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Bill Title: Transportation: omnibus bill.

Spectrum: Committee Bill

Status: (*Passed*) 2021-09-24 - Chaptered by Secretary of State. Chapter 311, Statutes of 2021. [SB814 Detail]

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Senate Bill No. 814

CHAPTER 311

An act to amend Sections 231, 407.5, 467.5, 9250.14, 24252, 25351, 26103, 27900, 29004, 34505.1, and 34505.7 of the Vehicle Code, relating to transportation.

[Approved by Governor September 24, 2021. Filed with Secretary of State September 24, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

SB 814, Committee on Transportation. Transportation: omnibus bill.

(1) Existing law generally regulates the operation of a bicycle, including, among other things, providing that a person operating a bicycle on the highway has all the rights and is subject to all the provisions applicable to the driver of a vehicle. These provisions also apply to a pedicab, defined, among other things, as a bicycle with 3 or more wheels that is capable of transporting passengers on seats attached to the bicycle, that is operated by a person, and that is being used for transporting passengers for hire. Existing law defines a bicycle, for purposes of these provisions, as a device having one or more wheels upon which a person may ride that is propelled exclusively by human power, as specified. A violation of the provisions regulating the operation of a bicycle or pedicab is an infraction.

This bill would expand the definition of a pedicab to include electric bicycles and would expand the definition of a bicycle to include electric bicycles. By expanding these definitions, this bill would expand an existing crime, thereby imposing a state-mandated local program.

(2) Existing law generally regulates the operation of a motorized scooter, and a violation of provisions regulating the operation of a motor scooter is an infraction. Existing law defines a motor scooter, among other things, as any 2-wheeled device that has handlebars and a floorboard that is designed to be stood upon when riding. Existing law specifies that a motor scooter may also have a driver seat that does not interfere with the ability of the rider to stand and ride.

This bill would expand the definition of motorized scooter to include any 2-wheeled device that has handlebars and a seat and footrests in place of the floorboard, as specified. By expanding the definition of a motorized scooter, this bill would expand an existing crime, thereby imposing a state-mandate local program.

(3) Existing law authorizes a county, upon the adoption of a resolution by its board of supervisors, to impose a fee on motor vehicles, as specified, that is paid quarterly to the Controller and continuously appropriated for disbursement to the county, as specified, to be used to fund programs relating to vehicle theft crimes. Existing law requires a county that imposes this fee to issue an annual report to the Controller on or before August 31. Existing law requires the Controller to suspend a county's fee for one year if the county fails to submit the report by November 30 and requires the Controller to inform the Department of Motor Vehicles on or before February 1 that a county's authority to collect the fee is suspended.

This bill would instead require a county that imposes this fee to issue the annual report to the Controller on or before November 30.

(4) Under existing law, the Department of the California Highway Patrol (CHP) promulgates regulations and enforces laws relating to vehicle equipment and safety, as well as the safe operation and maintenance of commercial carriers, including carriers of property and passengers, tour bus carriers and modified limousine carriers, and towing vehicles. A violation of these provisions is an infraction.

This bill would recast and revise specified provisions relating to the vehicle equipment and safety. Among other changes, the bill would (A) expand the types of commercial vehicles authorized to be equipped with identification lamps; (B) revise the circumstances under

which the CHP is required to recommend that the Public Utilities Commission or the United States Department of Transportation take specified disciplinary actions against a tour bus carrier, modified limousine carrier, or private carrier of passengers; and (C) revise the requirements for securing vehicles transported as a load on a trailer. The bill would also revise the process for the CHP to adopt regulations relating to lighting devices to include specified standards.

Because a violation of certain requirements of the bill would be an infraction, the bill would create a state-mandated local program.

(5) 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.

The bill would provide that no reimbursement is required by this act for a specified reason.

Digest Key

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

Bill Text

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

SECTION 1. Section 231 of the Vehicle Code is amended to read:

231. A bicycle is a device upon which a person may ride, propelled exclusively by human power, except as provided in Section 312.5, through a belt, chain, or gears, and having one or more wheels. A person riding a bicycle is subject to the provisions of this code specified in Sections 21200 and 21200.5. An electric bicycle is a bicycle.

