
22 form, by name and current residence address, if available,
23 any person involved in the accident complaining of
24 bodily injury.

25 (b) A report is not required pursuant to subdivision
26 (a) if the motor vehicle involved in the accident was
27 owned or leased by, or under the direction of, the United
28 States, this state, another state, or a local agency.

29 (c) If none of the parties involved in an accident has
30 reported that accident to the department within one year
31 following the date of the accident, the department is not
32 required to file the report, and the driver's license
33 suspension requirements of Section 16004 or 16070 do not
34 apply.

35 ~~SEC. 68.~~

36 SEC. 64. Section 16056 of the Vehicle Code is
37 amended to read:

38 16056. (a) No policy or bond shall be effective under
39 Section 16054 unless issued by an insurance company or
40 surety company authorized to do business in this state,



1 except as provided in subdivision (b) of this section, nor
2 unless the policy or bond is subject, if the accident has
3 resulted in bodily injury or death, to a limit, exclusive of
4 interest and costs, of not less than fifteen thousand dollars
5 (\$15,000) because of bodily injury to or death of one
6 person in any one accident and, subject to such limit for
7 one person, to a limit of not less than thirty thousand
8 dollars (\$30,000) because of bodily injury to or death of
9 two or more persons in any one accident, and, if the
10 accident has resulted in injury to, or destruction of
11 property, to a limit of not less than five thousand dollars
12 (\$5,000) because of injury to or destruction of property of
13 others in any one accident.

14 (b) No policy or bond shall be effective under Section
15 16054 with respect to any vehicle which was not
16 registered in this state or was a vehicle which was
17 registered elsewhere than in this state at the effective
18 date of the policy or bond or the most recent renewal
19 thereof, unless the insurance company or surety company
20 issuing the policy or bond is authorized to do business in
21 this state, or if the company is not authorized to do
22 business in this state, unless it executes a power of
23 attorney authorizing the department to accept service on
24 its behalf of notice or process in any action upon the policy
25 or bond arising out of an accident mentioned in
26 subdivision (a).

27 (c) Any nonresident driver whose driving privilege
28 has been suspended or revoked based upon an action that
29 requires proof of financial responsibility may, in lieu of
30 providing a certificate of insurance from a company
31 authorized to do business in California, provide a written
32 certificate of proof of financial responsibility that is
33 satisfactory to the department, covers the operation of a
34 vehicle in this state, meets the liability requirements of
35 this section, and is from a company that is authorized to
36 do business in that person's state of residence.

37 ~~SEC. 69.—~~

38 *SEC. 65. Section 16056 of the Vehicle Code is*
39 *amended to read:*



1 16056. (a) No policy ~~or bond~~ shall be effective under
2 Section 16054 unless issued by an insurance ~~company or~~
3 ~~surety~~ company authorized to do business in this state,
4 except as provided in subdivision (b) ~~of this section, nor~~
5 ~~unless the policy or bond is subject, if the accident has~~
6 ~~resulted in bodily injury or death, to a limit, exclusive of~~
7 ~~interest and costs, of not less than fifteen thousand dollars~~
8 ~~(\$15,000) because of bodily injury to or death of one~~
9 ~~person in any one accident and, subject to such limit for~~
10 ~~one person, to a limit of not less than thirty thousand~~
11 ~~dollars (\$30,000) because of bodily injury to or death of~~
12 ~~two or more persons in any one accident, and, if the~~
13 ~~accident has resulted in injury to, or destruction of~~
14 ~~property, to a limit of not less than five thousand dollars~~
15 ~~(\$5,000) because of injury to or destruction of property of~~
16 ~~others in any one accident.~~

17 (b) No policy ~~or bond~~ shall be effective under Section
18 16054 with respect to any vehicle which was not
19 registered in this state or was a vehicle which was
20 registered elsewhere than in this state at the effective
21 date of the policy or bond or the most recent renewal
22 thereof, unless the insurance company or surety company
23 issuing the policy or bond *shall be effective under Section*
24 *16054 with respect to any vehicle which was not*
25 *registered in this state or was a vehicle which was*
26 *registered elsewhere than in this state at the effective*
27 *date of the policy or the most recent renewal thereof,*
28 *unless the insurance company issuing the policy is*
29 authorized to do business in this state, or if the company
30 is not authorized to do business in this state, unless it
31 executes a power of attorney authorizing the department
32 to accept service on its behalf of notice or process in any
33 action upon the policy ~~or bond~~ arising out of an accident
34 mentioned in subdivision (a).

35 (c) *Any nonresident driver whose driving privilege*
36 *has been suspended or revoked based upon an action that*
37 *requires proof of financial responsibility may, in lieu of*
38 *providing a certificate of insurance from a company*
39 *authorized to do business in California, provide a written*
40 *certificate of proof of financial responsibility that is*



1 *satisfactory to the department, covers the operation of a*
2 *vehicle in this state, meets the liability requirements of*
3 *this section, and is from a company that is authorized to*
4 *do business in that person's state of residence.*

5 SEC. 66. Section 16431 of the Vehicle Code is
6 amended to read:

7 16431. (a) Proof of financial responsibility may be
8 given by the written certificate or certificates of any
9 insurance carrier duly authorized to do business within
10 the state, that it has issued to or for the benefit of the
11 person named therein a motor vehicle liability policy as
12 defined in Section 16450, an automobile liability policy as
13 defined in Section 16054, or any other liability policy
14 issued for vehicles with less than four wheels that meets
15 the requirements of Section 16056, which, at the date of
16 the certificate or certificates is in full force and effect.
17 Except as provided in subdivision (b), the certificate or
18 certificates issued under any liability policy set forth in
19 this section shall be accepted by the department and
20 satisfy the requirements of proof of financial
21 responsibility of this chapter. Nothing in this chapter
22 requires that an insurance carrier certify that there is
23 coverage broader than that provided by the actual policy
24 issued by the carrier.

25 (b) The department shall require that a person whose
26 driver's license has been revoked, suspended, or
27 restricted pursuant to Section 13350, 13351, 13352, 13353,
28 13353.2, 13353.3, 13353.6, 13353.7, 16370, or 16370.5
29 provide, as proof of financial responsibility, a certificate
30 or certificates which covers all motor vehicles registered
31 to the person before reinstatement of his or her driver's
32 license.

33 (c) Subdivision (b) does not apply to vehicles in
34 storage if the current license plates and registration cards
35 are surrendered to the department in Sacramento.

36 (d) (1) A resident of another state may provide proof
37 of financial responsibility when required to do so under
38 this code from a company authorized to do business in
39 that person's state of residence, if that proof is satisfactory
40 to the department, covers the operation of a vehicle in



1 this state, and meets the minimum coverage limit
2 requirements specified in Section 16056.

3 (2) If the person specified in paragraph (1) becomes
4 a resident of this state during the period that the person
5 is required to maintain proof of financial responsibility
6 with the department, the department shall not issue or
7 return a driver's license to that person until the person
8 files a written certificate or certificates, as authorized
9 under subdivision (a), that meets the minimum coverage
10 limit requirements specified in Section 16056 and covers
11 the period during which the person is required to
12 maintain proof of financial responsibility.

13 ~~SEC. 70.—~~

14 *SEC. 66.1. Section 16431 of the Vehicle Code is*
15 *amended to read:*

16 16431. (a) Proof of financial responsibility may be
17 given by the written certificate or certificates of any
18 insurance carrier duly authorized to do business within
19 the state, that it has issued to or for the benefit of the
20 person named therein a ~~motor vehicle liability policy as~~
21 ~~defined in Section 16450, an automobile liability policy as~~
22 ~~defined in Section 16054, or any other liability policy~~
23 ~~issued for vehicles with less than four wheels that meets~~
24 ~~the requirements of Section 16056~~ *policy providing*
25 *personal injury protection benefits, and liability coverage*
26 *where applicable, in accordance with Chapter 6*
27 *(commencing with Section 12000) of Part 3 of Division 2*
28 *of the Insurance Code, which, at the date of the certificate*
29 *or certificates is in full force and effect. Except as*
30 *provided in subdivision (b), the certificate or certificates*
31 *issued under any liability policy set forth in this section*
32 *shall be accepted by the department and satisfy the*
33 *requirements of proof of financial responsibility of this*
34 *chapter. Nothing in this chapter requires that an*
35 *insurance carrier certify that there is coverage broader*
36 *than that provided by the actual policy issued by the*
37 *carrier.*

38 (b) The department shall require that a person whose
39 driver's license has been revoked, suspended, or
40 restricted pursuant to Section 13350, 13351, 13352, 13353,



1 13353.2, 13353.3, 13353.6, 13353.7, 16370, or 16370.5
2 provide, as proof of financial responsibility, a certificate
3 or certificates which covers all motor vehicles registered
4 to the person before reinstatement of his or her driver's
5 license.

6 (c) Subdivision (b) does not apply to vehicles in
7 storage if the current license plates and registration cards
8 are surrendered to the department in Sacramento.

