

ASSEMBLY BILL

No. 2132

Introduced by Committee on Transportation (Murray (Chair), Brewer, Cardenas, Figueroa, Lempert, Mazzoni, Napolitano, Perata, Runner, Scott, Takasugi, Torlakson, Washington, and Wayne)

(Coauthor: Assembly Member Cedillo)

(Coauthors: Senators Hughes and Watson)

February 18, 1998

An act to amend Section 99155.1 of the Public Utilities Code, and to amend Sections 1663, 12523.6, 21966, and 36101 of, to add Sections 2421 and 21201.3 to, to repeal and add Section 9250 of, and to repeal Sections 1656.5, 1660.5, 2420, 4000.5, and 9250.1 of, the Vehicle Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2132, as introduced, Committee on Transportation. Transportation.

(1) Existing law requires that there be close coordination between local transit providers and county welfare departments in order to ensure that transportation moneys available for purposes of assisting recipients of aid under specified provisions of law are expended efficiently for the benefit of that population.

This bill would require local transit providers to give priority in the use of those funds to the enhancement of public transportation services for welfare-to-work purposes, as specified.

(2) Existing law establishes the Department of Motor Vehicles in the Business, Transportation and Housing Agency, and prescribes the duties and responsibilities of the department.

This bill would delete certain obsolete provisions relating to the department. The bill would make technical changes in other provisions of existing law regarding vehicles.

(3) Existing law requires every bicycle operated upon a highway during darkness to be equipped with a lamp emitting a white light that illuminates the highway from a distance of 300 feet.

This bill would authorize a bicycle or motorized bicycle used by a peace officer, as defined, in the performance of the peace officer’s duties, to display a steady or flashing blue warning light that is visible from the front, sides, or rear of the bicycle or motorized bicycle. The bill would prohibit any person from using a flashing blue warning light on a bicycle or motorized bicycle except under those authorized circumstances. Because a violation of this prohibition would be an infraction under other provisions of existing law, the bill would impose a state-mandated local program by creating a new crime.

(4) 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 99155.1 of the Public Utilities
2 Code is amended to read:
3 99155.1. (a) There shall be close coordination
4 between local transit providers and county welfare
5 departments in order to ensure that transportation
6 moneys available for purposes of assisting recipients of aid
7 under Chapter 2 (commencing with Section 11200) of



1 Part 3 of Division 9 of the Welfare and Institutions Code
2 are expended efficiently for the benefit of that
3 population.

4 ~~(b)~~

5 (1) In areas where public transit service is available,
6 local transit providers shall ~~consider giving~~ give priority
7 in the use of ~~transit those~~ funds to the enhancement of
8 public transportation services for welfare-to-work
9 purposes.

10 ~~(e)~~

11 (2) In areas where public transit services are
12 unavailable, local transit providers shall ~~consider giving~~
13 give priority in the use of those funds to the enhancement
14 of transportation alternatives, such as, but not limited to,
15 subsidies or vouchers, van pools, and contract paratransit
16 operations, in order to promote welfare-to-work
17 purposes.

18 (b) In areas where public transit service is available,
19 local transit providers shall consider giving priority in the
20 use of transit funds to the enhancement of public
21 transportation services for welfare-to-work purposes.

22 SEC. 2. Section 1656.5 of the Vehicle Code is repealed.

23 ~~1656.5. The department shall conduct a study to~~
24 ~~determine the feasibility of financing the cost of~~
25 ~~publication of the California Driver's Handbook, as~~
26 ~~specified in subdivision (b) of Section 1656, by the sale of~~
27 ~~advertising within its pages. The department shall report~~
28 ~~to the Legislature on the problems and benefits~~
29 ~~associated with such a proposal.~~

30 ~~The study shall include, but not be limited to, the issues~~
31 ~~of establishing advertising rates and appropriate limits on~~
32 ~~the amount of advertising accepted, anticipated cost~~
33 ~~benefits of the program, and establishing a process for~~
34 ~~screening advertising to assure that political, offensive, or~~
35 ~~controversial advertising is not included in the handbook.~~

36 SEC. 3. Section 1660.5 of the Vehicle Code is repealed.

37 ~~1660.5. The Legislature finds that past research about~~
38 ~~the effectiveness of programs for persons convicted of a~~
39 ~~first offense of driving under the influence of an alcoholic~~
40 ~~beverage or any drug has, thus far, not provided~~



