



1-1-1975

# Motor Vehicles

University of the Pacific; McGeorge School of Law

Follow this and additional works at: <https://scholarlycommons.pacific.edu/mlr>



Part of the [Legislation Commons](#)

## Recommended Citation

University of the Pacific; McGeorge School of Law, *Motor Vehicles*, 6 PAC. L. J. 344 (1975).

Available at: <https://scholarlycommons.pacific.edu/mlr/vol6/iss1/24>

This Greensheet is brought to you for free and open access by the Journals and Law Reviews at Scholarly Commons. It has been accepted for inclusion in McGeorge Law Review by an authorized editor of Scholarly Commons. For more information, please contact [mgibney@pacific.edu](mailto:mgibney@pacific.edu).

# Motor Vehicles

## **Motor Vehicles; drivers' licenses**

Vehicle Code §§12809, 13202 (amended).  
SB 1452 (Nejedly); STATS 1974, Ch 1193

Prior to the enactment of chapter 1193, section 12809 of the Vehicle Code allowed the Department of Motor Vehicles to refuse to issue or renew the driver's license of an applicant who had been convicted of any offense involving the use or possession of a narcotic controlled substance as defined under division 10 (commencing with §11000) of the Health and Safety Code. Chapter 1193 limits this power by allowing the Department of Motor Vehicles to refuse to issue or renew the driver's license of an applicant who is (1) convicted of such an offense while his driving privilege is on probation for a cause related to the use or possession of a narcotic controlled substance or (2) convicted of an offense involving the transportation for the purpose of sale, or transportation for compensation of a narcotic controlled substance and the commission of such offense involved the use or operation of a motor vehicle.

Chapter 1193 also amends sections 12809 and 13202 of the Vehicle Code (suspension or revocation of driving privilege for offenses involving narcotic controlled substances) to provide that the maximum period for refusal to issue or renew, suspension, or revocation of a driver's license for offenses involving narcotic controlled substances is three years from the date of conviction for such offense.

## **Motor Vehicles; suspension of vehicle registration**

Vehicle Code §§16370, 16371, 16373, 16374, 16375, 16376, 16379, 16381, 16480, 16482, 16484 (amended).  
AB 4085 (Hayden); STATS 1974, Ch 714

Prior to the enactment of chapter 714, sections 16370, 16371, 16373, 16374, 16375, 16376, 16379, 16381, 16480, 16482, and 16484 of the Vehicle Code required the Department of Motor Vehicles to suspend the driver's license, registration cards, and license plates of California residents or the driving privilege and nonresident permit of

nonresidents of California in certain instances where such person failed to satisfy a judgment rendered as the result of a motor vehicle accident. Chapter 714 purportedly amends these sections to require the suspension of only the driver's license or driving privilege of judgment debtors in such situations. However, a later amendment to section 16370 [S.B. 1471, CAL. STATS. 1974, c. 1409; see REVIEW OF SELECTED 1974 CALIFORNIA LEGISLATION, this volume at 336 (Insurance; compulsory financial responsibility)] has reinstated the requirement that the vehicle registration and license plates also be suspended upon failure to satisfy a judgment concerning an auto accident.

---

See Generally:

- 1) 5 WITKIN, CALIFORNIA PROCEDURE, *Enforcement of Judgment* §§203-206 (2d ed. 1971) (financial responsibility laws).

### Motor Vehicles; vehicle equipment violations

Welfare and Institutions Code §564 (amended).

SB 2299 (Nejedly); STATS 1974, Ch 1287

Section 564 of the Welfare and Institutions Code provides alternatives for the disposition of traffic offenses committed by juveniles. Upon the admission by the minor of a traffic violation, the judge, referee, or traffic hearing officer may (1) reprimand the juvenile and take no further action, (2) direct the probation officer to institute proceedings against him, or (3) order *any or all* of the following: (a) suspension of driving privileges; (b) attendance at traffic school; (c) payment of a sum not to exceed \$50 to the general fund of the county; (d) supervision by the probation officer; (e) work in a city park or recreational facility. Chapter 1287 adds to these provisions a new alternative which will allow the judge, referee, or traffic hearing officer to require that a minor who has been cited for a vehicle equipment deficiency produce satisfactory evidence that the violation has been corrected to conform with the requirements of the Vehicle Code.

