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**AB-2780 Carrier of Passengers Act of 2024.** (2023-2024)

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**Assembly Bill No. 2780**

**CHAPTER 742**

An act to add Chapter 6 (commencing with Section 2213) to Title 7 of Part 4 of Division 3 of the Civil Code, relating to carriers of passengers.

[ Approved by Governor September 27, 2024. Filed with Secretary of State September 27, 2024. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2780, McKinnor. Carrier of Passengers Act of 2024.

Existing law regulates common carriers of persons and requires a common carrier of persons to provide a sufficient number of vehicles to accommodate all the passengers who can be reasonably expected to require carriage at any one time, except as specified.

This bill, the Carrier of Passengers Act of 2024, would require carriers of passengers, as defined to include certain motor carriers, passenger carriers, and charter-party carriers of passengers engaging in transportation services, to provide electronic notice, at least 24 hours before embarkation, as defined, to a designated point of contact of the local governing body of the city, county, or city and county with jurisdiction at the geographic location of disembarkation, as defined. The bill would require this electronic notice to include, among other things, the anticipated date and time of arrival of passengers at the geographic location of disembarkation, as specified, and the number of passengers on the motor vehicle operated by the carrier who the carrier of passenger knows or reasonably should know arrived in the United States within 30 days of embarkation that are likely to seek emergency shelter and other immediate services upon disembarkation. The bill would prohibit a governing body from sharing, disclosing, or otherwise make accessible to any immigrant authority, as defined, information shared or received, as specified. By imposing additional duties on local governing bodies, this bill would impose a state-mandated local program. The bill, among other things, would impose a civil penalty of up to \$10,000 for each act, committed by carriers of passengers, of transporting one or more passengers in violation of the bill's provisions. The bill would make its provisions severable.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

**SECTION 1.** Chapter 6 (commencing with Section 2213) is added to Title 7 of Part 4 of Division 3 of the Civil Code, to read:

**CHAPTER 6 Carrier of Passengers Act of 2024**

**Article 1. Title**

**2213.** This chapter shall be known, and may be cited, as the Carrier of Passengers Act of 2024.

**Article 2. Definitions**

**2214.** For purposes of this chapter, the following definitions apply:

(a) "Carrier of passengers" means a motor carrier, passenger carrier, or charter-party carrier of passengers that operates a motor vehicle, on a commercial or for-hire basis, and engages in the embarkation and disembarkation of passengers.

(b) "Charter-party carrier of passengers" has the same meaning as used in Section 5360.

(c) "Disembarkation" means the physical discharge of passengers from a transportation service provided by a carrier of passengers at a geographic location within California.

(d) "Embarkation" means the physical commencement of a transportation service provided by a carrier of passengers.

(e) "Motor vehicle" has the same meaning as used in Section 5359 of the Public Utilities Code.

**Article 3. General Provisions**

**2215.** (a) (1) This chapter applies to any carrier of passengers operating a motor vehicle who knows or reasonably should know that the motor vehicle will be transporting, from embarkation, 10 or more passengers who are likely to seek emergency shelter and other immediate services upon disembarkation.

(2) For purposes of this subdivision, "likely to seek emergency shelter and other immediate services upon disembarkation" may include, but is not limited to, any of the following:

(A) Temporary housing or shelter.

(B) Food.

(C) Clothing.

(D) Medical screenings.

(b) For purposes of this chapter, there is a presumption that passengers who have arrived in the United States within 30 days of embarkation are likely to seek emergency shelter and other immediate services upon disembarkation.

(c) At least 24 hours before embarkation, a carrier of passengers shall provide electronic notice to a designated point of contact at the governing body of the city, county, or city and county with jurisdiction at the geographic location of disembarkation. This electronic notice shall include all of the following information:

(1) The anticipated date and time of arrival of passengers at the geographic location of disembarkation and the address of the geographic location.

(2) The waybill or trip report, consistent with Section 5381.5 of the Public Utilities Code.

