
STATUTES OF CALIFORNIA

FIRST EXTRAORDINARY SESSION 1947

*Began on Monday, January 13, 1947, and Adjourned
Tuesday, June 24, 1947*

PROCLAMATION BY THE GOVERNOR

CONVENING THE LEGISLATURE IN FIRST EXTRAORDINARY SESSION

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

WHEREAS, An extraordinary occasion has arisen and now exists requiring that the Legislature of the State of California be convened in extraordinary session; now, therefore,

I, EARL WARREN, Governor of the State of California, by virtue of the power and authority in me vested by Section 9 of Article V of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet in extraordinary session at Sacramento, California, on Monday, the thirteenth day of January, 1947, at 12.30 o'clock p.m. of said day for the following purposes and to legislate upon the following subjects:

1. To consider and act upon legislation relating to the construction and maintenance of state highways, county roads and city streets.
2. To consider and act upon legislation relating to the financing and administration of state highway, county road and city street construction and maintenance, including taxation therefor.
3. To consider and act upon legislation relating to the operation of motor vehicles, and to highway, road and street traffic regulations and their enforcement, including the administration of enforcement agencies.
4. To consider and act upon legislation relating to the registration, financial and statistical procedures of the Department of Motor Vehicles.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this ninth day of January, 1947.

EARL WARREN,
Governor of California

(SEAL)

ATTEST:

FRANK M. JORDAN,
Secretary of State

By CHAS. J. HAGERTY,
Deputy Secretary of State

STATUTES OF CALIFORNIA

PASSED AT THE 1947 FIRST EXTRAORDINARY SESSION OF THE LEGISLATURE

CHAPTER 1

An act making an additional appropriation for legislative printing, binding, etc., to take effect immediately.

[Approved by Governor January 30, 1947. Filed with Secretary of State January 30, 1947.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. In addition to any money otherwise appropriated, the sum of twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to be expended during the 1946-1947 Fiscal Year for legislative printing, binding, etc., for the First Extraordinary Session of the Fifty-seventh Legislature. Appropriation Legislative printing and binding

SEC. 2. This act, inasmuch as it makes an appropriation for the usual current expenses of the State shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately. Current expenses

CHAPTER 2

An act to amend Sections 160, 164, 164.5, and 675.5 of the Vehicle Code, relating to the registration of motor vehicles.

[Approved by Governor February 17, 1947. Filed with Secretary of State February 17, 1947.] In effect September 23, 1947

The people of the State of California do enact as follows:

SECTION 1. Section 160 of the Vehicle Code is amended to read:

160. Application for Renewal. Application for renewal of a vehicle registration expiring on the date above mentioned shall be made by the owner between January 1st and midnight of February 4th succeeding said expiration date and shall be made by presentation of the registration card last issued for the vehicle or by presentation of a potential registration card issued by the department for use at the time of renewal and by payment of the full annual fee for such vehicle as provided in this code. Application for renewal

See also
Stats 1947,
Chs 124
and 649
Department
to renew
registration

SEC. 2. Section 164 of said code is amended to read:

164. Department to Renew Registration. The department, upon renewing a registration, shall issue a new registration card and license plate or plates to the owner as upon an original registration. In lieu of issuing a new registration card the department may endorse or authorize the endorsement of a receipt or validation upon payment of the required fees, such receipt or validation to be stamped upon the registration card last issued for such vehicle during the preceding registration year or upon a potential registration card issued near the close of the preceding year, which registration card so endorsed or validated shall constitute the registration card for the ensuing registration year, and the department may, in place of issuing a new license plate or plates for the ensuing year, issue in lieu thereof a symbol or other device indicating the year number for which issued, which symbol or device shall be attached to the license plate or plates issued for such vehicle for the preceding calendar year, and, when so attached, said license plates with such symbols or devices shall for the purposes of this code be deemed to be the license plate or plates for the ensuing registration year.

The foregoing is intended to provide alternative methods whereby the department may issue usual registration cards with usual license plates or symbols or devices, as above stated, or may issue such symbols or devices to be attached to the license plates for the preceding calendar year and issue usual registration cards or may endorse or authorize the endorsement of a receipt or validate the registration card for the preceding year, or may endorse or authorize the endorsement of a receipt or validate a potential registration card issued by the department for use at time of renewal.

SEC. 3. Section 164.5 of said code is amended to read:

When vehicle
not operated

164.5. When Vehicle Not Operated. When the registration of a vehicle has expired at midnight on the thirty-first day of December of any year and such vehicle is not thereafter operated upon the highways, then any application for renewal made subsequent to the fourth day of February following the expiration of such registration and for succeeding calendar years in which such vehicle has not been registered shall be accompanied by a certificate of nonoperation and such application for renewal of registration, whether or not accompanied by an application for transfer of any title or interest therein, shall be received by the department upon payment of the proper fees for the current calendar year and without penalty for any such fees imposed under this act or under Chapter 362, Statutes of 1935, or any act continuing the tax thereby imposed or substituting a similar tax, provided that the department receives said application and certificate of nonoperation within 30 days after the date said vehicle is first operated during the current calendar year.

SEC. 4. Section 675.5 of said code is amended to read:

675.5. Safety Glass Required. (1) On and after January 1, 1936, no person shall sell any new motor vehicle nor shall any new motor vehicle be registered thereafter, nor shall any person operate any motor vehicle sold as a new motor vehicle in this State after January 1, 1936, unless such motor vehicle is equipped with safety glass wherever glass is used in partitions, doors, windows, or windshields.

See also
Stats. 1947,
Ch. 1078
Safety glass
required

(2) The term "safety glass," as used in this code shall be construed as meaning glass so treated or combined with other materials as to reduce, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from external sources or by glass when the glass is cracked or broken.

(3) The Department of Motor Vehicles shall approve and maintain a list of the approved types of glass, conforming to recognized specifications, tests and requirements for safety glass as defined in this section and shall not register any new motor vehicle after January 1, 1936, unless such motor vehicle is equipped with an approved type of safety glass.

(4) On and after January 1, 1936, every application for the original registration of a new motor vehicle sold in this State shall be accompanied by a certificate of the transferrer of the vehicle indicating the type of glass used in the partitions, doors, windows and windshields thereof.

(5) It shall be a misdemeanor for any person to replace any safety glass in any vehicle referred to herein with any glass other than safety glass meeting the requirements of this section.

CHAPTER 3

An act to add Section 10759 to the Revenue and Taxation Code, and Section 373.5 to the Vehicle Code, relating to vehicle registration and license fees.

[Approved by Governor February 17, 1947. Filed with Secretary of State February 17, 1947.]

In effect
September
23, 1947

The people of the State of California do enact as follows:

SECTION 1. Section 10759 is added to the Revenue and Taxation Code, to read:

10759. In computing the fee imposed by this chapter, whether on a proration or otherwise, a fraction of a dollar is disregarded, unless it exceeds fifty cents (\$0.50), in which case it is treated as one full dollar (\$1).

Computation
of fee

Any fee in an amount less than fifty cents (\$0.50) shall be deemed to be one dollar (\$1). This section will become effective on January 1, 1948.

SEC. 2. Section 373.5 is added to the Vehicle Code, to read:

373.5. In computing any registration or weight fee imposed by this code, whether on a proration or otherwise, a

Computation
of
registration
or weight
fee

fraction of a dollar is disregarded, unless it exceeds fifty cents (\$0.50), in which case it is treated as one full dollar (\$1).

Any fee in an amount less than fifty cents (\$0.50) shall be deemed to be one dollar (\$1). This section will become effective on January 1, 1948.