9 (d) (1) *A resident of another state may provide proof
10 of financial responsibility when required to do so under
11 this code from a company authorized to do business in
12 that person's state of residence, if that proof is satisfactory
13 to the department, covers the operation of a vehicle in
14 this state, and meets the minimum coverage limit
15 requirements specified in Section 16056.*

16 (2) *If the person specified in paragraph (1) becomes
17 a resident of this state during the period that the person
18 is required to maintain proof of financial responsibility
19 with the department, the department shall not issue or
20 return a driver's license to that person until the person
21 files a written certificate or certificates, as authorized
22 under subdivision (a), that meets the minimum coverage
23 limit requirements specified in Section 16056 and covers
24 the period during which the person is required to
25 maintain proof of financial responsibility.*

26 SEC. 67. Section 21655.8 of the Vehicle Code is
27 amended to read:

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

38 (b) Upon the approach of an authorized emergency
39 vehicle displaying a red light or siren, as specified in
40 Section 21806, a person driving a vehicle in an exclusive



1 or preferential use lane shall exit that lane immediately
2 upon determining that the exit can be accomplished with
3 reasonable safety.

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

6 ~~SEC. 71.~~

7 *SEC. 68.* Section 21806 of the Vehicle Code is
8 amended to read:

9 21806. Upon the immediate approach of an
10 authorized emergency vehicle which is sounding a siren
11 and which has at least one lighted lamp exhibiting red
12 light that is visible, under normal atmospheric conditions,
13 from a distance of 1,000 feet to the front of the vehicle, the
14 surrounding traffic shall, except as otherwise directed by
15 a traffic officer, do the following:

16 (a) (1) Except as required under paragraph (2), the
17 driver of every other vehicle shall yield the right-of-way
18 and shall immediately drive to the right-hand edge or
19 curb of the highway, clear of any intersection, and
20 thereupon shall stop and remain stopped until the
21 authorized emergency vehicle has passed.

22 (2) A person driving a vehicle in an exclusive or
23 preferential use lane shall exit that lane immediately
24 upon determining that the exit can be accomplished with
25 reasonable safety.

26 (b) The operator of every street car shall immediately
27 stop the street car, clear of any intersection, and remain
28 stopped until the authorized emergency vehicle has
29 passed.

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

33 ~~SEC. 72.~~

34 *SEC. 69.* Section 22651 of the Vehicle Code is
35 amended to read:

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



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

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

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

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

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

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

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

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

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



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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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



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

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

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

19 (t) When a peace officer issues a notice to appear for
20 a violation of Section 25279.

21 ~~SEC. 73.—~~

22 *SEC. 69.1. Section 22651 of the Vehicle Code is*
23 *amended to read:*

24 22651. Any peace officer, as defined in Chapter 4.5
25 (commencing with Section 830) of Title 3 of Part 2 of the
26 Penal Code; or any regularly employed and salaried
27 employee, who is engaged in directing traffic or
28 enforcing parking laws and regulations, of a *state agency*,
29 city, or a county in which a vehicle is located, may remove
30 a vehicle located within the territorial limits in which the
31 officer or employee may act, under any of the following
32 circumstances:

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

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



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

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

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

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

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

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

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

31 (i) (1) When any vehicle, other than a rented vehicle,
32 is found upon a highway or any public lands, or is removed
33 pursuant to this code, and it is known ~~to have~~ *that the*
34 *vehicle has* been issued five or more notices of parking
35 ~~violation~~, *violations* to which the owner or person in
36 control of the vehicle has not responded within 21
37 calendar days of notice of citation issuance or citation
38 issuance or 14 calendar days of *the mailing of* a notice of
39 delinquent parking violation to the agency responsible
40 for processing notices of parking violation or the



1 registered owner of the vehicle is known to have been
2 issued five or more notices for failure to pay or failure to
3 appear in court for traffic violations for which no
4 certificate has been issued by the magistrate or clerk of
5 the court hearing the case showing that the case has been
6 adjudicated or concerning which the registered owner's
7 record has not been cleared pursuant to Chapter 6
8 (commencing with Section 41500) of Division 17, the
9 vehicle may be impounded until that person furnishes to
10 the impounding law enforcement agency all of the
11 following:

12 (A) Evidence of his or her identity.
13 (B) An address within this state at which he or she can
14 be located.

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

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

24 (3) A notice of parking violation issued for an
25 unlawfully parked vehicle shall be accompanied by a
26 warning that repeated violations may result in the
27 impounding of the vehicle. In lieu of furnishing
28 satisfactory evidence that the full amount of parking
29 penalties or bail has been deposited, that person may
30 demand to be taken without unnecessary delay before a
31 magistrate, for traffic offenses, or a hearing examiner, for
32 parking offenses, within the county in which the offenses
33 charged are alleged to have been committed and who has
34 jurisdiction of the offenses and is nearest or most
35 accessible with reference to the place where the vehicle
36 is impounded. Evidence of current registration shall be
37 produced after a vehicle has been impounded, or, at the
38 discretion of the impounding law enforcement agency, a
39 notice to appear for violation of subdivision (a) of Section
40 4000 shall be issued to that person.



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

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

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

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

26 (5) The impounding agency that has a lien on the
27 surplus that remains upon the sale of a vehicle to which
28 a registered owner is entitled pursuant to paragraph (4)
29 has a deficiency claim against the registered owner for
30 the full amount of the parking penalties for all notices of
31 parking violations issued for the vehicle and for any local
32 administrative charges imposed pursuant to Section
33 22850.5, less the amount received from the sale of the
34 vehicle.

35 (j) When any vehicle is found illegally parked and
36 there are no license plates or other evidence of
37 registration displayed, the vehicle may be impounded
38 until the owner or person in control of the vehicle
39 furnishes the impounding law enforcement agency



1 evidence of his or her identity and an address within this
2 state at which he or she can be located.

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

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

14 (m) Wherever the use of the highway, or any portion
15 thereof, is authorized by local authorities for a purpose
16 other than the normal flow of traffic or for the movement
17 of equipment, articles, or structures of unusual size, and
18 the parking of any vehicle would prohibit or interfere
19 with that use or movement, and signs giving notice that
20 the vehicle may be removed are erected or placed at least
21 24 hours prior to the removal by local authorities pursuant
22 to the ordinance.

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

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



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

8 (p) When the peace officer issues the driver of a
9 vehicle a notice to appear for a violation of Section 12500,
10 14601, 14601.1, 14601.2, 14601.3, 14601.4, 14601.5, or 14604
11 and the vehicle has not been impounded pursuant to
12 Section 22655.5. Any vehicle so removed from the
13 highway or any public lands, or from private property
14 after having been on a highway or public lands, shall not
15 be released to the registered owner or his or her agent,
16 except upon presentation of the registered owner’s or his
17 or her agent’s currently valid driver’s license to operate
18 the vehicle and proof of current vehicle registration, or
19 upon order of a court.

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

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

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

39 (2) For purposes of this subdivision, a roadside rest
40 area or viewpoint is a publicly maintained vehicle



1 parking area, adjacent to a highway, utilized for the
2 convenient, safe stopping of a vehicle to enable motorists
3 to rest or to view the scenery. If two or more roadside rest
4 areas are located on opposite sides of the highway, or
5 upon the center divider, within seven miles of each other,
6 then that combination of rest areas is considered to be the
7 same rest area.

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

10 SEC. 69.2. Section 22651 of the Vehicle Code is
11 amended to read:

12 22651. Any peace officer, as defined in Chapter 4.5
13 (commencing with Section 830) of Title 3 of Part 2 of the
14 Penal Code; or any regularly employed and salaried
15 employee, who is engaged in directing traffic or
16 enforcing parking laws and regulations, of a city or a
17 county in which a vehicle is located, may remove a
18 vehicle located within the territorial limits in which the
19 officer or employee may act, under any of the following
20 circumstances:

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

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

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

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

37 (e) When any vehicle is illegally parked so as to
38 prevent access by firefighting equipment to a fire
39 hydrant and it is impracticable to move the vehicle from



1 in front of the fire hydrant to another point on the
2 highway.

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

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

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

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

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

39 (A) Evidence of his or her identity.



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

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

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

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

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

- 32 (A) Pays the cost of towing and storing the vehicle.
- 33 (B) Submits evidence of payment of fees as provided
34 in Section 9561.
- 35 (C) Completes an affidavit in a form acceptable to the
36 impounding law enforcement agency stating that the
37 vehicle was not in possession of the legal owner at the
38 time of occurrence of the offenses relating to standing or
39 parking. A vehicle released to a legal owner under this
40 subdivision is a repossessed vehicle for purposes of



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

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

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

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

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



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

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

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

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

35 (p) When the peace officer issues the driver of a
36 vehicle a notice to appear for a violation of Section 12500,
37 14601, 14601.1, 14601.2, 14601.3, 14601.4, 14601.5, or 14604
38 and the vehicle has not been impounded pursuant to
39 Section 22655.5. Any vehicle so removed from the
40 highway or any public lands, or from private property



1 after having been on a highway or public lands, shall not
2 be released to the registered owner or his or her agent,
3 except upon presentation of the registered owner's or his
4 or her agent's currently valid driver's license to operate
5 the vehicle and proof of current vehicle registration, or
6 upon order of a court.

