

AMENDED IN SENATE JULY 18, 1997

AMENDED IN SENATE JULY 7, 1997

AMENDED IN ASSEMBLY MAY 1, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1561

Introduced by Committee on Transportation (Assembly Members Murray (Chair), Baugh (Vice Chair), Baca, Bowler, Cardenas, Figueroa, Havice, Mazzoni, Napolitano, Perata, Runner, Scott, and Torlakson)

March 13, 1997

An act to amend Sections 5272, 5300, 5362, 5403, 5405, and 5408 of, to amend and renumber Sections 5216.2, 5216.3, and 5216.4 of, to add Sections 5211, 5216.2, 5216.4, 5272.1, 5490.1, and 5498.3 to, and to repeal Sections 5217 and 5363 of, the Business and Professions Code, to amend Sections 25161, 25167.4, and 25323.6 of, and to add Section 25168.1 to, the Health and Safety Code, *to amend Sections 20281 and 20291 of the Public Contract Code*, to amend Section 30634 of the Public Utilities Code, to add Section 391.1 to the Streets and Highways Code, and to amend Sections ~~286~~, 2256, 4456, 5066, 5204, 11520, 16028, 22507.8, 22651.5, 22655, 25251, 25258, 27000, 34001, 34060, 34601, and 40000.16 of, to add Sections 2420, 21718, and ~~34500.5~~ 34500.5 to, and to repeal Sections 13106 and 22520 of, the Vehicle Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1561, as amended, Committee on Transportation. Transportation.

(1) The Outdoor Advertising Act defines the term “outdoor advertising business.” The act declares that a person engages in the business of outdoor advertising whenever that person places an advertising display containing advertising that does not pertain exclusively to his or her own business or changes the advertising message of that display. The act provides that a manufacturer or distributor of a product for sale to the public does not engage in the business of outdoor advertising when that person furnishes a product for installation on the retailer’s place of business, as prescribed.

This bill would delete that definition from the act and would define various other terms for the purposes of the act. The bill would declare that a person engages in the business of outdoor advertising whenever that person places an advertising display, changes the advertising message of that display, or installs any device designed to provide or increase visibility of an advertising display that does not pertain exclusively to that person’s business and the display is visible from a state highway or freeway. The bill would provide that a manufacturer or distributor of a product for sale to the public does not engage in the business of outdoor advertising when he or she furnishes a sign pertaining to that product to a retailer of that product for installation on the retailer’s place of business.

(2) The act prohibits the placement of any advertising display unless there is fastened upon the front thereof a prescribed identification number plate. The act declares that the displacement of a display without the identification number plate is prima facie evidence that the display has been placed in violation of the act, as prescribed.

This bill would, instead, prohibit the placing of any advertising display that is subject to the act unless the permit number of the display is visible on the display that is subject to the permit, as specified. The bill would provide that the placing of a display without the permit number being placed on the front of the display, as required, constitutes a violation of the act. The bill would require all permittees to bring their



displays into compliance with these provisions on or before January 1, 1999. The bill would repeal a related provision pertaining to identification number plates.

(3) The act prohibits the placement of any advertising display that is visible from any bonus segment if it displays any flashing, intermittent, or moving lights.

This bill would, instead, prohibit the placement of such a display if it is visible from any interstate or primary highway.

(4) The act requires a message center display to comply with certain provisions of the act. The act prohibits the placement of a message center display within 1,000 feet of another such display on the same side of the highway. The act allows message center displays that do not conform with these provisions that are legally placed on or before December 31, 1989, to continue to be maintained, as prescribed.

This bill would, instead, require an off-premise message center display to comply with the act and would prohibit the placement of an off-premise message center display within 1,000 feet of another such display. The bill would make related changes. The bill would allow message center displays that do not conform with these provisions that are legally placed on or before December 31, 1997, to continue to be maintained, as prescribed. By creating a new crime, the bill would impose a state-mandated local program.

(5) The act, with certain exceptions, does not apply to any advertising display that is not a message center display, as defined, that is used for prescribed purposes.

This bill would provide that the act, with certain exceptions, does not apply to advertising displays that are used for those prescribed purposes and would require those advertising displays to meet certain additional requirements. By creating a new crime, the bill would impose a state-mandated local program.

(6) Existing law sets forth provisions relating to on-premises advertising displays.

This bill would define the term “on-premise message center display” for the purposes of those provisions. The bill would require on-premise message center display to meet prescribed requirements.



(7) Existing law requires the Department of Toxic Substances Control to adopt and enforce those regulations that are necessary and appropriate to achieve consistency with the findings made by the Federal Highway Administration and the federal Department of Transportation pursuant to specified provisions of federal law regarding a uniform program for hazardous waste transportation.

This bill would make technical, clarifying changes to existing law.

(8) *Existing law requires the Santa Barbara Metropolitan Transit District and the Santa Cruz Metropolitan Transit District to purchase all supplies, equipment, and materials by contract let to the lowest responsible bidder when the expenditure required exceeds \$10,000.*

This bill would, instead, require those districts to purchase those items by contract let to the lowest responsible bidder when the expenditure required exceeds \$25,000.

(9) Under existing law, the Los Angeles County Metropolitan Transportation Authority is the successor agency to the Southern California Rapid Transit District and the Los Angeles County Transportation Commission and vests the authority with the powers of those former agencies. The authority is authorized to enter into prescribed joint development agreements, defined to include agreements to plan, finance, or construct development projects adjacent, or physically or functionally related, to facilities of the authority.

This bill would define joint development agreements to include agreements relating to projects within a transit village development district, as specified.

~~(9)~~

(10) Existing law authorizes the California Transportation Commission to relinquish to a city or county any portion of a state highway within the city or county that the Legislature has deleted from the state highway system.

This bill would authorize the commission, upon terms and conditions approved by it, to relinquish a portion of State Highway Route 91 to the City of Torrance in which the highway is located and which has agreed to accept it. The relinquishment would take effect on the day immediately



following the commission's approval of the terms and conditions.

~~(10) Existing law excludes from the definition of "dealer" under the Vehicle Code persons temporarily retained as auctioneers solely for the purpose of disposing of vehicle stock inventories under prescribed circumstances.~~

~~This bill would revise that exclusion to also exclude other persons retained as auctioneers under specified conditions.~~

(11) Existing law requires the minimum age for appointment to the position of state traffic officer of the California Highway Patrol to be 18 years.

This bill would require the minimum age for that appointment to be 21 years and would make a technical, clarifying change in existing law.

(12) Existing federal regulations require farm labor contractors, agricultural employers, or agricultural associations that use any vehicle to transport a migrant or seasonal agricultural worker to ensure that the vehicle conforms to specified federal vehicle safety standards. Prima facie evidence that safety standards have been met may be shown by the presence of a current state vehicle inspection sticker.

This bill would authorize the Department of the California Highway Patrol to enter into a contract to conduct an inspection of vehicles that are subject to the federal regulations specified above and issue the specified vehicle inspection sticker to qualified vehicles. The bill would require the contract to provide that the amount to be paid to the department shall be equal to the costs incurred by the department for services provided under the contract.

(13) Existing law requires motor vehicle dealers to use numbered report-of-sale forms issued by the Department of Motor Vehicles when selling a vehicle. A vehicle displaying a copy of the specified form may be operated without license plates or registration card until the license plates and registration card are received by the purchaser of the vehicle.

This bill would authorize the vehicle to operate with the specified form until the license plates and registration card are received by the purchaser of the vehicle or until a 6-month



period, commencing with the date of sale of the vehicle, has expired, whichever occurs first.

(14) Existing law provides that, if, after one calendar year following the receipt of the first application for the special interest license plate under the Gene Chappie Heritage Network Act of 1992, 5,000 applications for those plates have not been received, the Department of Parks and Recreation shall refund to all applicants any fees or deposits that have been collected.

This bill would delete this provision of existing law.

(15) Existing law requires tabs to indicate the year and month of the expiration of the registration of a vehicle and that the tabs be attached to the license plate assigned to the vehicle, as specified.

This bill would specify that the tabs shall indicate the current month and year and that a violation of this provision occurs where a vehicle fails to display current month and year tabs or displays expired tabs.

(16) Existing law imposes specified requirements on a licensed automobile dismantler who acquires a vehicle subject to registration under the Vehicle Code for the purpose of dismantling that vehicle.

This bill would make certain of those requirements inapplicable if the person from whom the vehicle was acquired has notified and cleared the vehicle for dismantling with the Department of Motor Vehicles and a bill of sale has been executed to the dismantler that properly identifies the vehicle and contains evidence of clearance by the department.

(17) Existing law requires the driver of any motor vehicle that is in any manner involved in a traffic accident, as specified, to furnish written evidence of financial responsibility for the vehicle upon the request of a peace officer summoned to the accident scene.

This bill would authorize a traffic collision investigator, as specified, to cause a notice to appear to be issued for a violation of the provision specified above, upon review of that citation by a peace officer.

(18) Existing law prohibits any person from stopping, parking, or leaving standing any vehicle upon a freeway that



has full control of access and no crossings at grade, except as specified.

