

AMENDED IN ASSEMBLY JUNE 22, 2009

SENATE BILL

No. 734

Introduced by Senator Lowenthal

February 27, 2009

An act to amend Sections 8879.23, 14530.1, and 14679 of the Government Code, *to amend Sections 44011 and 44126 of the Health and Safety Code*, to amend Section 99243 of the Public Utilities Code, and to amend Sections ~~21650~~, *4000.1*, *12810.3*, *21650*, *21800*, 22507.8, 22511.7, 22511.8, ~~40203.5~~, and 40215 of, and to add Sections 231.5 and 231.6 to, the Vehicle Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 734, as amended, Lowenthal. Transportation.

(1) The Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 authorizes the issuance of \$19.925 billion in general obligation bonds for various transportation improvements, of which \$2 billion are to be allocated, upon appropriation by the Legislature, to cities and counties for specified street and road improvements. The act requires a city or county to reimburse the state for funds it receives if it fails to comply with certain conditions applicable to the expenditure of the bond funds.

This bill would require any interest or other return earned by a city or county from investment of bond funds received under these provisions to be expended or reimbursed under the same conditions as are applicable to the bond funds themselves.

(2) The Mills-Alquist-Deddeh Act requires transit operators to file an annual report of their operation with the transportation planning agencies having jurisdiction over them and the Controller within 90 days after the close of the operator's fiscal year.

This bill would extend the filing deadline from 90 days to 110 days after the close of the operator's fiscal year if the report is filed electronically.

(3) Existing law provides that every person riding a bicycle upon a highway has all the rights applicable to the driver of a vehicle and is subject to specified provisions in the Vehicle Code, including the rules of the road and specified equipment requirements. Existing law also does not prohibit the operation of bicycles on any shoulder of a highway.

This bill would define a "bicycle path crossing" as either that portion of a roadway included within the prolongation or connection of the boundary lines of a bike path, as defined, at intersections where the intersecting roadways meet at approximately right angles or as any portion of a roadway distinctly indicated for bicycle crossing by lines or other markings on the surface, except as specified.

This bill would also permit the operation of bicycles on any sidewalk, on any bicycle path within a highway, or along any crosswalk or bicycle path crossing.

(4) Existing law requires the Department of Transportation, in cooperation with the California Transportation Commission, transportation planning agencies, and county transportation commissions and local governments, to develop guidelines for the development of the state transportation improvement program and the incorporation of projects into that program.

This bill would delete an obsolete provision of this requirement.

(5) Existing law makes it unlawful for any person to park or leave standing any vehicle in a stall or space designated for disabled persons and disabled veterans, unless the vehicle displays either a special identification license plate or a distinguishing placard. A violation of this provision is an infraction. Existing law requires that a distinctive sign be displayed in the stall or the space that clearly and conspicuously states specified information, including, among other things, a "Minimum Fine \$250" and also requires that a person convicted of this provision be punished according to a schedule of fines for first, 2nd, or 3rd or more offenses.

This bill would require that the sign display only "Minimum Fine \$250" and would make a conforming, cross-reference change to these provisions. ~~The bill would also enact a schedule of civil penalties identical to the court-administered schedule for imposing fines for violating this provision that would be administered by the issuing agency.~~

(6) Existing law requires the issuing agency or the processing agency to mail the results of the initial administrative review, including a reason for the denial of a cancellation of a notice of parking violations or delinquent parking violations, to the person contesting the notice of parking violations or delinquent parking violations and places a similar notification requirement on an administrative examiner following an administrative review hearing.

This bill would require the issuing agency or the processing agency, following an initial review, to include in the notice to the person notification of the ability to request an administrative hearing, and to include the existing required notice of the written procedure for waiving prepayment of the parking penalty based upon an inability to pay.

Because this bill would increase the level of service of a city or county processing agency and because a violation of these provisions would be a crime under an existing provision of law, this bill would impose a state-mandated local program.

(7) Under existing law, the Department of Motor Vehicles is required to obtain the submission of a valid smog check certificate of compliance or noncompliance, as appropriate, upon the initial registration, or upon the transfer of ownership and registration of specified motor vehicles. Existing law exempts the transfer of a motor vehicle that is 4 or less model-years old from this requirement.

This bill would provide the above exemption does not apply to diesel-powered vehicles.

(8) Existing law creates the High Polluter Repair or Removal Account in the Vehicle Inspection and Repair Fund and creates the Enhanced Fleet Modernization Subaccount in the High Polluter Removal and Repair Account.

This bill would correct the name of that account to refer to the High Polluter Repair or Removal Account.

(9) The bill would make technical, nonsubstantive changes to the Health and Safety Code and the Vehicle Code.

~~(7)–~~

(10) 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs

so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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 8879.23 of the Government Code is
2 amended to read:
3 8879.23. The Highway Safety, Traffic Reduction, Air Quality,
4 and Port Security Fund of 2006 is hereby created in the State
5 Treasury. The Legislature intends that the proceeds of bonds
6 deposited in the fund shall be used to fund the mobility, safety,
7 and air quality improvements described in this article over the
8 course of the next decade. The proceeds of bonds issued and sold
9 pursuant to this chapter for the purposes specified in this chapter
10 shall be allocated in the following manner:
11 (a) (1) Four billion five hundred million dollars
12 (\$4,500,000,000) shall be deposited in the Corridor Mobility
13 Improvement Account, which is hereby created in the fund. Funds
14 in the account shall be available to the California Transportation
15 Commission, upon appropriation in the annual Budget Bill by the
16 Legislature, for allocation for performance improvements on highly
17 congested travel corridors in California. Funds in the account shall
18 be used for performance improvements on the state highway
19 system, or major access routes to the state highway system on the
20 local road system that relieve congestion by expanding capacity,
21 enhancing operations, or otherwise improving travel times within
22 these high-congestion travel corridors, as identified by the
23 department and regional or local transportation agencies, pursuant
24 to the process in paragraph (3) or (4), as applicable.
25 (2) The commission shall develop and adopt guidelines, by
26 December 1, 2006, including regional programming targets, for
27 the program funded by this subdivision, and shall allocate funds
28 from the account to projects after reviewing project nominations
29 submitted by the Department of Transportation and by regional
30 transportation planning agencies or county transportation
31 commissions or authorities pursuant to paragraph (4).
32 (3) Subject to the guidelines adopted pursuant to paragraph (2),
33 the department shall nominate, by no later than January 15, 2007,

1 projects for the allocation of funds from the account on a statewide
2 basis. The department's nominations shall be geographically
3 balanced and shall reflect the department's assessment of a program
4 that best meets the policy objectives described in paragraph (1).

5 (4) Subject to the guidelines adopted pursuant to paragraph (2),
6 a regional transportation planning agency or county transportation
7 commission or authority responsible for preparing a regional
8 transportation improvement plan under Section 14527 may
9 nominate projects identified pursuant to paragraph (1) that best
10 meet the policy objectives described in that paragraph for funding
11 from the account. Projects nominated pursuant to this paragraph
12 shall be submitted to the commission for consideration for funding
13 by no later than January 15, 2007.

14 (5) All nominations to the California Transportation Commission
15 shall be accompanied by documentation regarding the quantitative
16 and qualitative measures validating each project's consistency
17 with the policy objectives described in paragraph (1). All projects
18 nominated to the commission for funds from this account shall be
19 included in a regional transportation plan.

