

AMENDED IN ASSEMBLY JUNE 20, 2000

AMENDED IN ASSEMBLY JUNE 12, 2000

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 Sections 5272, 5300, 5403, 5405, and 5408 of, to add Sections 5211, 5216.4, and 5490.5 to, to repeal Section 5217 of, to amend and renumber Sections 5216.2, 5216.3, and 5216.4 of, the Business and Professions Code, to repeal Section 11011.18 of the Government Code, to amend ~~Section~~ *Sections* 99312.7 and 120262 of the Public Utilities Code, to amend Sections 527 and 8314 of the Streets and Highways Code, and to amend Sections 1656.2, 1803, 14900, 14900.1, 22406, 34501.2, 34601, and 42232 of, to add Sections 13000.1 and 22406.1 to, and to repeal Section 4764.2 of, the Vehicle Code, relating to government.

LEGISLATIVE COUNSEL'S DIGEST

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

(1) The Outdoor Advertising Act regulates the placement of advertising displays adjacent to and within specified distances of highways that are part of the national system of



interstate and defense highways and federal-aid highways. The act, except as specified, prohibits any advertising display from being placed or maintained on property adjacent to a section of a freeway that has been landscaped if the advertising display is designed to be viewed primarily by persons traveling on the main-traveled way of the landscaped freeway. The act defines relevant terms.

This bill would define additional terms as used in the act, amend certain definitions, and delete a definition. The bill would prohibit any advertising display that is visible from a state highway, rather than a bonus segment, as defined, if the display is flashing, intermittent, or involves moving light or lights. The bill would provide that all message centers, as defined, meet certain requirements, and would delete message centers from certain exemptions allowing advertising displays meeting certain requirements to be placed within 660 feet of an interstate or a primary highway if in a business area. The bill would provide that advertising displays may not impair the vision of travelers as measured by values established in the Vehicle Code.

To the extent that these changes would expand the scope of an existing crime, the bill would impose a state-mandated local program.

(2) Existing law regulates on-premises advertising displays and regulates any structure, housing, sign, device, figure, statuary, painting, display, message placard, or other contrivance, or any part thereof, that has been designed, constructed, created, intended, or engineered to have a useful life of 15 years or more, and intended or used to advertise, or to provide data or information in the nature of advertising, for specified purposes.

This bill would define “message center” and would provide that on-premise message center displays that are visible to traffic from any interstate or primary highway are required to meet certain conditions.

(3) Existing law requires the Department of Transportation, on or before a specified date to furnish to the Department of General Services a record of each parcel of real property, where available, or identified transportation project that it possesses except for existing highways, airspace,



nonmarketable airspace, excess land inventory, or highway projects advertised for or already under construction. The Department of Transportation is required to update its descriptions of projects, reflecting any changes, by July 1 of each year.

This bill would delete this reporting requirement.

*(4) Existing law provides that to the extent feasible, transportation rights-of-way of public entities shall be utilized to minimize the cost of construction.*

*This bill would provide that use of state highway property shall be subject to and exempt from, certain requirements relating to bonding and removal of encroachments.*

~~(4)~~

(5) 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.

~~(5)~~

(6) 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 *recordation by the county recorder of the relinquishment resolution containing 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.

~~(6)~~

(7) 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.

~~(7)~~

(8) Existing law requires the Department of Motor Vehicles to prepare and publish a printed summary describing the penalties for noncompliance with provisions relating to the state's compulsory financial responsibility law, and include the summary with specified motor vehicle registration and driver license documents.

This bill would make changes in the notice to conform to changes in the compulsory financial responsibility law.

~~(8)~~

(9) 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.

~~(9)~~

(10) Existing law requires the Department of Motor Vehicles to, in cooperation with parking citation processing agencies, develop a plan to establish a pilot program by which parking penalties and administrative fees may be collected without regard to whether a vehicle is transferred.

This bill would delete that requirement.

~~(10)~~

(11) Existing law requires the Department of Motor Vehicles to issue identification cards and authorizes the cancellation of the identification cards under certain circumstances.



This bill would authorize the department to refuse to issue or renew an identification card to any person if the department determines that the person has knowingly used a false or fictitious name in any application, if the department determines that the person has impersonated another in making an application, or if the department determines that the person has knowingly made a false statement, knowingly concealed a material fact, or otherwise committed any fraud on any application. The bill would also authorize the department to declare an identification card invalid on any of these same grounds. The bill would also require the holder of an invalid card to surrender the card to the department and a violation of this provision would be punishable as an infraction thereby imposing a state-mandated local program.

~~(11)~~

(12) Existing law specifies that upon application for an original class C or M driver's license, or for the renewal of a class C or M driver's license, there shall be paid to the Department of Motor Vehicles a fee of \$12 for a license that will expire on the 4th birthday of the applicant following the date of the application. Existing law also specifies that upon application for an original driver's license, or for the renewal of a driver's license or for a license to operate a different class of vehicle, there shall be paid to the department a fee of \$15 for a license that will expire on the 5th birthday of the applicant following the date of the application.

