
CONSENT

Bill No: SB 814
Author: Committee on Transportation
Amended: 4/19/21
Vote: 21

SENATE TRANSPORTATION COMMITTEE: 15-0, 4/27/21

AYES: Gonzalez, Bates, Allen, Archuleta, Becker, Cortese, Dahle, McGuire,
Melendez, Min, Newman, Rubio, Skinner, Wieckowski, Wilk

NO VOTE RECORDED: Dodd, Umberg

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SUBJECT: Transportation: omnibus bill

SOURCE: Author

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) Existing law 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 commercial motor vehicles (CMVs) and to promote the safe transportation of passengers and hazardous materials. (Title 49 Code of Federal Regulation § 350.201 (49 CFR § 350.201))
- 2) Existing law 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) Existing law 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 (FMVSS) (Part 393 or Part 571 of 49 CFR respectively).
- 4) Existing law requires every motor vehicle used to carry the property of others for hire or used to carry passengers for hire, and all CMVs 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) Existing law 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) Existing law 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) Existing law requires CHP to make a written recommendation to the Department of Motor Vehicles (DMV) 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) Existing law 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) Existing law prohibits identification lamps on passenger vehicles, except housecars and ambulances (VEH § 25351)

This bill strikes this provision.

Bicycles and pedicabs (Source: Office of Assemblywoman Gonzalez)

- 10) Existing law 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) Existing law 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) Existing law 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 Inc.)

- 13) Existing law 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 (SCO))

- 14) Existing law 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) Existing law 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) Existing law authorizes the 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) *SB 814.* 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].* 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 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 CMVs, or fails to implement and enforce CMV regulations that are consistent with federal regulations, it risks losing much depended upon federal MCSAP grant funding. This bill makes multiple changes to the Vehicle Code to ensure state law conforms with federal regulation related to the MCSAP grant program.

- b) *Bicycles and pedicabs* [Source: Office of Assemblywoman 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.]. 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. 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 provision expands the definition of "motorized

scooter” to also include a device that has a seat and footrests in place of the floorboard.

- d) *Vehicle theft program reporting [Source: SCO]*. The Vehicle Theft Program allows a county to impose vehicle registration fees up to two dollars for every non-commercial vehicle and up to four dollars for every commercial vehicle. The 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. Writing in support of this bill, the SCO explains that 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. This provision would change the August 31st date to November 30th, providing more time for a county to submit an accurate and complete report, reducing both SCO and county workloads.

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

California is only one of three states (Oregon and Washington) 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. According to the Alliance for Automotive Innovation, “The SAE auto standards are regularly updated, and often the California regulation updates understandably lag behind these changes. Due to the lag in the updated changes in regulations, automakers are placed in the unenviable position of being in compliance with both federal and safety regulations, but out of compliance with California regulations.” This provision eliminates this conflict with requiring CHP to incorporate by reference applicable SAE International standards for lighting devices, including rear fog lamps, permitted by the Vehicle Code.

Related/Prior 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. The bill was held in the Assembly Transportation Committee due to COVID-19 limitations.

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

SUPPORT: (Verified 5/5/21)

California State Controller
Alliance for Automotive Innovation

OPPOSITION: (Verified 5/5/21)

None received

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