20 (6) After review of the project nominations, and supporting
21 documentation, the commission, by no later than March 1, 2007,
22 shall adopt an initial program of projects to be funded from the
23 account. This program may be updated every two years in
24 conjunction with the biennial process for adoption of the state
25 transportation improvement program pursuant to guidelines adopted
26 by the commission. The inclusion of a project in the program shall
27 be based on a demonstration that the project meets all of the
28 following criteria:

29 (A) Is a high-priority project in the corridor as demonstrated by
30 either of the following: (i) its inclusion in the list of nominated
31 projects by both the department pursuant to paragraph (3) and the
32 regional transportation planning agency or county transportation
33 commission or authority, pursuant to paragraph (4); or (ii) if needed
34 to fully fund the project, the identification and commitment of
35 supplemental funding to the project from other state, local, or
36 federal funds.

37 (B) Can commence construction or implementation no later
38 than December 31, 2012.

39 (C) Improves mobility in a high-congestion corridor by
40 improving travel times or reducing the number of daily vehicle

1 hours of delay, improves the connectivity of the state highway
2 system between rural, suburban, and urban areas, or improves the
3 operation or safety of a highway or road segment.

4 (D) Improves access to jobs, housing, markets, and commerce.

5 (7) Where competing projects offer similar mobility
6 improvements to a specific corridor, the commission shall consider
7 additional benefits when determining which project shall be
8 included in the program for funding. These benefits shall include,
9 but are not limited to, the following:

10 (A) A finding that the project provides quantifiable air quality
11 benefits.

12 (B) A finding that the project substantially increases the safety
13 for travelers in the corridor.

14 (8) In adopting a program for funding pursuant to this
15 subdivision, the commission shall make a finding that the program
16 is (i) geographically balanced, consistent with the geographic split
17 for funding described in Section 188 of the Streets and Highways
18 Code; (ii) provides mobility improvements in highly traveled or
19 highly congested corridors in all regions of California; and (iii)
20 targets bond proceeds in a manner that provides the increment of
21 funding necessary, when combined with other state, local, or
22 federal funds, to provide the mobility benefit in the earliest possible
23 timeframe.

24 (9) The commission shall include in its annual report to the
25 Legislature, required by Section 14535, a summary of its activities
26 related to the administration of this program. The summary should,
27 at a minimum, include a description and the location of the projects
28 contained in the program, the amount of funds allocated to each
29 project, the status of each project, and a description of the mobility
30 improvements the program is achieving.

31 (b) One billion dollars (\$1,000,000,000) shall be made available,
32 upon appropriation in the annual Budget Bill by the Legislature,
33 to the department for improvements to State Route 99. Funds may
34 be used for safety, operational enhancements, rehabilitation, or
35 capacity improvements necessary to improve the State Route 99
36 corridor traversing approximately 400 miles of the central valley
37 of this state.

38 (c) Three billion one hundred million dollars (\$3,100,000,000)
39 shall be deposited in the California Ports Infrastructure, Security,
40 and Air Quality Improvement Account, which is hereby created

1 in the fund. The money in the account shall be available, upon
2 appropriation by the Legislature and subject to such conditions
3 and criteria as the Legislature may provide by statute, as follows:

4 (1) (A) Two billion dollars (\$2,000,000,000) shall be transferred
5 to the Trade Corridors Improvement Fund, which is hereby created.
6 The money in this fund shall be available, upon appropriation in
7 the annual Budget Bill by the Legislature and subject to such
8 conditions and criteria as the Legislature may provide by statute,
9 for allocation by the California Transportation Commission for
10 infrastructure improvements along federally designated "Trade
11 Corridors of National Significance" in this state or along other
12 corridors within this state that have a high volume of freight
13 movement, as determined by the commission. In determining
14 projects eligible for funding, the commission shall consult the trade
15 infrastructure and goods movement plan submitted to the
16 commission by the Secretary of Business, Transportation and
17 Housing and the Secretary for Environmental Protection. No
18 moneys shall be allocated from this fund until the report is
19 submitted to the commission for its consideration, provided the
20 report is submitted no later than January 1, 2007. The commission
21 shall also consult trade infrastructure and goods movement plans
22 adopted by regional transportation planning agencies, adopted
23 regional transportation plans required by state and federal law, and
24 the statewide port master plan prepared by the California Marine
25 and Intermodal Transportation System Advisory Council
26 (Cal-MITSAC) pursuant to Section 1760 of the Harbors and
27 Navigation Code, when determining eligible projects for funding.
28 Eligible projects for these funds include, but are not limited to, all
29 of the following:

30 (i) Highway capacity improvements and operational
31 improvements to more efficiently accommodate the movement of
32 freight, particularly for ingress and egress to and from the state's
33 seaports, including navigable inland waterways used to transport
34 freight between seaports, land ports of entry, and airports, and to
35 relieve traffic congestion along major trade or goods movement
36 corridors.

37 (ii) Freight rail system improvements to enhance the ability to
38 move goods from seaports, land ports of entry, and airports to
39 warehousing and distribution centers throughout California,
40 including projects that separate rail lines from highway or local

1 road traffic, improve freight rail mobility through mountainous
2 regions, relocate rail switching yards, and other projects that
3 improve the efficiency and capacity of the rail freight system.

4 (iii) Projects to enhance the capacity and efficiency of ports.

5 (iv) Truck corridor improvements, including dedicated truck
6 facilities or truck toll facilities.

7 (v) Border access improvements that enhance goods movement
8 between California and Mexico and that maximize the state's
9 ability to access coordinated border infrastructure funds made
10 available to the state by federal law.

11 (vi) Surface transportation improvements to facilitate the
12 movement of goods to and from the state's airports.

13 (B) The commission shall allocate funds for trade infrastructure
14 improvements from the account in a manner that (i) addresses the
15 state's most urgent needs, (ii) balances the demands of various
16 ports (between large and small ports, as well as between seaports,
17 airports, and land ports of entry), (iii) provides reasonable
18 geographic balance between the state's regions, and (iv) places
19 emphasis on projects that improve trade corridor mobility while
20 reducing emissions of diesel particulate and other pollutant
21 emissions. In addition, the commission shall also consider the
22 following factors when allocating these funds:

23 (i) "Velocity," which means the speed by which large cargo
24 would travel from the port through the distribution system.

25 (ii) "Throughput," which means the volume of cargo that would
26 move from the port through the distribution system.

27 (iii) "Reliability," which means a reasonably consistent and
28 predictable amount of time for cargo to travel from one point to
29 another on any given day or at any given time in California.

30 (iv) "Congestion reduction," which means the reduction in
31 recurrent daily hours of delay to be achieved.

32 (C) The commission shall allocate funds made available by this
33 paragraph to projects that have identified and committed
34 supplemental funding from appropriate local, federal, or private
35 sources. The commission shall determine the appropriate amount
36 of supplemental funding each project should have to be eligible
37 for moneys from this fund based on a project-by-project review
38 and an assessment of the project's benefit to the state and the
39 program. Except for border access improvements described in
40 clause (v) of subparagraph (A), improvements funded with moneys

from this fund shall have supplemental funding that is at least equal to the amount of the contribution from the fund. The commission may give priority for funding to projects with higher levels of committed supplemental funding.

(D) The commission shall include in its annual report to the Legislature, required by Section 14535, a summary of its activities related to the administration of this program. The summary should, at a minimum, include a description and the location of the projects contained in the program, the amount of funds allocated to each project, the status of each project, and a description of the mobility and air quality improvements the program is achieving.

(2) One billion dollars (\$1,000,000,000) shall be made available, upon appropriation by the Legislature and subject to such conditions and criteria contained in a statute enacted by the Legislature, to the State Air Resources Board for emission reductions, not otherwise required by law or regulation, from activities related to the movement of freight along California's trade corridors. Funds made available by this paragraph are intended to supplement existing funds used to finance strategies and public benefit projects that reduce emissions and improve air quality in trade corridors commencing at the state's airports, seaports, and land ports of entry.

