

AMENDED IN SENATE JULY 14, 1998

AMENDED IN SENATE JULY 7, 1998

AMENDED IN SENATE JUNE 23, 1998

AMENDED IN ASSEMBLY APRIL 20, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 2372

**Introduced by Committee on Public Safety (Perata (Chair),
Bowler, Cunneen, Cunneen, Hertzberg, House, Murray,
Napolitano, and Washington)**

February 20, 1998

An act to amend Sections 12000, 12001, 12005.5, 12081, and 12101 of the Health and Safety Code, and to amend Sections 31600, 32000.5, and 34631.5 of the Vehicle Code, relating to explosives.

LEGISLATIVE COUNSEL'S DIGEST

AB 2372, as amended, Committee on Public Safety. Explosives.

(1) Existing law regulates the sale, use, transportation, and related conduct with respect to explosives, which are defined to include class A and class B explosives as classified by the United States Department of Transportation.

This bill would revise those definitions and related exemptions to apply to explosives in classes 1.1, 1.2, 1.3, 1.4, 1.5, or 1.6 as defined by that department, and explosives as defined in specified provisions of federal law. By expanding the

definitions of existing crimes, the bill would create a state-mandated local program.

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

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

(3) *Furthermore, this bill would incorporate amendments to Section 34631.5 of the Vehicle Code proposed by both this bill and AB 2132 which shall only become operative if (1) both bills are enacted and become effective on or before January 1, 1999, (2) each bill amends Section 34631.5 of the Vehicle Code, and (3) this bill is enacted after AB 2132.*

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 12000 of the Health and Safety
2 Code is amended to read:

3 12000. For the purposes of this part, “explosives”
4 means any substance, or combination of substances, the
5 primary or common purpose of which is detonation or
6 rapid combustion, and which is capable of a relatively
7 instantaneous or rapid release of gas and heat, or any
8 substance, the primary purpose of which, when
9 combined with others, is to form a substance capable of
10 a relatively instantaneous or rapid release of gas and heat.
11 “Explosives” includes, but is not limited to, any explosives
12 as defined in Section 841 of Title 18 of the United States
13 Code and Section 55.23 of Title 27 of the Code of Federal
14 Regulations, and any of the following:

15 (a) Dynamite, nitroglycerine, picric acid, lead azide,
16 fulminate of mercury, black powder, smokeless powder,
17 propellant explosives, detonating primers, blasting caps,
18 or commercial boosters.

19 (b) Substances determined to be class 1.1, class 1.2,
20 class 1.3, and class 1.6 explosives as classified by the United



1 States Department of Transportation under the United
2 Nations guidelines.

3 (c) Nitro carbo nitrate substances (blasting agent)
4 classified as class 1.5 explosives by the United States
5 Department of Transportation under the United Nations
6 guidelines.

7 (d) Any material designated as an explosive by the
8 State Fire Marshal. The designation shall be made
9 pursuant to the classification standards established by the
10 United States Department of Transportation. The State
11 Fire Marshal shall adopt regulations in accordance with
12 the Government Code to establish procedures for the
13 classification and designation of explosive materials or
14 explosive devices that are not under the jurisdiction of the
15 United States Department of Transportation pursuant to
16 provisions of Section 841 of Title 18 of the United States
17 Code and Section 55.23 of Title 27 of the Code of Federal
18 Regulations that define explosives.

19 (e) Certain class 1.4 explosives as designated by the
20 United States Department of Transportation under the
21 United Nations guidelines when listed in regulations
22 adopted by the State Fire Marshal.

23 (f) For the purposes of this part, “explosives” does not
24 include any destructive device, as defined in Section
25 12301 of the Penal Code, nor does it include ammunition
26 or small arms primers manufactured for use in shotguns,
27 rifles, and pistols.

28 SEC. 2. Section 12001 of the Health and Safety Code
29 is amended to read:

30 12001. This part does not apply to any of the following:

31 (a) Any person engaged in the transportation of
32 explosives regulated by, and when subject to, the
33 provisions of Division 14 (commencing with Section
34 31600) of the Vehicle Code.

