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SB-810 Transportation: omnibus bill. (2017-2018)

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Date Published: 10/02/2017 09:00 PM

Senate Bill No. 810

CHAPTER 397

An act to amend Sections 5204, 12524, 12804.2, 12810.2, 14611, 14900.1, 27316, 27316.5, and 40802 of the Vehicle Code, relating to transportation.

[Approved by Governor September 30, 2017. Filed with Secretary of State September 30, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

SB 810, Committee on Transportation and Housing. Transportation: omnibus bill.

(1) Existing law prohibits a person holding a class A, class B, or class C driver's license from operating a vehicle hauling fissile class III shipments or large quantity radioactive materials, as defined, unless the person possesses both a valid license of the appropriate class and a radioactive materials driver's certificate issued by the Department of Motor Vehicles that permits the person to operate the vehicle. Existing law requires an applicant for that certificate to present evidence to the Department of Motor Vehicles that he or she has successfully completed the radioactive materials hauler driving training course. Existing law requires the Department of Motor Vehicles to issue a certificate only to an applicant who has paid a \$12 examination fee to the Department of Motor Vehicles and who has qualified by passing the examination.

This bill would delete the existing examination and certificate requirement and instead prohibit a person holding a class A, class B, or class C driver's license from operating a vehicle hauling highway route controlled quantities of radioactive materials, as defined, unless the person possesses both a valid license of the appropriate class and a certificate of training, as required under specified federal law.

(2) Existing law generally prohibits a person from operating a commercial motor vehicle unless that person possesses both a valid commercial driver's license for the appropriate class and an endorsement issued by the Department of Motor Vehicles to permit the operation of the vehicle. Existing law exempts a person with at least a class C driver's license who is employed in an agricultural operation and is driving a vehicle, as specified, that is controlled by a farmer and transporting agricultural products or farm machinery or supplies to or from a farm from that endorsement requirement if specified conditions are met, including, but not limited to, successfully completing an agricultural hazardous materials transportation program offered or approved by the Department of the California Highway Patrol and carrying a verification of training, valid for 4 years, and paying a \$12 fee to forward a copy of this verification to the Department of Motor Vehicles for inclusion on the person's permanent driving record.

This bill would delete the requirement to complete an agricultural hazardous materials transportation program offered or approved by the Department of the California Highway Patrol and instead require a person seeking to operate a commercial motor vehicle to fulfill the applicable training requirements under specified federal law. The bill would require that person, upon successful completion of these training requirements, to forward a record of current training and a completed application to the Department of the California Highway Patrol.

(3) This bill would also delete references to obsolete provisions and make other technical and clarifying changes. This bill would incorporate additional changes to Section 12810.2 of the Vehicle Code proposed by SB 20 and would make these changes be operative only if this bill and SB 20 are enacted and this bill is enacted last.

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

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

(5) 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

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

SECTION 1. Section 5204 of the Vehicle Code is amended to read:

5204. (a) Except as provided by subdivisions (b) and (c), a tab shall indicate the year of expiration and a tab shall indicate the month of expiration. Current month and year tabs shall be attached to the rear license plate assigned to the vehicle for the last preceding registration year in which license plates were issued, and, when so attached, the license plate with the tabs shall, for the purposes of this code, be deemed to be the license plate, except that truck tractors, and commercial motor vehicles having a declared gross vehicle weight of 10,001 pounds or more, shall display the current month and year tabs upon the front license plate assigned to the truck tractor or commercial motor vehicle. Vehicles that fail to display current month and year tabs or display expired tabs are in violation of this section.

(b) The requirement of subdivision (a) that the tabs indicate the year and the month of expiration does not apply to fleet vehicles subject to Article 9.5 (commencing with Section 5301) or vehicles defined in Section 468.

(c) Subdivision (a) does not apply when proper application for registration has been made pursuant to Section 4602 and the new indicia of current registration have not been received from the department.

(d) This section is enforceable against any motor vehicle that is driven, moved, or left standing upon a highway, or in an offstreet public parking facility, in the same manner as provided in subdivision (a) of Section 4000.

