

AMENDED IN SENATE MARCH 27, 2000

AMENDED IN SENATE MARCH 2, 2000

SENATE BILL

No. 1404

**Introduced by Committee on Transportation (Senators
Karnette (Chair), Costa, Dunn, Figueroa, Hayden,
Monteith, Murray, Rainey, and Speier)**

January 31, 2000

An act to amend Section 99312.7 of the Public Utilities Code, to amend ~~Section~~ *Sections 527 and 8314* of the Streets and Highways Code, and to amend Sections ~~34501.2~~ *III, 1803, 34501.2*, and 34601 of the Vehicle Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1404, as amended, Committee on Transportation. Transportation.

(1) Existing law requires certain funds in the Public Transportation Account in the State Transportation Fund to be appropriated by the Legislature to the Controller for allocation to transportation planning agencies, county transportation commissions, and the San Diego Metropolitan Transit Development Board for specified transit purposes. The Controller is required, not later than January 10th of each year, to send to each of those entities an estimate of the amount of funds to be allocated to the entity under these provisions during the next fiscal year.

This bill would change the date specified above to January 31st.

(2) Existing law requires the California Transportation Commission to relinquish to any city or county any portion of any state highway within the city or county that has been deleted from the state highway system by legislative enactment. These relinquishments become effective upon the first day of the next calendar or fiscal year, whichever first occurs after the effective date of the legislative enactment.

This bill would authorize the commission to relinquish to the City of Arroyo Grande a specified portion of State Highway Route 227, upon terms and conditions the commission finds to be in the best interests of the state, including that the city maintain within its jurisdiction signs directing motorists to the continuation of Route 227. The relinquishment would become effective immediately following the commission's approval of the terms and conditions of the relinquishment. The portion of Route 227 relinquished as specified would cease to be a state highway on the effective date of the relinquishment.

(3) Existing law provides for the vacation of a public street, highway, or public service easement in accordance with specified procedures.

This bill would correct a statutory cross reference set forth in those provisions.

~~(3)~~

(4) Under existing law, the definition of an all-terrain vehicle includes motor vehicles 50 inches or less in width, and 600 pounds or less in unladen weight.

This bill would expand the definition of all-terrain vehicles to include those motor vehicles up to 70 inches in width and those up to 1,000 pounds in unladen weight. All-terrain vehicles are subject to certain regulatory requirements, and to the extent this bill would increase the scope of an existing crime, it would impose a state-mandated local program.

(5) Existing law excludes violations as a pedestrian or while operating a bicycle from the requirement that court clerks report Vehicle Code violations to the Department of Motor Vehicles.

This bill would also exclude violations while operating a motorized scooter.



(6) The Motor Carriers of Property Permit Act provides for the regulation of certain for-hire motor carriers of property by the Department of Motor Vehicles and the Department of the California Highway Patrol. The act refers to certain obsolete statutory provisions and definitions relating to specified motor carriers.

This bill would delete the obsolete statutory references and definitions.

(7) *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: ~~no~~ yes. State-mandated local program: ~~no~~ yes.

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

1 SECTION 1. Section 99312.7 of the Public Utilities
2 Code is amended to read:

3 99312.7. (a) Not later than each January 31st, the
4 Controller shall send to each transportation planning
5 agency and county transportation commission, and the
6 San Diego Metropolitan Transit Development Board, an
7 estimate of the amount of funds to be allocated to it
8 during the next fiscal year pursuant to Sections 99313 and
9 99314.

10 (b) Not later than each August 1st, on the basis of the
11 amount appropriated in the Budget Act for purposes of
12 Sections 99313 and 99314, the Controller shall send to each
13 of the entities an estimate of the amount of funds to be
14 allocated to it during the fiscal year.

15 This section shall become operative on July 1, 1987.

16 SEC. 2. *Section 527 of the Streets and Highways Code*
17 *is amended to read:*

18 527. (a) Route 227 is from Route 1 south of Oceano to
19 Route 101 in San Luis Obispo.