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

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

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

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

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

37 (u) *When any motor vehicle was used by a person who*
38 *was engaged in a motor vehicle speed contest, as*
39 *described in subdivision (a) of Section 23109, and the*



1 *person was arrested and taken into custody for that*
2 *offense by a peace officer.*

3 *SEC. 69.3. Section 22651 of the Vehicle Code is*
4 *amended to read:*

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

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

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

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

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

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

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



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

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

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

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

32 (A) Evidence of his or her identity.

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

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

39 (2) The requirements in subparagraph (C) of
40 paragraph (1) shall be fully enforced by the impounding



1 law enforcement agency on and after the time that the
2 Department of Motor Vehicles is able to provide access
3 to the necessary records.

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

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

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

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

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



1 notices of parking violations from that surplus, on receipt
2 thereof, full amount of the parking penalties for all
3 notices of parking violations issued for the vehicle and for
4 any local administrative charges imposed pursuant to
5 Section 22850.5.

6 (5) The impounding agency that has a lien on the
7 surplus that remains upon the sale of a vehicle to which
8 a registered owner is entitled pursuant to paragraph (4)
9 has a deficiency claim against the registered owner for
10 the full amount of the parking penalties for all notices of
11 parking violations issued for the vehicle and for any local
12 administrative charges imposed pursuant to Section
13 22850.5, less the amount received from the sale of the
14 vehicle.

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

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

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

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



1 24 hours prior to the removal by local authorities pursuant
2 to the ordinance.

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

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

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

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



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

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

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

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

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

31 (u) *When any motor vehicle was used by a person who*
32 *was engaged in a motor vehicle speed contest, as*
33 *described in subdivision (a) of Section 23109, and the*
34 *person was arrested and taken into custody for that*
35 *offense by a peace officer.*

36 SEC. 70. Section 23157 of the Vehicle Code, as
37 amended by Section 17 of Chapter 938 of the Statutes of
38 1994, is amended to read:

39 23157. (a) (1) Any person who drives a motor
40 vehicle is deemed to have given his or her consent to



1 chemical testing of his or her blood, breath, or urine for
2 the purpose of determining the alcoholic content of his or
3 her blood, and to have given his or her consent to
4 chemical testing of his or her blood or urine for the
5 purpose of determining the drug content of his or her
6 blood, if lawfully arrested for any offense allegedly
7 committed in violation of Section 23140, 23152, or 23153.
8 The testing shall be incidental to a lawful arrest and
9 administered at the direction of a peace officer having
10 reasonable cause to believe the person was driving a
11 motor vehicle in violation of Section 23140, 23152, or
12 23153. The person shall be told that his or her failure to
13 submit to, or the failure to complete, the required
14 chemical testing will result in a fine, mandatory
15 imprisonment if the person is convicted of a violation of
16 Section 23152 or 23153, and (A) the suspension of the
17 person's privilege to operate a motor vehicle for a period
18 of one year, (B) the revocation of the person's privilege
19 to operate a motor vehicle for a period of two years if the
20 refusal occurs within seven years of a separate violation
21 of Section 23103 as specified in Section 23103.5, or of
22 Section 23140, 23152, or 23153, or of Section 191.5 or
23 paragraph (3) of subdivision (c) of Section 192 of the
24 Penal Code which resulted in a conviction, or if the
25 person's privilege to operate a motor vehicle has been
26 suspended or revoked pursuant to Section 13353, 13353.1,
27 or 13353.2 for an offense which occurred on a separate
28 occasion, or (C) the revocation of the person's privilege
29 to operate a motor vehicle for a period of three years if
30 the refusal occurs within seven years of two or more
31 separate violations of Section 23103 as specified in Section
32 23103.5, or of Section 23140, 23152, or 23153, or of Section
33 191.5 or paragraph (3) of subdivision (c) of Section 192 of
34 the Penal Code, or any combination thereof, which
35 resulted in convictions, or if the person's privilege to
36 operate a motor vehicle has been suspended or revoked
37 two or more times pursuant to Section 13353, 13353.1, or
38 13353.2 for offenses which occurred on separate
39 occasions, or if there is any combination of those
40 convictions or administrative suspensions or revocations.



1 (2) (A) If the person is lawfully arrested for driving
2 under the influence of an alcoholic beverage, the person
3 has the choice of whether the test shall be of his or her
4 blood, breath, or urine, and the officer shall advise the
5 person that he or she has that choice. If the person
6 arrested either is incapable, or states that he or she is
7 incapable, of completing any chosen test, the person shall
8 submit to the person's choice of the remaining tests or
9 test, and the officer shall advise the person that the person
10 has that choice.

11 (B) If the person is lawfully arrested for driving under
12 the influence of any drug or the combined influence of an
13 alcoholic beverage and any drug, the person has the
14 choice of whether the test shall be of his or her blood,
15 breath, or urine, and the officer shall advise the person
16 that he or she has that choice.

17 (C) A person who chooses to submit to a breath test
18 may also be requested to submit to a blood or urine test
19 if the officer has reasonable cause to believe that the
20 person was driving under the influence of any drug or the
21 combined influence of an alcoholic beverage and any
22 drug and if the officer has a clear indication that a blood
23 or urine test will reveal evidence of the person being
24 under the influence. The officer shall state in his or her
25 report the facts upon which that belief and that clear
26 indication are based. The person has the choice of
27 submitting to and completing a blood or urine test, and
28 the officer shall advise the person that he or she is
29 required to submit to an additional test and that he or she
30 may choose a test of either blood or urine. If the person
31 arrested either is incapable, or states that he or she is
32 incapable, of completing either chosen test, the person
33 shall submit to and complete the other remaining test.

34 (3) If the person is lawfully arrested for an offense
35 allegedly committed in violation of Section 23140, 23152,
36 or 23153, and, because of the need for medical treatment,
37 the person is first transported to a medical facility where
38 it is not feasible to administer a particular test of, or to
39 obtain a particular sample of, the person's blood, breath,
40 or urine, the person has the choice of those tests which are



1 available at the facility to which that person has been
2 transported. In that case, the officer shall advise the
3 person of those tests which are available at the medical
4 facility and that the person's choice is limited to those
5 tests which are available.

6 (4) The officer shall also advise the person that he or
7 she does not have the right to have an attorney present
8 before stating whether he or she will submit to a test or
9 tests, before deciding which test or tests to take, or during
10 administration of the test or tests chosen, and that, in the
11 event of refusal to submit to a test or tests, the refusal may
12 be used against him or her in a court of law.

13 (5) Any person who is unconscious or otherwise in a
14 condition rendering him or her incapable of refusal is
15 deemed not to have withdrawn his or her consent and a
16 test or tests may be administered whether or not the
17 person is told that his or her failure to submit to, or the
18 noncompletion of, the test or tests will result in the
19 suspension or revocation of his or her privilege to operate
20 a motor vehicle. Any person who is dead is deemed not
21 to have withdrawn his or her consent and a test or tests
22 may be administered at the direction of a peace officer.

23 (b) Any person who is afflicted with hemophilia is
24 exempt from the blood test required by this section.

25 (c) Any person who is afflicted with a heart condition
26 and is using an anticoagulant under the direction of a
27 licensed physician and surgeon is exempt from the blood
28 test required by this section.

29 (d) A person lawfully arrested for any offense
30 allegedly committed while the person was driving a
31 motor vehicle in violation of Section 23140, 23152, or 23153
32 may request the arresting officer to have a chemical test
33 made of the arrested person's blood, breath, or urine for
34 the purpose of determining the alcoholic content of that
35 person's blood, and, if so requested, the arresting officer
36 shall have the test performed.

37 (e) If the person, who has been arrested for a violation
38 of Section 23140, 23152, or 23153, refuses or fails to
39 complete a chemical test or tests, or requests that a blood
40 or urine test be taken, the peace officer, acting on behalf



1 of the department, shall serve the notice of the order of
2 suspension or revocation of the person's privilege to
3 operate a motor vehicle personally on the arrested
4 person. The notice shall be on a form provided by the
5 department.

6 (f) If the peace officer serves the notice of the order
7 of suspension or revocation of the person's privilege to
8 operate a motor vehicle, the peace officer shall take
9 possession of any driver's license issued by this state which
10 is held by the person. The temporary driver's license shall
11 be an endorsement on the notice of the order of
12 suspension and shall be valid for 30 days from the date of
13 arrest.

14 (g) The peace officer shall immediately forward a
15 copy of the completed notice of suspension or revocation
16 form and any driver's license taken into possession under
17 subdivision (f), with the report required by Section
18 23158.2, to the department. If the person submitted to a
19 blood or urine test, the peace officer shall forward the
20 results immediately to the appropriate forensic
21 laboratory. The forensic laboratory shall forward the
22 results of the chemical tests to the department within 15
23 calendar days of the date of the arrest.