SEC. 2. Section 407.5 of the Vehicle Code is amended to read:

407.5. (a) A "motorized scooter" is any two-wheeled device that has handlebars, has either a floorboard that is designed to be stood upon when riding or a seat and footrests in place of the floorboard, and is powered by an electric motor. This device may also be designed to be powered by human propulsion. For purposes of this section, a motorcycle, as defined in Section 400, a motor-driven cycle, as defined in Section 405, or a motorized bicycle or moped, as defined in Section 406, is not a motorized scooter.

(b) A device meeting the definition in subdivision (a) that is powered by a source other than electrical power is also a motorized scooter.

(c) (1) A manufacturer of motorized scooters shall provide a disclosure to buyers that advises buyers that the buyers' existing insurance policies may not provide coverage for these scooters and that the buyers should contact their insurance company or insurance agent to determine if coverage is provided.

(2) The disclosure required under paragraph (1) shall meet both of the following requirements:

(A) The disclosure shall be printed in not less than 14-point boldface type on a single sheet of paper that contains no information other than the disclosure.

(B) The disclosure shall include the following language in capital letters:

"YOUR INSURANCE POLICIES MAY NOT PROVIDE COVERAGE FOR ACCIDENTS INVOLVING THE USE OF THIS SCOOTER. TO DETERMINE IF COVERAGE IS PROVIDED, YOU SHOULD CONTACT YOUR INSURANCE COMPANY OR AGENT."

(d) (1) A manufacturer of motorized scooters shall provide a disclosure to a buyer that advises the buyer that the buyer may not modify or alter the exhaust system to cause that system to amplify or create an excessive noise, or to fail to meet applicable emission requirements.

(2) The disclosure required under paragraph (1) shall meet both of the following requirements:

(A) The disclosure shall be printed in not less than 14-point boldface type on a single sheet of paper that contains no information other than the disclosure.

(B) The disclosure shall include the following language in capital letters:

"YOU MAY NOT MODIFY OR ALTER THE EXHAUST SYSTEM OF THIS SCOOTER TO CAUSE IT TO AMPLIFY OR CREATE EXCESSIVE NOISE PER VEHICLE CODE SECTION 21226, OR TO FAIL TO MEET APPLICABLE EMISSION REQUIREMENTS PER VEHICLE CODE 27156."

SEC. 3. Section 467.5 of the Vehicle Code is amended to read:

467.5. "Pedicab" means any of the following:

(a) A bicycle, including an electric bicycle, that has three or more wheels, that transports, or is capable of transporting, passengers on seats attached to the bicycle, that is operated by a person, and that is being used for transporting passengers for hire.

(b) A bicycle, including an electric bicycle, that pulls a trailer, sidecar, or similar device, that transports, or is capable of transporting, passengers on seats attached to the trailer, sidecar, or similar device, that is operated by a person, and that is being used for transporting passengers for hire.

(c) A four-wheeled device that is primarily or exclusively pedal-powered, has a seating capacity for eight or more passengers, cannot travel in excess of 15 miles per hour, and is being used for transporting passengers for hire. A pedicab defined under this subdivision is subject to the requirements of Article 4.5 (commencing with Section 21215) of Chapter 1 of Division 11.

SEC. 4. Section 9250.14 of the Vehicle Code is amended to read:

9250.14. (a) (1) In addition to any other fees specified in this code and the Revenue and Taxation Code, upon the adoption of a resolution by any county board of supervisors, a fee of one dollar (\$1) shall be paid at the time of registration or renewal of registration of every vehicle, except vehicles described in subdivision (a) of Section 5014.1, registered to an address within that county except those expressly exempted from payment of registration fees. The fees, after deduction of the administrative costs incurred by the department in carrying out this section, shall be paid quarterly to the Controller.

(2) (A) If a county has adopted a resolution to impose a one-dollar (\$1) fee pursuant to paragraph (1), the county may increase the fee specified in paragraph (1) to two dollars (\$2) in the same manner as the imposition of the initial fee pursuant to paragraph (1). The two dollars (\$2) shall be paid at the time of registration or renewal of registration of a vehicle, and quarterly to the Controller, as provided in paragraph (1).

(B) If a county has not adopted a resolution to impose a one-dollar (\$1) fee pursuant to paragraph (1), the county may instead adopt a fee of two dollars (\$2) in the manner prescribed in paragraph (1).

(C) A resolution to impose a fee of two dollars (\$2) pursuant to subparagraph (A) or (B) shall be submitted to the department at least six months before the operative date of the fee increase.

