

Date of Hearing: June 21, 2021

ASSEMBLY COMMITTEE ON TRANSPORTATION

Laura Friedman, Chair

SB 814 (Committee on Transportation) – As Amended April 19, 2021

SENATE VOTE: 38-0

SUBJECT: Transportation: omnibus bill

SUMMARY: This bill contains numerous non-controversial changes to transportation-related statutes. Specifically, **this bill:**

- 1) Contains multiple federal conformity changes related to the Motor Carrier Safety Assistance Program (MCSAP) grant program.
- 2) 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).
- 3) 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.
- 4) Recasts provisions relating to suspension of a tour bus or modified limousine carrier’s interstate operating authority for consistency with VEH § 34505.6, and to add conditions for when the California Highway Patrol (CHP) may recommend the suspension of the California Public Utilities Commission’s (CPUC) operating authority, including when a carrier has been issued an out-of-service order by the US Department of Transportation.
- 5) Recasts provisions relating to suspension of a private carrier of passengers’ registration for consistency with VEH § 34505.6.
- 6) Strikes a provision which prohibits commercial motor vehicles (CMV) identification lamps or mountings on the front of a motor vehicle from extending below the top of the windshield.
- 7) Strikes a provision which prohibits identification lamps on passenger vehicles, except housecars and ambulances.
- 8) Clarifies that an electric bicycle is a type of bicycle.
- 9) Clarifies that a pedicab may be an electric bicycle.
- 10) Expands the definition of “motorized scooter” to also include a device that has a seat and footrests in place of the floorboard.
- 11) Pushes the date by which a county can submit to the State Controller’s Office (SCO) its year-end report regarding Vehicle Theft Revenue and Expenditures from August 31 to November 30 of each year.

- 12) Requires CHP to adopt regulations for lighting devices permitted by the Vehicle Code and incorporate by reference the applicable standards published by Society of Automotive Engineers International (SAE International) for these devices and a corresponding publication date.

EXISTING LAW:

- 1) Sets conditions of participation in MCSAP for states and proposes the adoption and uniform enforcement of compatible laws, regulations, standards, and orders on commercial motor vehicle (CMV) safety. (49 CFR § 350.201)
- 2) Requires all lighting equipment on a vehicle to be in good working order at all times. (VEH § 24252)
- 3) Requires every motor vehicle used to carry the property of others or passengers for hire, and all CMVs, to have the name or trademark of the person whose authority the vehicle is being operated displayed on both sides of each vehicle. (VEH § 27900)
- 4) Requires a vehicle transported on a slide back carrier tow truck or on a trailer to be secured, as specified. (VEH § 29004)
- 5) Requires CHP recommend to the CPUC, or to the US DOT, that a tour bus or modified limousine carrier's interstate operating authority be suspended, denied, or revoked if the carrier has failed to maintain any vehicle in a safe operating condition or failed to comply with relevant specified regulations. (VEH § 34505.1)
- 6) Requires CHP to make a written recommendation to the Department of Motor Vehicles (DMV) to suspend a private carrier of passengers' registration if the carrier has failed to maintain any of their vehicles in a safe operating condition, as specified. (VEH § 34505.7)
- 7) Authorizes a CMV and any other vehicle 80 or more inches in width be equipped with identification lamps mounted on the front or rear, but prohibits such lamps or their mountings on the front of a motor vehicle from extending below the top of the windshield. (VEH § 25351)
- 8) Prohibits identification lamps on passenger vehicles, except housecars and ambulances (VEH § 25351)
- 9) 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)
- 10) 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)
- 11) Defines a "pedicab" as any of the following: a bicycle 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 that has three or more wheels, pulls

a trailer or sidecar, or a four-wheeled device that has a seating capacity for eight or more passengers. (VEH § 467.5)

- 12) 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. (VEH § 407.5)
- 13) Requires a county that imposes a fee on motor vehicles, that is paid to the DMV and remitted quarterly to the SCO and appropriated for disbursement to the county to be used to fund programs relating to vehicle theft crimes, to issue a fiscal year end report to the SCO on or before August 31 of each year. (VEH § 9250.14)
- 14) Authorizes CHP to adopt and enforce regulations establishing standards and specifications for lighting equipment and for other equipment, including standards and specifications for installation and aiming requirements. (VEH § 26103)

FISCAL EFFECT: Unknown.

COMMENTS: This is the Senate Transportation Committee policy omnibus bill and makes non-controversial changes to existing transportation law.

Conformity with the federal MCSAP [Source: California State Transportation Agency (CalSTA)/CHP]. In order for CHP to continue receiving MCSAP grant funding, California’s statutes and regulations are required to be consistent with Federal Motor Vehicle Safety Standards. 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 adds additional conditions when CHP may recommend the suspension of CPUC operating authority, restructures this section for ease of comprehension and to match the formatting in VEH § 34505.6, removes 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, mirrors 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, and meets federal conformity by removing the language relating to a slide back carrier tow truck

Bicycles and pedicabs [Source: Office of Assemblywomen Gonzalez]. 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 bill expands the definition of bicycle to include electric bicycles and makes explicit that pedicab may be an electric bicycle.

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. 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: 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, 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. This bill changes the August 31st date to November 30th to provide more time for a county to submit an accurate and complete report, reducing both SCO and county workloads.

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. There has been considerable pressure from the federal government to gain more consistency in requirements. Currently, the California regulation for front fog lamps references out of date SAE International standards. This bill requires CHP to adopt regulations for lighting devices with current SAE International standards.

In support, California State Controller Betty Yee writes, “SB 814 changes the submission date from August 31 to November 30, providing more time for counties to submit an accurate and complete report, reducing both SCO and county workloads.”

REGISTERED SUPPORT / OPPOSITION:

Support

Alliance for Automotive Innovation
California State Controller

Opposition

None on file

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