
SENATE COMMITTEE ON TRANSPORTATION

Senator Lena Gonzalez, Chair

2021 - 2022 Regular

Bill No:	SB 814	Hearing Date:	4/27/2021
Author:	Committee on Transportation		
Version:	4/19/2021 Amended		
Urgency:	No	Fiscal:	Yes
Consultant:	Amy Gilson		

SUBJECT: Transportation: omnibus bill

DIGEST: This bill contains numerous non-controversial changes to transportation-related statutes.

ANALYSIS:

*Conformity with the federal Motor Carrier Safety Assistance Program (MCSAP)
(Source: California State Transportation Agency (CalSTA)/California Highway Patrol (CHP))*

- 1) Establishes MCSAP as a Federal MCSAP is a Federal formula grant program that provides financial assistance to States to reduce the number and severity of crashes, and resulting injuries and fatalities, involving CMVs and to promote the safe transportation of passengers and hazardous materials. The goal of MCSAP is to reduce CMV-involved crashes, fatalities, and injuries through consistent, uniform, and effective CMV safety programs that include driver or vehicle inspections, traffic enforcement, carrier investigations, new entrant safety audits, border enforcement, safety data improvements, and Performance and Registration Information Systems Management (PRISM). Information Systems Management (PRISM). (Title 49 Code of Federal Regulation § 350.201 (49 CFR § 350.201))
- 2) Sets conditions of participation in MCSAP for States and proposed the adoption and uniform enforcement of compatible laws, regulations, standards, and orders on CMV safety. (49 CFR § 350.201)
- 3) Requires all lighting equipment of a required type installed on a vehicle to at all times be maintained in good working order. (VEH § 24252)

This bill specifies that “lighting equipment of a required type” includes lighting equipment specifically required by the Vehicle Code and lighting equipment

required pursuant to Federal Motor Carrier Safety Regulations: Parts and Accessories Necessary for Safe Operation or the Federal Motor Vehicle Safety Standards (Part 393 or Part 571 of 49 CFR respectively).

- 4) Requires every motor vehicle used to carry the property of others for hire or used to carry passengers for hire, and all commercial motor vehicles to have displayed on both sides of each vehicle the name or trademark of the person under whose authority the vehicle is being operated. (VEH § 27900)

This bill creates an exemption to this requirement for vehicles rented for not more than 30 days, if certain conditions are met.

- 5) Requires a vehicle transported on a slide back carrier tow truck or on a trailer to be secured, as specified. (VEH § 29004)

This bill removes language related to slide back carrier tow trucks and instead requires a vehicle transported as a load on a trailer, using certain vehicles, to be secured as specified.

- 6) Requires CHP to recommend to the California Public Utilities Commission (CPUC) that a tour bus carrier or a modified limousine carrier's operating authority be suspended, denied, or revoked or to the US Department of Transportation (US DOT) that an appropriate administrative action be taken against the carrier's interstate operating authority upon determined that the carrier has failed to maintain any vehicle used in transportation for compensation in a safe operating condition or failed to comply with relevant specified regulations. (VEH § 34505.1)

This bill recasts these provisions for consistency with VEH § 34505.6 and to add conditions for when CHP may recommend the suspension of CPUC operating authority, including as when a carrier has been issued an out-of-service order by the US DOT as specified.

- 7) Requires CHP to make a written recommendation to the Department of Motor Vehicles that a private carrier of passengers' registration be suspended if the carrier has either failed to maintain any of their vehicles in a safe operating condition, as specified. (VEH § 34505.7)

This bill similarly recasts this sections provisions for consistency with VEH § 34505.6.

- 8) Authorizes a commercial vehicle and any other vehicle 80 or more inches in width to be equipped with identification lamps mounted on the front or rear, but prohibits any such lamps or their mountings but prohibits any part of such lamps or their mountings on the front of a motor vehicle from extending below the top of the windshield. (VEH § 25351)

This bill strikes this prohibition.

- 9) Prohibits identification lamps on passenger vehicles, except housecars and ambulances (VEH § 25351)

This bill strikes this provision.

