



**AB-2906 Transportation: omnibus bill.** (2015-2016)

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**Assembly Bill No. 2906**

**CHAPTER 208**

An act to amend Sections 13532 and 13570 of, and to repeal Article 19 (commencing with Section 13630) of Chapter 14 of Division 5 of, the Business and Professions Code, to amend Section 20092 of the Education Code, to amend Sections 14553 and 14553.9 of the Government Code, and to amend Sections 408, 5004.3, 12527, 15222, 21107.8, 21719, 22358.4, 22502, 24603, 24612, 25300, 25802, 26454, 26508, 27903, 34500, and 40802 of, to add Sections 5169 and 35401.9 to, and to repeal Section 5101.7 of, the Vehicle Code, relating to transportation.

[ Approved by Governor August 26, 2016. Filed with Secretary of State August 26, 2016. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2906, Committee on Transportation. Transportation: omnibus bill.

(1) Existing law authorizes the Treasurer and the California Transportation Commission to pledge amounts deposited in the State Highway Account from federal transportation funds for the purposes of issuing federal highway grant anticipation notes, commonly known as GARVEE bonds, to fund transportation projects selected by the commission. Existing law requires the commission to prepare an annual analysis of the bonding capacity of those federal transportation funds.

This bill would instead require the commission to prepare this analysis when the Department of Transportation anticipates the issuance of new notes and makes a written request in that regard, but not more than once annually.

(2) Existing law defines "motor carrier" for purposes of the Vehicle Code as the registered owner, lessee, licensee, or bailee of specified vehicles who operates or directs the operation of the vehicle on either a for-hire or not-for-hire basis.

This bill would include within that definition a motor carrier's agents, officers, and representatives, as well as employees responsible for the hiring, supervising, training, assigning, or dispatching of drivers and employees concerned with the installation, inspection, and maintenance of motor vehicle equipment or accessories.

(3) Existing law requires the Department of Motor Vehicles to establish the California Legacy License Plate Program, under which license plates that replicate the license plates from the state's past are issued for an additional fee. Existing law requires the department to deposit this additional revenue, after it deducts its administrative costs, into the Environmental License Plate Fund.

This bill would specify that the department's administrative costs include the costs of including the California Legacy License Plates in existing materials that promote special license plates.

(4) Existing law authorizes the issuance of commemorative 1984 Olympic reflectorized license plates in lieu of regular license plates, as specified. Existing law requires that the issue, renewal, cancellation, retention, and transfer of the Olympic plates be subject to specified provisions as if they were environmental license plates, including, among others, provisions that impose a \$48 registration fee and a \$38 renewal fee for the issuance of the plates.

This bill would repeal the provisions that require the Olympic plates to be subject to the environmental license plates provisions described above.

(5) Existing law authorizes certain tow truck drivers to utilize the center median or right shoulder of a roadway in the event of an emergency that requires the rapid removal of impediments to traffic or rendering of assistance to a disabled vehicle obstructing a roadway, if specified conditions are met.

This bill would additionally give this authority to a tow truck driver who renders towing service or emergency road service to motorists while involved in freeway service patrol operations, pursuant to an agreement with a regional or local entity.

(6) Existing law requires a vehicle stopped or parked upon a roadway where there are adjacent curbs to be stopped or parked with the wheels of the vehicle parallel to, and within 18 inches of, the curb, as provided, except as specified.

This bill would additionally apply these provisions to vehicles stopped or parked upon a roadway where there are adjacent class IV bikeways, as defined.

(7) Existing law requires that every vehicle be equipped with stoplamps that emit red light unless the vehicle was manufactured before January 1, 1979, in which case it may emit a red or yellow light.

This bill would prohibit commercial vehicles from being equipped with amber stoplamps, amber taillamps, or other amber lamps that are optically combined with a stoplamp or taillamp.

(8) Existing law authorizes a trailer and semitrailer having an overall width of 80 inches or more and manufactured prior to December 1, 1993, to be equipped with a conspicuity system specified in federal law.

This bill would instead require that those trailers and semitrailers having a gross vehicle weight rating of more than 10,000 pounds be equipped with retroreflective sheeting and reflex reflectors, in accordance with federal law.

(9) Existing law requires a driver of a truck tractor or vehicle with a width of 80 inches or more to place red emergency reflectors within a specified distance of the vehicle when the vehicle is disabled or parked off the roadway during darkness. Existing law authorizes the driver to use lighted red fusees or turn signal lamps until the reflectors can be placed properly.

This bill would additionally authorize those drivers to place liquid-burning flares by the vehicle, but would prohibit the use of these flares if the vehicle transports flammable materials, as specified.

(10) Existing law prescribes maximum stopping distances and sets forth requirements for emergency brake systems and service brake systems for specified vehicles.

This bill would revise and reorganize those maximum stopping distances and standards for emergency brake systems and service brake systems.

(11) Existing law requires any vehicle transporting any explosive, blasting agent, flammable liquid, flammable solid, oxidizing material, corrosive, compressed gas, poison, radioactive material, or other hazardous materials, of the type and in quantities that require the display of placards or markings on the vehicle exterior by regulations of the United States Department of Transportation, to display those placards and markings as prescribed by those regulations.

This bill would prohibit a vehicle from displaying hazardous materials markings or placards unless permitted or required by specified federal regulations.

(12) Existing law requires the Department of the California Highway Patrol to regulate the safe operation of trailers and semitrailers, among other vehicles, that are used in specified combinations, but only for matters relating to hours of service and logbooks of drivers.

This bill would expand this requirement to include the regulation of the safe operation of trailers and semitrailers, among other vehicles, that are used in combination with any motortruck regulated by the Department of Motor Vehicles, the Public Utilities Commission, or the United States Secretary of Transportation.

(13) Existing law generally prohibits a combination of vehicles coupled together, including attachments, from exceeding a total length of 65 feet, subject to specified exceptions.

This bill would prohibit a driveaway-towaway combination, as defined, from exceeding 97 feet in length when transporting up to 3 saddle-mounted vehicles and one full-mounted vehicle.

(14) Under existing law, a violation of the Vehicle Code is a crime.

Because this bill would impose new requirements and prohibitions, a violation of which would be a crime, the bill would impose a state-mandated local program.

(15) This bill would delete obsolete provisions and make other technical, clarifying, and organizational changes.

(16) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

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## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 13532 of the Business and Professions Code is amended to read:

**13532.** (a) It is unlawful for any person to display any advertising medium that indicates the price of motor vehicle fuel unless the advertising medium displays all of the following:

(1) The total price per gallon, liter, or other unit of measurement adopted pursuant to Section 12107, 13404, or 13404.5, including all taxes, in numerals, and fractions when applicable, not less than six inches in height and of uniform size and color. For purposes of this article, fractions are considered one numeral. For purposes of this section, electricity sold as a motor vehicle fuel shall meet only the requirements adopted pursuant to Section 13404.5.

(2) The trademark or brand of the motor vehicle fuel in letters, figures, or numerals not less than one-third the size of the numerals designating the price.

(3) The word "gasoline" or the name of other motor vehicle fuel in letters not less than one-third the size of the numerals designating the price, but these words need not be more than four inches in height.

(4) The grade designation of the motor vehicle fuel in letters or numerals not less than one-sixth the size of the numerals designating the price, but this designation need not be more than four inches in height.

(5) If motor vehicle fuel prices are advertised by the unit of measurement other than gallon, the unit shall be displayed on the advertising medium in letters not less than one-third the size of the numerals designating the price.

