

AMENDED IN ASSEMBLY APRIL 29, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2132**

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

**(~~Coauthor: Assembly Member Cedillo~~)**

**(Coauthors: Assembly Members Cedillo and Poochigian)**

**(Coauthors: Senators Hughes and Watson)**

February 18, 1998

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An act to amend ~~Section 99155.4~~ *Sections 99155.1, 99238.5, and 130232* of the Public Utilities Code, to amend *Sections 91.5, 163, 887.4, 892.2, 892.4, 893, 893.6, and 2106 of the Streets and Highways Code*, and to amend *Sections 1663, 9250.19, 9408, 11107, 11211, 11302, 11405, 11503, 11604, 11703, 11806, 11902, 12507.1, 12523.6, 21966, and 36101* ~~12804.9, 13364, 13365, 14910, 22500, 34501.12, 34510, 34631.5, 35701, 35714, 36101, 40002.1, 40509. 40509.1, and 40509.5~~ of, to add *Sections 2421, 11312, 11413, 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 *9250.1, and 21401* of, the Vehicle Code, relating to transportation.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2132, as amended, 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 requires a transportation planning agency to ensure the establishment and implementation of a citizen participation process, including provisions for at least one public hearing.*

*This bill would require those hearings to be scheduled to ensure broad community participation and, if possible, the location of the hearings would be required to be rotated, as specified. The bill would require the transportation planning agencies to consider other methods of obtaining public feedback on public transportation needs.*

(3) *The County Transportation Commissions Act prescribes contracting procedures for county transportation commissions, including requiring a commission, if the expected expenditure for specified purchases exceeds \$1,000, but not \$25,000, to obtain a minimum of 3 quotations that permit prices and terms to be compared.*

*This bill would require the Los Angeles County Metropolitan Transportation Authority to obtain 3 quotations if the expected expenditures exceed \$2,500, but not \$25,000.*

(4) *Existing law authorizes the Department of Transportation to enter into an agreement to accept funds, materials, equipment, or services from any person for maintenance or roadside enhancement of a section of a state highway. The Director of Transportation is authorized to recognize the sponsoring person with the erection of a courtesy sign on the highway. The director is authorized to conduct a demonstration program in the County of Los Angeles to recognize the sponsoring person by authorizing the planting and maintenance by the sponsor of*



*organizational logos created from live plant materials, instead of the courtesy sign.*

*This bill would extend the demonstration program specified above to include Orange County.*

*(5) Existing law establishes the Bicycle Lane Account in the State Transportation Fund and continuously appropriates the money in the account to the Department of Transportation for expenditure by the department and for transfer to the counties and cities for specified purposes relating to bicycle transportation.*

*This bill would rename the account the Bicycle Transportation Account.*

*(6) 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)*~~

*(7) Existing law imposes, upon the adoption of a specified resolution by a county board of supervisors, with certain exceptions, an additional fee of \$1, and continuously appropriates the money to fund local programs that enhance local law enforcement to provide fingerprint identification. This provision is to be repealed on January 1, 2003.*

*This bill would delete the repeal date and would instead provide that this additional fee shall remain in effect only for a period of 5 years from the date the actual collection commences.*

*(8) Existing law requires registration fees to be paid for the registration of commercial vehicles.*

*This bill would provide that if a vehicle is withdrawn from service and is operating in this state with apportioned registration, credit for any unused commercial registration fees paid may be applied to a commercial vehicle subsequently added to the same apportioned fleet.*

*(9) Existing law authorizes the Department of Motor Vehicles to refuse to issue or to suspend or revoke an*



*occupational license when enumerated findings and determinations are made.*

*This bill would add to these enumerations instances where an applicant was previously the holder of an occupation license issued by another state, authorizing the same or similar activities of a license issued under this state, and that license was revoked or suspended for cause and was never reissued, or was suspended for cause, and the terms of suspension have not been fulfilled. The bill would also revise the provisions regarding the suspension, expiration, or cancellation of a vehicle verifier's permit and a registration service license.*

*(10) Existing law provides for a pilot program to study the safety and fiscal effects of allowing certain driving schools to conduct the provisional driver's license behind-the-wheel driving test. This pilot program is repealed as of January 1, 1999.*

*This bill would make clarifying changes to that law and would extend the repeal date until January 1, 2001.*

*(11) 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)~~

*(12) Existing law authorizes the Department of Motor Vehicles to waive the driving part of a motor vehicle driver's license examination if the applicant holds a valid license issued by another state, territory, possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.*



*This bill would delete the word “valid” and would require the department to verify through an acknowledged national driver record data source, a specified matter before the waiver may occur.*

*(13) Existing law requires the suspension of a person’s driving privilege when the Department of Motor Vehicles is notified by a bank or financial institution that a check has been dishonored.*

*This bill would require a specified notice to be restored to a person’s driving record if a personal check is offered in payment of fines and is returned for any reason.*

*(14) Existing law requires all official traffic control devices, except as specified, to conform to the uniform standard and specifications promulgated by the Department of Transportation.*

*This bill would delete that requirement.*

*(15) Existing law prohibits any person from, among other things, stopping, parking, or leaving a vehicle on a sidewalk, except electric carts when authorized by a local ordinance, as specified. Any person who violates this provision is subject to a civil penalty.*

*This bill would also prohibit a person from stopping, parking, or leaving a vehicle extending over a sidewalk, except electric carts when authorized by a local ordinance, as specified. Thus, because the bill would increase the enforcement responsibilities of local entities, it would impose a state-mandated local program.*

*(16) Existing law requires every motor carrier of property to provide and to maintain specified, increased protection against liability.*

*This bill would include for hire tow trucks with a gross vehicle weight rating of 10,000 pounds or more performing emergency moves to comply with this requirement. Because a violation of this requirement would be a crime, this bill would impose a state-mandated local program by increasing the duties on local law enforcement.*

*(17) Under existing law, local authorities are authorized to restrict or prohibit by ordinance the use of streets or highways by specified commercial vehicles.*



*This bill would exempt from those restrictions or prohibition vehicles that are subject to specified statutes governing transit districts, transit development boards, and a certain transit authority.*

*(18) Under existing law, if a person, for a period of 15 days or more, has failed to appeal in the court designated in a written promise to appear, the court clerk is authorized to give notice of that fact to the Department of Motor Vehicles.*

*This bill would delete that time period and would make conforming changes to that deletion.*

*(19) 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  
8 Part 3 of Division 9 of the Welfare and Institutions Code  
9 are expended efficiently for the benefit of that  
10 population.

11 (1) In areas where public transit service is available,  
12 local transit providers shall give priority in the use of  
13 those funds to the enhancement of public transportation  
14 services for welfare-to-work purposes.

15 (2) In areas where public transit services are  
16 unavailable, local transit providers shall give priority in  
17 the use of those funds to the enhancement of  
18 transportation alternatives, such as, but not limited to,  
19 subsidies or vouchers, van pools, and contract paratransit



1 operations, in order to promote welfare-to-work  
2 purposes.

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

7 SEC. 2. *Section 99238.5 of the Public Utilities Code is*  
8 *amended to read:*

9 99238.5. (a) The transportation planning agency  
10 shall ensure the establishment and implementation of a  
11 citizen participation process appropriate for each county,  
12 or counties if operating under a joint powers agreement,  
13 utilizing the social services transportation advisory  
14 council as a mechanism to solicit the input of transit  
15 dependent and transit disadvantaged persons, including  
16 the elderly, handicapped, and persons of limited means.  
17 The process shall include provisions for at least one public  
18 hearing in the jurisdiction represented by the social  
19 services transportation advisory council. *Hearings shall*  
20 *be scheduled to ensure broad community participation*  
21 *and, if possible, the location of the hearings shall be*  
22 *rotated among the various communities within the*  
23 *advisory council's jurisdiction.* Notice of the hearing,  
24 including the date, place, and specific purpose of the  
25 hearing shall be given at least 30 days in advance through  
26 publication in a newspaper of general circulation. The  
27 transportation planning agency shall also send written  
28 notification to those persons and organizations which  
29 have indicated, through its citizen participation or any  
30 other source of information, an interest in the subject of  
31 the hearing.

32 (b) *In addition to public hearings, the transportation*  
33 *planning agency shall consider other methods of*  
34 *obtaining public feedback on public transportation*  
35 *needs. Those methods may include, but are not limited to,*  
36 *teleconferencing, questionnaires, telecanvassing, and*  
37 *electronic mail.*

38 SEC. 3. *Section 130232 of the Public Utilities Code is*  
39 *amended to read:*



1 130232. (a) The purchase of all supplies, equipment,  
 2 and materials, and the construction of all facilities and  
 3 works, ~~when~~ *if* the expenditure required exceeds  
 4 twenty-five thousand dollars (\$25,000), shall be by  
 5 contract let to the lowest responsible bidder. Notice  
 6 requesting bids shall be published at least once in a  
 7 newspaper of general circulation. The publication shall  
 8 be made at least 10 days before the date for the receipt  
 9 of the bids. The commission, at its discretion, may reject  
 10 any and all bids and readvertise.

11 (b) ~~Whenever~~ *(1) Except as specified in paragraph*  
 12 *(2), if* the expected expenditure required exceeds one  
 13 thousand dollars (\$1,000), but not twenty-five thousand  
 14 dollars (\$25,000), the commission shall obtain a minimum  
 15 of three quotations, either written or oral, ~~which~~ *that*  
 16 permit prices and terms to be compared.

17 *(2) With regard to the Los Angeles County*  
 18 *Metropolitan Transportation Authority, if the expected*  
 19 *expenditure required exceeds two thousand five hundred*  
 20 *dollars (\$2,500), but not twenty-five thousand dollars*  
 21 *(\$25,000), the authority shall obtain a minimum of three*  
 22 *quotations, either written or oral, that permit prices and*  
 23 *terms to be compared.*

24 (c) ~~Where~~ *If* the expenditure required by the bid price  
 25 is less than fifty thousand dollars (\$50,000), the executive  
 26 director may act for the commission.

27 (d) All bids for construction work submitted pursuant  
 28 to this section shall be presented under sealed cover and  
 29 shall be accompanied by one of the following forms of  
 30 bidder's security:

- 31 (1) Cash.
- 32 (2) A cashier's check made payable to the commission.
- 33 (3) A certified check made payable to the commission.
- 34 (4) A bidder's bond executed by an admitted surety
- 35 insurer, made payable to the commission.

36 ~~Upon~~  
 37 (e) *Upon* an award to the lowest bidder, the security  
 38 of an unsuccessful bidder shall be returned in a  
 39 reasonable period of time, but in no event shall that



1 security be held by the commission beyond 60 days from  
2 the ~~time~~ *date* the award is made.

3 *SEC. 4. Section 91.5 of the Streets and Highways Code*  
4 *is amended to read:*

5 91.5. (a) The department may enter into an  
6 agreement to accept funds, materials, equipment, or  
7 services from any person for maintenance or roadside  
8 enhancement of a section of a state highway. The  
9 department and the sponsoring person may specify in the  
10 agreement the level of maintenance that will be  
11 performed.

12 (b) The director may authorize a courtesy sign. These  
13 courtesy signs shall be consistent with existing code  
14 provisions and department rules and regulations  
15 concerning signs.

16 (c) Instead of a courtesy sign authorized pursuant to  
17 subdivision (b), the director may authorize a  
18 demonstration program providing for the placement of  
19 recognition on the sponsored materials, other than safety  
20 equipment, or the planting and maintenance by the  
21 sponsor of organizational logos created from live plant  
22 materials. The planting, materials, and equipment shall  
23 be consistent with federal and departmental rules and  
24 regulations. A demonstration program undertaken  
25 pursuant to this subdivision shall ~~only be authorized in the~~  
26 ~~County of Los Angeles~~ *be authorized only in the Counties*  
27 *of Los Angeles and Orange.*

28 *SEC. 5. Section 163 of the Streets and Highways Code*  
29 *is amended to read:*

30 163. The Legislature, through the enactment of this  
31 section, intends to establish a policy for the use of all  
32 transportation funds that are available to the state,  
33 including the State Highway Account, the Public  
34 Transportation Account, and federal funds. The  
35 department and the commission shall prepare fund  
36 estimates pursuant to Sections 14524 and 14525 of the  
37 Government Code based on the following:

38 (a) Annual expenditures for the administration of the  
39 department shall be the same as the most recent Budget  
40 Act, adjusted for inflation.



1 (b) Annual expenditures for the maintenance and  
 2 operation of the state highway system shall be the same  
 3 as the most recent Budget Act, adjusted for inflation and  
 4 inventory.

5 (c) Annual expenditure for the rehabilitation of the  
 6 state highway system shall be the same as the most recent  
 7 Budget Act, or, if a long-range rehabilitation plan has  
 8 been enacted pursuant to Section 164.6, it shall be based  
 9 on planned expenditures in a long-range rehabilitation  
 10 plan prepared by the department pursuant to Section  
 11 164.6.

12 (d) Annual expenditures for local assistance shall be  
 13 the amount required to fund local assistance programs  
 14 required by state or federal law or regulations, including,  
 15 but not limited to, railroad grade crossing maintenance,  
 16 bicycle ~~lane~~—*transportation* account, congestion  
 17 mitigation and air quality, regional surface transportation  
 18 programs, local highway bridge replacement and  
 19 rehabilitation, local seismic retrofit, local hazard  
 20 elimination and safety, local federal demonstration  
 21 projects, and local emergency relief.

22 (e) After deducting expenditures for administration,  
 23 operation, maintenance, local assistance, safety, and  
 24 rehabilitation pursuant to subdivisions (a), (b), (c), and  
 25 (d), and for expenditures pursuant to Section 164.56, the  
 26 remaining funds shall be available for capital  
 27 improvement projects to be programmed in the state  
 28 transportation improvement program.

29 *SEC. 6. Section 887.4 of the Streets and Highways*  
 30 *Code is amended to read:*

31 887.4. Prior to December 31 of each year, the  
 32 department shall prepare and submit an annual report to  
 33 the Legislature summarizing programs it has undertaken  
 34 for the development of nonmotorized transportation  
 35 facilities, including a summary of major and minor  
 36 projects. The report shall document all state funding for  
 37 bicycle programs, including funds from the Bicycle ~~Lane~~  
 38 *Transportation* Account, the Transportation Planning  
 39 and Development Account, and the Clean Air  
 40 Transportation Improvement Act. The report shall also



1 summarize the existing directives received by the  
2 department from the Federal Highway Administration  
3 concerning the availability of federal funds for the  
4 programs, together with an estimate of the fiscal impact  
5 of the federal participation in the programs.

6 *SEC. 7. Section 892.2 of the Streets and Highways*  
7 *Code is amended to read:*

8 892.2. (a) The Bicycle ~~Lane~~—*Transportation* Account  
9 is continued in existence in the State Transportation  
10 Fund, and, notwithstanding Section 13340 of the  
11 Government Code, the money in the account is  
12 continuously appropriated to the department for  
13 expenditure for the purposes specified in Section 892.4.  
14 Unexpended moneys shall be retained in the account for  
15 use in subsequent fiscal years.

16 (b) *Any reference in law or regulation to the Bicycle*  
17 *Lane Account is a reference to the Bicycle*  
18 *Transportation Account.*

19 *SEC. 8. Section 892.4 of the Streets and Highways*  
20 *Code is amended to read:*

21 892.4. The department shall allocate and disburse  
22 moneys from the Bicycle ~~Lane~~—*Transportation* Account  
23 according to the following priorities:

24 (a) To the department, the amounts necessary to  
25 administer this article, not to exceed 1 percent of the  
26 funds expended per year.

27 (b) To counties and cities, for bikeways and related  
28 facilities, planning, safety and education, in accordance  
29 with Section 891.4.