1 ~~information that would justify mandating any particular~~
2 ~~program design. For this reason, counties have been~~
3 ~~given autonomous responsibility for these first offender~~
4 ~~programs, so that a variety of program designs can be~~
5 ~~developed and evaluated. It is further the Legislature's~~
6 ~~finding that a statewide evaluation of these first offender~~
7 ~~programs is essential to determining and improving their~~
8 ~~effectiveness at increasing the safety of the people of~~
9 ~~California.~~

10 SEC. 4. Section 1663 of the Vehicle Code is amended
11 to read:

12 1663. (a) ~~The department shall include, with each~~
13 ~~motor vehicle registration renewal notice sent to the~~
14 ~~registered owner of a vehicle between July 1, 1993, and~~
15 ~~June 30, 1994, a printed message to the effect that the~~
16 ~~failure to install and use shoulder harnesses together with~~
17 ~~lap belts can result in serious or fatal injuries in certain~~
18 ~~motor vehicle accidents. The message shall also furnish~~
19 ~~the "hotline" telephone number for the National~~
20 ~~Highway Transportation Safety Administration to which~~
21 ~~a person may direct inquiries on retrofitting a vehicle~~
22 ~~with shoulder harnesses. If there is no appropriate~~
23 ~~telephone number, the department may omit the specific~~
24 ~~reference to a telephone number in the message.~~

25 ~~(b)~~ The department shall, in the synopsis or summary
26 of laws regulating the operation of vehicles and the use of
27 the highways published ~~pursuant to~~ *under* subdivision
28 (b) of Section 1656, provide a warning which states that,
29 in certain accidents, the lack of a shoulder harness may
30 cause, or aggravate, serious and fatal injuries, especially
31 to the head, spinal column, and abdominal organs.

32 ~~(c)~~

33 (b) Nothing in this section limits or impairs the rights
34 or remedies ~~which that~~ are otherwise available to any
35 person under existing law.

36 SEC. 5. Section 2420 of the Vehicle Code, as added by
37 Section 11 of Chapter 945 of the Statutes of 1997, is
38 repealed.

39 2420. (a) ~~The department may enter into a contract~~
40 ~~to conduct an inspection of vehicles that are subject to~~



1 ~~Section 500.100 of Title 29 of the Code of Federal~~
2 ~~Regulations and issue the vehicle inspection sticker~~
3 ~~authorized under subdivision (b) of that section to~~
4 ~~qualified vehicles.~~

5 ~~(b) Any contract entered into under subdivision (a)~~
6 ~~shall provide that the amount to be paid to the~~
7 ~~department shall be equal to the costs incurred by the~~
8 ~~department for services provided under the contract.~~

9 SEC. 6. Section 2421 is added to the Vehicle Code, to
10 read:

11 2421. (a) The department may enter into a contract
12 to conduct an inspection of vehicles that are subject to
13 Section 500.100 of Title 29 of the Code of Federal
14 Regulations and issue the vehicle inspection sticker
15 authorized under subdivision (b) of that section to
16 qualified vehicles.

17 (b) Any contract entered into under subdivision (a)
18 shall provide that the amount to be paid to the
19 department shall be equal to the costs incurred by the
20 department for services provided under the contract.

21 SEC. 7. Section 4000.5 of the Vehicle Code is repealed.

22 ~~4000.5. (a) The department shall, within 90 days of~~
23 ~~the effective date of this section, implement, on a~~
24 ~~demonstration basis within the County of Los Angeles, a~~
25 ~~toll-free telephone number available to the public for use~~
26 ~~in reporting unregistered vehicles, vehicles without~~
27 ~~evidence of current registration, and other vehicle~~
28 ~~registration violations so that appropriate enforcement~~
29 ~~action can be undertaken by the department in an~~
30 ~~expeditious manner. The department shall take~~
31 ~~appropriate action to publicize the toll-free telephone~~
32 ~~number.~~

33 ~~(b) The department shall, on or before July 1, 1991,~~
34 ~~report to the Legislature on its experience involving the~~
35 ~~effectiveness and public acceptance and use of the~~
36 ~~toll-free telephone number required under subdivision~~
37 ~~(a), including the department's recommendations with~~
38 ~~respect to its continuation, expansion, or discontinuance.~~

39 SEC. 8. Section 9250 of the Vehicle Code is repealed.



1 ~~9250. (a) A registration fee of twenty-two dollars~~
2 ~~(\$22) shall be paid to the department for the registration~~
3 ~~of every vehicle or trailer coach of a type subject to~~
4 ~~registration under this code, except as are expressly~~
5 ~~exempted under this code from the payment of~~
6 ~~registration fees.~~