#### COMMENT

This legislation specifically announces that Vehicle Code Section 40150 shall be one of several alternative sanctions which may be imposed under Welfare and Institutions Code Section 564. Pursuant to section 40150, citations issued for vehicle equipment violations may require that the offender produce in court satisfactory evidence that the violation has been corrected. This section does not, however, preclude the assessment of a fine as well. The Attorney General, however, has

expressed the view that a juvenile cannot be subjected to a fine or other adult sanction as this would be contrary to the philosophy of the juvenile court [38 OPS. ATT'Y GEN. 141 (1961)]. Thus, it would appear that although the minor may be held to comply with the provisions of Vehicle Code Section 40150, he may not be compelled to pay the fine which may be concomitantly imposed against adults pursuant to that section.

It has been the expressed intent of the legislature that the provisions of this act shall supersede those of Assembly Bill 2791 [CAL. STATS. 1974, c. 1238] as of January 1, 1975. Assembly Bill 2791 contained identical provisions and was effective as an urgency statute from September 23, 1974, through December 31, 1974.

### **Motor Vehicles; exhaust system and muffler violations**

Vehicle Code §1803 (amended).

SB 514 (Biddle); STATS 1974, Ch 1316

Chapter 1316 reflects a legislative "hardening of the line" regarding violation of California noise emission standards for motor vehicles. Chapter 1316 amends section 1803 of the Vehicle Code to specifically require the clerk of a court, or judge if there is no clerk, to report to the Department of Motor Vehicles convictions for violations of Vehicle Code Section 27150 (excessive exhaust system noise) which under prior law were specifically exempted from such reporting requirements.

By amending section 1803, chapter 1316 accomplishes two basic purposes. First, the Department of Motor Vehicles is now specifically authorized to refuse to issue or renew the driver's license of a person who has failed to pay a fine imposed for a violation of section 27150 [CAL. VEHICLE CODE §12807(d)]. Secondly, the reporting of such violations will facilitate the ability of the Department of Motor Vehicles to provide a record of prior violations of section 27150 to a judge for consideration in sentencing a person convicted of subsequent Vehicle Code violations.

---

**See Generally:**

- 1) CAL. VEHICLE CODE §42001(a) (maximum penalties for infractions).

### **Motor Vehicles; vehicle noise standards and enforcement**

Vehicle Code §§23130.5, 27160, 38280 (amended).

AB 661 (Lanterman); STATS 1974, Ch 359

Prior to the enactment of chapter 359, Sections 27160 and 38280 of the Vehicle Code prohibited the sale or offering for sale of a new on or off-highway motor vehicle in California if the maximum noise produced by the vehicle exceeded the noise emission standards specified in those sections. These standards varied, depending on the type and model year of the vehicle. Chapter 359 amends these sections to prohibit the sale or offering for sale of any new motor vehicle in California if the maximum noise produced by the vehicle exceeds (1) any federal noise emission standards or regulations for such vehicle established by the Environmental Protection Agency pursuant to the Federal Noise Control Act of 1972 [42 U.S.C. §4901 *et seq.* (1972)] or (2) the existing standards contained in sections 27160 and 38280 of the Vehicle Code where no federal standard or regulation for such vehicle has been adopted. Chapter 359, however, further provides that no on-highway motor vehicle may be registered, and no off-highway motor vehicle may be identified by the Department of Motor Vehicles if the maximum noise emission produced by such vehicle exceeds the noise emission standard for such vehicle contained in sections 27160 and 38280. A dealer's certificate may be accepted by the Department of Motor Vehicles as proof of compliance with the noise emission standards.

By prohibiting registration of a vehicle which exceeds the specified noise standards, rather than the sale of such vehicle, chapter 359 would ostensibly shift the burden of compliance with the noise limitations from the manufacturer and seller to the buyer. It seems obvious, however, that no buyer will purchase a vehicle which he cannot register. Thus, the practical effect of chapter 359 would seem to be basically the same as prior law; that a new motor vehicle which emits noise in excess of the California noise emission standard will not be sold or offered for sale in California regardless of whether the vehicle complies with the federal noise emission standards.

#### *COMMENT*

The express purpose of chapter 359 is to bring the California noise emission control laws into conformity with the Federal Noise Act of 1972 [42 U.S.C. §4901 *et seq.* (1972)]. The Federal Noise Control Act of 1972 basically requires the Administrator of the Environmental Protection Agency to establish noise emission standards for specified new products distributed in interstate commerce and for motor carriers engaged in interstate commerce. Included within the products distributed in interstate commerce are motor vehicles. The Federal Noise

Control Act expressly prohibits any state or political subdivision thereof from adopting or enforcing noise emission control standards or regulations for new products distributed in interstate commerce or for motor carriers engaged in interstate commerce unless the standard or regulation is identical to those adopted by the Environmental Protection Agency [42 U.S.C. §4905(e)(1)(A) (1972)]. Thus, the adoption of separate standards by California is constitutionally suspect.