CHAPTER 4

An act making an appropriation to the Department of Motor Vehicles for the improvement and mechanization of the registration and related financial and statistical procedures of the Department of Motor Vehicles, to take effect immediately.

In effect
immediately

[Approved by Governor February 17, 1947. Filed with Secretary of State
February 17, 1947.]

The people of the State of California do enact as follows:

Appropriation:
Department
of Motor
Vehicles

SECTION 1. Out of any money in the State Treasury not otherwise appropriated there is hereby appropriated two hundred thousand dollars (\$200,000) as additional support for the Department of Motor Vehicles to be used for the improvement and mechanization of the registration and related financial and statistical procedures of the Department of Motor Vehicles

Current
expenses

SEC. 2. This act, inasmuch as it makes an appropriation for the usual current expenses of the State, shall under the provisions of Section 1 of Article IV of the Constitution take effect immediately.

CHAPTER 5

An act making an appropriation for mileage of the Members and Officers of the Assembly, without regard to fiscal years, to take effect immediately.

In effect
immediately

[Approved by Governor March 26, 1947. Filed with Secretary of State
March 26, 1947.]

The people of the State of California do enact as follows:

Appropriation:
Assembly
mileage

SECTION 1. Out of any money in the State Treasury not otherwise appropriated the sum of five thousand dollars (\$5,000) is hereby appropriated for mileage of the Members and Officers of the Assembly, without regard to fiscal years.

Current
expenses

SEC. 2. This act, inasmuch as it makes an appropriation for the usual current expenses of the State, shall under the provisions of Section 1 of Article IV of the Constitution take effect immediately.

CHAPTER 6

An act making an appropriation for the contingent expenses of the Assembly, without regard to fiscal years, including committee expenses, to take effect immediately.

[Approved by Governor March 26, 1947. Filed with Secretary of State March 26, 1947.]

In effect
immediately

The people of the State of California do enact as follows:

SECTION 1. The sum of one hundred fifty thousand dollars (\$150,000) or so much thereof as may be necessary is hereby appropriated for the contingent expenses of the Assembly, without regard to fiscal years, including expenses of committees composed in whole or in part of Members of the Assembly.

Appropriation:
Contingent
expenses of
Assembly

SEC. 2. This act, inasmuch as it makes an appropriation for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately.

Current
expenses

CHAPTER 7

An act to amend Section 906 of the Streets and Highways Code, relating to the width of county highways.

[Approved by Governor April 15, 1947. Filed with Secretary of State April 15, 1947.]

In effect
September
23, 1947

The people of the State of California do enact as follows:

SECTION 1. Section 906 of the Streets and Highways Code is amended to read:

906. The width of all county highways, other than bridges, alleys, lanes, and trails, shall be at least 40 feet, except as provided by Section 969.

Width of
county
highways

This section shall not increase or diminish the width of any county highway established, dedicated and maintained as such prior to January 1, 1945.

CHAPTER 8

An act to provide for the recruiting and training of additional members of the California Highway Patrol, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 22, 1947. Filed with Secretary of State May 22, 1947.]

In effect
immediately

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding any existing provisions of Items 187 and 187.2 of the Budget Act of 1945 to the contrary, and in addition to any provision heretofore made for the recruit-

Recruiting
additional
patrolmen
for Cali-
fornia
Highway
Patrol

ing and training of additional patrolmen for the California Highway Patrol, the Director of Motor Vehicles is directed to recruit and train, pursuant to Section 124 of the Vehicle Code, sixty (60) additional members of the California Highway Patrol in traffic regulation, their duties, and the proper enforcement of the Vehicle Code.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

There is now existing an urgent, critical and dangerous situation with respect to traffic on the highways of this State. Owing to the greatly increased and increasing traffic on the public highways, resulting in a high rate of accidents, there is an immediate need for the additional trained members of the Highway Patrol who are to be made available by this act.

CHAPTER 9

An act making an additional appropriation for legislative printing, binding, etc., to take effect immediately.

In effect
immediately

[Approved by Governor May 23, 1947. Filed with
Secretary of State May 23, 1947.]

The people of the State of California do enact as follows:

Appropriation,
Legislative
printing,
binding, etc

SECTION 1. In addition to any money otherwise appropriated, the sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to be expended during the 1946-1947 Fiscal Year for legislative printing, binding, etc., for the First Extraordinary Session of the Fifty-seventh Legislature.

Current
expenses

SEC. 2. This act, inasmuch as it makes an appropriation for the usual current expenses of the State shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately.

CHAPTER 10

An act to amend Section 142 of the Vehicle Code, relating to vehicles exempted from registration.

In effect
September
23, 1947

[Approved by Governor June 4, 1947. Filed with
Secretary of State June 4, 1947.]

The people of the State of California do enact as follows:

See also
Stats 1947,
Ch 248
and Ch 20,
1947 1st
Ex. Sess

SECTION 1. Section 142 of the Vehicle Code is amended to read:

142. **Exemption From Registration.** The registration provisions of this chapter shall not apply to any of the following vehicles: Exemption
from
registration

(a) Any vehicle of a type otherwise subject to registration hereunder which is driven or moved upon a highway in conformance with the provisions of this code relating to dealers, transporters or nonresidents or under a temporary registration permit issued by the department as authorized by Section 147 hereof.

(b) Any vehicle of a type otherwise subject to registration hereunder which is driven or moved upon a highway only for the purpose of crossing such highway from one property to another in accordance with a permit issued by the Department of Public Works.

(c) Any implement of husbandry, whether of a type otherwise subject to registration hereunder or not, which is only incidentally operated or moved over a highway. The following shall be deemed to be implements of husbandry and shall be exempt from registration:

(1) A lift-carrier designed and used exclusively for the lifting and carrying of implements of husbandry, when operated or moved upon a highway.

(2) A two-wheeled trailer having no bed, and designed and used solely for transporting a hay loader.

(3) A spray rig designed and used exclusively for spraying in the conduct of agricultural operations.

(4) A nurse rig or equipment auxiliary to the use of a spray rig.

(5) A row duster.

(6) A wagon or van used exclusively for carrying products of farming from one part of a farm to another part thereof, or from one farm to another farm, and used solely for agricultural purposes, including any van used in harvesting alfalfa, which is only incidentally operated or moved on a highway as a trailer.

(7) A wagon or portable house on wheels used solely by shepherds as a permanent residence in connection with sheep-raising operations and moved from one part of a ranch to another part thereof or from one ranch to another ranch, which is only incidentally operated or moved on a highway as a trailer.

(8) A trap wagon moved from one part of a ranch to another part of the same ranch or from one ranch to another, which is only incidentally operated or moved on a highway.

The foregoing list shall be deemed as illustrative and not a list of limitations.

(d) Special mobile equipment.

(e) Any self-propelled wheel chair or invalid tricycle.

(f) Special highway construction equipment.

CHAPTER 11

"Collier-Burns Highway Act of 1947"

An act to provide for a system of public streets and highways in this State and for the financial support thereof, including the levying of taxes therefor, and for that purpose to repeal Sections 188, 203, 1021, 1022, 1023, 1024, 1621, 1625.5, 1626, 1626.5, 1627, and 1628 of, to amend Sections 143, 194, 195, 458, 461, 467, 1028, 1029, and 1622 of, and to add Division 3 and Sections 29, 74, 143.1, 143.2, 188, 188.4, 521, 522, 523, 524, 525, 526, 527, 528, 529, and 600 to, to add Article 2.5 to Chapter 3 of Division 1 of, the Streets and Highways Code, to repeal Sections 276.5, 779, 780, and 782, and to amend Sections 277, 370, 372, 381, and 781 of, the Vehicle Code, and to repeal Sections 8353, 8353 5, 8354, 8355, 8356, 8357, and 8358 of, to amend Sections 7351, 8352, 8651, 9302, 9303, 9304 and 10452 of, and to add Sections 8353, 9654 and 10456 to, the Revenue and Taxation Code, and to amend Section 7 of Chapter 788 of the Statutes of 1937.

