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Legislative Reports for 2003

### **LEGISLATIVE UPDATE: Week of August 18, 2003**

The Legislature returned on August 18th after an abbreviated summer recess. Below is the latest update of the bills we are following for CBA. Also, attached is a WATCH/TWO-YEAR BILL list, which contains bills that we were following but have either died or have been put over until next year. The two-year bills will have to move by the end of January 2004.

**AB 557 (Lowenthal-D and Laird-D) Vehicles: right-of-way: transit buses.** (Last amended 6-2-03)

**Summary:** This bill would authorize any transit operator to adopt provisions of a pilot project, scheduled to terminate on January 1, 2004, that requires a motorist to yield the right-of-way to a transit bus when merging with traffic after making a stop for passengers.

**CBA POSITION: Support (Letter sent)**

**Status: Senate Transportation; hearing postponed (may become a two-year bill).**

**AB 582 (Cogdill-R) Vehicle weight limits: local ordinance: Tuolumne County.** (Last amended 3-24-03)

**Summary:** Existing law authorizes a county board of supervisors by ordinance to reduce the permissible weight of vehicles and loads upon unimproved county highways or county bridges, and, upon improved highways that are subject to deterioration, for a period of 90 days unless actual repair of the highway is begun within the 90 days and is continuously carried on to completion.

This bill would authorize the County of Tuolumne to prohibit, by ordinance, the use of the Old Priest Grade by a vehicle or combination of vehicles that exceeds a weight limit of 7,500 pounds or more.

**CBA POSITION: Make sure Cal Trans is involved**

**Status: Signed by the Governor; Chapter 15 of 2003 Statutes.**

**AB 626 (Liu-D) State vehicles: 15 passenger vans.** (Last amended 8-20-03)

**Summary:** This bill will prohibit school districts, community colleges, CSU, and private schools from acquiring a 15-passenger van for the purposes of transporting passengers. It would also require, beginning 1/1/05 that those that already own a 15 passenger van on 1/1/04 to limit the operation of those vehicles to persons issued an endorsement for the operation of those vehicles and hold a

Class B driver's license.

**CBA POSITION: Support (letter sent)**

**Status: Senate Appropriations on August 20th; to Suspense File.**

**AB 694 (Levine and Chavez-D) Use tax; vehicle, vessel or aircraft.** (Last amended 7-7-03)

**Summary:** The Sales and Use Tax Law imposes a tax on the gross receipts from the sale in this state of, or the storage, use, or other consumption in this state of, tangible personal property.

This bill would expand the existing presumption that a vehicle, vessel, or aircraft purchased outside of the state is subject to use tax to apply if that vehicle, vessel, or aircraft 1) is purchased by a California resident; 2) was subject to California's registration or property tax laws during the first 12 months of ownership; or 3) was used or stored in this state more than 1/2 of the time during the first 12 months of ownership.

**CBA POSITION: Ask for amendment clarifying that it exempts IRP vehicles. Called author's office with CBA's concerns and those amendments were taken and remain in the current bill. Status: Senate Appropriations.**

**AB 872 (Strickland-R) Vehicles: speed limits: divided urban highways.** (Last amended 6-23-03)

**Summary:** This bill, as introduced, would have prohibited any person from driving a vehicle upon an urban, divided, and restricted access arterial highway, as defined, at a speed greater than 45 miles per hour unless that highway, or portion thereof, has been posted for a higher speed by the Department of Transportation upon the basis of an engineering and traffic survey, or by an appropriate local agency upon the basis of an engineering and traffic survey, after the local agency, giving consideration to local conditions and factors, has made specific findings that a higher speed is safe. As amended, it authorizes a local authority, when conducting an engineering and traffic survey to consider the safety of persons at work on the highway.

**CBA POSITION: OPPOSE position was changed to NEUTRAL at June Board meeting after Assembly Transportation removed the 45 mile limit language. Status: Status: Senate Transportation.**

**AB 1238 (Firebaugh-D) Vehicles: liability insurance; terminal inspections.** (Last amended 4-10-03)

**Summary:** Existing law provides that where 2 or more personal policies affording liability insurance that apply to the same motor vehicle in an occurrence out of which a loss arises, and one policy is primary and one or more policies are excess, then each insurer shall pay for the cost of defense in proportion to the percentage of total damages paid by that insurer. This bill would revise the definition of commercial vehicle.

