

**ASSEMBLY BILL**

**No. 1261**

---

---

**Introduced by Assembly Member Baugh**

February 28, 1997

---

---

An act to add Section 2810.1 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1261, as introduced, Baugh. Household goods carriers: violations.

(1) Under existing law, a member of the California Highway Patrol, upon reasonable belief that any vehicle is being operated in violation of the Vehicle Code or in an unsafe condition, may require the driver of the vehicle to stop and submit to an inspection of the vehicle, and its equipment, license plates, and registration card.

Under the Household Goods Carriers Act, only those household good carriers who have been issued permits under that act are entitled to engage in the business of transporting certain goods for compensation.

The bill would authorize a member of the California Highway Patrol to stop any commercial, rental vehicle and inspect certain documents to determine whether the driver is in violation of the Household Goods Carriers Act if the officer has reasonable belief that the vehicle is being operated in violation of that act. Because a refusal to submit to the inspection would be an infraction, the bill would impose a state-mandated local program by creating a new crime.

The bill would require a copy of any citation for a violation of the above-described offenses to be submitted to the Director of the Consumer Services Division of the commission and would provide for an administrative hearing regarding the citation.

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

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

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

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

1 SECTION 1. Section 2810.1 is added to the Vehicle  
2 Code, to read:

3 2810.1. (a) A member of the California Highway  
4 Patrol may stop any commercial, rental vehicle and  
5 inspect the bills of lading, shipping, delivery papers, or  
6 other evidence to determine whether the driver is  
7 transporting household goods in violation of the  
8 Household Goods Carriers Act (Chapter 7 (commencing  
9 with Sec. 5101) of Division 2 of the Public Utilities Code).  
10 The officer may only stop and inspect where the officer  
11 has reasonable belief that the vehicle is being operated in  
12 violation of that act.

13 (b) It is a public offense, for which an officer may issue  
14 a citation, for a driver to unlawfully transport household  
15 goods in violation of the Household Goods Carriers Act  
16 punishable as prescribed in Article 8 (commencing with  
17 Section 5311) of Chapter 7 of Division 2 of the Public  
18 Utilities Code and it is an infraction to refuse to submit to  
19 an inspection as authorized by subdivision (a).

20 (c) A copy of the citation for any offense described in  
21 subdivision (b) shall be sent by the California Highway  
22 Patrol to the Director of the Consumer Services Division  
23 of the California Public Utilities Commission. A copy of a  
24 citation shall be removed from any record of the



1 commission upon a showing that the person was not  
2 convicted of the offense or that bail was not forfeited for  
3 that offense. A person for whom a copy of a citation has  
4 been sent to the commission and is on file with the  
5 commission may request the commission for an  
6 administrative hearing on that matter.

7 SEC. 2. No reimbursement is required by this act  
8 pursuant to Section 6 of Article XIII B of the California  
9 Constitution because the only costs that may be incurred  
10 by a local agency or school district will be incurred  
11 because this act creates a new crime or infraction,  
12 eliminates a crime or infraction, or changes the penalty  
13 for a crime or infraction, within the meaning of Section  
14 17556 of the Government Code, or changes the definition  
15 of a crime within the meaning of Section 6 of Article  
16 XIII B of the California Constitution.

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