7 ~~The registration fee imposed by this section shall apply~~
8 ~~to all vehicles described in Section 5004, whether or not~~
9 ~~special identification plates are issued to such vehicle.~~

10 ~~(b) Trailer coaches shall be subject to the fee provided~~
11 ~~in subdivision (a) for each unit of the trailer coach.~~

12 ~~(c) This section applies to (1) the initial or original~~
13 ~~registration, on or before December 31, 1991, of any~~
14 ~~vehicle not previously registered in this state and (2) the~~
15 ~~renewal of registration of any vehicle for which the~~
16 ~~registration expired on or before December 31, 1991. If~~
17 ~~the fee required by this section was not paid by~~
18 ~~December 31, 1991, Section 9250.1 applies.~~

19 SEC. 9. Section 9250 is added to the Vehicle Code, to
20 read:

21 9250. (a) A registration fee of twenty-eight dollars
22 (\$28) shall be paid to the department for the registration
23 of every vehicle or trailer coach of a type subject to
24 registration under this code, except those vehicles that
25 are expressly exempted under this code from the
26 payment of registration fees.

27 (b) The registration fee imposed under this section
28 applies to all vehicles described in Section 5004, whether
29 or not special identification plates are issued to that
30 vehicle.

31 (c) Trailer coaches are subject to the fee provided in
32 subdivision (a) for each unit of the trailer coach.

33 (d) This section applies to (1) the initial or original
34 registration, on or after November 1, 1997, of any vehicle
35 not previously registered in this state, (2) the renewal of
36 registration of any vehicle for which the registration
37 period expires on or after November 1, 1997, regardless
38 of whether a renewal application was mailed to the
39 registered owner prior to November 1, 1997, and (3) any
40 renewal of a registration which expired on or before



1 October 31, 1997, but for which the fees are not paid until
2 on or after November 1, 1997.

3 SEC. 10. Section 9250.1 of the Vehicle Code is
4 repealed.

5 ~~9250.1. (a) A registration fee of twenty-eight dollars~~
6 ~~(\$28) shall be paid to the department for the registration~~
7 ~~of every vehicle or trailer coach of a type subject to~~
8 ~~registration under this code, except as are expressly~~
9 ~~exempted under this code from the payment of~~
10 ~~registration fees.~~

11 ~~The registration fee imposed by this section shall apply~~
12 ~~to all vehicles described in Section 5004, whether or not~~
13 ~~special identification plates are issued to such vehicle.~~

14 ~~(b) Trailer coaches shall be subject to the fee provided~~
15 ~~in subdivision (a) for each unit of the trailer coach.~~

16 ~~(c) This section applies to (1) the initial or original~~
17 ~~registration, on or after November 1, 1997, of any vehicle~~
18 ~~not previously registered in this state, (2) the renewal of~~
19 ~~registration of any vehicle for which the registration~~
20 ~~period expires on or after November 1, 1997, regardless~~
21 ~~of whether a renewal application was mailed to the~~
22 ~~registered owner prior to November 1, 1997, and (3) any~~
23 ~~renewal of a registration which expired on or before~~
24 ~~October 31, 1997, but for which the fees are not paid until~~
25 ~~on or after November 1, 1997.~~

26 ~~(d) This section shall become operative on November~~
27 ~~1, 1997.~~

28 SEC. 11. Section 12523.6 of the Vehicle Code is
29 amended to read:

30 12523.6. (a) (1) On and after March 1, 1998, no
31 person who is employed primarily as a driver of a motor
32 vehicle for hire that is used for the transportation of
33 persons with developmental disabilities, as defined in
34 subdivision (a) of Section 4512 of the Welfare and
35 Institutions Code, shall operate that motor vehicle unless
36 that person has in his or her possession a valid driver's
37 license of the appropriate class endorsed for passenger
38 transportation and a valid special driver certificate issued
39 by the department.



1 (2) This subdivision only applies to a person who is
2 employed by a business or a nonprofit organization or
3 agency.