(3) One hundred million dollars (\$100,000,000) shall be available, upon appropriation by the Legislature, to the Office of Emergency Services to be allocated, as grants, for port, harbor, and ferry terminal security improvements. Eligible applicants shall be publicly owned ports, harbors, and ferryboat and ferry terminal operators, which may submit applications for projects that include, but are not limited to, the following:

- (A) Video surveillance equipment.
- (B) Explosives detection technology, including, but not limited to, X-ray devices.
- (C) Cargo scanners.
- (D) Radiation monitors.
- (E) Thermal protective equipment.
- (F) Site identification instruments capable of providing a fingerprint for a broad inventory of chemical agents.
- (G) Other devices capable of detecting weapons of mass destruction using chemical, biological, or other similar substances.
- (H) Other security equipment to assist in any of the following:

1 (i) Screening of incoming vessels, trucks, and incoming or
2 outbound cargo.

3 (ii) Monitoring the physical perimeters of harbors, ports, and
4 ferry terminals.

5 (iii) Providing or augmenting onsite emergency response
6 capability.

7 (I) Overweight cargo detection equipment, including, but not
8 limited to, intermodal crane scales and truck weight scales.

9 (J) Developing disaster preparedness or emergency response
10 plans.

11 The Office of Emergency Services shall report to the Legislature
12 on March 1 of each year on the manner in which the funds available
13 pursuant to this paragraph were expended for that fiscal year.

14 (d) Two hundred million dollars (\$200,000,000) shall be
15 available, upon appropriation by the Legislature, for schoolbus
16 retrofit and replacement to reduce air pollution and to reduce
17 children's exposure to diesel exhaust.

18 (e) Two billion dollars (\$2,000,000,000) shall be available for
19 projects in the state transportation improvement program, to
20 augment funds otherwise available for this purpose from other
21 sources. The funds provided by this subdivision shall be deposited
22 in the Transportation Facilities Account which is hereby created
23 in the fund, and shall be available, upon appropriation by the
24 Legislature, to the Department of Transportation, as allocated by
25 the California Transportation Commission in the same manner as
26 funds allocated for those projects under existing law.

27 (f) (1) Four billion dollars (\$4,000,000,000) shall be deposited
28 in the Public Transportation Modernization, Improvement, and
29 Service Enhancement Account, which is hereby created in the
30 fund. Funds in the account shall be made available, upon
31 appropriation by the Legislature, to the Department of
32 Transportation for intercity rail projects and to commuter or urban
33 rail operators, bus operators, waterborne transit operators, and
34 other transit operators in California for rehabilitation, safety or
35 modernization improvements, capital service enhancements or
36 expansions, new capital projects, bus rapid transit improvements,
37 or for rolling stock procurement, rehabilitation, or replacement.

38 (2) Of the funds made available in paragraph (1), four hundred
39 million dollars (\$400,000,000) shall be available, upon
40 appropriation by the Legislature, to the department for intercity

1 rail improvements, of which one hundred twenty-five million
2 dollars (\$125,000,000) shall be used for the procurement of
3 additional intercity railcars and locomotives.

4 (3) Of the funds remaining after the allocations in paragraph
5 (2), 50 percent shall be distributed to the Controller, for allocation
6 to eligible agencies using the formula in Section 99314 of the
7 Public Utilities Code, and 50 percent shall be distributed to the
8 Controller, for allocation to eligible agencies using the formula in
9 Section 99313 of the Public Utilities Code, subject to the provisions
10 governing funds allocated under those sections.

11 (g) One billion dollars (\$1,000,000,000) shall be deposited in
12 the State-Local Partnership Program Account, which is hereby
13 created in the fund. The funds shall be available, upon
14 appropriation by the Legislature and subject to such conditions
15 and criteria as the Legislature may provide by statute, for allocation
16 by the California Transportation Commission over a five-year
17 period to eligible transportation projects nominated by an applicant
18 transportation agency. A dollar-for-dollar match of local funds
19 shall be required for an applicant transportation agency to receive
20 state funds under this program.

21 (h) One billion dollars (\$1,000,000,000) shall be deposited in
22 the Transit System Safety, Security, and Disaster Response
23 Account, which is hereby created in the fund. Funds in the account
24 shall be made available, upon appropriation by the Legislature and
25 subject to such conditions and criteria as the Legislature may
26 provide by statute, for capital projects that provide increased
27 protection against a security and safety threat, and for capital
28 expenditures to increase the capacity of transit operators, including
29 waterborne transit operators, to develop disaster response
30 transportation systems that can move people, goods, and emergency
31 personnel and equipment in the aftermath of a disaster impairing
32 the mobility of goods, people, and equipment.

33 (i) One hundred twenty-five million dollars (\$125,000,000)
34 shall be deposited in the Local Bridge Seismic Retrofit Account,
35 which is hereby created in the fund. The funds in the account shall
36 be used, upon appropriation by the Legislature, to provide the 11.5
37 percent required match for federal Highway Bridge Replacement
38 and Repair funds available to the state for seismic work on local
39 bridges, ramps, and overpasses, as identified by the Department
40 of Transportation.

(j) (1) Two hundred fifty million dollars (\$250,000,000) shall be deposited in the Highway-Railroad Crossing Safety Account, which is hereby created in the fund. Funds in the account shall be available, upon appropriation by the Legislature, to the Department of Transportation for the completion of high-priority grade separation and railroad crossing safety improvements. Funds in the account shall be made available for allocation pursuant to the process established in Chapter 10 (commencing with Section 2450) of Division 3 of the Streets and Highways Code, except that a dollar-for-dollar match of nonstate funds shall be provided for each project, and the limitation on maximum project cost in subdivision (g) of Section 2454 of the Streets and Highways Code shall not be applicable to projects funded with these funds.

(2) Notwithstanding the funding allocation process described in paragraph (1), in consultation with the department and the Public Utilities Commission, the California Transportation Commission shall allocate one hundred million dollars (\$100,000,000) of the funds in the account to high-priority railroad crossing improvements, including grade separation projects, that are not part of the process established in Chapter 10 (commencing with Section 2450) of Division 3 of the Streets and Highways Code. The allocation of funds under this paragraph shall be made in consultation and coordination with the High-Speed Rail Authority created pursuant to Division 19.5 (commencing with Section 185000) of the Public Utilities Code.

(k) (1) Seven hundred fifty million dollars (\$750,000,000) shall be deposited in the Highway Safety, Rehabilitation, and Preservation Account, which is hereby created in the fund. Funds in the account shall be available, upon appropriation by the Legislature, to the Department of Transportation, as allocated by the California Transportation Commission, for the purposes of the state highway operation and protection program as described in Section 14526.5.

(2) The department shall develop a program for distribution of two hundred and fifty million dollars (\$250,000,000) from the funds identified in paragraph (1) to fund traffic light synchronization projects or other technology-based improvements to improve safety, operations, and the effective capacity of local streets and roads.

(l) (1) Two billion dollars (\$2,000,000,000) shall be deposited in the Local Streets and Road Improvement, Congestion Relief, and Traffic Safety Account of 2006, which is hereby created in the fund. The proceeds of bonds deposited into that account shall be available, upon appropriation by the Legislature, for the purposes specified in this subdivision to the Controller for administration and allocation in the fiscal year in which the bonds are issued and sold, including any interest or other return earned on the investment of those moneys, in the following manner:

(A) Fifty percent to the counties, including a city and county, in accordance with the following formulas:

(i) Seventy-five percent of the funds payable under this subparagraph shall be apportioned among the counties in the proportion that the number of fee-paid and exempt vehicles that are registered in the county bears to the number of fee-paid and exempt vehicles registered in the state

(ii) Twenty-five percent of the funds payable under this subparagraph shall be apportioned among the counties in the proportion that the number of miles of maintained county roads in each county bears to the total number of miles of maintained county roads in the state. For the purposes of apportioning funds under this clause, any roads within the boundaries of a city and county that are not state highways shall be deemed to be county roads.