24 (h) A preliminary alcohol screening test that indicates
25 the presence or concentration of alcohol based on a
26 breath sample in order to establish reasonable cause to
27 believe the person was driving a vehicle in violation of
28 Section 23140, 23152, or 23153 is a field sobriety test and
29 may be used by an officer as a further investigative tool.

30 (i) If the officer decides to use a preliminary alcohol
31 screening test, the officer shall advise the person that he
32 or she is requesting that person to take a preliminary
33 alcohol screening test to assist the officer in determining
34 if that person is under the influence of alcohol or drugs,
35 or a combination of alcohol and drugs. The person's
36 obligation to submit to a blood, breath, or urine test, as
37 required by this section, for the purpose of determining
38 the alcohol or drug content of that person's blood, is not
39 satisfied by the person submitting to a preliminary
40 alcohol screening test. The officer shall advise the person



1 of that fact and of the person’s right to refuse to take the
2 preliminary alcohol screening test.

3 ~~SEC. 74.~~

4 *SEC. 71.* Section 23190 of the Vehicle Code is
5 amended to read:

6 23190. (a) If any person is convicted of a violation of
7 Section 23153 and the offense occurred within seven
8 years of two or more separate violations of Section 23103,
9 as specified in Section 23103.5, or Section 23152 or 23153,
10 or any combination of these violations, which resulted in
11 convictions, that person shall be punished by
12 imprisonment in the state prison for a term of two, three,
13 or four years and by a fine of not less than one thousand
14 fifteen dollars (\$1,015) nor more than five thousand
15 dollars (\$5,000). The person’s privilege to operate a motor
16 vehicle shall be revoked by the Department of Motor
17 Vehicles pursuant to paragraph (6) of subdivision (a) of
18 Section 13352.

19 (b) If any person is convicted of a violation of Section
20 23153, and the act or neglect proximately causes great
21 bodily injury, as defined in Section 12022.7 of the Penal
22 Code, to any person other than the driver, and the offense
23 occurred within seven years of two or more separate
24 violations of Section 23103, as specified in Section 23103.5,
25 or Section 23152 or 23153, or any combination of these
26 violations, which resulted in convictions, that person shall
27 be punished by imprisonment in the state prison for a
28 term of two, three, or four years and by a fine of not less
29 than one thousand fifteen dollars (\$1,015) nor more than
30 five thousand dollars (\$5,000). The person’s privilege to
31 operate a motor vehicle shall be revoked by the
32 Department of Motor Vehicles pursuant to paragraph (6)
33 of subdivision (a) of Section 13352.

34 (c) If any person is convicted under subdivision (b),
35 and the offense for which the person is convicted
36 occurred within seven years of four or more separate
37 violations of Section 23103, as specified in Section 23103.5,
38 or Section 23152 or 23153, or any combination of these
39 violations, that resulted in convictions, that person shall,
40 in addition and consecutive to the sentences imposed



1 under subdivision (b), be punished by an additional term
2 of imprisonment in the state prison for three years.

3 The enhancement allegation provided in the
4 subdivision shall be pleaded and proved as provided by
5 law.

6 (d) Any person convicted of Section 23153 punishable
7 under this section shall be designated as an habitual traffic
8 offender for a period of three years, subsequent to the
9 conviction. The person shall be advised of this designation
10 pursuant to subdivision (b) of Section 13350.

11 (e) Any person confined in state prison under this
12 section shall be ordered by the court to participate in an
13 alcohol or drug program, or both, that is available at the
14 prison during the person's confinement. Completion of
15 an alcohol or drug program under this section does not
16 meet the program completion requirement of paragraph
17 (6) of subdivision (a) of Section 13352, unless the drug or
18 alcohol program is licensed under Chapter 9
19 (commencing with Section 11836) of Part 2 of Division
20 10.5 of the Health and Safety Code, or is a program
21 specified in Section 8001 of the Penal Code.

22 ~~SEC. 75.~~

23 *SEC. 72.* Section 23250 of the Vehicle Code is
24 amended to read:

25 23250. All of the provisions of this code not
26 inconsistent with the provisions of this chapter shall be
27 applicable to vehicular crossings and toll highways. This
28 chapter shall control over any provision of this code
29 inconsistent with this chapter.

30 ~~SEC. 76.~~

31 *SEC. 73.* Section 23302 of the Vehicle Code is
32 amended to read:

33 23302. (a) It is unlawful for any person to refuse to
34 pay tolls or other charges on any vehicular crossing or toll
35 highway. It is prima facie evidence of a violation of this
36 section for any person to enter upon any vehicular
37 crossing without either lawful money of the United States
38 in the person's immediate possession in an amount
39 sufficient to pay the prescribed tolls or other charges due
40 from that person or transponder or other electronic toll



1 payment device associated with a valid Automatic
2 Vehicle Identification account with a balance sufficient to
3 pay those tolls.

4 (b) For vehicular crossings and toll highways that uses
5 electronic toll collection as the only method of paying
6 tolls or other charges, it is prima facie evidence of a
7 violation of this section for any person to enter the
8 vehicular crossing or toll highway without a transponder
9 or other electronic toll payment device associated with a
10 valid Automatic Vehicle Identification account with a
11 balance sufficient to pay those tolls. If a transponder or
12 other electronic toll payment device is used to pay tolls
13 or other charges due, the device shall be located in, or on
14 the vehicle in a location so as to be visible for the purpose
15 of enforcement at all times when the vehicle is located on
16 the vehicular crossing or toll highway. Where required by
17 the operator of a vehicular crossing or toll highway, this
18 requirement applies even if the operator offers free
19 travel or nontoll accounts to certain classes of users.

20 ~~SEC. 77. Section 24011.7 of the Vehicle Code is~~
21 ~~repealed.~~

22 ~~SEC. 78.~~

23 *SEC. 74.* Section 25258 of the Vehicle Code is
24 amended to read:

25 25258. (a) An authorized emergency vehicle
26 operating under the conditions specified in Section 21055
27 may display a flashing white light from a gaseous
28 discharge lamp designed and used for the purpose of
29 controlling official traffic control signals.

30 (b) An authorized emergency vehicle used by a peace
31 officer, as defined in Section 830.1 of, subdivision (a), (b),
32 (c), (d), (e), (f), (g), (h), or (j) of Section 830.2 of,
33 subdivision (b) of Section 830.31 of, subdivision (a) or (b)
34 of Section 830.32 of, Section 830.33 of, subdivision (a) of
35 Section 830.36 of, subdivision (a) of Section 830.4 of, or
36 Section 830.6 of, the Penal Code, in the performance of
37 the peace officer's duties, may, in addition, display a
38 steady or flashing blue warning light visible from the
39 front, sides, or rear of the vehicle.

40 ~~SEC. 79.~~



1 SEC. 75. Section 25258.1 of the Vehicle Code is
2 repealed.

3 ~~SEC. 80.~~

4 SEC. 76. Section 25279 of the Vehicle Code is
5 amended to read:

6 25279. (a) Vehicles owned and operated by private
7 security agencies and utilized exclusively on privately
8 owned and maintained roads to which this code is made
9 applicable by local ordinance or resolution, may display
10 flashing amber warning lights to the front, sides, or rear,
11 while being operated in response to emergency calls for
12 the immediate preservation of life or property.

13 (b) (1) Vehicles owned by a private security agency
14 and operated by personnel who are registered with the
15 Department of Consumer Affairs under Article 3
16 (commencing with Section 7582) of Chapter 11.5 of
17 Division 3 of the Business and Professions Code may be
18 equipped with a flashing amber warning light system
19 while the vehicle is operated on a highway, if the vehicle
20 is in compliance with Section 27605 and is distinctively
21 marked with the words “PRIVATE SECURITY” or
22 “SECURITY PATROL” on the rear and both sides of the
23 vehicle in a size that is legible from a distance of not less
24 than 50 feet.

25 (2) The flashing amber warning light system
26 authorized under paragraph (1) shall not be activated
27 while the vehicle is on the highway, unless otherwise
28 directed by a peace officer, as defined in Chapter 4.5
29 (commencing with Section 830) of Title 3 of Part 2 of the
30 Penal Code.

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

35 (d) A flashing amber warning light system shall not be
36 installed on a vehicle that has been found to be in
37 violation of this section, unless written authorization is
38 obtained from the Commissioner of the California
39 Highway Patrol.

40 ~~SEC. 81.~~



1 SEC. 77. Section 26708 of the Vehicle Code is
2 amended to read:

3 26708. (a) (1) No person shall drive any motor
4 vehicle with any object or material placed, displayed,
5 installed, affixed, or applied upon the windshield or side
6 or rear windows.

7 (2) No person shall drive any motor vehicle with any
8 object or material placed, displayed, installed, affixed, or
9 applied in or upon the vehicle which obstructs or reduces
10 the driver's clear view through the windshield or side
11 windows.

12 (3) This subdivision applies to a person driving a motor
13 vehicle with the driver's clear vision through the
14 windshield, or side or rear windows, obstructed by snow
15 or ice.