(b) (1) It is unlawful for any person to display an advertising medium that advertises a discount or price reduction for motor vehicle fuel, unless the advertising medium contains all the following:

(A) The total price per gallon, liter, or other unit of measurement adopted pursuant to Section 12107, 13404, or 13404.5 from which the discount or price reduction is to be taken.

(B) The amount of the discount or price reduction in cents per gallon, liter, or other unit of measurement using numerals that do not exceed the height of the numerals in the advertised price.

(C) The conditions of the discount or price reduction using words whose letters are not less than one-third the size of the price numerals.

(2) Any limitations under which the discount or price reduction is offered shall be explained in words whose letters are not less than one-third the size of the numerals indicating the prices.

(3) There shall be available for each customer's reference, a chart showing the amount of discount for each type of unit being sold or fraction thereof in one cent (\$0.01) increments, or the retail dispensers used to dispense motor vehicle fuel at the discount price shall be set to compute the total sale at the discounted price per gallon or liter and shall be clearly labeled "Includes Cash Discount" in letters not less than one inch in height.

(4) For purposes of this subdivision, the motor vehicle fuel shall be sold in the same unit of measure in which the discount and the price from which the discount is taken are advertised.

(c) In the event that the same grade of motor vehicle fuel is sold at different prices from any single place of business, it is unlawful for any person to display any advertising medium that advertises a price of a grade of motor vehicle fuel unless the advertising medium advertises in numerals of equal size each of the higher prices, including all taxes for which the grade is sold or offered for sale, and unless the advertising medium explains the conditions, and any limitations, under which that grade is sold or offered for sale at different prices. The words of explanation shall be clearly shown in letters at least one-third the size of the numerals

indicating the prices. The different prices at which the same grade of motor vehicle fuel is sold or offered for sale shall be advertised in the same unit of measure as permitted or required by law.

(d) Nothing in this section prohibits any person who has posted or displayed a sign or advertising medium in compliance with this chapter from displaying additional signs or advertising media that state either (1) the amount of discount in cents per gallon, liter, or other unit of measurement adopted pursuant to Section 12107, 13404, or 13404.5, or (2) the total price of one or more brands or grades of motor vehicle fuel sold or offered for sale, provided the conditions and any limitations of the discount or price of the brand or grade of motor vehicle fuel are included in the additional advertising media in letters not less than one-third the size of the numerals indicating the discount or price.

**SEC. 2.** Section 13570 of the Business and Professions Code is amended to read:

**13570.** (a) A manufacturer, blender, agent, jobber, consignment agent, or distributor who distributes motor vehicle fuel that contains at least 1 percent alcohol by volume, shall state on an invoice, bill of lading, shipping paper, or other documentation used in normal and customary business practices, the percentage of alcohol, the type of alcohol, and, except in documentation certifying the octane rating of gasoline as required by federal law, the minimum antiknock index number, as defined in subdivision (q) of Section 13400, of the products distributed.

(b) If a motor vehicle fuel product contains less than 10 percent ethanol, a statement in the documentation that the product "contains up to 10% ethanol" meets the requirement of subdivision (a) that it state the percentage of ethanol.

(c) This section, as it relates to certification of the minimum antiknock index number, applies to all motor vehicle gasoline distributed.

**SEC. 3.** Article 19 (commencing with Section 13630) of Chapter 14 of Division 5 of the Business and Professions Code is repealed.

**SEC. 4.** Section 20092 of the Education Code is amended to read:

**20092.** The endowment may create a competitive grant program to support small capital projects in museums pursuant to subdivision (b) of Section 20057. The grant program shall give priority to the objectives listed in Section 20091. Once funding becomes available from the sale of specialized license plates pursuant to subdivision (b), funding for the grant program shall only be made, upon appropriation by the Legislature, from the funds collected pursuant to Section 5169 of the Vehicle Code.

**SEC. 5.** Section 14553 of the Government Code is amended to read:

**14553.** (a) The commission may from time to time select and designate eligible projects to be funded from the proceeds of notes, if financing of the project from the proceeds of notes has been approved by the Federal Highway Administration and the regional transportation planning agency, and the project has completed environmental clearance and project design.

(b) When the department anticipates the issuance of new notes and, in conjunction with the commission, makes a written request in that regard, but not more than once annually, the commission, in conjunction with the Treasurer's office, shall prepare an analysis of the bonding capacity of federal transportation funds deposited in the State Highway Account in the State Transportation Fund.

**SEC. 6.** Section 14553.9 of the Government Code is amended to read:

**14553.9.** (a) Upon taking the actions authorized under this article, the commission may request the Treasurer to issue notes to provide funds for the eligible projects.

(b) On or before April 1 of each year, the commission shall prepare and submit an annual report regarding the preceding calendar year to the Governor and the Legislature. Each report shall compile and detail the total amount of outstanding debt issued pursuant to this chapter and the projects funded by that outstanding debt.

**SEC. 7.** Section 408 of the Vehicle Code is amended to read:

**408.** "Motor carrier" is the registered owner, lessee, licensee, or bailee of any vehicle set forth in Section 34500, who operates or directs the operation of any such vehicle on either a for-hire or not-for-hire basis. "Motor carrier" also includes a motor carrier's agents, officers, and representatives, as well as employees responsible for the hiring, supervising, training, assigning, or dispatching of drivers and employees concerned with the installation, inspection, and maintenance of motor vehicle equipment or accessories.

**SEC. 8.** Section 5004.3 of the Vehicle Code is amended to read:

**5004.3.** (a) Subject to subdivision (d), the department shall establish the California Legacy License Plate Program and create and issue a series of specialized license plates known as California Legacy License Plates that replicate the look of California license plates from the state's past. The design of the plates shall be identical, to the extent the department determines it to be reasonably feasible under current manufacturing processes, to a regular license plate, except as provided in subdivision (b).

(b) The California Legacy License Plates shall consist of one or more of the following designs:

(1) Yellow background with black lettering per the appearance of California license plates issued by the department from 1956 to 1962, inclusive.

(2) Black background with yellow lettering per the appearance of California license plates issued by the department from 1965 to 1968, inclusive.

(3) Blue background with yellow lettering per the appearance of California license plates issued by the department from 1969 to 1986, inclusive.

(c) An applicant for the specialized license plates described in subdivision (a), who shall be the owner or lessee of the vehicle on which the plates will be displayed, may choose to either accept a license plate character sequence assigned by the department or request a combination of letters or numbers or both, subject to Section 5105.

(d) In addition to the regular fees for an original registration or renewal of registration, the following additional fees shall be paid for the issuance, renewal, retention, or transfer of the specialized license plates:

(1) Fifty dollars (\$50) for the original issuance of the plates.

(2) Forty dollars (\$40) for a renewal of registration with the plates.

(3) Fifteen dollars (\$15) for transfer of the plates to another vehicle.

(4) Thirty-five dollars (\$35) for each substitute replacement plate.

(5) Thirty-eight dollars (\$38), when the payment of renewal fees is not required as specified in Section 4000 and the holder of the specialized license plates retains the plates. The fee shall be due at the expiration of the registration year of the vehicle to which the specialized license plates were assigned. This paragraph shall not apply when a plate character sequence is assigned by the department pursuant to subdivision (c).

(e) Sections 5106 and 5108 do not apply to the specialized license plates issued pursuant to this section.

(f) The department shall not issue California Legacy License Plates for a vehicle that is exempt from the payment of registration fees pursuant to Section 9101 or 9103.

(g) (1) The department shall not establish the California Legacy License Plate Program until the department has received not less than 7,500 paid applications for plates. The department shall collect and hold applications for the plates. The department shall not issue a specialized license plate until it has received not less than 7,500 paid applications for any one of the particular plates within the time period prescribed in this section.