(B) Fifty percent to the cities, including a city and county, apportioned among the cities in the proportion that the total population of the city bears to the total population of all the cities in the state, provided, however, that the Controller shall allocate a minimum of four hundred thousand dollars (\$400,000) to each city, pursuant to this subparagraph.

(2) Funds received under this subdivision shall be deposited as follows in order to avoid the commingling of those funds with other local funds:

(A) In the case of a city, into the city account that is designated for the receipt of state funds allocated for local streets and roads.

(B) In the case of an eligible county, into the county road fund.

(C) In the case of a city and county, into a local account that is designated for the receipt of state funds allocated for local streets and roads.

(3) For the purpose of allocating funds under this subdivision to cities and a city and county, the Controller shall use the most recent population estimates prepared by the Demographic Research Unit of the Department of Finance. For a city that incorporated after January 1, 1998, that does not appear on the most recent population estimates prepared by the Demographic Research Unit, the Controller shall use the population determined for that city under Section 11005.3 of the Revenue and Taxation Code.

(4) Funds apportioned to a city, county, or city and county under this subdivision shall be used for improvements to transportation facilities that will assist in reducing local traffic congestion and further deterioration, improving traffic flows, or increasing traffic safety that may include, but not be limited to, street and highway pavement maintenance, rehabilitation, installation, construction and reconstruction of necessary associated facilities such as drainage and traffic control devices, or the maintenance, rehabilitation, installation, construction and reconstruction of facilities that expand ridership on transit systems, safety projects to reduce fatalities, or as a local match to obtain state or federal transportation funds for similar purposes.

(5) At the conclusion of each fiscal year during which a city or county expends the funds it has received under this subdivision, including any interest or other return earned on the investment of these funds, the Controller may verify the city's or county's compliance with paragraph (4). Any city or county that has not complied with paragraph (4) shall reimburse the state for the funds it received during that fiscal year, including any interest or other return earned on the investment of these funds. Any funds withheld or returned as a result of a failure to comply with paragraph (4) shall be reallocated to the other counties and cities whose expenditures are in compliance.

SEC. 2. Section 14530.1 of the Government Code is amended to read:

14530.1. (a) The department, in cooperation with the commission, transportation planning agencies, and county transportation commissions and local governments, shall develop guidelines for the development of the state transportation improvement program and the incorporation of projects into the state transportation improvement program.

1 (b) The guidelines shall include, but not be limited to, all of the
2 following:

- 3 (1) Standards for project deliverability.
- 4 (2) Standards for identifying projects and project components.
- 5 (3) Standards for cost estimating.
- 6 (4) Programming methods for increases and schedule changes.
- 7 (5) Objective criteria for measuring system performance and
8 cost-effectiveness of candidate projects.

9 (c) The guidelines shall be the complete and full statement of
10 the policy, standards, and criteria that the commission intends to
11 use in selecting projects to be included in the state transportation
12 improvement program.

13 (d) The commission may amend the adopted guidelines after
14 conducting at least one public hearing. The commission shall make
15 a reasonable effort to adopt the amended guidelines prior to its
16 adoption of the fund estimate pursuant to Section 14525. In no
17 event shall the adopted guidelines be amended, or otherwise
18 revised, modified, or altered during the period commencing 30
19 days after the adoption of the fund estimate pursuant to Section
20 14525 and before the adoption of the state transportation
21 improvement program pursuant to Section 14529.

22 SEC. 3. Section 14679 of the Government Code is amended
23 to read:

24 14679. (a) A parking facility under the jurisdiction or control
25 of a state agency, that is available to private persons who desire
26 to conduct business with the state agency, shall reserve for the
27 exclusive use of any vehicle that displays either a special
28 identification license plate issued pursuant to Section 5007 or a
29 distinguishing placard issued pursuant to Section 22511.55 or
30 22511.59 a minimum of one parking space for up to 25 spaces,
31 and additional parking spaces pursuant to Section 1129B of Part
32 2 of Title 24 of the California Code of Regulations.

33 (1) (A) The space or spaces shall be reserved by posting
34 immediately adjacent to and visible from such space or spaces a
35 sign consisting of a profile view of a wheelchair with occupant in
36 white on a blue background.

37 (B) The sign shall also clearly and conspicuously state the
38 following: "Minimum Fine \$250." This subparagraph applies only
39 to signs for parking spaces constructed on or after July 1, 2008,
40 and signs that are replaced on or after July 1, 2008, or as the State

1 Architect deems necessary when renovations, structural repair,
2 alterations, and additions occur to existing buildings and facilities
3 on or after July 1, 2008.

4 (2) The loading and unloading area of the pavement adjacent
5 to a parking stall or space designated for disabled persons or
6 disabled veterans shall be marked by a border and hatched lines.
7 The border shall be painted blue and the hatched lines shall be
8 painted a suitable contrasting color to the parking space. Blue or
9 white paint is preferred. In addition, within the border the words
10 “No Parking” shall be painted in white letters no less than 12 inches
11 high. This paragraph applies only to parking spaces constructed
12 on or after July 1, 2008, and painting that is done on or after July
13 1, 2008, or as the State Architect deems necessary when
14 renovations, structural repair, alterations, and additions occur to
15 existing buildings and facilities on or after July 1, 2008.

16 (b) If no parking facility under the jurisdiction and control of a
17 state agency is available to private persons who desire to conduct
18 business with the state agency, the state agency shall request the
19 local authority having jurisdiction over streets immediately adjacent
20 to the property of the state agency to provide parking spaces for
21 the use of disabled persons and disabled veterans pursuant to
22 Section 22511.7 of the Vehicle Code.

23 (c) The Department of General Services under the Division of
24 the State Architect shall develop pursuant to Section 4450, as
25 appropriate, conforming regulations to ensure compliance with
26 subparagraph (B) of paragraph (1) of subdivision (a) and paragraph
27 (2) of subdivision (a). Initial regulations to implement these
28 provisions shall be adopted as emergency regulations. The adoption
29 of these regulations shall be considered by the Department of
30 General Services to be an emergency necessary for the immediate
31 preservation of the public peace, health and safety, or general
32 welfare.

33 *SEC. 4. Section 44011 of the Health and Safety Code, as added*
34 *by Section 3 of Chapter 739 of the Statutes of 2007, is amended*
35 *to read:*

36 44011. (a) All motor vehicles powered by internal combustion
37 engines that are registered within an area designated for program
38 coverage shall be required biennially to obtain a certificate of
39 compliance or noncompliance, except for the following:

1 (1) All motorcycles until the department, pursuant to Section
2 44012, implements test procedures applicable to motorcycles.

3 (2) All motor vehicles that have been issued a certificate of
4 compliance or noncompliance or a repair cost waiver upon a change
5 of ownership or initial registration in this state during the preceding
6 six months.

7 (3) All motor vehicles manufactured prior to the 1976
8 model-year.

9 (4) (A) Except as provided in subparagraph (B), all motor
10 vehicles four or less model-years old.