Sec Secs
38 and
41 6 for
effective
dates

[Approved by Governor June 23, 1947. Filed with Secretary of State June 23, 1947]

The people of the State of California do enact as follows:

SECTION 1. Division 3 is added to the Streets and Highways Code, to read:

DIVISION 3. APPORTIONMENT AND EXPENDITURE OF HIGHWAY USERS TAX

CHAPTER 1. THE COUNTY PRIMARY ROAD SYSTEM

Primary
system of
county roads
Maximum
mileage

2000. There is in each county a primary system of county roads.

2001. The primary system of county roads shall not exceed at any time 50 percent of the total maintained mileage of county roads.

Selection

2002. The primary system of county roads shall be selected by the board of supervisors on the basis of greatest general county importance.

Secondary
road system

2003. County roads not included in the primary system shall constitute the county secondary road system.

Inclusion or
exclusion
of roads

2004. Roads may from time to time be included in or excluded from the county primary road system, subject to the approval of the department and subject to the 50 percent limitation stated in Section 2001. Proposals for inclusion or exclusion of roads in the county primary system shall be submitted by order of the board of supervisors for approval by the department.

Rules and
regulations

2005. The department may prescribe rules and regulations not inconsistent with this chapter governing the manner of presentation of proposals for its approval.

Road
commissioner

2006. The board of supervisors of each county shall, prior to January 1, 1948, appoint a single road commissioner for all road districts in the county. The road commissioner shall be a

registered civil engineer except that an unregistered person may be employed as road commissioner if approved by the board of supervisors as qualified and competent to handle the road and highway work of the county. Nothing herein shall preclude one such person from serving two or more counties. The county surveyor may be appointed, if a registered civil engineer, or if found by the board of supervisors to be properly qualified. The road commissioner shall at all times be under the direction and supervision of the board of supervisors.

Each county shall furnish evidence to the State Controller that it has complied with the provisions of this section.

After January 1, 1948, neither the State Controller nor any other state officer shall make any allocations or payments to any county from the Highway Users Tax Fund until such county has complied with the requirements of this section.

2007. The road commissioner shall each year prepare a tentative road budget covering all proposed expenditures for the ensuing fiscal year for county road purposes. He shall submit the same as his recommended budget to the board of supervisors at the same time as other county departments submit their recommended budgets. The board of supervisors shall hold public hearings on the proposed road budget at the same time as the general county budget is considered and after like notice. In adopting the budget the board may make such changes and revisions as it considers will subserve the public interest.

Tentative
road budget

2008. The board of supervisors shall fix the salary of the road commissioner. It shall be chargeable against the \$20,000 annual apportionment to the county under the first subdivision of Section 2111.

Salary of
road com-
missioner

2009. The board shall determine the general policies of the county as to county highway matters and the same shall be carried out and administered by the road commissioner. The commissioner shall employ such assistants and employees as may be necessary, subject to the approval of the board of supervisors of the salary or other compensation to be paid, and may purchase, lease or hire such equipment as is necessary for county road purposes, subject to the approval of the board as to the price or rental.

Powers and
duties

2010. When not otherwise provided by law, each supervisor who uses a privately owned automobile in the discharge of duties imposed upon him in connection with the county road system shall receive for the performance of such duties in addition to the compensation paid him as supervisor, but not for the same mileage for which an allowance is otherwise made by law, six cents (\$.06) per mile for mileage traveled, but not more than three hundred dollars (\$300) in any one year, which shall be chargeable against the twenty thousand dollars (\$20,000) annual apportionment to the county under the first subdivision of Section 2111.

Mileage
allowance for
supervisors

CHAPTER 2. THE MAJOR CITY STREET SYSTEM

- Major city streets 2050. There is in each city a system of major city streets.
- Secondary system 2051. City streets not included in the system of major city streets shall constitute the city secondary street system.
- Selection 2052. The system of major city streets shall be selected by the city council on the basis of greatest general city importance, subject to the approval of the department.
- Inclusion or exclusion of streets 2053. Streets may from time to time be included in or excluded from the city system of major city streets subject to the approval in each case of the department.
- Expenditures on major streets 2054. All expenditures made by or on behalf of a city on any project on the system of major city streets, which project is financed in whole or in part from the Highway Users Tax Fund, shall be made in accordance with the provisions of Sections 194 to 202, inclusive.
- Maximum mileage 2055. The major system of city streets in any city and county shall, for purposes of this division, be deemed to constitute its system of primary roads. Such system shall not exceed 50 percent of the total mileage of streets and highways maintained by and in the city and county. The use of the term "city and county" in this section shall not affect the interpretation of "city" or "county" as elsewhere used in this division, it being intended that those terms as elsewhere used in this division shall include "city and county" as provided in Sections 14 and 15.

CHAPTER 3. HIGHWAY USERS TAX FUND

- Highway Users Tax Fund 2100. The Highway Users Tax Fund is created in the State Treasury.
- Appropriation 2101. All moneys in the Highway Users Tax Fund and hereafter received in said fund are appropriated for the acquisition of rights of way for, and the construction, reconstruction, improvement, and maintenance of, public streets and highways subject to and in accordance with the provisions of this code.
- "Net revenue" 2102. Net revenue derived from a tax means the amount derived after paying refunds and costs of collection.
- Apportionment of fund 2103. The moneys in the Highway Users Tax Fund shall be apportioned quarterly in the months of January, April, July, and October of each year by the State Controller as provided in Sections 2104 to 2121.
- Annual appropriation for support of Controller 2103.1. In addition to any other money available by law for support of the Controller, there is hereby annually appropriated, from the Highway Users Tax Fund, for expenditure during each fiscal year by the Controller for carrying out his duties under this act, the sum of one hundred thousand dollars (\$100,000) or so much as may be necessary. Upon reversion of any unused balance of this appropriation the amount reverted shall be available for apportionment in accordance with the provisions of this chapter.
- Apportionment among counties 2104. The sum of five million four hundred thousand dollars (\$5,400,000) annually shall be apportioned among the

counties from the Highway Users Tax Fund as provided in Section 2110. The base sum of five million four hundred thousand dollars (\$5,400,000) per year shall be increased or decreased for each fiscal year in the ratio that the total number of motor vehicles registered in this State for the preceding calendar year bears to the total number of motor vehicles registered in this State for the calendar year 1946.

2105. A sum equal to the net revenue derived from one cent (\$0.01) per gallon tax under the Motor Vehicle Fuel License Tax Law shall be apportioned among the counties as provided in Section 2111. Same

2106. A sum equal to three-eighths of one cent (\$0.00 $\frac{3}{8}$) per gallon tax under the Motor Vehicle Fuel License Tax Law shall be apportioned among the counties as provided in Sections 2113 to 2116, inclusive. Same

2107. A sum equal to five-eighths of one cent (\$0.00 $\frac{5}{8}$) per gallon tax under the Motor Vehicle Fuel License Tax Law shall be transferred to the State Highway Fund for expenditure in cities as provided in Section 194. Expenditure in cities

2108. The balance of the moneys in the Highway Users Tax Fund after making the apportionments provided in Sections 2104 to 2107, inclusive, shall be transferred to the State Highway Fund for expenditure on state highways. Expenditure on state highways

2109. State highways in cities shall be maintained, constructed and improved out of the moneys received in the State Highway Fund under Section 2108; provided, the department is not required to maintain any route or portion of a route in any city which route or portion of route was added after January 1, 1947, until the same has been laid out and constructed as a state highway. Maintenance of state highways in cities

2110. The moneys payable to the counties under Section 2104 shall be apportioned among the several counties as follows: Said payments shall be made to the counties in proportion to the number of fee-paid vehicles registered in such counties as determined by the place of residence of the registered owners as shown on the registration cards issued. Manner of apportionment among counties

The Department of Motor Vehicles shall, when requested by the State Controller, furnish to him a verified statement showing the number of such fee-paid vehicles registered in each county according to the records of the department, for the use of the State Controller in making the apportionments provided for herein.

