

AMENDED IN ASSEMBLY AUGUST 23, 1999

AMENDED IN ASSEMBLY JULY 7, 1999

AMENDED IN ASSEMBLY JUNE 14, 1999

AMENDED IN SENATE APRIL 29, 1999

SENATE BILL

No. 532

**Introduced by Committee on Transportation (Senators
Karnette (Chair), Dunn, Figueroa, Kelley, Monteith,
Polanco, and Rainey)
(~~Coauthor: Senator~~ *Coauthors: Senators Costa and
Murray*)**

February 19, 1999

An act to amend Section 65080 of, ~~and to add Section 99315.7
to,~~ the Government Code, to amend Section 830.14 of the
Penal Code, to amend Sections 20321 and 20341 of, and to
repeal Section 20231 of, the Public Contract Code, to amend
Sections 102222, 130232, and 180051 of, and to add ~~Section~~
Sections 99315.7 and 102223 to, the Public Utilities Code, to
amend Section 7232 of the Revenue and Taxation Code, and
to add Sections 391.3 and 517.1 to the Streets and Highways
Code, and to amend Sections 28, 246, 5201, 9255, 12517.5, 16560,
21059, 21211, 22522, 22658, 34501.13, and 34520.5 of, the Vehicle
Code, relating to transportation, and making an appropriation
therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 532, as amended, Committee on
Transportation. Transportation.

(1) Under existing law, each transportation planning agency is required to adopt and submit biennially, an updated regional transportation plan to the California Transportation Commission and to the Department of Transportation, except a transportation planning agency that does not contain an urbanized area, may adopt a plan every 4 years beginning with December 1, 1997.

This bill would require the plan to be adopted and submitted every 3 years, rather than biennially, beginning by September 1, 2001, and would extend until September 1, 2001, the date that 4-year plans shall begin.

(2) Existing law prescribes the allocation of funds pursuant to the ~~Transit Capital Improvement Fund~~ from the *Public Transportation Account and the State Highway Account*.

This bill would authorize expenditure of these funds allocated to the new Fresno Amtrak Station to be expended on any Fresno Amtrak project, as prescribed, thereby making an appropriation.

(3) Existing law, with regard to a public transportation system, as defined, specifies prohibitions against, among other things, the evasion of the payment of fares. Existing law additionally authorizes a local or regional transit agency or joint powers agency operating a rail service pursuant to specified provisions in the Public Utilities Code to authorize by contract designated persons as conductors performing fare inspection duties who are employed by a railroad corporation that operates public rail commuter transit services for that agency to act as its agent in the enforcement of those laws specified above with regard to the evasion of the payment of fares if they complete specified training that shall be provided by the authorizing agency. Existing law also provides that the employees acting as agents pursuant to this provision are public officers, not peace officers, have no authority to carry firearms or any other weapons, and may not exercise the powers of arrest of a peace officer while performing the duties authorized in these provisions.

This bill would specify that the governing board of the Peninsula Corridor Joint Powers Board, a joint powers agency, may designate persons to act as its agents in the enforcement



of specified provisions of law relating to the operation of a public transportation system.

This bill would state findings and declarations of the Legislature that a special law is necessary and that a general law cannot be made applicable.

(4) Existing law imposes competitive bidding requirements on the Southern California Rapid Transit District with regard to purchases of supplies, equipment, and materials and the construction of facilities and works when the expenditure required exceeds \$25,000.

This bill would repeal those provisions.

(5) Existing law requires all contracts for the construction of transit works or transit facilities in excess of \$5,000 to be awarded to the lowest responsible bidder after competitive bidding.

This bill would increase the amount to \$25,000 from \$5,000 for the Los Angeles County Metropolitan Transportation Authority.

(6) Existing law imposes competitive bidding requirements on transit development boards with regard to certain contracts for construction.

This bill would exempt the Los Angeles County Metropolitan Transportation Authority from these provisions.

(7) Under existing law, contracts for the purchase of supplies, equipment, and materials in excess of \$10,000 shall be awarded by the Sacramento Regional Transit District to the lowest responsible bidder, after competitive bidding, except in an emergency declared by a $\frac{4}{5}$ vote of the board of the district.

This bill would increase the amount to \$40,000 from \$10,000.

(8) Existing law requires all contracts for the purchase of supplies, equipment, and materials in excess of \$10,000 that is awarded by the Sacramento Regional Transit District to be awarded to the lowest responsible bidder after competitive bidding except in an emergency declared by $\frac{4}{5}$ of the board of the district.

This bill would allow the district to procure one or more streetcars that operated more than 50 years ago in the district service area without having to comply with competitive bidding procedures.



(9) Under existing law, a county transportation commission is required to award a contract for the purchase of all supplies, equipment, and materials, and the construction of all facilities and works to the lowest responsible bidder when the expenditure required exceeds \$25,000. Existing law also requires the commission to obtain a minimum of 3 quotations, which permit price and terms to be compared, whenever the expected expenditure required exceeds \$1,000, but not \$25,000.

This bill would , for the Los Angeles County Metropolitan Transportation Authority, require a contract by the commission for the purchase of all supplies, equipment, and materials to be let to the lowest responsible bidder when the expenditure required exceeds \$40,000. The bill also would instead require the commission to obtain a minimum of 3 quotations which permit price and terms to be compared, whenever the expected expenditure required ~~exceed~~ *exceeds* \$2,500 but not \$40,000.

(10) The Local Transportation and Improvement Act authorizes a county board of supervisors to create a local transportation authority. Under the act, a board of supervisors that chooses to create an entirely new entity as an authority is required to determine the membership of the authority with the concurrence of a majority of the cities having a majority of the population in the incorporated area of the county.

This bill would authorize each member of an authority to have an alternate to vote or otherwise officially participate on behalf of the member at meetings of the authority when the member is not present, to be designated as prescribed.

(11) Existing law designates State Highway Route 91.

This bill would authorize the relinquishment of a specified portion of Route 91 to designated cities, as prescribed.

(12) Existing law designates State Highway Route 217.

This bill would relinquish a portion of the route to Santa Barbara County, as prescribed.

(13) Existing law requires motor carriers of property to annually pay a permit fee to the Department of Motor Vehicles. Motor carriers of property is defined to mean any



person who operates any commercial motor vehicle, but does not include defined specified vehicles.

This bill would further exclude motor trucks or 2-axle truck trailers *operated in noncommercial use* with a gross vehicle weight of less than 26,001 pounds used solely to tow certain trailers from the definitions of commercial motor vehicles under this provision.

(14) Under existing law, whenever possession is taken of any vehicle by or on behalf of any legal owner under the terms of a security agreement or lease agreement, the person taking possession is required to immediately notify by the most expeditious means available local law enforcement agencies.

This bill would require the notification to be made within one hour after taking possession of the vehicle.

(15) Existing law defines “certificate of compliance” for purposes of the Vehicle Code as a document issued by a state agency, board, or commission, or authorized person setting forth that the requirements of a particular law have been satisfied.

This bill would revise that definition to specify that the document is an electronic or printed document.

(16) Existing law specifies fees for transferring title to a registered motor vehicle.

This bill would change a fee, as prescribed.

(17) Existing law prohibits covering vehicle license plates, except as specified.

This bill would allow for the installation of license plate security covers under specified conditions, so long as no portion of a license plate security cover rests over the *license* plate number.

(18) Existing law requires a person who is employed as a driver of a paratransit vehicle to meet certain requirements. Those requirements include the successful completion of specialized training. Existing law provides that the training requirement is satisfied if the driver receives training or a certificate pursuant to, among other things, regional centers for persons with developmental disabilities.

This bill would delete the reference to regional centers for persons with developmental disabilities.



(19) Under existing law, it is a misdemeanor for any person or corporation to operate or cause to be operated on the highways any motor vehicle transporting property or passenger for compensation in interstate commerce without first complying with registration requirements of the Public Utilities Commission.

This bill would recast this provision by correcting a cross-reference and making other technical changes, and by expanding the scope of the provision to apply to motor carriers of property that are engaged in any interstate or foreign transportation for compensation who must first register with the Department of Motor Vehicles or with the carrier's base registration state. By expanding the scope of a crime, the bill would impose a state-mandated local program.

(20) Existing law prohibits persons from stopping, standing, sitting, or loitering upon certain defined bikeways or any public or private bicycle path or trail if that act impedes or blocks the movement of any bicyclist. Existing law also prohibits a person from placing or parking any, among other things, vehicles upon those bikeways, paths, or trails which impede or block bicyclists, except as specified.

This bill would exempt from these prohibitions the driver or owner of a rubbish or garbage truck while the truck is actually engaged in the collection of rubbish or garbage in a business or residence district if the front turn signal lamps at each side of the vehicle are being flashed simultaneously and the rear turn signal lamps at each side of the vehicle are being flashed simultaneously.