**CBA POSITION: Support position changed to Neutral at June Board Meeting after bill was substantially amended from original version. Status: Senate Floor.**

**AB 1409 (Wolk-D) Vehicles:** vehicle length limitation. (Last amended 8-18-03)

**Summary:** Under existing law, a 40-foot limitation is imposed on the length of vehicles that may be operated on the highways. This bill now authorizes a public agency to operate a bus on the described federal highways that exceeds the 45-foot length limitation if the excess length is caused by a folding device attached to the front of the bus that is designed and used exclusively for transporting bicycles, and if its operation is on a route approved by a specified route review committee.

**CBA Position: SUPPORT (letter sent)**

**Status: Senate Floor.**

**AB 1757 (Committee on the Budget) Vehicles: fees.**

**Summary:** This is the budget trailer bill with the 42% weight fee increase included in its contents.

**CBA POSITION: OPPOSE**

**Status: Senate Floor.**

**SB 158 (Alarcon-D) Displaced public transit employees.** (Last amended 6-12-03)

**Summary:** Existing law provides for a system of labor standards enforcement administered by the Labor Commissioner.

This bill would establish a bidding preference for public transit service contractors and subcontractors who agree to retain, for a period of at least 90 days, certain employees who were employed to perform essentially the same services by the previous contractor or subcontractor.

**CBA POSITION: OPPOSE position changed to NEUTRAL with amendments to change time period from 180 to 90 days.**

**Status: Signed by the Governor; Chapter 103 of 2003 Statutes.**

**SB 288 (Sher-D) air quality: New Source Review Restoration Act of 2003.**

(Last amended 4-10-03)

**Summary:** This bill establishes the New Source Review Restoration Act of 2003. According to the State Chamber of Commerce this bill blocks federal reforms of "new source review" rules and creates new lawsuits. This is on their job killer list because it causes conflicting and confusing granting of federal law onto state law, thereby jeopardizing existing permits.

**CBA Position: OPPOSE taken at June Bd. meeting.**

**Status: Assembly Appropriations.**

## **WATCH LIST / TWO-YEAR BILLS**

**AB 684 (Dutra-D) Public transit smart cards.** (Last amended 5-6-03)

**Summary:** Existing law requires transit operators to honor any current identification card that is valid for the type of transportation service or discount requested and that has been issued to an individual with disabilities by another

transit operator. This bill would require all publicly owned transit operators who choose to implement a smart card system, as defined, to comply with specified requirements.

**CBA POSITION: Watch**

**Status: Assembly Appropriations; two-year bill.**

**AB 795 (Nunez-D)** Personal services contracts. (Last amended 4-23-03)

**Summary:** Existing law permits state agencies to enter into specified personal services contracts when certain conditions are met.

This bill would revise and recast these provisions to require a state agency that proposes to execute any type of the specified personal service contracts, except urgent personal services contracts, to notify the board of its intention to do so, and to provide to the board a written justification for the contract.

**CBA POSITION: Watch**

**Status: Assembly Public Employees & Retirement; two-year bill**

**AB 1004 (Leslie-R)** Public transit: operators.

**Summary:** This bill would require a public transit operator, before approving a service reduction or route restructuring of bus service greater than 25% of total revenue miles or a fare increase for budget deficit purposes, to conduct a 3rd party competitive procurement process for a route, or routes, that the operator determines will minimize all, or a portion of, the planned service reduction. **CBA**

**Position: Support (Jim Seal will provide language next year if the bill proceeds)**

**Status: Assembly Transportation on April 7th; hearing cancelled at author's request. This is now a two-year bill.**

**AB 1038 (Negrete McLeod-D)** Classified school employees (Last amended 5-2-03)

**Summary:** (1) Existing law requires the governing board of a school district to submit to the Superintendent of Public Instruction a local plan for the education of individuals with exceptional needs residing in the district on its own or in conjunction with one or more districts, or to join with the county office of education to submit a plan to the Superintendent of Public Instruction that assures access to special education and services for all individuals with exceptional needs residing in the geographic area served by the plan.

