

AMENDED IN SENATE JUNE 6, 2012

AMENDED IN SENATE MAY 15, 2012

AMENDED IN SENATE MAY 1, 2012

SENATE BILL

No. 1534

Introduced by Senator Harman

February 24, 2012

An act to amend Section 53075.5 of the Government Code, and to amend Section 26708 of the Vehicle Code, relating to vehicles, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1534, as amended, Harman. Vehicles: video event recorders: *taxicabs.*

Existing

(1) *Existing* law prohibits a person from driving a motor vehicle with an object or material placed, displayed, installed, affixed, or applied upon the windshield or side or rear windows, or upon the vehicle that obstructs or reduces the driver's clear view through the windshield or side windows. Existing law provides that the above prohibition does not apply to, among other things, a video event recorder with the capability of monitoring driver performance to improve driver safety.

Existing law requires a city or county to protect the public health, safety, and welfare by adopting an ordinance or resolution with regard to taxicab transportation service rendered in vehicles that are operated within the jurisdiction of the city or county.

This bill would additionally exempt from that prohibition a video recorder that is installed, as specified, in a licenced taxicab pursuant to a city or county ordinance or resolution if certain requirements are met.

(2) *This bill would declare that it is to take effect immediately as an urgency statute.*

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

1 SECTION 1. Section 53075.5 of the Government Code is
2 amended to read:
3 53075.5. (a) Notwithstanding Chapter 8 (commencing with
4 Section 5351) of Division 2 of the Public Utilities Code, a city or
5 county shall protect the public health, safety, and welfare by
6 adopting an ordinance or resolution with regard to taxicab
7 transportation service rendered in vehicles designed for carrying
8 not more than eight persons, excluding the driver, that are operated
9 within the jurisdiction of the city or county.
10 (b) A city or county shall provide for, but is not limited to
11 providing for, all of the following:
12 (1) A policy for entry into the business of providing taxicab
13 transportation service. The policy shall include, but need not be
14 limited to, all of the following provisions:
15 (A) Employment, or an offer of employment, as a taxicab driver
16 in the jurisdiction, including compliance with all of the
17 requirements of the program adopted pursuant to paragraph (3),
18 shall be a condition of issuance of a driver's permit.
19 (B) The driver's permit shall become void upon termination of
20 employment.
21 (C) The driver's permit shall state the name of the employer.
22 (D) The employer shall notify the city or county upon
23 termination of employment.
24 (E) The driver shall return the permit to the city or county upon
25 termination of employment.
26 (2) The establishment or registration of rates for the provision
27 of taxicab transportation service.
28 (3) (A) A mandatory controlled substance and alcohol testing
29 certification program. The program shall include, but need not be
30 limited to, all of the following requirements:
31 (i) Drivers shall test negative for each of the controlled
32 substances specified in Part 40 (commencing with Section 40.1)
33 of Title 49 of the Code of Federal Regulations, prior to

1 employment. Drivers shall test negative for these controlled
2 substances and for alcohol as a condition of permit renewal or, if
3 no periodic permit renewals are required, at any other time that
4 the city or county shall designate. As used in this section, a negative
5 test for alcohol means an alcohol screening test showing a breath
6 alcohol concentration of less than 0.02 percent.

7 (ii) Procedures shall be substantially the same as those in Part
8 40 (commencing with Section 40.1) of Title 49 of the Code of
9 Federal Regulations, except that the driver shall show a valid
10 California driver's license at the time and place of testing, and
11 except as provided otherwise in this section. Requirements for
12 rehabilitation and for return-to-duty and followup testing and other
13 requirements, except as provided otherwise in this section, shall
14 be substantially the same as those in Part 382 (commencing with
15 Section 382.101) of Title 49 of the Code of Federal Regulations.

16 (iii) A test in one jurisdiction shall be accepted as meeting the
17 same requirement in any other jurisdiction. Any negative test result
18 shall be accepted for one year as meeting a requirement for periodic
19 permit renewal testing or any other periodic testing in that
20 jurisdiction or any other jurisdiction, if the driver has not tested
21 positive subsequent to a negative result. However, an earlier
22 negative result shall not be accepted as meeting the preemployment
23 testing requirement for any subsequent employment, or any testing
24 requirements under the program other than periodic testing.

25 (iv) In the case of a self-employed independent driver, the test
26 results shall be reported directly to the city or county, which shall
27 notify the taxicab leasing company of record, if any, of positive
28 results. In all other cases, the results shall be reported directly to
29 the employing transportation operator, who may be required to
30 notify the city or county of positive results.

31 (v) All test results are confidential and shall not be released
32 without the consent of the driver, except as authorized or required
33 by law.

34 (vi) Self-employed independent drivers shall be responsible for
35 compliance with, and shall pay all costs of, this program with
36 regard to themselves. Employing transportation operators shall be
37 responsible for compliance with, and shall pay all costs of, this
38 program with respect to their employees and potential employees,
39 except that an operator may require employees who test positive

1 to pay the costs of rehabilitation and of return-to-duty and followup
2 testing.