This bill would make a conviction of a violation of the provision specified above a conviction involving the safe operation of a motor vehicle upon the highway if a notice to appear for the violation was issued by a specified peace officer.

(19) Existing law makes it unlawful for any person to park or leave standing any vehicle, including a vehicle displaying a special identification license plate or a distinguishing placard issued to disabled persons and disabled veterans for purposes of special parking privileges, in any area of the pavement within a parking lot or parking facility that is marked by crosshatched lines and is thereby designated for the loading and unloading of vehicles pursuant to any local ordinance, among other places.

This bill would, instead, specify that it is unlawful to park in any area of the pavement adjacent to a parking stall or space designated for disabled persons or disabled veterans that is marked by crosshatched lines and is thereby designated, pursuant to any local ordinance, for the loading and unloading of vehicles parked in the stall or space.

(20) Existing law authorizes any peace officer, as defined, upon the complaint of any person, to remove a vehicle parked within a prescribed distance of an occupied building of a school, community college, or university or within a residence or business district from a highway or from public or private property if an alarm device has been activated within the vehicle, the peace officer is unable to locate the owner of the vehicle within 45 minutes from the time of arrival at the vehicle's location, and the alarm device has not been silenced prior to removal.

This bill would include any regularly employed and salaried employee who is engaged in directing traffic or enforcing parking laws or ordinances within the scope of persons who can cause the removal. The bill would also make certain clarifying changes and would reduce the 45-minute period described above to a 20-minute period.

(21) Existing law authorizes a peace officer to remove a motor vehicle for purpose of inspection if the officer has reasonable cause to believe that the motor vehicle, under



specified circumstances, has been involved in a hit-and-run accident, and the operator of the vehicle has failed to stop and comply with certain statutes.

This bill would also authorize a regularly employed and salaried employee who is engaged in directing traffic or enforcing parking statutes and regulations to remove a vehicle under those specified circumstances.

(22) Existing law permits the use of flashing lights on vehicles under certain circumstances.

This bill would authorize the use of flashing lights on vehicles that are approaching, stopped at, or departing from, a railroad grade crossing, as prescribed.

(23) Existing law authorizes emergency vehicles used by specified peace officers in the performance of their duties to display a steady or flashing blue warning light visible from the front, sides, or rear of the vehicle.

This bill would authorize an emergency vehicle used by a housing authority patrol officer, as specified, to display the steady or flashing blue warning light specified above, and correct a cross-reference in those provisions.

(24) Existing law requires every motor vehicle operated on the highway to be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet but that does not emit an unreasonably loud or harsh sound. Existing law authorizes an authorized emergency vehicle that is used in fire calls to be equipped with an air horn that does not comply with the specified requirement.

This bill would, instead, authorize all authorized emergency vehicles, as defined, to be equipped with air horns that do not meet the requirement specified above.

(25) Existing law defines the term “commercial motor vehicle” for purposes of specified provisions relating to a commercial motor vehicle safety program.

This bill would apply that term to specified provisions relating to motor vehicle safety regulations.

(26) Existing law excludes household goods carriers, as defined, from the Motor Carriers of Property Permit Act.

This bill would specify that a household goods carrier operating with a permit issued by the Public Utilities



Commission is not required to register under that act if its operations include the transportation of used office, store, or institution furniture or fixtures.

(27) Existing law makes a violation of a specified provision relating to preventing the escape of materials from vehicles a misdemeanor.

This bill would, instead, make a second or subsequent violation of the specified provision a misdemeanor, if the violation occurs within 2 years of a prior violation of that provision. A first violation, in combination with another provision of existing law, would be an infraction.

(28) 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. State-mandated local program: yes.

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

- 1 SECTION 1. Section 5211 is added to the Business and
- 2 Professions Code, to read:
- 3 5211. “Flashing” means a light or message that
- 4 changes more than once every four seconds.
- 5 SEC. 1.2. Section 5216.2 of the Business and
- 6 Professions Code is amended and renumbered to read:
- 7 5216.3. “Main-traveled way” means the traveled way
- 8 of a highway on which through traffic is carried. In the
- 9 case of a divided highway, the traveled way of each of the
- 10 separate roadways for traffic in opposite directions is a
- 11 main-traveled way. Main-traveled way does not include
- 12 facilities such as frontage roads, ramps, auxiliary lanes,
- 13 parking areas, or shoulders.
- 14 SEC. 1.3. Section 5216.2 is added to the Business and
- 15 Professions Code, to read:
- 16 5216.2. “Light box” or “sign cabinet” means a
- 17 portable unit that is incidental to the advertising and its



1 message does not flash, is not in motion, and does not
2 change more than once every two minutes.

3 SEC. 1.4. Section 5216.3 of the Business and
4 Professions Code is amended and renumbered to read:

5 5216.5. “Nonconforming advertising display” means
6 an advertising display that was lawfully placed, but that
7 does not conform to the provisions of this chapter, or the
8 administrative regulations adopted pursuant to this
9 chapter, that were enacted subsequent to the date of
10 placing.

11 SEC. 1.5. Section 5216.4 of the Business and
12 Professions Code is amended and renumbered to read:

13 5216.6. (a) “Officially designated scenic highway or
14 scenic byway” means any state highway that has been
15 officially designated and maintained as a state scenic
16 highway pursuant to Sections 260, 261, 262, and 262.5 of
17 the Streets and Highways Code or that has been officially
18 designated a scenic byway as referred to in Section 131 (s)
19 of Title 23 of the United States Code.

20 (b) “Officially designated scenic highway or scenic
21 byway” does not include routes listed as part of the State
22 Scenic Highway system, Streets and Highway Code,
23 Section 263, et seq., unless those routes, or segments of
24 those routes, have been designated as officially
25 designated state scenic highways.

26 SEC. 1.6. Section 5216.4 is added to the Business and
27 Professions Code, to read:

28 5216.4. “Message center” means an advertising
29 display where the message is changed more than once
30 every two minutes, but not more than once every four
31 seconds.

32 SEC. 1.7. Section 5217 of the Business and Professions
33 Code is repealed.

34 SEC. 1.8. Section 5272 of the Business and Professions
35 Code is amended to read:

36 5272. With the exception of the provisions contained
37 in Article 4 (commencing with Section 5300), Sections
38 5400 and 5404, inclusive, and Section 5272.1, nothing
39 contained in this chapter applies to any advertising



1 display that is used exclusively for any of the following
2 purposes:

3 (a) To advertise the sale, lease, or exchange of real
4 property upon which the advertising display is placed.

5 (b) To advertise directions to, and the sale, lease, or
6 exchange of, real property for which the advertising
7 display is placed; provided, that the exemption of this
8 paragraph shall not apply to advertising displays visible
9 from a highway and subject to the Highway
10 Beautification Act of 1965 (23 U.S.C. Sec. 131).

11 (c) To designate the name of the owner or occupant
12 of the premises or to identify the premises.

13 (d) To advertise the business conducted or services
14 rendered or the goods produced or sold upon the
15 property upon which the advertising display is placed if
16 the display is upon the same side of the highway and
17 within 1,000 feet of the point on the property or within
18 1,000 feet of the entrance to the site at which the business
19 is conducted or services are rendered or goods are
20 produced or sold.

21 SEC. 1.9. Section 5272.1 is added to the Business and
22 Professions Code, to read:

23 5272.1. A message center display that is used
24 exclusively for the purposes set forth in subdivision (a),
25 (b), (c), or (d) of Section 5272 shall meet all of the
26 following requirements:

27 (a) The display shall not include any message that is in
28 motion or appears to be in motion.

29 (b) The display shall not change the intensity of
30 illumination.

31 (c) The display shall not change its message more than
32 once every four seconds.

33 SEC. 1.10. Section 5300 of the Business and
34 Professions Code is amended to read:

35 5300. (a) A person engages in the business of outdoor
36 advertising whenever he or she, personally or through
37 employees, places an advertising display, changes the
38 advertising message of an advertising display, or installs
39 any device designed to provide or increase visibility of an
40 advertising display that does not pertain exclusively to



1 that person’s business and the display is visible from a
2 state highway or freeway.

3 (b) A manufacturer or distributor of a product for sale
4 to the general public does not engage in the business of
5 outdoor advertising when he or she furnishes a sign
6 pertaining to that product to a retailer of that product for
7 installation on the retailer’s place of business or he or she
8 installs on the retailer’s place of business a sign containing
9 advertising pertaining to the product, the name, or the
10 business of the retailer.

11 SEC. 1.11. Section 5362 of the Business and
12 Professions Code is amended to read:

13 5362. (a) No person shall place any advertising
14 display that is subject to this chapter unless the permit
15 number is visible on the advertising display that is subject
16 to the permit. The permit number shall be located in the
17 front lower corner of the advertising display that is
18 nearest the highway. The permit number shall be
19 prefaced with the letters CP (for California permit) and
20 the size of each digit making up the permit number shall
21 be at least six inches tall and two and one-half inches wide
22 with spacing between each digit that is at least one-half
23 inch. The permit number shall be in black numbers on a
24 high-visibility yellow background.