Bicycles and pedicabs (Source: Office of Assemblywomen Gonzalez)

- 10) Defines a “bicycle” as a device upon which any person may ride, propelled exclusively by human power through a belt, chain, or gears, and having one or more wheels. (Vehicle Code (VEH) § 231)
- 11) Defines an “electric bicycle” as a bicycle equipped with fully operable pedals and an electric motor of less than 750 watts, as specified. (VEH § 312.5)

This bill clarifies that an electric bicycle is a type of bicycle.

- 12) Defines a “pedicab” as any of the following:
- a) A bicycle that has three or more wheels, that transports, or is capable of transporting, passengers on seats attached to the bicycle, that is operated by a person, and that is being used for transporting passengers for hire.
 - b) A bicycle that pulls a trailer, sidecar, or similar device, that transports, or is capable of transporting, passengers on seats attached to the trailer, sidecar, or similar device, that is operated by a person, and that is being used for transporting passengers for hire.
 - c) A four-wheeled device that is primarily or exclusively pedal-powered, has a seating capacity for eight or more passengers, cannot travel in excess of 15 miles per hour, and is being used for transporting passengers for hire. (VEH § 467.5)

This bill clarifies that a pedicab may be an electric bicycle.

Motorized scooters (Source: Wheels)

- 13) Defines a “motorized scooter” as any two-wheeled device that has handlebars, has a floorboard that is designed to be stood upon when riding, and is powered by an electric motor. This device may also have a driver seat that does not interfere with the ability of the rider to stand and ride and may also be designed to be powered by human propulsion. (VEH § 407.5)

This bill expands the definition of “motorized scooter” to also include a device that has a seat and footrests in place of the floorboard.

Vehicle theft program reporting (Source: State Controller’s Office)

- 14) Authorizes a county, upon the adoption of a resolution by its board of supervisors, to impose a fee on motor vehicles, as specified, that is paid quarterly to the Controller and continuously appropriated for disbursement to the county, as specified, to be used to fund programs relating to vehicle theft crimes.
- 15) Requires a county that imposes such a fee to issue a fiscal yearend report to the Controller on or before August 31 of each year. Requires the report to include a detailed accounting of the funds received and expended in the immediately preceding fiscal year. (VEH § 9250.14)

This bill pushes the date by which this yearend report is due to November 30 of each year.

Lighting equipment regulations (Source: Alliance for Automotive Innovation)

- 16) Authorizes the California Highway Patrol (CHP) to adopt and enforce regulations establishing standards and specifications for lighting equipment and for other equipment, as specified, including standards and specifications for installation and aiming requirements. (VEH § 26103)

This bill specifies that, notwithstanding rulemaking provisions of the Administrative Procedure Act, CHP shall adopt regulations for lighting devices permitted by the Vehicle Code and incorporate by reference the applicable standards published by SAE International for these devices and a corresponding publication date. Specifies that, notwithstanding the specified publication date, a person may sell or use upon a device meeting the requirements of a revised standard.

COMMENTS:

- 1) *Purpose.* The purpose of omnibus bills is to include non-controversial changes to various committee-related statutes into one bill. This allows the legislature to make multiple, minor changes to statutes in one bill. Omnibus bills typically include technical changes. Recognizing the limitations on committee hearings and legislative processes due to the ongoing risks of COVID-19, this year, the omnibus also includes minor policy changes for added legislative efficiency. If there is no consensus on a particular item, it cannot be included. There is no known opposition to any item in this bill. Additional items may be added as this bill progresses.
- 2) *The omnibus process.* According to the Legislative Analyst's Office, the cost of producing a bill in 2001-2002 was \$17,890. By combining multiple matters into one bill, the Legislature can make minor changes to law in the most cost-effective manner.

Proposals included in this transportation omnibus bill must abide by the Senate Transportation Committee policy on omnibus bills. The proposals have to be non-controversial and none or minor policy changes to various committee-related statutes. The proponent of an item submits proposed language and provides background materials to the Committee for the item to be described to legislative staff and stakeholders. Committee staff provides a summary of the items and the proposed statutory changes to all majority and minority consultants in both the Senate and Assembly, as well as all known or presumed interested parties. If an item encounters any opposition and the proponent cannot work out a solution with the opposition, the item is omitted from or amended out of the bill. Proposals in the bill must reflect a consensus and be without opposition from legislative members, agencies, and other stakeholders.

