

AMENDED IN ASSEMBLY MAY 25, 1999

AMENDED IN ASSEMBLY APRIL 26, 1999

AMENDED IN ASSEMBLY APRIL 5, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 941**

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**Introduced by Assembly Member House  
(Coauthors: Assembly Members Alquist and Robert  
Pacheco)**

February 25, 1999

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An act to amend Section 5411.5 of the Public Utilities Code, relating to public utilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 941, as amended, House. Charter-party carriers: limousines: penalties.

Existing law relating to a charter-party carrier of passengers makes specified violations of that existing law, or a violation of any requirement imposed by the Public Utilities Commission, by a charter-party carrier of passengers or any officer, director, agent, or employee of any charter-party carrier of passengers, a misdemeanor, punishable as prescribed. Under existing law, if a peace officer arrests a person for a violation involving the operation of a charter-party carrier of passengers without a valid certificate or permit at a public airport, within 100 feet of a public airport, or within 2 miles of the international border between the United States and Mexico, the peace officer is authorized to



impound and retain possession of the vehicle used in that violation. Existing law requires the vehicle to be immediately returned to the owner without cost to the owner, if the infraction or violation is not prosecuted or is dismissed, the owner is found not guilty of the offense, or it is determined that the vehicle was used in the violation of a specified provision of existing law without the knowledge and consent of the owner. Otherwise, the vehicle is required to be returned to the owner upon payment of any fine ordered by the court.

This bill would modify the impoundment provision to authorize a peace officer who arrests a person for a violation involving the operation of a charter-party carrier of passengers without a valid certificate or permit to impound and retain possession of the vehicle used in that violation, regardless of the location of the violation. The bill would recast the provisions regarding the return of the vehicle to require the vehicle to be immediately returned to the owner without cost to the owner, if it is determined either that the charter-party carrier of passengers held a valid certificate or permit at the time of impoundment or that the vehicle was used in the violation of additional specified provisions of existing law without the knowledge and consent of the owner. The bill would otherwise require the vehicle to be returned to the owner upon payment of any fine ordered by the court, any towing and storage charges related to the impoundment, any administrative charges imposed by the impounding authority, and proof of holding a charter-party carrier of passengers permit. The bill would additionally impose a fine of not ~~less~~ *more* than \$2,000 on a person arrested for operating a charter-party carrier of passengers without a valid permit or certificate, involving the operation of a limousine, as defined, without a valid charter-party carrier of passengers permit or certificate.

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



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

1 SECTION 1. Section 5411.5 of the Public Utilities  
2 Code is amended to read:

3 5411.5. (a) (1) Whenever a peace officer arrests a  
4 person for a violation of Section 5411 involving the  
5 operation of a charter-party carrier of passengers without  
6 a valid certificate or permit, the peace officer may  
7 impound and retain possession of the vehicle used in  
8 violation of Section 5411.

9 (2) If the vehicle is seized from a person who is not the  
10 owner of the vehicle, the impounding authority shall  
11 immediately give notice to the owner by first-class mail.

12 (3) The vehicle shall immediately be returned to the  
13 owner without cost to the owner if it is determined that  
14 the charter-party carrier of passengers held a valid  
15 certificate or permit at the time of impoundment or it is  
16 determined that the vehicle was used in violation of  
17 Section 5371, 5379, or 5411 without the knowledge and  
18 consent of the owner. Otherwise, the vehicle shall be  
19 returned to the owner upon payment of any fine ordered  
20 by the court, any towing and storage charges related to  
21 the impoundment, any administrative charges imposed  
22 by the impounding authority, and proof of holding a  
23 charter-party carrier of passengers permit issued by the  
24 commission. After the expiration of six weeks from the  
25 date of final disposition of the criminal case, the  
26 impounding authority may deal with the vehicle as lost or  
27 abandoned property under Section 1411 of the Penal  
28 Code.

29 (4) At any time, a person may make a motion in  
30 municipal court, or in superior court in a county in which  
31 there is no municipal court, for the immediate return of  
32 the vehicle on the ground that there was no probable  
33 cause to seize it or that there is some other good cause, as  
34 determined by the court, for the return of the vehicle. A  
35 proceeding under this section is a limited civil case.

36 (5) A peace officer, however, may not impound any  
37 vehicle owned or operated by a nonprofit organization  
38 exempt from taxation pursuant to Section 501(c)(3) of



1 the Internal Revenue Code that serves youth or senior  
2 citizens and provides transportation incidental to its  
3 programs or services.

4 (b) In addition to any other penalty imposed pursuant  
5 to Section 5411, a person arrested for a violation of Section  
6 5411 involving the operation of a limousine, as defined by  
7 subdivision (h) of Section 5371.4, without a valid  
8 charter-party carrier of passengers permit or certificate,  
9 is punishable by a fine of not ~~less~~ *more* than two thousand  
10 dollars (\$2,000).