25 (b) The placing of any advertising display without
26 having the permit number placed on the front of the
27 display constitutes a violation of this chapter, and any
28 such display shall be subject to removal as provided in
29 Section 5463.

30 (c) All permittees shall bring their advertising displays
31 into compliance with this section on or before January 1,
32 1999.

33 SEC. 1.12. Section 5363 of the Business and
34 Professions Code is repealed.

35 SEC. 1.13. Section 5403 of the Business and
36 Professions Code is amended to read:

37 5403. No advertising display shall be placed or
38 maintained in any of the following locations or positions
39 or under any of the following conditions or if the
40 advertising structure or sign is of the following nature:



1 (a) If within the right-of-way of any highway.

2 (b) If visible from any highway and simulating or
3 imitating any directional, warning, danger or information
4 sign permitted under the provisions of this chapter, or if
5 likely to be mistaken for any such permitted sign, or if
6 intended or likely to be construed as giving warning to
7 traffic, such as by the use of the words “stop” or “slow
8 down.”

9 (c) If within any stream or drainage channel or below
10 the floodwater level of any stream or drainage channel
11 where the advertising display might be deluged by flood
12 waters and swept under any highway structure crossing
13 the stream or drainage channel or against the supports of
14 the highway structure.

15 (d) If not maintained in safe condition.

16 (e) If visible from any highway and displaying any red
17 or blinking or intermittent light likely to be mistaken for
18 a warning or danger signal.

19 (f) If visible from any highway which is a part of the
20 interstate or primary systems, and which is placed upon
21 trees, or painted or drawn upon rocks or other natural
22 features.

23 (g) If any illumination thereon shall be of such
24 brilliance and so positioned as to blind or dazzle the vision
25 of travelers on adjacent highways.

26 (h) If visible from any interstate or primary highway
27 and displaying any flashing, intermittent, or moving light
28 or lights.

29 SEC. 1.14. Section 5405 of the Business and
30 Professions Code is amended to read:

31 5405. Notwithstanding any other provision of this
32 chapter, no advertising display shall be placed or
33 maintained within 660 feet from the edge of the
34 right-of-way of, and the copy of which is visible from, any
35 interstate or primary highway, other than any of the
36 following:

37 (a) Directional or other official signs or notices that are
38 required or authorized by law, including, but not limited
39 to, signs pertaining to natural wonders and scenic and
40 historical attractions, and which comply with regulations



1 adopted by the director relative to their lighting, size,
 2 number, spacing, and any other requirements as may be
 3 appropriate to implement this chapter which are
 4 consistent with national standards adopted by the United
 5 States Secretary of Transportation pursuant to
 6 subdivision (c) of Section 131 of Title 23 of the United
 7 States Code.

8 (b) Advertising displays advertising the sale or lease of
 9 the property upon which they are located, if all
 10 advertising displays within 660 feet of the edge of the
 11 right-of-way of a bonus segment comply with the
 12 regulations adopted under Sections 5251 and 5415.

13 (c) Advertising displays which advertise the business
 14 conducted, services rendered, or goods produced or sold
 15 upon the property upon which the advertising display is
 16 placed, if the display is upon the same side of the highway
 17 as the advertised activity; and if all advertising displays
 18 within 660 feet of the right-of-way of a bonus segment
 19 comply with the regulations adopted under Sections 5251,
 20 5403, and 5415; and except that no advertising display
 21 shall be placed after January 1, 1971, if it contains flashing,
 22 intermittent, or moving lights (other than that part
 23 necessary to give public service information, including,
 24 but not limited to, the time, date, temperature, weather,
 25 or similar information, or a message center display as
 26 defined in subdivision (d)).

27 (d) (1) A message center display shall comply with all
 28 requirements of this chapter. The illumination, or the
 29 appearance of illumination, resulting in a message change
 30 of a message center display is not the use of a flashing,
 31 intermittent, or moving light for purposes of subdivision
 32 (b) of Section 5408, except that no message center display
 33 may include any illumination or message change that is
 34 in motion or appears to be in motion, that changes in
 35 intensity, or that exposes its message for less than four
 36 seconds. No message center display may be placed within
 37 1,000 feet of another message center display. No message
 38 center display may be placed in violation of Section 131
 39 of Title 23 of the United States Code.



1 (2) Any message center display located beyond 660
2 feet from the edge of the right-of-way of an interstate or
3 primary highway and permitted by a city, county, or city
4 and county on or before December 31, 1988, is in
5 compliance with Article 6 (commencing with Section
6 5350) and Article 7 (commencing with Section 5400) for
7 purposes of this section.

8 (3) Any message center display legally placed on or
9 before December 31, 1997, which does not conform with
10 this section may continue to be maintained under its
11 existing criteria if it advertises only the business
12 conducted, services rendered, or goods produced or sold
13 upon the property upon which the display is placed.

14 (4) This subdivision does not prohibit the adoption by
15 a city, county, or city and county of restrictions or
16 prohibitions affecting off-premises message center
17 displays which are equal to or greater than those imposed
18 by this subdivision, if that ordinance or regulation does
19 not restrict or prohibit on-premises advertising displays,
20 as defined in Chapter 2.5 (commencing with Section
21 5490).

22 (5) This subdivision applies to off-premises message
23 center displays.

24 (e) Advertising displays erected or maintained
25 pursuant to regulations of the director, not inconsistent
26 with the national policy set forth in subdivision (f) of
27 Section 131 of Title 23 of the United States Code and the
28 standards promulgated thereunder by the Secretary of
29 Transportation, and designed to give information in the
30 specific interest of the traveling public.

31 SEC. 1.15. Section 5408 of the Business and
32 Professions Code is amended to read:

33 5408. In addition to the advertising displays
34 permitted by Section 5405 to be placed within 660 feet of
35 the edge of the right-of-way of interstate or primary
36 highways, advertising displays conforming to the
37 following standards, and not in violation of any other
38 provision of this chapter, may be placed in those locations
39 if placed in business areas:



1 (a) Advertising displays shall not be placed which
2 exceed 1,200 square feet in area with a maximum height
3 of 25 feet and a maximum length of 60 feet, including
4 border and trim, and excluding base or apron supports
5 and other structural members. This subdivision shall
6 apply to each facing of an advertising display. The area
7 shall be measured by the smallest square, rectangle,
8 triangle, circle, or combination thereof, which will
9 encompass the entire advertisement. Two advertising
10 displays not exceeding 350 square feet each may be
11 erected in a facing. Any advertising display lawfully in
12 existence on August 1, 1967, which exceeds 1,200 square
13 feet in area, and which is permitted by city or county
14 ordinance, may be maintained in existence.

15 (b) Advertising displays shall not be placed which are
16 so illuminated that they interfere with the effectiveness
17 of, or obscure any official traffic sign, device, or signal; nor
18 shall any advertising display include or be illuminated by
19 flashing, intermittent, or moving lights (except that part
20 necessary to give public service information such as time,
21 date, temperature, weather, or similar information); nor
22 shall any advertising display cause beams or rays of light
23 to be directed at the traveled ways if the light is of such
24 intensity or brilliance as to cause glare or to impair the
25 vision of any driver, or to interfere with any driver's
26 operation of a motor vehicle.

27 (c) Advertising displays shall not be placed in such a
28 manner as to obstruct, or otherwise physically interfere
29 with, an official traffic sign, signal, or device or to
30 obstruct, or physically interfere with, the vision of drivers
31 in approaching, merging, or intersecting traffic.

32 (d) No advertising display shall be placed within 500
33 feet from another advertising display on the same side of
34 any portion of an interstate highway or a primary
35 highway which is a freeway. No advertising display shall
36 be placed within 500 feet of an interchange, or an
37 intersection at grade, or a safety roadside rest area on any
38 portion of an interstate highway or a primary highway
39 which is a freeway and if the interstate or primary
40 highway is located outside the limits of an incorporated



1 city and outside the limits of an urban area. No
2 advertising display shall be placed within 300 feet from
3 another advertising display on the same side of any
4 portion of a primary highway which is not a freeway if
5 that portion of the primary highway is located outside the
6 limits of an incorporated city and outside the limits of an
7 urban area. No advertising display shall be placed within
8 100 feet from another advertising display on the same side
9 of any portion of a primary highway which is not a
10 freeway if that portion of the primary highway is located
11 inside the limits of an incorporated city or inside the limits
12 of an urban area. However, this subdivision does not
13 apply to advertising displays which are separated by a
14 building or other obstruction in such a manner that only
15 one display located within the minimum spacing
16 distances set forth herein is visible from the highway at
17 any one time. This subdivision shall not prevent the
18 erection of double-faced, back-to-back, or V-type
19 advertising display, with a maximum of two signs per
20 facing, as permitted in subdivision (a). This subdivision
21 does not apply to advertising displays permitted by
22 Section 5405 other than to off-premise message center
23 displays. The minimum distance between signs shall be
24 measured along the nearest edge of the pavement
25 between points directly opposite the signs along each side
26 of the highway. Any advertising display lawfully in
27 existence on August 1, 1967, which does not conform to
28 this subdivision but which is permitted by city or county
29 ordinances may be maintained in existence. "Urban
30 area," as used in this subdivision, shall be determined in
31 accordance with Section 101(a) of Title 23 of the United
32 States Code.