11 (B) Beginning January 1, 2005, all motor vehicles six or less
12 model-years old, unless the state board finds that providing an
13 exception for these vehicles will prohibit the state from meeting
14 the requirements of Section 176(c) of the federal Clean Air Act
15 (42 U.S.C. Sec. 7401 et seq.) or the state's commitments with
16 respect to the state implementation plan required by the federal
17 Clean Air Act.

18 (C) All motor vehicles excepted by this paragraph shall be
19 subject to testing and to certification requirements as determined
20 by the department, if any of the following apply:

21 (i) The department determines through remote sensing activities
22 or other means that there is a substantial probability that the vehicle
23 has a tampered emission control system or would fail for other
24 cause a smog check test as specified in Section 44012.

25 (ii) The vehicle was previously registered outside this state and
26 is undergoing initial registration in this state.

27 (iii) The vehicle is being registered as a specially constructed
28 vehicle.

29 (iv) The vehicle has been selected for testing pursuant to Section
30 44014.7 or any other provision of this chapter authorizing
31 out-of-cycle testing.

32 (D) This paragraph does not apply to diesel-powered vehicles.

33 (5) In addition to the vehicles exempted pursuant to paragraph
34 (4), any motor vehicle or class of motor vehicles exempted pursuant
35 to subdivision (b) of Section 44024.5. It is the intent of the
36 Legislature that the department, pursuant to the authority granted
37 by this paragraph, exempt at least 15 percent of the lowest emitting
38 motor vehicles from the biennial smog check inspection.

39 (6) All motor vehicles that the department determines would
40 present prohibitive inspection or repair problems.

(7) Any vehicle registered to the owner of a fleet licensed pursuant to Section 44020 if the vehicle is garaged exclusively outside the area included in program coverage, and is not primarily operated inside the area included in program coverage.

(8) (A) All diesel-powered vehicles manufactured prior to the 1998 model-year.

(B) All diesel-powered vehicles that have a gross vehicle weight rating of 8,501 to 10,000 pounds, inclusive, until the department, in consultation with the state board, pursuant to Section 44012, implements test procedures applicable to these vehicles.

(C) All diesel-powered vehicles that have a gross vehicle weight rating from 10,001 pounds to ~~13,999~~ 14,000 pounds, inclusive, until the state board and the Department of Motor Vehicles determine the best method for identifying these vehicles, and until the department, in consultation with the state board, pursuant to Section 44012, implements test procedures applicable to these vehicles.

(D) All diesel-powered vehicles that have a gross vehicle weight rating of ~~14,000~~ 14,001 pounds or greater.

(b) Vehicles designated for program coverage in enhanced areas shall be required to obtain inspections from appropriate smog check stations operating in enhanced areas.

(c) For purposes of subdivision (a), a collector motor vehicle, as defined in Section 259 of the Vehicle Code, is exempt from those portions of the test required by subdivision (f) of Section 44012 if the collector motor vehicle meets all of the following criteria:

(1) Submission of proof that the motor vehicle is insured as a collector motor vehicle, as shall be required by regulation of the bureau.

(2) The motor vehicle is at least 35 model-years old.

(3) The motor vehicle complies with the exhaust emissions standards for that motor vehicle's class and model-year as prescribed by the department, and the motor vehicle passes a functional inspection of the fuel cap and a visual inspection for liquid fuel leaks.

(d) This section shall become operative on January 1, 2010.

SEC. 5. Section 44126 of the Health and Safety Code is amended to read:

1 44126. The Enhanced Fleet Modernization Subaccount is
2 hereby created in the High Polluter ~~Removal and Repair or~~
3 *Removal* Account. All moneys deposited in the subaccount shall
4 be available to the department and the BAR, upon appropriation
5 by the Legislature, to establish and implement the program created
6 pursuant to this article.

7 ~~SEC. 4.~~

8 SEC. 6. Section 99243 of the Public Utilities Code is amended
9 to read:

10 99243. (a) The Controller, in cooperation with the department
11 and the operators, shall design and adopt a uniform system of
12 accounts and records, from which the operators shall prepare and
13 submit annual reports of their operation to the transportation
14 planning agencies having jurisdiction over them and to the
15 Controller within 90 days of the end of the fiscal year. If the report
16 is filed in electronic format as prescribed by the Controller, the
17 report shall be furnished within 110 days after the close of each
18 fiscal year. The report shall specify (1) the amount of revenue
19 generated from each source and its application for the prior fiscal
20 year, and (2) the data necessary to determine which section, with
21 respect to Sections 99268.1, 99268.2, 99268.3, 99268.4, 99268.5,
22 and 99268.9, the operator is required to be in compliance with in
23 order to be eligible for funds under this article.

24 (b) As a supplement to the annual report prepared pursuant to
25 subdivision (a), each operator shall include an estimate of the
26 amount of revenues to be generated from each source and its
27 proposed application for the next fiscal year, and a report on the
28 extent to which it has contracted with the Prison Industry Authority,
29 including the nature and dollar amounts of all contracts entered
30 into during the reporting period and proposed for the next reporting
31 period.

32 (c) The Controller shall instruct the county auditor to withhold
33 payments from the fund to any operator that has not submitted its
34 annual report to the Controller within the time specified by
35 subdivision (a).

36 (d) In establishing the uniform system of accounts and records,
37 the Controller shall include the data required by the United States
38 Department of Transportation and the department.

39 (e) Notwithstanding any other law or any regulation, including
40 any California Code of Regulations provision, the City of South

1 Lake Tahoe and the City of Huntington Beach may select, for
2 purposes of this chapter, on a one-time basis, a fiscal year that
3 does not end on June 30. After the city has sent a written notice
4 to the Secretary of the Business, Transportation and Housing
5 Agency and the Controller that the city has selected a fiscal year
6 other than one ending on June 30, the fiscal year selected by the
7 city shall be its fiscal year for all reports required by the state under
8 this chapter.

9 ~~SEC. 5.~~

10 *SEC. 7.* Section 231.5 is added to the Vehicle Code, to read:

11 231.5. A “bicycle path” or “bike path” is a Class I bikeway,
12 as defined in subdivision (a) of Section 890.4 of the Streets and
13 Highways Code.

14 ~~SEC. 6.~~

15 *SEC. 8.* Section 231.6 is added to the Vehicle Code, to read:

16 231.6. (a) A “bicycle path crossing” is either of the following:

17 (1) That portion of a roadway included within the prolongation
18 or connection of the boundary lines of a bike path at intersections
19 where the intersecting roadways meet at approximately right
20 angles.

21 (2) Any portion of a roadway distinctly indicated for bicycle
22 crossing by lines or other markings on the surface.

23 (b) Notwithstanding subdivision (a), there shall not be a bicycle
24 path crossing where local authorities have placed signs indicating
25 no crossing.

26 *SEC. 9.* *Section 4000.1 of the Vehicle Code is amended to read:*

27 4000.1. (a) Except as otherwise provided in subdivision (b),
28 (c), or (d) of this section, or subdivision (b) of Section 43654 of
29 the Health and Safety Code, the department shall require upon
30 initial registration, and upon transfer of ownership and registration,
31 of any motor vehicle subject to Part 5 (commencing with Section
32 43000) of Division 26 of the Health and Safety Code, a valid
33 certificate of compliance or a certificate of noncompliance, as
34 appropriate, issued in accordance with Section 44015 of the Health
35 and Safety Code.

36 (b) With respect to new motor vehicles certified pursuant to
37 Chapter 2 (commencing with Section 43100) of Part 5 of Division
38 26 of the Health and Safety Code, the department shall accept a
39 statement completed pursuant to subdivision (b) of Section 24007
40 in lieu of the certificate of compliance.