4 (b) The special driver certificate shall be issued only
5 to an applicant who meets all of the following
6 requirements:

7 (1) The applicant has cleared a criminal history
8 background check by the Department of Justice and, if
9 applicable, by the Federal Bureau of Investigation. Any
10 required fingerprinting undertaken for purposes of the
11 criminal history background check shall be conducted by
12 the Department of the California Highway Patrol.
13 Applicant fingerprint forms shall be processed and
14 returned to the area office of the Department of the
15 California Highway Patrol from which they originated
16 not later than 15 working days from the date on which the
17 fingerprint forms were received by the Department of
18 Justice, unless circumstances, other than the
19 administrative duties of the Department of Justice,
20 warrant further investigation. Upon implementation of
21 an electronic fingerprinting system with terminals
22 located statewide and managed by the Department of
23 Justice, the Department of Justice shall ascertain the
24 information required pursuant to this subdivision within
25 three working days.

26 (2) The applicant has paid, in addition to the fees
27 authorized in Section 2427, a fee of twenty-five dollars
28 (\$25) for an original certificate and twelve dollars (\$12)
29 for the renewal of that certificate to the Department of
30 the California Highway Patrol.

31 (c) A certificate issued under this section shall not be
32 deemed a certification to operate a particular vehicle that
33 otherwise requires a driver's license or endorsement for
34 a particular class under this code.

35 (d) On or after March 1, 1998, no person who operates
36 a business or a nonprofit organization or agency shall
37 employ a person who is employed primarily as a driver of
38 a motor vehicle for hire that is used for the transportation
39 of persons with developmental disabilities unless the



1 employed person operates the motor vehicle in
2 compliance with subdivision (a).

3 (e) Nothing in this section precludes an employer of
4 persons who are occasionally used as drivers of motor
5 vehicles for the transportation of persons with
6 developmental disabilities from requiring those persons,
7 as a condition of employment, to obtain a special driver
8 certificate pursuant to this section or precludes any
9 volunteer driver from applying for a special driver
10 certificate.

11 (f) As used in this section, a person is employed
12 primarily as driver if that person performs at least 50
13 percent of his or her time worked including, but not
14 limited to, time spent assisting persons onto and out of the
15 vehicle, or at least 20 hours a week, whichever is less, as
16 a compensated driver of a motor vehicle for hire for the
17 transportation of persons with developmental disabilities.

18 ~~(h)~~

19 (g) This section does not apply to any person who has
20 successfully completed a background investigation
21 prescribed by law, including, but *not* limited to, health
22 care transport vehicle operators, or to the operator of a
23 taxicab regulated pursuant to Section 21100. This section
24 does not apply to a person who holds a valid certificate,
25 other than a farm labor vehicle driver certificate, issued
26 under Section 12517.4 or 12527. This section does not
27 apply to a driver who provides transportation on a
28 noncommercial basis to persons with developmental
29 disabilities.

30 SEC. 12. Section 21201.3 is added to the Vehicle Code,
31 to read:

32 21201.3. (a) A bicycle or motorized bicycle used by a
33 peace officer, as defined in Section 830.1 of, subdivision
34 (a), (b), (c), (d), (e), (f), (g), or (i) of Section 830.2 of,
35 subdivision (b) or (d) of Section 830.31 of, subdivision (a)
36 or (b) of Section 830.32 of, Section 830.33 of, subdivision
37 (a) of Section 830.36 of, subdivision (a) of Section 830.4 of,
38 or Section 830.6 of, the Penal Code, in the performance
39 of the peace officer's duties, may display a steady or



1 flashing blue warning light that is visible from the front,
2 sides, or rear of the bicycle or motorized bicycle.

3 (b) No person shall display a steady or flashing blue
4 warning light on a bicycle or motorized bicycle except as
5 authorized under subdivision (a).

6 SEC. 13. Section 36101 of the Vehicle Code is
7 amended to read:

8 36101. The following farm vehicles are exempt from
9 registration, if they have and display an identification
10 plate as specified in Section 5014, and the vehicles shall
11 not be deemed to be implements of husbandry and they
12 shall be subject to all equipment and device requirements
13 as if registered:

14 (a) A motor vehicle of a size so as to require a permit
15 under Section 35780 owned and operated by a farmer,
16 designed and used exclusively for carrying, or returning
17 empty from carrying, feed and seed products of farming,
18 and used on a highway between one part of a farm to
19 another part of that farm or from one farm to another
20 farm.

21 (b) A vehicle equipped with a water tank owned by a
22 farmer and used exclusively to service his or her own
23 implements of husbandry.

24 (c) A water tank truck, ~~which~~ *that* is owned by a
25 farmer, not operated for compensation, and used
26 extensively in the conduct of agricultural operations,
27 when used exclusively (1) for sprinkling water on dirt
28 roads providing access to agricultural fields or (2)
29 transportation of water for irrigation of crops or trees.