35 (b) Small arms ammunition of .75 caliber or less when
36 designated as a class 1.4 explosive by the United States
37 Department of Transportation.

38 (c) Fireworks regulated under Part 2 (commencing
39 with Section 12500) of this division, including, but not



1 limited to, special effects pyrotechnics regulated by the
2 State Fire Marshal pursuant to Section 12555.

3 (d) Any explosives while in the course of
4 transportation via railroad, aircraft, water, or highway
5 when the explosives are in actual movement and under
6 the jurisdiction of and in conformity with regulations
7 adopted by the United States Department of
8 Transportation, United States Coast Guard, or the
9 Federal Aviation Agency. However, no explosives shall
10 be sold, given away, or delivered except as provided in
11 Section 12120.

12 (e) Special fireworks classified by the United States
13 Department of Transportation as class 1.3 explosives
14 when those special fireworks are regulated under Part 2
15 (commencing with Section 12500) of this division, when
16 a permit has been issued pursuant to regulations of the
17 State Fire Marshal.

18 (f) (1) Black powder in quantities of 25 pounds or less
19 in the hands of a retailer having a permit issued under
20 Article 2 (commencing with Section 6066) of Chapter 2
21 of Part 1 of Division 2 of the Revenue and Taxation Code
22 and in quantities of five pounds or less in the hands of all
23 others and smokeless powder in quantities of 20 pounds
24 or less used, possessed, stored, sold, or transported that is
25 exempted under, or authorized by, the Federal
26 Organized Crime Control Act of 1970 (Public Law
27 91-452) and applicable federal regulations thereunder.

28 (2) All cities, counties, and special districts and county
29 service areas providing fire protection shall require
30 retailers in possession of black powder to notify fire
31 authorities.

32 SEC. 3. Section 12005.5 of the Health and Safety Code
33 is amended to read:

34 12005.5. (a) This part shall not apply to the
35 possession, handling, storage, transportation, or use of not
36 more than 10 pounds of blasting agents (class 1.5
37 explosives), two pounds of class 1.1, 1.2, or 1.3 explosives,
38 or 1,000 feet of detonating cord, or any combination
39 thereof, by authorized employees of the Department of



1 Transportation, acting within the scope of their
2 employment, in the pursuit of seismic explorations.

3 (b) The Department of Transportation may not
4 undertake that seismic exploration, unless the fire
5 authority having jurisdiction in the area of the proposed
6 seismic exploration has received a written notice from the
7 department at least 48 hours prior to the commencement
8 of the seismic exploration. The notice shall include the
9 time and location of the proposed seismic exploration. In
10 addition, the employee supervising the proposed seismic
11 exploration, or his or her designated representative, shall
12 consult with the fire authority to determine if the
13 proposed handling, storage, transportation, or use of
14 explosives would constitute an unreasonable hazard to
15 life or property. If the fire authority determines that such
16 a hazard would arise, the department shall not engage in
17 that handling, storage, transportation, or use of
18 explosives.

19 (c) The state shall be strictly liable for any injury to any
20 person or property proximately caused by the handling,
21 storage, transportation, or use of explosives by the
22 Department of Transportation for the purpose of
23 conducting seismic exploration. All claims for damages
24 against the state arising under this section are governed
25 by the procedures set forth in Part 3 (commencing with
26 Section 900) and Part 4 (commencing with Section 940)
27 of Division 3.6 of Title 1 of the Government Code.

28 SEC. 4. Section 12081 of the Health and Safety Code
29 is amended to read:

30 12081. Except as limited by Chapter 6 (commencing
31 with Section 140) of Division 1 of the Labor Code and
32 Section 18930, the State Fire Marshal shall prepare and
33 adopt, in accordance with Chapter 3.5 (commencing at
34 Section 11340) of Part 1 of Division 3 of Title 2 of the
35 Government Code, reasonable regulations that are not in
36 conflict with this part, relating to the sale, use, handling,
37 possession, and storage of explosives.