(21) Existing law makes it an infraction for a person to park a vehicle within 3 feet of any sidewalk access ramp constructed adjacent to a crosswalk so as to be accessible to and usable by the physically disabled, if the area adjoining the ramp is designated by either a sign or red paint.

This bill would recast the above provision to make it an infraction for a person to engage in the above conduct where the ramp is constructed at, or adjacent to, a crosswalk or at any other location on a sidewalk under the circumstance described above. Because this would expand the scope of an existing crime, the bill would impose a state-mandated local program.



(22) Existing law authorizes the owner or person in lawful possession of any private property, subsequent to notifying, by telephone or, if impractical, by the most expeditious means available, the local traffic law enforcement agency to cause the removal of a vehicle parked on the property to the nearest public garage under specified circumstances.

This bill would allow for the above action if the notification is made within one hour of the person's causing the removal of the vehicle.

(23) Existing law requires the Department of the California Highway Patrol to report to the applicable school board district if the department's inspection of a maintenance facility or terminal of any person who operates a schoolbus results in an unsatisfactory terminal rating by the department.

The bill would include carrier facility within the scope of this provision.

(24) Under existing law, all employers of drivers who operate paratransit vehicles, and the drivers of those vehicles, are required to participate in a program consistent with the controlled substances and alcohol use and testing requirements of the United States Secretary of Transportation as set forth in federal law.

This bill would specify that the above applies to employers and drivers who are not otherwise required to participate in a federal program.

(25) (a) *This bill would incorporate additional changes in Section 65080 of the Government Code proposed by AB 308, to become operative only if both bills are enacted and become operative on or before January 1, 2000, and this bill is enacted last.*

(b) *This bill would incorporate additional changes in Section 7232 of the Revenue and Taxation Code proposed by AB 1658, to become operative only if both bills are enacted and become operative on or before January 1, 2000, and this bill is enacted last.*

(c) *This bill would incorporate additional changes in Section 22658 of the Vehicle Code proposed by SB 852, to become operative only if both bills are enacted and become operative on or before January 1, 2000, and this bill is enacted last.*

(26) 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 65080 of the Government Code
2 is amended to read:

3 65080. (a) Each transportation planning agency
4 designated under Section 29532 or 29532.1 shall prepare
5 and adopt a regional transportation plan directed at
6 achieving a coordinated and balanced regional
7 transportation system, including, but not limited to, mass
8 transportation, highway, railroad, maritime, bicycle,
9 pedestrian, goods movement, and aviation facilities and
10 services. The plan shall be action-oriented and pragmatic,
11 considering both the short-term and long-term future,
12 and shall present clear, concise policy guidance to local
13 and state officials. The regional transportation plan shall
14 consider factors specified in Section 134 of Title 23 of the
15 United States Code. Each transportation planning agency
16 shall consider and incorporate, as appropriate, the
17 transportation plans of cities, counties, districts, private
18 organizations, and state and federal agencies.

19 (b) The regional transportation plan shall include all
20 of the following:

21 (1) A policy element that describes the transportation
22 issues in the region, identifies and quantifies regional
23 needs, and describes the desired short-range and
24 long-range transportation goals, and pragmatic objective
25 and policy statements. The objective and policy
26 statements shall be consistent with the funding estimates
27 of the financial element.

28 (2) An action element that describes the programs and
29 actions necessary to implement the plan and assigns



1 implementation responsibilities. The action element may
2 describe all projects proposed for development during
3 the 20-year life of the plan.

4 The action element shall consider congestion
5 management programming activities carried out within
6 the region.

7 (3) A financial element that summarizes the cost of
8 plan implementation constrained by a realistic projection
9 of available revenues. The financial element shall also
10 contain recommendations for allocation of funds. A
11 county transportation commission created pursuant to
12 Section 130000 of the Public Utilities Code shall be
13 responsible for recommending projects to be funded with
14 regional improvement funds, if the project is consistent
15 with the regional transportation plan. The first four years
16 of the financial element shall be based on the four-year
17 estimate of funds developed pursuant to Section 14524.
18 The financial element may recommend the development
19 of specified new sources of revenue, consistent with the
20 policy element and action element.

21 (c) Each transportation planning agency shall adopt
22 and submit, every three years beginning by September
23 1, 2001, an updated regional transportation plan to the
24 California Transportation Commission and the
25 Department of Transportation. The plan shall be
26 consistent with federal planning and programming
27 requirements. A transportation planning agency that
28 does not contain an urbanized area may at its option
29 adopt and submit a regional transportation plan once
30 every four years beginning by September 1, 2001. Prior to
31 adoption of the regional transportation plan, a public
32 hearing shall be held, after the giving of notice of the
33 hearing by publication in the affected county or counties
34 pursuant to Section 6061.

35 ~~SEC. 2. Section 99315.7 is added to the Government~~
36 ~~Code, to read:~~

37 ~~99315.7. All Transit Capital Improvement funds~~
38 ~~previously allocated by the commission or the~~
39 ~~department to the new Fresno Amtrak Station project~~
40 ~~shall also be available for expenditure on any form of~~



1 ~~Amtrak project in the Fresno downtown area, including,~~
2 ~~but not limited to, the rehabilitation of the former Santa~~
3 ~~Fe Railway station, as approved by the commission or the~~
4 ~~department or the commission and the department.~~

5 *SEC. 2. Section 65080 of the Government Code is*
6 *amended to read:*

7 65080. (a) Each transportation planning agency
8 designated under Section 29532 or 29532.1 shall prepare
9 and adopt a regional transportation plan directed at
10 achieving a coordinated and balanced regional
11 transportation system, including, but not limited to, mass
12 transportation, highway, railroad, maritime, bicycle,
13 pedestrian, goods movement, and aviation facilities and
14 services. The plan shall be action-oriented and pragmatic,
15 considering both the short-term and long-term future,
16 and shall present clear, concise policy guidance to local
17 and state officials. The regional transportation plan shall
18 consider factors specified in Section 134 of Title 23 of the
19 United States Code. Each transportation planning agency
20 shall consider and incorporate, as appropriate, the
21 transportation plans of cities, counties, districts, private
22 organizations, and state and federal agencies.

23 (b) The regional transportation plan shall include all
24 of the following:

25 (1) A policy element that describes the transportation
26 issues in the region, identifies and quantifies regional
27 needs, *including an assessment of transit capital*
28 *rehabilitation and transit capital improvement needs,*
29 *and an assessment of the maintenance, rehabilitation, and*
30 *safety needs of local streets and roads,* and describes the
31 desired short-range and long-range transportation goals,
32 and pragmatic objective and policy statements. The
33 objective and policy statements shall be consistent with
34 the funding estimates of the financial element.

35 (2) An action element that describes the programs and
36 actions necessary to implement the plan and assigns
37 implementation responsibilities. The action element may
38 describe all projects proposed for development during
39 the 20-year life of the plan.



1 The action element shall consider congestion
2 management programming activities carried out within
3 the region.

4 (3) A financial element that summarizes the cost of
5 plan implementation constrained by a realistic projection
6 of available revenues. The financial element shall also
7 contain recommendations for allocation of funds. *The*
8 *financial element shall distinguish between the local,*
9 *state, and federal funds required to meet transit capital*
10 *rehabilitation and transit capital improvement needs.* A
11 county transportation commission created pursuant to
12 Section 130000 of the Public Utilities Code shall be
13 responsible for recommending projects to be funded with
14 regional improvement funds, if the project is consistent
15 with the regional transportation plan. The first four years
16 of the financial element shall be based on the four-year
17 estimate of funds developed pursuant to Section 14524.
18 The financial element may recommend the development
19 of specified new sources of revenue, consistent with the
20 policy element and action element.

21 (c) Each transportation planning agency shall adopt
22 and submit, ~~biennially~~ *every three years beginning by*
23 *September 1, 2001*, an updated regional transportation
24 plan to the California Transportation Commission and
25 the Department of Transportation. The plan shall be
26 consistent with federal planning and programming
27 requirements. A transportation planning agency that
28 does not contain an urbanized area may at its option
29 adopt and submit a regional transportation plan once
30 every four years beginning ~~with December 1, 1997~~ *by*
31 *September 1, 2001*. Prior to adoption of the regional
32 transportation plan, a public hearing shall be held, after
33 the giving of notice of the hearing by publication in the
34 affected county or counties pursuant to Section 6061.

35 SEC. 3. Section 830.14 of the Penal Code is amended
36 to read:

37 830.14. (a) A local or regional transit agency or a joint
38 powers agency operating rail service identified in an
39 implementation program adopted pursuant to Article 10
40 (commencing with Section 130450) of Chapter 4 of



1 Division 12 of the Public Utilities Code may authorize by
2 contract designated persons as conductors performing
3 fare inspection duties who are employed by a railroad
4 corporation that operates public rail commuter transit
5 services for that agency to act as its agent in the
6 enforcement of subdivisions (a) and (b) of Section 640
7 relating to the operation of the rail service if they
8 complete the training requirement specified in
9 subdivision (d).

