

Regular Board Meeting
April 23, 2009

ITEM 52

BILL NUMBER: AB 1361 AMENDED
BILL TEXT

AMENDED IN ASSEMBLY APRIL 20, 2009
AMENDED IN ASSEMBLY APRIL 14, 2009

INTRODUCED BY Assembly Member Portantino
(Principal coauthor: Senator
Liu)

FEBRUARY 27, 2009

An act to amend Section ~~1808.4 of~~ 35780
of, and to add Section 35655.6 to, the Vehicle Code, relating
to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1361, as amended, Portantino. ~~Department of Motor
Vehicles: records.~~ Vehicles: commercial vehicle ban:
State Route 2.

(1) Existing law authorizes the Department of Transportation to declare and fix a weight limit for a highway under its jurisdiction that is less than the maximum weight limits otherwise authorized under the Vehicle Code, upon determining that the highway will not sustain those maximum weights and, after conducting a public hearing on the issue, determining the maximum weight that the highway will sustain. The department is prohibited from establishing a maximum weight limit that is less than 16,000 pounds. A violation of the Vehicle Code is a crime.

This bill would prohibit, with specified exemptions, the operation of a commercial vehicle with 3 or more axles, or a gross vehicle weight of 5 tons or more on the segment of State Route 2 that is located between Interstate Route 210 (I-210) in the City of La Canada Flintridge and County Route N4 (Big Pine Highway) in the County of Los Angeles. The bill would provide that, upon conviction, a violation of the above prohibition is subject to a fine of \$1,000. Because the bill would create a new crime, this bill would impose a state-mandated local program. Revenue generated by the fines would, upon appropriation by the Legislature, be used to improve the safety of that portion of State Route 2. The bill would authorize the Department of Transportation to issue permits to specified commercial vehicles allowing their operation on that segment of State Route 2. The bill would require the department to erect suitable signs to give adequate notice of the prohibition.

(2) 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.

~~Existing law makes confidential the home address of any of a list of state officers and employees that appears in the Department of Motor Vehicles (DMV) records, if an officer or employee requests that address be kept confidential, with certain exemptions for information available to specified governmental agencies. Existing law provides that the home address shall be withheld from public inspection for 3 years following termination of office or employment, except with respect to retired peace officers, whose home addresses shall be withheld from public inspection permanently, upon request.~~

~~This bill would revise the exemptions to nondisclosure to provide that a governmental agency may obtain the information necessary to process the service and collection of a traffic, parking, toll bridge, or toll road violation.~~

~~The bill would also provide that the applicable statutory time periods for processing traffic, parking, toll bridge, or toll road violations are tolled until the DMV provides the law enforcement agency or governmental agency with the confidential home addressee's information.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~ yes .

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 35655.6 is added to the Vehicle Code , to read:

35655.6. (a) Except as provided in subdivision (b), a person shall not drive a commercial vehicle with three or more axles, or a gross vehicle weight of five tons or more, on the segment of State Route 2 (SR-2) that is located between Interstate Route 210 (I-210) in the City of La Canada Flintridge and County Route N4 (Big Pine Highway) in the County of Los Angeles unless the commercial vehicle is authorized under a permit pursuant to paragraph (5) of subdivision (a) of Section 35780.

(b) Subdivision (a) does not apply to any of the following vehicles:

(1) An authorized emergency vehicle.

(2) A vehicle operated by a publicly or privately owned public utility.

(3) A vehicle operated by the Department of Transportation.

(4) A transit bus.

(5) A tow truck.

(c) A person who violates this section shall, upon conviction, be punished by a fine of one thousand dollars (\$1,000). Fines collected pursuant to this subdivision shall, upon appropriation by the legislature, be used to improve the safety of the portion of State Route 2 specified in subdivision (a).

(d) The Department of Transportation shall erect suitable signs at each end of the portion of State Route 2 specified in subdivision (a) and any other points that the department deems necessary to give adequate notice of the prohibition pursuant to this section.

SEC. 2. Section 35780 of the Vehicle Code is amended to read:

35780. (a) The Department of Transportation or local authorities, with respect to highways under their respective jurisdictions, may,

at their discretion upon application and if good cause appears, issue a special permit authorizing the applicant:

(1) To operate or move a vehicle or combination of vehicles or special mobile equipment of a size or weight of vehicle or load exceeding the maximum specified in this code.

(2) To use corrugations on the periphery of the movable tracks on a traction engine or tractor, the propulsive power of which is not exerted through wheels resting upon the roadway but by means of a flexible band or chain.

(3) Under emergency conditions, to operate or move a type of vehicle otherwise prohibited hereunder, upon any highway under the jurisdiction of the party granting the permit and for the maintenance of which the party is responsible.

(4) To operate or move a vehicle or combination of vehicles transporting loads composed of logs only for the purpose of crossing a highway from one private property to another without complying with any or all of the equipment requirements of Division 12 (commencing with Section 24000) and Division 13 (commencing with Section 29000). These crossings shall be as near to a right angle to the roadway as is practical and shall not include any travel parallel to the roadway. The Department of Transportation shall determine standards and conditions upon which permits shall be issued and any permit not in compliance with those standards and conditions shall be invalid, except that a permit may contain more restrictive conditions if the issuing authority deems it appropriate.