38 The building standards adopted and submitted for
39 approval pursuant to Chapter 4 (commencing with
40 Section 18935) of Part 2.5 of Division 13 and the other



1 regulations adopted by the State Fire Marshal shall do all
2 of the following:

3 (a) Make reasonable allowances for storage facilities in
4 existence when the regulations become effective. No
5 allowance, however, shall be made for storage facilities
6 which constitute a distinct hazard to life and property,
7 nor shall any allowance be made for storage facilities
8 wherein proper safeguards for the control and security of
9 explosives cannot be maintained.

10 (b) Be based on performance standards wherever
11 possible.

12 (c) Make reasonable allowances for the storage of
13 gunpowder for commercial and private use. No
14 allowance, however, shall be made for storage facilities
15 which constitute a distinct hazard to life and property,
16 nor shall any allowance be made for storage facilities
17 wherein proper safeguards for the control and security of
18 explosives cannot be maintained.

19 (d) Set uniform requirements for the use and handling
20 of explosives that would apply statewide.

21 (e) The building standards published in the California
22 Building Standards Code relating to storage of explosives
23 and the other regulations adopted by the State Fire
24 Marshal pursuant to this section shall apply uniformly
25 throughout the state, and no city, county, city and county,
26 or other political subdivision of this state, including, but
27 not limited to, a chartered city, county, or city and county,
28 shall adopt or enforce any ordinance or regulation that is
29 inconsistent with this section.

30 (f) In making the regulations, the State Fire Marshal
31 shall consider as evidence of generally accepted safety
32 standards the publications of the National Fire Protection
33 Association, the United States Bureau of Mines, the
34 United States Department of Defense, and the Institute
35 of Makers of Explosives.

36 (g) The regulations shall establish standards relating
37 to the size, form, contents, and location of caution
38 placards to be placed on or near storage facilities for class
39 1.1, 1.2, and 1.3 explosives as set forth in Article 77 of the
40 Uniform Fire Code of the International Conference of



1 Building Officials and the Western Fire Chiefs
2 Association, Inc. or similar standards that are consistent
3 with the United States Department of Transportation
4 classifications under the United Nations guidelines, or for
5 any explosives as defined in Section 841 of Title 18 of the
6 United States Code and Section 55.23 of Title 27 of the
7 Code of Federal Regulations.

8 SEC. 5. Section 12101 of the Health and Safety Code
9 is amended to read:

10 12101. (a) No person shall do any one of the following
11 without first having made application for and received a
12 permit in accordance with this section:

- 13 (1) Manufacture explosives.
- 14 (2) Sell, furnish, or give away explosives.
- 15 (3) Receive, store, or possess explosives.
- 16 (4) Transport explosives.
- 17 (5) Use explosives.
- 18 (6) Operate a terminal for handling explosives.
- 19 (7) Park or leave standing any vehicle carrying
20 explosives, except when parked or left standing in or at
21 a safe stopping place designated as such by the
22 Department of the California Highway Patrol under
23 Division 14 (commencing with Section 31600) of the
24 Vehicle Code.

25 (b) Application for a permit shall be made to the
26 appropriate issuing authority.

27 (c) (1) A permit shall be obtained from the issuing
28 authority having the responsibility in the area where the
29 activity, as specified in subdivision (a), is to be conducted.

30 (2) If the person holding a valid permit for the use or
31 storage of explosives desires to purchase or receive
32 explosives in a jurisdiction other than that of intended use
33 or storage, the person shall first present the permit to the
34 issuing authority in the jurisdiction of purchase or receipt
35 for endorsement. The issuing authority may include any
36 reasonable restrictions or conditions which the authority
37 finds necessary for the prevention of fire and explosion,
38 the preservation of life, safety, or the control and security
39 of explosives within the authority's jurisdiction. If, for any
40 reason, the issuing authority refuses to endorse the permit



1 previously issued in the area of intended use or storage,
2 the authority shall immediately notify both the issuing
3 authority who issued the permit and the Department of
4 Justice of the fact of the refusal and the reasons for the
5 refusal.