(3) In addition to the service fee imposed pursuant to paragraph (1), and upon the implementation of the permanent trailer identification plate program, and as part of the Commercial Vehicle Registration Act of 2001 (Chapter 861 of the Statutes of 2000), all commercial motor vehicles subject to Section 9400.1 registered to an owner with an address in the county that established a service authority under this section, shall pay an additional service fee of two dollars (\$2).

(4) (A) If a county imposes a service fee of two dollars (\$2) by adopting a resolution pursuant to subparagraph (A) or (B) of paragraph (2), the fee specified in paragraph (3) shall be increased to four dollars (\$4). The four dollars (\$4) shall be paid at the time of registration or renewal of registration of a vehicle, and quarterly to the Controller as provided in paragraph (1).

(B) A resolution to increase the additional service fee from two dollars (\$2) to four dollars (\$4) pursuant to subparagraph (A) or (B) of paragraph (2) shall be submitted to the department at least six months before the operative date of the fee increase.

(b) Notwithstanding Section 13340 of the Government Code, the moneys paid to the Controller are continuously appropriated, without regard to fiscal years, for the administrative costs of the Controller, and for disbursement by the Controller to each county that has adopted a resolution pursuant to subdivision (a), based upon the number of vehicles registered, or whose registration is renewed, to an address within that county.

(c) Except as otherwise provided in this subdivision, moneys allocated to a county pursuant to subdivision (b) shall be expended exclusively to fund programs that enhance the capacity of local police and prosecutors to deter, investigate, and prosecute vehicle theft crimes. In any county with a population of 250,000 or less, the moneys shall be expended exclusively for those vehicle theft crime programs and for the prosecution of crimes involving driving while under the influence of alcohol or drugs, or both, in violation of Section 23152 or 23153, or vehicular manslaughter in violation of Section 191.5 of the Penal Code or subdivision (c) of Section 192 of the Penal Code, or any combination of those crimes.

(d) The moneys collected pursuant to this section shall not be expended to offset a reduction in any other source of funds, nor for any purpose not authorized under this section.

(e) Any funds received by a county before January 1, 2000, pursuant to this section, that are not expended to deter, investigate, or prosecute crimes pursuant to subdivision (c) shall be returned to the Controller, for deposit in the Motor Vehicle Account in the State Transportation Fund. Those funds received by a county shall be expended in accordance with this section.

(f) Each county that adopts a resolution under subdivision (a) shall submit, on or before the 13th day following the end of each quarter, a quarterly expenditure and activity report to the designated statewide Vehicle Theft Investigation and Apprehension Coordinator in the Department of the California Highway Patrol.

(g) A county that imposes a fee under subdivision (a) shall issue a fiscal yearend report to the Controller on or before November 30 of each year. The report shall include a detailed accounting of the funds received and expended in the immediately preceding fiscal year, including, at a minimum, all of the following:

- (1) The amount of funds received and expended by the county under subdivision (b) for the immediately preceding fiscal year.
- (2) The total expenditures by the county under subdivision (c) for the immediately preceding fiscal year.
- (3) Details of expenditures made by the county under subdivision (c), including salaries and expenses, purchase of equipment and supplies, and any other expenditures made listed by type with an explanatory comment.
- (4) A summary of vehicle theft abatement activities and other vehicle theft programs funded by the fees collected pursuant to this section.
- (5) The total number of stolen vehicles recovered and the value of those vehicles during the immediately preceding fiscal year.
- (6) The total number of vehicles stolen during the immediately preceding fiscal year as compared to the fiscal year before the immediately preceding fiscal year.
- (7) Any additional, unexpended fee revenues received under subdivision (b) for the county for the immediately preceding fiscal year.
- (h) Each county that fails to submit the report required pursuant to subdivision (g) by November 30 of each year shall have the fee suspended by the Controller for one year, commencing on July 1 following the Controller's determination that a county has failed to submit the report.
- (i) (1) On or before January 1, 2013, and on or before January 1 of each year, the Controller shall provide to the Department of the California Highway Patrol copies of the yearend reports submitted by the counties under subdivision (g) and, in consultation with the Department of the California Highway Patrol, shall review the fiscal yearend reports submitted by each county pursuant to subdivision (g) to determine if fee revenues are being utilized in a manner consistent with this section. If the Controller determines that the use of the fee revenues is not consistent with this section, the Controller shall consult with the participating counties' designated regional coordinators. If the Controller determines that use of the fee revenues is still not consistent with this section, the authority to collect the fee by that county shall be suspended for one year.
- (2) If the Controller determines that a county has not submitted a fiscal yearend report as required in subdivision (g), the authorization to collect the service fee shall be suspended for one year pursuant to subdivision (h).
- (3) If the Controller determines that a fee shall be suspended for a county, the Controller shall inform the Department of Motor Vehicles on or before February 1 of each year that the authority to collect a fee for that county is suspended.
- (j) On or before January 1 of each year, the Controller shall prepare and post on the Controller's internet website a revenue and expenditure summary for each participating county that includes all of the following:
 - (1) The total revenues received by each county.
 - (2) The total expenditures by each county.
 - (3) The unexpended revenues for each county.
- (k) For the purposes of this section, a county-designated regional coordinator is that agency designated by the participating county's board of supervisors as the agency in control of its countywide vehicle theft apprehension program.

