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# Transportation and Motor Vehicles

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# Transportation and Motor Vehicles

## Transportation and Motor Vehicles; diplomatic driver's licenses

Vehicle Code § 12502 (amended).  
SB 59 (Deddeh); 1989 STAT. Ch. 23

Existing California law fails to recognize diplomatic driver's licenses issued to foreign nationals by the United States Department of State.<sup>1</sup> Chapter 23 reconciles the California Vehicle Code with the superseding Federal diplomatic law by exempting foreign mission personnel and their families from the requirement of carrying a California driver's license while operating a motor vehicle.<sup>2</sup> They must, however, have in their immediate possession a diplomatic motor vehicle driver's license.<sup>3</sup>

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1. Letter from Senator Wadie P. Deddeh to Governor George Deukmejian (May 23, 1989) (discussing the passage of Senate Bill 59) (letter on file at *Pacific Law Journal*). See 22 U.S.C.A. § 4301 (West 1988) (congressional declaration establishing federal jurisdiction over the operations of foreign missions in the United States). The benefits, privileges, and immunities of foreign missions are to be determined by the Secretary of State. *Id.* For example, an ambassador's diplomatic driver's license was revoked by the Department of State as a result of the ambassador's role in an auto accident that critically injured a newsman. L.A. Times, Feb. 20, 1987, at 21, col. 5. See also CAL. VEH. CODE § 12502(a) (West 1987) (allows only nonresidents over the age of 18 to operate a motor vehicle in California without a license).

2. 1989 Cal. Stat. ch. 23, sec. 1 at \_\_\_\_ (amending CAL. VEH. CODE § 12502(a)(2)). A diplomatic driver's license must correspond with the type of vehicle being driven. *Id.* The Department of Motor Vehicles must make an annual report of violations and accidents involving personnel possessing diplomatic driver's licenses to the California Legislature. *Id.* (enacting CAL. VEH. CODE § 12502(c)). Drivers claiming to be ambassadors from the "Kingdom of God" cannot be protected by diplomatic immunity for failing to obtain a state driver's license. *Missouri v. Davis*, 745 S.W.2d 249, 253 (1988).

3. 1989 Cal. Stat. ch. 23, sec. 1, at \_\_\_\_ (amending CAL. VEH. CODE § 12502(a)(2)).

## **Transportation and Motor Vehicles; disabled persons' parking spaces**

Vehicle Code § 22507.8 (repealed, new, amended).\*

SB 149 (Craven); 1989 STAT. Ch. 338

Support: National Multiple Sclerosis Society; California Paralyzed Veterans Association; Business, Transportation and Housing Agency

Existing law prohibits unauthorized persons from parking<sup>1</sup> in disabled persons<sup>2</sup> and disabled veterans<sup>3</sup> parking spaces designated by both a sign and blue paint markings.<sup>4</sup> Until January 1, 1991, Chapter 338 makes it unlawful to park in spaces for the handicapped designated by either a sign or blue paint markings, or both.<sup>5</sup> Beginning January 1, 1991, Chapter 338 makes it unlawful to park in spaces for the disabled designated by both a sign and blue paint markings.<sup>6</sup>

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\* Chapter 338 amends existing California Vehicle Code section 22507.8. 1989 Cal. Stat. ch. 338, sec. 1, at \_\_\_\_ (amending CAL. VEH. CODE § 22507.8). Effective January 1, 1991 Chapter 338 repeals California Vehicle Code section 22507.8. *Id.* (repealing CAL. VEH. CODE § 22507.8). Also effective January 1, 1991 Chapter 338 adds California Vehicle Code section 22507.8. *Id.* sec. 2, at \_\_\_\_ (enacting CAL. VEH. CODE § 22507.8).