6 (3) Every person who sells, gives away, delivers, or
7 otherwise disposes of explosives to another person shall
8 first be satisfied that the person receiving the explosives
9 has a permit valid for that purpose. When the permit to
10 receive explosives indicates that the intended storage or
11 use of the explosives is other than in that area in which the
12 permittee receives the explosives, the person who sells,
13 gives away, delivers, or otherwise disposes of the
14 explosives shall insure that the permit has been properly
15 endorsed by a local issuing authority and, further, shall
16 immediately send a copy of the record of sale to the
17 issuing authority who originally issued the permit in the
18 area of intended storage or use. The issuing authority in
19 the area in which the explosives are received or sold shall
20 not issue a permit for the possession, use, or storage of
21 explosives in an area not within the authority's
22 jurisdiction.

23 (d) In the event any person desires to receive
24 explosives for use in an area outside of this state, a permit
25 to receive the explosives shall be obtained from the State
26 Fire Marshal.

27 (e) A permit may include any restrictions or
28 conditions which the issuing authority finds necessary for
29 the prevention of fire and explosion, the preservation of
30 life, safety, or the control and security of explosives.

31 (f) A permit shall remain valid only until the time
32 when the act or acts authorized by the permit are
33 performed, but in no event shall the permit remain valid
34 for a period longer than one year from the date of
35 issuance of the permit.

36 (g) Any valid permit which authorizes the
37 performance of any act shall not constitute authorization
38 for the performance of any act not stipulated in the
39 permit.



1 (h) An issuing authority shall not issue a permit
2 authorizing the transportation of explosives pursuant to
3 this section if the display of placards for that
4 transportation is required by Section 27903 of the Vehicle
5 Code, unless the driver possesses a license for the
6 transportation of hazardous materials issued pursuant to
7 Division 14.1 (commencing with Section 32000) of the
8 Vehicle Code, or the explosives are a hazardous waste or
9 extremely hazardous waste, as defined in Sections 25117
10 and 25115 of the Health and Safety Code, and the
11 transporter is currently registered as a hazardous waste
12 hauler pursuant to Section 25163 of the Health and Safety
13 Code.

14 (i) An issuing authority shall not issue a permit
15 pursuant to this section authorizing the handling or
16 storage of class 1.1, 1.2, or 1.3 explosives in a building,
17 unless the building has caution placards which meet the
18 standards established pursuant to subdivision (g) of
19 Section 12081.

20 (j) (1) A permit shall not be issued to a person who
21 meets any of the following criteria:

- 22 (A) He or she has been convicted of a felony.
- 23 (B) He or she is addicted to a narcotic drug.
- 24 (C) He or she is in a class prohibited by Section 8100
25 or 8103 of the Welfare and Institutions Code or Section
26 12021 or 12021.1 of the Penal Code.

27 (2) For purposes of determining whether a person
28 meets any of the criteria set forth in this subdivision, the
29 issuing authority shall obtain two sets of fingerprints on
30 prescribed cards from all persons applying for a permit
31 under this section and shall submit these cards to the
32 Department of Justice. The Department of Justice shall
33 utilize the fingerprint cards to make inquiries both within
34 this state and to the Federal Bureau of Investigation
35 regarding the criminal history of the applicant identified
36 on the fingerprint card.

37 This paragraph does not apply to any person possessing
38 a current certificate of eligibility issued pursuant to
39 paragraph (4) of subdivision (a) of Section 12071.



1 (k) An issuing authority shall inquire with the
2 Department of Justice for the purposes of determining
3 whether a person who is applying for a permit meets any
4 of the criteria specified in subdivision (j). The
5 Department of Justice shall determine whether a person
6 who is applying for a permit meets any of the criteria
7 specified in subdivision (j) and shall either grant or deny
8 clearance for a permit to be issued pursuant to the
9 determination. The Department of Justice shall not
10 disclose the contents of a person's records to any person
11 who is not authorized to receive the information in order
12 to ensure confidentiality.