SEC. 5. Section 24252 of the Vehicle Code is amended to read:

24252. (a) (1) All lighting equipment of a required type installed on a vehicle shall at all times be maintained in good working order. Lamps shall be equipped with bulbs of the correct voltage rating corresponding to the nominal voltage at the lamp socket.

(2) For purposes of this section, "lighting equipment of a required type" includes lighting equipment specifically required by this code and lighting equipment required pursuant to Part 393 or Part 571 of Title 49 of the Code of Federal Regulations.

(b) The voltage at a tail, stop, license plate, side marker or clearance lamp socket on a vehicle shall not be less than 85 percent of the design voltage of the bulb. Voltage tests shall be conducted with the engine operating.

(c) Two or more lamp or reflector functions may be combined, provided each function subject to requirements established by the department meets those requirements.

(1) A turn signal lamp may not be combined optically with a stoplamp unless the stoplamp is extinguished when the turn signal is flashing.

(2) A clearance lamp may not be combined optically with a taillamp or identification lamp.

SEC. 6. Section 25351 of the Vehicle Code is amended to read:

25351. (a) A commercial vehicle and any other vehicle 80 or more inches in width may be equipped with identification lamps mounted on the front or rear.

(b) Identification lamps on vehicles described in subdivision (a) manufactured prior to January 1, 1968, may exhibit either amber, green, or white light to the front and red light to the rear.

(c) Identification lamps on vehicles described in subdivision (a) manufactured on or after January 1, 1968, may exhibit only amber light to the front and red light to the rear.

SEC. 7. Section 26103 of the Vehicle Code is amended to read:

26103. (a) The department may adopt and enforce regulations establishing standards and specifications for safety belts, safety glazing material, safety helmets, sirens, tire traction devices, bunk stakes, and synthetic binders. The standards and specifications may include installation and aiming requirements.

(b) Notwithstanding rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department shall adopt regulations for lighting devices permitted by this code and incorporate by reference the applicable standards published by SAE International for these devices and a corresponding publication date. Notwithstanding the specified publication date, a person may sell or use upon a vehicle a device meeting the requirements of a revised standard.

(c) A federal motor vehicle safety standard adopted pursuant to Chapter 301 (commencing with Section 30101) of Part A of Subtitle VI of Title 49 of the United States Code that covers the same aspect of performance of a device shall prevail over provisions of this code or regulations adopted pursuant to this code. Lamps, devices, and equipment certified by the manufacturer to meet applicable federal motor vehicle safety standards as original equipment on new vehicles and the identical replacements for those items need not be certified to the department.

SEC. 8. Section 27900 of the Vehicle Code is amended to read:

27900. (a) A motor vehicle or combination of vehicles used to carry the property of others for hire or used to carry passengers for hire, a truck or truck tractor with three or more axles or a truck tractor with a semitrailer, and all commercial motor vehicles, as defined in subdivision (c) of Section 34601, shall have displayed on both sides of each vehicle or on both sides of one of the vehicles in each combination of vehicles the name or trademark of the person under whose authority the vehicle or combination of vehicles is being operated.

(b) The name or trademark of the motor carrier operating a vehicle or combination of vehicles listed in subdivision (a) under a rental agreement with a term of not more than 30 calendar days is not required to be displayed if all of the following requirements are met:

(1) The name or trademark of the lessor is displayed on both sides of each vehicle or on both sides of one of the vehicles in each combination of vehicles.