This bill would provide that the \$12 fee is for the issuance of an original 4-year class C or M driver's license and the \$15 fee is for a renewal 5-year class C or M driver's license or a change in vehicle class.

~~(12)~~

(13) Existing law prohibits specified vehicles from being driven on a highway in excess of 55 miles per hour and also prohibits a commercial motor vehicle from being operated on a highway at a speed exceeding an established maximum speed limit by 15 miles per hour or more and declares that a violation of this provision is punishable as a misdemeanor and is a serious traffic violation, as defined.

This bill would make a technical, nonsubstantive change in these provisions.



~~(13)~~

(14) 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.

~~(14)~~

(15) Existing law requires an application for refund from the Department of Motor Vehicles for an erroneous or excessive collection of fees or penalties to be presented to the department in writing within three years from the date of payment of the erroneous or excessive fee or penalty.

This bill would delete the requirement that the application be in writing, and, instead, would require that the application be in a format prescribed by the department.

~~(15)~~

(16) 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 5211 is added to the Business and  
2 Professions Code, to read:  
3 5211. "Flashing" is a light or message that changes  
4 more than once every four seconds.  
5 SEC. 2. Section 5216.2 of the Business and Professions  
6 Code is amended and renumbered to read:  
7 5216.3. "Main-traveled way" is the traveled way of a  
8 highway on which through traffic is carried. In the case  
9 of a divided highway, the traveled way of each of the  
10 separate roadways for traffic in opposite directions is a



1 main-traveled way. Main-traveled way does not include  
2 facilities such as frontage roads, ramps, auxiliary lanes,  
3 parking areas, or shoulders.

4 SEC. 3. Section 5216.3 of the Business and Professions  
5 Code is amended and renumbered to read:

6 5216.5. “Nonconforming advertising display” is an  
7 advertising display that was lawfully placed, but that does  
8 not conform to the provisions of this chapter, or the  
9 administrative regulations adopted pursuant to this  
10 chapter, that were enacted subsequent to the date of  
11 placing.

12 SEC. 4. Section 5216.4 of the Business and Professions  
13 Code is amended and renumbered to read:

14 5216.6. (a) “Officially designated scenic highway or  
15 scenic byway” is any state highway that has been officially  
16 designated and maintained as a state scenic highway  
17 pursuant to Sections 260, 261, 262, and 262.5 of the Streets  
18 and Highways Code or that has been officially designated  
19 a scenic byway as referred to in Section 131 (s) of Title 23  
20 of the United States Code.

21 (b) “Officially designated scenic highway or scenic  
22 byway” does not include routes listed as part of the State  
23 Scenic Highway system, Streets and Highway Code,  
24 Section 263, et seq., unless those routes, or segments of  
25 those routes, have been designated as officially  
26 designated state scenic highways.

27 SEC. 5. Section 5216.4 is added to the Business and  
28 Professions Code, to read:

29 5216.4. “Message center” is an advertising display  
30 where the message is changed more than once every two  
31 minutes, but no more than once every four seconds.

32 SEC. 6. Section 5217 of the Business and Professions  
33 Code is repealed.

34 SEC. 7. Section 5272 of the Business and Professions  
35 Code is amended to read:

36 5272. With the exception of Article 4 (commencing  
37 with Section 5300) and Sections 5400 and 5404, inclusive,  
38 nothing contained in this chapter applies to any  
39 advertising display that is used exclusively for any of the  
40 following purposes:



1 (a) To advertise the sale, lease, or exchange of real  
2 property upon which the advertising display is placed.

3 (b) To advertise directions to, and the sale, lease, or  
4 exchange of, real property for which the advertising  
5 display is placed; provided, that the exemption of this  
6 paragraph shall not apply to advertising displays visible  
7 from a highway and subject to the Highway  
8 Beautification Act of 1965 (23 U.S.C., Sec. 131).

9 (c) To designate the name of the owner or occupant  
10 of the premises or to identify the premises.

11 (d) To advertise the business conducted or services  
12 rendered or the goods produced or sold upon the  
13 property upon which the advertising display is placed if  
14 the display is upon the same side of the highway and  
15 within 1,000 feet of the point on the property or within  
16 1,000 feet of the entrance to the site at which the business  
17 is conducted or services are rendered or goods are  
18 produced or sold.

19 SEC. 8. Section 5300 of the Business and Professions  
20 Code is amended to read:

21 5300. (a) A person engages in the business of outdoor  
22 advertising whenever, personally or through employees,  
23 that person places an advertising display, changes the  
24 advertising message of an advertising display that does  
25 not pertain exclusively to that person’s business and is  
26 visible to a state highway or freeway.

27 (b) A manufacturer or distributor of a product for sale  
28 to the general public does not engage in the business of  
29 outdoor advertising when furnishing a sign pertaining to  
30 the product to a retailer of that product for installation on  
31 the retailer’s place of business or when installing on the  
32 retailer’s place of business a sign containing advertising  
33 pertaining to the product, the name or the business of the  
34 retailer.