20 (b) (1) *Notwithstanding subdivision (a), the*
21 *commission may relinquish to the City of Arroyo Grande*



1 *the portion of Route 227 that is located within the city*
2 *limits of that city, upon terms and conditions the*
3 *commission finds to be in the best interests of the state,*
4 *including, but not limited to, a condition that the City of*
5 *Arroyo Grande maintain within its jurisdiction signs*
6 *directing motorists to the continuation of Route 227.*

7 (2) *A relinquishment under this subdivision shall*
8 *become effective immediately following the*
9 *commission's approval of the terms and conditions of the*
10 *relinquishment.*

11 (3) *On and after the effective date of the*
12 *relinquishment, both of the following shall occur:*

13 (A) *The portion of Route 110 relinquished under this*
14 *subdivision shall cease to be a state highway.*

15 (B) *The portion of Route 110 relinquished under this*
16 *subdivision may not be considered for future adoption*
17 *under Section 81.*

18 *SEC. 3. Section 8314 of the Streets and Highways*
19 *Code is amended to read:*

20 8314. *Section 892 applies to a street, highway, or*
21 *public service easement vacated pursuant to this part.*

22 ~~*SEC. 3.—*~~

23 *SEC. 4. Section 111 of the Vehicle Code is amended*
24 *to read:*

25 111. *“All-terrain vehicle” means a motor vehicle*
26 *subject to subdivision (a) of Section 38010 which is all of*
27 *the following:*

28 (a) *Designed for operation off of the highway by an*
29 *operator with no passengers.*

30 (b) ~~*Fifty-Seven*~~ *inches or less in width.*

31 (c) ~~*Six-hundred-One Thousand*~~ *pounds or less unladen*
32 *weight.*

33 (d) *Suspended on three or more low-pressure tires.*

34 (e) *Has a single seat designed to be straddled by the*
35 *operator.*

36 (f) *Has handlebars for steering control.*

37 *SEC. 5. Section 1803 of the Vehicle Code is amended*
38 *to read:*

39 1803. (a) *Every clerk of a court in which a person was*
40 *convicted of any violation of this code, was convicted of*



1 any violation of subdivision (a), (b), (c), (d), (e), or (f)
2 of Section 655 of the Harbors and Navigation Code
3 pertaining to a mechanically propelled vessel but not to
4 manipulating any water skis, an aquaplane, or similar
5 device, was convicted of any violation of Section 655.2,
6 655.6, 658, or 658.5 of the Harbors and Navigation Code,
7 or any violation of Section 191.5 of the Penal Code when
8 the conviction resulted from the operation of a vessel, was
9 convicted of any offense involving use or possession of
10 controlled substances under Division 10 (commencing
11 with Section 11000) of the Health and Safety Code, was
12 convicted of any felony offense when a commercial motor
13 vehicle, as defined in subdivision (b) of Section 15210, was
14 involved in or incidental to the commission of the offense,
15 or was convicted of any violation of any other statute
16 relating to the safe operation of vehicles, shall prepare
17 within 10 days after conviction and immediately forward
18 to the department at its office at Sacramento an abstract
19 of the record of the court covering the case in which the
20 person was so convicted. If sentencing is not pronounced
21 in conjunction with the conviction, the abstract shall be
22 forwarded to the department within 10 days after
23 sentencing and the abstract shall be certified by the
24 person so required to prepare it to be true and correct.

25 For the purposes of this section, a forfeiture of bail shall
26 be equivalent to a conviction.

27 (b) The following violations are not required to be
28 reported under subdivision (a):

- 29 (1) Division 3.5 (commencing with Section 9840).
- 30 (2) Section 21113, with respect to parking violations.
- 31 (3) Chapter 9 (commencing with Section 22500) of
32 Division 11, except Section 22526.
- 33 (4) Division 12 (commencing with Section 24000),
34 except Sections 24002, 24004, 24250, 24409, 24604, 24800,
35 25103, 26707, 27151, 27315, 27360, 27800, and 27801 and
36 Chapter 3 (commencing with Section 26301).
- 37 (5) Division 15 (commencing with Section 35000),
38 except Chapter 5 (commencing with Section 35550).



1 (6) Violations for which a person was cited as a
2 pedestrian or while operating a bicycle *or a motorized*
3 *scooter*.

4 (7) Division 16.5 (commencing with Section 38000).

5 (8) Subdivision (b) of Section 23221, subdivision (b) of
6 Section 23223, subdivision (b) of Section 23225, and
7 subdivision (b) of Section 23226.

8 (c) If the court impounds a license, or orders a person
9 to limit his or her driving pursuant to paragraph (2) of
10 subdivision (a) of Section 23538, subdivision (b) of
11 Section 23542, subdivision (b) of Section 23562, or
12 subdivision (d) of Section 40508, the court shall notify the
13 department concerning the impoundment or limitation
14 on an abstract prepared pursuant to subdivision (a) of this
15 section or on a separate abstract, which shall be prepared
16 within 10 days after the impoundment or limitation was
17 ordered and immediately forwarded to the department
18 at its office in Sacramento.