The Act, however, also expressly provides that this federal preemption does not preclude a state or political subdivision thereof from establishing and enforcing controls on "environmental noise" through licensing, or the regulation or restriction of the use, operation, or movement of any product [42 U.S.C. §4905(e)(2) (1972)]. The Act defines "environmental noise" as the "intensity, duration and character of sounds from all sources." [42 U.S.C. §4902(11) (1972)]. No other statutory, administrative, or judicial interpretation of "environmental noise" is yet available; nor is the incongruity of the impact of local or state regulation of environmental or ambient noise levels on the use, operation, and movement of new motor vehicles (where federal preemption applies) dealt with in the federal legislation.

By expressly defining the terms "registering" and "identifying" as used in sections 27160 and 38280 to be equivalent to the term "licensing" in the federal Act, the California Legislature was apparently attempting to retain the present California noise emission control standards, under the umbrella of "environmental" noise, should the Environmental Protection Agency enact more lenient standards for motor vehicles [See Comment, *Toward the Comprehensive Abatement of Noise Pollution: Recent Federal and New York City Noise Control Legislation*, 4 *ECOLOGY L.Q.* 109, 133 n.135 (1974)]. Thus, should the federal noise standards for particular vehicles be less stringent than the California standard, the constitutionality of sections 27160 and 38280 would seem to depend on whether the registration or identification scheme added by chapter 359 really does fall within the scope of the definition of "environmental noise" contained in the Federal Noise Control Act and will have to await judicial test. However, it is doubtful that the issue will ever be brought to such a test since the recent design decisions forced on the manufacturers by pollution standards have substantially reduced noise emissions.

---

**See Generally:**

- 1) Comment, *Noise Abatement at the Municipal Level*, 7 *U.S.F.L. REV.* 478, 491 (1973).
- 2) 55 *OPS. ATT'Y GEN.* 178 (1972) (preemption of local noise regulation by state).

## **Motor Vehicles; noise emission standards for motorcycles**

Vehicle Code §§27150.8, 27161 (new).  
AB 3605 (Chappie); STATS 1974, Ch 1080

Section 27160 of the Vehicle Code basically establishes maximum noise emission standards for various types of vehicles and prohibits the sale of any motor vehicle in California which (1) exceeds any federal noise emission standard or regulation for such vehicle pursuant to the Federal Noise Control Act of 1972, or (2) if no such federal standard has been adopted, exceeds the California standards. Section 27160, however, further provides that no motor vehicle may be registered in California if the noise emission for such vehicle exceeds the California noise emission standards. The California standard contained in section 27160 for motorcycles manufactured after 1974 and before 1978 is 80 dbA.

Chapter 1080 enacts section 27161 of the Vehicle Code to provide that notwithstanding the provisions of section 27160, the Department of Motor Vehicles may not refuse to register a motorcycle manufactured after 1974 but before 1978 which produces a maximum noise not exceeding 83 dbA. Chapter 1080 also adds section 27150.8 to the Vehicle Code to require a manufacturer of motorcycles or motorcycle accessories to certify that any exhaust system or part thereof complies with existing noise emission regulations, prior to the sale or offering for sale of the exhaust system or part.

### *COMMENT*

Chapter 1080 was apparently enacted in response to assertions by one major motorcycle manufacturer that attainment of the 80 dbA limit is impossible at the present time for large motorcycles; however, another manufacturer claims to have met the standard. Whether chapter 1080 will remedy this problem is unclear because while chapter 1080 permits the registration of motorcycles which exceed the 80 dbA limitation, no federal noise regulation of motorcycles has yet been adopted and therefore the provisions of section 27160 prohibiting the sale of any motorcycle which exceeds the California standard of 80 dbA is applicable. Thus, a manufacturer who is currently unable to meet the 80 dbA standard would seem to be prohibited from selling such a motorcycle in California.

---

**See Generally:**

- 1) REVIEW OF SELECTED 1974 CALIFORNIA LEGISLATION, this volume at 346 (vehicle noise standards and enforcement).

### **Motor Vehicles; motorcycle emissions**

Health and Safety Code §39083.5 (repealed); §39115 (new).