16 (b) This section does not apply to:

17 (1) Rearview mirrors.

18 (2) Adjustable nontransparent sunvisors which are
19 mounted forward of the side windows and are not
20 attached to the glass.

21 (3) Signs, stickers, or other materials which are
22 displayed in a 7-inch square in the lower corner of the
23 windshield farthest removed from the driver, signs,
24 stickers, or other materials which are displayed in a 7-inch
25 square in the lower corner of the rear window farthest
26 removed from the driver, or signs, stickers, or other
27 materials which are displayed in a 5-inch square in the
28 lower corner of the windshield nearest the driver.

29 (4) Side windows which are to the rear of the driver.

30 (5) Direction, destination, or termini signs upon a
31 passenger common carrier motor vehicle or a schoolbus,
32 if those signs do not interfere with the driver's clear view
33 of approaching traffic.

34 (6) Rear window wiper motor.

35 (7) Rear trunk lid handle or hinges.

36 (8) The rear window or windows, when the motor
37 vehicle is equipped with outside mirrors on both the left-
38 and right-hand sides of the vehicle that are so located as
39 to reflect to the driver a view of the highway through



1 each mirror for a distance of at least 200 feet to the rear
2 of the vehicle.

3 (9) A clear, transparent lens affixed to the side window
4 opposite the driver on a vehicle greater than 80 inches in
5 width and which occupies an area not exceeding 50
6 square inches of the lowest corner toward the rear of that
7 window and which provides the driver with a wide-angle
8 view through the lens.

9 (10) Sun screening devices meeting the requirements
10 of Section 26708.2 installed on the side windows on either
11 side of the vehicle's front seat, if the driver or a passenger
12 in the front seat has in his or her possession a letter or
13 other document signed by a licensed physician and
14 surgeon certifying that the person must be shaded from
15 the sun due to a medical condition, or has in his or her
16 possession a letter or other document signed by a licensed
17 optometrist certifying that the person must be shaded
18 from the sun due to a visual condition. The devices
19 authorized by this paragraph shall not be used during
20 darkness.

21 (11) An electronic communication device affixed to
22 the center uppermost portion of the interior of a
23 windshield within an area that is not greater than 5 inches
24 square, if the device provides either of the following:

25 (A) The capability for enforcement facilities of the
26 Department of the California Highway Patrol to
27 communicate with a vehicle equipped with the device.

28 (B) The capability for electronic toll and traffic
29 management on public or private roads or facilities.

30 (c) Notwithstanding subdivision (a), transparent
31 material may be installed, affixed, or applied to the
32 topmost portion of the windshield if:

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

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



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

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

8 ~~SEC. 82.~~

9 SEC. 78. Section 27315 of the Vehicle Code is
10 amended to read:

11 27315. (a) The Legislature finds that a mandatory
12 seatbelt law will contribute to reducing highway deaths
13 and injuries by encouraging greater usage of existing
14 manual seatbelts, that automatic crash protection systems
15 which require no action by vehicle occupants offer the
16 best hope of reducing deaths and injuries, and that
17 encouraging the use of manual safety belts is only a partial
18 remedy for addressing this major cause of death and
19 injury. The Legislature declares that the enactment of
20 this section is intended to be compatible with support for
21 federal safety standards requiring automatic crash
22 protection systems and should not be used in any manner
23 to rescind federal requirements for installation of
24 automatic restraints in new cars.

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

27 (c) As used in this section, "private passenger motor
28 vehicle" means any passenger vehicle and any
29 motortruck of less than 6,001 pounds unladen weight, but
30 "private passenger motor vehicle" does not include a
31 motorcycle.

32 (d) (1) No person shall operate a private passenger
33 motor vehicle on a highway unless that person and all
34 passengers 16 years of age or over are properly restrained
35 by a safety belt. This paragraph does not apply to the
36 operator of a taxicab, as defined in Section 27908, when
37 the taxicab is driven on a city street. The safety belt
38 requirement established by this paragraph is the
39 minimum safety standard applicable to employees being
40 transported in a private passenger motor vehicle. This



1 paragraph does not preempt any more stringent or
2 restrictive standards imposed by the Labor Code or any
3 other state or federal regulation regarding the
4 transportation of employees in a private passenger motor
5 vehicle.

6 (2) The operator of a limousine for hire or the operator
7 of an authorized emergency vehicle, as defined in
8 subdivision (a) of Section 165, shall not operate the
9 limousine for hire or authorized emergency vehicle
10 unless the operator and any passengers four years of age
11 or over and weighing 40 pounds or more, in the front seat
12 are properly restrained by a safety belt.

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

17 (e) No person 16 years of age or over shall be a
18 passenger in a private passenger motor vehicle on a
19 highway unless that person is properly restrained by a
20 safety belt.

21 (f) Every owner of a private passenger motor vehicle,
22 including every owner or operator of a taxicab, as defined
23 in Section 27908, or a limousine for hire, operated on a
24 highway shall maintain safety belts in good working order
25 for the use of occupants of the vehicle. The safety belts
26 shall conform to motor vehicle safety standards
27 established by the United States Department of
28 Transportation. This subdivision does not, however,
29 require installation or maintenance of safety belts where
30 not required by the laws of the United States applicable
31 to the vehicle at the time of its initial sale.

32 (g) This section does not apply to a passenger or
33 operator with a physically disabling condition or medical
34 condition which would prevent appropriate restraint in
35 a safety belt, if the condition is duly certified by a licensed
36 physician and surgeon or by a licensed chiropractor who
37 shall state the nature of the condition, as well as the reason
38 the restraint is inappropriate. This section also does not
39 apply to a public employee, when in an authorized
40 emergency vehicle as defined in paragraph (1) of



1 subdivision (b) of Section 165, or to any passenger in any
2 seat behind the front seat of an authorized emergency
3 vehicle as defined in paragraph (1) of subdivision (b) of
4 Section 165 operated by the public employee, unless
5 required by the agency employing the public employee.

6 (h) Notwithstanding subdivision (a) of Section 42001,
7 any violation of subdivision (d), (e), or (f) is an infraction
8 punishable by a fine, including all penalty assessments
9 and court costs imposed on the convicted person, of not
10 more than twenty dollars (\$20) for a first offense, and a
11 fine, including all penalty assessments and court costs
12 imposed on the convicted person, of not more than fifty
13 dollars (\$50) for each subsequent offense. In lieu of the
14 fine and any penalty assessment or court costs, the court,
15 pursuant to Section 42005, may order that a person
16 convicted of a first offense attend a school for traffic
17 violators or a driving school in which the proper use of
18 safety belts is demonstrated.

19 (i) For any violation of subdivision (d), (e), or (f), in
20 addition to the fines provided for pursuant to subdivision
21 (h) and the penalty assessments provided for pursuant to
22 Section 1464 of the Penal Code, an additional penalty
23 assessment of two dollars (\$2) shall be levied for any first
24 offense, and an additional penalty assessment of five
25 dollars (\$5) shall be levied for any subsequent offense.

26 All moneys collected pursuant to this subdivision shall
27 be utilized in accordance with Section 1464 of the Penal
28 Code.

29 (j) In any civil action, a violation of subdivision (d),
30 (e), or (f) or information of a violation of subdivision (h)
31 shall not establish negligence as a matter of law or
32 negligence per se for comparative fault purposes, but
33 negligence may be proven as a fact without regard to the
34 violation.

35 (k) If the United States Secretary of Transportation
36 fails to adopt safety standards for manual safety belt
37 systems by September 1, 1989, no private passenger
38 motor vehicle manufactured after that date for sale or
39 sold in this state shall be registered unless it contains a
40 manual safety belt system which meets the performance



1 standards applicable to automatic crash protection
2 devices adopted by the Secretary of Transportation
3 pursuant to Federal Motor Vehicle Safety Standard No.
4 208 (49 C.F.R. 571.208) as in effect on January 1, 1985.

5 (l) Each private passenger motor vehicle offered for
6 original sale in this state which has been manufactured on
7 or after September 1, 1989, shall comply with the
8 automatic restraint requirements of Section S4.1.2.1 of
9 Federal Motor Vehicle Safety Standard No. 208 (49 C.F.R.
10 571.208), as published in Volume 49 of the Federal
11 Register, No. 138, page 29009. Any automobile
12 manufacturer who sells or delivers a private passenger
13 motor vehicle subject to the requirements of this
14 subdivision, and fails to comply with this subdivision, shall
15 be punished by a fine of not more than five hundred
16 dollars (\$500) for each sale or delivery of a noncomplying
17 private passenger motor vehicle.

18 (m) Compliance with subdivision (k) or (l) by a
19 manufacturer shall be made by self-certification in the
20 same manner as self-certification is accomplished under
21 federal law.

22 (n) This section does not apply to a person actually
23 engaged in delivery of newspapers to customers along the
24 person's route if the person is properly restrained by a
25 safety belt prior to commencing and subsequent to
26 completing delivery on the route.