35 SEC. 9. Section 5403 of the Business and Professions  
36 Code is amended to read:

37 5403. No advertising display shall be placed or  
38 maintained in any of the following locations or positions  
39 or under any of the following conditions or if the  
40 advertising structure or sign is of the following nature:



1 (a) If within the right-of-way of any highway.

2 (b) If visible from any highway and simulating or  
3 imitating any directional, warning, danger or information  
4 sign permitted under the provisions of this chapter, or if  
5 likely to be mistaken for any such permitted sign, or if  
6 intended or likely to be construed as giving warning to  
7 traffic, such as by the use of the words “stop” or “slow  
8 down.”

9 (c) If within any stream or drainage channel or below  
10 the floodwater level of any stream or drainage channel  
11 where the advertising display might be deluged by flood  
12 waters and swept under any highway structure crossing  
13 the stream or drainage channel or against the supports of  
14 the highway structure.

15 (d) If not maintained in safe condition.

16 (e) If visible from any highway and displaying any red  
17 or blinking or intermittent light likely to be mistaken for  
18 a warning or danger signal.

19 (f) If visible from any highway which is a part of the  
20 interstate or primary systems, and which is placed upon  
21 trees, or painted or drawn upon rocks or other natural  
22 features.

23 (g) If any illumination shall impair the vision of  
24 travelers on adjacent highways. Illuminations shall be  
25 considered vision impairing when its brilliance exceeds  
26 the values set forth in Section 21466.5 of the Vehicle Code.

27 (h) If visible from a state regulated highway displaying  
28 any flashing, intermittent, or moving light or lights.

29 SEC. 10. Section 5405 of the Business and Professions  
30 Code is amended to read:

31 5405. Notwithstanding any other provision of this  
32 chapter, no advertising display shall be placed or  
33 maintained within 660 feet from the edge of the  
34 right-of-way of, and the copy of which is visible from, any  
35 interstate or primary highway, other than any of the  
36 following:

37 (a) Directional or other official signs or notices that are  
38 required or authorized by law, including, but not limited  
39 to, signs pertaining to natural wonders and scenic and  
40 historical attractions, and which comply with regulations



1 adopted by the director relative to their lighting, size,  
2 number, spacing, and any other requirements as may be  
3 appropriate to implement this chapter which are  
4 consistent with national standards adopted by the United  
5 States Secretary of Transportation pursuant to  
6 subdivision (c) of Section 131 of Title 23 of the United  
7 States Code.

8 (b) Advertising displays advertising the sale or lease of  
9 the property upon which they are located, if all  
10 advertising displays within 660 feet of the edge of the  
11 right-of-way of a bonus segment comply with the  
12 regulations adopted under Sections 5251 and 5415.

13 (c) Advertising displays which advertise the business  
14 conducted, services rendered, or goods produced or sold  
15 upon the property upon which the advertising display is  
16 placed, if the display is upon the same side of the highway  
17 as the advertised activity; and if all advertising displays  
18 within 660 feet of the right-of-way of a bonus segment  
19 comply with the regulations adopted under Sections 5251,  
20 5403, and 5415; and except that no advertising display  
21 shall be placed after January 1, 1971, if it contains flashing,  
22 intermittent, or moving lights (other than that part  
23 necessary to give public service information, including,  
24 but not limited to, the time, date, temperature, weather,  
25 or similar information, or a message center display as  
26 defined in subdivision (d)).

27 (d) (1) Message center displays that comply with all  
28 requirements of this chapter. The illumination or the  
29 appearance of illumination resulting in a message change  
30 of a message center display is not the use of flashing,  
31 intermittent, or moving light for purposes of subdivision  
32 (b) of Section 5408, except that no message center display  
33 may include any illumination or message change that is  
34 in motion or appears to be in motion or that changes in  
35 intensity or exposes its message for less than four seconds.  
36 No message center display may be placed within 1,000  
37 feet of another message center display. No message  
38 center display may be placed in violation of Section 131  
39 of Title 23 of the United States Code.



1 (2) Any message center display located beyond 660  
2 feet from the edge of the right-of-way of an interstate or  
3 primary highway and permitted by a city, county, or city  
4 and county on or before December 31, 1988, is in  
5 compliance with Article 6 (commencing with Section  
6 5350) and Article 7 (commencing with Section 5400) for  
7 purposes of this section.

8 (3) Any message center display legally placed on or  
9 before December 31, 1996, which does not conform with  
10 this section may continue to be maintained under its  
11 existing criteria if it advertises only the business  
12 conducted, services rendered, or goods produced or sold  
13 upon the property upon which the display is placed.