SEC. 2. Section 12524 of the Vehicle Code is amended to read:

12524. A class A, class B, or class C driver's licenseholder shall not operate a vehicle hauling highway route controlled quantities of radioactive materials, as defined in Section 173.403 of Title 49 of the Code of Federal Regulations, unless the driver possesses a valid license of the appropriate class and a certificate of training as required in Section 397.101(e) of Title 49 of the Code of Federal Regulations.

SEC. 3. Section 12804.2 of the Vehicle Code is amended to read:

12804.2. (a) Notwithstanding Section 15275, a person issued a driver's license by the department is exempt from the endorsement requirements of Section 15275 if all of the following conditions are met:

(1) The person is employed in an agricultural operation and is driving a vehicle, other than a vehicle used in common or contract motor carriage, controlled by a farmer and transporting agricultural products or farm machinery or supplies to or from a farm.

(2) (A) The person has fulfilled the applicable training requirements of Subpart H of Part 172 of Title 49 of the Code of Federal Regulations.

(B) Upon successful completion of the training required by subparagraph (A), a record of current training, meeting the requirements prescribed by Section 172.704(d) of Title 49 of the Code of Federal Regulations, and a completed application shall be forwarded to the Department of the California Highway Patrol. Upon receipt and validation, the Department of the California Highway Patrol shall issue a verification of training, valid for three years, which shall be carried by the person when operating an implement of husbandry or a motor vehicle required to display placards pursuant to Section 27903. Within 15 days of issuance by the Department of the California Highway Patrol, a copy of the verification shall be forwarded

by the person completing the training to the department for inclusion on the permanent driving record of the person, together with a fee of twelve dollars (\$12).

(C) The department, in consultation with the Department of the California Highway Patrol, shall develop a suitable form for verification of training.

(3) The person has, within the vehicle, informational material approved by the Department of the California Highway Patrol, in both English and Spanish, outlining basic safety procedures to be followed in the event of an accident. The Department of the California Highway Patrol shall provide the information required by this subdivision and make it available at no cost to the person.

(4) The person is operating a vehicle which is an implement of husbandry or a motor vehicle requiring only a class C driver's license and the distance which the vehicle is being operated between the final point of distribution and the ultimate point of application or from part of a farm to another part thereof, or from one farm to another, is not more than 50 miles.

(5) In lieu of a report of a medical examination required by Section 12804.9, an applicant for a certificate pursuant to paragraph (3) shall, upon application and every two years thereafter, submit medical information on a form approved by the department. A person who obtains a verification of training pursuant to this section, but does not meet the medical requirements for a hazardous materials endorsement established by the department under Section 12804.9, is not qualified to transport hazardous materials.

(6) For purposes of the penalties and sanctions prescribed by Article 7 (commencing with Section 15300) of Chapter 7, the operation of a vehicle pursuant to this subdivision is deemed to be the operation of a commercial motor vehicle.

(b) Implementation dates for this section may be established by the Department of Motor Vehicles by regulation in order to accomplish an orderly certification program.

SEC. 4. Section 12810.2 of the Vehicle Code is amended to read:

12810.2. Notwithstanding subdivision (f) of Section 12810, a violation point count shall not be given for a conviction of a violation of Section 27315.

SEC. 4.5. Section 12810.2 of the Vehicle Code is amended to read:

12810.2. Notwithstanding subdivision (f) of Section 12810, a violation point count shall not be given for a conviction of a violation of Section 27315, 27318, or 27319.

SEC. 5. Section 14611 of the Vehicle Code is amended to read:

14611. (a) A person shall not knowingly direct the operation of a vehicle transporting a highway route controlled quantity of Class 7 radioactive materials, as defined in Section 173.403 of Title 49 of the Code of Federal Regulations, by a person who does not possess a training certificate pursuant to Section 12524 and a valid driver's license of the appropriate class.

(b) A person convicted under this section shall be punished by a fine of not less than five thousand dollars (\$5,000) nor more than ten thousand dollars (\$10,000).