2111. The moneys payable to the counties under Section 2105 shall be apportioned among the several counties as follows: Same
 (a) First, each county shall be paid five thousand dollars (\$5,000) during each of the months of January, April, July and October of each year, which amounts shall be used exclusively for engineering costs and administrative expenses in respect to county roads. In the event that any such amount, as indicated by the report filed by the county with the State Controller, under Section 2152 hereof, has not been expended by the county within 18 months after the close of the quarter during which said

amount was paid, the unexpended balance shall be deducted by the Controller from the next payment made hereunder to the county, and shall be credited as a deposit in the Highway Users Tax Fund. (b) Secondly, each county shall be paid seven thousand five hundred dollars (\$7,500) during the months of January, April, July and October of each year. (c) Thirdly, the balance remaining shall be apportioned to the counties in the proportion that the registration of vehicles in each of the counties bears to the total number of vehicles registered in this State.

Estimated
amounts

2112. If the number of vehicles registered in any of the counties is not available before the Controller makes the apportionments required by subdivision (c) of Section 2111, the Controller may estimate the amount to be paid to any county during any quarter of a year, and may pay to any county a sum not to exceed 75 percent of the amount estimated to be due that county during the quarterly period. Such payment shall be in addition to the twelve thousand five hundred dollars (\$12,500) paid to each county for each quarter of the year, as provided in subdivisions (a) and (b) of Section 2111. After the Controller has made a payment to a county based on his estimate, and the number of vehicles registered in the county is available to the Controller, he shall compute the balance due and pay such balance to each of the counties, to which such payments have been made.

Apportioned
quarterly

2113. The moneys payable to the counties under Section 2106 shall be apportioned quarterly among the several counties as provided in Sections 2114, 2115, and 2116.

Apportion-
ment among
counties

2114. First, from the moneys payable under Section 2106 there shall be paid to each county eligible thereto an amount computed quarterly as follows: The number of miles of maintained county road in each county shall be multiplied by seventy-five dollars (\$75), from the resultant amount shall be deducted the amount received by each county under the second and third subdivisions of Section 2111, and the remainder, if any, shall be paid to each county.

Same

2115. One-half of the balance remaining after making the payments provided for in Section 2114 shall be apportioned and paid to the counties in the proportion that the registration of vehicles in each of the counties bears to the total number of vehicles registered in this State. If the number of vehicles registered in any of the counties is not available before the Controller makes the apportionment he may proceed as provided in Section 2112.

Same

2116. The remaining one-half of such balance shall be apportioned and paid quarterly to the counties in the proportion that the maintained mileage of county roads in each of the counties eligible for this apportionment bears to the total mileage of maintained county roads in eligible counties; provided, that no apportionment hereunder shall be made to any county whose quarterly apportionment under Section 2110, and the second and third subdivisions of Section 2111 exceeds the sum

obtained by multiplying the county's maintained mileage of county roads by one hundred fifty dollars (\$150).

2117. The apportionments made under Sections 2115 and 2116 shall be used by the counties exclusively for construction expenditures upon the county primary road systems. The Controller shall notify each county of the amount apportioned under Sections 2115 and 2116 in each apportionment. Use for construction on primary roads

2118. The moneys transferred to the State Highway Fund, for expenditure in cities under Section 2107 shall be expended as provided in Sections 194 to 202, inclusive, of this code. Expenditures in cities

2119. The State Controller shall not draw his warrant upon the Highway Users Tax Fund in favor of any county or city which has failed to establish any street or road fund as required by law, or which has failed, neglected or refused to file any report required by law, showing the amount of money received by such city or county from the Highway Users Tax Fund and the disposition thereof. On satisfactory proof by such city or county to the State Controller of the establishment of such road fund or the filing of such report, such warrant shall be issued. Conditions for payment to county or city

2120. Upon the request of the board of supervisors of any county, the Controller may deduct from the apportionment to such county any amount specified in such request and pay the amount to any state department for services to be furnished in accordance with the request. Deductions

2121. In May of each year each county shall submit to the department any additions or exclusions from its mileage of maintained county highways, specifying the termini and mileage of each route added or excluded from its county maintained roads. The department shall either approve or disapprove each such inclusion or exclusion and in the event of a disapproval the county shall have the right to appeal as provided in Section 74. The department shall as required by the State Controller certify to him county mileage figures. No appeal shall affect any apportionment made by the Controller pending the determination of the appeal. If, on such appeal, additional mileage is allowed the county, the department shall immediately certify the corrected figure to the Controller, and the same shall be used for subsequent apportionments. Maintained county highways - Inclusion or exclusion of mileage

CHAPTER 4. ACCOUNTING, REPORTS AND AUDITS

2150. All amounts paid to each county, out of the Highway Users Tax Fund shall be paid into its special road improvement fund. The board may pay into said fund any other money available for roads. All money received by a county from the Highway Users Tax Fund shall be expended by the county exclusively for county highway purposes, including but not limited to the acquisition of real property or interests therein for, or the construction, maintenance or improvement of county highways and county aid to cities. Special road improvement fund

Report of
expenditures

2151. On or before the first day of October of each year, the governing body of each county and city shall cause to be made and filed with the State Controller a complete report of the expenditures for street or road purposes during the fiscal year ending on the thirtieth day of June next preceding. The State Controller shall prescribe the form and contents of the report.

Contents of
report

2152. The report shall contain the following:

(a) A detailed statement of all money available from all sources during the fiscal year covered by the report, including money made available by the United States, the State, the county or city, any other governmental agency, and money available from bond issues, special assessments, or from any other source whatever for expenditure for street or road purposes.

(b) A detailed statement of all expenditures during the fiscal year covered by the report for street or road purposes, including obligations incurred but not yet paid. The statement shall be broken down into expenditure categories, such as expenditures for rights of way or other property, new construction, reconstruction, widening, resurfacing, maintenance, repair, and acquisition and maintenance of equipment. Expenditures on the county primary road system shall be separately reported.

The State Controller, with the advice of the department, may prescribe such other expenditure categories and may require such detail as may be deemed necessary by him fully to disclose the nature and extent of all financial transactions by the county or city relating to streets or roads.

Controller's
powers

2153. The State Controller shall take such steps as he may deem necessary to insure that such reports are adequate and accurate.

Tabulation
and compila-
tion of
reports

2154. The State Controller shall annually tabulate and compile all such reports received by him and shall distribute copies of such tabulation and compilation to the Governor, the Lieutenant Governor, the Members of the Legislature, the department, the Legislative Auditor, the cities and the counties, and to any legislative committee charged with the investigation of streets, roads, highways, or bridges in this State.

Delinquent
reports

2155. No state money shall be allocated to or made available for expenditure by any county or city at any time when such county or city is delinquent in filing the report provided for in this chapter.