30 *SEC. 9. Section 893 of the Streets and Highways Code*  
31 *is amended to read:*

32 893. The department shall disburse the money from  
33 the Bicycle ~~Lane~~ *Transportation* Account pursuant to  
34 Section 891.4 for projects that improve the safety and  
35 convenience of bicycle commuters, including, but not  
36 limited to, any of the following:

37 (a) New bikeways serving major transportation  
38 corridors.

39 (b) New bikeways removing travel barriers to  
40 potential bicycle commuters.



1 (c) Secure bicycle parking at employment centers,  
2 park-and-ride lots, rail and transit terminals, and ferry  
3 docks and landings.

4 (d) Bicycle-carrying facilities on public transit  
5 vehicles.

6 (e) Installation of traffic control devices to improve  
7 the safety and efficiency of bicycle travel.

8 (f) Elimination of hazardous conditions on existing  
9 bikeways.

10 (g) Planning.

11 (h) Improvement and maintenance of bikeways.

12 In recommending projects to be funded, due  
13 consideration shall be given to the relative  
14 cost-effectiveness of proposed projects.

15 *SEC. 10. Section 893.6 of the Streets and Highways*  
16 *Code is amended to read:*

17 893.6. The department shall make a reasonable effort  
18 to disburse funds in general proportion to population.  
19 However, no applicant shall receive more than 25  
20 percent of the total amounts transferred to the Bicycle  
21 ~~Lane~~ Transportation Account in a single fiscal year.

22 *SEC. 11. Section 2106 of the Streets and Highways*  
23 *Code is amended to read:*

24 2106. A sum equal to the net revenue derived from  
25 one and four one-hundredths cent (\$0.0104) per gallon  
26 tax under the Motor Vehicle Fuel License Tax Law (Part  
27 2 (commencing with Section 7301) of Division 2 of the  
28 Revenue and Taxation Code) shall be apportioned  
29 monthly from the Highway Users Tax Account in the  
30 Transportation Tax Fund among the counties and cities  
31 as provided in this section.

32 The amounts available under this section shall be  
33 apportioned, as follows:

34 (a) Four hundred dollars (\$400) per month shall be  
35 apportioned to each city and city and county and eight  
36 hundred dollars (\$800) per month shall be apportioned  
37 to each county and city and county.

38 (b) The following amounts shall be transferred to the  
39 Bicycle ~~Lane~~ Transportation Account in the State  
40 Transportation Fund during the following calendar years:



- 1 (1) During 1998, one million dollars (\$1,000,000).
- 2 (2) During 1999, one million dollars (\$1,000,000).
- 3 (3) During 2000, one million dollars (\$1,000,000).
- 4 (4) During 2001, two million dollars (\$2,000,000).
- 5 (5) During 2002, two million dollars (\$2,000,000).
- 6 (6) During 2003, three million dollars (\$3,000,000).
- 7 (7) During 2004, and annually thereafter, five million
- 8 dollars (\$5,000,000).

9 (c) The balance shall be apportioned, as follows:

10 (1) A base sum shall be computed for each county by  
11 using the same proportions of fee-paid and exempt  
12 vehicles as are established for purposes of apportionment  
13 of funds under subdivision (d) of Section 2104.

14 (2) For each county, the percentage of the total  
15 assessed valuation of tangible property subject to local tax  
16 levies within the county which is represented by the  
17 assessed valuation of tangible property outside the  
18 incorporated cities of the county shall be applied to its  
19 base sum, and the resulting amount shall be apportioned  
20 to the county. The assessed valuation of taxable tangible  
21 property, for purposes of this computation, shall be that  
22 most recently used for countywide tax levies as reported  
23 to the Controller by the State Board of Equalization. If an  
24 incorporation or annexation is legally completed  
25 following the base sum computation, the new city's  
26 assessed valuation shall be deducted from the county's  
27 assessed valuation, the estimate of which may be  
28 provided by the State Board of Equalization.

29 (3) The difference between the base sum for each  
30 county and the amount apportioned to the county shall  
31 be apportioned to the cities of that county in the  
32 proportion that the population of each city bears to the  
33 total population of all the cities in the county. Populations  
34 used for determining apportionment of money under  
35 Section 2107 are to be used for purposes of this section.

36 *SEC. 12.* Section 1656.5 of the Vehicle Code is  
37 repealed.

38 ~~*SEC. 3.*~~

39 *SEC. 13.* Section 1660.5 of the Vehicle Code is  
40 repealed.



1 ~~SEC. 4.~~

2 *SEC. 14.* Section 1663 of the Vehicle Code is amended  
3 to read:

4 1663. (a) The department shall, in the synopsis or  
5 summary of laws regulating the operation of vehicles and  
6 the use of the highways published under subdivision (b)  
7 of Section 1656, provide a warning which states that, in  
8 certain accidents, the lack of a shoulder harness may  
9 cause, or aggravate, serious and fatal injuries, especially  
10 to the head, spinal column, and abdominal organs.

11 (b) Nothing in this section limits or impairs the rights  
12 or remedies that are otherwise available to any person  
13 under existing law.

14 ~~SEC. 5.~~

15 *SEC. 15.* Section 2420 of the Vehicle Code, as added  
16 by Section 11 of Chapter 945 of the Statutes of 1997, is  
17 repealed.

18 ~~SEC. 6.~~

19 *SEC. 16.* Section 2421 is added to the Vehicle Code, to  
20 read:

21 2421. (a) The department may enter into a contract  
22 to conduct an inspection of vehicles that are subject to  
23 Section 500.100 of Title 29 of the Code of Federal  
24 Regulations and issue the vehicle inspection sticker  
25 authorized under subdivision (b) of that section to  
26 qualified vehicles.

27 (b) Any contract entered into under subdivision (a)  
28 shall provide that the amount to be paid to the  
29 department shall be equal to the costs incurred by the  
30 department for services provided under the contract.

31 ~~SEC. 7.~~

32 *SEC. 17.* Section 4000.5 of the Vehicle Code is  
33 repealed.

34 ~~SEC. 8.~~

35 *SEC. 18.* Section 9250 of the Vehicle Code is repealed.

36 ~~SEC. 9.~~

37 *SEC. 19.* Section 9250 is added to the Vehicle Code, to  
38 read:

39 9250. (a) A registration fee of twenty-eight dollars  
40 (\$28) shall be paid to the department for the registration



1 of every vehicle or trailer coach of a type subject to  
2 registration under this code, except those vehicles that  
3 are expressly exempted under this code from the  
4 payment of registration fees.

5 (b) The registration fee imposed under this section  
6 applies to all vehicles described in Section 5004, whether  
7 or not special identification plates are issued to that  
8 vehicle.

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

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

21 ~~SEC. 10.~~

22 *SEC. 20.* Section 9250.1 of the Vehicle Code is  
23 repealed.

24 ~~SEC. 11.—~~

25 *SEC. 21.* Section 9250.19 of the Vehicle Code is  
26 amended to read:

27 9250.19. (a) (1) In addition to any other fees  
28 specified in this code and the Revenue and Taxation  
29 Code, upon the adoption of a resolution pursuant to this  
30 subdivision by any county board of supervisors, a fee of  
31 one dollar (\$1) shall be paid at the time of registration,  
32 renewal, or supplemental application for apportioned  
33 registration pursuant to Article 4 (commencing with  
34 Section 8050) of Chapter 4 of every vehicle registered to  
35 an address within that county except those expressly  
36 exempted from payment of registration fees. The fees,  
37 after deduction of the administrative costs incurred by  
38 the department in carrying out this section, shall be paid  
39 quarterly to the Controller.



1 (2) A resolution adopted pursuant to paragraph (1)  
2 shall include findings as to the purpose of, and the need  
3 for, imposing the additional registration fee, and shall  
4 identify the date after which the fee shall no longer be  
5 imposed.

6 (b) Notwithstanding Section 13340 of the  
7 Government Code, the money paid to the Controller  
8 pursuant to subdivision (a) is continuously appropriated,  
9 without regard to fiscal years, for disbursement by the  
10 Controller to each county that has adopted a resolution  
11 pursuant to subdivision (a), based upon the number of  
12 vehicles registered, or whose registration is renewed, to  
13 an address within that county, or supplemental  
14 application for apportioned registration, and, upon  
15 appropriation by the Legislature, for the administrative  
16 costs of the Controller incurred under this section.

17 (c) Money allocated to a county pursuant to  
18 subdivision (b) shall be expended exclusively to fund  
19 programs that enhance the capacity of local law  
20 enforcement to provide automated mobile and fixed  
21 location fingerprint identification of individuals who may  
22 be involved in driving under the influence of alcohol or  
23 drugs in violation of Section 23152 or 23153, or vehicular  
24 manslaughter in violation of Section 191.5 of the Penal  
25 Code or subdivision (c) of Section 192 of the Penal Code,  
26 or any combination of those and other vehicle-related  
27 crimes, and other crimes committed while operating a  
28 motor vehicle.

29 (d) The data from any program funded pursuant to  
30 subdivision (c) shall be made available by the local law  
31 enforcement agency to any local public agency that is  
32 required by law to obtain a criminal history background  
33 of persons as a condition of employment with that local  
34 public agency. A local law enforcement agency that  
35 provides the data may charge a fee to cover its actual costs  
36 in providing that data.

37 (e) (1) No money collected pursuant to this section  
38 shall be used to offset a reduction in any other source of  
39 funds for the purposes authorized under this section.



1 (2) Funds collected pursuant to this section, upon  
2 recommendation of local or regional Remote Access  
3 Network Boards to the Board of Supervisors, shall be used  
4 exclusively for the purchase, by competitive bidding  
5 procedures, and the operation of equipment which is  
6 compatible with the Department of Justice's Cal-ID  
7 master plan, as described in Section 11112.2 of the Penal  
8 Code, and the equipment shall interface in a manner that  
9 is in compliance with the requirement described in the  
10 Criminal Justice Information Services, Electronic  
11 Fingerprint Transmission Specification, prepared by the  
12 Federal Bureau of Investigation and dated August 24,  
13 1995.

14 ~~(f) This section shall remain in effect only until~~  
15 ~~January 1, 2003, and as of that date is repealed, unless a~~  
16 ~~later enacted statute, that is enacted on or before January~~  
17 ~~1, 2003, deletes or extends that date. The fee imposed~~  
18 ~~under this section shall remain in effect only for a period~~  
19 ~~of five years from the date that the actual collection of the~~  
20 ~~fee commences, unless a later enacted statute deletes or~~  
21 ~~extends that period.~~

22 *SEC. 22. Section 9408 of the Vehicle Code is amended*  
23 *to read:*

24 9408. (a) Whenever any registered commercial  
25 vehicle, *including any commercial vehicle while*  
26 *operating in this state with apportioned registration,* for  
27 which fees have been paid under Section 9400 is  
28 withdrawn from service in this State before the expiration  
29 of the registration, the owner may surrender the  
30 registration card and license plates previously issued for  
31 the vehicle to the department and, within 90 days of the  
32 time of withdrawal, make application for the registration  
33 of another commercial vehicle which is subject to the fees  
34 specified in Section 9400. *If the vehicle that is withdrawn*  
35 *from service is operating in this state with apportioned*  
36 *registration, credit for any unused fees paid under*  
37 *Section 9400 may be applied to a commercial vehicle*  
38 *subsequently added to the same apportioned fleet.*

39 (b) In ~~such~~ *that* event and upon a proper showing of  
40 the facts, the department upon determining the fees



1 payable under this division shall allow as credit thereon  
2 the unexpired portion, as of the month of the application,  
3 of the fee paid under Section 9400 for the previous  
4 registration, but, in addition to fees otherwise payable  
5 under this division less any ~~such~~ credit, shall charge and  
6 collect an additional fee of two dollars (\$2) for issuance  
7 of ~~such~~ that new registration.

8 *SEC. 23. Section 11107 of the Vehicle Code is*  
9 *amended to read:*

10 11107. (a) The department may refuse to issue a  
11 license certificate under this chapter to any applicant to  
12 own or operate a school or to any instructor when it finds  
13 and determines any of the following to exist:

14 (1) The applicant has not met the qualifications  
15 required under this chapter.

16 (2) The applicant was previously the holder of a  
17 license under this chapter which was revoked or  
18 suspended, which was never reissued by the department  
19 after revocation, or which was never reinstated after  
20 suspension.

21 (3) *The applicant was previously the holder of an*  
22 *occupational license issued by another state, authorizing*  
23 *the same or similar activities of a license issued under this*  
24 *division; and that license was revoked or suspended for*  
25 *cause and was never reissued, or was suspended for cause,*  
26 *and the terms of suspension have not been fulfilled.*

27 (4) The applicant has done any act or series of acts  
28 which would be a cause for suspension or revocation  
29 under Section 11110.

30 ~~(4)~~

31 (5) If the applicant is a business, a business  
32 representative was the holder of a revoked or suspended  
33 license previously issued under this chapter which was  
34 never reissued after revocation or which was never  
35 reinstated after suspension, or a business representative,  
36 though not previously the holder of a license, has done  
37 any act or series of acts which would be a cause for  
38 revocation or suspension under Section 11110.

39 ~~(5)~~



1 (6) By reason of the facts and circumstances relating  
2 to the organization, control, and management of the  
3 business, it is likely that the policy or operation of the  
4 business will be directed, controlled, or managed by a  
5 business representative who, by reason of any act, series  
6 of acts, or conduct described in paragraph ~~(3)~~ (4) or ~~(4)~~  
7 (5), would be ineligible for a license and that, by licensing  
8 the business, the purposes of this division would be  
9 defeated.

10 ~~(6)~~

11 (7) The applicant has knowingly made a false  
12 statement or knowingly concealed a material fact in  
13 applying for a license.

14 ~~(7)~~

15 (8) The applicant, or one of the business  
16 representatives if the applicant is a business, has been  
17 convicted of a crime, or has committed any act or  
18 engaged in conduct involving moral turpitude, which is  
19 substantially related to the qualifications, functions, or  
20 duties of the licensed activity. A conviction after a plea of  
21 nolo contendere is a conviction within the meaning of this  
22 section.

23 (b) Upon refusal of the department to issue a license,  
24 the applicant may demand, in writing, a hearing before  
25 the director or the director's representative within 60  
26 days after notice of refusal.

27 The hearing shall be conducted pursuant to Chapter 5  
28 (commencing with Section 11500) of Part 1 of Division 3  
29 of Title 2 of the Government Code.

30 (c) A person whose license has been revoked, or whose  
31 application for a license has been refused, may reapply for  
32 the license after a period of not less than one year has  
33 elapsed from the effective date of the decision revoking  
34 the license or refusing the application.

35 *SEC. 24. Section 11211 of the Vehicle Code is*  
36 *amended to read:*

37 11211. (a) The department may refuse to issue a  
38 license to any applicant under this chapter when it finds  
39 and determines that any of the following exist:



1 (1) The applicant was previously the holder of a  
2 license under this chapter which was revoked or  
3 suspended.

4 (2) *The applicant was previously the holder of an  
5 occupational license issued by another state, authorizing  
6 the same or similar activities of a license issued under this  
7 division; and that license was revoked or suspended for  
8 cause and was never reissued, or was suspended for cause,  
9 and the terms of suspension have not been fulfilled.*

10 (3) The applicant has done any act or series of acts  
11 which would be a cause for suspension or revocation of  
12 licensure under Section 11215, regardless of whether the  
13 applicant was licensed under this chapter at the time of  
14 the act or acts.

15 ~~(3)~~

16 (4) If the applicant is a business, a business  
17 representative was the holder of a previously issued  
18 license under this chapter that was suspended or revoked  
19 or has done any act or series of acts which would be a  
20 cause for suspension or revocation of a license under  
21 Section 11215, regardless of whether the business  
22 representative was licensed under this chapter at the  
23 time of the act or acts.

24 ~~(4)~~

25 (5) By reason of the facts and circumstances relating  
26 to the organization, control, and management of the  
27 business, it is likely that both of the following will occur:

28 (A) The policy or operation of the business will be  
29 directed, controlled, or managed by an individual who, by  
30 reason of an act, series of acts, or conduct described in  
31 paragraph ~~(2)~~ (3) or ~~(3)~~ (4), would be ineligible for a  
32 license.