1. See CAL. VEH. CODE § 463 (West 1987) (definition of parking).

2. See *id.* § 22511.5 (West Supp. 1989) (definition of disabled person).

3. See *id.* § 22511.9 (West Supp. 1989) (definition of disabled veteran).

4. *Id.* § 22507.8 (West Supp. 1989) (amended by 1989 Cal. Stat. ch. 338, sec. 1, at \_\_\_\_). The disabled person or veteran must display a distinguishing license plate or placard when parking in designated spaces. *Id.* §§ 22511.5(c), (d), 22511.9(c), (d) (West Supp. 1989). See *id.* §§ 22511.7, 22511.8 (West Supp. 1989) (description of required sign and paint markings). See also *id.* § 42001.5 (West Supp. 1989) (imposes fine for unauthorized parking in spaces designated for disabled persons or veterans).

5. 1989 Cal. Stat. ch. 338, sec. 1, at \_\_\_\_ (amending CAL. VEH. CODE § 22507.8). The Legislature intends to protect public peace, health, and safety by creating this urgency statute which takes effect immediately to clarify misunderstandings about parking spaces for the disabled. *Id.* sec. 4, at \_\_\_\_.

6. *Id.* sec. 2, at \_\_\_\_ (enacting CAL. VEH. CODE § 22507.8).

## Transportation and Motor Vehicles; fleet vehicles—enforcement of liens

Vehicle Code § 8162 (repealed); §§ 8200, 8201, 8202, 8203, 8204 (new); §§ 9800, 9801, 9802 (amended).

AB 1555 (Hansen); 1989 STAT. Ch. 187

Support: Department of Motor Vehicles

Under existing law, no person may drive, or leave standing on a highway<sup>1</sup> or in a public parking facility, any motor vehicle<sup>2</sup> that is not registered with the Department of Motor Vehicles (DMV)<sup>3</sup> and for which appropriate fees have been paid.<sup>4</sup> Failure to pay specified fees may constitute a lien on the vehicle involved, or on any other vehicle owned by the person who fails to pay registration fees.<sup>5</sup> Existing law also allows a person engaged in interstate commerce who operates three or more commercial vehicles, to register and license those vehicles as a proportionately registered fleet,<sup>6</sup> and allows the fees to be calculated according to the ratio of the fleet's mileage in this state to the fleet's total mileage.<sup>7</sup>

Chapter 187 allows the DMV to enforce a lien for fees due on a proportionately registered vehicle against all vehicles operated as part of the fleet, and on any other vehicles operated by the registrant.<sup>8</sup> Once the DMV mails notice<sup>9</sup> of the lien to the registrant, and records the lien on the electronic vehicle registration records, the lien becomes perfected, and will expire in five years.<sup>10</sup> Unperfected liens expire three years from when the fee or penalty became due.<sup>11</sup>

If the registrant fails to submit previously unavailable documentation, or fails to request a hearing within thirty days of the date

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1. See CAL. VEH. CODE § 360 (West 1987) (definition of highway).

2. See *id.* § 415 (definition of motor vehicle).

3. *Id.* § 1500. The Department of Motor Vehicles is in the Business, Transportation, and Housing Agency. *Id.*

4. *Id.* § 4000 (West 1989).

5. *Id.* § 9800(a) (West 1987) (amended by 1989 Cal. Stat. ch. 187, sec. 3, at \_\_\_\_). Failure to pay any of the following fees may constitute a lien against the vehicle involved: (1) Registration fees; (2) transfer fees; (3) license fees; (4) use taxes; and (5) penalties or administrative service fees. *Id.*

6. See *id.* § 8151 (describing provisions for proportionate registration of fleet vehicles).

7. *Id.* (allowing the registration of a fleet upon a filing of a verified application with the DMV). See *id.* § 8153 (calculating total fee payments by applying the proportion of in-state fleet miles to total fleet miles). See also *id.* § 8154 (definition of total fleet miles).

8. 1989 Cal. Stat. ch. 187, sec. 2, at \_\_\_\_ (enacting CAL. VEH. CODE §§ 8201(a)).

9. See CAL. VEH. CODE § 23 (notice is complete upon the expiration of four days after deposit of the notice in the mail).