10 (b) The governing board of the Altamont Commuter
11 Express Authority, a joint powers agency duly formed
12 pursuant to Article 1 (commencing with Section 6500) of
13 Chapter 5 of Division 7 of Title 1 of the Government
14 Code, by and between the Alameda Congestion
15 Management Agency, the Santa Clara County Transit
16 District, and the San Joaquin Regional Rail Commission,
17 may contract with designated persons to act as its agents
18 in the enforcement of subdivisions (a) and (b) of Section
19 640 relating to the operation of a public transportation
20 system if these persons complete the training
21 requirement specified in subdivision (d).

22 (c) The governing board of the Peninsula Corridor
23 Joint Powers Board, a joint powers agency duly formed
24 pursuant to Article 1 (commencing with Section 6500) of
25 Chapter 5 of Division 7 of Title 1 of the Government
26 Code, by and between the San Mateo County Transit
27 District, the Santa Clara County Transit District, and the
28 City and County of San Francisco, may appoint
29 designated persons to act as its agents in the enforcement
30 of subdivisions (a) and (b) of Section 640 relating to the
31 operation of a public transportation system if these
32 persons complete the training requirement specified in
33 subdivision (d).

34 (d) Persons authorized pursuant to this section to
35 enforce subdivisions (a) and (b) of Section 640 shall
36 complete a specialized fare compliance course which
37 shall be provided by the authorizing agency. This training
38 course shall include, but not be limited to, the following
39 topics:



1 (1) An overview of barrier-free fare inspection
2 concepts.

3 (2) The scope and limitations of inspector authority.

4 (3) Familiarization with the elements of the
5 infractions enumerated in subdivisions (a) and (b).

6 (4) Techniques for conducting fare checks, including
7 inspection procedures, demeanor, and contacting
8 violators.

9 (5) Citation issuance and court appearances.

10 (6) Fare media recognition.

11 (7) Handling argumentative violators and diffusing
12 conflict.

13 (8) The mechanics of law enforcement support and
14 interacting with law enforcement for effective incident
15 resolution.

16 (e) Persons described in subdivisions (a), (b), and (c)
17 are public officers, not peace officers, have no authority
18 to carry firearms or any other weapon while performing
19 the duties authorized in this section, and may not exercise
20 the powers of arrest of a peace officer while performing
21 the duties authorized in this section. These persons may
22 be authorized by the agencies specified in subdivision
23 (a), (b), or (c) to issue citations involving infractions
24 relating to the operation of the rail service specified in
25 subdivision (a), (b), or (c).

26 (f) Nothing in this section shall affect the retirement
27 or disability benefits provided to employees described in
28 subdivision (a), (b), or (c) or be in violation of any
29 collective bargaining agreement between a labor
30 organization and a railroad corporation.

31 (g) Notwithstanding any other provision of this
32 section, the primary responsibility of a conductor of a
33 commuter passenger train shall be functions related to
34 safe train operation.

35 SEC. 4. Section 20231 of the Public Contract Code is
36 repealed.

37 SEC. 5. Section 20321 of the Public Contract Code is
38 amended to read:

39 20321. (a) Except as provided in subdivision (b),
40 contracts for the construction of transit works or transit



1 facilities in excess of five thousand dollars (\$5,000) shall
2 be awarded to the lowest responsible bidder after
3 competitive bidding, except in emergency declared by
4 four-fifths vote of the board of the district.

5 (b) Contracts for the construction of transit works or
6 transit facilities let by the Los Angeles County
7 Metropolitan Transportation Authority in excess of
8 twenty-five thousand dollars (\$25,000) shall be awarded
9 to the lowest responsible bidder after competitive
10 bidding, except in an emergency declared by four-fifths
11 vote of the board of the district.

12 SEC. 6. Section 20341 of the Public Contract Code is
13 amended to read:

14 20341. (a) Except as provided in subdivision (c),
15 contracts for construction in excess of twenty thousand
16 dollars (\$20,000) shall be awarded to the lowest
17 responsible bidder submitting a responsive bid after
18 competitive bidding, except in emergency declared by
19 the vote of two-thirds of the membership of the board.
20 When the expected construction contract exceeds one
21 thousand dollars (\$1,000) and does not exceed twenty
22 thousand dollars (\$20,000), the board shall seek a
23 minimum of three quotations, either written or oral,
24 which permit prices and other terms to be compared.

25 (b) If no bids are received, the project may be
26 performed by a negotiated contract.

27 (c) This section does not apply to the Los Angeles
28 County Metropolitan Transportation Authority.

29 SEC. 7. Section 102222 of the Public Utilities Code is
30 amended to read:

31 102222. Contracts for the purchase of supplies,
32 equipment, and materials in excess of forty thousand
33 dollars (\$40,000) shall be awarded to the lowest
34 responsible bidder after competitive bidding, except in
35 an emergency declared by four-fifths vote of the board of
36 the district.

37 SEC. 8. *Section 99315.7 is added to the Public Utilities*
38 *Code, to read:*

39 *99315.7. All funds from the Public Transportation*
40 *Account and the State Highway Account, State*



1 *Transportation Fund, previously allocated by the*
2 *commission or the department to the new Fresno Amtrak*
3 *Station project shall also be available for expenditure on*
4 *any form of Amtrak project in the Fresno downtown area,*
5 *including, but not limited to, the rehabilitation of the*
6 *former Santa Fe Railway station, as approved by the*
7 *commission or the department or the commission and the*
8 *department. The encumbering and expending of funds*
9 *for this project is not subject to an additional allocation*
10 *action or approval action, or both actions, by the*
11 *commission.*

12 SEC. 8.5. Section 102223 is added to the Public
13 Utilities Code, to read:

14 102223. Notwithstanding Section 102222 or any other
15 provision of law, the district may procure one or more
16 streetcars that operated more than 50 years ago in the
17 district's service area without having to comply with
18 competitive bidding procedures.

19 SEC. 9. Section 130232 of the Public Utilities Code is
20 amended to read:

21 130232. (a) Except as provided in subdivision (f),
22 purchase of all supplies, equipment, and materials, and
23 the construction of all facilities and works, when the
24 expenditure required exceeds twenty-five thousand
25 dollars (\$25,000), shall be by contract let to the lowest
26 responsible bidder. Notice requesting bids shall be
27 published at least once in a newspaper of general
28 circulation. The publication shall be made at least 10 days
29 before the date for the receipt of the bids. The
30 commission, at its discretion, may reject any and all bids
31 and readvertise.

32 (b) Except as provided for in subdivision (f),
33 whenever the expected expenditure required exceeds
34 one thousand dollars (\$1,000), but not twenty-five
35 thousand dollars (\$25,000), the commission shall obtain a
36 minimum of three quotations, either written or oral,
37 which permit prices and terms to be compared.

38 (c) Where the expenditure required by the bid price
39 is less than fifty thousand dollars (\$50,000), the executive
40 director may act for the commission.



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

5 (1) Cash.

6 (2) A cashier's check made payable to the commission.

7 (3) A certified check made payable to the commission.

8 (4) A bidder's bond executed by an admitted surety
9 insurer, made payable to the commission.

10 (e) Upon an award to the lowest bidder, the security
11 of an unsuccessful bidder shall be returned in a
12 reasonable period of time, but in no event shall that
13 security be held by the commission beyond 60 days from
14 the date that the award was made.

15 (f) The following provisions apply only to the Los
16 Angeles County Metropolitan Transportation Authority:

17 (1) The contract shall be let to the lowest responsible
18 bidder when the purchase price of all supplies,
19 equipment, and materials exceeds forty thousand dollars
20 (\$40,000), and the construction of all facilities exceeds
21 twenty-five thousand dollars (\$25,000).

22 (2) The commission shall obtain a minimum of three
23 quotations, whether written or oral that permit prices
24 and terms to be compared whenever the expected
25 expenditure required exceeds two thousand five hundred
26 dollars (\$2,500), but not forty thousand dollars (\$40,000).

27 SEC. 10. Section 180051 of the Public Utilities Code is
28 amended to read:

29 180051. (a) A board of supervisors that chooses to
30 create an entirely new entity as an authority pursuant to
31 Section 180050 shall determine the membership of the
32 authority with the concurrence of a majority of the cities
33 having a majority of the population in the incorporated
34 area of the county.

35 (b) Each member of the authority, and each alternate
36 designated pursuant to subdivision (c), shall be an
37 elected official of a local governmental entity within or
38 partly within the county. Members of the board of
39 supervisors serving on an authority shall comprise less
40 than a majority of the authority.