This bill would set forth the employment rights of classified employees who are terminated, reassigned, or transferred, or become the employee of another employer as a result of the development or revision of a local plan for the education of individuals with exceptional needs.

**CBA Position: Watch**

**Status: Senate Education June 25th.**

**AB 1063 (Firebaugh-D) South Coast Air Quality Management District: retrofit controls: mitigation fees.** (Last amended 4-10-03)

**Summary:** This bill authorizes the South Coast District, to the extent permissible

under federal law, to adopt regulations requiring any motor vehicle, non-road engine, and non-road vehicle, as defined, that operates substantially in the South Coast District, to install retrofit controls to reduce emissions of air contaminants to the maximum extent feasible, as determined by the south coast district.

**CBA Position: To be reviewed at June Bd. Meeting**

**Status: Failed passage in Assembly Transportation. Reconsideration granted but won't be heard this year. 2-yr bill.**

**AB 1072 (Nakanishi-R) Vehicles: commercial driver's licenses: third-party testers.** (Last amended 4-21-03)

**Summary:** (1) Existing law prohibits a person from operating a commercial motor vehicle, as defined, unless the person has in his or her immediate possession a valid commercial driver's license of the appropriate class and an endorsement issued by the Department of Motor Vehicles to permit the operation of the vehicle, except as specified. This bill would establish procedures for certification by the department of third-party testers and would prohibit a person from administering the specified test until he or she has been certified under these provisions.

**CBA POSITION: Check with DMV (they are strongly opposed)**

**Status: Failed passage in Assembly Transportation; reconsideration granted; now a two-year bill.**

**Will move to watch/two-year bill list.**

**AB 1260 (Matthews-D) driver's license exam: examining Officer.**

**Summary:** Under existing law, an applicant for a driver's license is required to submit to an examination appropriate to the type of motor vehicle or combination of vehicles the applicant desires to drive.

This bill would specify that, for purposes of the above, only a Licensing-Registration Examiner (Class Code 8758) can serve as the examining officer.

**CBA POSITION: OPPOSE (Sponsored by CAUSE but DMV says being substantially amended)**

**Status: Assembly Transportation; now a two-year bill.**

**AB 1645 (Ridley-Thomas-D) Charter party carriers of passengers: drivers and key employees: background checks.** (Last amended 5-6-03)

**Summary:** Under existing law, the PUC has regulatory authority over public utilities, including charter-party carriers of passengers. This bill would require the PUC to adopt regulations establishing standards and procedures to investigate the criminal background of candidates seeking certificates for employment as drivers or key employees, with charter-party carriers of passengers that provide passenger transportation to and from airports.

**CBA Position: (Sent letter outlining concerns)**

**Status: Assembly Appropriations; held under submission; two-year bill.**

**Will move to two-year bill list.**

**AB 1646 (Benoit-R)** Personal services contracting: school and community college districts.

**Summary:** This bill would have repealed the provisions of SB 1416 by Senator Alarcon of last year.

**CBA Position: none taken; neutral.**

**Status: Failed passage in Assembly Education. "Dead"**

**AB 1654 (Houston-R)** NOLs: sale.

**Summary:** The Corporation Tax Law allows a deduction for net operative losses in computing income subject to tax.

This bill would provide that any unused net operating losses incurred by a corporation may be sold to, and be used by, any other corporation.

**CBA Position: Watch**

**Status: Assembly Rules for assignment; two-year bill.**

**ACR 46 (Cox-R)** Legislation affecting businesses.

**Summary:** This measure would request Members of the Legislature to refrain from proposing legislation that hinders or restricts California businesses from operating or employing Californians in California, in an effort to make California more economically competitive.

**Status: Failed passage in Assembly Labor and Employment.**

**SB 367 (Sher-D)** Vehicles: maximum length: exceptions.

**Summary:** This bill would delete the provision prohibiting the specified folding device from being used on a bus that exceeds 40 feet in length, exclusive of the device, or on a bus having a device for transporting bicycles attached to the rear of the bus. (Similar to AB 1409)

**CBA POSITION: Support**

**Status: Senate Transportation; two-year bill.**

**SB 541 (Torlakson-D)** Motor vehicle fuel license taxes: use fuel taxes.

**Summary:** Motor Vehicle Fuel License Tax Law imposes a tax of 18 cents per gallon of fuel, and requires, if the federal fuel tax is reduced below the rate of 9 cents per gallon and federal financial allocations to this state are reduced or eliminated, that the tax rate be increased so that the combined state and federal tax rate per gallon equals 27 cents.

