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CONSENT

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Bill No: AB 2956  
Author: Committee on Transportation  
Amended: 6/16/22 in Senate  
Vote: 21

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SENATE TRANSPORTATION COMMITTEE: 17-0, 6/28/22  
AYES: Newman, Bates, Allen, Archuleta, Becker, Cortese, Dahle, Dodd,  
Hertzberg, Limón, McGuire, Melendez, Min, Rubio, Skinner, Wieckowski, Wilk

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 72-0, 5/19/22 (Consent) - See last page for vote

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**SUBJECT:** Transportation

**SOURCE:** Author

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**DIGEST:** This bill is the annual transportation omnibus bill to make noncontroversial and minor changes to provisions of law related to transportation.

**ANALYSIS:** Existing law includes numerous provisions related to transportation.

This bill:

- 1) Updates federal program references for the Active Transportation Program.
- 2) Updates the reference of required motorcycle range and street instruction to be under the guidance of the California Motorcyclist Safety Program.
- 3) Makes numerous changes for federal conformity regarding the operation of commercial vehicles and enforcement by the California Highway Patrol.
- 4) Clarifies process for when a license issued by the Department of Motor Vehicles is automatically cancelled if the licensee's seller's permit is

suspended, revoked, or canceled by the California Department of Tax and Fee Administration (CDTFA).

- 5) Updates a subsection reference for valid permitting to operate a motor vehicle.
- 6) Deletes obsolete references to “household goods carriers” and the Public Utilities Commission and replaces them with “household movers,” and Department of Consumer Affairs and updates appropriate cross references.
- 7) Updates the testing standard of vehicular exhaust systems in accordance with the most current Society of Automotive Engineers International standard.
- 8) Deletes obsolete reference in the Vehicle Code regarding the New Motor Vehicle Board.

### **Comments**

- 1) *Purpose.* The Assembly Transportation Committee is authoring this year's transportation omnibus bill as a cost-effective way of making a number of minor, non-controversial changes to statute at one time. There is no known opposition to any of the items in the bill. If issues arise that cannot be resolved, the provision of concern will be deleted from the bill.
- 2) *Updates.* AB 2956 includes the following provisions, with the proponent of each provision noted in brackets:
  - a) Federal program references for the Active Transportation Program are out of date. The Transportation Alternatives Program (TAP) and Recreational Trails Program have been eliminated as individual programs and consolidated into the Surface Transportation Block Program under Section 133(h) of Title 23 of the U.S. Code. The entire TAP program (referred to in code as the “STP set-aside”) is under Section 133(h) and the recreational trails portion of the program is under Section 133(h)(5). *This section updates the state highway code to reference Section 133(h) of Title 23 of the U.S. Code.* [Metropolitan Transportation Commission]
  - b) The California Motorcyclists Safety Program, administrated by the California Highway Patrol, is the only official range and street teaching motorcycle driving instruction certified by the State. *This section updates the required motorcycle range and street instruction and to be under the guidance of the Motorcycle Safety Foundation California Motorcyclists Safety Program.* [ABATE of California, Motorcyclists Rights & Safety Organization]

- c) Numerous sections of the California Vehicle Code (CVC) contain outdated references to federal code. *To maintain consistency with federal mandates, this section:*
- i) Amends Section 2400 of the CVC, which applies to size and weight certification.
  - ii) Amends Section 2800 of the CVC, which relates to vehicle inspection requirements.
  - iii) Amends Section 2813 of the CVC, which applies to vehicle inspection requirements (adding driver's license (DL) and hours-of-service compliance).
  - iv) Amends Section 12505(g) of the CVC, which is applicable to foreign commercial driver licenses.
  - v) Amends Section 26710 of the CVC, which applies to windshield requirements.
  - vi) Amends Section 27903(c) of the CVC, which applies to explosives transportation permits and regulatory exemptions.
  - vii) Amends Section 34501(b) of the CVC, related to explosives transportation permits and regulatory exemptions.
  - viii) Amends state statute applicable to vehicle equipment condition by adding new Section 34501.19 of the CVC.
  - ix) Amends Section 34505.6 of the CVC, which applies to household goods carriers; and,
  - x) Amends Section 16028(b) of the CVC to mandate that a peace officer request and verify evidence of financial responsibility from the driver of a vehicle, and remove the nonessential mandate that a peace officer write the vehicle insurance policy number on a notice to appear.  
[California Highway Patrol]
- d) Current statute requires the California Department of Motor Vehicles (DMV) to cancel a dealer license when a dealer voluntarily surrenders their seller's permit to CDFTA for cancellation. *This section closes a loophole that enables dealers to continue to sell vehicles as licensed dealers without*