19 (d) If the court determines that a prior judgment of
20 conviction of a violation of Section 23152 or 23153 is valid
21 or is invalid on constitutional grounds pursuant to Section
22 41403, the clerk of the court in which the determination
23 is made shall prepare an abstract of that determination
24 and forward it to the department in the same manner as
25 an abstract of record pursuant to subdivision (a).

26 (e) Within 10 days of an order terminating or revoking
27 probation under Section 23602, the clerk of the court in
28 which the order terminating or revoking probation was
29 entered shall prepare and immediately forward to the
30 department at its office in Sacramento an abstract of the
31 record of the court order terminating or revoking
32 probation and any other order of the court to the
33 department required by law.

34 *SEC. 6.* Section 34501.2 of the Vehicle Code is
35 amended to read:

36 34501.2. (a) The regulations adopted under Section
37 34501 for vehicles engaged in interstate or intrastate
38 commerce shall establish hours-of-service regulations for
39 drivers of those vehicles that are consistent with the
40 hours-of-service regulations adopted by the United States



1 Department of Transportation in Part 395 of Title 49 of
2 the Code of Federal Regulations, as those regulations now
3 exist or are hereafter amended.

4 (b) The regulations adopted under Section 34501 for
5 vehicles engaged in intrastate commerce that are not
6 transporting hazardous substances or hazardous waste, as
7 those terms are defined by regulations in Section 171.8 of
8 Title 49 of the Code of Federal Regulations, as those
9 regulations now exist or are hereafter amended, shall
10 have the following exceptions:

11 (1) The maximum driving time within a work period
12 shall be 12 hours for a driver of a truck or truck tractor,
13 except for a driver of a tank vehicle with a capacity of
14 more than 500 gallons transporting flammable liquid, who
15 may not drive for more than 10 hours within a work
16 period.

17 (2) No motor carrier may permit or require a driver to
18 drive, nor may any driver drive, for any period after
19 having been on duty for 80 hours in any consecutive eight
20 days.

21 (3) A driver employed by an electrical corporation, as
22 defined in Section 218 of the Public Utilities Code, a gas
23 corporation, as defined in Section 222 of that code, a
24 telephone corporation, as defined in Section 234 of that
25 code, a water corporation, as defined in Section 241 of that
26 code, or a public water district as defined in Section 20200
27 of the Water Code, may be permitted or required to drive
28 more than the number of hours specified in subdivision
29 (a) while operating a public utility or public water district
30 vehicle during the emergency restoration of service.

31 (4) Any other exceptions applicable to drivers
32 assigned to governmental fire suppression and
33 prevention, as determined by the department.

34 (5) A driver employed by a law enforcement agency,
35 as defined in Section 390.3(f)(2) of Title 49 of the Code
36 of Federal Regulations, as that section now exists or is
37 hereafter amended, during an emergency or to restore
38 the public peace.

39 (c) The regulations adopted pursuant to Section 34501
40 for vehicles engaged in the transportation of farm



1 products in intrastate commerce shall include all of the
2 following provisions:

3 (1) A driver employed by an agricultural carrier,
4 including a carrier holding a seasonal permit, or by a
5 private carrier, when transporting farm products from
6 the field to the first point of processing or packing, may
7 not drive for any period after having been on duty 16
8 hours or more following eight consecutive hours off duty
9 and may not drive for any period after having been on
10 duty for 112 hours in any consecutive eight-day period,
11 except that a driver transporting special situation farm
12 products from the field to the first point of processing or
13 packing, or transporting livestock from pasture to
14 pasture, may be permitted, during one period of not more
15 than 28 consecutive days or a combination of two periods
16 totaling not more than 28 days in a calendar year, to drive
17 for not more than 12 hours during any workday of not
18 more than 16 hours. A driver who thereby exceeds the
19 driving time limits specified in paragraph (2) of
20 subdivision (b) shall maintain a driver's record of duty
21 status, and shall keep a duplicate copy in his or her
22 possession when driving a vehicle subject to this chapter.
23 These records shall be presented immediately upon
24 request by any authorized employee of the department,
25 or any police officer or deputy sheriff.