SEC. 6. Section 14900.1 of the Vehicle Code is amended to read:

14900.1. (a) Except as provided in Section 15255.1, upon application for the renewal of a driver's license or for a license to operate a different class of vehicle, a fee of twenty-four dollars (\$24), and on and after January 1, 2010, a fee of thirty dollars (\$30), shall be paid to the department for a license that will expire on the fifth birthday of the applicant following the date of the application. The payment of the fee entitles the person paying the fee to apply for a driver's license and to take three examinations within a period of 12 months from the date of the application or during the period that an instruction permit is valid, as provided in Section 12509.

(b) In addition to the application fee specified in subdivision (a), a person who fails to successfully complete the driving skill test on the first attempt shall be required to pay an additional fee of five dollars (\$5) for each additional driving skill test administered under that application.

SEC. 7. Section 27316 of the Vehicle Code is amended to read:

27316. (a) Unless specifically prohibited by the National Highway Traffic Safety Administration, all schoolbuses purchased or leased for use in California shall be equipped at all designated seating positions with a combination pelvic and upper torso

passenger restraint system, if the schoolbus is either of the following:

- (1) Type 1, as defined in paragraph (1) of subdivision (b) of Section 1201 of Title 13 of the California Code of Regulations, and is manufactured on or after July 1, 2005.
- (2) Type 2, as defined in paragraph (2) of subdivision (b) of Section 1201 of Title 13 of the California Code of Regulations, and is manufactured on or after July 1, 2004.

(b) For purposes of this section, a "passenger restraint system" means any of the following:

- (1) A restraint system that is in compliance with Federal Motor Vehicle Safety Standard 209, for a type 2 seatbelt assembly, and with Federal Motor Vehicle Safety Standard 210, as those standards were in effect on the date the schoolbus was manufactured.
- (2) A restraint system certified by the schoolbus manufacturer that is in compliance with Federal Motor Vehicle Safety Standard 222 and incorporates a type 2 lap/shoulder restraint system.

(c) No person, school district, or organization, with respect to a schoolbus equipped with passenger restraint systems pursuant to this section, may be charged for a violation of this code or any regulation adopted thereunder requiring a passenger to use a passenger restraint system, if a passenger on the schoolbus fails to use or improperly uses the passenger restraint system.

(d) It is the intent of the Legislature, in implementing this section, that school pupil transportation providers work to prioritize the allocation of schoolbuses purchased, leased, or contracted for on or after July 1, 2004, for type 2 schoolbuses, or on or after July 1, 2005, for type 1 schoolbuses, to ensure that elementary level schoolbus passengers receive first priority for new schoolbuses whenever feasible.

SEC. 8. Section 27316.5 of the Vehicle Code is amended to read:

27316.5. (a) Unless specifically prohibited by the National Highway Traffic Safety Administration, all type 2 school pupil activity buses, manufactured on or after July 1, 2004, purchased or leased for use in California shall be equipped at all designated seating positions with a combination pelvic and upper torso passenger restraint system.

(b) For purposes of this section, a "passenger restraint system" is either of the following:

- (1) A restraint system that is in compliance with Federal Motor Vehicle Safety Standard 209, for a type 2 seatbelt assembly, and with Federal Motor Vehicle Safety Standard 210, as those standards were in effect on the date that the school pupil activity bus was manufactured.
- (2) A restraint system certified by the school pupil activity bus manufacturer that is in compliance with Federal Motor Vehicle Safety Standard 222 and incorporates a type 2 lap-shoulder restraint system.

(c) No person, school district, or organization, with respect to a type 2 school pupil activity bus equipped with passenger restraint systems pursuant to this section, may be charged for a violation of this code or any regulation adopted thereunder requiring a passenger to use a passenger restraint system, if a passenger on the school pupil activity bus fails to use or improperly uses the passenger restraint system.

SEC. 9. 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 Highway Traffic 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. 10. Section 4.5 of this bill incorporates amendments to Section 12810.2 of the Vehicle Code proposed by both this bill and SB 20. That section shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2018, (2) each bill amends Section 12810.2 of the Vehicle Code, and (3) this bill is enacted after SB 20, in which case Section 4 of this bill shall not become operative.

SEC. 11. 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.