14 (4) This subdivision does not prohibit the adoption by  
15 a city, county, or city and county of restrictions or  
16 prohibitions affecting off-premises message center  
17 displays which are equal to or greater than those imposed  
18 by this subdivision, if that ordinance or regulation does  
19 not restrict or prohibit on-premises advertising displays,  
20 as defined in Chapter 2.5 (commencing with Section  
21 5490).

22 (e) Advertising displays erected or maintained  
23 pursuant to regulations of the director, not inconsistent  
24 with the national policy set forth in subdivision (f) of  
25 Section 131 of Title 23 of the United States Code and the  
26 standards promulgated thereunder by the Secretary of  
27 Transportation, and designed to give information in the  
28 specific interest of the traveling public.

29 SEC. 11. Section 5408 of the Business and Professions  
30 Code is amended to read:

31 5408. In addition to the advertising displays  
32 permitted by Section 5405 to be placed within 660 feet of  
33 the edge of the right-of-way of interstate or primary  
34 highways, advertising displays conforming to the  
35 following standards, and not in violation of any other  
36 provision of this chapter, may be placed in those locations  
37 if placed in business areas:

38 (a) Advertising displays may not be placed that exceed  
39 1,200 square feet in area with a maximum height of 25 feet  
40 and a maximum length of 60 feet, including border and



1 trim, and excluding base or apron supports and other  
2 structural members. This subdivision shall apply to each  
3 facing of an advertising display. The area shall be  
4 measured by the smallest square, rectangle, triangle,  
5 circle, or combination thereof, which will encompass the  
6 entire advertisement. Two advertising displays not  
7 exceeding 350 square feet each may be erected in a  
8 facing. Any advertising display lawfully in existence on  
9 August 1, 1967, that exceeds 1,200 square feet in area, and  
10 that is permitted by city or county ordinance, may be  
11 maintained in existence.

12 (b) Advertising displays may not be placed that are so  
13 illuminated that they interfere with the effectiveness of,  
14 or obscure any official traffic sign, device, or signal; nor  
15 shall any advertising display include or be illuminated by  
16 flashing, intermittent, or moving lights (except that part  
17 necessary to give public service information such as time,  
18 date, temperature, weather, or similar information); nor  
19 shall any advertising display cause beams or rays of light  
20 to be directed at the traveled ways if the light is of an  
21 intensity or brilliance as to cause glare or to impair the  
22 vision of any driver, or to interfere with any driver's  
23 operation of a motor vehicle.

24 (c) Advertising displays shall not be placed in ~~such~~ a  
25 manner as to obstruct, or otherwise physically interfere  
26 with, an official traffic sign, signal, or device or to  
27 obstruct, or physically interfere with, the vision of drivers  
28 in approaching, merging, or intersecting traffic.

29 (d) No advertising display shall be placed within 500  
30 feet from another advertising display on the same side of  
31 any portion of an interstate highway or a primary  
32 highway that is a freeway. No advertising display shall be  
33 placed within 500 feet of an interchange, or an  
34 intersection at grade, or a safety roadside rest area on any  
35 portion of an interstate highway or a primary highway  
36 that is a freeway and if the interstate or primary highway  
37 is located outside the limits of an incorporated city and  
38 outside the limits of an urban area. No advertising display  
39 shall be placed within 300 feet from another advertising  
40 display on the same side of any portion of a primary



1 highway that is not a freeway if that portion of the  
2 primary highway is located outside the limits of an  
3 incorporated city and outside the limits of an urban area.  
4 No advertising display shall be placed within 100 feet  
5 from another advertising display on the same side of any  
6 portion of a primary highway that is not a freeway if that  
7 portion of the primary highway is located inside the limits  
8 of an incorporated city or inside the limits of an urban  
9 area.

10 (e) Subdivision (d) does not apply to any of the  
11 following:

12 (1) Advertising displays that are separated by a  
13 building or other obstruction in a manner that only one  
14 display located within the minimum spacing distances set  
15 forth herein is visible from the highway at any one time.

16 (2) Double-faced, back-to-back, or V-type advertising  
17 display, with a maximum of two signs per facing, as  
18 permitted in subdivision (a).

19 (3) Advertising displays permitted by subdivisions (a)  
20 to (c), inclusive, of Section 5405. The minimum distance  
21 between signs shall be measured along the nearest edge  
22 of the pavement between points directly opposite the  
23 signs along each side of the highway.

24 (4) Any advertising display lawfully in existence on  
25 August 1, 1967, which does not conform to this subdivision  
26 but that is permitted by city or county ordinances.

27 (f) “Urban area,” as used in subdivision (d), shall be  
28 determined in accordance with Section 101(a) of Title 23  
29 of the United States Code.

30 SEC. 12. Section 5490.5 is added to the Business and  
31 Professions Code, to read:

32 5490.5. (a) For purposes of this chapter, “message  
33 center” is an advertising display where the message is  
34 changed more than once every two minutes, but no more  
35 than once every four seconds.

36 (b) On-premise message centers visible to traffic from  
37 any interstate or primary highway shall meet all of the  
38 following requirements:

39 (1) The display may not include any message that is in  
40 motion or appears to be in motion.