1 (c) For purposes of determining the validity of a certificate of
2 compliance or noncompliance submitted in compliance with the
3 requirements of this section, the definitions of new and used motor
4 vehicle contained in Chapter 2 (commencing with Section 39010)
5 of Part 1 of Division 26 of the Health and Safety Code shall control.

6 (d) Subdivision (a) does not apply to a transfer of ownership
7 and registration under any of the following circumstances:

8 (1) The initial application for transfer is submitted within the
9 90-day validity period of a smog certificate as specified in Section
10 44015 of the Health and Safety Code.

11 (2) The transferor is the parent, grandparent, sibling, child,
12 grandchild, or spouse of the transferee.

13 (3) A motor vehicle registered to a sole proprietorship is
14 transferred to the proprietor as owner.

15 (4) The transfer is between companies the principal business of
16 which is leasing motor vehicles, if there is no change in the lessee
17 or operator of the motor vehicle or between the lessor and the
18 person who has been, for at least one year, the lessee's operator
19 of the motor vehicle.

20 (5) The transfer is between the lessor and lessee of the motor
21 vehicle, if there is no change in the lessee or operator of the motor
22 vehicle.

23 (6) The motor vehicle was manufactured prior to the 1976
24 model-year.

25 (7) ~~Beginning January 1, 2005, Except for diesel-powered~~
26 ~~vehicles,~~ the transfer is for a motor vehicle that is four or less
27 model-years old. The department shall impose a fee of eight dollars
28 (\$8) on the transferee of a motor vehicle that is four or less
29 model-years old. Revenues generated from the imposition of that
30 fee shall be deposited into the Vehicle Inspection and Repair Fund.

31 (e) The State Air Resources Board, under Part 5 (commencing
32 with Section 43000) of Division 26 of the Health and Safety Code,
33 may exempt designated classifications of motor vehicles from
34 subdivision (a) as it deems necessary, and shall notify the
35 department of that action.

36 (f) Subdivision (a) does not apply to a motor vehicle when an
37 additional individual is added as a registered owner of the motor
38 vehicle.

39 (g) For purposes of subdivision (a), any collector motor vehicle,
40 as defined in Section 259, is exempt from those portions of the

1 test required by subdivision (f) of Section 44012 of the Health and
2 Safety Code, if the collector motor vehicle meets all of the
3 following criteria:

4 (1) Submission of proof that the motor vehicle is insured as a
5 collector motor vehicle, as shall be required by regulation of the
6 bureau.

7 (2) The motor vehicle is at least 35 model-years old.

8 (3) The motor vehicle complies with the exhaust emissions
9 standards for that motor vehicle's class and model year as
10 prescribed by the department, and the motor vehicle passes a
11 functional inspection of the fuel cap and a visual inspection for
12 liquid fuel leaks.

13 *SEC. 10. Section 12810.3 of the Vehicle Code is amended to*
14 *read:*

15 12810.3. ~~(a)~~Notwithstanding subdivision (f) of Section 12810,
16 a violation point shall not be given for a conviction of a violation
17 of subdivision (a) of Section 23123, subdivision (a) of Section
18 23123.5, or subdivision (b) of Section 23124.

19 ~~(b) This section shall become operative on July 1, 2008.~~

20 ~~SEC. 7.~~

21 *SEC. 11. Section 21650 of the Vehicle Code is amended to*
22 *read:*

23 21650. Upon all highways, a vehicle shall be driven upon the
24 right half of the roadway, except as follows:

25 (a) When overtaking and passing another vehicle proceeding
26 in the same direction under the rules governing that movement.

27 (b) When placing a vehicle in a lawful position for, and when
28 the vehicle is lawfully making, a left turn.

29 (c) When the right half of a roadway is closed to traffic under
30 construction or repair.

31 (d) Upon a roadway restricted to one-way traffic.

32 (e) When the roadway is not of sufficient width.

33 (f) When the vehicle is necessarily traveling so slowly as to
34 impede the normal movement of traffic, that portion of the highway
35 adjacent to the right edge of the roadway may be utilized
36 temporarily when in a condition permitting safe operation.

37 (g) This section does not prohibit the operation of bicycles on
38 any shoulder of a highway, on any sidewalk, on any bicycle path
39 within a highway, or along any crosswalk or bicycle path crossing,

1 where the operation is not otherwise prohibited by this code or
2 local ordinance.

3 *SEC. 12. Section 21800 of the Vehicle Code is amended to*
4 *read:*

5 21800. (a) The driver of a vehicle approaching an intersection
6 shall yield the right-of-way to any vehicle which has entered the
7 intersection from a different highway.

8 (b) (1) When two vehicles enter an intersection from different
9 highways at the same time, the driver of the vehicle on the left
10 shall yield the right-of-way to the vehicle on his or her immediate
11 right, except that the driver of any vehicle on a terminating highway
12 shall yield the right-of-way to any vehicle on the intersecting
13 continuing highway.

14 (2) For the purposes of this section, “terminating highway”
15 means a highway which intersects, but does not continue beyond
16 the intersection, with another highway which does continue beyond
17 the intersection.

18 (c) When two vehicles enter an intersection from different
19 highways at the same time and the intersection is controlled from
20 all directions by stop signs, the driver of the vehicle on the left
21 shall yield the right-of-way to the vehicle on his or her immediate
22 right.

23 (d) (1) The driver of any vehicle approaching an intersection
24 which has official traffic control signals that are inoperative shall
25 stop at the intersection, and may proceed with caution when it is
26 safe to do so. ~~This subparagraph shall apply to traffic control~~
27 ~~signals that become inoperative because of battery failure.~~

28 (2) When two vehicles enter an intersection from different
29 highways at the same time, and the official traffic control signals
30 for the intersection are inoperative, the driver of the vehicle on the
31 left shall yield the right-of-way to the vehicle on his or her
32 immediate right, except that the driver of any vehicle on a
33 terminating highway shall yield the right-of-way to any vehicle
34 on the intersecting continuing highway.

35 (e) This section does not apply to any of the following:

36 (1) Any intersection controlled by an official traffic control
37 signal or yield right-of-way sign.

38 (2) Any intersection controlled by stop signs from less than all
39 directions.

(3) When vehicles are approaching each other from opposite directions and the driver of one of the vehicles intends to make, or is making, a left turn.

~~SEC. 8.~~

SEC. 13 Section 22507.8 of the Vehicle Code is amended to read:

22507.8. (a) It is unlawful for any person to park or leave standing any vehicle in a stall or space designated for disabled persons and disabled veterans pursuant to Section 22511.7 or 22511.8 of this code or Section 14679 of the Government Code, unless the vehicle displays either a special identification license plate issued pursuant to Section 5007 or a distinguishing placard issued pursuant to Section 22511.55 or 22511.59.

(b) It is unlawful for any person to obstruct, block, or otherwise bar access to those parking stalls or spaces except as provided in subdivision (a).

(c) It is unlawful for any person to park or leave standing any vehicle, including a vehicle displaying a special identification license plate issued pursuant to Section 5007 or a distinguishing placard issued pursuant to Section 22511.55 or 22511.59, in either of the following places:

(1) On the lines marking the boundaries of a parking stall or space designated for disabled persons or disabled veterans.

(2) In any area of the pavement adjacent to a parking stall or space designated for disabled persons or disabled veterans that is marked by crosshatched lines and is thereby designated, pursuant to any local ordinance, for the loading and unloading of vehicles parked in the stall or space.

(d) Subdivisions (a), (b), and (c) apply to all offstreet parking facilities owned or operated by the state, and to all offstreet parking facilities owned or operated by a local authority. Subdivisions (a), (b), and (c) also apply to any privately owned and maintained offstreet parking facility.