1 (c) (1) Each member of the authority may have an
2 alternate to vote or otherwise officially participate on
3 behalf of the member at meetings of the authority when
4 the member is not present. Either the member, or the
5 alternate, but not both, may officially participate in a
6 meeting of the authority. An alternate shall be designated
7 as follows:

8 (A) Except as specified in subparagraph (B), the local
9 governmental entity that appointed the member shall
10 designate the alternate.

11 (B) A member who serves because the member holds
12 a specified public office, as specified in the county
13 transportation expenditure plan, shall designate his or
14 her own alternate.

15 (2) An alternate acting on behalf of a member has all
16 of the rights, privileges, and responsibilities of a member.

17 SEC. 11. Section 7232 of the Revenue and Taxation
18 Code is amended to read:

19 7232. (a) Every motor carrier of property shall
20 annually pay a permit fee to the Department of Motor
21 Vehicles. The fees contained in this section are due and
22 shall be paid by each carrier at the time of application for
23 an initial motor carrier permit, and upon annual renewal,
24 with the Department of Motor Vehicles, pursuant to the
25 Motor Carriers of Property Permit Act, as set forth in
26 Division 14.85 (commencing with Section 34600) of the
27 Vehicle Code. The Department of Motor Vehicles may,
28 upon initial application for a motor carrier permit, assign
29 an expiration date not less than six months, nor more than
30 18 months, from date of application, and may charge
31 one-twelfth of the annual fee for each month covered by
32 the initial permit. The fee paid by each motor carrier of
33 property shall be based on the number of commercial
34 motor vehicles operated in California by the motor
35 carrier of property.

36 (b) As used in this chapter, “motor carrier of
37 property” means any person who operates any
38 commercial motor vehicle as defined in subdivision (d).
39 “Motor carrier of property” does not include household
40 goods carriers, as defined in Section 5109 of the Public



1 Utilities Code, persons providing only transportation of
2 passengers, or a passenger stage corporation transporting
3 baggage and express upon a passenger vehicle incidental
4 to the transportation of passengers.

5 (c) As used in this chapter, “for-hire motor carrier of
6 property” means a motor carrier of property, as defined
7 in subdivision (b), who transports property for
8 compensation.

9 (d) As used in this chapter, “commercial motor
10 vehicle” means any self-propelled vehicle listed in
11 subdivisions (a), (b), (f), (g), and (k) of Section 34500 of
12 the Vehicle Code, any motor truck of two or more axles
13 that is more than 10,000 pounds gross vehicle weight
14 rating, and any other motor vehicle used to transport
15 property for compensation. “Commercial motor vehicle”
16 does not include vehicles operated by household goods
17 carriers, as defined in Section 5109 of the Public Utilities
18 Code, pickup trucks as defined in Section 471 of the
19 Vehicle Code, two-axle daily rental trucks with gross
20 vehicle weight ratings less than 26,001 pounds when
21 operated in noncommercial use or a motor truck or
22 two-axle truck trailer *operated in noncommercial use*
23 with a gross vehicle weight rating (GVWR) of less than
24 26,001 pounds used solely to tow a camp trailer, trailer
25 coach, fifth wheel travel trailer, or utility trailer.

26 (e) The “number of commercial motor vehicles
27 operated by the motor carrier of property” as used in this
28 section means all of the commercial motor vehicles
29 owned, registered to, or leased by the carrier. For
30 interstate and foreign motor carriers of property the fees
31 set forth in subdivision (a) shall be apportioned based on
32 the percentage of fleet miles traveled in California in
33 intrastate commerce. In the absence of records to
34 establish intrastate fleet miles, the fees set forth in
35 subdivision (a) shall be apportioned on total fleet miles
36 traveled in California.

37 (f) For purposes of this chapter, “private carrier”
38 means a motor carrier of property, as defined in
39 subdivision (b), who does not transport any goods or
40 property for compensation.



1 (g) (1) Fees contained in this chapter shall not apply
2 to a motor carrier of property while engaged solely in
3 interstate or foreign transportation of property by motor
4 vehicle. No motor carrier of property shall engage in any
5 interstate or foreign transportation of property for
6 compensation by motor vehicle on any public highway in
7 this state without first having registered the operation
8 with the Department of Motor Vehicles or with the
9 carrier's base registration state, if other than California,
10 as determined in accordance with final regulations issued
11 by the Interstate Commerce Commission pursuant to the
12 Intermodal Surface Efficiency Act of 1991 (49 U.S.C. Sec.
13 11506). To register with the Department of Motor
14 Vehicles, carriers specified in this subdivision shall
15 comply with the following:

16 (A) When the operation requires authority from the
17 Interstate Commerce Commission under the Interstate
18 Commerce Act, or authority from another federal
19 regulatory agency, a copy of that authority shall be filed
20 with the initial application for registration. A copy of any
21 additions or amendments to the authority shall be filed
22 with the Department of Motor Vehicles.

23 (B) If the operation does not require authority from
24 the Interstate Commerce Commission under the
25 Interstate Commerce Act, or authority from another
26 federal regulatory agency, an affidavit of that exempt
27 status shall be filed with the application for registration.

28 (2) The Department of Motor Vehicles shall grant
29 registration upon the filing of the application pursuant to
30 applicable law and the payment of any applicable fees,
31 subject to the carrier's compliance with this chapter.

32 (3) This subdivision does not apply to household goods
33 carriers, as defined in Section 5109 of the Public Utilities
34 Code, and motor carriers engaged in the transportation
35 of passengers for compensation.

36 ~~SEC. 12. Section 391.3 of the Streets and Highways~~
37 ~~Code is added to read:~~

38 *SEC. 12. Section 7232 of the Revenue and Taxation*
39 *Code is amended to read:*



1 7232. (a) Every motor carrier of property shall
2 annually pay a permit fee to the Department of Motor
3 Vehicles. The fees contained in this section are due and
4 shall be paid by each carrier at the time of application for
5 an initial motor carrier permit, and upon annual renewal,
6 with the Department of Motor Vehicles, pursuant to the
7 Motor Carriers of Property Permit Act, as set forth in
8 Division 14.85 (commencing with Section 34600) of the
9 Vehicle Code. The Department of Motor Vehicles may,
10 upon initial application for a motor carrier permit, assign
11 an expiration date not less than six months, nor more than
12 18 months, from date of application, and may charge
13 one-twelfth of the annual fee for each month covered by
14 the initial permit. The fee paid by each motor carrier of
15 property shall be based on the number of commercial
16 motor vehicles operated in California by the motor
17 carrier of property.

18 (b) As used in this chapter, “motor carrier of
19 property” means any person who operates any
20 commercial motor vehicle as defined in subdivision (d).
21 “Motor carrier of property” does not include a household
22 goods ~~carriers~~ carrier, as defined in Section 5109 of the
23 *Public Utilities Code*, a household goods carrier
24 *transporting used office, store, and institution furniture*
25 *and fixtures under its household goods carrier permits*
26 *pursuant to Section 5137* of the Public Utilities Code,
27 persons providing only transportation of passengers, or a
28 passenger stage corporation transporting baggage and
29 express upon a passenger vehicle incidental to the
30 transportation of passengers.

31 (c) As used in this chapter, “for-hire motor carrier of
32 property” means a motor carrier of property, as defined
33 in subdivision (b), who transports property for
34 compensation.

35 (d) As used in this chapter, “commercial motor
36 vehicle” means any self-propelled vehicle listed in
37 subdivisions (a), (b), (f), (g), and (k) of Section 34500 of
38 the Vehicle Code, any motor truck of two or more axles
39 that is more than 10,000 pounds gross vehicle weight
40 rating, and any other motor vehicle used to transport



1 property for compensation. “Commercial motor vehicle”
2 does not include vehicles operated by household goods
3 carriers, as defined in Section 5109 of the Public Utilities
4 Code, *vehicles operated by household goods carriers to*
5 *transport used office, store, and institution furniture and*
6 *fixtures under their household goods carrier permit*
7 *pursuant to Section 5137 of the Public Utilities Code,*
8 pickup trucks as defined in Section ~~471,~~ *and 471 of the*
9 *Vehicle Code,* two-axle daily rental trucks with gross
10 vehicle weight ratings less than 26,001 pounds when
11 operated in noncommercial use *or a motor truck or*
12 *two-axle truck trailer operated in noncommercial use*
13 *with a gross vehicle weight rating (GVWR) of less than*
14 *26,001 pounds used solely to tow a camp trailer, trailer*
15 *coach, fifth wheel travel trailer, or utility trailer.*

16 (e) The “number of commercial motor vehicles
17 operated by the motor carrier of property” as used in this
18 section means all of the commercial motor vehicles
19 owned, registered to, or leased by the carrier. For
20 interstate and foreign motor carriers of property the fees
21 set forth in subdivision (a) shall be apportioned based on
22 the percentage of fleet miles traveled in California in
23 intrastate commerce. In the absence of records to
24 establish intrastate fleet miles, the fees set forth in
25 subdivision (a) shall be apportioned on total fleet miles
26 traveled in California.