(2) The department shall have until January 1, 2015, to receive the required number of applications. If, after that date, 7,500 paid applications have not been received for any one of the three plates described in subdivision (b), the department shall immediately refund to all applicants all fees or deposits that have been collected.

(h) (1) Upon a determination by the department that there are sufficient funds for the program, moneys shall be available, upon appropriation by the Legislature, to the department for the necessary administrative costs of establishing the California Legacy License Plate Program.

(2) After deducting its administrative costs under this subdivision, the department shall deposit any additional revenue derived from the issuance, renewal, transfer, retention, and substitution of the specialized license plates into the California Environmental License Plate Fund, for appropriation by the Legislature pursuant to existing law. For purposes of this paragraph, "administrative costs" includes the costs of including the California Legacy License Plates in materials that promote special license plates authorized by this chapter.

**SEC. 9.** Section 5169 is added to the Vehicle Code, to read:

**5169.** (a) The California Cultural and Historical Endowment shall apply to the department to sponsor a license plate program pursuant to this article.

(b) The fees specified in Section 5157 shall be imposed for the issuance, renewal, or transfer of specialized license plates authorized by this section. Notwithstanding subdivision (c) of Section 5157, after deducting its administrative costs, the department shall deposit the revenue derived from the additional fees into the California Cultural and Historical Endowment Fund to fund the grant program described in Section 20092 of the Education Code.

**SEC. 10.** Section 5101.7 of the Vehicle Code is repealed.

**SEC. 11.** Section 12527 of the Vehicle Code is amended to read:

**12527.** In addition to satisfying all requirements specified in this code and in regulations adopted pursuant to this code, an applicant for an ambulance driver certificate shall satisfy all of the following requirements:

(a) Except as otherwise provided, every ambulance driver responding to an emergency call or transporting patients shall be at least 18 years of age, hold a driver's license valid in California, possess a valid ambulance driver certificate, and be trained and competent in ambulance operation and the use of safety and emergency care equipment required by the California Code of Regulations governing ambulances.

(b) Except as provided in subdivision (f), a person shall not operate an ambulance unless the person has in his or her immediate possession a driver's license for the appropriate class of vehicle to be driven and a certificate issued by the department to permit the operation of an ambulance.

(c) An ambulance driver certificate shall only be issued by the department upon the successful completion of an examination conducted by the department and subject to all of the following conditions:

(1) An applicant for an original or renewal driver certificate shall submit a report of medical examination on a form approved by the department, the Federal Motor Carrier Safety Administration, or the Federal Aviation Administration. The report shall be dated within the two years preceding the application date.

(2) An applicant for an original driver certificate shall submit an acceptable fingerprint card.

(3) The certificate to drive an ambulance shall be valid for a period not exceeding five years and six months and shall expire on the same date as the driver's license. The ambulance driver certificate shall only be valid when both of the following conditions exist:

(A) The certificate is accompanied by a medical examination certificate that was issued within the preceding two years and approved by the department, the Federal Motor Carrier Safety Administration or the Federal Aviation Administration.

(B) A copy of the medical examination report based upon which the certificate was issued is on file with the department.

(4) The ambulance driver certificate is renewable under conditions prescribed by the department. Except as provided in paragraphs (2) and (3) of subdivision (d), applicants renewing an ambulance driver certificate shall possess certificates or licenses evidencing compliance with the emergency medical training and educational standards for ambulance attendants established by the Emergency Medical Service Authority.

(d) (1) Every ambulance driver shall have been trained to assist the ambulance attendant in the care and handling of the ill and injured.

Except as provided in paragraph (2), the driver of a California-based ambulance shall, within one year of initial issuance of the driver's ambulance driver certificate, possess a certificate or license evidencing compliance with the emergency medical training and educational standards established for ambulance attendants by the Emergency Medical Service Authority. In those emergencies requiring both the regularly assigned driver and attendant to be utilized in providing patient care, the specialized emergency medical training requirement shall not apply to persons temporarily detailed to drive the ambulance.

(2) Paragraph (1) does not apply to an ambulance driver who is a volunteer driver for a volunteer ambulance service under the circumstances specified in this paragraph, if the service is provided in the unincorporated areas of a county with a population of less than 125,000 persons, as determined by the most recent federal decennial census. The operation of an ambulance subject to this paragraph shall only apply if the name of the driver and the volunteer ambulance service and facts substantiating the public health necessity for an exemption are submitted to the department by the county board of supervisors and by at least one of the following entities in the county where the driver operates the ambulance:

(A) The county health officer.

(B) The county medical care committee.

(C) The local emergency medical services agency coordinator.

(3) The information required by paragraph (2) shall be submitted to the department at the time of application for an ambulance driver certificate. Upon receipt of that information, the department shall restrict the certificate holder to driving an ambulance for the volunteer ambulance service.

(4) The director may terminate any certificate issued pursuant to paragraph (2) at any time the department determines that the qualifying conditions specified no longer exist.

(5) The exemption granted pursuant to paragraph (2) shall expire on the expiration date of the ambulance driver certificate.

(e) An ambulance certificate is not required for persons operating ambulances in the line of duty as salaried, regular, full-time police officers, deputy sheriffs, or members of a fire department of a public agency. This exemption does not include volunteers and part-time employees or members of a department whose duties are primarily clerical or administrative.

**SEC. 12.** Section 15222 of the Vehicle Code is amended to read:

**15222.** Any driver of a commercial motor vehicle who is convicted of any offense involving the safe operation of a motor vehicle shall notify his or her employer of the conviction within 30 days of the date of conviction.

**SEC. 13.** Section 21107.8 of the Vehicle Code is amended to read:

**21107.8.** (a) (1) A city, county, or city and county may, by ordinance or resolution, find and declare that there are privately owned and maintained offstreet parking facilities as described in the ordinance or resolution within the city, county, or city and county that are generally held open for use of the public for purposes of vehicular parking. Upon enactment by a city, county, or city and county of the ordinance or resolution, Sections 22350, 23103, and 23109 and the provisions of Division 16.5 (commencing with Section 38000) shall apply to privately owned and maintained offstreet parking facilities, except as provided in subdivision (b).

(2) (A) If a city, county, or city and county enacts an ordinance or resolution authorized by paragraph (1), the city, county, or city and county may include in that ordinance or resolution authorization for the operator of a privately owned and maintained offstreet parking facility to regulate unauthorized parking in that facility.

(B) (i) If a city, county, or city and county has exercised its authority pursuant to subparagraph (A) and unauthorized parking is regulated in a privately owned and maintained offstreet parking facility, the owner or operator of that facility shall include in a parking fee invoice instructions that describe the manner in which to contest the parking fee invoice.

(ii) If a city, county, or city and county has exercised its authority pursuant to subparagraph (A) and unauthorized parking is regulated in a privately owned and maintained offstreet parking facility, the owner or operator of that facility shall not file with, or transmit to, the Department of Motor Vehicles a parking fee invoice for the purpose of having the Department of Motor Vehicles attempt to collect unpaid parking fees by refusing to issue or renew a license pursuant to Section 12808.1 or refusing to renew the registration of a vehicle pursuant to Section 4760.

(b) (1) Notwithstanding subdivision (a), an ordinance or resolution enacted pursuant to that subdivision does not apply to an offstreet parking facility unless the owner or operator has caused to be posted in a conspicuous place at each entrance to that offstreet parking facility a notice not less than 17 by 22 inches in size with lettering not less than one inch in height, to the effect that the offstreet parking facility is subject to public moving vehicle laws and violators may be subject to a parking invoice fee.

(2) If applicable, a parking receipt distributed to drivers shall include language explicitly stating that violators may be subject to a parking invoice fee.