(3) The number of passengers on the motor vehicle who the carrier of passengers knows or reasonably should know arrived in the United States within 30 days of embarkation, and, if the carrier of passengers has relevant information, the number of these passengers that are likely to seek emergency shelter and other immediate services upon disembarkation.

(4) A description of the motor vehicle, including the color, the license plate number, and any logo or other information printed on the exterior of the motor vehicle to assist local officials in identifying the motor vehicle.

(d) (1) The governing body of the city, county, or city and county with jurisdiction at the geographic location of disembarkation may designate a specific location of disembarkation within the governing body's jurisdiction.

(2) A governing body described in paragraph (1) that elects to designate a specific location of disembarkation pursuant to paragraph (1) shall post notice of that location on the governing body's internet website. The carrier of passengers shall check

the internet website before embarkation. If the location of disembarkation is not posted on the internet website, the carrier of passengers may disembark at the geographic location they specify pursuant to paragraph (1) of subdivision (c).

(e) If a governing body described in paragraph (1) of subdivision (d) elects to designate a specific location of disembarkation pursuant to paragraph (1) of subdivision (d), and has provided electronic notice of that location pursuant to paragraph (2) of subdivision (d) or posted notice of that location on the governing body's internet website pursuant to paragraph (2) of subdivision (d), disembarkation shall only occur at that location.

(f) (1) The location of disembarkation, including the city and county, shall be made known to, and agreed to by, each passenger before embarkation.

(2) If the passenger is a minor, then the location of disembarkation shall be made known to, and agreed to by, the minor passenger's parent or guardian before embarkation. The notice and agreement shall be done in the passenger's primary language.

(g) A governing body shall not share, disclose, or otherwise make accessible to any immigration authority, as defined in Section 7284.4 of the Government Code, any information shared or received pursuant to any provision of this chapter without a court-ordered subpoena or judicial warrant.

#### **Article 4. Civil Action and Penalties**

**2216.** (a) Any of the following parties may bring a civil action seeking preventive relief, including for a permanent or temporary injunction, restraining order, or other order against the carrier of passengers, for one or more violations of this chapter:

(1) The Attorney General, a district attorney, or a city attorney.

(2) A passenger who was transported in violation of this chapter.

(3) A homeless service provider or shelter, a health care service provider, or a nonprofit social service provider that suffered a direct violation of this chapter.

(b) A carrier of passengers that violates this chapter, or whose employee violates this chapter, may be assessed a civil penalty of up to ten thousand dollars (\$10,000) for each act of transporting a person that resulted in one or more violations of this chapter.

(c) Article 6 (commencing with Section 5411) of Chapter 8 of the Public Utilities Code does not apply for purposes of this chapter.

(d) The Attorney General, a district attorney, or a city attorney may bring the action described in subdivision (b).

(e) A prevailing plaintiff shall be entitled to attorney's fees and costs in any action brought pursuant to subdivision (a) or (b).

#### **Article 5. Applicability**

**2217.** (a) This chapter does not preempt, limit, prohibit, or otherwise affect the adoption, implementation, or enforcement of any local ordinance, code, regulation, or order related to carrier of passenger transportation services, except only to the extent that the local ordinance, code, regulation, or order is inconsistent with this chapter. Any local ordinance, code, regulation, or order is not inconsistent with this chapter if it affords greater protection to passengers than the requirements set forth in this chapter. Any local ordinance, code, regulation, or order that duplicates or supplements this chapter shall be construed as providing additional remedies to those set forth in this chapter, and shall not be construed to preempt, limit, prohibit, or otherwise affect this chapter.

(b) This chapter shall only be implemented to the extent that implementation is consistent with federal law.

#### **Article 6. Severability**

**2218.** (a) The provisions of this chapter are severable. If any provision of this chapter or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

**SEC. 2.** The Legislature finds and declares that Section 1 of this act addresses a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Section 1 of this act applies to all cities, including charter cities.

**SEC. 3.** If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.