SB 1750 (Biddle); STATS 1974, Ch 1217

Support: Air Resources Board

Chapter 1217 authorizes the Air Resources Board to adopt emission standards for new 1976 and later model year motorcycles which are sold in California after July 1, 1975. Motorcycles are, however, exempted from the provisions of section 39150 of the Health and Safety Code (requiring a decal specifying the exhaust emissions of the motor vehicle). Prior to the enactment of chapter 1217, motorcycles were specifically exempted from the emission control regulation by former section 39083.5 of the Health and Safety Code.

Chapter 1217 may create problems for some motorcycle manufacturers because of fundamental differences between two and four stroke motorcycle engines with respect to exhaust emission output and control. Presumably, the Air Resources Board will have to take these differences into account in promulgating any emission regulation of motorcycles.

### **Motor Vehicles; emission control devices**

Health and Safety Code §39177.1 (amended); Vehicle Code §4602 (repealed); §4602 (new).

SB 2471 (Holmdahl); STATS 1974, Ch 670

Section 39177.1 of the Health and Safety Code requires the installation of a device which will reduce the atmospheric emissions of oxides of nitrogen (NO<sub>x</sub>), and which has been accredited by the Air Resources Board, on all 1966 to 1970 model year motor vehicles having a gross weight of less than 6,001 pounds. Section 39177.1 also provides that devices are to be installed pursuant to a schedule adopted by the Air Resources Board. In July 1974 the Air Resources Board adopted a statewide schedule of installation of the NO<sub>x</sub> devices, based upon the last digit of the license plate of the vehicle, establishing the month in which the device was to be installed and which would have provided for complete installation of the devices on all such vehicles prior to renewal of registration in 1976.

While chapter 670 does not eliminate the requirement for NO<sub>x</sub> devices on all such vehicles, it does postpone the completion of the statewide installation program by amending section 39177.1 to require the NO<sub>x</sub> devices be installed (1) on all such vehicles registered in any

county situated wholly or partially within the South Coast Air Basin pursuant to the schedule of installation adopted by the Air Resources Board in July 1974 and (2) on all such vehicles registered in other counties upon initial registration or upon transfer of registration of ownership. Chapter 670 further amends section 39177.1 to require a certificate of compliance stating that such a device has been installed as a prerequisite for (1) renewal of registration in 1976 for all such vehicles registered in the South Coast Air Basin, and (2) initial registration and transfer of ownership and registration for all such vehicles registered in other counties.

Chapter 670 also deletes from section 4602 of the Vehicle Code the requirement that all such vehicles be equipped with such a device as a precondition to registration in 1973 (this was extended to 1976 by the Air Resources Board in 13 CAL. ADMIN. CODE §2008). Thus, the net effect of chapter 670 is that the installation of the NO<sub>x</sub> control devices on all vehicles registered in counties lying wholly or partially within the South Coast Air Basin (which includes Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara, and Ventura counties) will be the same as under prior law while the installation of the devices on vehicles registered in counties outside the South Coast Air Basin will be deferred until the vehicle is sold and re-registered or initially registered. While the total environmental impact of chapter 670 is speculative, it does represent a considerable retreat from prior law.

#### *COMMENT*

Chapter 670 is partly in response to *Clean Air Constituency v. California State Air Resources Board* [11 Cal. 3d 801, 523 P.2d 617, 114 Cal. Rptr. 577 (1974)]. The Air Resources Board, after several prior delays, sought to postpone the implementation of a schedule of installation of NO<sub>x</sub> devices on cars for years 1966 through 1970 which it had previously adopted, claiming that the energy crisis presented an "extraordinary and compelling" reason for which section 4602 of the Vehicle Code authorized it to delay implementation of the schedule. An association of individuals and groups concerned with the implementation of clean air legislation and the two manufacturers of NO<sub>x</sub> control devices which the Board had accredited sought a writ of mandamus to require implementation of the schedule. In issuing the writ, the California Supreme Court held that unless the "extraordinary and compelling" reason for which implementation of the schedule was delayed related to the purpose and goals of the legislation, section 4602

would be an unconstitutional delegation of power, and a delay to accommodate the energy crisis did not relate to, and in fact conflicted with, the stated purpose and goals of the Air Resources Act. Thus, the delay in completion of statewide installation of the NOx devices (which happen to reduce fuel efficiency), as effected by chapter 670, would seem to be directed at reducing the adverse impact on fuel consumption and supplies in California at the expense of some compromise with air quality.