13 SEC. 6. Section 31600 of the Vehicle Code is amended
14 to read:

15 31600. For the purposes of this division "explosive" or
16 "explosives" means any substance, or combination of
17 substances, the primary or common purpose of which is
18 detonation or rapid combustion and which is capable of
19 a relatively instantaneous or rapid release of gas and heat.
20 "Explosive" or "explosives" includes, but is not
21 necessarily limited to, explosives as defined in Section
22 12000 of the Health and Safety Code, and any of the
23 following:

24 (a) Dynamite, nitroglycerine, picric acid, lead azide,
25 fulminate of mercury, black powder, smokeless powder,
26 propellant explosives, detonating primers, blasting caps,
27 commercial boosters, ammonium nitrate-fuel oil mixture
28 (blasting agent), or any explosives as defined in Section
29 841 of Title 18 of the United States Code or Section 55.23
30 of Title 27 of the Code of Federal Regulations, when
31 transported in a combined load with any explosive, as
32 defined in this section.

33 (b) Substances determined to be class 1.1, class 1.2,
34 class 1.3, or class 1.6 explosives as classified by the United
35 States Department of Transportation under the United
36 Nations guidelines.

37 (c) "Explosive" or "explosives" does not include small
38 arms ammunition or any other class 1.4 explosive.

39 (d) This division shall not apply to special fireworks
40 classified by the United States Department of



1 Transportation as class 1.2 or class 1.3 explosives when
2 those special fireworks are regulated by and in
3 conformance with Part 2 (commencing with Section
4 12500) of Division 11 of the Health and Safety Code.

5 (e) Nothing in this chapter supersedes any regulations
6 for the transportation of hazardous materials as defined
7 in Section 2402.7 or as regulated in Division 14.1
8 (commencing with Section 32000).

9 SEC. 7. Section 32000.5 of the Vehicle Code is
10 amended to read:

11 32000.5. (a) Every motor carrier who directs the
12 transportation of an explosive and, on and after July 1,
13 1982, any motor carrier who directs the transportation of
14 a hazardous material, who is required to display placards
15 pursuant to Section 27903, and every motor carrier who
16 transports for a fee in excess of 500 pounds of hazardous
17 materials of the type requiring placards pursuant to
18 Section 27903, shall be licensed in accordance with the
19 provisions of this code, unless specifically exempted by
20 this code or regulations adopted pursuant to this code.
21 This license shall be available for examination and shall be
22 displayed in accordance with the regulations adopted by
23 the commissioner.

24 (b) This division does not apply to any person hauling
25 only hazardous waste, as defined in Section 25115 or 25117
26 of the Health and Safety Code, and who is registered
27 pursuant to subdivision (a) of Section 25163 of the Health
28 and Safety Code or who is exempt from that registration
29 pursuant to subdivision (b) of that section.

30 (c) This division does not apply to implements of
31 husbandry, as defined in Section 36000.

32 (d) This division does not apply to the hauling of class
33 1.3 explosives classified as special fireworks or to class 1.4
34 explosives classified as common fireworks by the United
35 States Department of Transportation if those fireworks
36 are transported by a motor carrier under the authority of,
37 and in conformance with, a license issued to the motor
38 carrier by the State Fire Marshal pursuant to Part 2
39 (commencing with Section 12500) of Division 11 of the
40 Health and Safety Code. In that case, a copy of the license



1 shall be carried in the vehicle and presented to any peace
2 officer upon request.

3 SEC. 8. Section 34631.5 of the Vehicle Code is
4 amended to read:

5 34631.5. (a) (1) Every motor carrier of property as
6 defined in Section 34601, except those subject to
7 paragraph (2), (3), or (4), shall provide and thereafter
8 continue in effect adequate protection against liability
9 imposed by law upon those carriers for the payment of
10 damages in the amount of a combined single limit of not
11 less than seven hundred fifty thousand dollars (\$750,000)
12 on account of bodily injuries to, or death of, one or more
13 persons, or damage to or destruction of, property other
14 than property being transported by the carrier for any
15 shipper or consignee whether the property of one or
16 more than one claimant in any one accident.

