

AMENDED IN ASSEMBLY MAY 11, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 769**

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**Introduced by Assembly Member Margett**

February 24, 1999

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~~An act to amend Section 164 of, and to add Section 163.5 to, the Streets and Highways Code, relating to transportation, and making an appropriation therefor. An act to amend Section 29004 of the Vehicle Code, relating to vehicles.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 769, as amended, Margett. ~~Transportation: funding~~  
*Vehicles: transporting.*

*(1) Existing law requires every towed vehicle to be coupled to the towing vehicle or tow truck by means of a safety chain, cable, or equivalent device in addition to the regular drawbar, tongue, or other connection.*

*This bill would exclude tow trucks from the above requirement and, instead, would require any vehicle towed by a tow truck to be coupled to the tow truck by means of not less than 2 safety chains that are in addition to the primary restraining system. The bill would require the safety chains to be securely affixed to the truck frame, bed, or towing equipment, independently of the primary restraining system.*

*The bill would require any vehicle transported on a slide back carrier or conventional trailer to be secured by not less than 4 tie-down chains, straps, or other equivalent devices, independently of the winch or loading cable.*

*Because a violation of these requirements would be an infraction under existing provisions of the Vehicle Code, the bill would impose 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.*

~~Existing law prescribes a process for estimating the amount of state and federal funds to be available for transportation projects in the state and for appropriating and allocating the available funds to those projects.~~

~~This bill would require that on the last day of every fiscal year, an amount equal to 3% of the aggregate amount of General Fund revenues for that fiscal year, as determined by the Treasurer, be transferred from that fund to the State Highway Account in the State Transportation Fund. The amount transferred would be continuously appropriated for allocation by the California Transportation Commission for programming and expenditure in transportation categories and percentages specified under existing law.~~

Vote:  $\frac{2}{3}$  majority. Appropriation: yes no. Fiscal committee: yes. State-mandated local program: ~~no~~ yes.

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

- 1 ~~SECTION 1. Section 163.5 is added to the Streets and~~
- 2 *SECTION 1. Section 29004 of the Vehicle Code is*
- 3 *amended to read:*
- 4 29004. (a) ~~Every~~ *(1) Except as required under*
- 5 *paragraph (2), every towed vehicle shall be coupled to*
- 6 *the towing vehicle ~~or tow truck~~ by means of a safety*
- 7 *chain, cable, or equivalent device in addition to the*
- 8 *regular drawbar, tongue or other connection.*
- 9 *(2) Any vehicle towed by a tow truck shall be coupled*
- 10 *to the tow truck by means of not less than two safety*
- 11 *chains that are in addition to the primary restraining*
- 12 *system. The safety chains shall be securely affixed to the*



1 truck frame, bed, or towing equipment, independently of  
2 the primary restraining system.

3 (3) Any vehicle transported on a slide back carrier or  
4 conventional trailer shall be secured by not less than four  
5 tie-down chains, straps, or other equivalent devices,  
6 independently of the winch or loading cable.

7 (b) All safety connections and attachments shall be of  
8 sufficient strength to control the towed vehicle in event  
9 of failure of the regular hitch, coupling device, drawbar,  
10 tongue or other connection. All safety connections and  
11 attachments also shall have a positive means of ensuring  
12 that the safety connection or attachment does not  
13 become dislodged while in transit.

14 (c) No more slack shall may be left in a safety chain,  
15 cable, or equivalent device than is necessary to permit  
16 proper turning. When a drawbar is used as the towing  
17 connection, the safety chain, cable, or equivalent device  
18 shall be connected to the towed and towing vehicle and  
19 to the drawbar so as to prevent the drawbar from  
20 dropping to the ground if the drawbar fails.

21 (d) ~~The requirement of subdivision~~ Subdivision (a)  
22 does not apply to a semitrailer having a connecting device  
23 composed of a fifth wheel and kingpin assembly, nor to a  
24 towed motor vehicle when steered by a person who holds  
25 a license for the type of vehicle being towed.

26 (e) For purposes of this section, a "tow truck" includes  
27 an automobile dismantler's tow vehicle, as defined in  
28 subdivision (c) of Section 615.

29 SEC. 2. No reimbursement is required by this act  
30 pursuant to Section 6 of Article XIII B of the California  
31 Constitution because the only costs that may be incurred  
32 by a local agency or school district will be incurred  
33 because this act creates a new crime or infraction,  
34 eliminates a crime or infraction, or changes the penalty  
35 for a crime or infraction, within the meaning of Section  
36 17556 of the Government Code, or changes the definition  
37 of a crime within the meaning of Section 6 of Article  
38 XIII B of the California Constitution.

39 ~~Highways Code, to read:~~



1 163.5. On the last day of every fiscal year, an amount  
2 equal to 3 percent of the aggregate amount of General  
3 Fund revenues for that fiscal year, as determined by the  
4 Treasurer, shall be transferred from that fund to the State  
5 Highway Account in the State Transportation Fund, and,  
6 notwithstanding Section 13340 of the Government Code,  
7 is hereby continuously appropriated, without regard to  
8 fiscal years, for allocation by the California  
9 Transportation Commission for programming and  
10 expenditure in the categories and percentages required  
11 under Section 164.

12 SEC. 2. Section 164 of the Streets and Highways Code  
13 is amended to read:

14 164. (a) Funds made available for transportation  
15 capital improvement projects under subdivision (c) of  
16 Section 163 and Section 163.5 shall be programmed and  
17 expended for the following program categories:

18 (1) Twenty-five percent for interregional  
19 improvements.

20 (2) Seventy-five percent for regional improvements.

21 (b) Sixty percent of the funds available for  
22 interregional improvements under paragraph (1) of  
23 subdivision (a) shall be programmed and expended for  
24 improvements to state highways that are specified in  
25 Sections 164.10 to 164.20, inclusive, and that are outside  
26 the boundaries of an urbanized area with a population of  
27 more than 50,000, and for intercity rail improvements.

28 (c) Not less than 15 percent of the amount of funds  
29 programmed under subdivision (b) shall be programmed  
30 for intercity rail improvement projects, including  
31 separation of grade projects.

32 (d) Funds made available under paragraph (1) of  
33 subdivision (a) shall be used for transportation  
34 improvement projects that are needed to facilitate  
35 interregional movement of people and goods. The  
36 projects may include state highway, intercity passenger  
37 rail, mass transit guideway, or grade separation projects.

38 (e) Funds made available under paragraph (2) of  
39 subdivision (a) shall be used for transportation  
40 improvement projects that are needed to improve



1 ~~transportation within the region. The projects may~~  
2 ~~include, but shall not be limited to, improving state~~  
3 ~~highways, local roads, public transit, intercity rail,~~  
4 ~~pedestrian, and bicycle facilities, and grade separation,~~  
5 ~~transportation system management, transportation~~  
6 ~~demand management, soundwall projects, intermodal~~  
7 ~~facilities, safety, and providing funds to match federal~~  
8 ~~funds.~~

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