10. 1989 Cal. Stat. ch. 187, sec. 2, at \_\_\_\_ (enacting CAL. VEH. CODE § 8201(c)).

11. *Id.* (enacting CAL. VEH. CODE § 8201(b)).

the notice was mailed, the DMV may cancel the operating privileges of the fleet, and may seize and sell a sufficient number of vehicles to satisfy the lien.<sup>12</sup> Chapter 187 also provides administrative appeals for persons submitting additional documentation or who request a hearing, and provides that the DMV must give written notice of the registrant's right to a review of the Director's decision by a court of competent jurisdiction.<sup>13</sup>

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12. *Id.* (enacting CAL. VEH. CODE § 8203(a)).

13. *Id.* (enacting CAL. VEH. CODE § 8202(c), (d)).

## **Transportation and Motor Vehicles; motor vehicle replacement parts**

Business and Professions Code §§ 9875, 9875.1, 9875.2 (new).

AB 1120 (Areias); 1989 STAT. Ch. 817

Support: Ford Motor Company; General Motors Corporation; Chrysler Corporation; Honda Motor Company of America; Nissan Motor Corporation; Automobile Importers of America; California Automotive Dealers Association; Motor Vehicle Manufacturers Association of the U.S., Inc.

Opposition: California Automotive Wholesalers' Association; Specialty Equipment Market Association; Alliance of American Insurers; American Insurance Association; Association of California Insurance Companies; State Farm Insurance; National Association of Independent Insurers

Existing law requires an automotive repair dealer<sup>1</sup> to give a customer a written estimate of the work to be done prior to commencing any work.<sup>2</sup> Chapter 817 prohibits an insurer<sup>3</sup> from requiring the use

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1. See CAL. BUS. & PROF. CODE § 9880.1(a) (Deering Supp. 1989) (definition of automotive repair dealer).

2. *Id.* § 9884.9(a) (Deering Supp. 1989). See *id.* §§ 9880-9889.48 (Deering Supp. 1989) (Automotive Repair Act).

3. See 1989 Cal. Stat. ch. 817, sec. 2, at \_\_\_\_ (enacting CAL. BUS. & PROF. CODE § 9875(a)) (definition of insurer).

of nonoriginal equipment manufacturer aftermarket crash parts<sup>4</sup> unless the consumer receives a written estimate of the nonoriginal part.<sup>5</sup> The written estimate must clearly identify each nonoriginal part and state that the manufacturer or distributor of the part, rather than the vehicle manufacturer, provides any warranties to the part.<sup>6</sup> Further, the Insurance Commissioner and the Attorney General can compel compliance with Chapter 817 and enjoin and restrain any person from engaging in unfair or deceptive competition.<sup>7</sup>

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4. *See id.* (enacting CAL. BUS. & PROF. CODE § 9875(c)) (nonoriginal equipment manufacturer aftermarket crash part means aftermarket crash parts not made for or by the manufacturer of the motor vehicle). *See also id.* (enacting CAL. BUS. & PROF. CODE § 9875(b)) (aftermarket crash part means a replacement for any of the nonmechanical sheet metal or plastic parts, including inner and outer panels, generally constituting the exterior of a motor vehicle).

5. *Id.* (enacting CAL. BUS. & PROF. CODE § 9875.1).

6. *Id.* The disclosure information must be in 10-point or larger type. *Id.*

7. *Id.* (enacting CAL. BUS. & PROF. CODE § 9875.2)). *See* CAL. INS. CODE § 790.06 (Deering 1976) (providing for enforcement of unfair or deceptive competition laws).

## Transportation and Motor Vehicles; off-highway accidents

Vehicle Code § 16000.1 (new); § 16000 (amended).