33 SEC. 1.16. Section 5490.1 is added to the Business and
34 Professions Code, to read:

35 5490.1. As used in this chapter, "on-premise message
36 center display" means any display whose message or
37 advertising copy is changed more than once every two
38 minutes.

39 SEC. 1.17. Section 5498.3 is added to the Business and
40 Professions Code, to read:



1 5498.3. An on-premise message center display visible
2 from any interstate or primary highway shall meet all of
3 the following requirements:

4 (a) The display shall not include any message that is in
5 motion or appears to be in motion.

6 (b) The display shall not change the intensity of
7 illumination.

8 (c) The display shall not be placed within 1,000 feet of
9 any other message center display on either side of the
10 highway when visible from the main-traveled way or
11 within 1,000 feet of the boundary of the city, county, or
12 city and county, when measured along the edge of the
13 highway pavement.

14 (d) The display shall not change its message more than
15 once every four seconds.

16 SEC. 1.18. Section 25161 of the Health and Safety
17 Code is amended to read:

18 25161. (a) The department may adopt and enforce
19 those regulations, regarding a uniform program for
20 hazardous waste transportation, that are necessary and
21 appropriate to achieve consistency with the findings
22 made by the Federal Highway Administration and the
23 federal Department of Transportation pursuant to
24 Chapter 51 (commencing with Section 5101) of Title 49
25 of the United States Code.

26 (b) The department shall adopt and enforce all rules
27 and regulations that are necessary and appropriate to
28 accomplish the purposes of Section 25160.

29 (c) The department shall develop a data base that
30 tracks all hazardous waste shipped in and out of state for
31 handling, treatment, storage, disposal, or any
32 combination thereof, which includes all of the following
33 information:

34 (1) The state or country receiving the waste.

35 (2) Month and year of shipment.

36 (3) Type of hazardous waste shipped.

37 (4) The manner in which the hazardous waste was
38 handled at its final destination, such as incineration,
39 treatment, recycling, land disposal, or a combination
40 thereof.



1 (d) The department shall include in the biennial
2 report specified in Section 25178 all of the following
3 information:

4 (1) The total volume in tons of hazardous waste
5 generated in the state and shipped offsite for handling,
6 treatment, storage, disposal, or any combination thereof.

7 (2) The total volume in tons of hazardous waste
8 generated in the state and shipped in and out of the state
9 for handling, treatment, storage, disposal, or any
10 combination thereof, including all of the following
11 information:

12 (A) The state or country receiving the hazardous
13 waste.

14 (B) Month and year of shipment.

15 (C) Type of hazardous waste shipped.

16 (D) The manner in which the hazardous waste was
17 handled at its final destination, such as incineration,
18 treatment, recycling, land disposal, or a combination
19 thereof.

20 SEC. 2. Section 25167.4 of the Health and Safety Code
21 is amended to read:

22 25167.4. For purposes of this article, the following
23 terms have the following meaning:

24 (a) "Vehicle" means a truck, trailer, semitrailer, or
25 cargo tank. "Vehicle" does not include a truck tractor
26 unless it is capable of containing a portion of the cargo.

27 (b) "Container" means a portable tank, intermediate
28 bulk container, or rolloff bin.

29 SEC. 3. Section 25168.1 is added to the Health and
30 Safety Code, to read:

31 25168.1. The department shall adopt regulations for
32 containers used to transport hazardous waste that are not
33 subject to the federal regulations contained in Title 49 of
34 the Code of Federal Regulations.

35 SEC. 4. Section 25323.6 of the Health and Safety Code
36 is amended to read:

37 25323.6. Any person who unknowingly transports
38 hazardous waste to a solid waste facility pursuant to the
39 exemption provided in subdivision (e) of Section 25163
40 shall not be considered a responsible party for purposes



1 of this chapter solely because of the act of transporting the
2 waste. Nothing in this section shall affect the liability of
3 this person for his or her negligent acts.

4 *SEC. 5. Section 20281 of the Public Contract Code is*
5 *amended to read:*

6 20281. The purchase of all supplies, equipment and
7 materials, when the expenditure required exceeds ~~ten~~
8 ~~thousand dollars~~ *(\$10,000) twenty-five thousand dollars*
9 *(\$25,000)*, and the construction of facilities and works,
10 when the expenditure exceeds three thousand dollars
11 (\$3,000), shall be by contract let to the lowest responsible
12 bidder. Notice requesting bids shall be published at least
13 once in a newspaper of general circulation, which
14 publication shall be made at least 10 days before bids are
15 received. The board may reject any and all bids and
16 readvertise in its discretion.

17 *SEC. 5.5. Section 20291 of the Public Contract Code*
18 *is amended to read:*

19 20291. The purchase of all supplies, equipment and
20 materials, *when the expenditure required exceeds*
21 *twenty-five thousand dollars (\$25,000)*, and construction
22 of facilities and works, when the expenditure required
23 exceeds ten thousand dollars (\$10,000), shall be by
24 contract let to the lowest responsible bidder. Notice
25 requesting bids shall be published at least once in a
26 newspaper of general circulation, which publication shall
27 be made at least 10 days before bids are received. The
28 board may reject any and all bids and readvertise in its
29 discretion.

30 *SEC. 5.7. Section 30634 of the Public Utilities Code is*
31 *amended to read:*

32 30634. (a) The district may enter into agreements for
33 the joint use or joint development of any property or
34 rights by the district and any city, public agency, or public
35 utility operating transit facilities or nontransit facilities, or
36 both, or any other person, firm, corporation, association,
37 organization, or other entity, public or private, either, in
38 whole or in part, within or outside the district, for the joint
39 use or development of any property of the district or of
40 the city, public agency, public utility, person, firm,



1 corporation, association, organization, or other entity,
2 public or private, or the establishment of through routes,
3 joint fares, station cost-sharing, connector fees, or land,
4 air, or development rights sales or leasing, transfer of
5 passengers, pooling arrangements, or for any other
6 purpose necessary for, incidental to, or convenient for the
7 full exercise of the powers granted in this part. As to any
8 service which the district is authorized to perform
9 pursuant to this part, the district may contract for the
10 performance of the service by any city, county, or public
11 utility operating transit facilities, the territory of which is,
12 in whole or in part, within the district.

13 (b) (1) "Joint development" includes, but is not
14 limited to, agreements with any person, firm,
15 corporation, association, organization, or other entity,
16 public or private, to develop or to engage in the planning,
17 financing, or construction of district facilities or
18 development projects adjacent, or physically or
19 functionally related, to district facilities.

20 (2) For the purposes of paragraph (1), "development
21 projects adjacent, or physically or functionally related, to
22 district facilities" includes a development project within
23 a transit village development district as described in
24 Section 65460.4 of the Government Code.

25 (c) Notwithstanding any other provision of this part,
26 no joint development of nontransit facilities may be
27 accomplished without the prior approval of the
28 legislative body of the local jurisdiction within which the
29 development is to take place.

30 (d) "Transit facilities," as used in this section, includes
31 land, buildings, and equipment, or any interest therein,
32 whether or not the operation thereof produces revenue,
33 which have as their primary purpose the operation of a
34 rail transit system or the providing of services to the
35 passengers of a rail transit system.

36 (e) "Nontransit facilities," as used in this section,
37 includes any land, buildings, or equipment, or interest
38 therein, which is used primarily for the production of
39 transit revenue not arising from the operation of a rail
40 transit system.



1 SEC. 6. Section 391.1 is added to the Streets and
2 Highways Code, to read:

3 391.1. Upon a determination by the commission that
4 it is in the best interests of the state to do so, the
5 commission may, upon terms and conditions approved by
6 it, relinquish a portion of Route 91 to the City of Torrance
7 in which that portion of the highway is located, if the city
8 has agreed to accept it. The relinquishment shall be
9 effective on the day immediately following the
10 commission's approval of the terms and conditions.