This bill would, for the 2004 calendar year and each calendar year thereafter, require that tax to be adjusted for inflation, as provided.

**CBA POSITION: OPPOSE**

**Status: Failed passage in Senate Transportation; "Dead".**

**Will move to two-year bill list.**

**SB 573 (Alarcon-D)** Employee wages and working hours: violators.

**Summary:** Existing law attributes various duties and requires private employers to perform certain activities with regard to employee wages and working hours.

This bill would require the Labor Commissioner to develop and implement a set

of standards that, if met by an employer, will trigger recommendation for an audit by appropriate state tax authorities of employers in violation of statutes relating to employee wages and working hours.

**CBA POSITION: OPPOSE (need opposition letter language from Chris but bill is now held in committee by author).**

**Status: Senate Appropriations; two-year bill. Will move to two-year bill list.**

**SB 586 (Alarcon-D) Wages: penalties.**

**Summary:** Existing law authorizes the Labor Commissioner to conduct investigations, hold hearings, make determinations, and impose decisions, awards, and penalties on employers who have violated state labor laws. This bill would require the Labor Commissioner to, in addition to any award ordered by the Labor Commissioner, impose on an employer found to owe back wages a penalty equal to 1% of the total amount owed by the employer.

**CBA POSITION: OPPOSE (Chris to write opposition letter)**

**Status: Senate Labor & Industrial Relations; two-year bill.**

**LEGISLATIVE UPDATE: [Week of Aug. 11, 2003](#)**

### **Budget Impasse Broken at Last!**

As you know by now, the Legislature passed a budget, 29 days late, which the Governor signed on August 2<sup>nd</sup>. The Senate passed its version on July 28<sup>th</sup>, then left for the remainder of the summer break. That left the Assembly to deal with the Senate's version of the budget which contained a majority of what the Republicans wanted and had held out for: more cuts and no "new" taxes. After the Speaker of the Assembly locked the members up for a record 29 hours of negotiations, an historic move that surpassed the previous lock up record held by Jesse Unruh in 1963, and after a final round of deal-making, the Assembly passed the nearly \$100 billion budget and then also left town for the remainder of the break. The Legislature returns on August 18<sup>th</sup>.

However, this budget is another one "built on a house of cards" and merely postpones once again the structural reforms that were needed to help prevent future deficits. It leaves a gaping hole for next year's budget to the tune of \$8 billion and assumes several potential sources of revenue: the tripling of the car tax which goes into effect October 1<sup>st</sup> (this is being challenged by taxpayer groups who say it needed a two-thirds vote in the Legislature and which the Legislative Counsel has already opined that the increase without a vote is almost certainly illegal but they did it anyway); a \$10.7 million sale of bonds to pay part of the deficit; dedicates one half-cent of existing sales tax to repay this bond debt over 5 years; assumes state employee layoffs; assumes it will negotiate \$680 million from Indian tribes, far from a done deal; and assumes receiving \$2.2 billion in new federal funds. A lot of assumptions which may not pay out and

then we'll have an even bigger deficit than the already estimated \$8 billion. This is not what Wall Street wanted to see either.

Also, legislators left several "trailer bills" pending to be dealt with when they return on August 18<sup>th</sup>. Among these items is AB 1767, which contains a provision to increase commercial weight fees by 42%. According to the Senate Transportation Committee, the current weight fee is costing the State Transportation Improvement Plan (STIP) \$160 million a year or about \$800 million over a 5-year STIP. Many CBA members have already written letters opposing this increase and should continue to send them to their individual Senate and Assembly Members as soon as possible. Please call us if you need additional information or where to send your letter.

Another major issue that remains to be dealt with when legislators return is workers' comp reform. A joint legislative conference committee will convene on August 18<sup>th</sup> and will attempt to quickly craft some type of reform out of the 20 or so bills that are still pending. According to Insurance Commissioner John Garamendi, "unless there is meaningful legislation to deal with the cost drivers in the workers' comp system, it will implode and will not survive the way it is." Something has to change when you have employers paying the highest rates in a system that provides the lowest in benefits to injured workers.