SB 451 (Robbins); 1989 STAT. Ch. 808

Support: California Rental Association

Existing law requires the driver of a motor vehicle<sup>1</sup> involved in an accident on any street<sup>2</sup> or highway<sup>3</sup> which results in property damage in excess of \$500, bodily injury, or death, to report the accident to the Department of Motor Vehicles (DMV) within ten days of the accident.<sup>4</sup> Existing law further requires that every driver of a motor vehicle maintain and carry in the vehicle evidence of financial responsibility.<sup>5</sup> Persons involved in reportable accidents who fail to

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1. *See* CAL. VEH. CODE § 415 (West 1987) (definition of motor vehicle).

2. *See id.* § 590 (definition of street).

3. *See id.* § 360 (definition of highway).

4. *Id.* § 16000 (West 1989) (amended by 1989 Cal. Stat. ch. 808, sec. 2, at \_\_\_\_).

5. *Id.* § 16020(a). *See id.* § 16021 (setting forth methods of establishing financial responsibility).

report the accident, or who fail to prove the existence of financial responsibility, may have their driving privileges suspended by the DMV.<sup>6</sup> Chapter 808 defines "reportable off-highway accidents,"<sup>7</sup> and requires that they also be reported to the DMV.<sup>8</sup> The legislature's intent is to expand the financial responsibility laws<sup>9</sup> to include vehicles involved in off-highway accidents, and to provide the DMV with the authority to impose criminal sanctions on drivers of uninsured motor vehicles involved in off-highway accidents.<sup>10</sup>

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6. *Id.* § 16070(a) (setting forth conditions for the suspension of driving privileges).

7. *See* 1989 Cal. Stat. ch. 808, sec. 3, at \_\_\_\_ (enacting CAL. VEH. CODE § 16000.1(a)) (a reportable off-highway accident is one which occurs off the street or highway, involves a vehicle subject to the reporting provisions of California Vehicle Code section 16000, and results in bodily injury, death, or property damage in excess of \$500). If damage occurs only to the property of the owner or driver of the motor vehicle, and there is no bodily injury or death, the accident is not reportable. *Id.* (enacting CAL. VEH. CODE § 16000.1(b)).

8. *Id.* sec. 2, at \_\_\_\_ (amending CAL. VEH. CODE § 16000) (requiring the driver of a motor vehicle who is in any manner involved in an off-highway accident to report the accident on a form approved by the DMV).

9. *See generally* CAL. VEH. CODE §§ 16020-16035 (West Supp. 1989) (setting forth financial responsibility laws).

10. 1989 Cal. Stat. ch. 808, sec. 1, at \_\_\_\_ (legislative findings and declarations).

## **Transportation and Motor Vehicles; private roads**

Vehicle Code § 21107.5 (amended).

AB 1326 (Jones); 1989 STAT. CH. 160

Sponsor: Fresno County Board of Supervisors

Support: County Supervisors Association of California; Fresno County Board of Supervisors

Under existing law, the provisions of the Vehicle Code apply to a privately owned and maintained road<sup>1</sup> if a city passes an ordinance or resolution declaring that the private road is usually open to the

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1. *See* CAL. VEH. CODE § 490 (West 1987) (defining a private road or driveway as a way or place that is privately owned and used for vehicular travel exclusively by the owner of the road and those people with the owner's express or implied permission).

public and is indistinguishable from connecting public highways.<sup>2</sup> Counties were able to pass the same ordinance or resolution provided that the privately owned road was within a district of the county that would be a residential or business district if the road were a public highway.<sup>3</sup> Under Chapter 160, counties no longer need to meet this additional requirement.<sup>4</sup>

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2. *Id.* § 21107.5(a) (amended by 1989 Cal. Stat. ch. 160, sec. 1, at \_\_\_\_). No ordinance subjecting the private road to the provisions of the Vehicle Code may be passed without a public hearing and without giving the owner of the road at least 10 days written notice. *Id.* § 21107.5(c). If the owner has placed an easily legible sign on the road indicating that it is private and not subject to public traffic regulations, no city or county can declare that the road is subject to the provisions of the Vehicle Code. *Id.* § 21107.5(b).