11 ~~SEC. 7. Section 286 of the Vehicle Code is amended~~
12 ~~to read:~~

13 ~~286. The term "dealer" does not include any of the~~
14 ~~following:~~

15 ~~(a) Insurance companies, banks, finance companies,~~
16 ~~public officials, or any other person coming into~~
17 ~~possession of vehicles in the regular course of business,~~
18 ~~who sells vehicles under a contractual right or obligation,~~
19 ~~in performance of an official duty, or in authority of any~~
20 ~~court of law, if the sale is for the purpose of saving the~~
21 ~~seller from loss or pursuant to the authority of a court.~~

22 ~~(b) Persons who sell or distribute vehicles of a type~~
23 ~~subject to registration for a manufacturer to vehicle~~
24 ~~dealers licensed under this code, or who are employed by~~
25 ~~manufacturers or distributors to promote the sale of~~
26 ~~vehicles dealt in by those manufacturers or distributors.~~
27 ~~However, any of those persons who also sell vehicles at~~
28 ~~retail are vehicle dealers and are subject to this code.~~

29 ~~(c) Persons regularly employed as salespersons by~~
30 ~~vehicle dealers licensed under this code while acting~~
31 ~~within the scope of that employment.~~

32 ~~(d) Persons engaged exclusively in the bona fide~~
33 ~~business of exporting vehicles or of soliciting orders for~~
34 ~~the sale and delivery of vehicles outside the territorial~~
35 ~~limits of the United States, if no federal excise tax is legally~~
36 ~~payable or refundable on any of the transactions. Persons~~
37 ~~not engaged exclusively in the bona fide business of~~
38 ~~exporting vehicles, but who are engaged in the business~~
39 ~~of soliciting orders for the sale and delivery of vehicles,~~
40 ~~outside the territorial limits of the United States are~~



1 ~~exempt from licensure as dealers only if their sales of~~
2 ~~vehicles produce less than 10 percent of their total gross~~
3 ~~revenue from all business transacted.~~

4 ~~(e) Persons not engaged in the purchase or sale of~~
5 ~~vehicles as a business, who dispose of any vehicle acquired~~
6 ~~and used in good faith, for their own personal use, or for~~
7 ~~use in their business, and not for the purpose of avoiding~~
8 ~~the provisions of this code.~~

9 ~~(f) Persons who are engaged in the purchase, sale, or~~
10 ~~exchange of vehicles, other than motorcycles subject to~~
11 ~~identification under this code, which are not intended for~~
12 ~~use on the highways.~~

13 ~~(g) An auctioneer conducting a vehicle auction under~~
14 ~~either of the following circumstances:~~

15 ~~(1) Persons temporarily retained as auctioneers solely~~
16 ~~for the purpose of disposing of vehicle stock inventories~~
17 ~~by means of public auction on behalf of the owners at the~~
18 ~~owners' place of business if intermediate physical~~
19 ~~possession or control of, or an ownership interest in, the~~
20 ~~inventory is not conveyed to the persons so retained.~~

21 ~~(2) A person retained as an auctioneer solely for the~~
22 ~~purpose of disposing of fleet vehicle inventories on behalf~~
23 ~~of the owners thereof by means of public auctions at the~~
24 ~~auctioneer's own place of business, if all of the following~~
25 ~~conditions are met:~~

26 ~~(A) The vehicles disposed of by the auctioneer are~~
27 ~~either owned or under the control of entities having fleets~~
28 ~~of at least 25 vehicles registered in California, or are~~
29 ~~owned or under the control of a government agency.~~

30 ~~(B) No intermediate ownership interest in any of the~~
31 ~~vehicles is conveyed to the auctioneer.~~

32 ~~(C) The vehicles offered for sale are free of liens and~~
33 ~~encumbrances and the title and registration documents~~
34 ~~necessary to convey title are available for delivery to the~~
35 ~~customer within 20 days of the sale.~~

36 ~~(D) Unless otherwise exempted under the law or~~
37 ~~intended to be exported by the purchaser, the vehicle~~
38 ~~has, within the prior 90 days, undergone and successfully~~
39 ~~passed an emissions inspection pursuant to Part 5~~



1 ~~(commencing with Section 43000) of Division 26 of the~~
2 ~~Health and Safety Code.~~

3 ~~(E) The auctioneer provides clear notice in writing to~~
4 ~~its customers which states all of the following:~~

5 ~~(i) The auctioneer is not the owner of record of the~~
6 ~~vehicle.~~

7 ~~(ii) The name and address of the owner of record and~~
8 ~~a statement indicating the customer's recourse against~~
9 ~~the owner for any misrepresentation or noncompliance~~
10 ~~with this code.~~

11 ~~(iii) Either the auctioneer believes the vehicle is in~~
12 ~~compliance with the requirements of Division 12~~
13 ~~(commencing with Section 24000), or that the auctioneer~~
14 ~~is unable to ascertain whether or not the vehicle is in~~
15 ~~compliance.~~

16 ~~(iv) That vehicles not complying with the~~
17 ~~requirements of Division 12 (commencing with Section~~
18 ~~24000) may not be legally operated on the streets and~~
19 ~~highways of this state.~~

20 ~~(F) None of the officers or directors of the auction~~
21 ~~company have been convicted of a felony.~~

22 ~~Nothing in this subdivision limits or otherwise reduces~~
23 ~~the rights of the customer against the consignor which~~
24 ~~would be applicable in the absence of this subdivision.~~

25 ~~(h) Persons who are engaged exclusively in the~~
26 ~~business of purchasing, selling, servicing, or exchanging~~
27 ~~racing vehicles, parts for racing vehicles, and trailers~~
28 ~~designed and intended by the manufacturer to be used~~
29 ~~exclusively for carrying racing vehicles. For purposes of~~
30 ~~this subdivision, "racing vehicle" means a motor vehicle~~
31 ~~of a type used exclusively in a contest of speed or in a~~
32 ~~competitive trial of speed which is not intended for use~~
33 ~~on the highways.~~

34 ~~(i) Any person who is a lessor.~~

35 ~~(j) Any person who is a renter.~~

36 ~~(k) Any salvage pool.~~

37 ~~(l) Any yacht broker who is subject to the Yacht and~~
38 ~~Ship Brokers Act (Article 2 (commencing with Section~~
39 ~~700) of Chapter 5 of Division 3 of the Harbors and~~



1 ~~Navigation Code) and who sells used boat trailers in~~
2 ~~conjunction with the sale of a vessel.~~

3 ~~(m) Any licensed automobile dismantler who sells~~
4 ~~vehicles that have been reported for dismantling as~~
5 ~~provided in Section 11520.~~

6 ~~(n) The Director of Corrections when selling vehicles~~
7 ~~pursuant to Section 2813.5 of the Penal Code.~~

8 ~~(o) Any public or private nonprofit charitable,~~
9 ~~religious, or educational institution or organization that~~
10 ~~sells vehicles if all of the following conditions are met:~~

11 ~~(1) The proceeds of the sale of the vehicles are~~
12 ~~retained by that institution or organization for its~~
13 ~~charitable, religious, or educational purposes.~~

14 ~~(2) The vehicles sold were donated to the institution~~
15 ~~or organization.~~

16 ~~(3) They meet all of the applicable equipment~~
17 ~~requirements of Division 12 (commencing with Section~~
18 ~~24000) and have been issued a certificate pursuant to~~
19 ~~Section 44015 of the Health and Safety Code.~~

20 ~~(4) The institution or organization has qualified for~~
21 ~~state tax-exempt status under Section 23701d of the~~
22 ~~Revenue and Taxation Code, and federal tax-exempt~~
23 ~~status under Section 501(e)(3) of the Internal Revenue~~
24 ~~Code.~~

25 ~~(p) Any motor club, as defined in Section 12142 of the~~
26 ~~Insurance Code, that does not arrange or negotiate~~
27 ~~individual motor vehicle purchase transactions on behalf~~
28 ~~of its members but refers members to a new motor~~
29 ~~vehicle dealer for the purchase of a new motor vehicle~~
30 ~~and does not receive a fee from the dealer contingent~~
31 ~~upon the sale of the vehicle.~~

32 ~~SEC. 7.1.—~~

33 ~~SEC. 7. Section 2256 of the Vehicle Code is amended~~
34 ~~to read:~~

35 ~~2256. Notwithstanding Section 18932 of the~~
36 ~~Government Code, the minimum age limit for~~
37 ~~appointment to the position of officer California Highway~~
38 ~~Patrol, shall be 21 years, and the maximum age limit for~~
39 ~~examination shall be 31 years.~~



1 SEC. 8. Section 2420 is added to the Vehicle Code, to
2 read:

3 2420. (a) The department may enter into a contract
4 to conduct an inspection of vehicles that are subject to
5 Section 500.100 of Title 29 of the Code of Federal
6 Regulations and issue the vehicle inspection sticker
7 authorized under subdivision (b) of that section to
8 qualified vehicles.

9 (b) Any contract entered into under subdivision (a)
10 shall provide that the amount to be paid to the
11 department shall be equal to the costs incurred by the
12 department for services provided under the contract.

13 SEC. 9. Section 4456 of the Vehicle Code is amended
14 to read:

15 4456. (a) When selling a vehicle, dealers and
16 lessor-retailers shall use numbered report-of-sale forms
17 issued by the department. The forms shall be used in
18 accordance with the following terms and conditions:

19 (1) The dealer or lessor-retailer shall attach for display
20 a copy of the report of sale on the vehicle before the
21 vehicle is delivered to the purchaser.

22 (2) The dealer or lessor-retailer shall submit to the
23 department an application accompanied by all fees and
24 penalties due for registration or transfer of registration of
25 the vehicle within 30 days from the date of sale if the
26 vehicle is a used vehicle, and 20 days if the vehicle is a new
27 vehicle. Penalties due for noncompliance with this
28 paragraph shall be paid by the dealer or lessor-retailer.
29 The dealer or lessor-retailer shall not charge the
30 purchaser for the penalties.