27 (o) This section does not apply to a person actually
28 engaged in collection and delivery activities as a rural
29 delivery carrier for the United States Postal Service if the
30 person is properly restrained by a safety belt prior to
31 stopping at the first box and subsequent to stopping at the
32 last box on the route.

33 (p) Subdivisions (d), (e), (f), (g), and (h) shall
34 become inoperative immediately upon the date that the
35 United States Secretary of Transportation, or his or her
36 delegate, determines to rescind the portion of the
37 Federal Motor Vehicle Safety Standard No. 208 (49 C.F.R.
38 571.208) which requires the installation of automatic
39 restraints in new private passenger motor vehicles,
40 except that those subdivisions shall not become

1 inoperative if the secretary’s decision to rescind that
2 Standard No. 208 is not based, in any respect, on the
3 enactment or continued operation of those subdivisions.

4 ~~SEC. 83.~~

5 *SEC. 79.* Section 27365 of the Vehicle Code is
6 amended to read:

7 27365. (a) (1) Every car rental agency in California
8 shall inform each of its customers of the provisions of
9 Section 27360 by posting, in a place conspicuous to the
10 public in each established place of business of the agency,
11 a notice not smaller than 15 inches by 20 inches which
12 states the following:

13
14 “CALIFORNIA LAW REQUIRES ALL CHILDREN
15 UNDER THE AGE OF 4, REGARDLESS OF WEIGHT,
16 OR WEIGHING LESS THAN 40 POUNDS,
17 REGARDLESS OF AGE, TO BE TRANSPORTED IN A
18 CHILD RESTRAINT SYSTEM. THIS AGENCY IS
19 REQUIRED TO PROVIDE FOR RENTAL A CHILD
20 RESTRAINT SYSTEM IF YOU DO NOT HAVE SUCH A
21 SYSTEM YOURSELF.”

22
23 (2) The posted notice specified in paragraph (1) is not
24 required if the car rental agency’s place of business is
25 located in a hotel which has a business policy prohibiting
26 the posting of signs or notices in any area of the hotel. In
27 that case, a car rental agency shall furnish a written notice
28 to each customer which contains the same information as
29 required for the posted notice.

30 (b) Every such agency shall have available for, and
31 shall, upon request, provide for rental to, adults traveling
32 with children under the age of four, regardless of weight,
33 or weighing less than 40 pounds, regardless of age, child
34 passenger seat restraint systems meeting applicable
35 federal motor vehicle safety standards on the date of the
36 rental transaction, in good and safe condition, with no
37 missing original parts, and not older than five years.

38 (c) A violation of this section is an infraction
39 punishable by a fine of one hundred dollars (\$100).

40 ~~SEC. 84.~~



1 SEC. 80. Section 34501.12 of the Vehicle Code is
2 amended to read:

3 34501.12. (a) Notwithstanding Section 408, as used in
4 this section and Sections 34505.5 and 34505.6, “motor
5 carrier” means the registered owner of any vehicle
6 described in subdivision (a), (b), (e), (f), or (g) of
7 Section 34500, except in the following circumstances:

8 (1) The registered owner leases the vehicle to another
9 person for a term of more than four months. If the lease
10 is for more than four months, the lessee is the motor
11 carrier.

12 (2) The registered owner operates the vehicle
13 exclusively under the authority and direction of another
14 person. If the operation is exclusively under the authority
15 and direction of another person, that other person may
16 assume the responsibilities as the motor carrier. If not so
17 assumed, the registered owner is the motor carrier. A
18 person who assumes the motor carrier responsibilities of
19 another pursuant to subdivision (b) shall provide to that
20 other person whose motor carrier responsibility is so
21 assumed, a completed copy of a department form
22 documenting that assumption, stating the period for
23 which responsibility is assumed, and signed by an agent
24 of the assuming person. A legible copy shall be carried in
25 each vehicle or combination of vehicles operated on the
26 highway during the period for which responsibility is
27 assumed. That copy shall be presented upon request by
28 any authorized employee of the department. The original
29 completed departmental form documenting the
30 assumption shall be provided to the department within 30
31 days of the assumption. If the assumption of responsibility
32 is terminated, the person who had assumed responsibility
33 shall so notify the department in writing within 30 days
34 of the termination.

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

38 (A) The carrier identifies to the department, in
39 writing, each terminal proposed to be included in the
40 combination of terminals for purposes of this subdivision



1 prior to an inspection of the designated terminal pursuant
2 to subdivision (d).

3 (B) The carrier provides the department, prior to the
4 inspection of the designated terminal pursuant to
5 subdivision (d) a written listing of all its vehicles of a type
6 subject to subdivision (a), (b), (e), (f), or (g) of Section
7 34500 which are based at each of the terminals combined
8 for purposes of this subdivision. The listing shall specify
9 the number of vehicles of each type at each terminal.

10 (C) The carrier provides to the department at the
11 designated terminal during the inspection all
12 maintenance records and driver records and a
13 representative sample of vehicles based at each of the
14 terminals included within the combination of terminals.

15 (2) If the carrier fails to provide the maintenance
16 records, driver records, and representative sample of
17 vehicles pursuant to subparagraph (C) of paragraph (1),
18 the department shall assign the carrier an unsatisfactory
19 terminal rating and require a reinspection to be
20 conducted pursuant to subdivision (h).

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

23 (A) "Driver records" includes pull notice system
24 records, driver proficiency records, and driver
25 timekeeping records.

26 (B) "Maintenance records" includes all required
27 maintenance, lubrication, and repair records and drivers'
28 daily vehicle condition reports.

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

34 Fleet Size	33 Representative Sample
35 1 or 2	All
36 3 to 8	3
37 9 to 15	4
38 16 to 25	6
39 26 to 50	9



1	51 to 90	14
2	91 or more	20

3
4 (c) Each motor carrier who, in this state, directs the
5 operation of, or maintains, any vehicle of a type described
6 in subdivision (a) shall designate one or more terminals,
7 as defined in Section 34515, in this state where vehicles
8 can be inspected by the department pursuant to
9 paragraph (3) of subdivision (a) of Section 34501 and
10 where vehicle inspection and maintenance records and
11 driver records will be made available for inspection.

12 (d) The department shall inspect, at least every 25
13 months, every terminal, as defined in Section 34515, of
14 any motor carrier who, at any time, operates any vehicle
15 described in subdivision (a).

16 As used in this section and in Sections 34505.5 and
17 34505.6, subdivision (f) of Section 34500 includes only
18 those combinations where the gross vehicle weight rating
19 (GVWR) of the towing vehicle exceeds 10,100 pounds,
20 and subdivision (g) of Section 34500 includes only those
21 vehicles transporting hazardous material for which the
22 display of placards is required pursuant to Section 27903,
23 a license is required pursuant to Section 32000.5, or for
24 which hazardous waste hauler registration is required
25 pursuant to Section 25163 of the Health and Safety Code.
26 Historical vehicles, as described in Section 5004, vehicles
27 which display special identification plates in accordance
28 with Section 5011, implements of husbandry, as defined
29 in Chapter 1 (commencing with Section 36000) of
30 Division 16, and vehicles owned or operated by an agency
31 of the federal government are not subject to this section
32 or to Sections 34505.5 and 34505.6.

33 (e) (1) It is the responsibility of the motor carrier to
34 schedule with the department the inspection required by
35 subdivision (d). The motor carrier shall submit an
36 application form supplied by the department,
37 accompanied by the required fee. The fee, which is
38 nonrefundable, is four hundred dollars (\$400) per
39 terminal, except in the case of an owner-operator, as
40 defined in Section 3557 of the Public Utilities Code, or a



1 nonregulated motor carrier who owns, leases, or
2 otherwise operates not more than one heavy power unit
3 and not more than three towed vehicles described in
4 subdivision (a), (b), (e), (f), or (g) of Section 34500, for
5 which the fee shall be one hundred dollars (\$100).
6 Federal, state, and local public entities are exempt from
7 the fee requirements of this section.

8 (2) Except as provided in paragraph (4), the
9 inspection term for each inspected terminal of a motor
10 carrier shall expire 25 months from the date the terminal
11 receives a satisfactory compliance rating, as specified in
12 subdivision (h). Applications and fees for subsequent
13 inspections shall be submitted not earlier than nine
14 months and not later than seven months before the
15 expiration of the motor carrier's then current inspection
16 term. If the motor carrier has submitted the inspection
17 application and the required accompanying fees, but the
18 department is unable to complete the inspection within
19 the 25-month inspection period, then no additional fee
20 shall be required for the inspection requested in the
21 original application.

22 (3) All fees collected pursuant to this subdivision shall
23 be deposited in the Motor Vehicle Account in the State
24 Transportation Fund. An amount equal to the fees
25 collected shall be available for appropriation by the
26 Legislature from the Motor Vehicle Account to the
27 department for the purpose of conducting truck terminal
28 inspections and for the additional roadside safety
29 inspections required by Section 34514.