27 (f) For purposes of this chapter, “private carrier”
28 means a motor carrier of property, as defined in
29 subdivision (b), who does not transport any goods or
30 property for compensation.

31 (g) (1) Fees contained in this chapter shall not apply
32 to a motor carrier of property while engaged solely in
33 interstate or foreign transportation of property by motor
34 vehicle. No motor carrier of property shall engage in any
35 interstate or foreign transportation of property for
36 compensation by motor vehicle on any public highway in
37 this state without first having registered the operation
38 with the Department of Motor Vehicles or with the
39 carrier’s base registration state, if other than California,
40 as determined in accordance with final regulations issued



1 by the Interstate Commerce Commission pursuant to the
2 Intermodal Surface Efficiency Act of 1991 (49 U.S.C. Sec.
3 11506). To register with the Department of Motor
4 Vehicles, carriers specified in this subdivision shall
5 comply with the following:

6 (A) When the operation requires authority from the
7 Interstate Commerce Commission under the Interstate
8 Commerce Act, or authority from another federal
9 regulatory agency, a copy of that authority shall be filed
10 with the initial application for registration. A copy of any
11 additions or amendments to the authority shall be filed
12 with the Department of Motor Vehicles.

13 (B) If the operation does not require authority from
14 the Interstate Commerce Commission under the
15 Interstate Commerce Act, or authority from another
16 federal regulatory agency, an affidavit of that exempt
17 status shall be filed with the application for registration.

18 (2) The Department of Motor Vehicles shall grant
19 registration upon the filing of the application pursuant to
20 applicable law and the payment of any applicable fees,
21 subject to the carrier's compliance with this chapter.

22 (3) This subdivision does not apply to household goods
23 carriers, as defined in Section 5109 of the Public Utilities
24 Code, and motor carriers engaged in the transportation
25 of passengers for compensation.

26 *SEC. 12.5. Section 391.3 is added to the Streets and*
27 *Highways Code, to read:*

28 391.3. Upon a determination by the commission that
29 it is in the best interests of the state to do so, the
30 commission may, upon terms and conditions approved by
31 it, relinquish a portion of Route 91 between State Route
32 107 and State Route 1 to the Cities of Hermosa Beach,
33 Lawndale, Manhattan Beach, and Redondo Beach in
34 which that portion of the highway is located, if the city has
35 agreed to accept it. The relinquishment shall be effective
36 on the day immediately following the commission's
37 approval of the terms and conditions.

38 *SEC. 13. Section 517.1 is added to the Streets and*
39 *Highways Code, to read:*



1 517.1. Upon a determination by the commission that
2 it is in the best interests of the state to do so, the
3 commission may, upon terms and conditions approved by
4 it, relinquish a portion of Route 217 from the ~~southern~~
5 ~~boundary of the Union Pacific Railroad right-of-way to~~
6 *westerly end of both the East Goleta overhead and the*
7 *Route 101-217 separation structures* to the University of
8 California, Santa Barbara property line to Santa Barbara
9 County, in which that portion of the highway is located,
10 if the county has agreed to accept it. The relinquishment
11 shall be effective on the day immediately following the
12 commission's approval of the terms and conditions.

13 SEC. 14. Section 28 of the Vehicle Code is amended
14 to read:

15 28. (a) Whenever possession is taken of any vehicle
16 by or on behalf of any legal owner thereof under the
17 terms of a security agreement or lease agreement, the
18 person taking possession shall notify, within one hour
19 after taking possession of the vehicle, and by the most
20 expeditious means available, the city police department
21 where the taking of possession occurred, if within an
22 incorporated city, or the sheriff's department of the
23 county where the taking of possession occurred, if outside
24 an incorporated city, or the police department of a
25 campus of the University of California or the California
26 State University, if the taking of possession occurred on
27 that campus, and shall within one business day forward a
28 written notice to the city police or sheriff's department.

29 (b) Any person failing to notify the city police
30 department, sheriff's department, or campus police
31 department as required by this section is guilty of an
32 infraction, and shall be fined a minimum of three
33 hundred dollars (\$300), and up to five hundred dollars
34 (\$500). The district attorney, city attorney, or city
35 prosecutor shall promptly notify the Bureau of Security
36 and Investigative Services of any conviction resulting
37 from a violation of this section.

38 SEC. 15. Section 246 of the Vehicle Code is amended
39 to read:



1 246. A “certificate of compliance” for the purposes of
2 this code is an electronic or printed document issued by
3 a state agency, board, or commission, or authorized
4 person, setting forth that the requirements of a particular
5 law, rule or regulation, within its jurisdiction to regulate
6 or administer has been satisfied.

7 SEC. 16. Section 5201 of the Vehicle Code is amended
8 to read:

9 5201. License plates shall at all times be securely
10 fastened to the vehicle for which they are issued so as to
11 prevent the plates from swinging and shall be mounted
12 in a position to be clearly visible, and shall be maintained
13 in a condition so as to be clearly legible. The rear license
14 plate shall be mounted not less than 12 inches nor more
15 than 60 inches from the ground, and the front license
16 plate shall be mounted not more than 60 inches from the
17 ground, except as follows:

18 (a) The rear license plate on a tow truck may be
19 mounted on the left-hand side of the mast assembly at the
20 rear of the cab of the vehicle, not less than 12 inches nor
21 more than 90 inches from the ground.

22 (b) The rear license plate on a tank vehicle hauling
23 hazardous waste, as defined in Section 25117 of the Health
24 and Safety Code, or asphalt material may be mounted not
25 less than 12 inches nor more than 90 inches from the
26 ground.

27 (c) The rear license plate on a truck tractor may be
28 mounted at the rear of the cab of the vehicle, not less than
29 12 inches nor more than 90 inches from the ground.

30 (d) The rear license plate of a vehicle designed by the
31 manufacturer for the collection and transportation of
32 garbage, rubbish, or refuse and which is used regularly for
33 the collection and transportation of that material by any
34 person or governmental entity employed to collect,
35 transport, and dispose of garbage, rubbish, or refuse may
36 be mounted not less than 12 inches nor more than 90
37 inches from the ground.

38 (e) No covering shall be used on license plates except
39 as follows:



1 (1) The installation of a cover over a lawfully parked
2 vehicle to protect it from the weather and the elements
3 does not constitute a violation of this subdivision. Any
4 peace officer or other regularly salaried employee of a
5 public agency designated to enforce laws, including local
6 ordinances, relating to the parking of vehicles may
7 temporarily remove so much of the cover as is necessary
8 to inspect any license plate, tab, or indicia of registration
9 on a vehicle.

10 (2) The installation of a license plate security cover is
11 not a violation of this subdivision if the device does not
12 obstruct or impair the recognition of the license plate
13 information, including, but not limited to, the issuing
14 state, license plate number, and registration tabs, and the
15 cover is limited to the area directly over the top of the
16 registration tabs. No portion of a license plate security
17 cover shall rest over the license plate number.

18 (f) No casing, shield, frame, border, or other device
19 that obstructs or impairs the reading or recognition of a
20 license plate by a remote emission sensing device, as
21 specified in Sections 44081 and 44081.6 of the Health and
22 Safety Code, shall be installed on, or affixed to, a vehicle.

23 SEC. 17. Section 9255 of the Vehicle Code is amended
24 to read:

25 9255. (a) Upon application for the transfer of the title
26 or any interest of an owner or legal owner in or to a
27 vehicle registered under this code, or for which a
28 certificate of ownership has been issued without
29 registration under Section 4452, other than upon a
30 transfer to a chattel mortgagee and other than upon a
31 transfer to a transferee not required under this code to
32 obtain the issuance to the owner of a new certificate of
33 ownership and registration card, there shall be paid the
34 following fees:

35



1	(1) For a transfer by the owner of an automobile or mo-	
2	torcycle	\$15
3	(2) For a transfer by the owner of a trailer, trailer coach,	
4	or commercial vehicle	\$15
5	(3) For a transfer by the legal owner	\$15
6	(4) When an application is presented showing a transfer	
7	by both the owner and legal owner of an automobile	
8	or motorcycle	\$15
9	(5) When an application is presented showing a transfer	
10	by both the owner and legal owner of a trailer, trailer	
11	coach, or commercial vehicle	\$15
12		

13
 14 (b) This section shall become operative on July 1, 1999,
 15 and applies to fees due or paid on or after July 1, 1999.

16 SEC. 18. Section 12517.5 of the Vehicle Code is
 17 amended to read:

18 12517.5. A person who is employed as a driver of a
 19 paratransit vehicle shall not operate that vehicle unless
 20 the person meets both of the following requirements:

21 (a) Has in his or her immediate possession a valid
 22 driver's license of a class appropriate to the vehicle
 23 driven.