17 (2) Every motor carrier of property, as defined in
18 Section 34601, who operates only vehicles under 10,000
19 pounds gross vehicle weight rating (GVWR) and who
20 does not transport any commodity subject to paragraph
21 (3) or (4), shall provide and thereafter continue in effect
22 adequate protection against liability imposed by law for
23 the payment of damages caused by bodily injuries to or
24 the death of any person; or for damage to or destruction
25 of property of others, other than property being
26 transported by the carrier, in an amount not less than
27 three hundred thousand dollars (\$300,000).

28 (3) Every intrastate motor carrier of property, as
29 defined in Section 34601, who transports petroleum
30 products in bulk, including waste petroleum and waste
31 petroleum products, shall provide and thereafter
32 continue in effect adequate protection against liability
33 imposed by law upon the carrier for the payment of
34 damages for personal bodily injuries (including death
35 resulting therefrom) in the amount of not less than five
36 hundred thousand dollars (\$500,000) on account of bodily
37 injuries to, or death of, one person; and protection against
38 a total liability of those carriers on account of bodily
39 injuries to, or death of more than one person as a result
40 of any one accident, but subject to the same limitation for



1 each person in the amount of not less than one million
2 dollars (\$1,000,000); and protection in an amount of not
3 less than two hundred thousand dollars (\$200,000) for one
4 accident resulting in damage to or destruction to
5 property other than property being transported by the
6 carrier for any shipper or consignee, whether the
7 property of one or more than one claimant; or a combined
8 single limit in the amount of not less than one million two
9 hundred thousand dollars (\$1,200,000) on account of
10 bodily injuries to, or death of, one or more persons or
11 damage to or destruction of property, or both, other than
12 property being transported by the carrier for any shipper
13 or consignee whether the property of one or more than
14 one claimant in any one accident.

15 (4) Except as provided in paragraph (3), every motor
16 carrier of property, as defined in Section 34601, that
17 transports any hazardous material, as defined by Section
18 353, shall provide and thereafter continue in effect
19 adequate protection against liability imposed by law on
20 those carriers for the payment of damages for personal
21 injury or death, and damage to or destruction of property,
22 in amounts of not less than the minimum levels of
23 financial responsibility specified for carriers of hazardous
24 materials by the United States Department of
25 Transportation in Part 387 (commencing with Section
26 387.1) of Title 49 of the Code of Federal Regulations. The
27 applicable minimum levels of financial responsibility
28 required are as follows:



	Combined Single Limit Coverage
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	\$1,000,000
14	
15	
16	
17	
18	
19	
20	\$5,000,000
21	
22	
23	
24	
25	
26	
27	\$5,000,000
28	
29	
30	
31	
32	

33

34 (b) (1) The protection required under subdivision

35 (a) shall be evidenced by the deposit with the

36 department, covering each vehicle used or to be used in

37 conducting the service performed by each motor carrier

38 of property, an authorized certificate of public liability

39 and property damage insurance, issued by a company

40 licensed to write the insurance in the State of California,



1 or by a nonadmitted insurer subject to Section 1763 of the
2 Insurance Code.

3 (2) The protection required under subdivision (a) by
4 every motor carrier of property engaged in interstate or
5 foreign transportation of property in or through
6 California, shall be evidenced by the filing and
7 acceptance of a department authorized certificate of
8 insurance, or qualification as a self-insurer as may be
9 authorized by law.

10 (3) A certificate of insurance, evidencing the
11 protection, shall not be cancelable on less than 30 days'
12 written notice to the department, the notice to
13 commence to run from the date notice is actually
14 received at the office of the department in Sacramento.

15 (4) Every insurance certificate or equivalent
16 protection to the public shall contain a provision that the
17 certificate or equivalent protection shall remain in full
18 force and effect until canceled in the manner provided by
19 paragraph (3).

20 (5) Upon cancellation of an insurance certificate or
21 the cancellation of equivalent protection authorized by
22 the Department of Motor Vehicles, the motor carrier
23 permit of any motor carrier of property, shall stand
24 suspended immediately upon the effective date of the
25 cancellations.