SEC. 1.5. Section 29 is added to the general provisions of the Streets and Highways Code, to read:

"Construc-
tion"

29. "Construction" includes:

(a) Acquisition of rights of way and material sites and the payment of damage claims under Section 14 of Article I of the Constitution.

(b) Construction.

(c) Reconstruction.

(d) Replacement.

(e) Any improvement excepting maintenance as defined in Section 27.

SEC. 1.6. Section 143 of the Streets and Highways Code is amended to read:

143. The department shall make a report to the Governor, ^{Report to Governor} at least 30 days before each regular session of the Legislature, covering for the previous fiscal year, the work and investigations of the Division of Highways and making such recommendations as are considered desirable for changes in the laws affecting the Division of Highways.

SEC. 1.7. Section 143.1 is added to the Streets and Highways Code, to read:

143.1. The department shall make at least 30 days before each regular session of the Legislature a budget report to the Governor. ^{Budget report}

The commission shall prepare for inclusion, and the department shall include, in said report a statement of all estimated State Highway Fund revenues and revenues available from any other sources and estimated regular federal aid for the next succeeding fiscal year, together with a statement of proposed expenditures or obligations to be incurred during the next succeeding fiscal year for the construction, improvement, and maintenance of the various highways or portions thereof under the jurisdiction of the department under the following headings:

(a) Administration, including payments for services of the Division of Contracts and Rights of Way.

(b) Maintenance.

(c) Major Construction and Improvement. Under this will be shown all proposed expenditures or obligations to be incurred in each county group for major construction and improvement, segregating the major bridges, the route of each highway to be constructed or improved, the county in which located, the number of miles involved, and a description of the type of work to be done.

(d) Minor Improvement and Betterment. This heading will show the total proposed expenditures and obligations to be incurred for each county group for minor improvement and betterment.

(e) Contingencies.

(f) Rights of Way. This will show the approximate amount of money needed for the purchase of rights of way in each county group.

(g) Other proposed expenditures, including preliminary engineering.

The said report as submitted by the department shall be included in the printed fiscal year budget submitted to the Legislature. It shall constitute as submitted the complete and detailed budget submitted to the Department of Finance pursuant to Section 13320 of the Government Code. Said budget shall be administered by the Department of Finance as the Fiscal Year Budget of the Division of Highways under the provisions of this section and of Article 2 of Chapter 3 of Part 3 of ^{Budget}

Division 3 of Title 2 of the Government Code. In the case of any inconsistency, the provisions of this section shall control.

Changes or
modifications

All changes or modifications in the budget shall be by vote of the commission, approved by the Director of Finance where required by this section.

Funds may be transferred from Item (e), Contingencies, to other items by vote of the commission, but no increase or decrease shall be otherwise made in any of Items (a) to (g), inclusive, of said budget without the approval of the Director of Finance. No project shown under Item (c) shall be eliminated and no new project shall be added to Item (c) of the budget without the approval of the Director of Finance. If it is necessary to eliminate or postpone any project shown under Item (c) to meet an emergency caused by floods, earthquake or other like cause or on account of decreased revenue or on account of increased costs on other work, the commission may eliminate or postpone such project upon the written approval of the Director of Finance.

In the event, during an annual period, the budgetary amount approved and allocated by the commission for any purpose exceeds the amount actually necessary therefor, with a resultant available surplus, such surplus may be allocated by the commission to any other purpose or supplemental project upon the written approval of the Director of Finance.

Admini-stra-
tion of
budget

In administering said budget, the Director of Finance shall not limit expenditures or incurrence of obligations thereunder to quarterly, semiannual or other periods of the fiscal year and shall not require any greater detail than that specified in this section and in Section 143.2.

Contracts for major construction and improvement projects shown in said budget under Item (c) may be awarded on and after the first day of April preceding the beginning of the fiscal year.

The State Controller shall account in his books all receipts and expenditures in the State Highway Fund in accordance with the classification prescribed in this section.

For the purpose of recording by the Controller of receipts to and expenditures from the State Highway Fund, the department shall furnish to the Controller with claims and remittances or by subsequent reports the information necessary to maintain such accounts.

SEC. 1.8. Section 143.2 is added to the Streets and Highways Code, to read:

Statement of
revenues,
expenditures,
etc

143.2. Commencing with the report submitted pursuant to Section 143.1, preceding the 1949 session of the Legislature and in each subsequent report, the commission shall also prepare for inclusion, and the department shall also include, in said report a statement of actual State Highway Fund revenues and revenues available from any other source and estimated regular federal aid for highway purposes received during the current and next preceding fiscal years, together with a statement of all expenditures made and obligations incurred during

the current and next preceding fiscal years for the construction, improvement, and maintenance of the various highways or portions thereof under the jurisdiction of the department under the following headings and subheadings:

(a) Administration, including payments for services of the Division of Contracts and Rights of Way.

(1) General or central office administration.

(2) District office administration, including San Francisco-Oakland Bay Bridge.

(3) Departmental administration.

These subheadings will include administrative expenditures for bridges, testing, and the like.

(b) Maintenance.

(1) General maintenance for each highway route.

(2) Expenditures for:

(i) Safety devices and signs.

(ii) Snow removal.

(iii) Other maintenance.

(c) Major Construction and Improvement. Under this will be shown all expenditures and obligations incurred in each county group for major construction and improvement, segregating the major bridges, the route of each highway constructed or improved, the county in which located, the number of miles involved, and a description of the type of work done.

(d) Minor Improvement and Betterment. This heading will show as to each minor improvement and betterment the same information required under (c).

(e) Rights of Way. This will show the amount of money expended for the purchase of rights of way in each county group.

(f) There shall also be included in such report a statement of the reasons for any differences between actual revenues received and estimated revenues, as well as for any differences between actual expenditures and obligations incurred and those proposed to be made, in the two next preceding reports together with a statement of the reasons why any expenditures proposed to be made or obligations to be incurred in the two next preceding reports, and not made, have not been made or incurred.

In addition to making such report to the Governor, the department shall publish or cause to be published not less than 500 copies thereof for the use of the Legislature.

SEC. 2. Section 461 of the Streets and Highways Code is amended to read:

461. Route 161 is from:

Route 161

(a) Route 205 near Elysian Park in Los Angeles to a connection with Route 4 near Glendale.

(b) Route 4 near Glendale to Route 2 near Vineland Avenue.

(c) Route 4 near Glendale to Route 9 near Monrovia.

SEC. 2.2. Section 458 of the Streets and Highways Code is amended to read:

- Route 158 458. Route 158 is from :
 (a) Route 4 near San Fernando to Route 60 near Los Angeles Airport.
 (b) Route 60 near Los Angeles Airport to a point on Route 167 near Signal Hill.
 SEC. 2.3. Section 521 is added to the Streets and Highways Code, to read :
- Route 221 521. Route 221 is from a point on Route 60 near Los Angeles Airport to a point on Route 165 between Santa Barbara and Slauson Avenues.
 SEC. 2.4. Section 522 is added to the Streets and Highways Code, to read :
- Route 222 522. Route 222 is from Route 165 near Adams Street to Route 205 near Elysian Park in Los Angeles.
 SEC. 2.5. Section 523 is added to the Streets and Highways Code, to read :
- Route 223 523. Route 223 from a point on Route 2 near Division Street to Route 56.
 SEC. 2.6. Section 524 is added to the Streets and Highways Code, to read :
- Route 224 524. Route 224 is from a point on Route 2 near the intersection of Lombard Street and Van Ness Avenue to the San Francisco-Oakland Bay Bridge approach in San Francisco.
 SEC. 2.6A. Section 525 is added to the Streets and Highways Code, to read :
- Route 225 525. Route 225 is a connection between Route 56 and Route 2 near the south boundary of the City and County of San Francisco.
 SEC. 2.7. Section 526 is added to the Streets and Highways Code, to read :
- Route 226 526. Route 226 is from a point in the vicinity of the intersection of Webster Street and Santa Clara Avenue in Alameda to a point on Route 5 in Oakland.
 SEC. 2.7A. Section 467 of the Streets and Highways Code is amended to read :
- Route 167 467. Route 167 is from :
 (a) Long Beach to Route 166.
 (b) (a) above, near Los Angeles River to Route 26 via Atlantic Boulevard.
 SEC. 2.8. Section 527 is added to the Streets and Highways Code, to read :
- Route 227 527. Route 227 is a connection between Route 75 near Lake Temescal in Oakland and Route 5 near San Leandro.
 SEC. 2.8A. Section 528 is added to the Streets and Highways Code, to read :
- Route 228 528. Route 228 is a connection between Route 5 and Route 69 near San Lorenzo.
 SEC. 2.8B. Section 529 is added to the Streets and Highways Code, to read :
- Route 229 529. Route 229 is a connection between Route 68 and Route 2 near San Bruno.

SEC. 2.8C. Section 600 is added to the Streets and Highways Code, to read:

600. The commission and the department, in the allocation and expenditure of moneys from the State Highway Fund, for construction on any route or portion of a route in any county, which route or portion of a route was added to the State Highway System by the act adding this section shall, until the commission makes the finding hereinafter specified, be limited to those moneys which, under the provisions of Section 188.4, are required as a minimum expenditure for such county during each five-year period specified in Section 188.4. This limitation shall apply in respect to expenditures for construction on such added routes or portions of routes in each county in each county group until the commission makes a finding as to any county group that all of the deficiencies listed in the report printed in the Senate Journal of this session of June 19, 1947, in such county group have been corrected.

State Highway Fund Allocation and expenditure of moneys

SEC. 2.9. Article 2.5 is added to Chapter 3 of Division 1 of the Streets and Highways Code, to read:

Article 2.5. Special Provisions re Utilities in Freeways

700. (a) "Person," in addition to the definition in Section 19, includes any city, county, public corporation, or public district.

"Person"

(b) "Utility facility" means any pole, pole line, pipe, pipe line, conduit, cable, aqueduct, or other structure or appurtenance thereof used for public or privately owned utility services or used by any mutual organization supplying water or telephone service to its members.

"Utility facility"

(c) "Utility" means any person maintaining any utility facility.

"Utility"

701. The provisions of this article are limited to state highways which are or shall become freeways. The provisions of Article 2, except as inconsistent with the provisions of this article, apply to freeways.

Application of article

702. Whenever the department requires any utility to remove any utility facility lawfully maintained in the right of way of any freeway to a location entirely outside the freeway right of way, the department shall pay the reasonable and necessary cost of such removal. This includes both the cost of removal and the cost of relocation in a new location outside of the freeway right of way.

Cost of removal and relocation

This section does not apply to the relocation of the utility facility from one point in a freeway to another point in the freeway, including the relocation in any service road or outer highway of the freeway or from one point of crossing of the freeway to another and reasonable point of crossing.

703. Whenever the department requires a publicly owned utility to relocate within a freeway any utility facility lawfully maintained in any freeway which was not a state highway at the time such utility facility was originally installed therein, the department shall pay the cost of such relocation.

Same

Whenever the department requires a privately owned utility to relocate within a freeway any utility facility lawfully maintained in any freeway which was not a state highway at the time such utility facility was originally installed therein, and it is established by the utility that it is not under express contractual obligation to relocate such facility at its own expense, the department shall pay the cost of such relocation.

A permit containing a contractual obligation which was accepted by the utility for maintenance or minor improvement of the facility after such road became a state highway shall not constitute a contractual obligation within the meaning of this section.

Publicly owned sewers and fire hydrants and any street lighting structure, whether publicly or privately owned, in any freeway shall be relocated, where necessary, at the expense of the department.

Second
relocation

704. If the department requires the relocation within the right of way of any utility facility more than once within a period of 10 years, the department shall pay the cost of the second relocation and any subsequent relocation within such 10-year period.

Credits

705. In any case in which the department is required under the provisions of this article to pay the cost of removal or relocation of any utility facility, it shall be entitled to credits as follows:

(1) In the amount of any betterment to the utility facility resulting from such removal or relocation, not in excess of the cost of the increased capacity of the facility.

(2) The salvage value of any materials or parts salvaged and retained by the utility.

(3) If a new facility or portion thereof is constructed to accomplish such removal or relocation, an allowance of an amount bearing the same proportion to the original cost of the displaced facility or portion thereof as the age thereof bears to the normal expected life thereof.

A credit shall not be allowed against any portion of the cost which is otherwise chargeable to the utility.

Agreements
as to cost

706. The department and any utility required to remove a utility facility or to relocate any utility facility may, by agreement, provide for the respective amounts of the cost to be borne by each. The department may, without prejudice to its rights under Section 707, advance the cost of removal or relocation and if the department advances such cost, it is the duty of the utility to move its facilities as soon as reasonably possible so as not to delay freeway construction. In the case of any utility which is not financially able to bear the costs of removal or relocation, the department may by agreement provide for the work to be done on condition that the utility's portion of the costs be repaid to the department over a period of time not exceeding 10 years.

Advancing
costs

Court
action

707. In the event of failure to reach an agreement as provided in Section 706, the utility or the department may

bring an action in a court of competent jurisdiction for apportionment of the cost between them in accordance with the provisions of this article.

708. Every utility is entitled to a permit for such reasonable crossings of any freeway, as may be required for the proper discharge of the utility's service to the public. Permit to cross freeway

709. The department shall exercise a reasonable discretion in acting on applications of utilities for permits to occupy freeways for longitudinal locations of facilities, as may be required for the proper discharge of their services to the public. The department may, however, refuse to grant any applications for any such longitudinal installation which would be inconsistent with public safety or the continued unobstructed use of the freeway for vehicular traffic, or for any type of utility structure inconsistent with the aesthetic values of any and-scaped freeway within, or approaching within one mile of, the limits of any city. Applications

710. The department, in acting upon applications for utility permits, shall consider both the interests of the traveling public upon the freeway and the needs of consumers for public utility services. Considerations

711. Nothing in this article is intended to prevent the department from making reasonable rules and regulations and requiring reasonable conditions in permits concerning the place, manner and method of location of utility facilities in, under, over or along freeways. Specifically, without limiting the generality of the foregoing, the department may make regulations or require conditions to the end that the cutting of pavement on freeways and a consequential impairment of the use thereof by the traveling public, shall be avoided insofar as possible. Rules and regulations

SEC. 3. Section 74 is added to the Streets and Highways Code, to read:

74. Any city or county aggrieved by any decision of the department under the provisions of Division 3 or under the provisions of Sections 194 to 202, inclusive, may, within 30 days after such decision, petition the California Highway Commission for a hearing. If a petition be filed the commission shall hear the same as soon as conveniently possible and after reasonable notice to such city or county. The commission shall make its order allowing or disallowing the petition in whole or in part and the commission's order shall be final and conclusive. Hearing

SEC. 4. Section 188 of the Streets and Highways Code is repealed and a new section to be numbered 188 is added to said code, to read: See also Stats 1947, Ch 772

188. Subject to the provisions hereinafter contained in this article and in Section 825 all money in the State Highway Fund expended for construction of state highways, including the acquisition of rights of way, construction, reconstruction and construction engineering, shall be allocated and expended as follows: 45 percent in County Group No. 1 and 55 percent in County Group No. 2. Not more than one-half of 1 percent of the money allocated to the state highways in a particular Allocation to County Groups No 1 and No 2

group may be used as state aid to joint highway districts within such group in accordance with the laws pertaining to the financing of highways within joint highway districts.