33 (B) By licensing the business, the purposes of this  
34 division would be defeated.

35 ~~(5)~~

36 (6) The applicant has knowingly made a false  
37 statement or knowingly concealed a material fact in  
38 applying for a license under this chapter.

39 ~~(6)~~



1 (7) The applicant, or a business representative if the  
2 applicant is a business, has been convicted of a crime, or  
3 committed any act or engaged in conduct involving  
4 moral turpitude which is substantially related to the  
5 qualifications, functions, or duties of the licensed activity.  
6 A conviction after a plea of nolo contendere is a  
7 conviction within the meaning of this section.

8 (b) Upon refusal of the department to issue a license  
9 under this chapter, the applicant is entitled to a hearing  
10 upon demand in writing submitted to the department  
11 within 60 days after notice of refusal. The hearing shall be  
12 conducted pursuant to Chapter 5 (commencing with  
13 Section 11500) of Part 1 of Division 3 of Title 2 of the  
14 Government Code.

15 (c) A person whose license has been revoked or  
16 application for a license has been refused may reapply for  
17 the license after a period of not less than one year has  
18 elapsed from the effective date of the decision revoking  
19 the license or refusing the application.

20 *SEC. 25. Section 11302 of the Vehicle Code is*  
21 *amended to read:*

22 11302. (a) The department may issue, or for  
23 reasonable cause shown, refuse to issue, a vehicle  
24 verifier's permit to any applicant, or may, after notice and  
25 hearing, suspend or revoke such permit when satisfied  
26 that the applicant or permittee:

27 (1) Has violated any of the provisions of this division or  
28 has committed any acts which are grounds for the refusal  
29 to issue, or the suspension or revocation of a permit or  
30 license issued under this division.

31 (2) *The applicant was previously the holder of an*  
32 *occupational license issued by another state, authorizing*  
33 *the same or similar activities of a license issued under this*  
34 *division; and that license was revoked or suspended for*  
35 *cause and was never reissued, or was suspended for cause,*  
36 *and the terms of suspension have not been fulfilled.*

37 (3) Has purchased, sold, or otherwise acquired or  
38 disposed of, a vehicle which was stolen or embezzled or  
39 has performed or submitted to the department, or its



1 authorized representative, documents purporting  
2 verification of a vehicle which was stolen or embezzled.

3 ~~(3)~~

4 (4) Has, in the course of performing a vehicle  
5 verification, acted with such negligence or incompetence  
6 in the reporting of erroneous information to the  
7 department, or its authorized representative, so as to  
8 cause the department to issue inaccurate certificates of  
9 ownership or registration, or any other documents or  
10 indices which it would not otherwise have issued.

11 (b) Every hearing as provided for in this chapter shall  
12 be pursuant to the provisions of Chapter 5 (commencing  
13 with Section 11500) of Part 1 of Division 3 of Title 2 of the  
14 Government Code.

15 *SEC. 26. Section 11312 is added to the Vehicle Code,*  
16 *to read:*

17 *11312. The suspension, expiration, or cancellation of*  
18 *a vehicle verifier's permit provided for in this chapter*  
19 *shall not prevent the filing of an accusation for the*  
20 *revocation or suspension of the suspended, expired, or*  
21 *canceled permit as provided in Section 11302 or 11305 or*  
22 *any rules or regulations adopted pursuant to Section*  
23 *11308, and the department's decision that the permit*  
24 *should be suspended or revoked. That determination*  
25 *may be considered in granting or refusing to grant any*  
26 *subsequent license or permit authorized by this division*  
27 *to that vehicle verifier or to a business representative of*  
28 *that prior vehicle verifier's permit.*

29 *SEC. 27. Section 11405 of the Vehicle Code is*  
30 *amended to read:*

31 11405. The department may refuse to issue a license  
32 to, or may suspend, revoke, or cancel the license of, a  
33 person to act as a registration service for any of the  
34 following reasons:

35 (a) The person has been convicted of a felony or a  
36 crime involving moral turpitude which is substantially  
37 related to the qualifications, functions, or duties of the  
38 licensed activity.

39 (b) The person is, or has been, the holder, or a  
40 managerial employee of the holder, of any occupational



1 license issued by the department which has been  
2 suspended or revoked.

3 (c) *The applicant was previously the holder of an*  
4 *occupational license issued by another state, authorizing*  
5 *the same or similar activities of a license issued under this*  
6 *division; and that license was revoked or suspended for*  
7 *cause and was never reissued, or was suspended for cause,*  
8 *and the terms of suspension have not been fulfilled.*

9 (d) The person has used a false or fictitious name,  
10 knowingly made any false statement, or knowingly  
11 concealed any material fact, in the application for the  
12 license.

13 ~~(d)~~

14 (e) The person has knowingly made, or acted with  
15 negligence or incompetence, or knowingly or negligently  
16 accepted or failed to inquire about any false, erroneous,  
17 or incorrect statement or information submitted to the  
18 registration service or the department in the course of the  
19 licensed activity.

20 ~~(e)~~

21 (f) The person has knowingly or negligently  
22 permitted fraud, or willfully engaged in fraudulent  
23 practices, with reference to clients, vehicle registrants,  
24 members of the public, or the department in the course  
25 of the licensed activity.

26 ~~(f)~~

27 (g) The person has knowingly or negligently  
28 committed or was responsible for any violation, cause for  
29 license refusal, or cause for discipline under Section 20 or  
30 Division 3 (commencing with Section 4000), Division 3.5  
31 (commencing with Section 9840), Division 4  
32 (commencing with Section 10500), or Division 5  
33 (commencing with Section 11100), or any rules or  
34 regulations adopted under those provisions.

35 ~~(g)~~

36 (h) The person has failed to obtain and maintain an  
37 established place of business in California.

38 ~~(h)~~

39 (i) The person has failed to keep the business records  
40 required by Section 11406.



1     ~~(i)~~  
 2     (j) The person has violated any term or condition of a  
 3 restricted license to act as a registration service.

4     ~~(j)~~  
 5     (k) The person has committed or was responsible for  
 6 any other act, occurrence, or event in California or any  
 7 foreign jurisdiction which would be cause to refuse to  
 8 issue a license to, or to suspend, revoke, or cancel the  
 9 license of, a person to act as a registration service.

10    SEC. 28. Section 11413 is added to the Vehicle Code,  
 11 to read:

12    11413. The suspension, expiration, or cancellation of  
 13 a registration service license provided for in this chapter  
 14 shall not prevent the filing of an accusation for the  
 15 revocation or suspension of the suspended, expired, or  
 16 canceled license as provided in Section 11405 or 11408 or  
 17 any related rules or regulations, and the department's  
 18 decision that the license should be suspended or revoked.  
 19 That determination may be considered in granting or  
 20 refusing to grant any subsequent license authorized by  
 21 this division to that licensee or to a business  
 22 representative of that prior licensee.

23    SEC. 29. Section 11503 of the Vehicle Code is  
 24 amended to read:

25    11503. The department may refuse to issue a license  
 26 to an applicant when it determines any of the following:

27    (a) The applicant was previously the holder, or a  
 28 managerial employee of the holder, of a license issued  
 29 under this chapter which was revoked for cause and  
 30 never reissued by the department, or which was  
 31 suspended for cause and the terms of suspension have not  
 32 been fulfilled.

33    (b) The applicant was previously a business  
 34 representative whose license issued under this chapter  
 35 was revoked for cause and never reissued or was  
 36 suspended for cause and the terms of suspension have not  
 37 been fulfilled.

38    (c) If the applicant is a business, a business  
 39 representative was previously the holder of a license, or  
 40 was a business representative of a business whose license,



1 issued under this chapter was revoked for cause and  
2 never reissued or was suspended for cause and the terms  
3 of suspension have not been fulfilled; or, by reason of the  
4 facts and circumstances related to the organization,  
5 control, and management of the business, the operation  
6 of that business will be directed, controlled, or managed  
7 by individuals who, by reason of their conviction of  
8 violations of this code, would be ineligible for a license  
9 and, by licensing that business, the purposes of this  
10 chapter would be defeated.

11 (d) The applicant, or a business representative if the  
12 applicant is a business, has been convicted of a crime or  
13 has committed any act or engaged in conduct involving  
14 moral turpitude which is substantially related to the  
15 qualifications, functions, or duties of the licensed activity.  
16 A conviction after a plea of nolo contendere is a  
17 conviction within the meaning of this section.

18 (e) *The applicant was previously the holder of an*  
19 *occupational license issued by another state, authorizing*  
20 *the same or similar activities of a license issued under this*  
21 *division; and that license was revoked or suspended for*  
22 *cause and was never reissued, or was suspended for cause,*  
23 *and the terms of suspension have not been fulfilled.*

24 (f) The information contained in an application is  
25 incorrect.

26 ~~(f)~~

27 (g) A decision of the department to cancel, suspend,  
28 or revoke a license has been made, and the applicant was  
29 a business representative of the business regulated under  
30 that license.

31 *SEC. 30. Section 11604 of the Vehicle Code is*  
32 *amended to read:*

33 11604. (a) The department may refuse to issue a  
34 lessor-retailer license when it makes any of the following  
35 determinations:

36 (1) The applicant has outstanding an unsatisfied final  
37 court judgment rendered in connection with an activity  
38 licensed under the authority of this division.

39 (2) The applicant was previously the holder, or a  
40 managerial employee of the holder, of a license issued

1 under this division which was revoked for cause and  
2 never reissued by the department, or which was  
3 suspended for cause and the terms of suspension have not  
4 been fulfilled.

5 (3) The applicant was previously a business  
6 representative whose license issued under this division  
7 was revoked for cause and never reissued or was  
8 suspended for cause and the terms of suspension have not  
9 been fulfilled.

10 (4) If the applicant is a business, a business  
11 representative was previously the holder of a license, or  
12 was a business representative of a business whose license,  
13 issued under this division, was revoked for cause and  
14 never reissued or was suspended for cause and the terms  
15 of suspension have not been fulfilled; or, by reason of the  
16 facts and circumstances related to the organization,  
17 control, and management of the business, the operation  
18 of that business will be directed, controlled, or managed  
19 by individuals who, by reason of their conviction of  
20 violations of this code, would be ineligible for a license  
21 and, by licensing that business, the purposes of this  
22 chapter would be defeated.

23 (5) The applicant, or a business representative if the  
24 applicant is a business, has been convicted of a crime or  
25 committed any act or engaged in conduct involving  
26 moral turpitude which is substantially related to the  
27 qualifications, functions, or duties of the licensed activity.  
28 A conviction after a plea of nolo contendere is a  
29 conviction within the meaning of this section.

30 (6) *The applicant was previously the holder of an*  
31 *occupational license issued by another state, authorizing*  
32 *the same or similar activities of a license issued under this*  
33 *division; and that license was revoked or suspended for*  
34 *cause and was never reissued, or was suspended for cause,*  
35 *and the terms of suspension have not been fulfilled.*

36 (7) The information contained in the application is  
37 incorrect.

38 ~~(7)~~

39 (8) A decision of the department to cancel, suspend, or  
40 revoke a license has been made, and the applicant was a



1 business representative of the business regulated under  
2 that license.

3 ~~(8)~~

4 (9) The applicant does not have a principal place of  
5 business in California.

6 *SEC. 31. Section 11703 of the Vehicle Code is*  
7 *amended to read:*

8 11703. The department may refuse to issue a license  
9 to a manufacturer, manufacturer branch,  
10 remanufacturer, remanufacturer branch, distributor,  
11 distributor branch, transporter, or dealer, if it determines  
12 any of the following:

13 (a) The applicant was previously the holder, or a  
14 managerial employee of the holder, of a license issued  
15 under this chapter which was revoked for cause and  
16 never reissued by the department, or which was  
17 suspended for cause and the terms of suspension have not  
18 been fulfilled.

19 (b) The applicant was previously a business  
20 representative of a business whose license issued under  
21 this chapter was revoked for cause and never reissued or  
22 was suspended for cause and the terms of suspension have  
23 not been fulfilled.

24 (c) If the applicant is a business, a business  
25 representative of the business was previously the holder  
26 of a license, or was a business representative of a business  
27 whose license, issued under this chapter was revoked for  
28 cause and never reissued or was suspended for cause and  
29 the terms of suspension have not been fulfilled; or, by  
30 reason of the facts and circumstances related to the  
31 organization, control, and management of the business,  
32 the operation of that business will be directed, controlled,  
33 or managed by individuals who, by reason of their  
34 conviction of violations of the provisions of this code,  
35 would be ineligible for a license and, by licensing the  
36 business, the purposes of this chapter would be defeated.

37 (d) The applicant, or a business representative if the  
38 applicant is a business, has been convicted of a crime or  
39 committed any act or engaged in any conduct involving  
40 moral turpitude which is substantially related to the



1 qualifications, functions, or duties of the licensed activity.  
2 A conviction after a plea of nolo contendere is a  
3 conviction within the meaning of this section.

4 (e) *The applicant was previously the holder of an*  
5 *occupational license issued by another state, authorizing*  
6 *the same or similar activities of a license issued under this*  
7 *division; and that license was revoked or suspended for*  
8 *cause and was never reissued, or was suspended for cause,*  
9 *and the terms of suspension have not been fulfilled.*

10 (f) The information contained in the application is  
11 incorrect.

12 ~~(f)~~

13 (g) Upon investigation, the business history required  
14 by Section 11704 contains incomplete or incorrect  
15 information, or reflects substantial business irregularities.

16 ~~(g)~~

17 (h) A decision of the department to cancel, suspend,  
18 or revoke a license has been made and the applicant was  
19 a business representative of the business regulated under  
20 that license.

21 *SEC. 32. Section 11806 of the Vehicle Code is*  
22 *amended to read:*

23 11806. The department, after notice and hearing, may  
24 refuse to issue, or may suspend or revoke, a vehicle  
25 salesperson's license when it makes any of the following  
26 findings and determinations:

27 (a) The applicant or licensee has outstanding an  
28 unsatisfied final court judgment rendered in connection  
29 with an activity licensed under this division.

30 (b) The applicant or licensee has failed to pay funds or  
31 property received in the course of employment to a  
32 dealer entitled thereto.

33 (c) The applicant or licensee has failed to surrender  
34 possession of, or failed to return, any vehicle to a dealer  
35 lawfully entitled thereto upon termination of  
36 employment.

37 (d) A cause for refusal, suspension, or revocation exists  
38 under any provision of Sections 11302 to 11909, inclusive.

39 (e) *The applicant was previously the holder of an*  
40 *occupational license issued by another state authorizing*



1 *the same or similar activities of a license issued under this*  
2 *division; and that license was revoked or suspended for*  
3 *cause and was never reissued, or was suspended for cause,*  
4 *and the terms of suspension have not been fulfilled.*

5 (f) The applicant or licensee has acted as a dealer by  
6 purchasing or selling vehicles while employed by a  
7 licensed dealer without reporting that fact to the dealer  
8 or without utilizing the report of sale documents issued  
9 to the dealer.

10 ~~(f)~~

11 (g) The applicant or licensee has acted as a vehicle  
12 salesperson or engaged in that activity for, or on behalf of,  
13 more than one licensed dealer whose business does not  
14 have identical ownership and structure. Nothing in this  
15 section restricts the number of dealerships of which a  
16 person may be an owner, officer, or director, or precludes  
17 a vehicle salesperson from working at more than one  
18 location of one licensed dealer if the business of that  
19 dealer has identical ownership and structure.

20 ~~(g)~~

21 (h) The applicant or licensee has acted as a vehicle  
22 salesperson without having first complied with Section  
23 11812.