1 (2) The display may not change the intensity of  
2 illumination.

3 (3) The display may not change the message more  
4 than once every four seconds.

5 SEC. 13. Section 11011.18 of the Government Code is  
6 repealed.

7 ~~Section~~

8 SEC. 14. Section 99312.7 of the Public Utilities Code  
9 is amended to read:

10 99312.7. (a) Not later than each January 31st, the  
11 Controller shall send to each transportation planning  
12 agency and county transportation commission, and the  
13 San Diego Metropolitan Transit Development Board, an  
14 estimate of the amount of funds to be allocated to it  
15 during the next fiscal year pursuant to Sections 99313 and  
16 99314.

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

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

23 SEC. 15. Section 120262 of the Public Utilities Code is  
24 amended to read:

25 120262. (a) The Legislature finds that it is in the  
26 public interest that the construction of exclusive public  
27 mass transit guideways commence as soon as possible so  
28 that their operation may also commence as soon as  
29 possible. Therefore, in planning and constructing such  
30 guideways, the board shall give priority consideration to  
31 guideway technology presently available and in use.

32 (b) Such a guideway system shall be planned in such  
33 a manner that it may be constructed, and brought into  
34 operation, on an incremental basis so that available fiscal  
35 resources may be utilized as early as possible and, if the  
36 guideway system is a medium capacity system, it shall be  
37 capable of being upgraded to a higher service capacity  
38 when necessary.



1 (c) To the extent feasible, transportation rights-of-way  
2 of public entities shall be utilized to minimize the cost of  
3 construction.

4 (d) *Use of state highway property pursuant to Section*  
5 *120244 and subdivision (c) of Section 120262 shall be*  
6 *subject to the requirements of Section 678 of the Streets*  
7 *and Highways Code, but not Section 673.*

8 ~~SEC. 14.~~

9 SEC. 16. Section 527 of the Streets and Highways  
10 Code is amended to read:

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

13 (b) (1) Notwithstanding subdivision (a), the  
14 commission may relinquish to the City of Arroyo Grande  
15 the portion of Route 227 that is located within the city  
16 limits of that city, upon terms and conditions the  
17 commission finds to be in the best interests of the state,  
18 including, but not limited to, a condition that the City of  
19 Arroyo Grande maintain within its jurisdiction signs  
20 directing motorists to the continuation of Route 227.

21 (2) A relinquishment under this subdivision shall  
22 become effective immediately following *recordation by*  
23 *the county recorder of the relinquishment resolution*  
24 *containing the commission's approval of the terms and*  
25 *conditions of the relinquishment.*

26 (3) On and after the effective date of the  
27 relinquishment, both of the following shall occur:

28 (A) The portion of Route ~~440~~ 227 relinquished under  
29 this subdivision shall cease to be a state highway.

30 (B) The portion of Route ~~440~~ 227 relinquished under  
31 this subdivision may not be considered for future  
32 adoption under Section 81.

33 ~~SEC. 15.~~

34 SEC. 17. Section 8314 of the Streets and Highways  
35 Code is amended to read:

36 8314. Section 892 applies to a street, highway, or  
37 public service easement vacated pursuant to this part.

38 ~~SEC. 16.~~

39 SEC. 18. Section 1656.2 of the Vehicle Code is  
40 amended to read:



1 1656.2. The department shall prepare and publish a  
 2 printed summary describing the penalties for  
 3 noncompliance with Sections 16000 and 16028, which  
 4 shall be included with each motor vehicle registration,  
 5 registration renewal, and transfer of registration and with  
 6 each driver’s license and license renewal. The printed  
 7 summary may contain, but is not limited to, the following  
 8 wording:

9

10 “IMPORTANT FACTS ABOUT ENFORCEMENT OF  
 11 CALIFORNIA’S COMPULSORY FINANCIAL  
 12 RESPONSIBILITY LAW

13

14 California law requires every driver to carry written  
 15 evidence of valid automobile liability insurance, a  
 16 thirty-five thousand dollar (\$35,000) bond, a thirty-five  
 17 thousand dollar (\$35,000) cash deposit, or a certificate  
 18 of self-insurance that has been issued by the  
 19 Department of Motor Vehicles.

20 You must provide evidence of financial responsibility  
 21 when you renew the registration of a motor vehicle,  
 22 and after you are cited by a peace officer for a traffic  
 23 violation or are involved in any traffic accident. The  
 24 law requires that you provide the officer with the name  
 25 and address of your insurer and the policy  
 26 identification number. Your insurer will provide  
 27 written evidence of this number. Failure to provide  
 28 evidence of your financial responsibility can result in  
 29 fines of up to five hundred dollars (\$500) and loss of  
 30 your driver’s license. Falsification of evidence can  
 31 result in fines of up to seven hundred fifty dollars (\$750)  
 32 or 30 days in jail, or both, in addition to a one-year  
 33 suspension of driving privileges.