(c) An ordinance or resolution shall not be enacted pursuant to subdivision (a) without a public hearing on the matter and 10 days prior written notice to the owner and operator of the privately owned and maintained offstreet parking facility involved.

(d) Section 22507.8 may be enforced without enactment of an ordinance or resolution as required pursuant to subdivision (a) or the posting of a notice at each entrance to the offstreet parking facility as required by paragraph (1) of subdivision (b).

(e) The department shall not be required to provide patrol or to enforce any provision of this code in a privately owned and maintained offstreet parking facility subject to this section except those provisions applicable to private property actions not described in this section.

(f) A city, county, or city and county that authorizes private parking regulation pursuant to this section shall, in its ordinance or resolution, include provisions that include all of the following:

(1) Procedures for dispute resolution in accordance with Section 40215, including all of the following:

(A) A written and publicly available dispute resolution policy that includes specified time periods for notifications, review, and appeal.

(B) An administrative hearing process that includes all of the following:

(i) Options for a hearing in person or by mail.

(ii) Administrative review.

(iii) A hearing by a third-party examiner who has been adequately trained and who provides an independent, objective, fair, and impartial review.

(iv) Personal delivery or delivery by first-class mail of the examiner's decision.

(v) Authority for the examiner to allow payment of the parking invoice fee in installments for persons showing evidence of inability to pay the parking invoice fee in full.

(2) A prohibition against incentives based on the number of invoices issued or the number or percentage of disputed invoices adjudicated that uphold parking invoice fees.

(3) A cap on a parking invoice fee that is commensurate with the most nearly equivalent municipal parking fine.

(4) Measures to prevent a private parking regulator from representing itself as a government enforcement agency, including a prohibition against the use of terminology in ordinances, resolutions, and parking fee invoices that is restricted to governmental law enforcement and a requirement that a conspicuous statement be included on parking fee invoices to the effect that "This parking invoice fee notice is not issued by the [local government]."

**SEC. 14.** Section 21719 of the Vehicle Code is amended to read:

**21719.** (a) Notwithstanding any other law, in the event of an emergency occurring on a roadway that requires the rapid removal of impediments to traffic or the rendering of assistance to a disabled vehicle obstructing a roadway, a tow truck driver who is operating under an agreement with the law enforcement agency responsible for investigating traffic collisions on the roadway, summoned by the owner or operator of a vehicle involved in a collision or that is otherwise disabled on the roadway, or operating pursuant to subdivision (a) of Section 2430.1 may utilize the center median or right shoulder of a roadway if all of the following conditions are met:

(1) A peace officer employed by the investigating law enforcement agency is at the scene of the roadway obstruction and has determined that the obstruction has caused an unnecessary delay to motorists using the roadway.

(2) A peace officer employed by the investigating law enforcement agency has determined that a tow truck can provide emergency roadside assistance by removing the disabled vehicle and gives explicit permission to the tow truck driver allowing the utilization of the center median or right shoulder of the roadway.

(3) The tow truck is not operated on the center median or right shoulder at a speed greater than what is reasonable or prudent having due regard for weather, visibility, the traffic on, and the surface and width of, the roadway, and in no event at a speed that endangers the safety of persons or property.

(4) The tow truck displays flashing amber warning lamps to the front, rear, and both sides while driving in the center median or right shoulder of a roadway pursuant to this section.

(b) For purposes of this section, "utilize the center median" includes making a U-turn across the center median.

**SEC. 15.** Section 22358.4 of the Vehicle Code is amended to read:

**22358.4.** (a) (1) Whenever a local authority determines upon the basis of an engineering and traffic survey that the prima facie speed limit of 25 miles per hour established by subdivision (b) of Section 22352 is more than is reasonable or safe, the local authority may, by ordinance or resolution, determine and declare a prima facie speed limit of 20 or 15 miles per hour, whichever is justified as the appropriate speed limit by that survey.

(2) An ordinance or resolution adopted under paragraph (1) shall not be effective until appropriate signs giving notice of the speed limit are erected upon the highway and, in the case of a state highway, until the ordinance is approved by the Department of Transportation and the appropriate signs are erected upon the highway.



(b) (1) Notwithstanding subdivision (a) or any other provision of law, a local authority may, by ordinance or resolution, determine and declare prima facie speed limits as follows:

(A) A 15 miles per hour prima facie limit in a residence district, on a highway with a posted speed limit of 30 miles per hour or slower, when approaching, at a distance of less than 500 feet from, or passing, a school building or the grounds of a school building, contiguous to a highway and posted with a school warning sign that indicates a speed limit of 15 miles per hour, while children are going to or leaving the school, either during school hours or during the noon recess period. The prima facie limit shall also apply when approaching, at a distance of less than 500 feet from, or passing, school grounds that are not separated from the highway by a fence, gate, or other physical barrier while the grounds are in use by children and the highway is posted with a school warning sign that indicates a speed limit of 15 miles per hour.

(B) A 25 miles per hour prima facie limit in a residence district, on a highway with a posted speed limit of 30 miles per hour or slower, when approaching, at a distance of 500 to 1,000 feet from, a school building or the grounds thereof, contiguous to a highway and posted with a school warning sign that indicates a speed limit of 25 miles per hour, while children are going to or leaving the school, either during school hours or during the noon recess period. The prima facie limit shall also apply when approaching, at a distance of 500 to 1,000 feet from, school grounds that are not separated from the highway by a fence, gate, or other physical barrier while the grounds are in use by children and the highway is posted with a school warning sign that indicates a speed limit of 25 miles per hour.

(2) The prima facie limits established under paragraph (1) apply only to highways that meet all of the following conditions:

(A) A maximum of two traffic lanes.

(B) A maximum posted 30 miles per hour prima facie speed limit immediately prior to and after the school zone.

(3) The prima facie limits established under paragraph (1) apply to all lanes of an affected highway, in both directions of travel.

(4) When determining the need to lower the prima facie speed limit, the local authority shall take the provisions of Section 627 into consideration.

(5) (A) An ordinance or resolution adopted under paragraph (1) shall not be effective until appropriate signs giving notice of the speed limit are erected upon the highway and, in the case of a state highway, until the ordinance is approved by the Department of Transportation and the appropriate signs are erected upon the highway.

(B) For purposes of subparagraph (A) of paragraph (1), school warning signs indicating a speed limit of 15 miles per hour may be placed at a distance up to 500 feet away from school grounds.

(C) For purposes of subparagraph (B) of paragraph (1), school warning signs indicating a speed limit of 25 miles per hour may be placed at any distance between 500 and 1,000 feet away from the school grounds.

(D) A local authority shall reimburse the Department of Transportation for all costs incurred by the department under this subdivision.

**SEC. 16.** Section 22502 of the Vehicle Code is amended to read:

**22502.** (a) Except as otherwise provided in this chapter, a vehicle stopped or parked upon a roadway with adjacent curbs or class IV bikeways, as defined in Section 890.4 of the Streets and Highways Code, shall be stopped or parked with the right-hand wheels of the vehicle parallel to, and within 18 inches of, the right-hand curb or the right-hand edge of the class IV bikeway, except that a motorcycle shall be parked with at least one wheel or fender touching the right-hand curb or edge. If no curbs, barriers, or class IV bikeways bound a two-way roadway, right-hand parallel parking is required unless otherwise indicated.

(b) (1) The provisions of subdivision (a) or (e) do not apply to a commercial vehicle if a variation from the requirements of subdivision (a) or (e) is reasonably necessary to accomplish the loading or unloading of merchandise or passengers on, or from, a vehicle and while anything connected with the loading, or unloading, is being executed.