### **Motor Vehicles; air pollution**

Health and Safety Code §39154 (amended).

AB 3867 (Lanterman); STATS 1974, Ch 834

Chapter 834 amends section 39154 of the Health and Safety Code to authorize the Air Resources Board to prohibit the sale and registration of any new motor vehicle if the vehicle manufacturer has violated emission standards or test procedures and has failed to take corrective action. Chapter 834 also expressly allows the Air Resources Board to order a recall of the vehicles to effect "corrective action." If a manufacturer contests the necessity for, or the scope of, a recall of vehicles ordered by the Air Resources Board, the Board must allow the manufacturer to present evidence at a public hearing in support of his objections to the recall. If a vehicle is recalled the manufacturer must either make all changes specified by the Air Resources Board without charge to the registered owner or reimburse the owner for the cost of making the required corrections.

Prior to the enactment of chapter 834, if the manufacturer of new motor vehicles failed to comply with emission standards or test procedures, the Air Resources Board could prohibit the manufacturer from selling new vehicles during the following year. By allowing the Air Resources Board to order corrective action during the year an offending vehicle is being sold and specifically empowering the Air Resources Board to order a recall of offending vehicles, chapter 834 would seem to strengthen the power of the Air Resources Board to enforce new motor vehicle emission standards and regulations, and provide a more practical and equitable method of deterring noncompliance.

### **Motor Vehicles; automobile dismantlers**

Vehicle Code §11520 (repealed); §§9269, 11520 (new); §§220, 1655, 9263, 11511 (amended).

SB 2346 (Dills); STATS 1974, Ch 613

Chapter 613 has been enacted to regulate certain facilities, processing motor vehicles for their component materials, which were not subject to regulation under prior law and to make certain substantive changes in the regulation of automobile dismantlers. Under prior law, the regulations with respect to automotive dismantlers specifically exempted steel mills and scrap processing facilities whose dismantling operations were exclusively for the purpose of reducing vehicles to their component *materials* (as opposed to component *parts*). Section 220, which defines "automotive dismantler," has been amended such that it continues the exemption but now requires such facilities to obtain, on a form provided by the Department of Motor Vehicles, certification from a person from whom a motor vehicle is obtained that such vehicle has been cleared for dismantling pursuant to section 11520 (surrender of registration and license plates of a vehicle to be dismantled). Section 220 further provides that such forms are to remain the property of the Department of Motor Vehicles and may be taken up and inspected at any time.

Section 1655, which provides that specified employees of the Department of Motor Vehicles have the same powers as peace officers for the purpose of enforcing the laws under the administration of the Department of Motor Vehicles, has been amended to authorize any employee so designated to enter any establishment engaged in the business of selling, repairing, storing, or dismantling vehicles or processing vehicles for their component materials to inspect any vehicle or component part of a vehicle to ascertain if the vehicle has been stolen.

Section 11511 provides that at an administrative hearing for suspension of an automobile dismantler's license, proof that a stolen motor vehicle was found in the possession, or on the premises, of an automobile dismantler establishes a prima facie presumption that the dismantler had knowledge that the vehicle was stolen. Prima facie, as used in the language of this chapter, corresponds to "rebuttable." Chapter 613 amends section 11511 to provide that a dismantler may rebut such presumption by satisfactory evidence that he complied with the provisions of section 11520. As amended, section 11520 also provides that at an administrative hearing for suspension of an automobile dismantler's license, upon proof that a motor vehicle was found in a partially dismantled condition in the possession, or on the premises, of the dismantler, establishes a prima facie presumption that the vehicle was partially dismantled by the dismantler. This presumption may also be rebutted if the business records of the dismantler show that the vehicle was partially dismantled when the dismantler acquired the vehicle.

Prior to the enactment of chapter 613, in order for an automobile dismantler to rebut the prima facie presumption that he had knowledge a vehicle found in his possession or on his premises was stolen, the dismantler had to prove that in addition to complying with the reporting and record keeping requirements of prior section 11520, he had also made a reasonable inquiry to ascertain that the person from whom he bought the vehicle had a legal right to sell the vehicle. Thus, by abandoning the vague term "reasonable inquiry," the legislature has adopted a standard which is both more manageable and more in keeping with the general practice of the industry. Chapter 613 also makes several minor changes in the procedure and period for reporting the acquisition of motor vehicles by automobile dismantlers, and reorganizes and renumbers several provisions of prior section 11520.