- 3) *This bill* makes non-controversial, minor changes to sections of law relating to transportation. Specifically, this bill includes the following provisions, with the proponent of each provision noted in brackets:
 - a) *Conformity with the federal MCSAP [Source: CalSTA/CHP].* Contains multiple federal conformity changes related to the MCSAP grant program. The CHP receives federal MCSAP grant funding which is used to support commercial vehicle safety-oversight operations throughout California. The conditions for MCSAP grant approval require states to adopt safety-laws and regulations that are compatible with parts of the federal motor carrier safety regulations (FMCSRs) and all of the Hazardous Material Regulations. In order for CHP to continue receiving MCSAP grant funding, California's

statutes and regulations are required to be consistent with FMVSS which are contained in Title 49 CFR as they apply to commercial vehicle enforcement. If the CHP fails to regulate commercial motor vehicles, or fails to implement and enforce commercial motor vehicle regulations that are consistent with federal regulations, it risks losing much depended upon federal MCSAP grant funding.

- This bill would amend VEH § 34505.1 to add additional conditions when CHP may recommend the suspension of CPUC operating authority. While the USDOT may issue an out-of-service order for conditions not related to a carrier operating in conditions constituting an imminent hazard or unsatisfactory/unfit safety rating, this amendment would only include authority to recommend the suspension of the CPUC operating authority when the carrier is operating under conditions constituting an imminent hazard or unsatisfactory/unfit safety rating. This suspension authority already exists in the statute relating to a Basic Inspection of Terminals finding. Additionally, the statute would be restructured for ease of comprehension and to match the formatting in VEH § 34505.6, which pertains to a similar authority for a motor carrier of property. Section 34505.7 includes similar provisions.
 - This bill would remove the prohibition of mounting the identification lamps below the top of the windshield as well as the prohibition of a passenger vehicle being equipped with them.
 - Existing state law requires the name or trademark of the motor carrier operating a commercial motor vehicle (CMV) to be displayed on the sides of the vehicle. This bill would mirror federal requirements by authorizing an exception to the display of a carrier's name or trademark on a CMV rented for 30 days or less, when certain conditions are satisfied.
 - Finally, VEH § 29004 would be amended for federal conformity by removing the language relating to a slide back carrier tow truck. It would be changed to require four tiedowns for a vehicle transported on a truck or trailer on certain vehicles. This would ensure safe load securement of vehicles carried as a load on unregulated vehicles or combinations of vehicles. Additionally, this would fix a previous oversight, and ensure four tiedowns are required on a vehicle carried as a load, regardless of the type of connection between the transport vehicles.
- b) *Bicycles and pedicabs* [Source: Office of Assemblywomen Gonzalez]. This provisions clarifies that an electric bicycle is a type of bicycle and that

pedicabs may be electric.

Pedicabs are bicycles with three or more wheels capable of transporting passengers. They are often used to provide rides for hire. The current definition of pedicab leaves room for doubt about whether pedicabs may be electric bicycles, or if they have to be fully human-powered. On the one hand, the vehicle code specifies that “bicycles” are propelled exclusively by human power. On the other, the vehicle code defines an “electric bicycle” as a bicycle that meets certain additional specifications. In practice, this ambiguity has reportedly made it difficult or impossible for pedicab operators to acquire permits to operate electric pedicab services.

This provision expands the definition of bicycle to include electric bicycles and makes explicit that pedicab may be an electric bicycle.

- c) *Motorized scooters* [Source: *Wheels Inc.*]. This provision expands the definition of “motorized scooter” to also include a device that has a seat and footrests in place of the floorboard.

Over the past several years, there has been an explosion of innovative new types of micromobility devices. Not all of these fall neatly into existing categories of vehicles, which creates ambiguity about which rules of the road they must follow and how these vehicles may be permitted for deployment by cities. Most electric scooters deployed in California have the typical layout of a two-wheeled device that has handlebars and a floorboard to stand on. But providing a seat may make scooters more broadly accessible by reaching people who are not comfortable or unable to stand and ride, and existing law allows a motorized scooter to include a seat.