Update on AB 626 (Liu D – La Canada Flintridge) regarding School Districts vehicles: 15 passenger vans: Prohibition of use by schools. At our last CBA Board meeting in Ontario, the Board of Directors decided to strongly support AB 626 by Assembly Member Carol Liu with a clarifying amendment.

The previous versions of the bill prohibited the purchase or lease of these 15 passenger vans. The CBA Board requested additional language that would clarify that there would be no rental or any use of these 15 passenger vans to transport pupils. After a very intense hearing in the Senate Transportation Committee (passed with CBA assistance on a 9 – 3 vote) and another hearing in the Senate Education Committee (passed on a 9-3 vote) the measure was amended with additional language on July 16th which CBA supports. The new language (7-16-03) does the following:

*"The District may not purchase, lease, otherwise acquire, or use a 15 passenger van for the purpose of transporting more than one passenger" on or after January 1, 2004; and*

*For those existing vans owned by Districts, on or after January 1, 2005 the District may not allow the operation of any such vans unless the driver has a valid class B driver's license and a DMV endorsement for operating a passenger transportation vehicle, as provided in Article 6 (commencing with Section 15275) of Chapter 7 of Division 6 of the Vehicle Code; and*

*Besides applying to School districts the measure will also apply to Community College Districts, the CSU system and recommends that the Board of Regents off the University of California adopt rules and regulations similar to the provisions in this bill.*

The bill will be heard in the Senate Appropriations Committee upon the Legislature's return on August 18<sup>th</sup>.

## **News on the Recall**

Not much to report that you already haven't read. Things are changing daily with six lawsuits filed, including one by the Governor, that may or may not affect the recall, or at least the date of the recall. As this column goes to press, we still don't know who the candidates will be on the ballot to replace Davis should he be recalled, or whether the Democrats will break rank and put up a candidate. It should be noted that the Governor has until October 12<sup>th</sup> to sign or veto legislation sent to him in the last week of the session, which ends on September 12<sup>th</sup>. The recall election is in the middle of this bill signing period so things could get very interesting. This whole thing is unprecedented so we'll all just watch the show and see how this plays out.

As always, if you have any questions or need information, please don't hesitate to call us at (916) 447-8982; or e-mail [pane@cwo.com](mailto:pane@cwo.com).

## **LEGISLATIVE UPDATE: Week of May 5, 2003**

**AB 557 (Lowenthal-D and Laird-D)** Vehicles: right-of-way: transit buses. (Last amended 5-5-03)

**Summary:** (1) Existing law, until January 1, 2004, requires the driver of a vehicle overtaking a transit bus to yield the right-of-way to the bus if (a) the transit bus has entirely exited an active traffic lane to board or de-board passengers at a designated bus stop, and is attempting to reenter the lane from which it exited; (b) directional signals on the transit bus are flashing to indicate that the bus is preparing to merge with traffic; and (c) the transit bus is equipped with a yield right-of-way sign, as specified, on the left rear of the bus.

*This bill, extensively amended on May 5<sup>th</sup>, now only extends the January 1, 2004 repeal date of this law to January 1, 2006.*

**CBA POSITION: Support (CBA sent support letter)**

**Status: Assembly Floor.**

**AB 582 (Cogdill-R)** Vehicle weight limits: local ordinance: Tuolumne County. (Last amended 3-24-03)

**Summary:** Existing law authorizes a county board of supervisors by ordinance to reduce the permissible weight of vehicles and loads upon unimproved county

highways or county bridges, and, upon improved highways that are subject to deterioration, for a period of 90 days unless actual repair of the highway is begun within the 90 days and is continuously carried on to completion.

This bill would authorize the County of Tuolumne to prohibit, by ordinance, the use of the Old Priest Grade *by a vehicle or combination of vehicles that exceeds a weight limit of 7,500 pounds or more.*

**CBA POSITION: Make sure Cal Trans is involved; we have informed author's office of CBA's concern in this regard.**

**Status: Passed Assembly on Consent. To Senate for assignment.**

**AB 626 (Liu-D)** State vehicles: 15 passenger vans. (3-27-03)

**Summary:** This bill makes legislative findings that 15-passenger vans, as defined in the bill, are unsafe and prohibits all school districts and all state agencies from acquiring 15-passenger vans.