3 (vii) Upon the request of a driver applying for a permit, the city
4 or county shall give the driver a list of the consortia certified
5 pursuant to Part 382 (commencing with Section 382.101) of Title
6 49 of the Code of Federal Regulations that the city or county knows
7 offer tests in or near the jurisdiction.

8 (B) No evidence derived from a positive test result pursuant to
9 the program shall be admissible in a criminal prosecution
10 concerning unlawful possession, sale, or distribution of controlled
11 substances.

12 (c) The ordinance or resolution adopted pursuant to subdivision
13 (a) may require the placement of video recorders in taxicabs that
14 meet the requirements of paragraph (14) of subdivision (b) of
15 Section 26708 of the Vehicle Code if all of the following
16 requirements are met:

17 (1) The video recorder does not record audio.

18 (2) Only law enforcement agency personnel, as part of a criminal
19 investigation or for other public safety purposes, may review the
20 resulting video recordings.

21 (3) An employee or independent contractor driver shall be able
22 to disable the video recorder in the taxicab that he or she is
23 operating and shall be able to request and receive, free of charge,
24 copies of recordings made during his or her operation of that
25 taxicab.

26 (4) A taxicab in which video recording occurs shall have posted,
27 in at least two conspicuous locations, one on the inside and the
28 other on the outside of the vehicle, a notice to the passenger that
29 he or she is being video recorded.

30 (5) Video recordings that are not part of an on-going criminal
31 investigation shall be destroyed within 90 days of the date that a
32 recording was made.

33 (d) A city or county may levy service charges, fees, or
34 assessments in an amount sufficient to pay for the costs of carrying
35 out an ordinance or resolution adopted with regard to taxicab
36 transportation services pursuant to this section.

37 (e) This section does not prohibit a city or county from adopting
38 additional requirements for a taxicab to operate in its jurisdiction.

39 (f) For purposes of this section, “employment” includes
40 self-employment as an independent driver.

1 SEC. 2. Section 26708 of the Vehicle Code is amended to read:

2 26708. (a) (1) A person shall not drive a motor vehicle with
3 an object or material placed, displayed, installed, affixed, or applied
4 upon the windshield or side or rear windows.

5 (2) A person shall not drive a motor vehicle with an object or
6 material placed, displayed, installed, affixed, or applied in or upon
7 the vehicle that obstructs or reduces the driver's clear view through
8 the windshield or side windows.

9 (3) This subdivision applies to a person driving a motor vehicle
10 with the driver's clear vision through the windshield, or side or
11 rear windows, obstructed by snow or ice.

12 (b) This section does not apply to any of the following:

13 (1) Rearview mirrors.

14 (2) Adjustable nontransparent sunvisors that are mounted
15 forward of the side windows and are not attached to the glass.

16 (3) Signs, stickers, or other materials that are displayed in a
17 seven-inch square in the lower corner of the windshield farthest
18 removed from the driver, signs, stickers, or other materials that
19 are displayed in a seven-inch square in the lower corner of the rear
20 window farthest removed from the driver, or signs, stickers, or
21 other materials that are displayed in a five-inch square in the lower
22 corner of the windshield nearest the driver.

23 (4) Side windows that are to the rear of the driver.

24 (5) Direction, destination, or terminus signs upon a passenger
25 common carrier motor vehicle or a schoolbus, if those signs do
26 not interfere with the driver's clear view of approaching traffic.

27 (6) Rear window wiper motor.

28 (7) Rear trunk lid handle or hinges.

29 (8) The rear window or windows, if the motor vehicle is
30 equipped with outside mirrors on both the left- and right-hand
31 sides of the vehicle that are so located as to reflect to the driver a
32 view of the highway through each mirror for a distance of at least
33 200 feet to the rear of the vehicle.

34 (9) A clear, transparent lens affixed to the side window opposite
35 the driver on a vehicle greater than 80 inches in width and that
36 occupies an area not exceeding 50 square inches of the lowest
37 corner toward the rear of that window and that provides the driver
38 with a wide-angle view through the lens.

39 (10) Sun screening devices meeting the requirements of Section
40 26708.2 installed on the side windows on either side of the

1 vehicle's front seat, if the driver or a passenger in the front seat
2 has in his or her possession a letter or other document signed by
3 a licensed physician and surgeon certifying that the person must
4 be shaded from the sun due to a medical condition, or has in his
5 or her possession a letter or other document signed by a licensed
6 optometrist certifying that the person must be shaded from the sun
7 due to a visual condition. The devices authorized by this paragraph
8 shall not be used during darkness.

9 (11) An electronic communication device affixed to the center
10 uppermost portion of the interior of a windshield within an area
11 that is not greater than five inches square, if the device provides
12 either of the following:

13 (A) The capability for enforcement facilities of the Department
14 of the California Highway Patrol to communicate with a vehicle
15 equipped with the device.