The company Wheels provides a shared mobility service on a device with a seat and footrests instead of a floorboard. They have been permitted as motorized scooters in some jurisdictions. However, their device doesn’t fit neatly into the existing motorized scooter, electric bicycle, or moped definitions, so there have been question as to how they should be permitted and what rules of the road they should follow. Because they lack operable pedals (unlike an electric bicycle) and operate at lower speeds (unlike a motorized bicycle/moped), Wheels’ devices is best classified as a motorized scooter.

This bill expands the definition of “motorized scooter” to also include a device that has a seat and footrests in place of the floorboard. This classification is consistent with the international standards setting body SAE

International's taxonomy of powered micromobility vehicles. Explicitly classifying such devices as motorized scooter clearly subjects them to the same rules of the road as other motorized scooters. For example, riders must hold a valid driver's license and may not ride on the sidewalk (both requirement that do not apply to bicycles). However, riders would not be required to hold an M2 motorcycle driver's license, as they would to ride a moped.

As innovative new form factors continue to evolve, California's vehicle classifications will need to continue to evolve with them.

- d) *Vehicle theft program reporting [Source: State Controller's Office]*. The Vehicle Theft Program allows a county to impose vehicle registration fees up to 2 dollars for every non-commercial vehicle and up to 4 dollars for every commercial vehicle. The Department of Motor Vehicles (DMV) collects these fees monthly, remits the fees to the SCO, and SCO pays the fees to the counties on a quarterly basis.

Counties must submit the revenue and expenditures used from this program to SCO, via the Report, by August 31st. If a county fails to submit their Report by November 30th, SCO informs DMV that the authority to collect a fee for that county is suspended for one year.

According to the SCO, counties routinely miss this deadline due to not receiving information on the 4th quarter payment for the preceding fiscal year until the last week of August.

As a result, counties either submit the report after the August 31st deadline or submit an incomplete report to meet the deadline and later submit a supplementary report. In either case, this creates unnecessary work for both the county and SCO.

Changing the August 31st date to November 30th would provide more time for a county to submit an accurate and complete report, reducing both SCO and county workloads. Additionally, this would ensure that a county would avoid having their authority to collect the fee suspended, as they will have ample time to include the 4th quarter data in a single on time report.

- e) *Lighting equipment regulations [Source: Alliance for Automotive Innovation]*.

California is only one of three states (OR and WA) to have their own rear fog

lamp regulations. All other states defer to the federal regulations, which in turn reference the standards set by SAE International, a technical standards setting association. Currently, the California regulation for front fog lamps references out of date SAE International standards.

In the past, the CHP conducted its own engineering studies and implemented regulation due to a lack of recognized standards both in the automotive industry and the federal regulations. California, for many years set the standard for equipment items until the federal government took the lead in standardizing equipment. At some point, the SAE evolved to become a recognized industry leader in safety engineering and provided uniform standards for equipment of vehicles. Eventually, the CHP stopped hiring engineers to conduct our own regulation studies and simply followed the feds.

Historically, the adoption of most SAE standards were driven by the recognition of their use by the federal government in relation to Federal Motor Vehicle Safety Standards (FMVSS). California statute and regulation currently contains several sections which default to FMVSS (many based on an SAE standard) or an SAE standard which may not have been an otherwise required/regulated equipment federally.

There has been considerable pressure from the federal government to gain more consistency in requirements. Many of the more restrictive California regulations have been removed over time as the federal regulations evolved to become more uniform across the country.

RELATED LEGISLATION:

AB 1939 (Gonzalez, 2020) - would have clarified that an electric bicycle is a type of bicycle and that a pedicab may be an electric bicycle. This bill was held in the Assembly Transportation Committee due to COVID-19 limitations.

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

POSITIONS: (Communicated to the committee before noon on Wednesday, April 21, 2021.)

SUPPORT:

California State Controller

OPPOSITION:

None received.

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