34 Under existing California law, if you are involved in  
 35 an accident that results in damages of over five  
 36 hundred dollars (\$500) to the property of any person or  
 37 in any injury or fatality, you must file a report of the  
 38 accident with the Department of Motor Vehicles  
 39 within 10 days of the accident. If you fail to file a report  
 40 or fail to provide evidence of financial responsibility on



1 the report, your driving privilege will be suspended for  
2 up to four years. Your suspension notice will notify you  
3 of the department's action and of your right to a  
4 hearing. Your suspension notice will also inform you  
5 that if you request a hearing, it must be conducted  
6 within 30 days of your written request, and that a  
7 decision is to be rendered within 15 days of the  
8 conclusion of the hearing.”

9  
10 ~~SEC. 17.~~

11 *SEC. 19.* Section 1803 of the Vehicle Code is amended  
12 to read:

13 1803. (a) Every clerk of a court in which a person was  
14 convicted of any violation of this code, was convicted of  
15 any violation of subdivision (a), (b), (c), (d), (e), or (f)  
16 of Section 655 of the Harbors and Navigation Code  
17 pertaining to a mechanically propelled vessel but not to  
18 manipulating any water skis, an aquaplane, or similar  
19 device, was convicted of any violation of Section 655.2,  
20 655.6, 658, or 658.5 of the Harbors and Navigation Code,  
21 or any violation of Section 191.5 of the Penal Code when  
22 the conviction resulted from the operation of a vessel, was  
23 convicted of any offense involving use or possession of  
24 controlled substances under Division 10 (commencing  
25 with Section 11000) of the Health and Safety Code, was  
26 convicted of any felony offense when a commercial motor  
27 vehicle, as defined in subdivision (b) of Section 15210, was  
28 involved in or incidental to the commission of the offense,  
29 or was convicted of any violation of any other statute  
30 relating to the safe operation of vehicles, shall prepare  
31 within 10 days after conviction and immediately forward  
32 to the department at its office at Sacramento an abstract  
33 of the record of the court covering the case in which the  
34 person was so convicted. If sentencing is not pronounced  
35 in conjunction with the conviction, the abstract shall be  
36 forwarded to the department within 10 days after  
37 sentencing and the abstract shall be certified by the  
38 person so required to prepare it to be true and correct.

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

- 1 (b) The following violations are not required to be  
2 reported under subdivision (a):
- 3 (1) Division 3.5 (commencing with Section 9840).  
4 (2) Section 21113, with respect to parking violations.  
5 (3) Chapter 9 (commencing with Section 22500) of  
6 Division 11, except Section 22526.  
7 (4) Division 12 (commencing with Section 24000),  
8 except Sections 24002, 24004, 24250, 24409, 24604, 24800,  
9 25103, 26707, 27151, 27315, 27360, 27800, and 27801 and  
10 Chapter 3 (commencing with Section 26301).  
11 (5) Division 15 (commencing with Section 35000),  
12 except Chapter 5 (commencing with Section 35550).  
13 (6) Violations for which a person was cited as a  
14 pedestrian or while operating a bicycle or a motorized  
15 scooter.  
16 (7) Division 16.5 (commencing with Section 38000).  
17 (8) Subdivision (b) of Section 23221, subdivision (b) of  
18 Section 23223, subdivision (b) of Section 23225, and  
19 subdivision (b) of Section 23226.
- 20 (c) If the court impounds a license, or orders a person  
21 to limit his or her driving pursuant to paragraph (2) of  
22 subdivision (a) of Section 23538, subdivision (b) of  
23 Section 23542, subdivision (b) of Section 23562, or  
24 subdivision (d) of Section 40508, the court shall notify the  
25 department concerning the impoundment or limitation  
26 on an abstract prepared pursuant to subdivision (a) of this  
27 section or on a separate abstract, which shall be prepared  
28 within 10 days after the impoundment or limitation was  
29 ordered and immediately forwarded to the department  
30 at its office in Sacramento.
- 31 (d) If the court determines that a prior judgment of  
32 conviction of a violation of Section 23152 or 23153 is valid  
33 or is invalid on constitutional grounds pursuant to Section  
34 41403, the clerk of the court in which the determination  
35 is made shall prepare an abstract of that determination  
36 and forward it to the department in the same manner as  
37 an abstract of record pursuant to subdivision (a).
- 38 (e) Within 10 days of an order terminating or revoking  
39 probation under Section 23602, the clerk of the court in  
40 which the order terminating or revoking probation was



1 entered shall prepare and immediately forward to the  
2 department at its office in Sacramento an abstract of the  
3 record of the court order terminating or revoking  
4 probation and any other order of the court to the  
5 department required by law.

6 ~~SEC. 18.~~

7 *SEC. 20.* Section 4764.2 of the Vehicle Code is  
8 repealed.