26 (2) Upon the request of the Director of Food and
27 Agriculture, the commissioner may, for good cause,
28 temporarily waive the maximum on-duty time limits
29 applicable to any eight-day period when an emergency
30 exists due to inclement weather, natural disaster, or an
31 adverse economic condition that threatens to disrupt the
32 orderly movement of farm products during harvest for
33 the duration of the emergency. For purposes of this
34 paragraph, an emergency does not include a strike or
35 labor dispute.

36 (3) For purposes of this subdivision, the following
37 terms have the following meanings:

38 (A) "Farm products" means every agricultural,
39 horticultural, viticultural, or vegetable product of the soil,



1 honey and beeswax, oilseeds, poultry, livestock, milk, or
2 timber.

3 (B) “First point of processing or packing” means a
4 location where farm products are dried, canned,
5 extracted, fermented, distilled, frozen, ginned,
6 eviscerated, pasteurized, packed, packaged, bottled,
7 conditioned, or otherwise manufactured, processed, or
8 preserved for distribution in wholesale or retail markets.

9 (C) “Special situation farm products” means fruit,
10 tomatoes, sugar beets, grains, wine grapes, grape
11 concentrate, cotton, or nuts.

12 ~~SEC. 4.~~

13 *SEC. 7.* Section 34601 of the Vehicle Code is amended
14 to read:

15 34601. (a) As used in this division, “motor carrier of
16 property” means any person who operates any
17 commercial motor vehicle as defined in subdivision (c).
18 “Motor carrier of property” does not include a household
19 goods carrier, as defined in Section 5109 of the Public
20 Utilities Code, a household goods carrier transporting
21 used office, store, and institution furniture and fixtures
22 under its household goods carrier permit pursuant to
23 Section 5137 of the Public Utilities Code, persons
24 providing only transportation of passengers, or a
25 passenger stage corporation transporting baggage and
26 express upon a passenger vehicle incidental to the
27 transportation of passengers.

28 (b) As used in this division, “for-hire motor carrier of
29 property” means a motor carrier of property as defined
30 in subdivision (a) who transports property for
31 compensation.

32 (c) (1) As used in this division, except as provided in
33 paragraph (2), a “commercial motor vehicle” means any
34 self-propelled vehicle listed in subdivisions (a), (b), (f),
35 (g), and (k) of Section 34500, any motor truck of two or
36 more axles that is more than 10,000 pounds gross vehicle
37 weight rating, and any other motor vehicle used to
38 transport property for compensation.

39 (2) “Commercial motor vehicle” does not include any
40 of the following:



1 (A) Vehicles identified in subdivision (f) of Section
2 34500, if the gross vehicle weight rating of the towing
3 vehicle is 10,000 pounds or less.

4 (B) Vehicles identified in subdivision (g) of Section
5 34500, if the hazardous material transportation does not
6 require the display of placards under Section 27903, a
7 license under Section 32000.5, or a hazardous waste
8 transporter registration under Section 25163 of the
9 Health and Safety Code, and the vehicle is not operated
10 in commercial use.

11 (C) Vehicles operated by household goods carriers, as
12 defined in Section 5109 of the Public Utilities Code.

13 (D) Vehicles operated by a household goods carrier to
14 transport used office, store, and institution furniture and
15 fixtures under its household goods carrier permit
16 pursuant to Section 5137 of the Public Utilities Code.

17 (E) Pickup trucks as defined in Section 471.

18 (F) Two-axle daily rental trucks with a gross vehicle
19 weight rating of less than 26,001 pounds, when operated
20 in noncommercial use.

21 (G) Motor trucks or two-axle truck tractors, with a
22 gross vehicle weight rating of less than 26,001 pounds,
23 when used solely to tow a camp trailer, trailer coach,
24 fifth-wheel travel trailer, or utility trailer.

25 (3) Vehicle combinations described in paragraph (2)
26 are not subject to Sections 27900, 34501.12, and 34507.5.

27 (d) For purposes of this chapter, “private carrier”
28 means a motor carrier of property, who transports only
29 his or her own property, including, but not limited to, the
30 delivery of goods sold by that carrier.

31 *SEC. 8. No reimbursement is required by this act*
32 *pursuant to Section 6 of Article XIII B of the California*
33 *Constitution because the only costs that may be incurred*
34 *by a local agency or school district will be incurred*
35 *because this act creates a new crime or infraction,*
36 *eliminates a crime or infraction, or changes the penalty*
37 *for a crime or infraction, within the meaning of Section*
38 *17556 of the Government Code, or changes the definition*



1 *of a crime within the meaning of Section 6 of Article*
2 *XIII B of the California Constitution.*

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