24 (b) Successfully completes, during each calendar year,
 25 four hours of training administered by, or at the direction
 26 of, his or her employer or the employer's agent on the safe
 27 operation of paratransit vehicles and four hours of
 28 training on the special transportation needs of the
 29 persons he or she is employed to transport.

30 This subdivision may be satisfied if the driver receives
 31 transportation training or a certificate, or both, pursuant
 32 to Section 38157, 38158, 38161, 38162, or 38165 of the
 33 Education Code.

34 The employer shall maintain a record of the current
 35 training received by each driver in his or her employ and
 36 shall present that record on demand to any authorized
 37 representative of the Department of the California
 38 Highway Patrol.

39 SEC. 19. Section 16560 of the Vehicle Code is
 40 amended to read:



1 16560. (a) Any person or corporation who operates
2 or causes to be operated on the highways of this state any
3 motor vehicle in the interstate or foreign transportation
4 of property, other than household goods, for
5 compensation without having first complied with the
6 requirements of paragraph (1) of subdivision (g) of
7 Section 7232 of the Revenue and Taxation Code is guilty
8 of a misdemeanor, and is punishable by a fine of not more
9 than one thousand dollars (\$1,000), or by imprisonment
10 in the county jail for not more than three months, or by
11 both that fine and imprisonment.

12 (b) Any person or corporation who operates or causes
13 to be operated on the highways of this state any motor
14 vehicle in the interstate or foreign transportation of
15 household goods or passengers for compensation without
16 having first complied with the requirements of Chapter
17 1 (commencing with Section 3901) of Division 2 of the
18 Public Utilities Code is guilty of a misdemeanor, and is
19 punishable by a fine of not more than one thousand
20 dollars (\$1,000), or by imprisonment in the county jail for
21 not more than three months, or both that fine and
22 imprisonment.

23 SEC. 20. Section 21059 of the Vehicle Code is
24 amended to read:

25 21059. Sections 21211, 21650, 21660, 22502, 22504, and
26 subdivision (h) of Section 22500 do not apply to the
27 operation of a rubbish or garbage truck while actually
28 engaged in the collection of rubbish or garbage within a
29 business or residence district, if the front turn signal
30 lamps at each side of the vehicle are being flashed
31 simultaneously and the rear turn signal lamps at each side
32 of the vehicle are being flashed simultaneously.

33 This provision does not apply when the vehicle is being
34 driven to and from work, and it does not relieve the driver
35 of the vehicle from the duty to drive with due regard for
36 the safety of all persons using the highway or protect him
37 or her from the consequences of an arbitrary exercise of
38 the privilege granted.

39 SEC. 21. Section 21211 of the Vehicle Code is
40 amended to read:

1 21211. (a) No person shall stop, stand, sit, or loiter
2 upon any class I bikeway, as defined in subdivision (a) of
3 Section 890.4 of the Streets and Highways Code, or any
4 other public or private bicycle path or trail, if the
5 stopping, standing, sitting, or loitering impedes or blocks
6 the normal and reasonable movement of any bicyclist.

7 (b) No person shall place or park any bicycle, vehicle,
8 or any other object upon any bikeway or bicycle path or
9 trail, as specified in subdivision (a), which impedes or
10 blocks the normal and reasonable movement of any
11 bicyclist unless the placement or parking is necessary for
12 safe operation or is otherwise in compliance with the law.

13 (c) This section does not apply to drivers or owners of
14 utility or public utility vehicles, as provided in Section
15 22512.

16 (d) This section does not apply to owners or drivers of
17 vehicles who make brief stops while engaged in the
18 delivery of newspapers to customers along the person's
19 route.

20 (e) This section does not apply to the driver or owner
21 of a rubbish or garbage truck while actually engaged in
22 the collection of rubbish or garbage within a business or
23 residence district if the front turn signal lamps at each
24 side of the vehicle are being flashed simultaneously and
25 the rear turn signal lamps at each side of the vehicle are
26 being flashed simultaneously.

27 SEC. 22. Section 22522 of the Vehicle Code is
28 amended to read:

29 22522. No person shall park a vehicle within three feet
30 of any sidewalk access ramp constructed at, or adjacent
31 to, a crosswalk or at any other location on a sidewalk so as
32 to be accessible to and usable by the physically disabled,
33 if the area adjoining the ramp is designated by either a
34 sign or red paint.

35 SEC. 23. Section 22658 of the Vehicle Code is
36 amended to read:

37 22658. (a) Except as provided in Section 22658.2, the
38 owner or person in lawful possession of any private
39 property, within one hour of notifying, by telephone or,
40 if impractical, by the most expeditious means available,



1 the local traffic law enforcement agency, may cause the
2 removal of a vehicle parked on the property to the
3 nearest public garage under any of the following
4 circumstances:

5 (1) There is displayed, in plain view at all entrances to
6 the property, a sign not less than 17 by 22 inches in size,
7 with lettering not less than one inch in height, prohibiting
8 public parking and indicating that vehicles will be
9 removed at the owner's expense, and containing the
10 telephone number of the local traffic law enforcement
11 agency. The sign may also indicate that a citation may also
12 be issued for the violation.

13 (2) The vehicle has been issued a notice of parking
14 violation, and 96 hours have elapsed since the issuance of
15 that notice.

16 (3) The vehicle is on private property and lacks an
17 engine, transmission, wheels, tires, doors, windshield, or
18 any other major part or equipment necessary to operate
19 safely on the highways, the owner or person in lawful
20 possession of the private property has notified the local
21 traffic law enforcement agency, and 24 hours have
22 elapsed since that notification.

23 (4) The lot or parcel upon which the vehicle is parked
24 is improved with a single-family dwelling.

25 (b) The person causing removal of the vehicle, if the
26 person knows or is able to ascertain from the registration
27 records of the Department of Motor Vehicles the name
28 and address of the registered and legal owner of the
29 vehicle, shall immediately give, or cause to be given,
30 notice in writing to the registered and legal owner of the
31 fact of the removal, the grounds for the removal, and
32 indicate the place to which the vehicle has been removed.
33 If the vehicle is stored in a public garage, a copy of the
34 notice shall be given to the proprietor of the garage. The
35 notice provided for in this section shall include the
36 amount of mileage on the vehicle at the time of removal.
37 If the person does not know and is not able to ascertain
38 the name of the owner or for any other reason is unable
39 to give the notice to the owner as provided in this section,
40 the person causing removal of the vehicle shall comply



1 with the requirements of subdivision (c) of Section 22853
2 relating to notice in the same manner as applicable to an
3 officer removing a vehicle from private property.

4 (c) This section does not limit or affect any right or
5 remedy which the owner or person in lawful possession
6 of private property may have by virtue of other provisions
7 of law authorizing the removal of a vehicle parked upon
8 private property.

9 (d) The owner of a vehicle removed from private
10 property pursuant to subdivision (a) may recover for any
11 damage to the vehicle resulting from any intentional or
12 negligent act of any person causing the removal of, or
13 removing, the vehicle.

14 (e) Any owner or person in lawful possession of any
15 private property, or an “association” pursuant to Section
16 22658.2, causing the removal of a vehicle parked on that
17 property is liable for double the storage or towing charges
18 whenever there has been a failure to comply with
19 paragraph (1), (2), or (3) of subdivision (a) or to state the
20 grounds for the removal of the vehicle if requested by the
21 legal or registered owner of the vehicle as required by
22 subdivision (f).

23 (f) Any owner or person in lawful possession of any
24 private property, or an “association” pursuant to Section
25 22658.2, causing the removal of a vehicle parked on that
26 property shall state the grounds for the removal of the
27 vehicle if requested by the legal or registered owner of
28 that vehicle. Any towing company that removes a vehicle
29 from private property with the authorization of the
30 property owner or the property owner’s agent shall not
31 be held responsible in any situation relating to the validity
32 of the removal. Any towing company that removes the
33 vehicle under this section shall be responsible for (1) any
34 damage to the vehicle in the transit and subsequent
35 storage of the vehicle and (2) the removal of a vehicle
36 other than the vehicle specified by the owner or other
37 person in lawful possession of the private property.

38 (g) Possession of any vehicle under this section shall be
39 deemed to arise when a vehicle is removed from private
40 property and is in transit.



1 (h) A towing company may impose a charge of not
2 more than one-half of the regular towing charge for the
3 towing of a vehicle at the request of the owner of private
4 property or that owner's agent pursuant to this section if
5 the owner of the vehicle or the owner's agent returns to
6 the vehicle before it is removed from the private
7 property. The regular towing charge may only be
8 imposed after the vehicle has been removed from the
9 property and is in transit.

