

ASSEMBLY BILL

No. 636

Introduced by Assembly Member Jones

February 25, 2009

An act to amend Section 5387 of the Public Utilities Code, relating to charter-party carriers.

LEGISLATIVE COUNSEL'S DIGEST

AB 636, as introduced, Jones. Charter-party carriers: bus drivers.

(1) The Passenger Charter-Party Carriers Act, with certain exceptions, prohibits a charter-party carrier of passengers from engaging in transportation services subject to regulation by the Public Utilities Commission without obtaining a specified certificate or permit, as appropriate, from the commission. The act makes it unlawful, among other things, for the owner of a charter-party carrier of passengers to permit the operation of any vehicle upon any public highway for compensation without having obtained from the commission a certificate or permit, as specified, pursuant to the act.

This bill would require the commission to permanently revoke the authority of a charter-party carrier that knowingly employs a bus driver who does not have the required license or endorsement to drive a bus and would permanently prohibit a person who drives a bus for a charter-party carrier without the proper driver's license or endorsement from driving a bus of any kind.

The bill would also require an officer of the Department of the California Highway Patrol who stops or inspects a bus of a charter-party carrier that is being driven by a driver who does not have in his or her possession the appropriate license or endorsement, to impound the bus.

(2) Under existing law, a violation of the Passenger Charter-Party Carriers Act, or a violation of an order or direction of the commission issued pursuant to the act, is a crime.

Because the provisions of this bill would be a part of the act and because a violation of those provisions or of an order or decision of the commission implementing those provisions would be a crime, the bill would impose a state-mandated local program by creating new crimes.

(3) 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 5387 of the Public Utilities Code is
 2 amended to read:

3 5387. (a) It is unlawful for the owner of a charter-party carrier
 4 of passengers to permit the operation of ~~any~~ a vehicle upon ~~any~~ a
 5 public highway for compensation without (1) having obtained
 6 from the commission a certificate or permit pursuant to this chapter,
 7 (2) having complied with the vehicle identification requirements
 8 of Section 5385, 5385.5, or 5385.6, and (3) having complied with
 9 the accident liability protection requirements of Section 5391.

10 ~~The amendments to this section made in 1994 shall become~~
 11 ~~operative on July 1, 1995.~~

12 (b) *A person who drives a bus for a charter-party carrier without*
 13 *the proper driver's license or endorsement shall be permanently*
 14 *prohibited from driving a bus of any kind, including, but not limited*
 15 *to, a bus, school bus, school pupil activity bus, or transit bus, and*
 16 *from receiving a license or endorsement that would permit the*
 17 *driving of any bus.*

18 (c) *A charter-party carrier that knowingly employs a bus driver*
 19 *who does not have the required license or endorsement to drive a*
 20 *bus shall have its authority as a charter-party carrier permanently*
 21 *revoked by the commission.*

22 (d) *When an officer of the Department of the California Highway*
 23 *Patrol stops or inspects a bus of a charter-party carrier that is*

1 *being driven by a driver who does not have in his or her possession*
2 *the appropriate license or endorsement, the bus shall be impounded*
3 *for 30 days pursuant to the provisions and procedures for the*
4 *impoundment and release of vehicles under Section 14602.6 of the*
5 *Vehicle Code.*

6 SEC. 2. No reimbursement is required by this act pursuant to
7 Section 6 of Article XIII B of the California Constitution because
8 the only costs that may be incurred by a local agency or school
9 district will be incurred because this act creates a new crime or
10 infraction, eliminates a crime or infraction, or changes the penalty
11 for a crime or infraction, within the meaning of Section 17556 of
12 the Government Code, or changes the definition of a crime within
13 the meaning of Section 6 of Article XIII B of the California
14 Constitution.

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