24 ~~(h)~~

25 (i) The applicant or licensee was a managerial  
26 employee of a dealer during the time a person under the  
27 direction or control of the managerial employee  
28 committed wrongful acts which resulted in the  
29 suspension or revocation of the dealer's license.

30 ~~(i)~~

31 (j) The applicant or licensee has acted as a dealer by  
32 purchasing or selling any vehicle and using the license,  
33 report of sale books, purchase drafts, financial institution  
34 accounts, or other supplies of a dealer to facilitate that  
35 purchase or sale, when the applicant or licensee is not  
36 acting on behalf of that dealer.

37 *SEC. 33. Section 11902 of the Vehicle Code is*  
38 *amended to read:*

39 11902. (a) The department shall issue a  
40 representative's license when it finds and determines



1 that the applicant has furnished the required  
2 information, and that the applicant intends in good faith  
3 to act as a representative and has paid the fees required  
4 by Sections 9262 and 11723.

5 (b) The department may refuse to issue, or may  
6 suspend or revoke, a license for any of the following  
7 reasons:

8 (1) The information in the application is incorrect.

9 (2) The applicant or licensee has been convicted of a  
10 crime or committed any act or engaged in any conduct  
11 involving moral turpitude which is substantially related  
12 to the qualifications, functions, or duties of the licensed  
13 activity. A conviction after a plea of nolo contendere is a  
14 conviction within the meaning of this section.

15 (3) The applicant or licensee has outstanding an  
16 unpaid final court judgment rendered in connection with  
17 an activity licensed under this chapter.

18 (4) The applicant or licensee was previously the  
19 holder of, or was a business representative of a business  
20 which was the holder of, a license and certificate issued  
21 under this chapter which were revoked for cause and not  
22 reissued by the department or which were suspended for  
23 cause and the terms of suspension have not been fulfilled.

24 (5) *The applicant was previously the holder of an*  
25 *occupational license issued by another state, authorizing*  
26 *the same or similar activities of a license issued under this*  
27 *division; and that license was revoked or suspended for*  
28 *cause and was never reissued, or was suspended for cause,*  
29 *and the terms of suspension have not been fulfilled.*

30 (6) The applicant or licensee has committed any act  
31 prohibited by Section 11713.2 or 11713.3.

32 (c) Pending the determination of the department that  
33 the applicant has met the requirements of this chapter,  
34 it may issue a temporary permit to any person applying  
35 for a representative's license. The temporary permit shall  
36 permit the operation by the representative for a period  
37 not to exceed 120 days while the department is  
38 completing its investigation and determination of all facts  
39 relative to the qualifications of the applicant for a license.



1 The temporary permit is invalid after the applicant's  
2 license has been issued or refused.

3 (d) The department may issue a probationary  
4 representative's license based upon the existence of any  
5 circumstance set forth in subdivision (b), subject to  
6 conditions to be observed in the exercise of the privilege  
7 granted, either upon application for the issuance of a  
8 license or upon application for the renewal of a license.  
9 The conditions to be attached to the exercise of the  
10 privilege shall not appear on the face of the license but  
11 shall be those which, in the judgment of the department,  
12 are in the public interest and suitable to the qualifications  
13 of the applicant as disclosed by the application and  
14 investigation by the department of the information  
15 contained therein.

16 *SEC. 34. Section 12507.1 of the Vehicle Code is*  
17 *amended to read:*

18 12507.1. (a) (1) In enacting this section, it is the  
19 intent of the Legislature to implement a pilot program to  
20 study the safety and fiscal effects of allowing certain  
21 driving schools to conduct the provisional driver's license  
22 behind-the-wheel driving test.

23 (2) The adoption of departmental regulations,  
24 training of driving school instructors, and all other  
25 functions necessary to prepare for the implementation of  
26 the pilot program shall be performed by the department  
27 ~~commencing on January 1, 1995.~~

28 ~~(b) Commencing on January 1, 1996, the~~ *The*  
29 department may allow a driving school that has operated  
30 for at least two years in compliance with Chapter 1  
31 (commencing with Section 11100) of Division 5 to  
32 administer the behind-the-wheel driving test portion of  
33 the examination required by subparagraph (D) of  
34 paragraph (1) of subdivision (a) of Section 12804.9 for a  
35 provisional driver's license for any person who is 16 years  
36 of age or older, but who is less than 18 years of age, if all  
37 of the following conditions apply:

38 (1) The applicant has complied with the requirements  
39 of paragraph (4) of subdivision (a) of Section 12814.6.



1 (2) The ~~tests~~ *behind-the-wheel driving test* given by  
2 the driving school ~~are~~ *is* the same as ~~these test~~ that would  
3 otherwise be given by the department.

4 (3) The driving school enters into an agreement with  
5 the department containing, but not limited to, all of the  
6 following provisions:

7 (A) The department shall annually conduct onsite  
8 inspections of the ~~testing~~ *behind-the-wheel driving test*  
9 operations, or more often as the department determines  
10 to be necessary.

11 (B) All driving school examiners shall meet all of the  
12 following qualifications:

13 (i) Have at least 500 hours of instructional experience  
14 as a driving school instructor.

15 (ii) Be at least 25 years of age.

16 (iii) Have the same qualification and training  
17 standards as the department's examiners, to the extent  
18 necessary to conduct the ~~driving tests~~ *behind-the-wheel*  
19 *driving test* in compliance with department standards.

20 (C) No driving school examiner shall be qualified to  
21 administer the behind-the-wheel test where the  
22 individual to be tested has been previously instructed by  
23 that examiner in the operation of a vehicle.

24 (D) No driving school or driving school instructor shall  
25 condition the payment of a fee to the school by an  
26 applicant for receiving instruction in the operation of a  
27 vehicle or the administration of the behind-the-wheel  
28 driving test, or both, upon the passage or failure of the  
29 behind-the-wheel driving test.

30 (E) The driving school requires written assurances  
31 from an applicant's parent or guardian that the parent or  
32 guardian assumes liability for the applicant during the  
33 driving test.

34 (F) The department may cancel, suspend, or revoke  
35 the agreement with the driving school, upon giving 15  
36 days' prior written notice of the proposed action to the  
37 driving school, if the department determines that the  
38 driving school is failing to comply with the standards for  
39 the behind-the-wheel driving test or with any other term  
40 of the agreement.



1 (4) A driving school that has had its agreement  
2 canceled, suspended, or revoked by order of the  
3 department may not administer a behind-the-wheel  
4 driving test during the period that the order is in effect.

5 (5) (A) Any driving school that has had its agreement  
6 canceled pursuant to subparagraph (F) of paragraph (3)  
7 may apply for a new agreement at any time.

8 (B) The suspension of an agreement pursuant to  
9 subparagraph (F) of paragraph (3) shall be for a term of  
10 not more than 12 months, as determined by the  
11 department in accordance with regulations adopted by  
12 the department. After the period of suspension has  
13 expired, the agreement shall be reinstated upon request  
14 of the driving school if the driving school is in compliance  
15 with this section.

16 (C) (i) The revocation of an agreement pursuant to  
17 subparagraph (F) of paragraph (3) shall be for a term of  
18 not less than one year. A driving school may apply for a  
19 new agreement after the period of revocation has  
20 expired, upon submission of proof to the department of  
21 correction of the deficiencies or violations that resulted  
22 in the revocation.

23 (ii) The department may permanently revoke an  
24 agreement pursuant to subparagraph (F) of paragraph  
25 (3) for repeated violations or repeated failures to comply  
26 with any standard or provision of the agreement.

27 (6) The department shall monitor the driving schools  
28 and evaluate the benefits and effects on traffic safety of  
29 the *behind-the-wheel* driving school—~~testing~~ *test pilot*  
30 program. The department shall periodically choose at  
31 random and retest driving school-certified provisional  
32 license applicants for the purposes of evaluating the  
33 program.

34 (7) Any provisional driver's license applicant who  
35 takes and passes a driving test administered by a driving  
36 school pursuant to this section shall provide the  
37 department with a certificate satisfactory to the  
38 department that the applicant has successfully passed the  
39 driving test.



1 (8) The department shall charge a fee not to exceed  
2 five dollars (\$5) for each certificate provided to the  
3 department by an applicant. The amount of the fee shall  
4 be sufficient to pay for the actual costs incurred by the  
5 department in connection with the monitoring of driving  
6 schools and retesting of license applicants pursuant to  
7 paragraph (6).

8 (9) (A) This paragraph applies only to driving schools  
9 that have administered both behind-the-wheel training  
10 and behind-the-wheel driving tests for at least 12 months.

11 (B) The department shall prohibit a driving school  
12 from continuing to administer behind-the-wheel driving  
13 tests if the department determines that the driving school  
14 has administered behind-the-wheel training and  
15 behind-the-wheel driving tests to applicants, the majority  
16 of whom have subsequently been subject to any of the  
17 following provisions:

18 (i) Paragraph (6) of subdivision (a) of Section 12814.6.

19 (ii) Paragraph (7) of subdivision (a) of Section  
20 12814.6.

21 (iii) Paragraph (9) of subdivision (a) of Section  
22 12814.6.

23 (10) The establishment of driving school  
24 behind-the-wheel ~~testing~~ *driving test* agreements may be  
25 implemented by the department on those dates that the  
26 department determines to be necessary to accomplish an  
27 orderly provisional driver's license testing program  
28 pursuant to this section.

29 (11) During each year of the pilot project authorized  
30 by this section, not more than 15,000 applicants for  
31 provisional driver's licenses may receive the  
32 behind-the-wheel driving test at a driving school that  
33 meets the criteria specified in this section.

34 (12) The department shall submit a report to the  
35 Legislature on the progress of the driving school ~~testing~~  
36 *behind-the-wheel driving test pilot* program authorized  
37 pursuant to this section ~~within three~~ *six* years after the  
38 date the program is implemented. The report shall  
39 compare subsequent driving records, including  
40 accidents, convictions, and failures to appear, for



1 provisional driver's license applicants who have been  
2 tested by the driving schools and tested by the  
3 department. The report shall include, but shall not be  
4 limited to, an analysis of the costs and benefits of the  
5 program and shall include recommendations by the  
6 department.

7 (13) The director may terminate the driving school  
8 ~~testing~~ *behind-the-wheel driving test pilot* program at  
9 any time that the department determines that continued  
10 operation of the program would have an adverse effect on  
11 traffic safety. The finding upon which that determination  
12 is based shall be reported to the Legislature not later than  
13 30 days after the termination of the program.

14 (c) This section shall remain in effect only until  
15 January 1, ~~1999~~ 2001, and as of that date is repealed, unless  
16 a later enacted statute, which is enacted before January  
17 1, ~~1999~~ 2001, deletes or extends that date.

18 *SEC. 35.* Section 12523.6 of the Vehicle Code is  
19 amended to read:

20 12523.6. (a) (1) On and after March 1, 1998, no  
21 person who is employed primarily as a driver of a motor  
22 vehicle for hire that is used for the transportation of  
23 persons with developmental disabilities, as defined in  
24 subdivision (a) of Section 4512 of the Welfare and  
25 Institutions Code, shall operate that motor vehicle unless  
26 that person has in his or her possession a valid driver's  
27 license of the appropriate class endorsed for passenger  
28 transportation and a valid special driver certificate issued  
29 by the department.

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

33 (b) The special driver certificate shall be issued only  
34 to an applicant who meets all of the following  
35 requirements:

36 (1) The applicant has cleared a criminal history  
37 background check by the Department of Justice and, if  
38 applicable, by the Federal Bureau of Investigation. Any  
39 required fingerprinting undertaken for purposes of the  
40 criminal history background check shall be conducted by



1 the Department of the California Highway Patrol.  
2 Applicant fingerprint forms shall be processed and  
3 returned to the area office of the Department of the  
4 California Highway Patrol from which they originated  
5 not later than 15 working days from the date on which the  
6 fingerprint forms were received by the Department of  
7 Justice, unless circumstances, other than the  
8 administrative duties of the Department of Justice,  
9 warrant further investigation. Upon implementation of  
10 an electronic fingerprinting system with terminals  
11 located statewide and managed by the Department of  
12 Justice, the Department of Justice shall ascertain the  
13 information required pursuant to this subdivision within  
14 three working days.

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

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

24 (d) On or after March 1, 1998, no person who operates  
25 a business or a nonprofit organization or agency shall  
26 employ a person who is employed primarily as a driver of  
27 a motor vehicle for hire that is used for the transportation  
28 of persons with developmental disabilities unless the  
29 employed person operates the motor vehicle in  
30 compliance with subdivision (a).

31 (e) Nothing in this section precludes an employer of  
32 persons who are occasionally used as drivers of motor  
33 vehicles for the transportation of persons with  
34 developmental disabilities from requiring those persons,  
35 as a condition of employment, to obtain a special driver  
36 certificate pursuant to this section or precludes any  
37 volunteer driver from applying for a special driver  
38 certificate.

39 (f) As used in this section, a person is employed  
40 primarily as driver if that person performs at least 50



1 percent of his or her time worked including, but not  
2 limited to, time spent assisting persons onto and out of the  
3 vehicle, or at least 20 hours a week, whichever is less, as  
4 a compensated driver of a motor vehicle for hire for the  
5 transportation of persons with developmental disabilities.

6 (g) This section does not apply to any person who has  
7 successfully completed a background investigation  
8 prescribed by law, including, but not limited to, health  
9 care transport vehicle operators, or to the operator of a  
10 taxicab regulated pursuant to Section 21100. This section  
11 does not apply to a person who holds a valid certificate,  
12 other than a farm labor vehicle driver certificate, issued  
13 under Section 12517.4 or 12527. This section does not  
14 apply to a driver who provides transportation on a  
15 noncommercial basis to persons with developmental  
16 disabilities.

17 ~~SEC. 12.—~~

18 *SEC. 36. Section 12804.9 of the Vehicle Code, as*  
19 *amended by Section 1 of Chapter 819 of the Statutes of*  
20 *1996, is amended to read:*

21 12804.9. (a) (1) The examination shall include all of  
22 the following:

23 (A) A test of the applicant's knowledge and  
24 understanding of the provisions of this code governing  
25 the operation of vehicles upon the highways.

26 (B) A test of the applicant's ability to read and  
27 understand simple English used in highway traffic and  
28 directional signs.

29 (C) A test of the applicant's understanding of traffic  
30 signs and signals, including the bikeway signs, markers,  
31 and traffic control devices established by the Department  
32 of Transportation.

33 (D) An actual demonstration of the applicant's ability  
34 to exercise ordinary and reasonable control in operating  
35 a motor vehicle by driving it under the supervision of an  
36 examining officer. The applicant shall submit to an  
37 examination appropriate to the type of motor vehicle or  
38 combination of vehicles he or she desires a license to  
39 drive, except that the department may waive the driving  
40 test part of the examination ~~of~~ *for* any applicant who ~~holds~~



1 ~~submits~~ a ~~valid~~ license issued by another state, territory,  
2 or possession of the United States, the District of  
3 Columbia, or the Commonwealth of Puerto Rico *if the*  
4 *department verifies through any acknowledged national*  
5 *driver record data source that there are no stops, holds,*  
6 *or other impediments to its issuance.* The examining  
7 officer may request to see evidence of financial  
8 responsibility for the vehicle prior to supervising the  
9 demonstration of the applicant's ability to operate the  
10 vehicle. The examining officer may refuse to examine an  
11 applicant who is unable to provide proof of financial  
12 responsibility for the vehicle, unless proof of financial  
13 responsibility is not required by this code.

14 (E) A test of the hearing and eyesight of the applicant,  
15 and of other matters that may be necessary to determine  
16 the applicant's mental and physical fitness to operate a  
17 motor vehicle upon the highways, and whether any  
18 grounds exist for refusal of a license under this code.