~~SEC. 9.~~

SEC. 14. Section 22511.7 of the Vehicle Code is amended to read:

22511.7. (a) In addition to Section 22511.8 for offstreet parking, a local authority may, by ordinance or resolution, designate onstreet parking spaces for the exclusive use of a vehicle that displays either a special identification license plate issued

1 pursuant to Section 5007 or a distinguishing placard issued
2 pursuant to Section 22511.55 or 22511.59.

3 (b) (1) Whenever a local authority so designates a parking
4 space, it shall be indicated by blue paint on the curb or edge of the
5 paved portion of the street adjacent to the space. In addition, the
6 local authority shall post immediately adjacent to and visible from
7 the space a sign consisting of a profile view of a wheelchair with
8 occupant in white on a blue background.

9 (2) The sign required pursuant to paragraph (1) shall clearly
10 and conspicuously state the following: "Minimum Fine \$250."
11 This paragraph applies only to signs for parking spaces constructed
12 on or after July 1, 2008, and signs that are replaced on or after July
13 1, 2008.

14 (3) If the loading and unloading area of the pavement adjacent
15 to a parking stall or space designated for disabled persons or
16 disabled veterans is to be marked by a border and hatched lines,
17 the border shall be painted blue and the hatched lines shall be
18 painted a suitable contrasting color to the parking space. Blue or
19 white paint is preferred. In addition, within the border the words
20 "No Parking" shall be painted in white letters no less than 12 inches
21 high. This paragraph applies only to parking spaces constructed
22 on or after July 1, 2008, and painting that is done on or after July
23 1, 2008.

24 (c) This section does not restrict the privilege granted to disabled
25 persons and disabled veterans by Section 22511.5.

26 ~~SEC. 10.~~

27 *SEC. 15.* Section 22511.8 of the Vehicle Code is amended to
28 read:

29 22511.8. (a) A local authority, by ordinance or resolution, and
30 a person in lawful possession of an offstreet parking facility may
31 designate stalls or spaces in an offstreet parking facility owned or
32 operated by the local authority or person for the exclusive use of
33 a vehicle that displays either a special license plate issued pursuant
34 to Section 5007 or a distinguishing placard issued pursuant to
35 Section 22511.55 or 22511.59. The designation shall be made by
36 posting a sign as described in paragraph (1), and by either of the
37 markings described in paragraph (2) or (3):

38 (1) (A) By posting immediately adjacent to, and visible from,
39 each stall or space, a sign consisting of a profile view of a
40 wheelchair with occupant in white on a blue background.

1 (B) The sign shall also clearly and conspicuously state the
2 following: “Minimum Fine \$250.” This subparagraph applies only
3 to signs for parking spaces constructed on or after July 1, 2008,
4 and signs that are replaced on or after July 1, 2008, or as the State
5 Architect deems necessary when renovations, structural repair,
6 alterations, and additions occur to existing buildings and facilities
7 on or after July 1, 2008.

8 (2) (A) By outlining or painting the stall or space in blue and
9 outlining on the ground in the stall or space in white or suitable
10 contrasting color a profile view depicting a wheelchair with
11 occupant.

12 (B) The loading and unloading area of the pavement adjacent
13 to a parking stall or space designated for disabled persons or
14 disabled veterans shall be marked by a border and hatched lines.
15 The border shall be painted blue and the hatched lines shall be
16 painted a suitable contrasting color to the parking space. Blue or
17 white paint is preferred. In addition, within the border the words
18 “No Parking” shall be painted in white letters no less than 12 inches
19 high. This subparagraph applies only to parking spaces constructed
20 on or after July 1, 2008, and painting that is done on or after July
21 1, 2008, or as the State Architect deems necessary when
22 renovations, structural repair, alterations, and additions occur to
23 existing buildings and facilities on or after July 1, 2008.

24 (3) By outlining a profile view of a wheelchair with occupant
25 in white on a blue background, of the same dimensions as in
26 paragraph (2). The profile view shall be located so that it is visible
27 to a traffic enforcement officer when a vehicle is properly parked
28 in the space.

29 (b) The Department of General Services under the Division of
30 the State Architect shall develop pursuant to Section 4450 of the
31 Government Code, as appropriate, conforming regulations to ensure
32 compliance with subparagraph (B) of paragraph (1) of subdivision
33 (a) and subparagraph (B) of paragraph (2) of subdivision (a). Initial
34 regulations to implement these provisions shall be adopted as
35 emergency regulations. The adoption of these regulations shall be
36 considered by the Department of General Services to be an
37 emergency necessary for the immediate preservation of the public
38 peace, health and safety, or general welfare.

39 (c) If posted in accordance with subdivision (e) or (f), the owner
40 or person in lawful possession of a privately owned or operated

offstreet parking facility, after notifying the police or sheriff's department, may cause the removal of a vehicle from a stall or space designated pursuant to subdivision (a) in the facility to the nearest public garage unless a special license plate issued pursuant to Section 5007 or distinguishing placard issued pursuant to Section 22511.55 or 22511.59 is displayed on the vehicle.

(d) If posted in accordance with subdivision (e), the local authority owning or operating an offstreet parking facility, after notifying the police or sheriff's department, may cause the removal of a vehicle from a stall or space designated pursuant to subdivision (a) in the facility to the nearest public garage unless a special license plate issued pursuant to Section 5007 or a distinguishing placard issued pursuant to Section 22511.55 or 22511.59 is displayed on the vehicle.

(e) Except as provided in Section 22511.9, the posting required for an offstreet parking facility owned or operated either privately or by a local authority shall consist of a sign not less than 17 by 22 inches in size with lettering not less than one inch in height which clearly and conspicuously states the following: "Unauthorized vehicles parked in designated accessible spaces not displaying distinguishing placards or special license plates issued for persons with disabilities will be towed away at the owner's expense. Towed vehicles may be reclaimed at:

_____ or by telephoning

 (Address)
 _____."

 (Telephone number of local law enforcement agency)

The sign shall be posted in either of the following locations:

- (1) Immediately adjacent to, and visible from, the stall or space.
- (2) In a conspicuous place at each entrance to the offstreet parking facility.

(f) If the parking facility is privately owned and public parking is prohibited by the posting of a sign meeting the requirements of paragraph (1) of subdivision (a) of Section 22658, the requirements of subdivision (c) may be met by the posting of a sign immediately adjacent to, and visible from, each stall or space indicating that a vehicle not meeting the requirements of subdivision (a) will be

1 removed at the owner's expense and containing the telephone
2 number of the local traffic law enforcement agency.

3 (g) This section does not restrict the privilege granted to disabled
4 persons and disabled veterans by Section 22511.5.