(2) This subdivision does not permit a vehicle to stop or park upon a roadway in a direction opposite to that in which traffic normally moves.

(c) Notwithstanding subdivision (b), a local authority may, by ordinance, prohibit a commercial vehicle from stopping, parking, or standing on one side of a roadway in a business district with the wheels of the vehicle more than 18 inches from the curb or the edge of a class IV bikeway. The ordinance shall be effective only if signs are placed clearly indicating the prohibition in the areas to which it applies.

(d) This section does not apply to vehicles of a public utility when the vehicles are being used in connection with the operation, maintenance, or repair of facilities of the public utility or are being used in connection with providing public utility service.

(e) (1) Upon a one-way roadway, a vehicle may be stopped or parked as provided in subdivision (a) or with the left-hand wheels parallel to, and within 18 inches of, the left-hand curb or left-hand edge of a class IV bikeway, except that a motorcycle, if parked on the left-hand side, shall have either one wheel or one fender touching the curb or edge. If no curb, barriers, or class IV bikeway bound a one-way roadway, parallel parking on either side is required unless otherwise indicated.

(2) This subdivision does not apply upon a roadway of a divided highway.

(f) (1) The City of Long Beach may, by ordinance or resolution, implement a pilot program to authorize vehicles to park on the left-hand side of the roadway parallel to and within 18 inches of the left-hand curb on two-way local residential streets that dead-end with no cul-de-sac or other designated area in which to turn around, if the City of Long Beach has first made a finding, supported by a professional engineering study, that the ordinance or resolution is justified by the need to facilitate the safe and orderly movement of vehicles on the roadways affected by the resolution or ordinance. The area covered by the ordinance or resolution shall be limited to the streets perpendicular to Ocean Boulevard beginning at Balboa Place and ending at 72nd Place, but shall not cover 62nd Place. The ordinance or resolution permitting that parking shall not apply until signs or markings giving adequate notice have been placed near the designated roadways. The city shall submit to the Legislature, two years from the date of the enactment of the ordinance or resolution that establishes the pilot program, a report that outlines the advantages and disadvantages of the pilot program. The report submitted pursuant to this subdivision shall be submitted in compliance with Section 9795 of the Government Code.

(2) The pilot program authorized under this subdivision shall terminate, and this subdivision shall become inoperative, three years from the date of enactment of the ordinance or resolution that establishes the pilot program.

**SEC. 17.** Section 24603 of the Vehicle Code is amended to read:

**24603.** Every motor vehicle that is not in combination with any other vehicle and every vehicle at the end of a combination of vehicles shall at all times be equipped with stoplamps mounted on the rear as follows:

(a) Each vehicle shall be equipped with one or more stoplamps.

(b) Each vehicle, other than a motorcycle, manufactured and first registered on or after January 1, 1958, shall be equipped with two stoplamps, except that trailers and semitrailers manufactured after July 23, 1973, which are less than 30 inches wide, may be equipped with one stoplamp which shall be mounted at or near the vertical centerline of the trailer. If such vehicle is equipped with two stoplamps, they shall be mounted as specified in subdivision (d).

(c) Except as provided in subdivision (h), stoplamps on vehicles manufactured on or after January 1, 1969, shall be mounted not lower than 15 inches nor higher than 72 inches, except that a tow truck or a reposessor's tow vehicle, in addition to being equipped with the required stoplamps, may also be equipped with two stoplamps which may be mounted not lower than 15 inches nor higher than the maximum allowable vehicle height and as far forward as the rearmost portion of the driver's seat in the rearmost position.

(d) When two stoplamps are required, at least one shall be mounted at the left and one at the right side, respectively, at the same level.

(e) (1) Stoplamps on vehicles manufactured on or after January 1, 1979, shall emit a red light. Stoplamps on vehicles manufactured before January 1, 1979, shall emit a red or yellow light.

(2) Paragraph (1) does not apply to commercial motor vehicles, as defined in Section 15210 or 34500. Stoplamps on a commercial motor vehicle shall emit red light. A commercial motor vehicle shall not be equipped with an amber stoplamp, amber taillamp, or other amber lamp that is optically combined with a stoplamp or taillamp.

(f) All stoplamps shall be plainly visible and understandable from a distance of 300 feet from the rear of the vehicle both during normal sunlight and at nighttime, except that stoplamps on a vehicle of a size required to be equipped with clearance lamps shall be visible from a distance of 500 feet from the rear of the vehicle during those times.

(g) Stoplamps shall be activated upon application of the service (foot) brake and the hand control hand for air, vacuum, or electric brakes. In addition, all stoplamps may be activated by a mechanical device designed to function only upon sudden release of the accelerator while the vehicle is in motion. Stoplamps on vehicles equipped with a manual transmission may be manually activated by a mechanical device when the vehicle is downshifted if the device is automatically rendered inoperative while the vehicle is accelerating.

(h) (1) Any vehicle may be equipped with supplemental stoplamps mounted to the rear of the rearmost portion of the driver's seat in its rearmost position in addition to the lamps required to be mounted on the rear of the vehicle. Supplemental stoplamps installed after January 1, 1979, shall be red in color and mounted not lower than 15 inches above the roadway. The supplemental stoplamp on that side of a vehicle toward which a turn will be made may flash as part of the supplemental turn signal lamp.

(2) A supplemental stoplamp may be mounted inside the rear window of a vehicle, if it is mounted at the centerline of the vehicle and is constructed and mounted so as to prevent any light, other than a monitorial indicator emitted from the device, either direct or reflected, from being visible to the driver.

(i) Any supplemental stoplamp installed after January 1, 1987, shall comply with Federal Motor Vehicle Safety Standard No. 108 (49 C.F.R. 571.108). Any vehicle equipped with a stoplamp that complies with the federal motor vehicle safety standards applicable to that make and model vehicle shall conform to that applicable safety standard unless modified to comply with the federal motor vehicle safety standard designated in this subdivision.

**SEC. 18.** Section 24612 of the Vehicle Code is amended to read:

**24612.** (a) All trailers and semitrailers having an overall width of 80 inches or more and a gross vehicle weight rating of more than 10,000 pounds, and manufactured on or after December 1, 1993, except those designed exclusively for living or office use, and all truck tractors manufactured on or after July 1, 1997, shall be equipped with the conspicuity system specified in federal Motor Vehicle Safety Standard No. 108 (49 C.F.R. 571.108). The conspicuity system shall consist of either retroreflective sheeting or reflex reflectors, or a combination of retroreflective sheeting and reflex reflectors, as specified in the federal standard applicable on the date of manufacture of the vehicle.

(b) Any motor truck having an overall width of 80 inches or more and manufactured prior to December 1, 1993, and any truck tractor manufactured prior to July 1, 1997, may be equipped with the conspicuity system described in subdivision (a).

(c) All trailers and semitrailers having an overall width of 80 inches or more and a gross vehicle weight rating of more than 10,000 pounds, and manufactured before December 1, 1993, shall comply with Section 393.13 of Title 49 of the Code of Federal Regulations.

**SEC. 19.** Section 25300 of the Vehicle Code is amended to read:

**25300.** (a) Every vehicle which, if operated during darkness, would be subject to the requirements of Section 25100, and every truck tractor, irrespective of width, shall at all times be equipped with at least three red emergency reflectors. The reflectors need be carried by only one vehicle in a combination.

All reflectors shall be maintained in good working condition.

(b) When the vehicle is disabled on the roadway during darkness, reflectors of the type specified in subdivision (a) shall be immediately placed as follows:

(1) One at the traffic side of the disabled vehicle, not more than 10 feet to the front or rear of the vehicle.