19 (2) The examination for a class A or class B license  
20 under subdivision (b) shall also include a report of a  
21 medical examination of the applicant given not more  
22 than two years prior to the date of the application by a  
23 health care professional. As used in this subdivision,  
24 "health care professional" means a person who is  
25 licensed, certified, or registered in accordance with  
26 applicable state laws and regulations to practice medicine  
27 and perform physical examinations in the United States  
28 of America. Health care professionals are doctors of  
29 medicine, doctors of osteopathy, physician assistants, and  
30 advanced practice nurses, or doctors of chiropractic who  
31 are clinically competent to perform the medical  
32 examination presently required of motor carrier drivers  
33 by the Federal Highway Administration. The report shall  
34 be on a form approved by the department, the Federal  
35 Highway Administration, or the Federal Aviation  
36 Administration. In establishing the requirements,  
37 consideration may be given to the standards presently  
38 required of motor carrier drivers by the Federal Highway  
39 Administration.



1 (3) Any physical defect of the applicant, which, in the  
2 opinion of the department, is compensated for to ensure  
3 safe driving ability, shall not prevent the issuance of a  
4 license to the applicant.

5 (b) Beginning on January 1, 1989, in accordance with  
6 the following classifications, any applicant for a driver's  
7 license shall be required to submit to an examination  
8 appropriate to the type of motor vehicle or combination  
9 of vehicles the applicant desires a license to drive:

10 (1) Class A includes the following:

11 (A) Any combination of vehicles, if any vehicle being  
12 towed has a gross vehicle weight rating of more than  
13 10,000 pounds.

14 (B) Any vehicle towing more than one vehicle.

15 (C) Any trailer bus.

16 (D) The operation of all vehicles under class B and  
17 class C.

18 (2) Class B includes the following:

19 (A) Any single vehicle with a gross vehicle weight  
20 rating of more than 26,000 pounds.

21 (B) Any single vehicle with three or more axles,  
22 except any three-axle vehicle weighing less than 6,000  
23 pounds.

24 (C) Any bus except a trailer bus.

25 (D) Any farm labor vehicle.

26 (E) Any single vehicle with three or more axles or a  
27 gross vehicle weight rating of more than 26,000 pounds  
28 towing another vehicle with a gross vehicle weight rating  
29 of 10,000 pounds or less.

30 (F) The operation of all vehicles covered under class  
31 C.

32 (3) Class C includes the following:

33 (A) Any two-axle vehicle with a gross vehicle weight  
34 rating of 26,000 pounds or less, including when the vehicle  
35 is towing a trailer or semitrailer with a gross vehicle  
36 weight rating of 10,000 pounds or less.

37 (B) Notwithstanding subparagraph (A), any two-axle  
38 vehicle weighing 4,000 pounds or more unladen when  
39 towing a trailer coach not exceeding 9,000 pounds gross.

40 (C) Any housecar.



1 (D) Any three-axle vehicle weighing 6,000 pounds or  
2 less gross.

3 (E) Any housecar or vehicle towing another vehicle  
4 with a gross vehicle weight rating of 10,000 pounds or less,  
5 including when a tow dolly is used. No vehicle shall tow  
6 another vehicle in violation of Section 21715.

7 (F) (i) Any two-axle vehicle weighing 4,000 pounds  
8 or more unladen when towing either a trailer coach or a  
9 fifth-wheel travel trailer not exceeding 10,000 pounds  
10 gross vehicle weight rating, when the towing of the trailer  
11 is not for compensation.

12 (ii) Any two-axle vehicle weighing 4,000 pounds or  
13 more unladen when towing a fifth-wheel travel trailer  
14 exceeding 10,000 pounds, but not exceeding 15,000  
15 pounds, gross vehicle weight rating, when the towing of  
16 the trailer is not for compensation, and if the person has  
17 passed a specialized written examination provided by the  
18 department relating to the knowledge of this code and  
19 other safety aspects governing the towing of recreational  
20 vehicles upon the highway.

21 The authority to operate combinations of vehicles  
22 under this subparagraph shall be granted by  
23 endorsement on a class C license upon completion of that  
24 written examination.

25 (H) Any vehicle or combination of vehicles with a  
26 gross combination weight rating or a gross vehicle weight  
27 rating, as those terms are defined in subdivisions (g) and  
28 (h), respectively, of Section 15210, of 26,000 pounds or  
29 less, if all of the following conditions are met:

30 (i) Is operated by a farmer or an employee of a farmer.

31 (ii) Is used exclusively in the conduct of agricultural  
32 operations.

33 (iii) Is not used in the capacity of a for-hire carrier or  
34 for compensation.

35 (I) Any combination of vehicles with a gross  
36 combination weight rating, as defined in subdivision (g)  
37 of Section 15210, of 26,000 pounds or less when towing a  
38 boat trailer under the following conditions:



1 (i) The combination of vehicles is used to transport a  
2 boat for recreational purposes or to and from a place of  
3 repair.

4 (ii) The combination of vehicles is not used in the  
5 operations of a common or contract carrier or in the  
6 course of any business endeavor.

7 (iii) The towing of the trailer is not for compensation.

8 (iv) The combination of vehicles and its load are not  
9 of a size that requires a permit pursuant to Section 35780.

10 (G) Class C does not include any two-wheel  
11 motorcycle or any two-wheel motor-driven cycle.

12 (4) Class M1. Any two-wheel motorcycle or  
13 motor-driven cycle. Authority to operate vehicles  
14 included in a class M1 license may be granted by  
15 endorsement on a class A, B, or C license upon completion  
16 of an appropriate examination.

17 (5) Class M2. Any motorized bicycle or moped, or any  
18 bicycle with an attached motor, except a motorized  
19 bicycle described in subdivision (b) of Section 406.  
20 Authority to operate vehicles included in class M2 may be  
21 granted by endorsement on a class A, B, or C license upon  
22 completion of an appropriate examination. Persons  
23 holding a class M1 license or endorsement may operate  
24 vehicles included in class M2 without further  
25 examination.

26 (c) No driver's license or driver certificate shall be  
27 valid for operating any commercial motor vehicle, as  
28 defined in subdivision (b) of Section 15210, any other  
29 motor vehicle defined in paragraph (1) or (2) of  
30 subdivision (b), or any other vehicle requiring a driver to  
31 hold any driver certificate or any driver's license  
32 endorsement under Section 15275, unless a medical  
33 certificate approved by the department, the Federal  
34 Highway Administration, or the Federal Aviation  
35 Administration, ~~which~~ *that* has been issued within two  
36 years of the date of the operation of that vehicle, is within  
37 the licensee's immediate possession, and a copy of the  
38 medical examination report from which the certificate  
39 was issued is on file with the department. Otherwise, the  
40 license shall be valid only for operating class C vehicles



1 ~~which~~ *that* are not commercial vehicles, as defined in  
2 subdivision (b) of Section 15210, and for operating class  
3 M1 or M2 vehicles, if so endorsed, ~~which~~ *that* are not  
4 commercial vehicles, as defined in subdivision (b) of  
5 Section 15210.

6 (d) A license or driver certificate issued prior to the  
7 enactment of Chapter 7 (commencing with Section  
8 15200) shall be valid to operate the class or type of  
9 vehicles specified under the law in existence prior to that  
10 enactment until the license or certificate expires or is  
11 otherwise suspended, revoked, or canceled.

12 (e) The department may accept a certificate of  
13 driving skill that is issued by an employer, authorized by  
14 the department to issue a certificate under Section 15250,  
15 of the applicant, in lieu of a driving test, on class A or B  
16 applications, if the applicant has first qualified for a class  
17 C license and has met the other examination  
18 requirements for the license for which he or she is  
19 applying. The certificate may be submitted as evidence  
20 of the applicant's skill in the operation of the types of  
21 equipment covered by the license for which he or she is  
22 applying.

23 (f) The department may accept a certificate of  
24 competence in lieu of a driving test on class M1 or M2  
25 applications, when the certificate is issued by a law  
26 enforcement agency for its officers who operate class M1  
27 or M2 vehicles in their duties, if the applicant has met the  
28 other examination requirements for the license for which  
29 he or she is applying.

30 (g) The department may accept a certificate of  
31 satisfactory completion of a novice motorcyclist training  
32 program approved by the commissioner pursuant to  
33 Section 2932 in lieu of a driving test on class M1 or M2  
34 applications, if the applicant has met the other  
35 examination requirements for the license for which he or  
36 she is applying. The department shall review and approve  
37 the written and driving test used by a program to  
38 determine whether the program may issue a certificate  
39 of completion.



1 (h) Notwithstanding subdivision (b), any person  
2 holding a valid California driver's license of any class may  
3 operate a short-term rental motorized bicycle without  
4 taking any special examination for the operation of a  
5 motorized bicycle, and without having a class M2  
6 endorsement on that license. As used in this paragraph,  
7 "short-term" means 48 hours or less.

8 (i) No person under the age of 21 years shall be issued  
9 a class M1 or M2 license or endorsement unless he or she  
10 provides evidence satisfactory to the department of  
11 completion of a motorcycle safety training program that  
12 is operated pursuant to Article 2 (commencing with  
13 Section 2930) of Chapter 5 of Division 2.

14 (j) Drivers of vanpool vehicles may operate with class  
15 C licenses but shall possess evidence of a medical  
16 examination required for a class B license when operating  
17 vanpool vehicles. In order to be eligible to drive the  
18 vanpool vehicle, the driver shall keep in the vanpool  
19 vehicle a statement, signed under penalty of perjury, that  
20 he or she has not been convicted of reckless driving,  
21 drunk driving, or a hit and run offense in the last five  
22 years.

23 ~~(k) During the implementation of this section, from~~  
24 ~~January 1, 1989, through December 31, 1992, provisions of~~  
25 ~~this code pertaining to persons holding class 1, 2, 3, or 4~~  
26 ~~licenses pursuant to Section 12804, shall apply to persons~~  
27 ~~holding class A, B, C, M1, or M2 licenses pursuant to this~~  
28 ~~section, to the extent that class A, B, C, M1, or M2 vehicles~~  
29 ~~under this section fall within the definition of class 1, 2, 3,~~  
30 ~~or 4 vehicles under Section 12804.~~

31 ~~(l)~~—A class M license issued between January 1, 1989,  
32 and December 31, 1992, shall permit the holder to operate  
33 any motorcycle, motor-driven cycle, or motorized bicycle  
34 until the expiration of the license.

35 ~~(m)~~—

36 (l) This section shall remain in effect only until  
37 January 1, 2001, and as of that date is repealed, unless a  
38 later enacted statute, that is enacted before January 1,  
39 2001, deletes or extends that date.



1 SEC. 37. Section 12804.9 of the Vehicle Code, as added  
2 by Section 2 of Chapter 819 of the Statutes of 1996, is  
3 amended to read:

4 12804.9. (a) (1) The examination shall include all of  
5 the following:

6 (A) A test of the applicant's knowledge and  
7 understanding of the provisions of this code governing  
8 the operation of vehicles upon the highways.

9 (B) A test of the applicant's ability to read and  
10 understand simple English used in highway traffic and  
11 directional signs.

12 (C) A test of the applicant's understanding of traffic  
13 signs and signals, including the bikeway signs, markers,  
14 and traffic control devices established by the Department  
15 of Transportation.

16 (D) An actual demonstration of the applicant's ability  
17 to exercise ordinary and reasonable control in operating  
18 a motor vehicle by driving it under the supervision of an  
19 examining officer. The applicant shall submit to an  
20 examination appropriate to the type of motor vehicle or  
21 combination of vehicles he or she desires a license to  
22 drive, except that the department may waive the driving  
23 test part of the examination ~~of~~ *for* any applicant who ~~holds~~  
24 *submits* a ~~valid~~ license issued by another state, territory,  
25 or possession of the United States, the District of  
26 Columbia, or the Commonwealth of Puerto Rico *if the*  
27 *department verifies through an acknowledged national*  
28 *driver record data source that there are no stops, holds,*  
29 *or other impediments to its issuance.* The examining  
30 officer may request to see evidence of financial  
31 responsibility for the vehicle prior to supervising the  
32 demonstration of the applicant's ability to operate the  
33 vehicle. The examining officer may refuse to examine an  
34 applicant who is unable to provide proof of financial  
35 responsibility for the vehicle, unless proof of financial  
36 responsibility is not required by this code.

37 (E) A test of the hearing and eyesight of the applicant,  
38 and of other matters that may be necessary to determine  
39 the applicant's mental and physical fitness to operate a



1 motor vehicle upon the highways, and whether any  
2 ground exists for refusal of a license under this code.

3 (2) The examination for a class A or class B license  
4 under subdivision (b) shall also include a report of a  
5 medical examination of the applicant given not more  
6 than two years prior to the date of the application by a  
7 health care professional. As used in this subdivision,  
8 “health care professional” means a person who is  
9 licensed, certified, or registered in accordance with  
10 applicable state laws and regulations to practice medicine  
11 and perform physical examinations in the United States  
12 of America. Health care professionals are doctors of  
13 medicine, doctors of osteopathy, physician assistants, and  
14 advanced practice nurses, or doctors of chiropractic who  
15 are clinically competent to perform the medical  
16 examination presently required of motor carrier drivers  
17 by the Federal Highway Administration. The report shall  
18 be on a form approved by the department, the Federal  
19 Highway Administration, or the Federal Aviation  
20 Administration. In establishing the requirements,  
21 consideration may be given to the standards presently  
22 required of motor carrier drivers by the Federal Highway  
23 Administration.

24 (3) Any physical defect of the applicant, which, in the  
25 opinion of the department, is compensated for to ensure  
26 safe driving ability, shall not prevent the issuance of a  
27 license to the applicant.

28 (b) Beginning on January 1, 1989, in accordance with  
29 the following classifications, any applicant for a driver’s  
30 license shall be required to submit to an examination  
31 appropriate to the type of motor vehicle or combination  
32 of vehicles the applicant desires a license to drive:

33 (1) Class A includes the following:

34 (A) Any combination of vehicles, if any vehicle being  
35 towed has a gross vehicle weight rating of more than  
36 10,000 pounds.

37 (B) Any vehicle towing more than one vehicle.

38 (C) Any trailer bus.

39 (D) The operation of all vehicles under class B and  
40 class C.



1 (2) Class B includes the following:

2 (A) Any single vehicle with a gross vehicle weight  
3 rating of more than 26,000 pounds.

4 (B) Any single vehicle with three or more axles,  
5 except any three-axle vehicle weighing less than 6,000  
6 pounds.

7 (C) Any bus except a trailer bus.

8 (D) Any farm labor vehicle.

9 (E) Any single vehicle with three or more axles or a  
10 gross vehicle weight rating of more than 26,000 pounds  
11 towing another vehicle with a gross vehicle weight rating  
12 of 10,000 pounds or less.

13 (F) The operation of all vehicles covered under class  
14 C.

15 (3) Class C includes the following:

16 (A) Any two-axle vehicle with a gross vehicle weight  
17 rating of 26,000 pounds or less, including when the vehicle  
18 is towing a trailer or semitrailer with a gross vehicle  
19 weight rating of 10,000 pounds or less.

20 (B) Notwithstanding subparagraph (A), any two-axle  
21 vehicle weighing 4,000 pounds or more unladen when  
22 towing a trailer coach not exceeding 9,000 pounds gross.

23 (C) Any housecar.

24 (D) Any three-axle vehicle weighing 6,000 pounds or  
25 less gross.

26 (E) Any housecar or vehicle towing another vehicle  
27 with a gross vehicle weight rating of 10,000 pounds or less,  
28 including when a tow dolly is used. No vehicle shall tow  
29 another vehicle in violation of Section 21715.

30 (F) (i) Any two-axle vehicle weighing 4,000 pounds  
31 or more unladen when towing either a trailer coach or a  
32 fifth-wheel travel trailer not exceeding 10,000 pounds  
33 gross vehicle weight rating, when the towing of the trailer  
34 is not for compensation.