SEC. 6. Section 188.4 is added to the Streets and Highways Code, to read:

Amount to
be expended

188.4. Out of the money expended pursuant to Section 188, the commission shall allocate and the department shall expend or cause to be expended in each county of County Group No. 1 and in each county of County Group No. 2 during each of the five-year periods commencing and ending, respectively, July 1, 1947, to June 30, 1952, July 1, 1952, to June 30, 1957, and July 1, 1957, to June 30, 1962, not less than an amount computed as follows:

Computation

(a) The commission shall compute for each five-year period an amount equal to the respective percentage hereinafter specified of the moneys to be expended in County Groups No. 1 and No. 2, respectively, as provided in Section 188:

Period	Percentage
July 1, 1947-June 30, 1952-----	50
July 1, 1952-June 30, 1957-----	55
July 1, 1957-June 30, 1962-----	65

Minimum
expenditure.
Group 1

(b) From the amount computed for county group one in subdivision (a) the commission shall determine the minimum expenditure for each county specified in this subdivision by applying the following percentages of said amount:

Alameda -----	20.721	Nevada -----	.839
Alpine -----	.410	Placer -----	1.595
Amador -----	.741	Plumas -----	.473
Butte -----	1.108	Sacramento -----	2.988
Calaveras -----	.632	San Benito -----	.474
Colusa -----	.577	San Francisco -----	18.688
Contra Costa -----	4.100	San Joaquin -----	2.850
Del Norte -----	.521	San Mateo -----	3.147
El Dorado -----	.649	Santa Clara -----	3.055
Fresno -----	2.646	Santa Cruz -----	1.443
Glenn -----	.518	Shasta -----	1.769
Humboldt -----	2.804	Sierra -----	.227
Kings -----	.529	Siskiyou -----	1.582
Lake -----	.631	Solano -----	1.732
Lassen -----	.391	Sonoma -----	2.735
Madera -----	.950	Stanislaus -----	2.162
Marin -----	1.707	Sutter -----	.508
Mariposa -----	.874	Tehama -----	1.042
Mendocino -----	2.423	Trinity -----	.351
Merced -----	1.881	Tuolumne -----	.717
Modoc -----	.549	Yolo -----	2.242
Monterey -----	2.604	Yuba -----	.696
Napa -----	.719		

(c) From the amount computed for county group two in subdivision (a) the commission shall determine the minimum expenditure for each county specified in this subdivision by applying the following percentages of said amount: Same Group 2

Imperial -----	1.454	San Bernardino ----	6.396
Inyo -----	.319	San Diego -----	6.092
Kern -----	4.759	San Luis Obispo ----	3.998
Los Angeles -----	52.100	Santa Barbara ----	5.524
Mono -----	.262	Tulare -----	2.584
Orange -----	8.114	Ventura -----	3.725
Riverside -----	4.673		

(d) In the event the department expends for construction and acquisition of rights of way in any county during any of said five-year periods a larger sum than that required under subdivisions (b) or (c), the excess may be credited against the required expenditure for a subsequent five-year period. Excess expenditures

(e) Any sum expended under a construction contract awarded during any of said five-year periods shall be deemed for purposes of this section to be an expenditure made within said five-year period in which the contract was awarded. Construction contract

SEC. 7. Section 194 of the Streets and Highways Code is amended to read:

194. The commission shall allocate annually, and the department shall expend or cause to be expended within the cities and cities and counties of this State, from the State Highway Fund, the amount transferred to the State Highway Fund from the Highway Users Tax Fund for expenditure in cities, as provided in Section 2107. Expenditures within cities

Such expenditures shall be made within each city, including city and county, in the proportion that the total population of such city bears to the total population of all cities in this State. For the purpose of this section the population in each city is that determined by the last preceding federal census. In the case of a city incorporated subsequent to the last census, or in the case of unincorporated territory being annexed to a city subsequent to the last census, the department shall ascertain the population of the city, or of the annexed territory, by multiplying the number of registered electors therein by three.

SEC. 8. Section 195 of the Streets and Highways Code is amended to read:

195. Except as provided in Section 200, three-fifths of the moneys allocated under the provisions of Section 194 shall be expended for the construction of streets included in the system of major city streets within such city or city and county as established pursuant to the provisions of Sections 2050 to 2054 of this code. Expenditures Construction of major streets

Two-fifths of the moneys allocated under the provisions of Section 194 shall be expended for the maintenance of the system of major city streets and of the secondary city streets within such city or city and county; provided that, with the approval of the department, a portion of such moneys so allocated for Maintenance of construction

maintenance may be expended for construction of streets included within the system of major city streets within such city or city and county.

Permitter
purposes

Such expenditures shall be limited to that portion of the street available for use by vehicular traffic except that such funds may be expended for pedestrian underpasses or pedestrian overhead crossings and the installation and maintenance of traffic control devices, but such funds shall not be expended for street lighting, or for the construction or maintenance of sidewalks, or, except as hereinbefore expressly authorized, for the construction or maintenance of any structure or facility in, over, or under the street which is not of direct and primary service in providing a way for vehicular traffic. Sidewalks may be constructed with such funds on bridges or to replace those removed or damaged by construction or improvement of the street.

Repeals

SEC. 9. Sections 203, 1021, 1022, 1023, 1024, 1621, 1625.5, 1626, 1626.5, 1627, and 1628 of the Streets and Highways Code are repealed.

The repeal of Section 203 shall not affect the expenditure of any moneys allocated or accumulated for the acquisition of real property, or interests therein for, or the construction, improvement or maintenance of, state highways within cities prior to the effective date of such repeal, but said moneys shall be expended for the purposes for which they were allocated or accumulated the same as if Section 203 had not been repealed.

SEC. 9.1. Section 1028 of the Streets and Highways Code is amended to read:

Special
board
meetings

1028. The board of supervisors may call, at such times as in the judgment of the board may be required, a special meeting of the board for hearing highway and road matters. At such special meetings the board shall hear highway and bridge reports and complaints from officers and citizens, and shall take such action regarding the reports and complaints as the public welfare demands.

SEC. 9.2. Section 1029 of the Streets and Highways Code is amended to read:

Consolida-
tion of road
districts

1029. The consolidation of road districts as provided in Section 2006 shall be without prejudice to the legal requirement that all road district taxes collected in any one such district shall be expended in that district.

SEC. 10. Section 1622 of said code is amended to read:

"Special
road
improve-
ment fund"

1622. All amounts paid to each county, out of money derived from the Highway Users Tax Fund shall be deposited in a "special road improvement fund" which each board of supervisors shall establish for that purpose.

Certification
of mileage

SEC. 11. Within five days after the effective date of this section, the Department of Public Works shall certify to each county the total maintained mileage of county roads in unincorporated territory in said county.

Petition

SEC. 12. Any county disagreeing with the mileage so certified to it may, within 60 days after such certification, peti-

tion the California Highway Commission for the allowance of a greater mileage, specifying the mileage claimed. If no petition is filed within said 60-day period, the department's certification shall be final and the county primary system proposed shall be based upon such mileage. If a petition be filed, the commission shall hear the petition as soon as conveniently possible and in no event later than February 28, 1948. The commission shall make its order allowing or disallowing the petition in whole or in part and the commission's order shall be final and conclusive.