(2) One at a distance of approximately 100 feet to the rear of the disabled vehicle in the center of the traffic lane occupied by the vehicle.

(3) One at a distance of approximately 100 feet to the front of the disabled vehicle in the center of the traffic lane occupied by such vehicle.

(4) If disablement of the vehicle occurs within 500 feet of a curve, crest of a hill, or other obstruction to view, the driver shall so place the reflectors in that direction as to afford ample warning to other users of the highway, but in no case less than 100 nor more than 500 feet from the disabled vehicle.

(5) If disablement of the vehicle occurs upon any roadway of a divided or one-way highway, the driver shall place one reflector at a distance of approximately 200 feet and one reflector at a distance of approximately 100 feet to the rear of the vehicle in the center of the lane occupied by the stopped vehicle, and one reflector at the traffic side of the vehicle not more than 10 feet to the rear of the vehicle.

(c) When the vehicle is disabled or parked off the roadway but within 10 feet thereof during darkness, warning reflectors of the type specified in subdivision (a) shall be immediately placed by the driver as follows: one at a distance of approximately 200 feet and one at a distance of approximately 100 feet to the rear of the vehicle, and one at the traffic side of the vehicle not more than 10 feet to the rear of the vehicle. The reflectors shall, if possible, be placed between the edge of the roadway and the vehicle, but in no event less than two feet to the left of the widest portion of the vehicle or load thereon.

(d) (1) Until the reflectors required by this section can be placed properly, the requirements of this section may be complied with temporarily either by placing lighted red fusees or liquid-burning flares in the required locations or by using turn signal lamps, but only if front turn signal lamps at each side are being flashed simultaneously and rear turn signal lamps at each side are being flashed simultaneously.

(2) The driver of a commercial motor vehicle equipped with fusees or liquid-burning flares shall place a lighted fusee or liquid-burning flare at each of the locations specified in subdivision (b). There shall be at least one lighted fusee or liquid-burning flare at each of the prescribed locations for as long as the commercial motor vehicle is stopped. Before the stopped commercial vehicle is moved, the driver shall properly extinguish and remove each fusee or liquid-burning flare.

(3) If gasoline or any other flammable or combustible liquid or gas seeps or leaks from a fuel container or commercial motor vehicle stopped upon a highway, an emergency warning signal producing a flame shall not be lighted or placed except at a distance from the liquid or gas as will assure the prevention of a fire or explosion.

(4) (A) A driver shall not use or permit the use of any flame-producing emergency signal for protecting any of the following:

(i) A commercial vehicle transporting Division 1.1, Division 1.2, or Division 1.3 explosives, as classified by the United States Department of Transportation.

(ii) A cargo tank motor vehicle, whether loaded or empty, used for the transportation of any Class 3 flammable liquid or Division 2.1 flammable gas, as classified by the United States Department of Transportation.

(iii) A commercial motor vehicle using compressed gas as a motor fuel.

(B) In lieu of a flame-producing emergency signal, emergency reflective triangles, red electric lanterns, or red emergency reflectors shall be used, the placement of which shall be in the same manner as prescribed in Section 392.22(b) of Title 49 of the Code of Federal Regulations.

(e) The reflectors shall be displayed continuously during darkness while the vehicle remains disabled upon the roadway or parked or disabled within 10 feet thereof.

(f) Subdivisions (b), (c), (d), and (e) do not apply to a vehicle under either of the following circumstances:

(1) Parked in a legal position within the corporate limits of any city.

(2) Parked in a legal position upon a roadway bounded by adjacent curbs.

(g) In addition to the reflectors specified in subdivision (a), an emergency warning sign or banner may be attached to a vehicle which is disabled upon the roadway or which is parked or disabled within 10 feet of a roadway.

**SEC. 20.** Section 25802 of the Vehicle Code is amended to read:

**25802.** Sections 24002, 24005, 24012, 24250, 24251, 24400 to 24404, inclusive, 24600 to 24604, inclusive, 24606 to 24610, inclusive, Article 4 (commencing with Section 24800), Article 5 (commencing with Section 24950), Article 6 (commencing with Section 25100), Article 9 (commencing with Section 25350), Article 11 (commencing with Section 25450), and Article 13 (commencing with Section 25650) of Chapter 2 of this division, Chapter 3 (commencing with Section 26301), Chapter 4 (commencing with Section 26700), and Chapter 5 (commencing with Section 27000) of this division, and Chapter 5 (commencing with Section 31301) of Division 13 do not apply to logging vehicles or any vehicle of a type subject to registration under this code that is not designed, used, or maintained for the transportation of persons or property and that is operated or moved over a highway only incidentally; but any such vehicle shall be subject to Sections 2800, 2806, 24004, 25260, 25803, 25950, 25952, 26457, 27454, 27602, 31500, and 40150, and to Article 12 (commencing with Section 25500) of Chapter 2 of this division.

**SEC. 21.** Section 26454 of the Vehicle Code is amended to read:

**26454.** (a) The service brakes of every motor vehicle or combination of vehicles shall be adequate to control the movement of and to stop and hold the vehicle or combination of vehicles under all conditions of loading.

(b) Every motor vehicle or combination of vehicles, at any time and under all conditions of loading, shall, upon application of the service brake, be capable of stopping from an initial speed of 20 miles per hour according to the following requirements:

	Maximum Stopping Distance (feet)
(1) Passenger-carrying vehicles with a seating capacity of 10 or fewer persons, including the driver, and built on a passenger car chassis .....	20
(2) Passenger-carrying vehicles with a seating capacity of more than 10 persons, including the driver, and built on a	25

passenger car chassis; vehicles built on a truck or bus chassis and having a GVWR of 10,000 pounds or less .....

(3) All other passenger-carrying vehicles .....	35
(4) Single-unit property-carrying vehicles having a GVWR of 10,000 pounds or less .....	25
(5) Single-unit property-carrying vehicles having a GVWR of more than 10,000 pounds, except truck tractors; combinations of a 2-axle towing vehicle and trailer having a GVWR of 3,000 pounds or less; all combinations of 2 or fewer vehicles in driveaway or towaway operation .....	35
(6) All other property-carrying vehicles and combinations of property-carrying vehicles .....	40

(c) Every motor vehicle or combination of vehicles, at any time and under all conditions of loading, shall, upon application of the service brake, be capable of developing a braking force at least equal to the percentage of its gross weight according to the following requirements:

	Braking force as a percentage of gross vehicle or combination weight
(1) Passenger-carrying vehicles with a seating capacity of 10 or fewer persons, including the driver, and built on a passenger car chassis .....	65.2
(2) Passenger-carrying vehicles with a seating capacity of more than 10 persons, including driver, and built on a passenger car chassis; vehicles built on a truck or bus chassis and having a GVWR of 10,000 pounds or less .....	52.8
(3) All other passenger-carrying vehicles .....	43.5
(4) Single-unit property-carrying vehicles having a GVWR of 10,000 pounds or less .....	52.8
(5) Single-unit property-carrying vehicles having a GVWR of more than 10,000 pounds, except truck tractors; combinations of a 2-axle towing vehicle and trailer having a GVWR of 3,000 pounds or less; all combinations of 2 or fewer vehicles in driveaway or towaway operation .....	43.5
(6) All other property-carrying vehicles and combinations of property-carrying vehicles .....	43.5

(d) Every motor vehicle or combination of vehicles, at any time and under all conditions off loading, shall, upon application of the service brake, be capable of decelerating to a stop from 20 miles per hour at not less than the rate specified in the following requirements:

	Deceleration in feet per second
(1) Passenger-carrying vehicles with a seating capacity of 10 or fewer persons, including the driver, and built on a passenger car chassis .....	21
(2) Passenger-carrying vehicles with a seating capacity of more than 10 persons, including the driver, and built on a passenger car chassis; vehicles built on a truck or bus chassis and having a GVWR of 10,000 pounds or less .....	17
(3) All other passenger-carrying vehicles .....	14
(4) Single-unit property-carrying vehicles having a GVWR of 10,000 pounds or less .....	17
(5) Single-unit property-carrying vehicles having a GVWR of more than 10,000 pounds, except truck tractors; combinations	14

of a 2-axle towing vehicle and trailer having a GVWR of 3,000 pounds or less; all combinations of 2 or fewer vehicles in driveaway or towaway operation .....