30 (4) To avoid the scheduling of a renewal terminal
31 inspection pursuant to this section during a carrier's
32 seasonal peak business periods, the current inspection
33 term of a terminal that has paid all required fees and has
34 been rated satisfactory in its last inspection may be
35 reduced by not more than nine months if a written
36 request is submitted by the carrier to the department at
37 least four months prior to the desired inspection month,
38 or at the time of payment of renewal inspection fees in
39 compliance with paragraph (2), whichever date is
40 earlier. A motor carrier may request this adjustment of



1 the inspection term during any inspection cycle. A
2 request made pursuant to this paragraph shall not result
3 in a fee proration and does not relieve the carrier from the
4 requirements of paragraph (2).

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

9 (g) On and after July 1, 1992, it is unlawful for any
10 motor carrier to operate any vehicle subject to this
11 section after submitting an inspection application to the
12 department, without the inspection described in
13 subdivision (d) having been performed and a safety
14 compliance report having been issued to the motor
15 carrier within the 25-month inspection period or within
16 60 days immediately preceding the inspection period.

17 (h) (1) Any inspected terminal that receives an
18 unsatisfactory compliance rating shall be reinspected
19 within 120 days after the issuance of the unsatisfactory
20 compliance rating.

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

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

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

29 (C) The motor carrier failed to provide all required
30 records and vehicles for a consolidated inspection
31 pursuant to subdivision (b).

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

35 (4) Applications for reinspection pursuant to
36 paragraph (3) or for second and subsequent consecutive
37 reinspections under this subdivision shall be
38 accompanied by the fee specified in paragraph (1) of
39 subdivision (e) and shall be filed within 60 days of



1 issuance of the unsatisfactory compliance rating. The
2 reinspection fee is nonrefundable.

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

8 (i) It is the intent of the Legislature that the
9 department make its best efforts to inspect terminals
10 within the resources provided. In the interest of the state,
11 the Commissioner of the California Highway Patrol may
12 extend for a period not to exceed six months the
13 inspection terms beginning prior to July 1, 1990.

14 (j) To encourage truck terminal operators to attain
15 continuous satisfactory compliance ratings, the
16 department may establish and implement an incentive
17 program consisting of the following:

18 (1) After the second consecutive satisfactory
19 compliance rating assigned as a result of an inspection
20 conducted pursuant to subdivision (d), and each
21 consecutive satisfactory compliance rating thereafter, an
22 appropriate certificate, denoting the number of
23 consecutive satisfactory ratings, shall be awarded to the
24 terminal, unless the terminal has received an
25 unsatisfactory compliance rating as a result of any
26 inspection conducted in the interim between the
27 consecutive inspections conducted under subdivision
28 (d).

29 (2) Unless the department's evaluation of the motor
30 carrier's safety record indicates a declining level of
31 compliance, a terminal that has attained two consecutive
32 satisfactory compliance ratings assigned following
33 inspections conducted pursuant to subdivision (d) is
34 eligible for an administrative review in lieu of the next
35 required inspection, unless the terminal has received an
36 unsatisfactory compliance rating as a result of any
37 inspection conducted in the interim between the
38 consecutive inspections conducted under subdivision
39 (d). An administrative review shall consist of all of the
40 following:



1 (A) A signed request by a terminal management
2 representative requesting the administrative review in
3 lieu of the required inspection containing a promise to
4 continue to maintain a satisfactory level of compliance for
5 the next 25-month inspection term.

6 (B) A review with a terminal management
7 representative of the carrier's record as contained in the
8 department's files.

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

13 (3) Administrative reviews may not be conducted
14 consecutively. At the completion of the 25-month
15 inspection term following an administrative review, a
16 terminal inspection shall be conducted pursuant to
17 subdivision (d). If this inspection results in a satisfactory
18 compliance rating, the terminal shall again be eligible for
19 an administrative review in lieu of the next required
20 inspection. If the succession of satisfactory ratings is
21 interrupted by a rating of other than satisfactory, the
22 terminal shall again attain two consecutive satisfactory
23 ratings to become eligible for an administrative review.

24 ~~SEC. 85.—~~

25 *SEC. 80.1. Section 34501.12 of the Vehicle Code is*
26 *amended to read:*

27 34501.12. (a) Notwithstanding Section 408, as used in
28 this section and Sections 34505.5 and 34505.6, "motor
29 carrier" means the registered owner of any vehicle
30 described in subdivision (a), (b), (e), (f), or (g) of
31 Section 34500, except in *either of* the following
32 circumstances:

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

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



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

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

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

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

35 (C) The carrier provides to the department at the
36 designated terminal during the inspection all
37 maintenance records and driver records and a
38 representative sample of vehicles based at each of the
39 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 following meaning:

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, *and declarations of*
 15 *compliance required by Section 43703 of the Health and*
 16 *Safety Code.*

17 (C) "Representative sample" means the following,
 18 applied separately to the carrier's fleet of motor trucks
 19 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

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

39 (d) (1) The department shall inspect, at least every 25
 40 months, every terminal, as defined in Section 34515, of



1 any motor carrier who, at any time, operates any vehicle
2 described in subdivision (a).

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

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

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



1 months and not later than seven months before the
2 expiration of the motor carrier's then current inspection
3 term. If the motor carrier has submitted the inspection
4 application and the required accompanying fees, but the
5 department is unable to complete the inspection within
6 the 25-month inspection period, then no additional fee
7 shall be required for the inspection requested in the
8 original application.

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

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

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

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



1 compliance report having been issued to the motor
2 carrier within the 25-month inspection period or within
3 60 days immediately preceding the inspection period.

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

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

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

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

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

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

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

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

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



1 (j) To encourage truck terminal operators to attain
2 continuous satisfactory compliance ratings, the
3 department may establish and implement an incentive
4 program consisting of the following:

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

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

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

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

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



1 (3) Administrative reviews may not be conducted
2 consecutively. At the completion of the 25-month
3 inspection term following an administrative review, a
4 terminal inspection shall be conducted pursuant to
5 subdivision (d). If this inspection results in a satisfactory
6 compliance rating, the terminal shall again be eligible for
7 an administrative review in lieu of the next required
8 inspection. If the succession of satisfactory ratings is
9 interrupted by a rating of other than satisfactory, the
10 terminal shall again attain two consecutive satisfactory
11 ratings to become eligible for an administrative review.

12 *SEC. 81.* Section 34505.9 of the Vehicle Code is
13 amended to read:

14 34505.9. (a) As used in this section, the following
15 terms have the following meanings:

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

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

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

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

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

37 (3) Each intermodal chassis exiting the ocean marine
38 terminal shall have a current decal and supporting
39 documentation in accordance with Section 396.17 of Title
40 49 of the Code of Federal Regulations.



1 (4) The ocean marine terminal's intermodal
2 roadability inspection program consists of all of the
3 following:

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

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

13 (i) Positive identification of the intermodal chassis,
14 including company identification number.

15 (ii) Date and nature of each inspection.

16 (iii) Signature of the ocean marine terminal operator
17 or an authorized representative.

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

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

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



1 (F) Individuals performing ocean marine terminal
 2 roadability inspections pursuant to this section shall, at a
 3 minimum, be qualified as set forth in Section 396.19 of
 4 Title 49 of the Code of Federal Regulations. Evidence of
 5 each inspector's qualification shall be retained by the
 6 ocean marine terminal operator for the period during
 7 which the inspector is performing intermodal roadability
 8 inspections.

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

27 (d) This section shall remain in effect only until
 28 January 1, 1998, and as of that date is repealed, unless a
 29 later enacted statute, which is enacted before January 1,
 30 1998, deletes or extends that date.

31 ~~SEC. 86.~~

32 *SEC. 82.* Section 35550 of the Vehicle Code is
 33 amended to read:

34 35550. (a) The gross weight imposed upon the
 35 highway by the wheels on any one axle of a vehicle shall
 36 not exceed 20,000 pounds and the gross weight upon any
 37 one wheel, or wheels, supporting one end of an axle, and
 38 resting upon the roadway, shall not exceed 10,500 pounds.

39 (b) The gross weight limit provided for weight
 40 bearing upon any one wheel, or wheels, supporting one



1 end of an axle shall not apply to vehicles the loads of which
2 consist of livestock.

3 (c) The maximum wheel load is the lesser of the
4 following:

5 (1) The load limit established by the tire
6 manufacturer, as molded on at least one sidewall of the
7 tire.

8 (2) A load of 620 pounds per lateral inch of tire width
9 ~~for all axles, except for the steering axle, in which case~~
10 ~~paragraph (1) applies., as determined by the~~
11 *manufacturer's rated tire width as molded on at least one*
12 *sidewall of the tire for all axles except the steering axle,*
13 *in which case paragraph (1) applies.*

14 ~~SEC. 87.~~

15 SEC. 83. Section 40152 of the Vehicle Code is
16 amended to read:

17 40152. (a) Whenever any vehicle or combination of
18 vehicles is found to be not registered as required by this
19 code, and a notice to appear is issued or a complaint is
20 filed for that violation, the person to whom the notice to
21 appear is issued or against whom the complaint is filed
22 shall produce in court satisfactory evidence that the
23 vehicle or combination of vehicles has been registered or
24 has had the appropriate fees paid, or has been reduced to
25 junk, to conform with the requirements of this code. The
26 court shall not dismiss the offense until that evidence is
27 produced.