9 ~~SEC. 19.~~

10 *SEC. 21.* Section 13000.1 is added to the Vehicle Code,  
11 to read:

12 13000.1. (a) The department may refuse to issue or  
13 renew an identification card to any person for any of the  
14 following reasons:

15 (1) The department determines that the person has  
16 knowingly used a false or fictitious name in any  
17 application.

18 (2) The department determines that the person has  
19 impersonated another in making an application.

20 (3) The department determines that the person has  
21 knowingly made a false statement, knowingly concealed  
22 a material fact, or otherwise committed any fraud on any  
23 application.

24 (b) The department may declare an identification  
25 card invalid upon any of the grounds specified in  
26 subdivision (a) as reason to refuse to reissue or renew an  
27 identification card. The holder of an identification card  
28 that has been declared invalid shall surrender the  
29 identification card to the department.

30 ~~SEC. 20.~~

31 *SEC. 22.* Section 14900 of the Vehicle Code is  
32 amended to read:

33 14900. Upon application for an original class C or M  
34 driver's license, there shall be paid to the department a  
35 fee of twelve dollars (\$12) for a license that will expire on  
36 the fourth birthday of the applicant following the date of  
37 the application. The payment of the fee entitles the  
38 person paying the fee to apply for a driver's license and  
39 to take three examinations within a period of 12 months  
40 from the date of the application or during the period that



1 an instruction permit is valid, as provided in Section  
2 12509.

3 ~~SEC. 21.~~

4 *SEC. 23.* Section 14900.1 of the Vehicle Code is  
5 amended to read:

6 14900.1. Except as provided in Sections 15250.5 and  
7 15255, upon application for the renewal of a driver's  
8 license or for a license to operate a different class of  
9 vehicle, there shall be paid to the department a fee of  
10 fifteen dollars (\$15) for a license that will expire on the  
11 fifth birthday of the applicant following the date of the  
12 application. The payment of the fee entitles the person  
13 paying the fee to apply for a driver's license and to take  
14 three examinations within a period of 12 months from the  
15 date of the application or during the period that an  
16 instruction permit is valid, as provided in Section 12509.

17 ~~SEC. 22.~~

18 *SEC. 24.* Section 22406 of the Vehicle Code is  
19 amended to read:

20 22406. No person may drive any of the following  
21 vehicles on a highway at a speed in excess of 55 miles per  
22 hour:

23 (a) A motortruck or truck tractor having three or  
24 more axles or any motortruck or truck tractor drawing  
25 any other vehicle.

26 (b) A passenger vehicle or bus drawing any other  
27 vehicle.

28 (c) A schoolbus transporting any school pupil.

29 (d) A farm labor vehicle when transporting  
30 passengers.

31 (e) A vehicle transporting explosives.

32 (f) A trailer bus, as defined in Section 636.

33 ~~SEC. 23.~~

34 *SEC. 25.* Section 22406.1 is added to the Vehicle Code,  
35 to read:

36 22406.1. Any person who operates a commercial  
37 motor vehicle, as defined in Section 15210, upon a  
38 highway at a speed exceeding a maximum speed limit  
39 established under this code by 15 miles per hour or more,  
40 is guilty of a misdemeanor. A violation of this section shall



1 be considered a “serious traffic violation,” as defined in  
2 subdivision (i) of Section 15210, and shall be subject to the  
3 sanctions provided under Section 15306 or 15308, in  
4 addition to any other penalty provided by law.

5 ~~SEC. 24.~~

6 SEC. 26. Section 34501.2 of the Vehicle Code is  
7 amended to read:

8 34501.2. (a) The regulations adopted under Section  
9 34501 for vehicles engaged in interstate or intrastate  
10 commerce shall establish hours-of-service regulations for  
11 drivers of those vehicles that are consistent with the  
12 hours-of-service regulations adopted by the United States  
13 Department of Transportation in Part 395 of Title 49 of  
14 the Code of Federal Regulations, as those regulations now  
15 exist or are hereafter amended.

16 (b) The regulations adopted under Section 34501 for  
17 vehicles engaged in intrastate commerce that are not  
18 transporting hazardous substances or hazardous waste, as  
19 those terms are defined by regulations in Section 171.8 of  
20 Title 49 of the Code of Federal Regulations, as those  
21 regulations now exist or are hereafter amended, shall  
22 have the following exceptions:

23 (1) The maximum driving time within a work period  
24 shall be 12 hours for a driver of a truck or truck tractor,  
25 except for a driver of a tank vehicle with a capacity of  
26 more than 500 gallons transporting flammable liquid, who  
27 ~~may shall~~ not drive for more than 10 hours within a work  
28 period.

29 (2) No motor carrier may permit or require a driver to  
30 drive, nor ~~may shall~~ any driver drive, for any period after  
31 having been on duty for 80 hours in any consecutive eight  
32 days.