(6) All other property-carrying vehicles and combinations of property-carrying vehicles ..... 14

(e) Upon application of its service brakes, a motor vehicle or combination of motor vehicles shall, under any condition of loading in which it is found on a public highway, be capable of stopping within the distance specified in subdivision (b) and developing only the braking force specified in subdivision (c), if braking force is measured by a performance-based brake tester that meets the requirements of functional specifications for performance-based brake testers for commercial motor vehicles and braking force is the sum of the braking force at each wheel of the vehicle or vehicle combination as a percentage of gross vehicle or combination weight.

(f) Upon application of its emergency brake system and with no other brake system applied, a motor vehicle or combination of motor vehicles shall, under any condition of loading in which it is found on a public highway, be capable of stopping from 20 miles per hour in a distance, measured from the point at which movement of the emergency brake control begins, that is not greater than the distance specified in the following:

	Maximum Stopping Distance (feet)
(1) Passenger-carrying vehicles with a seating capacity of 10 or fewer persons, including the driver, and built on a passenger car chassis .....	54
(2) Passenger-carrying vehicles with a seating capacity of more than 10 persons, including the driver, and built on a passenger car chassis; vehicles built on a truck or bus chassis and having a GVWR of 10,000 pounds or less .....	66
(3) All other passenger-carrying vehicles .....	85
(4) Single-unit property-carrying vehicles having a GVWR of 10,000 pounds or less .....	66
(5) Single-unit property-carrying vehicles having a GVWR of more than 10,000 pounds, except truck tractors; combinations of a 2-axle towing vehicle and trailer having a GVWR of 3,000 pounds or less; all combinations of 2 or fewer vehicles in driveaway or towaway operation .....	85
(6) All other property-carrying vehicles and combinations of property-carrying vehicles .....	90

(g) Conformity to the stopping-distance requirements of this section shall be determined under the following conditions:

- (1) Any test shall be made with the vehicle on a hard surface that is substantially level, dry, smooth, and free of loose material.
- (2) The vehicle shall be in the center of a 12-foot-wide lane when the test begins and shall not deviate from that lane during the test.

(h) For purposes of this section, "GVWR" means the manufacturer's gross vehicle weight rating, as defined in Section 350.

**SEC. 22.** Section 26508 of the Vehicle Code is amended to read:

**26508.** Every vehicle or combination of vehicles using compressed air at the wheels for applying the service brakes shall be equipped with an emergency stopping system meeting the requirements of this section and capable of stopping the vehicle or combination of vehicles in the event of failure in the service brake air system as follows:

(a) Every motor vehicle operated either singly or in a combination of vehicles and every towed vehicle shall be equipped with an emergency stopping system.

(b) Motor vehicles used to tow vehicles that use compressed air at the wheels for applying the service brakes shall be equipped with a device or devices with both a manual and automatic means of actuating the emergency stopping system on the towed vehicle as follows:

(1) The automatic device shall operate automatically in the event of reduction of the service brake air supply of the towing vehicle to a fixed pressure which shall be not lower than 20 pounds per square inch nor higher than 45 pounds per square inch.

(2) The manual device shall be readily operable by a person seated in the driver's seat, with its emergency position or method of operation clearly indicated. In no instance may the manual means be so arranged as to permit its use to prevent operation of the automatic means.

(c) Motor vehicles manufactured prior to 1964 shall be deemed to be in compliance with subdivisions (e) and (f) when equipped with axle-by-axle protected airbrakes using a separate air tank system for each of at least two axles, provided that each system independently meets all other requirements of this section. Each system shall be capable of being manually applied, released, and reapplied from the driver's seat but shall not be capable of being released from the driver's seat after any reapplication unless there is available a means which can be applied from the driver's seat to stop and hold the vehicle or combination of vehicles.

(d) Towed vehicles shall be deemed to be in compliance with this section when:

(1) The towed vehicle is equipped with a no-bleed-back relay-emergency valve or equivalent device, so designed that the supply reservoir used to provide air for the brakes is safeguarded against backflow of air from the reservoir through the supply line,

(2) The brakes are applied automatically and promptly upon breakaway from the towing vehicle and maintain application for at least 15 minutes, and

(3) The combination of vehicles is capable of stopping within the distance and under the conditions specified in Section 26454.

(e) If the service brake system and the emergency stopping system are connected in any way, they shall be so constructed that a failure or malfunction in any one part of either system, including brake chamber diaphragm failure but not including failure in the drums, brake shoes, or other mechanical parts of the wheel brake assemblies, shall not leave the vehicle without one operative stopping system capable of complying with the performance requirements in Section 26454.

(f) Every emergency stopping system shall be designed so that it is capable of being manually applied, released, and reapplied by a person seated in the driver's seat. The system shall be designed so that it cannot be released from the driver's seat after any reapplication unless immediate further application can be made from the driver's seat to stop and hold the vehicle or combination of vehicles. The emergency stopping system may also be applied automatically.

(g) A vehicle or combination of vehicles upon failure of the service brake air system shall not be driven on a highway under its own power except to the extent necessary to move the vehicles off the roadway to the nearest place of safety.

(h) A vehicle or combination of vehicles shall not be equipped with an emergency stopping system that creates a hazard on the highway, or increases the service brake stopping distance of a vehicle or combination of vehicles, or interferes in any way with the application of the service brakes on any vehicle or combination of vehicles.

(i) Any energy-storing device which is a part of the emergency stopping system shall be designed so that it is recharged or reset from the course of compressed air or other energy produced by the vehicle, except that energy to release the emergency stopping system may be produced by the driver's muscular effort from the driver's seat. A device shall not be used that can be set to prevent automatic delivery of air to protected air supply reservoirs of motor vehicle emergency stopping systems when air is available in the service brake air supply system.

(j) Any vehicle manufactured on or after January 1, 1964, which uses axle-by-axle protected airbrakes as the emergency stopping system shall use a separate air tank system for each axle, except that motor vehicles equipped with a dual or tandem treadle valve system need have no more than two protected air tanks in such system, one for each valve.

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

(1) Auxiliary dollies, special mobile equipment, or special construction equipment.

(2) Motor vehicles which are operated in a driveway-towaway operation and not registered in this state.

(3) Disabled vehicles when being towed.

(4) Vehicles which are operated under a one-trip permit as provided in Section 4003.

(5) Vehicles which because of unladen width, length, height or weight may not be moved upon the highway without the permit specified in Section 35780.

(l) Every owner or lessee shall instruct and require that the driver be thoroughly familiar with the requirements of this section. The driver of a vehicle or combination of vehicles required to comply with the requirements of this section shall be able to demonstrate the application and release of the emergency system on the vehicle and each vehicle in the combination.