(2) Any of the following numbers issued to the lessor are displayed on both sides of each vehicle or on both sides of one of the vehicles in each combination of vehicles:

(A) The carrier identification number issued by the United States Department of Transportation.

(B) A valid operating authority number.

(C) A valid motor carrier of property number.

(3) (A) A copy of the rental agreement entered into by the lessor and the vehicle operator is in the vehicle or combination of vehicles.

(B) The rental agreement shall be available for inspection immediately upon the request of an authorized employee of the department, any regularly employed and salaried police officer or deputy sheriff, or any reserve police officer or reserve deputy sheriff listed in Section 830.6 of the Penal Code.

(C) If the rented vehicle or combination of vehicles is operated in conjunction with a commercial enterprise, the rental agreement shall include the operator's carrier identification number or motor carrier of property permit number.

(c) A vehicle or combination of vehicles that is in compliance with Section 390.21 of Title 49 of the Code of Federal Regulations shall be deemed to be in compliance with subdivision (b).

(d) All names, trademarks, and other identifiers for companies no longer in business, no longer operating with the same name, or no longer operating under the same operating authority, shall be removed from or covered over on every motor vehicle or combination of vehicles listed in subdivision (a), within 60 days from the change of company ownership or operation. Those vehicles or combinations of vehicles shall be remarked pursuant to subdivision (a) before they may be operated on the highways.

SEC. 9. Section 29004 of the Vehicle Code is amended to read:

29004. (a) (1) Except as required under paragraph (2), a towed vehicle shall be coupled to the towing vehicle by means of a safety chain, cable, or equivalent device in addition to the regular drawbar, tongue, or other connection.

(2) A vehicle towed by a tow truck shall be coupled to the tow truck by means of at least two safety chains in addition to the primary restraining system. The safety chains shall be securely affixed to the truck frame, bed, or towing equipment, independent of the towing sling, wheel lift, or under-reach towing equipment.

(3) A vehicle transported as a load on a trailer, using vehicles other than those described in Section 34500, shall be secured by at least four tiedown chains, straps, or an equivalent device, independent of the winch or loading cable.

(b) All safety connections and attachments shall be of sufficient strength to control the towed vehicle in the event of failure of the regular hitch, coupling device, drawbar, tongue, or other connection. All safety connections and attachments also shall have a positive means of ensuring that the safety connection or attachment does not become dislodged while in transit.

(c) No more slack may be left in a safety chain, cable, or equivalent device than is necessary to permit proper turning. When a drawbar is used as the towing connection, the safety chain, cable, or equivalent device shall be connected to the towed and towing vehicle and to the drawbar so as to prevent the drawbar from dropping to the ground if the drawbar fails.

(d) Subdivision (a) does not apply to a semitrailer having a connecting device composed of a fifth wheel and kingpin assembly, and does not apply to a towed motor vehicle when steered by a person who holds a license for the type of vehicle being towed.

(e) For purposes of this section, a "tow truck" includes both of the following:

(1) A reposessor's tow vehicle, as defined in subdivision (b) of Section 615.

(2) An automobile dismantler's tow vehicle, as defined in subdivision (c) of Section 615.

(f) A vehicle towed by a reposessor's tow vehicle, as defined in subdivision (b) of Section 615, is exempt from the multisafety chain requirement of paragraph (2) of subdivision (a) so long as the vehicle is not towed more than one mile on a public highway and is secured by one safety chain.

SEC. 10. Section 34505.1 of the Vehicle Code is amended to read:

34505.1. (a) Upon determining that a tour bus carrier or modified limousine carrier has either failed to comply with the requirements specified in paragraph (1) or (2), or has been issued an out-of-service order for either an imminent hazard or an unsatisfactory or unfit rating by the United States Secretary of Transportation, the department shall recommend to the Public Utilities Commission that the carrier's operating authority be suspended, denied, or revoked, or to the United States Department of Transportation that appropriate administrative action be taken against the carrier's interstate operating authority, whichever is appropriate:

(1) The tour bus carrier or modified limousine carrier has failed to maintain any vehicle of the carrier in a safe operating condition or to comply with the Vehicle Code or with regulations contained in Title 13 of the California Code of Regulations relative to motor carrier safety, and, in the department's opinion, the failure presents an imminent danger to public safety or constitutes such a consistent failure as to justify a recommendation to the Public Utilities Commission or the United States Department of Transportation.