33 (3) A driver employed by an electrical corporation, as  
34 defined in Section 218 of the Public Utilities Code, a gas  
35 corporation, as defined in Section 222 of that code, a  
36 telephone corporation, as defined in Section 234 of that  
37 code, a water corporation, as defined in Section 241 of that  
38 code, or a public water district as defined in Section 20200  
39 of the Water Code, may be permitted or required to drive  
40 more than the number of hours specified in subdivision



1 (a) while operating a public utility or public water district  
2 vehicle during the emergency restoration of service.

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

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

11 (c) The regulations adopted pursuant to Section 34501  
12 for vehicles engaged in the transportation of farm  
13 products in intrastate commerce shall include all of the  
14 following provisions:

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

38 (2) Upon the request of the Director of Food and  
39 Agriculture, the commissioner may, for good cause,  
40 temporarily waive the maximum on-duty time limits



1 applicable to any eight-day period when an emergency  
2 exists due to inclement weather, natural disaster, or an  
3 adverse economic condition that threatens to disrupt the  
4 orderly movement of farm products during harvest for  
5 the duration of the emergency. For purposes of this  
6 paragraph, an emergency does not include a strike or  
7 labor dispute.

8 (3) For purposes of this subdivision, the following  
9 terms have the following meanings:

10 (A) “Farm products” means every agricultural,  
11 horticultural, viticultural, or vegetable product of the soil,  
12 honey and beeswax, oilseeds, poultry, livestock, milk, or  
13 timber.

14 (B) “First point of processing or packing” means a  
15 location where farm products are dried, canned,  
16 extracted, fermented, distilled, frozen, ginned,  
17 eviscerated, pasteurized, packed, packaged, bottled,  
18 conditioned, or otherwise manufactured, processed, or  
19 preserved for distribution in wholesale or retail markets.

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

23 ~~SEC. 25.~~

24 *SEC. 27.* Section 34601 of the Vehicle Code is  
25 amended to read:

26 34601. (a) As used in this division, “motor carrier of  
27 property” means any person who operates any  
28 commercial motor vehicle as defined in subdivision (c).  
29 “Motor carrier of property” does not include a household  
30 goods carrier, as defined in Section 5109 of the Public  
31 Utilities Code, a household goods carrier transporting  
32 used office, store, and institution furniture and fixtures  
33 under its household goods carrier permit pursuant to  
34 Section 5137 of the Public Utilities Code, persons  
35 providing only transportation of passengers, or a  
36 passenger stage corporation transporting baggage and  
37 express upon a passenger vehicle incidental to the  
38 transportation of passengers.

39 (b) As used in this division, “for-hire motor carrier of  
40 property” means a motor carrier of property as defined



1 in subdivision (a) who transports property for  
2 compensation.

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

10 (2) ~~“Commercial~~ *As used in this division, “commercial*  
11 *motor vehicle” does not include any of the following:*

12 (A) Vehicles identified in subdivision (f) of Section  
13 34500, if the gross vehicle weight rating of the towing  
14 vehicle is 10,000 pounds or less.

15 (B) Vehicles identified in subdivision (g) of Section  
16 34500, if the hazardous material transportation does not  
17 require the display of placards under Section 27903, a  
18 license under Section 32000.5, or a hazardous waste  
19 transporter registration under Section 25163 of the  
20 Health and Safety Code, and the vehicle is not operated  
21 in commercial use.

22 (C) Vehicles operated by *a household goods carriers*  
23 *carrier, as defined in Section 5109 of the Public Utilities*  
24 *Code, under the household goods carrier permit*  
25 *pursuant to Section 5137 of that code.*

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

30 (E) Pickup trucks as defined in Section 471, *if the*  
31 *conditions in subparagraphs (A) and (B) are also met.*

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

35 (G) Motor trucks or two-axle truck tractors, with a  
36 gross vehicle weight rating of less than 26,001 pounds,  
37 when used solely to tow a camp trailer, trailer coach,  
38 fifth-wheel travel trailer, or utility trailer. *Vehicle*  
39 *combinations described in this subparagraph are not*  
40 *subject to Section 27900, 34501.12, and 34507.5.*



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

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

7 ~~SEC. 26.~~

8 SEC. 28. Section 42232 of the Vehicle Code is  
9 amended to read:

10 42232. The application for refund shall be presented  
11 to the department in a format prescribed by the  
12 department within three years from the date of payment  
13 of the erroneous or excessive fee or penalty and shall  
14 identify the payment made and state the grounds upon  
15 which it is claimed that the payment was excessive or  
16 erroneous.

17 ~~SEC. 27.~~

18 SEC. 29. No reimbursement is required by this act  
19 pursuant to Section 6 of Article XIII B of the California  
20 Constitution because the only costs that may be incurred  
21 by a local agency or school district will be incurred  
22 because this act creates a new crime or infraction,  
23 eliminates a crime or infraction, or changes the penalty  
24 for a crime or infraction, within the meaning of Section  
25 17556 of the Government Code, or changes the definition  
26 of a crime within the meaning of Section 6 of Article  
27 XIII B of the California Constitution.