**SEC. 23.** Section 27903 of the Vehicle Code is amended to read:

**27903.** (a) Subject to Section 114765 of the Health and Safety Code, a vehicle transporting an explosive, blasting agent, flammable liquid, flammable solid, oxidizing material, corrosive, compressed gas, poison, radioactive material, or other hazardous materials, of the type and in quantities that require the display of placards or markings on the vehicle exterior by the United States Department of Transportation pursuant to Parts 172, 173, and 177 of Title 49 of the Code of Federal Regulations shall display those placards and markings in the manner and under conditions prescribed by those regulations.

(b) Notwithstanding subdivision (a), a vehicle shall not display hazardous materials placards or markings unless permitted or required by Subparts D and F of Part 172 of Title 49 of the Code of Federal Regulations.

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

(1) A vehicle transporting not more than 20 pounds of smokeless powder or not more than five pounds of black sporting powder or any combination thereof.

(2) An authorized emergency vehicle as defined in paragraph (1) of subdivision (b) of Section 165, operated by a peace officer as defined in Sections 830.1 and 830.2 of the Penal Code, when transportation is required within the scope and course of law enforcement explosives detection or removal duties, if either of the following conditions applies:

(A) The law enforcement agency operating the vehicle complies with regulations adopted by the California Highway Patrol pursuant to subdivision (b) of Section 34501, notwithstanding Section 34500 and subdivision (a) of Section 34501.

(B) The peace officer possesses an exemption issued by the commissioner, who may require additional transportation restrictions as deemed appropriate.

**SEC. 24.** Section 34500 of the Vehicle Code is amended to read:

**34500.** The department shall regulate the safe operation of the following vehicles:

(a) Motortrucks of three or more axles that are more than 10,000 pounds gross vehicle weight rating.

(b) Truck tractors.

(c) Buses, schoolbuses, school pupil activity buses, youth buses, farm labor vehicles, modified limousines, and general public paratransit vehicles.

(d) Trailers and semitrailers designed or used for the transportation of more than 10 persons, and the towing motor vehicle.

(e) Trailers and semitrailers, pole or pipe dollies, auxiliary dollies, and logging dollies used in combination with vehicles listed in subdivision (a), (b), (c), (d), or (j). This subdivision does not include camp trailers, trailer coaches, and utility trailers.

(f) A combination of a motortruck and a vehicle or vehicles set forth in subdivision (e) that exceeds 40 feet in length when coupled together.

(g) A vehicle, or a combination of vehicles, transporting hazardous materials.

(h) Manufactured homes that, when moved upon the highway, are required to be moved pursuant to a permit as specified in Section 35780 or 35790.

(i) A park trailer, as described in Section 18009.3 of the Health and Safety Code, that, when moved upon a highway, is required to be moved pursuant to a permit pursuant to Section 35780.

(j) Any other motortruck not specified in subdivisions (a) to (h), inclusive, or subdivision (k), that is regulated by the Department of Motor Vehicles, the Public Utilities Commission, or the United States Secretary of Transportation.

(k) A commercial motor vehicle with a gross vehicle weight rating of 26,001 or more pounds or a commercial motor vehicle of any gross vehicle weight rating towing a vehicle described in subdivision (e) with a gross vehicle weight rating of more than 10,000 pounds, except combinations including camp trailers, trailer coaches, or utility trailers. For purposes of this subdivision, the term "commercial motor vehicle" has the meaning defined in subdivision (b) of Section 15210.

**SEC. 25.** Section 35401.9 is added to the Vehicle Code, to read:



**35401.9.** Notwithstanding Section 35401, a driveway-towaway combination, as described in Section 303, shall not exceed 97 feet in length when transporting up to three saddle-mounted vehicles and one full-mounted vehicle.

**SEC. 26.** Section 40802 of the Vehicle Code is amended to read:

**40802.** (a) A “speed trap” is either of the following:

(1) A particular section of a highway measured as to distance and with boundaries marked, designated, or otherwise determined in order that the speed of a vehicle may be calculated by securing the time it takes the vehicle to travel the known distance.

(2) A particular section of a highway with a prima facie speed limit that is provided by this code or by local ordinance under paragraph (1) of subdivision (b) of Section 22352, or established under Section 22354, 22357, 22358, or 22358.3, if that prima facie speed limit is not justified by an engineering and traffic survey conducted within five years prior to the date of the alleged violation, and enforcement of the speed limit involves the use of radar or any other electronic device that measures the speed of moving objects. This paragraph does not apply to a local street, road, or school zone.

(b) (1) For purposes of this section, a local street or road is one that is functionally classified as “local” on the “California Road System Maps,” that are approved by the Federal Highway Administration and maintained by the Department of Transportation. When a street or road does not appear on the “California Road System Maps,” it may be defined as a “local street or road” if it primarily provides access to abutting residential property and meets the following three conditions:

(A) Roadway width of not more than 40 feet.

(B) Not more than one-half of a mile of uninterrupted length. Interruptions shall include official traffic control signals as defined in Section 445.

(C) Not more than one traffic lane in each direction.

(2) For purposes of this section, “school zone” means that area approaching or passing a school building or the grounds thereof that is contiguous to a highway and on which is posted a standard “SCHOOL” warning sign, while children are going to or leaving the school either during school hours or during the noon recess period. “School zone” also includes the area approaching or passing any school grounds that are not separated from the highway by a fence, gate, or other physical barrier while the grounds are in use by children if that highway is posted with a standard “SCHOOL” warning sign.

(c) (1) When all of the following criteria are met, paragraph (2) of this subdivision shall be applicable and subdivision (a) shall not be applicable:

(A) When radar is used, the arresting officer has successfully completed a radar operator course of not less than 24 hours on the use of police traffic radar, and the course was approved and certified by the Commission on Peace Officer Standards and Training.

(B) When laser or any other electronic device is used to measure the speed of moving objects, the arresting officer has successfully completed the training required in subparagraph (A) and an additional training course of not less than two hours approved and certified by the Commission on Peace Officer Standards and Training.

(C) (i) The prosecution proved that the arresting officer complied with subparagraphs (A) and (B) and that an engineering and traffic survey has been conducted in accordance with subparagraph (B) of paragraph (2). The prosecution proved that, prior to the officer issuing the notice to appear, the arresting officer established that the radar, laser, or other electronic device conformed to the requirements of subparagraph (D).

(ii) The prosecution proved the speed of the accused was unsafe for the conditions present at the time of alleged violation unless the citation was for a violation of Section 22349, 22356, or 22406.

(D) The radar, laser, or other electronic device used to measure the speed of the accused meets or exceeds the minimal operational standards of the National Traffic Highway Safety Administration, and has been calibrated within the three years prior to the date of the alleged violation by an independent certified laser or radar repair and testing or calibration facility.

(2) A “speed trap” is either of the following:

(A) A particular section of a highway measured as to distance and with boundaries marked, designated, or otherwise determined in order that the speed of a vehicle may be calculated by securing the time it takes the vehicle to travel the known distance.

(B) (i) A particular section of a highway or state highway with a prima facie speed limit that is provided by this code or by local ordinance under paragraph (1) of subdivision (b) of Section 22352, or established under Section 22354, 22357, 22358, or 22358.3, if that prima facie speed limit is not justified by an engineering and traffic survey conducted within one of the following time periods, prior to the date of the alleged violation, and enforcement of the speed limit involves the use of radar or any other electronic device that measures the speed of moving objects:

(I) Except as specified in subclause (II), seven years.

(II) If an engineering and traffic survey was conducted more than seven years prior to the date of the alleged violation, and a registered engineer evaluates the section of the highway and determines that no significant changes in roadway or traffic conditions have occurred, including, but not limited to, changes in adjoining property or land use, roadway width, or traffic volume, 10 years.

(ii) This subparagraph does not apply to a local street, road, or school zone.

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