16 (B) The capability for electronic toll and traffic management
17 on public or private roads or facilities.

18 (12) A portable Global Positioning System (GPS), which may
19 be mounted in a seven-inch square in the lower corner of the
20 windshield farthest removed from the driver or in a five-inch square
21 in the lower corner of the windshield nearest to the driver and
22 outside of an airbag deployment zone, if the system is used only
23 for door-to-door navigation while the motor vehicle is being
24 operated.

25 (13) (A) A video event recorder with the capability of
26 monitoring driver performance to improve driver safety, which
27 may be mounted in a seven-inch square in the lower corner of the
28 windshield farthest removed from the driver, in a five-inch square
29 in the lower corner of the windshield nearest to the driver and
30 outside of an airbag deployment zone, or in a five-inch square
31 mounted to the center uppermost portion of the interior of the
32 windshield. As used in this section, "video event recorder" means
33 a video recorder that continuously records in a digital loop,
34 recording audio, video, and G-force levels, but saves video only
35 when triggered by an unusual motion or crash or when operated
36 by the driver to monitor driver performance.

37 (B) A vehicle equipped with a video event recorder shall have
38 a notice posted in a visible location which states that a passenger's
39 conversation may be recorded.

1 (C) Video event recorders shall store no more than 30 seconds
2 before and after a triggering event.

3 (D) The registered owner or lessee of the vehicle may disable
4 the device.

5 (E) The data recorded to the device is the property of the
6 registered owner or lessee of the vehicle.

7 (F) When a person is driving for hire as an employee in a vehicle
8 with a video event recorder, the person's employer shall provide
9 unedited copies of the recordings upon the request of the employee
10 or the employee's representative. These copies shall be provided
11 free of charge to the employee and within five days of the request.

12 (14) A video recorder that is installed in a licensed taxicab
13 pursuant to subdivision (c) of Section 53075.5 of the Government
14 Code, and shall be mounted in any of the following locations:

15 (A) In a seven-inch square in the lower corner of the windshield
16 farthest removed from the driver.

17 (B) In a five-inch square in the lower corner of the windshield
18 nearest to the driver and outside of an airbag deployment zone.

19 (C) In a five-inch square mounted to the center uppermost
20 portion of the interior of the windshield.

21 (c) Notwithstanding subdivision (a), transparent material may
22 be installed, affixed, or applied to the topmost portion of the
23 windshield if the following conditions apply:

24 (1) The bottom edge of the material is at least 29 inches above
25 the undepressed driver's seat when measured from a point five
26 inches in front of the bottom of the backrest with the driver's seat
27 in its rearmost and lowermost position with the vehicle on a level
28 surface.

29 (2) The material is not red or amber in color.

30 (3) There is no opaque lettering on the material and any other
31 lettering does not affect primary colors or distort vision through
32 the windshield.

33 (4) The material does not reflect sunlight or headlight glare into
34 the eyes of occupants of oncoming or following vehicles to any
35 greater extent than the windshield without the material.

36 (d) Notwithstanding subdivision (a), clear, colorless, and
37 transparent material may be installed, affixed, or applied to the
38 front side windows, located to the immediate left and right of the
39 front seat if the following conditions are met:

1 (1) The material has a minimum visible light transmittance of
2 88 percent.

3 (2) The window glazing with the material applied meets all
4 requirements of Federal Motor Vehicle Safety Standard No. 205
5 (49 C.F.R. 571.205), including the specified minimum light
6 transmittance of 70 percent and the abrasion resistance of AS-14
7 glazing, as specified in that federal standard.

8 (3) The material is designed and manufactured to enhance the
9 ability of the existing window glass to block the sun's harmful
10 ultraviolet A rays.

11 (4) The driver has in his or her possession, or within the vehicle,
12 a certificate signed by the installing company certifying that the
13 windows with the material installed meet the requirements of this
14 subdivision and the certificate identifies the installing company
15 and the material's manufacturer by full name and street address,
16 or, if the material was installed by the vehicle owner, a certificate
17 signed by the material's manufacturer certifying that the windows
18 with the material installed according to manufacturer's instructions
19 meet the requirements of this subdivision and the certificate
20 identifies the material's manufacturer by full name and street
21 address.

22 (5) If the material described in this subdivision tears or bubbles,
23 or is otherwise worn to prohibit clear vision, it shall be removed
24 or replaced.

25 *SEC. 3. This act is an urgency statute necessary for the*
26 *immediate preservation of the public peace, health, or safety within*
27 *the meaning of Article IV of the Constitution and shall go into*
28 *immediate effect. The facts constituting the necessity are:*

29 *In order to provide taxicab customers and drivers with greater*
30 *protection and safety, it is necessary for this act to take effect*
31 *immediately.*