3. 1963 Cal. Stat. ch. 1873, sec. 2, at 3859 (enacting CAL. VEH. CODE § 21107.5) (amended by 1989 Cal. Stat. ch. 160, sec. 1, at \_\_\_\_).

4. 1989 Cal. Stat. ch. 160, sec. 1, at \_\_\_\_ (amending CAL. VEH. CODE § 21107.5).

## Transportation and Motor Vehicles; vanpool program

Streets and Highways Code §§ 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579 (new); Public Resources Code § 25380, 25381 (repealed).

SB 1317 (Seymour); 1989 STAT. Ch. 799

(Effective September 26, 1989)

Support: Department of Transportation

Prior law provided for a vanpool revolving loan program in which the State Energy Resources Conservation and Development Commission made loans to individuals to operate vanpools.<sup>1</sup> Under Chapter 799, the vanpool revolving loan program is repealed and re-enacted, to be administered by the Department of Transportation (Department).<sup>2</sup> Persons may submit applications to the Department for a

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1. 1986 Cal. Stat. ch. 1339, sec. 10, at 546 (enacting CAL. PUB. RES. CODE § 25380) (repealed by 1989 Cal. Stat. ch. 799, sec. 1, at \_\_\_\_).

2. 1989 Cal. Stat. ch. 799, sec. 1, at \_\_\_\_ (repealing CAL. PUB. RES. CODE §§ 25380, 25381); *id.* sec. 2, at \_\_\_\_ (enacting CAL. STS. & HIGH. CODE §§ 2570-2579).

loan to purchase a vanpool vehicle.<sup>3</sup> Vanpool operators may also obtain vanpool grants for up to 70% of the cost to purchase or lease a vanpool vehicle.<sup>4</sup> Persons who receive vanpool grants must operate the vehicle as a vanpool for the useful life<sup>5</sup> of the vehicle, at which time title is transferred to the vanpool operator.<sup>6</sup>

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3. *Id.* sec. 2, at \_\_\_\_ (enacting CAL. STS. & HIGH. CODE § 2572). Title to the vehicle remains with the Department until the loan is repaid, at which time title is transferred to the vanpool operator. *Id.* The Department must charge an interest rate which will cover administrative costs and keep the fund at a constant level. *Id.* (enacting CAL. STS. & HIGH. CODE § 2573). Certain guidelines must be established for the making of loans which include an evaluation of the vanpool operator's ability to repay the loan, and the need for the vanpool vehicle. *Id.* (enacting CAL. STS. & HIGH. CODE § 2578(a)). Priority will be assigned in descending order to: (1) Vanpools operating on routes with no alternate forms of public transportation; (2) vanpool operators who have applied for a loan or grant for a new vehicle; (3) vanpool applicants who have been successful previously; (4) vanpool operators applying for loans or grants for replacement vanpool vehicles. *Id.* (enacting CAL. STS. & HIGH. CODE § 2578(a)(1)-(4)). A replacement vanpool is one that is at least four years old, or with 250,000 miles, or both. *Id.*

4. *Id.* (enacting CAL. STS. & HIGH. CODE § 2575(a)). When a vanpool operator does not operate the vehicle as a vanpool, the grant, and the operator's contribution toward purchasing the vehicle is forfeited, and the van must be returned. *Id.* (enacting CAL. STS. & HIGH. CODE § 2575(b)). An operator who obtained a lease grant must operate the vanpool vehicle as a vanpool, or all rights under the lease are forfeited, the vanpool must be returned to the lessor, and the operator's contribution is forfeited. *Id.* (enacting CAL. STS. & HIGH. CODE § 2576).

5. *See* 1989 Cal. Stat. ch. 799, sec. 2, at \_\_\_\_ (enacting CAL. STS. & HIGH. CODE § 2570) (definition of useful life).

6. *Id.* (enacting CAL. STS. & HIGH. CODE § 2575(c)). A vanpool operator does not receive a tax deduction with respect to the amount of any vanpool grant. *Id.* (enacting CAL. STS. & HIGH. CODE § 2579).