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

32 ~~SEC. 88.~~

33 SEC. 84. Section 40225 of the Vehicle Code is
34 amended to read:

35 40225. (a) An equipment violation entered on the
36 notice of parking violation attached to the vehicle under
37 Section 40203 shall be processed in accordance with this
38 article. All of the violations entered on the notice of
39 parking violation shall be noticed in the notice of



1 delinquent parking violation delivered pursuant to
2 Section 40206, together with the amount of civil penalty.

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

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

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

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

33 ~~SEC. 89.~~

34 *SEC. 85.* Section 40254 of the Vehicle Code is
35 amended to read:

36 40254. (a) If a vehicle is found, by automated devices,
37 by visual observation, or otherwise, to have evaded tolls
38 on any toll road or toll bridge, and subdivision (d) of
39 Section 40250 does not apply, an issuing agency or a
40 processing agency, as the case may be, shall, within 21



1 days of the violation, forward to the registered owner a
2 notice of toll evasion violation setting forth the violation,
3 including reference to the section violated, the
4 approximate time thereof, and the location where the
5 violation occurred. The notice of toll evasion violation
6 shall also set forth the following:

7 (1) The vehicle license plate number.

8 (2) If practicable, the registration expiration date and
9 the make of the vehicle.

10 (3) A clear and concise explanation of the procedures
11 for contesting the violation and appealing an adverse
12 decision pursuant to Sections 40255 and 40256.

13 (b) Once the authorized person has notified the
14 processing agency of a toll evasion violation, the
15 processing agency shall prepare and forward the notice
16 of violation to the registered owner of the vehicle cited
17 for the violation. Any person, including the authorized
18 person and any member of the person's department or
19 agency, or any peace officer who, with intent to
20 prejudice, damage, or defraud, is found guilty of altering,
21 concealing, modifying, nullifying, or destroying, or
22 causing to be altered, concealed, modified, nullified, or
23 destroyed, the face of the original or any copy of a notice
24 that was retained by the authorized person before it is
25 filed with the processing agency or with a person
26 authorized to receive the deposit of the toll evasion
27 violation is guilty of a misdemeanor.

28 (c) If, after a copy of the notice of toll evasion violation
29 has been sent to the registered owner, the issuing person
30 determines that, due to a failure of proof of apparent
31 violation, the notice of toll evasion violation should be
32 dismissed, the issuing agency may recommend, in
33 writing, that the charges be dismissed. The
34 recommendation shall cite the reasons for the
35 recommendation and shall be filed with the processing
36 agency.

37 (d) If the processing agency makes a finding that there
38 are grounds for dismissal, the notice of toll evasion
39 violation shall be canceled pursuant to Section 40255.



1 (e) Under no circumstances shall a personal
2 relationship with any law enforcement officer, public
3 official, law enforcement agency, processing agency or
4 toll operating agency or entity be grounds for dismissal of
5 the violation.

6 ~~SEC. 90.~~

7 SEC. 86. No reimbursement is required by this act
8 pursuant to Section 6 of Article XIII B of the California
9 Constitution for certain costs that may be incurred by a
10 local agency or school district because in that regard this
11 act creates a new crime or infraction, eliminates a crime
12 or infraction, or changes the penalty for a crime or
13 infraction, within the meaning of Section 17556 of the
14 Government Code, or changes the definition of a crime
15 within the meaning of Section 6 of Article XIII B of the
16 California Constitution.

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

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

31 ~~SEC. 91.~~

32 SEC. 87. *Section 2.1 of this bill incorporates*
33 *amendments to Section 564 of the Code of Civil*
34 *Procedure proposed by both this bill and Senate Bill 947.*
35 *It shall become operative if (1) both bills are enacted and*
36 *become effective on or before January 1, 1997, but this bill*
37 *becomes operative first, (2) each bill amends Section 564*
38 *of the Code of Civil Procedure, and (3) this bill is enacted*
39 *after Senate Bill 947, in which case Section 564 of the Code*
40 *of Civil Procedure as amended by Section 2 of this bill,*



1 shall remain operative only until the operative date of
2 Senate Bill 947, at which time Section 2.1, of this bill shall
3 become operative.

4 SEC. 88. Section 65 of this bill incorporates
5 amendments to Section 16056 of the Vehicle Code
6 proposed by both this bill and Senate Bill 1129. It shall
7 become operative if (1) both bills are enacted and
8 become effective on or before January 1, 1997, but this bill
9 becomes operative first, (2) each bill amends Section
10 16056 of the Vehicle Code, and (3) this bill is enacted after
11 Senate Bill 1129, in which case Section 16056 of the
12 Vehicle Code as amended by Section 64 of this bill, shall
13 remain operative only until the operative date of Senate
14 Bill 1129, at which time Section 65 of this bill shall become
15 operative.

16 SEC. 89. Section 66.1 of this bill incorporates
17 amendments to Section 16431 of the Vehicle Code
18 proposed by both this bill and Senate Bill 1129. It shall
19 become operative if (1) both bills are enacted and
20 become effective on or before January 1, 1997, but this bill
21 becomes operative first, (2) each bill amends Section
22 16431 of the Vehicle Code, and (3) this bill is enacted after
23 Senate Bill 1129, in which case Section 16431 of the
24 Vehicle Code, as amended by Section 66 of this bill, shall
25 remain operative only until the operative date of Senate
26 Bill 1129, at which time Section 66.1 of this bill shall
27 become operative.

28 SEC. 90. (a) Section 69.1 of this bill incorporates
29 amendments to Section 22651 of the Vehicle Code
30 proposed by both this bill and Assembly Bill 3157. It shall
31 become operative if (1) both bills are enacted and
32 become effective on or before January 1, 1997, but this bill
33 becomes operative first, (2) each bill amends Section
34 22651 of the Vehicle Code, (3) Assembly Bill 2288 is not
35 enacted or as enacted does not amend that section, and
36 (4) this bill is enacted after Assembly Bill 3157, in which
37 case Section 22651 of the Vehicle Code, as amended by
38 Section 69 of this bill, shall remain operative only until the
39 operative date of Assembly Bill No. 3157, at which time
40 Section 69.1 of this bill shall become operative and



1 Sections 69.2 and 69.3 of this bill shall not become
2 operative.

3 (b) Section 69.2 of this bill incorporates amendments
4 to Section 22651 of the Vehicle Code proposed by both
5 this bill and Assembly Bill 2288. It shall only become
6 operative if (1) both bills are enacted and become
7 effective on or before January 1, 1997, but this bill
8 becomes operative first, (2) each bill amends Section
9 22651 of the Vehicle Code, (3) Assembly Bill 3157 is not
10 enacted or as enacted does not amend that section, and
11 (4) this bill is enacted after Assembly Bill 2288, in which
12 case Sections 22651 of the Vehicle Code, as amended by
13 Section 69 of this bill, shall remain operative only until the
14 operative date of Assembly Bill 2288, at which time
15 Section 69.2 of this bill shall become operative, and
16 Sections 69.1, and 69.3 of this bill shall not become
17 operative.

18 (c) Section 69.3 of this bill incorporates amendments
19 to Section 22651 of the Vehicle Code proposed by this bill,
20 Assembly Bill 3157, and Assembly Bill 2288. It shall only
21 become operative if (1) all three bills are enacted and
22 become effective on or before January 1, 1997, but this bill
23 becomes operative first, (2) all three bills amend Section
24 22651 of the Vehicle Code, and (3) this bill is enacted after
25 Assembly Bill 3157, and Assembly Bill 2288, in which case
26 Section 22651 of the Vehicle Code, as amended by Section
27 69 of this bill, shall remain operative only until the
28 operative date of Assembly Bills 2288 and 3157, at which
29 time Section 69.3 of this bill shall become operative and
30 Sections 69.1 and 69.2 of this bill shall not become
31 operative.

32 SEC. 91. Section 80.1 of this bill incorporates
33 amendments to Section 34501.12 of the Vehicle Code
34 proposed by both this bill and Assembly Bill 1675. It shall
35 become operative if, (1) both bills are enacted and
36 become effective on or before January 1, 1997, but this bill
37 becomes operative first, (2) each bill amends Section
38 34501.12 of the Vehicle Code, and, (3) this bill is enacted
39 after Assembly Bill 1675, in which case Section 34501.12 of
40 the Vehicle Code as amended by Section 80 of this bill,



1 *shall remain operative only until the operative date of*
2 *Assembly Bill 1675, at which time Section 80.1 of this bill*
3 *shall become operative.*

4 *SEC. 92.* This act is an urgency statute necessary for
5 the immediate preservation of the public peace, health,
6 or safety within the meaning of Article IV of the
7 Constitution and shall go into immediate effect. The facts
8 constituting the necessity are:

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

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