**CBA POSITION: Comments from Dan & Mike indicate support: Need to clarify and get paragraph for support letter.**

**Status: Assembly Appropriations Suspense File.**

**AB 694 (Levine-D)** Use tax: vehicles, vessels, and aircraft. (4-10-03)

**Summary:** The Sales and Use Tax Law imposes a tax on the gross receipts from the sale in this state of, or the storage, use, or other consumption in this state of, tangible personal property.

This bill would expand the existing presumption to apply to a vehicle, vessel, or aircraft purchased outside of the state if that vehicle, vessel, or aircraft (1) is purchased by a California resident, (2) was subject to California's registration or property tax laws during the first 12 months of ownership, or (3) was used or stored in this state more than 1/2 of the time during the first 12 months of ownership.

**CBA POSITION: Ask for amendment clarifying that it exempts IRP vehicles. Amendments were taken 4-10-03 to clarify.**

**Status: Assembly Revenue & Taxation on May 19<sup>th</sup>.**

**AB 872 (Strickland-R)** Vehicles: speed limits: divided urban highways.  
(Amended 4-22-03 which should remove CBA's opposition)

**Summary:** This bill, as amended in committee, now only authorizes a local authority, when conducting an engineering and traffic survey for the purpose of establishing a speed limit on an urban, divided, and restricted access arterial highway to consider residential density and pedestrian and bicyclist safety.

Sponsored by author.

**CBA POSITION: OPPOSE because broad brush attempt to solve a geographical problem. (Sent CBA letter)**

**Status: Passed Assembly Transportation on April 7<sup>th</sup> as amended to remove the 45-mile limit and to narrowly define circumstances. On Assembly Floor.**

**AB 1004 (Leslie-R)** Public transit: operators.

**Summary:** This bill would require a public transit operator, before approving a service reduction or route restructuring of bus service greater than 3% of total revenue miles or a fare increase for budget deficit purposes, to conduct a 3rd party competitive procurement process for a route that the operator determines will minimize all, or a portion of, the planned service reduction. Sponsored by Laidlaw.

**CBA Position: Support (need language for letter from Jim Seal)**

**Status: Assembly Transportation on April 7<sup>th</sup>; hearing canceled at author's request. This is now a two-year bill.**

**AB 1072 (Nakanishi-R)** Vehicles: commercial driver's licenses: third-party testers. (Amended 4-21-03)

**Summary:** (1) Existing law prohibits a person from operating a commercial motor vehicle, as defined, unless the person has in his or her immediate possession a valid commercial driver's license of the appropriate class and an endorsement issued by the Department of Motor Vehicles to permit the operation of the vehicle, except as specified.

This bill would establish procedures for certification by the department of third-party testers and would prohibit a person from administering the specified test until he or she has been certified under these provisions. Sponsored by a truck driving school; opposed by DMV.

**CBA POSITION: After following up on questions, WATCH**

**Status: Failed Passage in Assembly Transportation on April 21st.**

**AB 1238 (Firebaugh-D)** Vehicles: terminal inspections. (4-10-03) **Summary:** (1) Existing law requires the Department of the California Highway Patrol to inspect, at least every 25 months, every terminal of a motor carrier, as defined, that directs the operation of or maintains a commercial vehicle in this state, as specified. Sponsored by Dump Truck Owners.

This bill, as amended, *now increases the fee for an initial enrollment into the program to \$650 and \$400 respectively.*

**CBA POSITION: Support taken at March meeting (However, bill was amended to address opposition by CHP. Need to re-evaluate position with amended bill before sending letter)**

**Status: Assembly Floor.**

**AB 1260 (Matthews-D)** driver's license exam: examining Officer.

**Summary:** Under existing law, an applicant for a driver's license is required to submit to an examination appropriate to the type of motor vehicle or combination of vehicles the applicant desires to drive.