35 (ii) Any two-axle vehicle weighing 4,000 pounds or  
36 more unladen when towing a fifth-wheel travel trailer  
37 exceeding 10,000 pounds, but not exceeding 15,000  
38 pounds, gross vehicle weight rating, when the towing of  
39 the trailer is not for compensation, and if the person has  
40 passed a specialized written examination provided by the



1 department relating to the knowledge of this code and  
2 other safety aspects governing the towing of recreational  
3 vehicles upon the highway. The authority to operate  
4 combinations of vehicles under this subparagraph shall be  
5 granted by endorsement on a class C license upon  
6 completion of that written examination.

7 (G) Class C does not include any two-wheel  
8 motorcycle or any two-wheel motor-driven cycle.

9 (4) Class M1. Any two-wheel motorcycle or  
10 motor-driven cycle. Authority to operate vehicles  
11 included in a class M1 license may be granted by  
12 endorsement on a class A, B, or C license upon completion  
13 of an appropriate examination.

14 (5) Class M2. Any motorized bicycle or moped, or any  
15 bicycle with an attached motor, except a motorized  
16 bicycle described in subdivision (b) of Section 406.  
17 Authority to operate vehicles included in class M2 may be  
18 granted by endorsement on a class A, B, or C license upon  
19 completion of an appropriate examination. Persons  
20 holding a class M1 license or endorsement may operate  
21 vehicles included in class M2 without further  
22 examination.

23 (c) No driver's license or driver certificate shall be  
24 valid for operating any commercial motor vehicle, as  
25 defined in subdivision (b) of Section 15210, any other  
26 motor vehicle defined in paragraph (1) or (2) of  
27 subdivision (b), or any other vehicle requiring a driver to  
28 hold any driver certificate or any driver's license  
29 endorsement under Section 15275, unless a medical  
30 certificate approved by the department, the Federal  
31 Highway Administration, or the Federal Aviation  
32 Administration, ~~which~~ *that* has been issued within two  
33 years of the date of the operation of that vehicle, is within  
34 the licensee's immediate possession, and a copy of the  
35 medical examination report from which the certificate  
36 was issued is on file with the department. Otherwise the  
37 license shall be valid only for operating class C vehicles  
38 ~~which~~ *that* are not commercial vehicles, as defined in  
39 subdivision (b) of Section 15210, and for operating class  
40 M1 or M2 vehicles, if so endorsed, ~~which~~ *that* are not



1 commercial vehicles, as defined in subdivision (b) of  
2 Section 15210.

3 (d) A license or driver certificate issued prior to the  
4 enactment of Chapter 7 (commencing with Section  
5 15200) shall be valid to operate the class or type of  
6 vehicles specified under the law in existence prior to that  
7 enactment until the license or certificate expires or is  
8 otherwise suspended, revoked, or canceled.

9 (e) The department may accept a certificate of  
10 driving skill that is issued by an employer, authorized by  
11 the department to issue a certificate under Section 15250,  
12 of the applicant, in lieu of a driving test, on class A or B  
13 applications, if the applicant has first qualified for a class  
14 C license and has met the other examination  
15 requirements for the license for which he or she is  
16 applying. The certificate may be submitted as evidence  
17 of the applicant's skill in the operation of the types of  
18 equipment covered by the license for which he or she is  
19 applying.

20 (f) The department may accept a certificate of  
21 competence in lieu of a driving test on class M1 or M2  
22 applications, when the certificate is issued by a law  
23 enforcement agency for its officers who operate class M1  
24 or M2 vehicles in their duties, if the applicant has met the  
25 other examination requirements for the license for which  
26 he or she is applying.

27 (g) The department may accept a certificate of  
28 satisfactory completion of a novice motorcyclist training  
29 program approved by the commissioner pursuant to  
30 Section 2932 in lieu of a driving test on class M1 or M2  
31 applications, if the applicant has met the other  
32 examination requirements for the license for which he or  
33 she is applying. The department shall review and approve  
34 the written and driving test used by a program to  
35 determine whether the program may issue a certificate  
36 of completion.

37 (h) Notwithstanding subdivision (b), any person  
38 holding a valid California driver's license of any class may  
39 operate a short-term rental motorized bicycle without  
40 taking any special examination for the operation of a



1 motorized bicycle, and without having a class M2  
2 endorsement on that license. As used in this paragraph,  
3 “short-term” means 48 hours or less.

4 (i) No person under the age of 21 years shall be issued  
5 a class M1 or M2 license or endorsement unless he or she  
6 provides evidence satisfactory to the department of  
7 completion of a motorcycle safety training program that  
8 is operated pursuant to Article 2 (commencing with  
9 Section 2930) of Chapter 5 of Division 2.

10 (j) Drivers of vanpool vehicles may operate with class  
11 C licenses but shall possess evidence of a medical  
12 examination required for a class B license when operating  
13 vanpool vehicles. In order to be eligible to drive the  
14 vanpool vehicle, the driver shall keep in the vanpool  
15 vehicle a statement, signed under penalty of perjury, that  
16 he or she has not been convicted of reckless driving,  
17 drunk driving, or a hit and run offense in the last five  
18 years.

19 ~~(k) During the implementation of this section, from~~  
20 ~~January 1, 1989, through December 31, 1992, provisions of~~  
21 ~~this code pertaining to persons holding class 1, 2, 3, or 4~~  
22 ~~licenses pursuant to Section 12804, shall apply to persons~~  
23 ~~holding class A, B, C, M1, or M2 licenses pursuant to this~~  
24 ~~section, to the extent that class A, B, C, M1, or M2 vehicles~~  
25 ~~under this section fall within the definition of class 1, 2, 3,~~  
26 ~~or 4 vehicles under Section 12804.~~

27 ~~(l)~~ A class M license issued between January 1, 1989,  
28 and December 31, 1992, shall permit the holder to operate  
29 any motorcycle, motor-driven cycle, or motorized bicycle  
30 until the expiration of the license.

31 ~~(m)~~

32 (l) This section shall become operative on January 1,  
33 2001.

34 *SEC. 38. Section 13364 of the Vehicle Code is*  
35 *amended to read:*

36 13364. (a) Notwithstanding any other provision of  
37 this code, a person’s privilege to operate a motor vehicle  
38 shall be suspended upon notification by a bank or  
39 financial institution that a check has been dishonored



1 when that check was presented to the department for  
 2 either of the following reasons:

3 (1) In payment of a fine that resulted from an  
 4 outstanding violation pursuant to Section 40508 or a  
 5 suspension pursuant to Section 13365.

6 (2) In payment of a fee or penalty owed by the person,  
 7 if the fee or penalty is required by this code for the  
 8 issuance, reissuance, or return of the person's driver's  
 9 license after suspension, revocation, or restriction of the  
 10 driving privilege.

11 (b) The suspension shall remain in effect until  
 12 payment of all fines, fees, and penalties is made to the  
 13 department or to the court, as appropriate, and the  
 14 person's driving record does not contain any notification  
 15 of a court order issued pursuant to subdivision (a) of  
 16 Section 42003 or of a violation of subdivision (a) or (b) of  
 17 Section 40508.

18 (c) No suspension imposed pursuant to this section  
 19 shall become effective until 30 days after the mailing of  
 20 a written notice of the intent to suspend.

21 (d) The written notice of a suspension imposed  
 22 pursuant to this section shall be delivered by certified  
 23 mail.

24 (e) *If any personal check is offered in payment of fines*  
 25 *described in paragraph (1) of subdivision (a) and is*  
 26 *returned for any reason, the related notice issued*  
 27 *pursuant to Section 40509 or 40509.5 shall be restored to*  
 28 *the person's record.*

29 (f) Notwithstanding any other provision of law, any  
 30 license that has been suspended pursuant to this section  
 31 shall immediately be reinstated, and the fees and  
 32 penalties waived, upon the submission of proof  
 33 acceptable to the department that the check has been  
 34 erroneously dishonored by the bank or financial  
 35 institution.

36 *SEC. 39. Section 13365 of the Vehicle Code is*  
 37 *amended to read:*

38 13365. (a) Upon receipt of notification of a violation  
 39 of subdivision (a) or (b) of Section 40508 ~~or of a court~~



1 ~~order issued pursuant to subdivision (a) of Section 42003,~~  
2 the department shall take the following action:

3 (1) If the notice is given pursuant to subdivision (a) or  
4 (b) of Section 40509, if the driving record of the person  
5 who is the subject of the notice contains one or more prior  
6 notifications of a violation issued pursuant to Section  
7 40509 or 40509.5, and if the person's driving privilege is  
8 not currently suspended under this section, the  
9 department shall suspend the driving privilege of the  
10 person.

11 (2) If the notice is given pursuant to subdivision (a) or  
12 (b) of Section 40509.5, and if the driving privilege of the  
13 person who is the subject of the notice is not currently  
14 suspended under this section, the department shall  
15 suspend the driving privilege of the person.

16 (b) A suspension under this section shall not be  
17 effective before a date 60 days after the date of receipt,  
18 by the department, of the notice given specified in  
19 subdivision (a), and the notice of suspension shall not be  
20 mailed by the department before a date 30 days after  
21 receipt of the notice given specified in subdivision (a).

22 The suspension shall continue until the suspended  
23 person's driving record does not contain any notification  
24 of a violation of subdivision (a) or (b) of Section 40508 ~~or~~  
25 ~~of a court order issued pursuant to subdivision (a) of~~  
26 ~~Section 42003.~~

27 *SEC. 40. Section 14910 of the Vehicle Code is*  
28 *amended to read:*

29 14910. (a) The department shall, with the consent of  
30 the applicant, collect the amounts which it has been  
31 notified are due pursuant to Sections 40509 and 40509.5,  
32 and any service fees added to those amounts, at the time  
33 it collects from the applicant any fees and penalties  
34 required to issue or renew a driver's license or  
35 identification card.

36 (b) Except as provided in subdivision (c), the  
37 department shall remit all amounts collected pursuant to  
38 subdivision (a), after deducting the administrative fee  
39 authorized in subdivision (c), to each jurisdiction in the  
40 amounts due to each jurisdiction according to its notices



1 filed with the department. Within 45 days from the time  
2 payment is received by the department, the department  
3 shall inform each jurisdiction which of its notices of failure  
4 to appear or failure to pay have been discharged.

5 (c) The department shall assess a fee for posting the  
6 bail on each notice of failure to appear or failure to pay  
7 which is given to the department pursuant to Section  
8 40509 or 40509.5, in an amount, as determined by the  
9 department, that is sufficient to provide a sum equal to its  
10 actual costs of administering this section, not to exceed  
11 one dollar (\$1) per notice. The fees shall be assessed to  
12 each jurisdiction on a regular basis by deducting the  
13 amount due to the department pursuant to this  
14 subdivision from the bails and fines collected pursuant to  
15 subdivision (a), prior to remitting the balance to each  
16 jurisdiction pursuant to subdivision (b).

17 (d) ~~¶~~ *Except as provided in subdivision (e) of Section*  
18 *13364, if* bail is collected under this section for the  
19 violation of any provisions of this code, the person shall be  
20 deemed to be convicted of those sections violated.

21 (e) Any amounts collected by the department under  
22 this section are nonrefundable by the department.

23 (f) Notwithstanding Section 42003, payment of bail to  
24 the department in accordance with this section shall be  
25 paid in full and not in installments.

26 ~~(g) This section shall become operative on July 1, 1992.~~

27 *SEC. 41.* Section 21201.3 is added to the Vehicle Code,  
28 to read:

29 21201.3. (a) A bicycle or motorized bicycle used by a  
30 peace officer, as defined in Section 830.1 of, subdivision  
31 (a), (b), (c), (d), (e), (f), (g), or (i) of Section 830.2 of,  
32 subdivision (b) or (d) of Section 830.31 of, subdivision (a)  
33 or (b) of Section 830.32 of, Section 830.33 of, subdivision  
34 (a) of Section 830.36 of, subdivision (a) of Section 830.4 of,  
35 or Section 830.6 of, the Penal Code, in the performance  
36 of the peace officer's duties, may display a steady or  
37 flashing blue warning light that is visible from the front,  
38 sides, or rear of the bicycle or motorized bicycle.



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

4 ~~SEC. 13.—~~

5 *SEC. 42. Section 21401 of the Vehicle Code is*  
6 *repealed.*

7 ~~21401. (a) Except as provided in Section 21374, only~~  
8 ~~those official traffic control devices that conform to the~~  
9 ~~uniform standards and specifications promulgated by the~~  
10 ~~Department of Transportation shall be placed upon a~~  
11 ~~street or highway.~~

12 ~~(b) Any traffic signal controller that is newly installed~~  
13 ~~or upgraded by the Department of Transportation or a~~  
14 ~~local authority after January 1, 1996, shall be of a standard~~  
15 ~~traffic signal communication protocol capable of two-way~~  
16 ~~communications.~~

17 *SEC. 43. Section 22500 of the Vehicle Code is*  
18 *amended to read:*

19 22500. No person shall stop, park, or leave standing  
20 any vehicle whether attended or unattended, except  
21 when necessary to avoid conflict with other traffic or in  
22 compliance with the directions of a peace officer or  
23 official traffic control device, in any of the following  
24 places:

25 (a) Within an intersection, except adjacent to curbs as  
26 may be permitted by local ordinance.

27 (b) On a crosswalk, except that a bus engaged as a  
28 common carrier or a taxicab may stop in an unmarked  
29 crosswalk to load or unload passengers when authorized  
30 by the legislative body of any city pursuant to *an*  
31 ordinance.

32 (c) Between a safety zone and the adjacent right-hand  
33 curb or within the area between the zone and the curb  
34 as may be indicated by a sign or red paint on the curb,  
35 which sign or paint was erected or placed by local  
36 authorities pursuant to *an* ordinance.

37 (d) Within 15 feet of the driveway entrance to any fire  
38 station. This ~~paragraph~~ *subdivision* does not apply to any  
39 vehicle owned or operated by a fire department and  
40 clearly marked as a fire department vehicle.



1 (e) In front of a public or private driveway, except that  
2 a bus engaged as a common carrier, schoolbus, or a taxicab  
3 may stop to load or unload passengers when authorized  
4 by local authorities pursuant to *an* ordinance.

5 In unincorporated territory, where the entrance of a  
6 private road or driveway is not delineated by an opening  
7 in a curb or by other curb construction, so much of the  
8 surface of the ground as is paved, surfaced, or otherwise  
9 plainly marked by vehicle use as a private road or  
10 driveway entrance, shall constitute a driveway.

11 (f) On *or extending over* a sidewalk, except electric  
12 carts when authorized by local ordinance, as specified in  
13 Section 21114.5.

14 (g) Alongside or opposite any street or highway  
15 excavation or obstruction when stopping, standing, or  
16 parking would obstruct traffic.

17 (h) On the roadway side of any vehicle stopped,  
18 parked, or standing at the curb or edge of a highway,  
19 except for a schoolbus when stopped to load or unload  
20 pupils in a business or residence district where the speed  
21 limit is 25 miles per hour or less.

22 (i) Except as provided under Section 22500.5,  
23 alongside curb space authorized for the loading and  
24 unloading of passengers of a bus engaged as a common  
25 carrier in local transportation when indicated by a sign or  
26 red paint on the curb erected or painted by local  
27 authorities pursuant to *an* ordinance.

28 (j) In a tube or tunnel, except vehicles of the  
29 authorities in charge, being used in the repair,  
30 maintenance, or inspection of the facility.

31 (k) Upon a bridge, except vehicles of the authorities in  
32 charge, being used in the repair, maintenance, or  
33 inspection of the facility, and except that buses engaged  
34 as a common carrier in local transportation may stop to  
35 load or unload passengers upon a bridge where sidewalks  
36 are provided, when authorized by local authorities  
37 pursuant to *an* ordinance, and except that local  
38 authorities pursuant to *an* ordinance or the Department  
39 of Transportation pursuant to *an* order, within their  
40 respective jurisdictions, may permit parking on bridges



1 having sidewalks and shoulders of sufficient width to  
2 permit parking without interfering with the normal  
3 movement of traffic on the roadway. Local authorities  
4 ~~may~~, by ordinance or resolution, *may* permit parking on  
5 *these* such bridges on state highways in their respective  
6 jurisdictions if the ordinance or resolution is first  
7 approved in writing by the Department of  
8 Transportation. Parking shall not be permitted unless  
9 there are signs in place, as may be necessary, to indicate  
10 the provisions of local ordinances or the order of the  
11 Department of Transportation.