5 SEC. 11. Section 40203.5 of the Vehicle Code is amended to
6 read:

7 40203.5. (a) ~~The schedule of parking penalties for parking~~
8 ~~violations and late payment penalties shall be established by the~~
9 ~~governing body of the jurisdiction where the notice of violation is~~
10 ~~issued. To the extent possible, issuing agencies within the same~~
11 ~~county shall standardize parking penalties.~~

12 (b) ~~Parking penalties under this article shall be collected as civil~~
13 ~~penalties.~~

14 (c) (1) ~~The penalty for a violation of Section 22507.8 shall be~~
15 ~~as follows:~~

16 (A) ~~Not less than two hundred fifty dollars (\$250) and not more~~
17 ~~than five hundred dollars (\$500) for the first offense.~~

18 (B) ~~Not less than five hundred dollars (\$500) and not more than~~
19 ~~seven hundred fifty dollars (\$750) for the second offense.~~

20 (C) ~~Not less than seven hundred fifty dollars (\$750) and not~~
21 ~~more than one thousand dollars (\$1,000) for three or more offenses.~~

22 (2) ~~The issuing agency may suspend the imposition of the~~
23 ~~penalty in paragraph (1), if the violator, at the time of the offense,~~
24 ~~possessed but failed to display a valid special identification license~~
25 ~~plate issued pursuant to Section 5007 or a distinguishing placard~~
26 ~~issued pursuant to Section 22511.55 or 22511.59.~~

27 (3) ~~A penalty imposed pursuant to this subdivision may be paid~~
28 ~~in installments if the issuing agency determines that the violator~~
29 ~~is unable to pay the entire amount in one payment.~~

30 SEC. 12.

31 SEC. 16. Section 40215 of the Vehicle Code is amended to
32 read:

33 40215. (a) For a period of 21 calendar days from the issuance
34 of a notice of parking violation or 14 calendar days from the
35 mailing of a notice of delinquent parking violation, *exclusive of*
36 *any days from the day the processing agency receives a request*
37 *for a copy or facsimile of the original notice of parking violation*
38 *pursuant to Section 40206.5 and the day the processing agency*
39 *complies with the request*, a person may request an initial review
40 of the notice by the issuing agency. The request may be made by

1 telephone, in writing, or in person. There shall be no charge for
2 this review. If, following the initial review, the issuing agency is
3 satisfied that the violation did not occur, that the registered owner
4 was not responsible for the violation, or that extenuating
5 circumstances make dismissal of the citation appropriate in the
6 interest of justice, the issuing agency shall cancel the notice of
7 parking violation or notice of delinquent parking violation. The
8 issuing agency shall advise the processing agency, if any, of the
9 cancellation. The issuing agency or the processing agency shall
10 mail the results of the initial review to the person contesting the
11 notice, and, if following that review, cancellation of the notice
12 does not occur, include a reason for that denial, notification of the
13 ability to request an administrative hearing, and notice of the
14 procedure adopted pursuant to subdivision (b) for waiving
15 prepayment of the parking penalty based upon an inability to pay.

16 (b) If the person is dissatisfied with the results of the initial
17 review, the person may request an administrative hearing of the
18 violation no later than 21 calendar days following the mailing of
19 the results of the issuing agency's initial review. The request may
20 be made by telephone, in writing, or in person. The person
21 requesting an administrative hearing shall deposit the amount of
22 the parking penalty with the processing agency. The issuing agency
23 shall adopt a written procedure to allow a person to request an
24 administrative hearing without payment of the parking penalty
25 upon satisfactory proof of an inability to pay the amount due. After
26 January 1, 1996, an administrative hearing shall be held within 90
27 calendar days following the receipt of a request for an
28 administrative hearing, excluding time tolled pursuant to this
29 article. The person requesting the hearing may request one
30 continuance, not to exceed 21 calendar days.

31 (c) The administrative hearing process shall include the
32 following:

33 (1) The person requesting a hearing shall have the choice of a
34 hearing by mail or in person. An in-person hearing shall be
35 conducted within the jurisdiction of the issuing agency. If an
36 issuing agency contracts with an administrative provider, hearings
37 shall be held within the jurisdiction of the issuing agency or within
38 the county of the issuing agency.

39 (2) If the person requesting a hearing is a minor, that person
40 shall be permitted to appear at a hearing or admit responsibility

1 for the parking violation without the necessity of the appointment
2 of a guardian. The processing agency may proceed against the
3 minor in the same manner as against an adult.

4 (3) The administrative hearing shall be conducted in accordance
5 with written procedures established by the issuing agency and
6 approved by the governing body or chief executive officer of the
7 issuing agency. The hearing shall provide an independent,
8 objective, fair, and impartial review of contested parking violations.

9 (4) (A) The issuing agency's governing body or chief executive
10 officer shall appoint or contract with qualified examiners or
11 administrative hearing providers that employ qualified examiners
12 to conduct the administrative hearings. Examiners shall
13 demonstrate those qualifications, training, and objectivity necessary
14 to conduct a fair and impartial review. An examiner shall not be
15 employed, managed, or controlled by a person whose primary
16 duties are parking enforcement or parking citation, processing,
17 collection, or issuance. The examiner shall be separate and
18 independent from the citation collection or processing function.
19 An examiner's continued employment, performance evaluation,
20 compensation, and benefits shall not, directly or indirectly, be
21 linked to the amount of fines collected by the examiner.

22 (B) Examiners shall have a minimum of 20 hours of training.
23 The examiner is responsible for the costs of the training. The
24 issuing agency may reimburse the examiner for those costs.
25 Training may be provided through (i) an accredited college or
26 university, (ii) a program conducted by the Commission on Peace
27 Officer Standards and Training, (iii) American Arbitration
28 Association or a similar established organization, or (iv) through
29 any program approved by the governing board of the issuing
30 agency, including a program developed and provided by, or for,
31 the agency. Training programs may include topics relevant to the
32 administrative hearing, including, but not limited to, applicable
33 laws and regulations, parking enforcement procedures, due process,
34 evaluation of evidence, hearing procedures, and effective oral and
35 written communication. Upon the approval of the governing board
36 of the issuing agency, up to 12 hours of relevant experience may
37 be substituted for up to 12 hours of training. In addition, up to
38 eight hours of the training requirements described in this
39 subparagraph may be credited to an individual, at the discretion
40 of the governing board of the issuing agency, based upon training

1 programs or courses described in (i) to (iv), inclusive, that the
2 individual attended within the last five years.

3 (5) The officer or person who issues a notice of parking violation
4 shall not be required to participate in an administrative hearing.
5 The issuing agency shall not be required to produce any evidence
6 other than the notice of parking violation or copy thereof and
7 information received from the Department of Motor Vehicles
8 identifying the registered owner of the vehicle. The documentation
9 in proper form shall be prima facie evidence of the violation.

10 (6) The examiner's decision following the administrative hearing
11 may be personally delivered to the person by the examiner or sent
12 by first-class mail, and, if the notice is not cancelled, include a
13 written reason for that denial.

14 (7) Following a determination by the examiner that a person
15 has committed the violation, the examiner may, consistent with
16 the written guidelines established by the issuing agency, allow
17 payment of the parking penalty in installments, or an issuing
18 agency may allow for deferred payment or allow for payments in
19 installments, if the person provides evidence satisfactory to the
20 examiner or the issuing agency, as the case may be, of an inability
21 to pay the parking penalty in full. If authorized by the governing
22 board of the issuing agency, the examiner may permit the
23 performance of community service in lieu of payment of a parking
24 penalty.

25 (d) The provisions of this section relating to the administrative
26 appeal process do not apply to an issuing agency that is a law
27 enforcement agency if the issuing agency does not also act as the
28 processing agency.

29 ~~SEC. 13.~~

30 *SEC. 17.* No reimbursement is required by this act pursuant to
31 Section 6 of Article XIII B of the California Constitution for certain
32 costs that may be incurred by a local agency or school district
33 because, in that regard, this act creates a new crime or infraction,
34 eliminates a crime or infraction, or changes the penalty for a crime
35 or infraction, within the meaning of Section 17556 of the
36 Government Code, or changes the definition of a crime within the
37 meaning of Section 6 of Article XIII B of the California
38 Constitution.

39 However, if the Commission on State Mandates determines that
40 this act contains other costs mandated by the state, reimbursement

- 1 to local agencies and school districts for those costs shall be made
- 2 pursuant to Part 7 (commencing with Section 17500) of Division
- 3 4 of Title 2 of the Government Code.

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