This bill would specify that, for purposes of the above, only a Licensing-Registration Examiner (Class Code 8758) may serve as the examining officer. Sponsored by CAUSE but opposed by DMV

**CBA POSITION: OPPOSE (Letter awaiting input from Chris)**

**Status: Assembly Transportation; now a two-year bill.**

**AB 1409 (Wolk-D)** Vehicles: vehicle length limitation. (5-7-03)

**Summary:** Under existing law, a 40-foot limitation is imposed on the length of vehicles that may be operated on the highways. This bill, as amended, now *authorizes a public agency to operate a bus that exceeds the 45-foot length limitation if the excess length is caused by a folding device attached to the front of the bus that is designed and used exclusively for transporting bicycles, and if its operation is on a route approved by a specified route review committee, as provided in this bill.* **CBA Position: SUPPORT (CBA Letter sent)**

**Status: Assembly Floor.**

**AB 1645 (Ridley-Thomas-D)** charter party carriers of passengers: drivers and key employees: background checks. (Amended 5-6-03)

This bill requires the PUC to adopt regulations establishing standards and procedures to investigate the criminal background of candidates seeking certificates for employment as drivers or key employees with charter-party carriers of passengers that provide passenger transportation to and from airports. Amendments of May 6<sup>th</sup> state that *nothing shall prohibit a charter-party carrier from employing a driver who is disqualified pursuant to this article from being employed by the carrier in a capacity that does not involve driving to and from the airport.*

**CBA Position: Seeking Position**

**Status: Assembly Appropriations.**

**SB 158 (Alarcon-D)** Displaced public transit employees.

**Summary:** Existing law provides for a system of labor standards enforcement administered by the Labor Commissioner.

This bill would establish a bidding preference for public transit service contractors and subcontractors who agree to retain, for a period of at least *90 days (amended down from 180 days)*, certain employees who were employed to perform essentially the same services by the previous contractor or subcontractor.

**CBA POSITION: OPPOSE (CBA Letter sent) However, Laidlaw is now supporting the bill. Sponsor is asking CBA to re-evaluate.**

**Status: Senate Floor.**

**SB 367 (Sher-D)** Vehicles: maximum length: exceptions.

**Summary:** This bill would delete the provision prohibiting the specified folding device from being used on a bus that exceeds 40 feet in length, exclusive of the device, or on a bus having a device for transporting bicycles attached to the rear of the bus. (Similar to AB 1409)

**CBA POSITION: Support (Letter to be sent when bill is set)**

**Status: Senate Transportation; now a two-year bill.**

**SB 541 (Torlakson-D)** Motor vehicle fuel license taxes: use fuel taxes.

**Summary:** Motor Vehicle Fuel License Tax Law imposes a tax of 18 cents per gallon of fuel, and requires, if the federal fuel tax is reduced below the rate of 9

cents per gallon and federal financial allocations to this state are reduced or eliminated, that the tax rate be increased so that the combined state and federal tax rate per gallon equals 27 cents.

This bill would, for the 2004 calendar year and each calendar year thereafter, require that tax to be adjusted for inflation, as provided.

**CBA POSITION: OPPOSE**

**Status: Failed passage in Senate Transportation on April 1<sup>st</sup>.**

**SB 573 (Alarcon-D)** Employee wages and working hours: violators.

**Summary:** Existing law attributes various duties and requires private employers to perform certain activities with regard to employee wages and working hours. This bill would require the Labor Commissioner to develop and implement a set of standards that, if met by an employer, will trigger recommendation for an audit by appropriate state tax authorities of employers in violation of statutes relating to employee wages and working hours.

**CBA POSITION: OPPOSE (need opposition letter language from Chris).**

**Status: Senate Appropriations.**

**SB 586 (Alarcon-D)** Wages: penalties.

**Summary:** Existing law authorizes the Labor Commissioner to conduct investigations, hold hearings, make determinations, and impose decisions, awards, and penalties on employers who have violated state labor laws. This bill would require the Labor Commissioner to, in addition to any award ordered by the Labor Commissioner, impose on an employer found to owe back wages a penalty equal to 1% of the total amount owed by the employer.

**CBA POSITION: OPPOSE (need opposition language from Chris)**

**Status: Senate Labor & Industrial Relations; now a two-year bill.**