12 (l) In front of that portion of a curb ~~which that~~ has  
13 been cut down, lowered, or constructed to provide  
14 wheelchair accessibility to the sidewalk and ~~which that~~ is  
15 designated for wheelchair access by either a sign or red  
16 paint on the curb pursuant to an ordinance of the local  
17 authority.

18 *SEC. 44. Section 34501.12 of the Vehicle Code is*  
19 *amended to read:*

20 34501.12. (a) Notwithstanding Section 408, as used in  
21 this section and Sections 34505.5 and 34505.6, “motor  
22 carrier” means the registered owner of any vehicle  
23 described in subdivision (a), (b), (e), (f), or (g) of  
24 Section 34500, except in the following circumstances:

25 (1) The registered owner leases the vehicle to another  
26 person for a term of more than four months. If the lease  
27 is for more than four months, the lessee is the motor  
28 carrier.

29 (2) The registered owner operates the vehicle  
30 exclusively under the authority and direction of another  
31 person. If the operation is exclusively under the authority  
32 and direction of another person, that other person may  
33 assume the responsibilities as the motor carrier. If not so  
34 assumed, the registered owner is the motor carrier. A  
35 person who assumes the motor carrier responsibilities of  
36 another pursuant to subdivision (b) shall provide to that  
37 other person whose motor carrier responsibility is so  
38 assumed, a completed copy of a department form  
39 documenting that assumption, stating the period for  
40 which responsibility is assumed, and signed by an agent



1 of the assuming person. A legible copy shall be carried in  
 2 each vehicle or combination of vehicles operated on the  
 3 highway during the period for which responsibility is  
 4 assumed. That copy shall be presented upon request by  
 5 any authorized employee of the department. The original  
 6 completed departmental form documenting the  
 7 assumption shall be provided to the department within 30  
 8 days of the assumption. If the assumption of responsibility  
 9 is terminated, the person who had assumed responsibility  
 10 shall so notify the department in writing within 30 days  
 11 of the termination.

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

15 (A) The carrier identifies to the department, in  
 16 writing, each terminal proposed to be included in the  
 17 combination of terminals for purposes of this subdivision  
 18 prior to an inspection of the designated terminal pursuant  
 19 to subdivision (d).

20 (B) The carrier provides the department, prior to the  
 21 inspection of the designated terminal pursuant to  
 22 subdivision (d) a written listing of all its vehicles of a type  
 23 subject to subdivision (a), (b), (e), (f), or (g) of Section  
 24 34500 which are based at each of the terminals combined  
 25 for purposes of this subdivision. The listing shall specify  
 26 the number of vehicles of each type at each terminal.

27 (C) The carrier provides to the department at the  
 28 designated terminal during the inspection all  
 29 maintenance records and driver records and a  
 30 representative sample of vehicles based at each of the  
 31 terminals included within the combination of terminals.

32 (2) If the carrier fails to provide the maintenance  
 33 records, driver records, and representative sample of  
 34 vehicles pursuant to subparagraph (C) of paragraph (1),  
 35 the department shall assign the carrier an unsatisfactory  
 36 terminal rating and require a reinspection to be  
 37 conducted pursuant to subdivision (h).

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



1 (A) "Driver records" includes pull notice system  
2 records, driver proficiency records, and driver  
3 timekeeping records.

4 (B) "Maintenance records" includes all required  
5 maintenance, lubrication, and repair records and drivers'  
6 daily vehicle condition reports.

7 (C) "Representative sample" means the following,  
8 applied separately to the carrier's fleet of motortrucks  
9 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

21 (c) Each motor carrier who, in this state, directs the  
22 operation of, or maintains, any vehicle of a type described  
23 in subdivision (a) shall designate one or more terminals,  
24 as defined in Section 34515, in this state where vehicles  
25 can be inspected by the department pursuant to  
26 paragraph (3) of subdivision (a) of Section 34501 and  
27 where vehicle inspection and maintenance records and  
28 driver records will be made available for inspection.

29 (d) The department shall inspect, at least every 25  
30 months, every terminal, as defined in Section 34515, of  
31 any motor carrier who, at any time, operates any vehicle  
32 described in subdivision (a).

33 As used in this section and in Sections 34505.5 and  
34 34505.6, subdivision (f) of Section 34500 includes only  
35 those combinations where the gross vehicle weight rating  
36 (GVWR) of the towing vehicle exceeds 10,000 pounds,  
37 but does not include a pickup truck, and subdivision (g)  
38 of Section 34500 includes only those vehicles transporting  
39 hazardous material for which the display of placards is  
40 required pursuant to Section 27903, a license is required



1 pursuant to Section 32000.5, or for which hazardous waste  
2 ~~hauler~~ *transporter* registration is required pursuant to  
3 Section 25163 of the Health and Safety Code. Historical  
4 vehicles, as described in Section 5004, vehicles which  
5 display special identification plates in accordance with  
6 Section 5011, implements of husbandry *and farm*  
7 *vehicles*, as defined in Chapter 1 (commencing with  
8 Section 36000) of Division 16, and vehicles owned or  
9 operated by an agency of the federal government are not  
10 subject to this section or to Sections 34505.5 and 34505.6.

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

26 (2) Except as provided in paragraph (4), the  
27 inspection term for each inspected terminal of a motor  
28 carrier shall expire 25 months from the date the terminal  
29 receives a satisfactory compliance rating, as specified in  
30 subdivision (h). Applications and fees for subsequent  
31 inspections shall be submitted not earlier than nine  
32 months and not later than seven months before the  
33 expiration of the motor carrier's then current inspection  
34 term. If the motor carrier has submitted the inspection  
35 application and the required accompanying fees, but the  
36 department is unable to complete the inspection within  
37 the 25-month inspection period, then no additional fee  
38 shall be required for the inspection requested in the  
39 original application.



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

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

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

28 (g) ~~On and after July 1, 1992, it~~ *It* is unlawful for any  
29 motor carrier to operate any vehicle subject to this  
30 section after submitting an inspection application to the  
31 department, without the inspection described in  
32 subdivision (d) having been performed and a safety  
33 compliance report having been issued to the motor  
34 carrier within the 25-month inspection period or within  
35 60 days immediately preceding the inspection period.

36 (h) (1) Any inspected terminal that receives an  
37 unsatisfactory compliance rating shall be reinspected  
38 within 120 days after the issuance of the unsatisfactory  
39 compliance rating.

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

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

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

9 (C) The motor carrier failed to provide all required  
10 records and vehicles for a consolidated inspection  
11 pursuant to subdivision (b).

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

15 (4) Applications for reinspection pursuant to  
16 paragraph (3) or for second and subsequent consecutive  
17 reinspections under this subdivision shall be  
18 accompanied by the fee specified in paragraph (1) of  
19 subdivision (e) and shall be filed within 60 days of  
20 issuance of the unsatisfactory compliance rating. The  
21 reinspection fee is nonrefundable.

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

27 (i) It is the intent of the Legislature that the  
28 department make its best efforts to inspect terminals  
29 within the resources provided. In the interest of the state,  
30 the Commissioner of the California Highway Patrol may  
31 extend for a period not to exceed six months the  
32 inspection terms beginning prior to July 1, 1990.

33 (j) To encourage truck terminal operators to attain  
34 continuous satisfactory compliance ratings, the  
35 department may establish and implement an incentive  
36 program consisting of the following:

37 (1) After the second consecutive satisfactory  
38 compliance rating assigned as a result of an inspection  
39 conducted pursuant to subdivision (d), and after each  
40 consecutive satisfactory compliance rating thereafter, an



1 appropriate certificate, denoting the number of  
2 consecutive satisfactory ratings, shall be awarded to the  
3 terminal, unless the terminal has received an  
4 unsatisfactory compliance rating as a result of any  
5 inspection conducted in the interim between the  
6 consecutive inspections conducted under subdivision  
7 (d). The certificate authorized under this paragraph shall  
8 not be awarded for performance in the administrative  
9 review authorized under paragraph (2). However, the  
10 certificate shall include a reference to any administrative  
11 reviews conducted during the period of consecutive  
12 satisfactory ratings.

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

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

30 (B) A review with a terminal management  
31 representative of the carrier's record as contained in the  
32 department's files. If a terminal has been authorized a  
33 second consecutive administrative review, the review  
34 required under this subparagraph is optional, and may be  
35 omitted at the carrier's request.

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

14 (4) As a condition for receiving the administrative  
15 reviews authorized under this subdivision in lieu of  
16 inspections, and in order to ensure that compliance levels  
17 remain satisfactory, the motor carrier shall agree to  
18 accept random, unannounced inspections by the  
19 department.

20 *SEC. 45. Section 34510 of the Vehicle Code is*  
21 *amended to read:*

22 34510. (a) Persons operating vehicles, or  
23 combinations of vehicles, in the transportation of  
24 hazardous material and subject to this division, shall carry  
25 in the vehicle while en route any shipping papers  
26 required to accompany the vehicle in accordance with  
27 regulations adopted pursuant to Section 2402. The bill of  
28 lading or other shipping paper shall be displayed upon  
29 demand of any member of the California Highway Patrol  
30 or any police officer of a city who is on duty for the  
31 exclusive or main purpose of enforcing the provisions of  
32 this code.

33 ~~(b) Persons operating vehicles, or combinations of~~  
34 ~~vehicles, in intermodal transportation of a container or~~  
35 ~~trailer having an actual gross cargo weight of more than~~  
36 ~~10,000 pounds, shall carry, in the vehicle while en route,~~  
37 ~~a certification of actual gross cargo weight and a~~  
38 ~~reasonable description of the contents of the container or~~  
39 ~~trailer issued in accordance with Section 508 of Title 49 of~~  
40 ~~the United States Code. The certification shall be~~



1 ~~displayed upon demand and open to inspection by any~~  
2 ~~member of the California Highway Patrol or any police~~  
3 ~~officer of a city who is on duty for the exclusive or main~~  
4 ~~purpose of enforcing the provisions of this code. It is a~~  
5 ~~rebuttable presumption that the certification carried in~~  
6 ~~the vehicle is a true and accurate copy of the original~~  
7 ~~certification tendered for intermodal transportation~~  
8 ~~pursuant to Section 508 of Title 49 of the United States~~  
9 ~~Code.~~

10 (e) Upon the request of any person engaged in the  
11 loading of a container or trailer, having an actual gross  
12 cargo weight of more than 10,000 pounds, with  
13 agricultural products at a field or packing shed for  
14 transport in intermodal transportation, the vehicle  
15 operator shall provide the person with the tare weight of  
16 the tractor, container, or trailer to be loaded.

17 *SEC. 46. Section 34631.5 of the Vehicle Code is*  
18 *amended to read:*

19 34631.5. (a) (1) Every motor carrier of property as  
20 defined in Section 34601, except those subject to  
21 paragraph (2), (3), or (4), shall provide and thereafter  
22 continue in effect adequate protection against liability  
23 imposed by law upon those carriers for the payment of  
24 damages in the amount of a combined single limit of not  
25 less than seven hundred fifty thousand dollars (\$750,000)  
26 on account of bodily injuries to, or death of, one or more  
27 persons, or damage to or destruction of, property other  
28 than property being transported by the carrier for any  
29 shipper or consignee whether the property of one or  
30 more than one claimant in any one accident.

31 *Notwithstanding any other provision of law, this section*  
32 *applies to for hire tow trucks with a gross vehicle weight*  
33 *rating (GVWR) of 10,000 pounds or more performing*  
34 *emergency moves.*

35 (2) Every motor carrier of property, as defined in  
36 Section 34601, who operates only vehicles under 10,000  
37 pounds ~~gross vehicle weight rating (GVWR)~~ GVWR and  
38 who does not transport any commodity subject to  
39 paragraph (3) or (4), shall provide and thereafter  
40 continue in effect adequate protection against liability



1 imposed by law for the payment of damages caused by  
2 bodily injuries to or the death of any person; or for  
3 damage to or destruction of property of others, other than  
4 property being transported by the carrier, in an amount  
5 not less than three hundred thousand dollars (\$300,000).

6 (3) Every intrastate motor carrier of property, as  
7 defined in Section 34601, who transports petroleum  
8 products in bulk, including waste petroleum and waste  
9 petroleum products, shall provide and thereafter  
10 continue in effect adequate protection against liability  
11 imposed by law upon the carrier for the payment of  
12 damages for personal bodily injuries (including death  
13 resulting therefrom) in the amount of not less than five  
14 hundred thousand dollars (\$500,000) on account of bodily  
15 injuries to, or death of, one person; and protection against  
16 a total liability of those carriers on account of bodily  
17 injuries to, or death of more than one person as a result  
18 of any one accident, but subject to the same limitation for  
19 each person in the amount of not less than one million  
20 dollars (\$1,000,000); and protection in an amount of not  
21 less than two hundred thousand dollars (\$200,000) for one  
22 accident resulting in damage to or destruction to  
23 property other than property being transported by the  
24 carrier for any shipper or consignee, whether the  
25 property of one or more than one claimant; or a combined  
26 single limit in the amount of not less than one million two  
27 hundred thousand dollars (\$1,200,000) on account of  
28 bodily injuries to, or death of, one or more person or  
29 damage to or destruction of property, or both, other than  
30 property being transported by the carrier for any shipper  
31 or consignee whether the property of one or more than  
32 one claimant in any one accident.

33 (4) Except as provided in paragraph (3), every motor  
34 carrier of property, as defined in Section 34601, that  
35 transports any hazardous material, as defined by Section  
36 353, shall provide and thereafter continue in effect  
37 adequate protection against liability imposed by law on  
38 those carriers for the payment of damages for personal  
39 injury or death, and damage to or destruction of property,  
40 in amounts of not less than the minimum levels of





1 (5) The protection required under paragraphs (1),  
2 (2), (3), and (4) shall be evidenced by the deposit with  
3 the department, covering each vehicle used or to be used  
4 in conducting the service performed by each motor  
5 carrier of property, an authorized certificate of public  
6 liability and property damage insurance, issued by a  
7 company licensed to write the insurance in the State of  
8 California, or by a nonadmitted insurer subject to Section  
9 1763 of the Insurance Code.

10 (6) The protection required under paragraphs (1),  
11 (2), (3), and (4) by every motor carrier of property  
12 engaged in interstate or foreign transportation of  
13 property in or through California, shall be evidenced by  
14 the filing and acceptance of a department authorized  
15 certificate of insurance, or qualification as a self-insurer as  
16 may be authorized by law.

17 (7) A certificate of insurance, evidencing the  
18 protection, shall not be cancelable on less than 30 days'  
19 written notice to the department, the notice to  
20 commence to run from the date notice is actually  
21 received at the office of the department in Sacramento.

22 (8) Every insurance certificate or equivalent  
23 protection to the public shall contain a provision that the  
24 certificate or equivalent protection shall remain in full  
25 force and effect until canceled in the manner provided by  
26 paragraph (7).

27 (9) Upon cancellation of an insurance certificate or  
28 the cancellation of equivalent protection authorized by  
29 the Department of Motor Vehicles, the motor carrier  
30 permit of any motor carrier of property, shall stand  
31 suspended immediately upon the effective date of the  
32 cancellations.

33 (10) No carrier shall engage in any operation on any  
34 public highway of this state during the suspension of its  
35 permit.

36 (11) No motor carrier of property, whose permit has  
37 been suspended under paragraph (9) shall resume  
38 operations unless and until the carrier has filed an  
39 insurance certificate or equivalent protection in effect at  
40 the time and that meets the standards set forth in this



1 section. The operative rights of the complying carriers  
2 shall be reinstated from suspension upon the filing of an  
3 insurance certificate or equivalent protection.