10 (i) (1) A charge for towing or storage, or both, of a
11 vehicle under this section is excessive if the charge is
12 greater than that which would have been charged for
13 towing or storage, or both, made at the request of a law
14 enforcement agency under an agreement between the
15 law enforcement agency and a towing company in the
16 city or county in which is located the private property
17 from which the vehicle was, or was attempted to be,
18 removed.

19 (2) If a vehicle is released within 24 hours from the
20 time the vehicle is brought into the storage facility,
21 regardless of the calendar date, the storage charge shall
22 be for only one day. Not more than one day's storage
23 charge may be required for any vehicle released the same
24 day that it is stored.

25 (3) If a request to release a vehicle is made and the
26 appropriate fees are tendered and documentation
27 establishing that the person requesting release is entitled
28 to possession of the vehicle, or is the owner's insurance
29 representative, is presented within the initial 24 hours of
30 storage, and the storage facility fails to comply with the
31 request to release the vehicle or is not open for business
32 during normal business hours, then only one day's storage
33 charge may be required to be paid until after the first
34 business day. A business day is any day in which the
35 lienholder is open for business to the public for at least
36 eight hours. If a request is made more than 24 hours after
37 the vehicle is placed in storage, charges may be imposed
38 on a full calendar day basis for each day, or part thereof,
39 that the vehicle is in storage.



1 (j) Any person who charges a vehicle owner a towing,
2 service, or storage charge at an excessive rate, as
3 described in subdivision (i), is liable to the vehicle owner
4 for four times the amount charged.

5 (k) Persons operating or in charge of any storage
6 facility where vehicles are stored pursuant to this section
7 shall accept a valid bank credit card or cash for payment
8 of towing and storage by a registered owner or the
9 owner's agent claiming the vehicle. A person operating
10 or in charge of any storage facility who refuses to accept
11 a valid bank credit card is liable to the registered owner
12 of the vehicle for four times the amount of the towing and
13 storage charges, but not to exceed five hundred dollars
14 (\$500). In addition, persons operating or in charge of the
15 storage facility shall have sufficient moneys on the
16 premises of the primary storage facility during normal
17 business hours to accommodate, and make change in, a
18 reasonable monetary transaction.

19 Credit charges for towing and storage services shall
20 comply with Section 1748.1 of the Civil Code. Law
21 enforcement agencies may include the costs of providing
22 for payment by credit when making agreements with
23 towing companies as described in subdivision (i).

24 (l) (1) A towing company shall not remove or
25 commence the removal of a vehicle from private
26 property without first obtaining written authorization
27 from the property owner or lessee, or an employee or
28 agent thereof, who shall be present at the time of
29 removal. General authorization to remove or commence
30 removal of a vehicle at the towing company's discretion
31 shall not be delegated to a towing company or its affiliates
32 except in the case of a vehicle unlawfully parked within
33 15 feet of a fire hydrant or in a fire lane, or in a manner
34 which interferes with any entrance to, or exit from, the
35 private property.

36 (2) If a towing company removes a vehicle without
37 written authorization and that vehicle is unlawfully
38 parked within 15 feet of a fire hydrant or in a fire lane, or
39 in a manner which interferes with any entrance to, or exit
40 from, the private property, the towing company shall



1 take, prior to the removal of that vehicle, a photograph
2 of the vehicle which clearly indicates that parking
3 violation. The towing company shall keep one copy of the
4 photograph taken pursuant to this paragraph, and shall
5 present that photograph to the owner or an agent of the
6 owner, when that person claims the vehicle.

7 (3) Any towing company, or any affiliate of a towing
8 company, which removes, or commences removal of, a
9 vehicle from private property without first obtaining
10 written authorization from the property owner or lessee,
11 or an employee or agent thereof, who is present at the
12 time of removal or commencement of the removal,
13 except as permitted by paragraph (1), is liable to the
14 owner of the vehicle for four times the amount of the
15 towing and storage charges, in addition to any applicable
16 criminal penalty, for a violation of paragraph (1).

17 SEC. 24. *Section 22658 of the Vehicle Code is*
18 *amended to read:*

19 22658. (a) Except as provided in Section 22658.2, the
20 owner or person in lawful possession of any private
21 property, ~~subsequent to~~ *within one hour of* notifying, by
22 telephone or, if impractical, by the most expeditious
23 means available, the local traffic law enforcement agency
24 may cause the removal of a vehicle parked on the
25 property to the nearest public garage under any of the
26 following circumstances:

27 (1) (A) There is displayed, in plain view at all
28 entrances to the property, a sign not less than 17 by 22
29 inches in size, with lettering not less than one inch in
30 height, prohibiting public parking and indicating that
31 vehicles will be removed at the owner's expense, and
32 containing the telephone number of the local traffic law
33 enforcement agency. The sign may also indicate that a
34 citation may also be issued for the violation.

35 (B) *If the vehicle is on the property of a retail*
36 *establishment, prior to the removal of that vehicle under*
37 *this paragraph, the owner of the establishment or his or*
38 *her designee shall affix a notice on the vehicle notifying*
39 *the vehicle owner that the vehicle will be removed in*
40 *accordance with this subparagraph. If the vehicle is on*



1 *the property during regular business hours of the retail*
2 *establishment, and the notice is affixed on the vehicle*
3 *during that time, the notice shall inform the owner that*
4 *the vehicle will be removed after four hours has elapsed*
5 *since the notice was affixed and that the vehicle owner*
6 *may remove the vehicle prior to the conclusion of that*
7 *four hours. If the vehicle is on the property after regular*
8 *business hours of the establishment and the notice is*
9 *affixed on the vehicle during that time, the notice shall*
10 *inform the owner that the vehicle will be removed after*
11 *eight hours has elapsed since the notice was affixed and*
12 *that the vehicle owner may remove the vehicle prior to*
13 *the conclusion of that eight hours.*

14 *As used in this subparagraph, “retail establishment” is*
15 *a person who engages in the business of selling consumer*
16 *goods to retail buyers at a fixed location during regular*
17 *established business hours.*

18 (2) The vehicle has been issued a notice of parking
19 violation, and 96 hours have elapsed since the issuance of
20 that notice.

21 (3) The vehicle is on private property and lacks an
22 engine, transmission, wheels, tires, doors, windshield, or
23 any other major part or equipment necessary to operate
24 safely on the highways, the owner or person in lawful
25 possession of the private property has notified the local
26 traffic law enforcement agency, and 24 hours have
27 elapsed since that notification.

28 (4) The lot or parcel upon which the vehicle is parked
29 is improved with a single-family dwelling.

30 (b) The person causing removal of the vehicle, if the
31 person knows or is able to ascertain from the registration
32 records of the Department of Motor Vehicles the name
33 and address of the registered and legal owner of the
34 vehicle, shall immediately give, or cause to be given,
35 notice in writing to the registered and legal owner of the
36 fact of the removal, the grounds for the removal, and
37 indicate the place to which the vehicle has been removed.
38 If the vehicle is stored in a public garage, a copy of the
39 notice shall be given to the proprietor of the garage. The
40 notice provided for in this section shall include the



1 amount of mileage on the vehicle at the time of removal.
2 If the person does not know and is not able to ascertain
3 the name of the owner or for any other reason is unable
4 to give the notice to the owner as provided in this section,
5 the person causing removal of the vehicle shall comply
6 with the requirements of subdivision (c) of Section 22853
7 relating to notice in the same manner as applicable to an
8 officer removing a vehicle from private property.

9 (c) This section does not limit or affect any right or
10 remedy which the owner or person in lawful possession
11 of private property may have by virtue of other provisions
12 of law authorizing the removal of a vehicle parked upon
13 private property.

14 (d) The owner of a vehicle removed from private
15 property pursuant to subdivision (a) may recover for any
16 damage to the vehicle resulting from any intentional or
17 negligent act of any person causing the removal of, or
18 removing, the vehicle.

19 (e) Any owner or person in lawful possession of any
20 private property, or an “association” pursuant to Section
21 22658.2, causing the removal of a vehicle parked on that
22 property is liable for double the storage or towing charges
23 whenever there has been a failure to comply with
24 paragraph (1), (2), or (3) of subdivision (a) or to state the
25 grounds for the removal of the vehicle if requested by the
26 legal or registered owner of the vehicle as required by
27 subdivision (f).

28 (f) Any owner or person in lawful possession of any
29 private property, or an “association” pursuant to Section
30 22658.2, causing the removal of a vehicle parked on that
31 property shall state the grounds for the removal of the
32 vehicle if requested by the legal or registered owner of
33 that vehicle. Any towing company that removes a vehicle
34 from private property with the authorization of the
35 property owner or the property owner’s agent shall not
36 be held responsible in any situation relating to the validity
37 of the removal. Any towing company that removes the
38 vehicle under this section shall be responsible for (1) any
39 damage to the vehicle in the transit and subsequent
40 storage of the vehicle and (2) the removal of a vehicle



1 other than the vehicle specified by the owner or other
2 person in lawful possession of the private property.