(5) *To operate or move a commercial vehicle with two or more axles, or a gross vehicle of five tons or more, on the portion of State Route 2 specified in subdivision (a) of Section 35655.6 that is any of the following:*

(A) *A commercial vehicle involved in a motion picture or television production.*

(B) *A commercial vehicle that may be necessary for the completion of construction projects.*

(C) *A commercial vehicle that is a delivery vehicle that requires access to the portion of State Route 2 specified in subdivision (a) of Section 35655.6 to provide local pickup and delivery.*

(D) *Any other commercial vehicle that the department deems appropriate and safe to access the portion of State Route 2 specified in subdivision (a) of Section 35655.6.*

(b) Under conditions prescribed by the Department of Transportation or the local authority, the Department of Transportation or local authority may accept applications made by, and issue permits directly to, an applicant or permit service by any of the following processes:

(1) In writing.

(2) By an authorized facsimile process.

(3) Through an authorized computer and modem connection.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

~~SECTION 1. Section 1808.4 of the Vehicle Code~~

~~is amended to read:~~

- ~~—1808.4. (a) For all of the following persons, his or her home address that appears in a record of the department, is confidential if the person requests the confidentiality of that information:~~
- ~~—(1) Attorney General.~~
 - ~~—(2) State public defender.~~
 - ~~—(3) A Member of the Legislature.~~
 - ~~—(4) A judge or court commissioner.~~
 - ~~—(5) A district attorney.~~
 - ~~—(6) A public defender.~~
 - ~~—(7) An attorney employed by the Department of Justice, the office of the State Public Defender, or a county office of the district attorney or public defender.~~
 - ~~—(8) A city attorney and an attorney who submits verification from his or her public employer that the attorney represents the city in matters that routinely place the attorney in personal contact with persons under investigation for, charged with, or convicted of, committing criminal acts, if that attorney is employed by a city attorney.~~
 - ~~—(9) A nonsworn police dispatcher.~~
 - ~~—(10) A child abuse investigator or social worker, working in child protective services within a social services department.~~
 - ~~—(11) An active or retired peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code.~~
 - ~~—(12) An employee of the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, or the Prison Industry Authority specified in Sections 20403 and 20405 of the Government Code.~~
 - ~~—(13) A nonsworn employee of a city police department, a county sheriff's office, the Department of the California Highway Patrol, a federal, state, or local detention facility, or a local juvenile hall, camp, ranch, or home, who submits agency verification that, in the normal course of his or her employment, he or she controls or supervises inmates or is required to have a prisoner in his or her care or custody.~~
 - ~~—(14) A county counsel assigned to child abuse cases.~~
 - ~~—(15) An investigator employed by the Department of Justice, a county district attorney, or a county public defender.~~
 - ~~—(16) A member of a city council.~~
 - ~~—(17) A member of a board of supervisors.~~
 - ~~—(18) A federal prosecutor, criminal investigator, or National Park Service Ranger working in this state.~~
 - ~~—(19) An active or retired city enforcement officer engaged in the enforcement of the Vehicle Code or municipal parking ordinances.~~
 - ~~—(20) An employee of a trial court.~~
 - ~~—(21) A psychiatric social worker employed by a county.~~
 - ~~—(22) A police or sheriff department employee designated by the Chief of Police of the department or the sheriff of the county as being in a sensitive position. A designation pursuant to this paragraph shall, for purposes of this section, remain in effect for three years subject to additional designations that, for purposes of this section, shall remain in effect for additional three year periods.~~
 - ~~—(23) A state employee in one of the following classifications:~~
 - ~~—(A) Licensing Registration Examiner, Department of Motor Vehicles.~~

~~—(B) Motor Carrier Specialist 1, California Highway Patrol.~~

~~—(C) Museum Security Officer and Supervising Museum Security Officer.~~

~~—(24) (A) The spouse or child of a person listed in paragraphs (1) to (23), inclusive, regardless of the spouse's or child's place of residence.~~

~~—(B) The surviving spouse or child of a peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, if the peace officer died in the line of duty.~~

~~—(b) The confidential home address of a person listed in subdivision (a) shall not be disclosed, except to any of the following:~~

~~—(1) A court.~~

~~—(2) A law enforcement agency.~~

~~—(3) The State Board of Equalization.~~

~~—(4) An attorney in a civil or criminal action that demonstrates to a court the need for the home address, if the disclosure is made pursuant to a subpoena.~~

~~—(5) A governmental agency to which, under any provision of law, information is required to be furnished from records maintained by the department, or the information is necessary to process the service and collection of a traffic, parking, toll bridge, or toll road violation.~~

~~—(c) (1) A record of the department containing a confidential home address shall be open to public inspection, as provided in Section 1808 if the address is completely obliterated or otherwise removed from the record. The home address shall be withheld from public inspection for three years following the termination of office or employment.~~

~~—(2) With respect to a retired peace officer, his or her home address shall be withheld from public inspection permanently upon request of confidentiality at the time the information would otherwise be opened. The home address of the surviving spouse or child listed in subparagraph (B) of paragraph (24) of subdivision (a) shall be withheld from public inspection for three years following the death of the peace officer.~~

~~—(3) The department shall inform a person who requests a confidential home address what agency the individual whose address was requested is employed by or the court at which the judge or court commissioner presides.~~

~~—(d) The applicable statutory time periods for processing the service and collection of traffic parking, toll bridge, or toll road violations are tolled until the department provides the law enforcement agency or governmental agency with the confidential home address's information.~~

~~—(e) A violation of subdivision (a) by the disclosure of the confidential home address of a peace officer, as specified in paragraph (11) of subdivision (a), a nonsworn employee of the city police department or county sheriff's office, or the spouses or children of these persons, including, but not limited to, the surviving spouse or child listed in subparagraph (B) of paragraph (24) of subdivision (a), that results in bodily injury to the peace officer, employee of the city police department or county sheriff's office, or the spouses or children of these persons is a felony.~~