(2) The tour bus carrier or modified limousine carrier has failed to enroll all drivers in the pull-notice system as required by Section 1808.1.

(b) For purposes of this section, two consecutive unsatisfactory compliance ratings for an inspected terminal assigned because the tour bus carrier or modified limousine carrier failed to comply with the periodic report requirements of Section 1808.1 or the cancellation of the carrier's enrollment by the Department of Motor Vehicles for nonpayment of required fees may be determined by the department to be a consistent failure. However, when recommending denial of an application for new or renewal authority, the department need not conclude that the carrier's failure presents an imminent danger to public safety or that it constitutes a consistent failure. The department need only conclude that the carrier's compliance with the safety-related matters described in paragraph (1) of subdivision (a) is sufficiently unsatisfactory to justify a recommendation for denial. The department shall retain a record, by carrier, of every recommendation made pursuant to this section.

(c) Before transmitting a recommendation pursuant to subdivision (a), the department shall notify the carrier in writing of all of the following:

(1) That the department has determined that the carrier's safety record is unsatisfactory, furnishing a copy of any documentation or summary of any other evidence supporting the determination.

(2) That the determination may result in a suspension, revocation, or denial of the carrier's operating authority by the Public Utilities Commission or the United States Department of Transportation, as appropriate.

(3) That the carrier may request a review of the determination by the department within five days of its receipt of the notice required under this subdivision. If a review is requested by the carrier, the department shall conduct and evaluate that review prior to transmitting a notification pursuant to subdivision (a).

(d) Notwithstanding subdivision (a) or (c), upon determining during a terminal inspection or at any other time that the condition of a tour bus shows multiple safety violations of a nature that operation of the tour bus could constitute an imminent danger to public safety, the department shall immediately order the tour bus out of service. The tour bus shall not be subsequently operated with passengers until all of the safety violations have been corrected and the department has verified the correction of the safety violations upon a subsequent inspection by the department of the tour bus, which shall occur within five business days of the submission of a reinspection request from the tour bus carrier to the department.

SEC. 11. Section 34505.7 of the Vehicle Code is amended to read:

34505.7. (a) Upon determining that a private carrier of passengers, as defined in Section 34681 of the Vehicle Code, has either failed to comply with the requirements specified in paragraph (1) or (2), or has been issued an out-of-service order for either an imminent hazard or an unsatisfactory rating by the United States Secretary of Transportation, the department shall make a written recommendation to the Department of Motor Vehicles that the carrier's registration be suspended:

(1) The private carrier of passengers has failed to maintain any vehicle of the carrier in a safe operating condition or to comply with the Vehicle Code or with regulations contained in Title 13 of the California Code of Regulations relative to motor carrier safety, and, in the department's opinion, the failure presents an imminent danger to public safety or constitutes such a consistent failure as to justify a recommendation to the Department of Motor Vehicles.

(2) The private carrier of passengers has failed to enroll all drivers in the pull-notice system as required by Section 1808.1.

(b) For purposes of this section, two consecutive unsatisfactory terminal ratings assigned for failure to comply with the periodic report requirements in Section 1808.1, or cancellation of an employer's enrollment by the Department of Motor Vehicles for nonpayment of fees, constitutes a consistent failure. The department shall retain a record, by operator, of every recommendation made pursuant to this section.

(c) Before transmitting a recommendation pursuant to subdivision (a), the department shall give written notice to the carrier of all of the following:

(1) That the department has determined that the carrier's safety record is unsatisfactory, furnishing a copy of any documentation or summary of any other evidence supporting the determination.

(2) That the determination may result in a suspension or revocation of the carrier's registration by the Department of Motor Vehicles.

(3) That the carrier may request a review of the determination by the department within five days of its receipt of the notice required by this subdivision. If a review pursuant to this paragraph is requested by the carrier, the department shall conduct and evaluate that review prior to transmitting a notification pursuant to subdivision (a).

(d) Commercial vehicle inspection facilities along the border of Mexico, including those in Calexico and Otay Mesa, shall be staffed at all times by a Department of the California Highway Patrol inspector whenever those facilities are open to the public. The Department of the California Highway Patrol shall also assign, as staffing permits, a commercial inspector to control truck traffic entering the United States at the Tecate border crossing.

SEC. 12. 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.