31 (3) As part of an application to transfer registration of
32 a used vehicle, the dealer or lessor-retailer shall include
33 all of the following information on the certificate of title,
34 application for a duplicate certificate of title, or form
35 prescribed by the department:

36 (A) Date of sale and report of sale number.

37 (B) Purchaser's name and address.

38 (C) Dealer's name, address, number, and signature or
39 signature of authorized agent.

40 (D) Salesperson number.



1 (4) If the department returns an application and the
2 application was first received by the department within
3 30 days of the date of sale of the vehicle if the vehicle is
4 a used vehicle, and 20 days if the vehicle is a new vehicle,
5 the dealer or lessor-retailer shall submit a corrected
6 application to the department within 50 days from the
7 date of sale of the vehicle if the vehicle is a used vehicle,
8 and 40 days if the vehicle is a new vehicle, or within 30
9 days from the date that the application is first returned by
10 the department if the vehicle is a used vehicle, and 20
11 days if the vehicle is a new vehicle, whichever is later.

12 (5) If the department returns an application and the
13 application was first received by the department more
14 than 30 days from the date of sale of the vehicle if the
15 vehicle is a used vehicle, and 20 days if the vehicle is a new
16 vehicle, the dealer or lessor-retailer shall submit a
17 corrected application to the department within 50 days
18 from the date of sale of the vehicle if the vehicle is a used
19 vehicle, and 40 days if the vehicle is a new vehicle.

20 (6) An application first received by the department
21 more than 50 days from the date of sale of the vehicle if
22 the vehicle is a used vehicle, and 40 days if the vehicle is
23 a new vehicle, is subject to the penalties specified in
24 subdivisions (a) and (b) of Section 4456.1.

25 (7) The dealer or lessor-retailer shall report the sale
26 pursuant to Section 5901.

27 (b) (1) A transfer that takes place through a dealer
28 conducting a wholesale motor vehicle auction shall be
29 reported to the department by that dealer on a single
30 form approved by the department. The completed form
31 shall contain, at a minimum, all of the following
32 information:

33 (A) The name and address of the seller.

34 (B) The seller's dealer number, if applicable.

35 (C) The date of delivery to the dealer conducting the
36 auction.

37 (D) The actual mileage of the vehicle as indicated by
38 the vehicle's odometer at the time of delivery to the
39 dealer conducting the auction.



1 (E) The name, address, and occupational license
2 number of the dealer conducting the auction.

3 (F) The name, address, and occupational license
4 number of the buyer.

5 (G) The signature of the dealer conducting the
6 auction.

7 (2) Submission of the completed form specified in
8 paragraph (1) to the department shall fully satisfy the
9 requirements of subdivision (a) and subdivision (a) of
10 Section 5901 with respect to the dealer selling at auction
11 and the dealer conducting the auction.

12 (3) The single form required by this subdivision does
13 not relieve a dealer of any obligation or responsibility that
14 is required by any other provision of law.

15 (c) A vehicle displaying a copy of the report of sale
16 may be operated without license plates or registration
17 card until either of the following, whichever occurs first:

18 (1) The license plates and registration card are
19 received by the purchaser.

20 (2) A six-month period, commencing with the date of
21 sale of the vehicle, has expired.

22 SEC. 10. Section 5066 of the Vehicle Code is amended
23 to read:

24 5066. (a) This section shall be known, and may be
25 cited, as the Gene Chappie Heritage Network Act of 1992.

26 (b) The Department of Parks and Recreation may
27 participate in the special interest license plate program.
28 In addition to the regular fees for an original registration,
29 a renewal of registration, or a transfer of registration, the
30 following fees shall be paid by individuals applying for the
31 issuance, renewal, or transfer of a license plate bearing a
32 design or decal conforming to Section 5060, designed by
33 the Department of Motor Vehicles in consultation with
34 the Department of Parks and Recreation:

35 (1) For the original issuance of the plates, forty dollars
36 (\$40).

37 (2) For a renewal of registration with the plates, thirty
38 dollars (\$30).

39 (3) For transfer of the plates to another vehicle, fifteen
40 dollars (\$15).



1 (4) For each substitute replacement plate, thirty-five
2 dollars (\$35).

3 (5) For each universal decal for existing plates, twenty
4 dollars (\$20).

5 (c) After deducting its administrative costs under this
6 section, the Department of Motor Vehicles shall deposit
7 the additional revenue derived from the issuance,
8 renewal, transfer, and substitution of special interest
9 license plates in the Heritage Network Decal Fund,
10 which is hereby created in the State Treasury. The money
11 in the fund shall be available, upon appropriation by the
12 Legislature, for the purposes of Chapter 1.1
13 (commencing with Section 5078) of Division 5 of the
14 Public Resources Code. Notwithstanding Sections 5078.2
15 and 5078.3 of the Public Resources Code, money in the
16 fund shall be available for appropriation during the
17 1992–93, 1993–94, and 1994–95 fiscal years solely for state
18 park system units and projects along existing and
19 provisional state heritage corridors, including activities to
20 prevent closures, and for completion of the North Central
21 California Heritage Corridors Access Map.

22 (d) Sections 5106 and 5108 do not apply to license
23 plates issued pursuant to this section.

24 SEC. 11. Section 5204 of the Vehicle Code is amended
25 to read:

26 5204. (a) Except as provided by subdivisions (b) and
27 (c), a tab shall indicate the year of expiration and a tab
28 shall indicate the month of expiration. Current month
29 and year tabs shall be attached to the rear license plate
30 assigned to the vehicle for the last preceding registration
31 year in which license plates were issued, and, when so
32 attached, the license plate with the tabs shall, for the
33 purposes of this code, be deemed to be the license plate,
34 except that truck tractors, and commercial motor
35 vehicles having an unladen weight of 10,000 pounds or
36 more, shall display the current month and year tabs upon
37 the front license plate assigned to the truck tractor or
38 commercial motor vehicle. Vehicles that fail to display
39 current month and year tabs or display expired tabs are
40 in violation of this section.



1 (b) The requirement of subdivision (a) that the tabs
2 indicate the year and the month of expiration does not
3 apply to fleet vehicles subject to Article 9.5 (commencing
4 with Section 5300).

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

9 (d) This section is enforceable against any motor
10 vehicle that is driven, moved, or left standing upon a
11 highway, or in an offstreet public parking facility, in the
12 same manner as provided in subdivision (a) of Section
13 4000.

14 SEC. 12. Section 11520 of the Vehicle Code is
15 amended to read:

16 11520. (a) A licensed automobile dismantler who
17 acquired, for the purpose of dismantling, actual
18 possession, as a transferee, of a vehicle of a type subject
19 to registration under this code shall do all of the following:

20 (1) Within five calendar days, not including the day of
21 acquisition, mail a notice of acquisition to the department
22 at its headquarters.

23 (2) Within five calendar days, not including the day of
24 acquisition, mail a copy of the notice of acquisition to the
25 Department of Justice at its headquarters.

26 (3) Not begin dismantling until 10 calendar days have
27 elapsed after mailing the notice of acquisition. In the
28 alternative, dismantling may begin any time after the
29 dismantler complies with paragraph (4).

30 (4) Deliver to the department, within 90 calendar days
31 of the date of acquisition, the documents evidencing
32 ownership and the license plates last issued for the
33 vehicle. Proof that a registered or certified letter of
34 demand for the documents was sent within 90 days of the
35 date of acquisition to the person from whom the vehicle
36 was acquired may be substituted for documents that
37 cannot otherwise be obtained. A certificate of license
38 plate destruction, when authorized by the director, may
39 be delivered in lieu of the license plates.



1 (5) Maintain a business record of all vehicles acquired
2 for dismantling. The record shall contain the name and
3 address of the person from whom the vehicle was
4 acquired; the date the vehicle was acquired; the license
5 plate number last assigned to the vehicle; and a brief
6 description of the vehicle, including its make, type, and
7 the vehicle identification number used for registration
8 purposes. The record required by this paragraph shall be
9 a business record of the dismantler separate and distinct
10 from the records maintained in those books and forms
11 furnished by the department.

12 (b) Paragraphs (1) and (2) of subdivision (a) do not
13 apply to vehicles acquired pursuant to Section 11515,
14 11515.2, 22851.2, or 22851.3 of this code or Section 3071,
15 3072, or 3073 of the Civil Code.

16 (c) Paragraphs (1), (2), (3), and (4) of subdivision (a)
17 do not apply to a vehicle acquired from another person
18 if the other person has already notified and cleared the
19 vehicle for dismantling with the department pursuant to
20 this code and a bill of sale has been executed to the
21 dismantler that properly identifies the vehicle and
22 contains evidence of clearance by the department,
23 including, but not limited to, a dismantling report
24 number, temporary receipt number, or other proof of
25 compliance with this section.

26 SEC. 13. Section 13106 of the Vehicle Code, as added
27 by Section 5 of Chapter 1133 of the Statutes of 1994, is
28 repealed.

29 SEC. 14. Section 16028 of the Vehicle Code is
30 amended to read:

31 16028. (a) Upon demand of a peace officer pursuant
32 to subdivision (b) or (c), every person who drives upon
33 a highway a motor vehicle required to be registered in
34 this state shall provide evidence of financial responsibility
35 for the vehicle. However, a peace officer shall not stop a
36 vehicle for the sole purpose of determining whether the
37 vehicle is being driven in violation of this subdivision.