26 (6) No carrier shall engage in any operation on any
27 public highway of this state during the suspension of its
28 permit.

29 (7) No motor carrier of property, whose permit has
30 been suspended under paragraph (5) shall resume
31 operations unless and until the carrier has filed an
32 insurance certificate or equivalent protection in effect at
33 the time and that meets the standards set forth in this
34 section. The operative rights of the complying carriers
35 shall be reinstated from suspension upon the filing of an
36 insurance certificate or equivalent protection.

37 (8) In order to expedite the processing of insurance
38 filings by the department, each insurance filing made
39 should contain the insured's California carrier number, if
40 known, in the upper right corner of the certificate.



1 SEC. 8.5. Section 34631.5 of the Vehicle Code is
2 amended to read:

3 34631.5. (a) (1) Every motor carrier of property as
4 defined in Section 34601, except those subject to
5 paragraph (2), (3), or (4), shall provide and thereafter
6 continue in effect adequate protection against liability
7 imposed by law upon those carriers for the payment of
8 damages in the amount of a combined single limit of not
9 less than seven hundred fifty thousand dollars (\$750,000)
10 on account of bodily injuries to, or death of, one or more
11 persons, or damage to or destruction of, property other
12 than property being transported by the carrier for any
13 shipper or consignee whether the property of one or
14 more than one claimant in any one accident.

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

19 (2) Every motor carrier of property, as defined in
20 Section 34601, who operates only vehicles under 10,000
21 pounds ~~gross vehicle weight rating (GVWR)~~ GVWR and
22 who does not transport any commodity subject to
23 paragraph (3) or (4), shall provide and thereafter
24 continue in effect adequate protection against liability
25 imposed by law for the payment of damages caused by
26 bodily injuries to or the death of any person; or for
27 damage to or destruction of property of others, other than
28 property being transported by the carrier, in an amount
29 not less than three hundred thousand dollars (\$300,000).

30 (3) Every intrastate motor carrier of property, as
31 defined in Section 34601, who transports petroleum
32 products in bulk, including waste petroleum and waste
33 petroleum products, shall provide and thereafter
34 continue in effect adequate protection against liability
35 imposed by law upon the carrier for the payment of
36 damages for personal bodily injuries (including death
37 resulting therefrom) in the amount of not less than five
38 hundred thousand dollars (\$500,000) on account of bodily
39 injuries to, or death of, one person; and protection against
40 a total liability of those carriers on account of bodily



1 injuries to, or death of more than one person as a result
2 of any one accident, but subject to the same limitation for
3 each person in the amount of not less than one million
4 dollars (\$1,000,000); and protection in an amount of not
5 less than two hundred thousand dollars (\$200,000) for one
6 accident resulting in damage to or destruction to
7 property other than property being transported by the
8 carrier for any shipper or consignee, whether the
9 property of one or more than one claimant; or a combined
10 single limit in the amount of not less than one million two
11 hundred thousand dollars (\$1,200,000) on account of
12 bodily injuries to, or death of, one or more ~~person~~ *persons*
13 or damage to or destruction of property, or both, other
14 than property being transported by the carrier for any
15 shipper or consignee whether the property of one or
16 more than one claimant in any one accident.

17 (4) Except as provided in paragraph (3), every motor
18 carrier of property, as defined in Section 34601, that
19 transports any hazardous material, as defined by Section
20 353, shall provide and thereafter continue in effect
21 adequate protection against liability imposed by law on
22 those carriers for the payment of damages for personal
23 injury or death, and damage to or destruction of property,
24 in amounts of not less than the minimum levels of
25 financial responsibility specified for carriers of hazardous
26 materials by the United States Department of
27 Transportation in Part 387 (commencing with Section
28 387.1) of Title 49 of the Code of Federal Regulations. The
29 applicable minimum levels of financial responsibility
30 required are as follows:

31



1		Combined Single
2	Commodity Transported:	Limit Coverage
3	(a)	
4	(A) Oil listed in Section 172.101 of Title 49 of	\$1,000,000
5	the Code of Federal Regulations; <i>or</i>	
6	hazardous waste, hazardous materials, and	
7	hazardous substances defined in Section	
8	171.8 of Title 49 of the Code of Federal	
9	Regulations and listed in Section 172.101 of	
10	Title 49 of the Code of Federal	
11	Regulations, but not mentioned in (c) or	
12	(d) <i>subparagraph (C) or (D)</i> .	
13	(b)	
14	(B) Hazardous waste, as defined in Section	\$1,000,000
15	25117 of the Health and Safety Code and	
16	in Article 1 (commencing with Section	
17	66261.1) of Chapter 11 of Division 4.5 of	
18	Title 22 of the California Code of	
19	Regulations, but not mentioned in (c) or	
20	(d) <i>subparagraph (C) or (D)</i> .	
21	(e)	
22	(C) Hazardous substances, as defined in	\$5,000,000
23	Section 171.8 of Title 49 of the Code of	
24	Federal Regulations, or liquefied	
25	compressed gas or compressed gas,	
26	transported in cargo tanks, portable tanks,	
27	or hopper-type vehicle with capacities in	
28	excess of 3,500 water gallons.	
29	(d)	
30	(D) Any quantity of class A 1.1, 1.2, or B 1.3	\$5,000,000
31	explosives; any quantity of poison gas	
32	(Poison A); or highway route controlled	
33	quantity radioactive materials as defined	
34	in Section 173.403 of Title 49 of the Code	
35	of Federal Regulations.	
36		
37	(5)	
38	(b) (1) The protection required under paragraphs	
39	(1), (2), (3), and (4) <i>subdivision (a)</i> shall be evidenced	
40	by the deposit with the department, covering each	



1 vehicle used or to be used in conducting the service
2 performed by each motor carrier of property, an
3 authorized certificate of public liability and property
4 damage insurance, issued by a company licensed to write
5 the insurance in the State of California, or by a
6 nonadmitted insurer subject to Section 1763 of the
7 Insurance Code.

8 ~~(6)~~

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

16 ~~(7)~~

17 (3) 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)~~

23 (4) Every insurance certificate or equivalent
24 protection to the public shall contain a provision that the
25 certificate or equivalent protection shall remain in full
26 force and effect until canceled in the manner provided by
27 paragraph ~~(7)~~ (3).

28 ~~(9)~~

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

35 ~~(10)~~

36 (6) No carrier shall engage in any operation on any
37 public highway of this state during the suspension of its
38 permit.

39 ~~(11)~~



1 (7) No motor carrier of property, whose permit has
 2 been suspended under paragraph ~~(9)~~ (5) shall resume
 3 operations unless and until the carrier has filed an
 4 insurance certificate or equivalent protection in effect at
 5 the time and that meets the standards set forth in this
 6 section. The operative rights of the complying carriers
 7 shall be reinstated from suspension upon the filing of an
 8 insurance certificate or equivalent protection.

9 ~~(12)~~

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

14 SEC. 9. No reimbursement is required by this act
 15 pursuant to Section 6 of Article XIII B of the California
 16 Constitution because the only costs that may be incurred
 17 by a local agency or school district will be incurred
 18 because this act creates a new crime or infraction,
 19 eliminates a crime or infraction, or changes the penalty
 20 for a crime or infraction, within the meaning of Section
 21 17556 of the Government Code, or changes the definition
 22 of a crime within the meaning of Section 6 of Article
 23 XIII B of the California Constitution.

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

28 *SEC. 10. Section 8.5 of this bill incorporates*
 29 *amendments to Section 34631.5 of the Vehicle Code*
 30 *proposed by both this bill and AB 2132. It shall only*
 31 *become operative if (1) both bills are enacted and*
 32 *become effective on or before January 1, 1999, (2) each*
 33 *bill amends Section 34631.5 of the Vehicle Code, and (3)*
 34 *this bill is enacted after AB 2132, in which case Section 8*
 35 *of this bill shall not become operative.*

O