*remitting sales and use tax to CDTFA.* [California Department of Tax and Fee Administration]

- e) AB 1343 (Spitzer, Chapter 768, Statutes of 2003) inadvertently exempted adults with an instruction permit from the requirement to drive under the supervision of an accompanying licensed driver. *This section amends subdivision (d) to include paragraph (5) of subdivision (a). This will restore adult drivers to subdivision (d).* The language is in print as AB 1898 (Fong, 2022). [Republican Caucus]
- f) CVC Sections 2810.1, 16020, 16560, 34505.6, 34507.5, 34601, 34603, 34622, 34264 contain outdated cross-references for the exemption related to household movers and the permit required, and outdated reference to “goods carrier” rather than “mover.” *This section reflects the proper cross-reference, and updates the term “mover” rather than “goods carrier.”* [California Moving and Storage Association]
- g) California measures a motor vehicle’s exhaust using a Society of Automotive Engineers’ (SAE) methodology. SAE periodically updates the standard to reflect the latest best practices and to account for changing vehicle technology. As a result, the CVC must be updated to reflect these changes. *This section updates the California Vehicle Code to allow the Bureau of Automotive Repair to use the latest SAE testing standard when measuring a motor vehicle’s exhaust noise.* [Specialty Equipment Market Association]
- h) AB 179 (Reyes, Chapter 796, Statutes of 2019), in part, repealed Article 3 of Chapter 6 of the Vehicle Code (§§3052-3058), which granted the New Motor Vehicle Board (Board) the authority to hear appeals of decisions made by the Director of the DMV. Vehicle Code Section 3008 currently makes reference to the conduct of the Board in regard to hearing those appeals and must be deleted. In addition, Vehicle Code Sections 3065.3 and 3065.4 were added to the Board’s jurisdiction and therefore Section 3069.1 needs to be amended to incorporate these protests. Subdivisions (b) and (c) of Section 3008 must be removed to correct obsolete references. *The new protests added to the Board’s jurisdiction in Sections 3065.3 and 3065.4 need to be incorporated into Section 3069.1 for consistency purposes.*

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: Yes Local: Yes

**SUPPORT:** (Verified 7/28/22)

None received

**OPPOSITION:** (Verified 7/28/22)

None received

**ASSEMBLY FLOOR:** 72-0, 5/19/22

**AYES:** Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Bigelow, Bloom, Boerner Horvath, Mia Bonta, Bryan, Calderon, Carrillo, Chen, Choi, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Davies, Flora, Mike Fong, Fong, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Gray, Grayson, Haney, Holden, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Lee, Levine, Low, Maienschein, Mathis, Mayes, McCarty, Mullin, Muratsuchi, Nguyen, O'Donnell, Patterson, Petrie-Norris, Quirk, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Salas, Santiago, Seyarto, Smith, Stone, Ting, Valladares, Villapudua, Voepel, Waldron, Ward, Akilah Weber, Wicks, Wilson, Wood, Rendon

**NO VOTE RECORDED:** Berman, Cervantes, Medina, Nazarian, Quirk-Silva, Blanca Rubio

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8/3/22 14:42:54

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