4 (12) In order to expedite the processing insurance  
5 filings by the department, each insurance filing made  
6 should contain the insured's California carrier number, if  
7 known, in the upper right corner of the certificate.

8 *SEC. 47. Section 35701 of the Vehicle Code is*  
9 *amended to read:*

10 35701. (a) Any city, or county for a residence district,  
11 may, by ordinance, prohibit the use of a street by any  
12 commercial vehicle or by any vehicle exceeding a  
13 maximum gross weight limit, except with respect to any  
14 vehicle which is subject to *Division 10 (commencing with*  
15 *Section 24501) of, Division 11 (commencing with Section*  
16 *120000) of, Division 11.5 (commencing with Section*  
17 *125000) of, or Sections 1031 to 1036, inclusive, of, the*  
18 *Public Utilities Code or subject to Chapter 1932 of the*  
19 *Statutes of 1961, as amended, or Chapter 104 of the First*  
20 *Extraordinary Session of the 1964 Legislature, as*  
21 *amended, and except with respect to vehicles used for the*  
22 *collection and transportation of garbage, rubbish, or*  
23 *refuse using traditionally used routes in San Diego*  
24 *County when the solid waste management plan prepared*  
25 *under Section 66780.1 of the Government Code is*  
26 *amended to designate each traditionally used route used*  
27 *for the purpose of transporting garbage, rubbish, or*  
28 *refuse which intersects with a local or regional arterial*  
29 *circulation route contained within a city or county's*  
30 *traffic circulation element and which provides access to*  
31 *a solid waste disposal site.*

32 (b) The ordinance shall not be effective until  
33 appropriate signs are erected indicating either the streets  
34 affected by the ordinance or the streets not affected, as  
35 the local authority determines will best serve to give  
36 notice of the ordinance.

37 (c) No ordinance adopted pursuant to this section  
38 after November 10, 1969, shall apply to any state highway  
39 which is included in the National System of Interstate and  
40 Defense Highways, except an ordinance which has been



1 approved by a two-thirds vote of the California  
2 Transportation Commission.

3 (d) The solid waste management plan prepared under  
4 Section 66780.1 of the Government Code by San Diego  
5 County may designate the traditionally used routes.

6 (e) "Traditionally used route," for purposes of this  
7 section, means any street used for a period of one year or  
8 more as access to or from a solid waste disposal site.

9 SEC. 48. Section 36101 of the Vehicle Code is  
10 amended to read:

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

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

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

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

33 (d) (1) A cotton module mover, as defined in Section  
34 36012.

35 (2) In order to maintain the exemption from  
36 registration granted under this subdivision for a truck  
37 tractor, when combined with a semitrailer, the owner of  
38 that truck tractor shall not operate it during the  
39 exemption period in any manner other than as a cotton



1 module mover, as defined in Section 36012, and shall do  
2 all of the following:

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

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

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

19 (4) Truck tractors exempt from registration under this  
20 subdivision are subject to the fees imposed under Sections  
21 9250, 9250.8, and 9250.13, and to any other vehicle fees  
22 that are imposed by statute on or after January 1, 1998,  
23 that are deposited in the Motor Vehicle Account.

24 (e) A trailer that is equipped with a plenum chamber  
25 for the drying of agricultural commodities.

26 (f) Except as provided in subdivision (j) of Section  
27 36005, a trap wagon, as defined in Section 36016, that is  
28 equipped with a fuel tank or tanks. The fuel tank or tanks  
29 shall not exceed 3,000 gallons total capacity.

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

33 (h) A truck tractor or truck tractor and semitrailer  
34 combination specified in this subdivision that is owned by  
35 a farmer and operated on the highways only incidental to  
36 a farming operation and not for compensation. This  
37 subdivision applies only to truck tractors with a  
38 manufacturer's gross vehicle weight rating over 10,000  
39 pounds that are equipped with all-wheel drive and  
40 off-highway traction tires on all wheels, and only to



1 semitrailers used in combination with that truck tractor  
2 and exclusively in the production or harvesting of melons.  
3 The vehicles specified in this subdivision shall not be  
4 operated in excess of 25 miles per hour on the highways.

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

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

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

30 ~~SEC. 14.—~~

31 *SEC. 49. Section 40002.1 of the Vehicle Code is*  
32 *amended to read:*

33 40002.1. (a) Whenever any person has failed to  
34 appear in the court designated in the notice specified in  
35 subdivision (b) of Section 40002, ~~for a period of 15 or more~~  
36 ~~days~~ following personal service of the notice or deposit in  
37 the mail pursuant to Section 22, the magistrate or clerk of  
38 the court may give notice of that fact to the department.  
39 ~~Except as provided in subdivision (b), the court shall~~  
40 ~~provide this notice of noncompliance to the department~~



1 ~~within 30 days following expiration of the 15-day period.~~  
2 Whenever thereafter the matter is adjudicated, including  
3 a dismissal of the charges upon forfeiture of bail or  
4 otherwise, the magistrate or clerk of the court hearing the  
5 matter shall immediately (1) endorse a certificate to that  
6 effect, (2) provide the person or the person's attorney  
7 with a copy of the certificate, and (3) transmit a copy of  
8 the certificate to the department.

9 (b) No notice of noncompliance may be transmitted to  
10 the department pursuant to subdivision (a) if a warrant  
11 of arrest has been issued on the same offense pursuant to  
12 subdivision (b) of Section 40002. No warrant of arrest may  
13 be issued pursuant to subdivision (b) of Section 40002 if  
14 a notice of noncompliance has been transmitted to the  
15 department on the same offense pursuant to this section,  
16 except that, when a notice has been received by the court  
17 pursuant to subdivision (c) of Section 4766 or recalled by  
18 motion of the court, a warrant may then be issued.

19 *SEC. 50. Section 40509 of the Vehicle Code is*  
20 *amended to read:*

21 40509. (a) Except as required under subdivision (c)  
22 of Section 40509.5, if any person has ~~for a period of 15 or~~  
23 ~~more days~~ violated a written promise to appear or a  
24 lawfully granted continuance of his or her promise to  
25 appear in court or before the person authorized to  
26 receive a deposit of bail, or violated an order to appear in  
27 court, including, but not limited to, a written notice to  
28 appear issued in accordance with Section 40518, the  
29 magistrate or clerk of the court may give notice of the  
30 failure to appear to the department for any violation of  
31 this code, or any violation that can be heard by a juvenile  
32 traffic hearing referee pursuant to Section 256 of the  
33 Welfare and Institutions Code, or any violation of any  
34 other statute relating to the safe operation of a vehicle,  
35 except violations not required to be reported pursuant to  
36 paragraphs (1), (2), (3), (6), *and* (7), ~~and~~ (8) of  
37 subdivision (b) of Section 1803. ~~The notice shall be given~~  
38 ~~within 60 days of the failure to appear.~~ If thereafter the  
39 case in which the promise was given is adjudicated or the  
40 person who has violated the court order appears in court



1 or otherwise satisfies the order of the court, the  
2 magistrate or clerk of the court hearing the case shall sign  
3 and file with the department a certificate to that effect.

4 (b) If any person has, ~~for a period of 15 or more days,~~  
5 willfully failed to pay a lawfully imposed fine within the  
6 time authorized by the court or to pay a fine pursuant to  
7 subdivision (a) of Section 42003, the magistrate or clerk  
8 of the court may give notice of the fact to the department  
9 for any violation, except violations not required to be  
10 reported pursuant to paragraphs (1), (2), (3), (6), and  
11 (7), ~~and (8)~~ of subdivision (b) of Section 1803. If  
12 thereafter the fine is fully paid, the magistrate or clerk of  
13 the court shall issue and file with the department a  
14 certificate showing that the fine has been paid.

15 (c) (1) Notwithstanding subdivisions (a) and (b), the  
16 court may notify the department of the total amount of  
17 bail, fines, assessments, and fees authorized or required  
18 by this code, including Section 40508.5, which are unpaid  
19 by any person.

20 (2) Once a court has established the amount of a fine  
21 and any assessments, and notified the department, the  
22 court shall not further enhance or modify that amount.

23 (3) This subdivision applies only to violations of this  
24 code that do not require a mandatory court appearance,  
25 are not contested by the defendant, and do not require  
26 proof of correction certified by the court.

27 (d) ~~Whenever any person has for a period of 15 or~~  
28 ~~more days willfully failed to obey any court order~~  
29 ~~concerning a violation of this code other than failure to~~  
30 ~~appear or pay a fine, the department shall suspend the~~  
31 ~~person's privilege to operate a motor vehicle until~~  
32 ~~compliance with the court order is shown. The magistrate~~  
33 ~~or clerk of the court may give notice of any~~  
34 ~~noncompliance of a court order to the department. The~~  
35 ~~suspension shall not become effective until 45 days after~~  
36 ~~the giving of written notice by the department to the~~  
37 ~~person or until the end of any stay of suspension.~~  
38 ~~However, this subdivision does not apply to court orders~~  
39 ~~concerning violations enumerated in paragraphs (1), (2),~~  
40 ~~(3), (6), and (7) of subdivision (b) of Section 1803.~~



1 ~~(e)~~—With respect to a violation of this code, this section  
2 is applicable to any court which has not elected to be  
3 subject to the notice requirements of subdivision (b) of  
4 Section 40509.5.

5 ~~(f)~~—

6 (e) Any violation subject to Section 40001, which is the  
7 responsibility of the owner of the vehicle, shall not be  
8 reported under this section.

9 *SEC. 51. Section 40509.1 of the Vehicle Code is*  
10 *amended to read:*

11 40509.1. If any person has, ~~for a period of 15 or more~~  
12 ~~days,~~ willfully failed to comply with a court order, except  
13 a failure to appear, to pay a fine, or to attend traffic  
14 violator school, which was issued for a violation of this  
15 code, the magistrate or clerk of the court may give notice  
16 of the fact to the department.

17 *SEC. 52. Section 40509.5 of the Vehicle Code is*  
18 *amended to read:*

19 40509.5. (a) Except as required under subdivision  
20 (c), if, with respect to an offense described in subdivision  
21 ~~(e), any person has, for a period of 15 or more days,~~  
22 violated his or her written promise to appear or a lawfully  
23 granted continuance of his or her promise to appear in  
24 court or before the person authorized to receive a deposit  
25 of bail, or violated an order to appear in court, the  
26 magistrate or clerk of the court may give notice of the  
27 failure to appear to the department for any violation of  
28 this code, any violation that can be heard by a juvenile  
29 traffic hearing referee pursuant to Section 256 of the  
30 Welfare and Institutions Code, or any violation of any  
31 other statute relating to the safe operation of a vehicle,  
32 except violations not required to be reported pursuant to  
33 paragraphs (1), (2), (3), (6), and (7) of subdivision (b)  
34 of Section 1803. ~~The notice shall be given within 60 days~~  
35 ~~of the failure to appear.~~ If thereafter the case in which the  
36 promise was given is adjudicated or the person who has  
37 violated the court order appears in court and satisfies the  
38 order of the court, the magistrate or clerk of the court  
39 hearing the case shall sign and file with the department  
40 a certificate to that effect.



1 (b) If, with respect to an offense described in  
2 subdivision (e), ~~any person has, for a period of 15 or more~~  
3 ~~days,~~ willfully failed to pay a lawfully imposed fine within  
4 the time authorized by the court or to pay a fine pursuant  
5 to subdivision (a) of Section 42003, the magistrate or clerk  
6 of the court may give notice of the fact to the department  
7 for any violation, except violations not required to be  
8 reported pursuant to paragraphs (1), (2), (3), (6), and  
9 (7) of subdivision (b) of Section 1803. If thereafter the  
10 fine is fully paid, the magistrate or clerk of the court shall  
11 issue and file with the department a certificate showing  
12 that the fine has been paid.

13 (c) If any person charged with a violation of Section  
14 23152 or 23153, or Section 191.5 of the Penal Code, or  
15 paragraph (3) of subdivision (c) of Section 192 of that  
16 code ~~has, for a period of 15 or more days,~~ violated a  
17 lawfully granted continuance of his or her promise to  
18 appear in court or is released from custody on his or her  
19 own recognizance and fails to appear in court or before  
20 the person authorized to receive a deposit of bail, or  
21 violated an order to appear in court, the magistrate or  
22 clerk of the court shall give notice to the department of  
23 the failure to appear. ~~The notice shall be given within 60~~  
24 ~~days of the failure to appear.~~ If thereafter the case in  
25 which the notice was given is adjudicated or the person  
26 who has violated the court order appears in court or  
27 otherwise satisfies the order of the court, the magistrate  
28 or clerk of the court hearing the case shall prepare and  
29 forward to the department a certificate to that effect.

30 (d) Except as required under subdivision (c), the  
31 court shall mail a courtesy warning notice to the  
32 defendant by first-class mail at the address shown on the  
33 notice to appear, at least 10 days before sending a notice  
34 to the department under this section.

35 (e) If the court notifies the department of a failure to  
36 appear or pay a fine pursuant to subdivision (a) or (b), no  
37 arrest warrant shall be issued for an alleged violation of  
38 subdivision (a) or (b) of Section 40508 ~~or of a court order~~  
39 ~~issued pursuant to subdivision (a) of Section 42003,~~ unless  
40 one of the following criteria is met:



1 (1) The alleged underlying offense is a misdemeanor  
2 or felony.

3 (2) The alleged underlying offense is a violation of any  
4 provision of Division 12 (commencing with Section  
5 24000), Division 13 (commencing with Section 29000), or  
6 Division 15 (commencing with Section 35000), required  
7 to be reported pursuant to Section 1803.

8 (3) The driver's record does not show that the  
9 defendant has a valid California driver's license.

10 (4) The driver's record shows an unresolved charge  
11 that the defendant is in violation of his or her written  
12 promise to appear for one or more other alleged  
13 violations of the law.

14 (f) Except as required under subdivision (c), in  
15 addition to the proceedings described in this section, the  
16 court may elect to notify the department pursuant to  
17 subdivision (c) of Section 40509.

18 ~~(g) Whenever any person has for a period of 15 or  
19 more days willfully failed to obey any court order  
20 concerning a violation of this code other than failure to  
21 appear or pay a fine, the department shall suspend the  
22 person's privilege to operate a motor vehicle until  
23 compliance with the court order is shown. The magistrate  
24 or clerk of the court may give notice of any  
25 noncompliance of a court order to the department. The  
26 suspension shall not become effective until 45 days after  
27 the giving of written notice by the department to the  
28 person or until the end of any stay of suspension.  
29 However, this subdivision does not apply to court orders  
30 concerning violations enumerated in paragraphs (1), (2),  
31 (3), (6), and (7) of subdivision (b) of Section 1803.~~

32 ~~(h) This section is applicable to courts which have  
33 elected to provide notice pursuant to subdivision (b). The  
34 method of commencing or terminating an election to  
35 proceed under this section shall be prescribed by the  
36 department.~~

37 ~~(i)~~

38 (h) Any violation subject to Section 40001, which is the  
39 responsibility of the owner of the vehicle, shall not be  
40 reported under this section.



1 SEC. 53. No reimbursement is required by this act  
2 pursuant to Section 6 of Article XIII B of the California  
3 Constitution because the only costs that may be incurred  
4 by a local agency or school district will be incurred  
5 because this act creates a new crime or infraction,  
6 eliminates a crime or infraction, or changes the penalty  
7 for a crime or infraction, within the meaning of Section  
8 17556 of the Government Code, or changes the definition  
9 of a crime within the meaning of Section 6 of Article  
10 XIII B of the California Constitution.

11 Notwithstanding Section 17580 of the Government  
12 Code, unless otherwise specified, the provisions of this act  
13 shall become operative on the same date that the act  
14 takes effect pursuant to the California Constitution.