---

**See Generally:**

- 1) CAL. VEHICLE CODE §11500 *et seq.* (automobile dismantlers).

### **Motor Vehicles; farm labor vehicles**

Labor Code §1684.5 (new); §1690 (amended); Vehicle Code §§12520, 12520.5, 31402, 31403 (new); §§12519, 31401 (amended).

AB 2975 (Fenton); STATS 1974, Ch 1447

(*Effective September 26, 1974*)

Support: United Farm Workers; Teamsters Legislative Council

Opposition: Department of Finance; Department of Transportation

In order to provide for more stringent controls of vehicles used in farm labor, chapter 1447 has been enacted to make various changes in the Vehicle Code relating to the licensing of operators of such vehicles and to the inspection of such vehicles for safety defects. The new and amended code sections also empower the Labor Commissioner to suspend, revoke, or refuse to renew licenses of persons who fail to comply with Vehicle Code sections relating to the use of farm labor vehicles.

Section 1684.5 has been added to the Labor Code to provide that the Labor Commissioner shall submit a list of all licensees to the California Highway Patrol annually, and section 31401 of the Vehicle Code has been amended to provide that the Highway Patrol shall inspect farm labor vehicles at least once annually to ascertain that they are safe. Further, such a vehicle may not be driven unless a certificate of compliance with safety regulations is displayed in the vehicle. If

upon inspection such a vehicle is found to be unsafe, or is known by the farm labor contractor to be unsafe, it may not be used except to be driven unladen to a repair shop under the provisions of the new sections 31402 and 31403 of the Vehicle Code. Section 12519 has been amended to provide that no farm labor truck or bus may be operated by any person who does not possess an appropriate license to operate the particular type of vehicle and a certificate issued by the Department of Motor Vehicles permitting the operation of farm labor vehicles, except that after July 1, 1975, a person possessing only a schoolbus driver's license may operate such a vehicle. Further, the section sets out requirements for the issuance of farm labor vehicle driver certificates relating to examinations and driver training courses. Sections 12520 and 12520.5 provide mandatory and discretionary guidelines for the denial of issuance or revocation of farm labor vehicle certificates. Section 1690 of the Labor Code has been amended to include the violation of Vehicle Code sections relating to farm labor vehicles as grounds for the revocation, suspension, or refusal to renew licenses issued to farm labor contractors pursuant to the Labor Code.

---

See Generally:

- 1) 13 CAL. ADMIN. CODE §1260 *et seq.* (supplementary regulations relating to farm labor vehicles).

### **Motor Vehicles; sale of boat trailers**

Revenue and Taxation Code §6282.1 (repealed); Vehicle Code §286 (amended).

AB 2706 (Cory); STATS 1974, Ch 687

Chapter 687 deletes from section 286 of the Vehicle Code the specific provision exempting persons engaged in a business involving the purchase, sale, or exchange of boat trailers from the definition of "dealer" (contained in §285 of the Vehicle Code). Chapter 687 thus reclassifies a person engaged in a business involving the purchase, sale, or exchange of boat trailers as a "dealer" and subjects such person to the regulations and licensing requirements applicable to vehicle dealers. Although the new law also repeals section 6282.1 of the Revenue and Taxation Code, which specifically required persons engaged in the sale of boat trailers to pay the gross receipt sales tax, a person engaged in such business will still be required to pay the gross receipt sales tax under the provisions of the Revenue and Taxation Code requiring automobile dealers to pay such tax [See CAL. REV. & TAX CODE §6015; 18 CAL. ADMIN. CODE §1556].

**COMMENT**

Chapter 687 would seem by implication to require "distributors" (defined in Vehicle Code §296 as any person other than a manufacturer who sells new vehicles subject to registration under this code to dealers in this state and maintains representatives for the purpose of contacting dealers or prospective dealers in this state) of boat trailers to be licensed pursuant to the provisions of section 11700 of the Vehicle Code (licensing of distributors). Chapter 687 would also seem to require the licensing of boat trailer salesmen, although such salesmen are specifically excluded from the definition of "vehicle salesmen" (§675). Section 11713(h) prohibits a "dealer" from employing a person not licensed pursuant to the provisions of article 2 (commencing with §11800) of the Vehicle Code as a salesman. The net result of this chapter may thus be an extension of the licensing requirements in the sale of boat trailers to include distributors and salesmen as well as dealers.

---

**See Generally:**

- 1) CAL. VEHICLE CODE ch. 4 (commencing with §11700) (manufacturers, transporters, dealers, and salesman).

...