38 (b) Whenever a notice to appear is issued for any
39 alleged violation of this code, except a violation specified
40 in Chapter 9 (commencing with Section 22500) of



1 Division 11 or any local ordinance adopted pursuant
2 thereto, the cited driver shall furnish written evidence of
3 financial responsibility upon request of the peace officer
4 issuing the citation. The peace officer shall request and
5 write the driver's evidence of financial responsibility on
6 the notice to appear, except where the peace officer is
7 unable to write the driver's evidence of financial
8 responsibility on the notice to appear due to an
9 emergency that requires his or her presence elsewhere.
10 If the cited driver fails to provide evidence of financial
11 responsibility at the time the notice to appear is issued,
12 the peace officer may issue the driver a notice to appear
13 for violation of subdivision (a). The notice to appear for
14 violation of subdivision (a) shall be written on the same
15 citation form as the original violation.

16 (c) Whenever a peace officer, or a regularly employed
17 and salaried employee of a city or county who has been
18 trained as a traffic collision investigator, is summoned to
19 the scene of an accident described in Section 16000, the
20 driver of any motor vehicle that is in any manner
21 involved in the accident shall furnish written evidence of
22 financial responsibility upon the request of the peace
23 officer or traffic collision investigator. If the driver fails to
24 provide evidence of financial responsibility when
25 requested, the peace officer may issue the driver a notice
26 to appear for violation of this subdivision. A traffic
27 collision investigator may cause a notice to appear to be
28 issued for a violation of this subdivision, upon review of
29 that citation by a peace officer.

30 (d) (1) If, at the time a notice to appear for a violation
31 of subdivision (a) is issued, the person is driving a motor
32 vehicle owned, operated, or leased by the driver's
33 employer, and the vehicle is being driven with the
34 permission of the employer, this section shall apply to the
35 employer rather than the driver. In that case, a notice to
36 appear shall be issued to the employer rather than the
37 driver, and the driver may sign the notice on behalf of the
38 employer.



1 (2) The driver shall notify the employer of the receipt
2 of the notice issued pursuant to paragraph (1) not later
3 than five days after receipt.

4 (e) A person issued a notice to appear for a violation
5 of subdivision (a) may personally appear before the clerk
6 of the court, as designated in the notice to appear, and
7 provide written evidence of financial responsibility in a
8 form consistent with Section 16020, showing that the
9 driver was in compliance with that section at the time the
10 notice to appear for violating subdivision (a) was issued.
11 In lieu of a personal appearance, the person may submit
12 written evidence of financial responsibility by mail to the
13 court. Upon receipt by the clerk of written evidence of
14 financial responsibility in a form consistent with Section
15 16020, further proceedings on the notice to appear for the
16 violation of subdivision (a) shall be dismissed.

17 (f) This section shall become operative on January 1,
18 1997.

19 (g) This section shall remain in effect only until
20 January 1, 2000, or until the date determined by the
21 director pursuant to paragraph (2) of subdivision (a) of
22 Section 1680, whichever is later, and as of that date is
23 repealed, unless a later enacted statute, which is enacted
24 on or before January 1, 2000, deletes or extends that date.

25 SEC. 15. Section 21718 is added to the Vehicle Code,
26 to read:

27 21718. (a) No person shall stop, park, or leave
28 standing any vehicle upon a freeway which has full
29 control of access and no crossings at grade except:

30 (1) When necessary to avoid injury or damage to
31 persons or property.

32 (2) When required by law or in obedience to a peace
33 officer or official traffic control device.

34 (3) When any person is actually engaged in
35 maintenance or construction on freeway property or any
36 employee of a public agency is actually engaged in the
37 performance of official duties.

38 (4) When any vehicle is so disabled that it is impossible
39 to avoid temporarily stopping and another vehicle has
40 been summoned to render assistance to the disabled



1 vehicle or driver of the disabled vehicle. This paragraph
2 applies when the vehicle summoned to render assistance
3 is a vehicle owned by the donor of free emergency
4 assistance that has been summoned by display upon or
5 within a disabled vehicle of a placard or sign given to the
6 driver of the disabled vehicle by the donor for the specific
7 purpose of summoning assistance, other than towing
8 service, from the donor.

9 (5) Where stopping, standing, or parking is specifically
10 permitted. However, buses may not stop on freeways
11 unless sidewalks are provided with shoulders of sufficient
12 width to permit stopping without interfering with the
13 normal movement of traffic and without the possibility of
14 crossing over fast lanes to reach the bus stop.

15 (6) Where necessary for any person to report a traffic
16 accident or other situation or incident to a peace officer
17 or any person specified in paragraph (3), either directly
18 or by means of an emergency telephone or similar device.

19 (7) When necessary for the purpose of rapid removal
20 of impediments to traffic by the owner or operator of a
21 tow truck operating under an agreement with the
22 Department of the California Highway Patrol.

23 (b) A conviction of a violation of this section is a
24 conviction involving the safe operation of a motor vehicle
25 upon the highway if a notice to appear for the violation
26 was issued by a peace officer described in Section 830.1 or
27 830.2 of the Penal Code.

28 SEC. 16. Section 22507.8 of the Vehicle Code is
29 amended to read:

30 22507.8. (a) It is unlawful for any person to park or
31 leave standing any vehicle in a stall or space designated
32 for disabled persons and disabled veterans pursuant to
33 Section 22511.7 or 22511.8, unless the vehicle displays
34 either a special identification license plate issued
35 pursuant to Section 5007 or a distinguishing placard issued
36 pursuant to Section 22511.55 or 22511.59.

37 (b) It is unlawful for any person to obstruct, block, or
38 otherwise bar access to those parking stalls or spaces
39 except as provided in subdivision (a).



1 (c) It is unlawful for any person to park or leave
2 standing any vehicle, including a vehicle displaying a
3 special identification license plate issued pursuant to
4 Section 5007 or a distinguishing placard issued pursuant
5 to Section 22511.55 or 22511.59, in either of the following
6 places:

7 (1) On the lines marking the boundaries of a parking
8 stall or space designated for disabled persons or disabled
9 veterans.

10 (2) In any area of the pavement adjacent to a parking
11 stall or space designated for disabled persons or disabled
12 veterans that is marked by crosshatched lines and is
13 thereby designated, pursuant to any local ordinance, for
14 the loading and unloading of vehicles parked in the stall
15 or space.

16 (d) Subdivisions (a), (b), and (c) apply to all offstreet
17 parking facilities owned or operated by the state, and to
18 all offstreet parking facilities owned or operated by a local
19 authority. Subdivisions (a), (b), and (c) also apply to any
20 privately owned and maintained offstreet parking
21 facility.

22 SEC. 17. Section 22520 of the Vehicle Code is
23 repealed.

24 SEC. 18. Section 22651.5 of the Vehicle Code is
25 amended to read:

26 22651.5. (a) Any peace officer, as defined in Chapter
27 4.5 (commencing with Section 830) of Title 3 of Part 2 of
28 the Penal Code, or any regularly employed and salaried
29 employee who is engaged in directing traffic or enforcing
30 parking laws or regulations, may, upon the complaint of
31 any person, remove a vehicle parked within 500 feet of
32 any occupied building of a school, community college, or
33 university during normal hours of operation, or a vehicle
34 parked within a residence or business district, from a
35 highway or from public or private property, if an alarm
36 device or horn has been activated within the vehicle,
37 whether continuously activated or intermittently and
38 repeatedly activated, the peace officer or designated
39 employee is unable to locate the owner of the vehicle
40 within 20 minutes from the time of arrival at the vehicle's



1 location, and the alarm device or horn has not been
2 completely silenced prior to removal.

3 (b) Upon removal of a vehicle from a highway or from
4 public or private property pursuant to this section, the
5 peace officer or designated employee ordering the
6 removal shall immediately report the removal and the
7 location to which the vehicle is removed to the Stolen
8 Vehicle System of the Department of Justice.

9 SEC. 19. Section 22655 of the Vehicle Code is
10 amended to read:

11 22655. (a) When any peace officer, as that term is
12 defined in Chapter 4.5 (commencing with Section 830) of
13 Title 3 of Part 2 of the Penal Code or any regularly
14 employed and salaried employee who is engaged in
15 directing traffic or enforcing parking statutes and
16 regulations, has reasonable cause to believe that a motor
17 vehicle on a highway or on private property open to the
18 general public onto which the public is explicitly or
19 implicitly invited, located within the territorial limits in
20 which the officer is empowered to act, has been involved
21 in a hit-and-run accident, and the operator of the vehicle
22 has failed to stop and comply with Sections 20002 to 20006,
23 inclusive, the officer may remove the vehicle from the
24 highway or from public or private property for the
25 purpose of inspection.

26 (b) Unless sooner released, the vehicle shall be
27 released upon the expiration of 48 hours after the removal
28 from the highway or private property upon demand of
29 the owner. When determining the 48-hour period,
30 weekends, and holidays shall not be included.