30 (d) (1) A cotton module mover, as defined in Section
31 36012.

32 (2) In order to maintain the exemption from
33 registration granted under this subdivision for a truck
34 tractor, when combined with a semitrailer, the owner of
35 that truck tractor shall not operate it during the
36 exemption period in any manner other than as a cotton
37 module mover, as defined in Section 36012, and shall do
38 all of the following:

39 (A) Register the vehicle with the department before
40 operating it as a commercial motor vehicle.



1 (B) Apply to the department on a yearly basis for any
2 renewal of the exemption from registration.

3 (3) Exemption from registration under this
4 subdivision does not exempt a truck tractor, when
5 combined with a semitrailer, operating as a cotton
6 module mover pursuant to Section 36012 and this
7 subdivision from the applicable safety requirements of
8 this code or any regulation adopted pursuant to any
9 statute, including, but not limited to, equipment
10 standards, driver licensing requirements, maximum
11 driving and on-duty hours provisions, log book
12 requirements, drug and alcohol testing, maintenance of
13 vehicles, and any driver or vehicle standards specified in
14 Division 14.8 (commencing with Section 34500).

15 (4) Truck tractors exempt from registration under this
16 subdivision are subject to the fees imposed under Sections
17 ~~9250.1~~ 9250, 9250.8, and 9250.13, and to any other vehicle
18 fees that are imposed by statute on or after January 1,
19 1998, that are deposited in the Motor Vehicle Account.

20 (e) A trailer ~~which~~ *that* is equipped with a plenum
21 chamber for the drying of agricultural commodities.

22 (f) Except as provided in subdivision (j) of Section
23 36005, a trap wagon, as defined in Section 36016, ~~which~~
24 *that* is equipped with a fuel tank or tanks. The fuel tank
25 or tanks shall not exceed 3,000 gallons total capacity.

26 (g) A forklift truck, operated by a farmer not for
27 compensation. For purposes of this section, a hay-squeeze
28 shall be deemed a forklift.

29 (h) A truck tractor or truck tractor and semitrailer
30 combination specified in this subdivision ~~which~~ *that* is
31 owned by a farmer and operated on the highways only
32 incidental to a farming operation and not for
33 compensation. This subdivision applies only to truck
34 tractors with a manufacturer's gross vehicle weight rating
35 over 10,000 pounds that are equipped with all-wheel
36 drive and off-highway traction tires on all wheels, and
37 only to semitrailers used in combination with that truck
38 tractor and exclusively in the production or harvesting of
39 melons. The vehicles specified in this subdivision shall not



1 be operated in excess of 25 miles per hour on the
2 highways.

3 The Commissioner of the California Highway Patrol
4 may, by regulation, prohibit the vehicles specified in this
5 subdivision from operating on specific routes. These
6 vehicles shall not be operated laden on the highway for
7 more than two miles from the point of origin and shall not
8 be operated for more than 30 miles unladen on the
9 highway from the point of origin. These vehicles shall not
10 be operated for more than 15 miles unladen on the
11 highway from the point of origin, unless accompanied by
12 an escort vehicle to the front, and an escort vehicle to the
13 rear.

14 (i) A motor vehicle specifically designed for, and used
15 exclusively in, an agricultural operation for purposes of
16 carrying, or returning empty from carrying, silage ~~and~~
17 *that* is operated by a farmer, an employee of the farmer,
18 or a contracted employee of the farmer between one part
19 of a farm to another part of that farm or from one farm
20 to another farm, on a highway for a distance not to exceed
21 20 miles from the point of origin of the trip. This
22 subdivision does not include a vehicle that is used for the
23 transportation of silage for retail sales.

24 For the purposes of this subdivision, “silage” includes
25 field corn, sorghum, grass, legumes, cereals, or cereal
26 mixes, either green or mature, converted into feed for
27 livestock.

28 SEC. 14. No reimbursement is required by this act
29 pursuant to Section 6 of Article XIII B of the California
30 Constitution because the only costs that may be incurred
31 by a local agency or school district will be incurred
32 because this act creates a new crime or infraction,
33 eliminates a crime or infraction, or changes the penalty
34 for a crime or infraction, within the meaning of Section
35 17556 of the Government Code, or changes the definition
36 of a crime within the meaning of Section 6 of Article
37 XIII B of the California Constitution.

38 Notwithstanding Section 17580 of the Government
39 Code, unless otherwise specified, the provisions of this act



1 shall become operative on the same date that the act
2 takes effect pursuant to the California Constitution.

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