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SB-1474 Passenger stage corporations: charter-party carriers of passengers: impoundment of vehicles.
(2017-2018)

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Date Published: 09/27/2018 09:00 PM

Senate Bill No. 1474

CHAPTER 797

An act to amend Sections 1044 and 5415.5 of the Public Utilities Code, relating to transportation.

[Approved by Governor September 26, 2018. Filed with Secretary of State September 26, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1474, Hill. Passenger stage corporations: charter-party carriers of passengers: impoundment of vehicles.

(1) Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including common carriers. The Public Utilities Act, with certain exceptions, requires that a passenger stage corporation, as defined, obtain a certificate of public convenience and necessity from the commission to operate on any public highway in the state. The act authorizes the executive director of the commission to make application to the superior court for an order enjoining certain acts or practices violating the requirements of the act or any order, decision, rule, regulation, direction, demand, or requirement issued pursuant to those requirements, or for an order directing compliance. The act authorizes the superior court to grant a permanent or temporary injunction, restraining order, or other order, including an order allowing vehicles used for subsequent operations subject to the order to be impounded at the passenger stage corporation's expense and subject to release only by subsequent court order following a petition to the court by the defendant or owner of the vehicle.

This bill would authorize the commission to contract with the Department of the California Highway Patrol or a sheriff to assist in enforcement of an order to impound a vehicle of a passenger stage corporation and would prohibit any costs incurred by the commission for that assistance from being assigned to the carrier as an expense of impound.

(2) Charter-party carriers of passengers, as defined, are subject to the jurisdiction and control of the commission under the Passenger Charter-party Carriers' Act. The act requires a charter-party carrier of passengers to obtain from the commission a certificate that public convenience and necessity require the operation, or a permit issued by the commission, to operate within the state on a prearranged basis, as defined, prohibits operation unless there is displayed on the vehicle a distinctive identifying symbol prescribed by the commission showing the classification to which the carrier belongs, and complying with accident liability protection requirements. The act authorizes the executive director to make application to the superior court for an order enjoining certain acts or practices violating the requirements of the act or any order, decision, rule, regulation, direction, demand, or requirement issued pursuant to those requirements, or for an order directing compliance. The act authorizes the superior court to grant a permanent or temporary injunction, restraining order, or other order, including an order allowing vehicles used for subsequent operations subject to the order to be impounded at the charter-party carrier's expense and subject to release only by subsequent court order following a petition to the court by the defendant or owner of the vehicle.

This bill would authorize the commission to contract with the Department of the California Highway Patrol or a sheriff to assist in enforcement of an order to impound a vehicle of a charter-party carrier of passengers and would prohibit any costs incurred by the commission for that assistance from being assigned to the carrier as an expense of impound.

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

SECTION 1. Section 1044 of the Public Utilities Code is amended to read:

1044. When the executive director of the commission determines that any passenger stage corporation, or any officer, director, or agent of any passenger stage corporation, has engaged in, is engaged in, or is about to engage in, any acts or practices in violation of this chapter, or any order, decision, rule, regulation, direction, demand, or requirement issued under this chapter, the executive director may make application to the superior court for an order enjoining those acts or practices or for an order directing compliance. The court may grant a permanent or temporary injunction, restraining order, or other order, including, but not limited to, an order allowing vehicles used for subsequent operations subject to the order to be impounded at the carrier's expense and subject to release only by subsequent court order following a petition to the court by the defendant or owner of the vehicle, upon a showing by the executive director that a person or corporation has engaged in or is about to engage in these acts or practices. The commission may contract with the Department of the California Highway Patrol or a sheriff to assist in enforcement of an order for vehicle impound. Any costs incurred by the commission for that assistance are not assignable to the carrier as an expense of impound.

SEC. 2. Section 5415.5 of the Public Utilities Code is amended to read:

5415.5. When the executive director of the commission determines that any charter-party carrier of passengers, or any officer, director, or agent of any charter-party carrier of passengers, has engaged in, is engaged in, or is about to engage in, any acts or practices in violation of this chapter, or any order, decision, rule, regulation, direction, demand, or requirement issued under this chapter, the executive director may make application to the superior court for an order enjoining those acts or practices or for an order directing compliance. The court may grant a permanent or temporary injunction, restraining order, or other order, including, but not limited to, an order allowing vehicles used for subsequent operations subject to the order to be impounded at the carrier's expense and subject to release only by subsequent court order following a petition to the court by the defendant or owner of the vehicle, upon a showing by the executive director that a person or corporation has engaged in or is about to engage in these acts or practices. The commission may contract with the Department of the California Highway Patrol or a sheriff to assist in enforcement of an order for vehicle impound. Any costs incurred by the commission for that assistance are not assignable to the carrier as an expense of impound.