3 (g) Possession of any vehicle under this section shall be
4 deemed to arise when a vehicle is removed from private
5 property and is in transit.

6 (h) A towing company may impose a charge of not
7 more than one-half of the regular towing charge for the
8 towing of a vehicle at the request of the owner of private
9 property or that owner's agent pursuant to this section if
10 the owner of the vehicle or the owner's agent returns to
11 the vehicle before it is removed from the private
12 property. The regular towing charge may only be
13 imposed after the vehicle has been removed from the
14 property and is in transit.

15 (i) (1) A charge for towing or storage, or both, of a
16 vehicle under this section is excessive if the charge is
17 greater than that which would have been charged for
18 towing or storage, or both, made at the request of a law
19 enforcement agency under an agreement between the
20 law enforcement agency and a towing company in the
21 city or county in which is located the private property
22 from which the vehicle was, or was attempted to be,
23 removed.

24 (2) If a vehicle is released within 24 hours from the
25 time the vehicle is brought into the storage facility,
26 regardless of the calendar date, the storage charge shall
27 be for only one day. Not more than one day's storage
28 charge may be required for any vehicle released the same
29 day that it is stored.

30 (3) If a request to release a vehicle is made and the
31 appropriate fees are tendered and documentation
32 establishing that the person requesting release is entitled
33 to possession of the vehicle, or is the owner's insurance
34 representative, is presented within the initial 24 hours of
35 storage, and the storage facility fails to comply with the
36 request to release the vehicle or is not open for business
37 during normal business hours, then only one day's storage
38 charge may be required to be paid until after the first
39 business day. A business day is any day in which the
40 lienholder is open for business to the public for at least



1 eight hours. If a request is made more than 24 hours after
2 the vehicle is placed in storage, charges may be imposed
3 on a full calendar day basis for each day, or part thereof,
4 that the vehicle is in storage.

5 (j) Any person who charges a vehicle owner a towing,
6 service, or storage charge at an excessive rate, as
7 described in subdivision (i), is liable to the vehicle owner
8 for four times the amount charged.

9 (k) Persons operating or in charge of any storage
10 facility where vehicles are stored pursuant to this section
11 shall accept a valid bank credit card or cash for payment
12 of towing and storage by a registered owner or the
13 owner's agent claiming the vehicle. A person operating
14 or in charge of any storage facility who refuses to accept
15 a valid bank credit card is liable to the registered owner
16 of the vehicle for four times the amount of the towing and
17 storage charges, but not to exceed five hundred dollars
18 (\$500). In addition, persons operating or in charge of the
19 storage facility shall have sufficient moneys on the
20 premises of the primary storage facility during normal
21 business hours to accommodate, and make change in, a
22 reasonable monetary transaction.

23 Credit charges for towing and storage services shall
24 comply with Section 1748.1 of the Civil Code. Law
25 enforcement agencies may include the costs of providing
26 for payment by credit when making agreements with
27 towing companies as described in subdivision (i).

28 (l) (1) A towing company shall not remove or
29 commence the removal of a vehicle from private
30 property without first obtaining written authorization
31 from the property owner or lessee, or an employee or
32 agent thereof, who shall be present at the time of
33 removal. General authorization to remove or commence
34 removal of a vehicle at the towing company's discretion
35 shall not be delegated to a towing company or its affiliates
36 except in the case of a vehicle unlawfully parked within
37 15 feet of a fire hydrant or in a fire lane, or in a manner
38 which interferes with any entrance to, or exit from, the
39 private property.



1 (2) If a towing company removes a vehicle without
2 written authorization and that vehicle is unlawfully
3 parked within 15 feet of a fire hydrant or in a fire lane, or
4 in a manner which interferes with any entrance to, or exit
5 from, the private property, the towing company shall
6 take, prior to the removal of that vehicle, a photograph
7 of the vehicle which clearly indicates that parking
8 violation. The towing company shall keep one copy of the
9 photograph taken pursuant to this paragraph, and shall
10 present that photograph to the owner or an agent of the
11 owner, when that person claims the vehicle.

12 (3) Any towing company, or any affiliate of a towing
13 company, which removes, or commences removal of, a
14 vehicle from private property without first obtaining
15 written authorization from the property owner or lessee,
16 or an employee or agent thereof, who is present at the
17 time of removal or commencement of the removal,
18 except as permitted by paragraph (1), is liable to the
19 owner of the vehicle for four times the amount of the
20 towing and storage charges, in addition to any applicable
21 criminal penalty, for a violation of paragraph (1).

22 *SEC. 24.5.* Section 34501.13 of the Vehicle Code is
23 amended to read:

24 34501.13. If the inspection of a carrier facility,
25 maintenance facility, or terminal of any person who
26 operates a schoolbus results in an unsatisfactory terminal
27 rating by the department, the department shall notify the
28 school board of the district that is responsible for the
29 terminal.

30 *SEC. 25.* Section 34520.5 of the Vehicle Code is
31 amended to read:

32 34520.5. (a) All employers of drivers who operate
33 paratransit vehicles, and the drivers of those vehicles,
34 who are not otherwise required to participate in a testing
35 program of the United States Secretary of Transportation,
36 shall participate in a program consistent with the
37 controlled substances and alcohol use and testing
38 requirements of the United States Secretary of
39 Transportation as set forth in Part 382 (commencing with
40 Section 382.101), Part 653 (commencing with Section



1 653.1), or Part 654 (commencing with Section 654.1) of
2 Title 49 of the Code of Federal Regulations.

3 (b) Section 34520 is applicable to any controlled
4 substances or alcohol testing program undertaken under
5 this section.

6 (c) The employer of a paratransit vehicle driver shall
7 participate in the pull notice system defined in Section
8 1808.1.

9 SEC. 26. The Legislature finds and declares that, as to
10 Section ~~2~~ 3 of this act, a special law is necessary and that
11 a general law cannot be made applicable within the
12 meaning of Section 16 of Article IV of the California
13 Constitution because of the unique circumstances of the
14 Peninsula Corridor Joint Powers Board. The facts
15 constituting the special circumstances are:

16 The Peninsula Corridor Joint Powers Board operates
17 rail service through three counties and 20 city
18 jurisdictions. The regional nature of this rail service
19 necessitates that a single agency be authorized to
20 designate persons for the issuance of citations for any
21 violations of Section 640 of the Penal Code occurring
22 along the service area of the Peninsula Corridor Joint
23 Powers Board's rail service.

24 The Peninsula Corridor Joint Powers Board is in the
25 process of installing automated ticket vending machines
26 in all its stations. Once these ticket vending machines are
27 installed, passengers will be encouraged to purchase
28 tickets through the machines before boarding the trains.
29 Ticket sales on board the trains may ultimately be phased
30 out. As a result, a fare enforcement program requiring
31 passengers to present proof of payment will need to be
32 implemented to ensure that passengers pay the
33 appropriate fares, with citations issued to those who fail
34 to pay the appropriate fares.

35 SEC. 27. *Section 2 of this bill incorporates*
36 *amendments to Section 65080 of the Government Code*
37 *proposed by both this bill and AB 308. It shall only become*
38 *operative if (1) both bills are enacted and become*
39 *effective on or before January 1, 2000, (2) each bill*
40 *amends Section 65080 of the Government Code, and (3)*



1 *this bill is enacted after AB 308, in which case Section 1*
2 *of this bill shall not become operative.*

3 *SEC. 28. Section 12 of this bill incorporates*
4 *amendments to Section 7232 of the Revenue and Taxation*
5 *Code proposed by both this bill and AB 1658. It shall only*
6 *become operative if (1) both bills are enacted and*
7 *become effective on or before January 1, 2000, (2) each*
8 *bill amends Section 7232 of the Revenue and Taxation*
9 *Code, and (3) this bill is enacted after AB 1658, in which*
10 *case Section 11 of this bill shall not become operative.*

11 *SEC. 29. Section 24 of this bill incorporates*
12 *amendments to Section 22658 of the Vehicle Code*
13 *proposed by both this bill and SB 852. It shall only become*
14 *operative if (1) both bills are enacted and become*
15 *effective on or before January 1, 2000, (2) each bill*
16 *amends Section 22658 of the Vehicle Code, and (3) this*
17 *bill is enacted after SB 852, in which case Section 23 of this*
18 *bill shall not become operative.*

19 *SEC. 30. No reimbursement is required by this act*
20 *pursuant to Section 6 of Article XIII B of the California*
21 *Constitution because the only costs that may be incurred*
22 *by a local agency or school district will be incurred*
23 *because this act creates a new crime or infraction,*
24 *eliminates a crime or infraction, or changes the penalty*
25 *for a crime or infraction, within the meaning of Section*
26 *17556 of the Government Code, or changes the definition*
27 *of a crime within the meaning of Section 6 of Article*
28 *XIII B of the California Constitution.*