31 (c) Notwithstanding subdivision (b), when a motor
32 vehicle to be inspected pursuant to subdivision (a) is a
33 commercial vehicle, any cargo within the vehicle may be
34 removed or transferred to another vehicle.

35 This section shall not be construed to authorize the
36 removal of any vehicle from an enclosed structure on
37 private property that is not open to the general public.

38 SEC. 20. Section 25251 of the Vehicle Code is
39 amended to read:



1 25251. (a) Flashing lights are permitted on vehicles
2 as follows:

3 (1) To indicate an intention to turn or move to the
4 right or left upon a roadway, turn signal lamps and turn
5 signal exterior pilot indicator lamps and side lamps
6 permitted under Section 25106 may be flashed on the side
7 of a vehicle toward which the turn or movement is to be
8 made.

9 (2) When disabled or parked off the roadway but
10 within 10 feet of the roadway, or when approaching,
11 stopped at, or departing from, a railroad grade crossing,
12 turn signal lamps may be flashed as warning lights if the
13 front turn signal lamps at each side are being flashed
14 simultaneously and the rear turn signal lamps at each side
15 are being flashed simultaneously.

16 (3) To warn other motorists of accidents or hazards on
17 a roadway, turn signal lamps may be flashed as warning
18 lights while the vehicle is approaching, overtaking, or
19 passing the accident or hazard on the roadway if the front
20 turn signal lamps at each side are being flashed
21 simultaneously and the rear turn signal lamps at each side
22 are being flashed simultaneously.

23 (4) For use on authorized emergency vehicles.

24 (5) To warn other motorists of a funeral procession,
25 turn signal lamps may be flashed as warning lights on all
26 vehicles actually engaged in a funeral procession, if the
27 front turn signal lamps at each side are being flashed
28 simultaneously and the rear turn signal lamps at each side
29 are being flashed simultaneously.

30 (b) Turn signal lamps shall be flashed as warning lights
31 whenever a vehicle is disabled upon the roadway and the
32 vehicle is equipped with a device to automatically
33 activate the front turn signal lamps at each side to flash
34 simultaneously and the rear turn signal lamps at each side
35 to flash simultaneously, if the device and the turn signal
36 lamps were not rendered inoperative by the event which
37 caused the vehicle to be disabled.

38 (c) Side lamps permitted under Section 25106 and
39 used in conjunction with turn signal lamps may be flashed
40 with the turn signal lamps as part of the warning light



1 system, as provided in paragraphs (2) and (3) of
2 subdivision (a).

3 (d) Required or permitted lamps on a trailer or
4 semitrailer may flash when the trailer or semitrailer has
5 broken away from the towing vehicle and the connection
6 between the vehicles is broken.

7 (e) Hazard warning lights, as permitted by paragraphs
8 (2) and (3) of subdivision (a) may be flashed in a
9 repeating series of short and long flashes when the driver
10 is in need of help.

11 SEC. 21. Section 25258 of the Vehicle Code is
12 amended to read:

13 25258. (a) An authorized emergency vehicle
14 operating under the conditions specified in Section 21055
15 may display a flashing white light from a gaseous
16 discharge lamp designed and used for the purpose of
17 controlling official traffic control signals.

18 (b) An authorized emergency vehicle used by a peace
19 officer, as defined in Section 830.1 of, subdivision (a), (b),
20 (c), (d), (e), (f), (g), or (i) of Section 830.2 of, subdivision
21 (b) or (d) of Section 830.31 of, subdivision (a) or (b) of
22 Section 830.32 of, Section 830.33 of, subdivision (a) of
23 Section 830.36 of, subdivision (a) of Section 830.4 of, or
24 Section 830.6 of, the Penal Code, in the performance of
25 the peace officer's duties, may, in addition, display a
26 steady or flashing blue warning light visible from the
27 front, sides, or rear of the vehicle.

28 SEC. 22. Section 27000 of the Vehicle Code is
29 amended to read:

30 27000. (a) Every motor vehicle, when operated upon
31 a highway, shall be equipped with a horn in good working
32 order and capable of emitting sound audible under
33 normal conditions from a distance of not less than 200 feet,
34 but no horn shall emit an unreasonably loud or harsh
35 sound. An authorized emergency vehicle may be
36 equipped with, and use in conjunction with the siren on
37 that vehicle, an air horn which emits sounds that do not
38 comply with the requirements of this section.

39 (b) Every refuse or garbage truck purchased after
40 September 1, 1983, shall be equipped with an automatic



1 backup audible alarm which sounds on backing more
2 than 36 inches and which is capable of emitting sound
3 audible under normal conditions from a distance of not
4 less than 100 feet or shall be equipped with an automatic
5 backup device which is in good working order, located at
6 the rear of the vehicle and which immediately applies the
7 service brake of the vehicle on contact by the vehicle with
8 any obstruction to the rear. The backup device or alarm
9 shall also be capable of operating automatically when the
10 vehicle is in neutral or a forward gear but rolls backward.

11 (c) At the first scheduled overhaul for any refuse or
12 garbage truck, the operator shall consider equipping the
13 refuse or garbage truck not equipped in accordance with
14 the requirements of subdivision (b), with the alarm or
15 device required under subdivision (b).

16 SEC. 23. Section 34001 of the Vehicle Code is
17 amended to read:

18 34001. The provisions of this division refer to vehicles
19 having a cargo tank and to hazardous waste transport
20 vehicles and containers, as defined in Section 25167.4 of
21 the Health and Safety Code, that are operating on
22 highways within this state.

23 SEC. 24. Section 34060 of the Vehicle Code is
24 amended to read:

25 34060. The commissioner shall provide for the
26 establishment, operation, and enforcement of random
27 on- and off-highway inspections of cargo tanks and
28 hazardous waste transport vehicles and containers. The
29 commissioner shall also provide training in the inspection
30 of cargo tanks and hazardous waste transport vehicles and
31 containers to employees of the department whose
32 primary duties include the enforcement of laws and
33 regulations relating to commercial vehicles and who,
34 thereafter, are required to perform random inspections
35 of cargo tanks and hazardous waste transport vehicles and
36 containers to determine whether or not the cargo tanks
37 and hazardous waste transport vehicles and containers
38 are designed, constructed, and maintained in accordance
39 with the regulations adopted by the commissioner
40 pursuant to this code and Chapter 6.5 (commencing with



1 Section 25100) of Division 20 of the Health and Safety
2 Code.

3 SEC. 25. Section 34500.5 is added to the Vehicle Code,
4 to read:

5 34500.5. For purposes of this division, the term
6 “commercial motor vehicle” has the same meaning as
7 defined in subdivision (b) of Section 15210.

8 SEC. 26. Section 34601 of the Vehicle Code is
9 amended to read:

10 34601. (a) “Motor carrier of property” means either
11 of the following:

12 (1) Any motor carrier, as defined in Section 408,
13 operating in California, whether intrastate, interstate, or
14 a foreign carrier, who is required to obtain an
15 identification number pursuant to Section 34507.5.

16 (2) Any person who operates one or more motortrucks
17 of two or more axles that are more than 10,000 pounds
18 gross vehicle weight rating.

19 (b) “Motor carrier of property” does not include any
20 of the following:

21 (1) Household goods carriers, as defined in Section
22 5109 of the Public Utilities Code. No household goods
23 carrier operating with a permit issued by the Public
24 Utilities Commission is required to register under this
25 division if its operations include the transportation of used
26 office, store, or institution furniture and fixtures.

27 (2) Persons providing only transportation of
28 passengers.

29 (3) A passenger stage corporation transporting
30 baggage and express upon a passenger vehicle incidental
31 to the transportation of passengers.

32 (c) For purposes of this chapter, “for-hire motor
33 carrier or property” means a motor carrier of property as
34 defined in subdivision (a) who transports property for
35 compensation and any person, partnership, or
36 corporation who transports property for compensation in
37 any motortruck or motor vehicle not specified in
38 subdivision (a).

39 (d) For purposes of this chapter, “private carrier”
40 means a motor carrier of property, as defined in



1 subdivision (a), who does not transport any goods or
2 property for compensation.

3 SEC. 27. Section 40000.16 of the Vehicle Code is
4 amended to read:

5 40000.16. A second or subsequent violation of Section
6 23114, relating to preventing the escape of materials from
7 vehicles, occurring within two years of a prior violation of
8 that section is a misdemeanor, and not an infraction.

9 SEC. 28. No reimbursement is required by this act
10 pursuant to Section 6 of Article XIII B of the California
11 Constitution because the only costs that may be incurred
12 by a local agency or school district will be incurred
13 because this act creates a new crime or infraction,
14 eliminates a crime or infraction, or changes the penalty
15 for a crime or infraction, within the meaning of Section
16 17556 of the Government Code, or changes the definition
17 of a crime within the meaning of Section 6 of Article
18 XIII B of the California Constitution.

19 Notwithstanding Section 17580 of the Government
20 Code, unless otherwise specified, the provisions of this act
21 shall become operative on the same date that the act
22 takes effect pursuant to the California Constitution.