SEC. 13. The board of supervisors of each county shall, on or before March 1, 1948, adopt a tentative proposed primary system for such county or city and county. Tentative proposed primary system

SEC. 14. The board of supervisors shall cause a map to be prepared showing each road proposed to be improved in the county primary system and shall cause notice of intention to adopt the said map as the official map of such system to be given, which notice shall specify the time and place at which all interested persons will be heard. Such notice of intention shall be published once a week for at least two successive weeks preceding the date of such hearing in a newspaper of general circulation published in the county. Map
Hearing

SEC. 15. After such hearing the board of supervisors shall adopt such map with any changes or revisions deemed by it to be advisable as the official map of the primary road system of the county. Adoption of map

SEC. 16. On or before May 1, 1948, each county shall submit to the California Highway Commission for approval its proposed system of primary county roads. The commission may approve the system as submitted or may, subject to compliance with the procedure herein specified, disapprove the inclusion of any road. Before such disapproval, the commission shall give notice of its intention to disapprove any designated road or roads specifying in such notice the time and place within the county at which the commission or a member thereof sitting as a referee for the commission will hear all interested persons. Such notice shall be published in the same manner and for the same time as the notice required by Section 14. After such hearing the commission may disapprove the inclusion of any such designated road or roads or street or streets if the commission finds that the public interest will not be subserved by including the same. Submission of system for approval

SEC. 17. The commission may, without a hearing as provided in Section 16, disapprove any proposed system which exceeds the mileage limitations specified in Section 2001 of the Streets and Highways Code. In such case the board of supervisors shall exclude sufficient mileage to bring the proposed system within the mileage limitation. Disapproval

SEC. 17.5. In case the board of supervisors of any county fails to comply with the provisions of any of Sections 13 to 16, inclusive, of this act or fails to comply with the provisions of Section 17 within 15 days after notice from the California High- Failure to comply with provisions of act

way Commission of disapproval as provided in Section 17, the California Highway Commission shall act for and in the place of such board in taking whatever action is required by any of said sections which said board has failed to take. Said commission shall act pursuant to this section as soon as possible after such failure of the board and the action of the commission shall have the same effect as if taken by the board.

Nothing in this section shall limit the power of any board of supervisors after action has been taken by the commission as herein provided to propose the inclusion or exclusion of any road from the county primary road system as provided in Section 2004 of the Streets and Highways Code or to appeal from any decision of the Department of Public Works on any such proposal as authorized by Section 74 of the Streets and Highways Code.

Repeal

SEC. 18. Section 779 of the Vehicle Code is repealed.

SEC. 19. Section 8352 of the Revenue and Taxation Code is amended to read:

Motor
Vehicle Fuel
Fund
Appropriation

8352. The money in the Motor Vehicle Fuel Fund is hereby appropriated, subject to the provisions of any budget bill heretofore or hereafter enacted and Section 661 of the Political Code, as follows:

(a) To pay the refunds authorized in this part, including refunds due on account of judgments for the return of license taxes illegally collected.

(b) To the Controller, to carry out any duties imposed upon him by this part.

(c) To the board, to carry out any duties imposed upon it by this part.

(d) To the Highway Users Tax Fund, as provided in this chapter.

(e) To pay the pro rata share of the overhead and general administrative expense of the Controller and the board attributable to duties imposed by this part. The pro rata share is payable upon presentation of a claim against any appropriation from the Motor Vehicle Fuel Fund for the support of the Controller or the board, as the case may be.

Repeals

SEC. 20. Sections 8353, 8353.5, 8354, 8355, 8356, 8357, and 8358 of said code are repealed.

SEC. 21. Section 8353 is added to said code, to read:

Transfer of
balance

8353. During the months of January, April, July, and October of each year the State Controller shall transfer from the Motor Vehicle Fuel Fund the balance remaining after payments of refunds and administration and enforcement as provided for in Section 8352, to the Highway Users Tax Fund.

SEC. 22. Section 9302 of said code is amended to read:

Use Fuel
Tax:
Appropriation

9302. All money deposited in the fund under this part is hereby appropriated as follows:

(a) To pay the refunds authorized in this part.

(b) To the Highway Users Tax Fund as provided in this chapter.

SEC. 23. Section 9303 of said code is amended to read:

9303. The Controller shall transfer the balance of all money deposited in the Motor Vehicle Fuel Fund under this part, after the payment of refunds, to the Highway Users Tax Fund.

Balance to
Highway
Users Tax
Fund

SEC. 24. Section 9304 of said code is amended to read:

9304. The Controller shall make the transfers at the same time as the transfers to the Highway Users Tax Fund of moneys received under the Motor Vehicle Fuel License Tax Law are made.

Time for
transfer of
money

SEC. 26. Section 7 of Chapter 788, Statutes of 1937, as amended, is amended to read:

Sec. 7. All fees from the issuance of permits provided for under this act shall be collected by the Motor Vehicle Department. Such fees shall be paid into and become a part of the Motor Vehicle Fund in the State Treasury. The moneys so derived by the State are intended as compensation for the privilege of using the highways of this State and to reimburse the State Treasury for the added expense which the State may incur in the collection of such fees and in the administration and enforcement of this act and the expense of policing the highways over which such caravanning may be conducted.

Disposition
of fees
collected
pursuant to
Stats 1937,
Ch 788

SEC. 27. Section 781 of the Vehicle Code is amended to read:

781. Remainder of Motor Vehicle Fund Transferred to the Highway Users Tax Fund. An amount equal to the total moneys remaining in the Motor Vehicle Fund at the close of business on the last day of December of each year, after the expenditures and deductions authorized by this chapter, shall, during the month of February of each year, be transferred on order of the State Controller to the "Highway Users Tax Fund," to be expended in accordance with law.

Remainder of
Motor
Vehicle Fund
transferred
to Highway
Users Tax
Fund

SEC. 28. Sections 780 and 782 of the Vehicle Code are repealed.

Repeals

SEC. 29. Section 7351 of the Revenue and Taxation Code is amended to read:

7351. For the privilege of distributing motor vehicle fuel a license tax is hereby imposed upon distributors at the rate of three cents (\$0.03) for each gallon of fuel distributed by them in this State until July 1, 1947. Thereafter the rate shall be four and one-half cents (\$0.04½) for each gallon of fuel distributed.

Motor
vehicle fuel
license tax
rate

SEC. 30. Section 8651 of the Revenue and Taxation Code is amended to read:

8651. An excise tax is hereby imposed at the rate of three cents (\$0.03) per gallon on the use of fuel by any user thereof, until July 1, 1947. Thereafter the rate shall be four and one-half cents (\$0.04½) for each gallon of fuel used.

Use fuel
excise tax
rate

SEC. 31. Section 370 of the Vehicle Code is amended to read:

370. Registration Fees. A registration fee of six dollars (\$6) shall be paid to the department for the registration of every vehicle of a type subject to registration, except for such

Vehicle
registration
fee

thereof as are expressly exempted under this code from the payment of registration fees.

Repeal

SEC. 33. Section 276.5 of the Vehicle Code is repealed.

See also
Stats 1947,
Ch 431

SEC. 34. Section 277 of said code is amended to read:

Expiration
of chauffeur's
license

277. Expiration of Chauffeur's License. Every chauffeur's license hereafter issued shall expire four years after the date of issuance. Every chauffeur's license issued on or after September 15, 1943, shall expire four years from the date of issuance shown thereon. Every chauffeur's license heretofore issued shall expire at the date fixed in the license as issued except that chauffeur's licenses issued from September 15, 1943, to September 15, 1945, both dates inclusive, shall expire four years from the date of issuance shown thereon.

See also
Stats 1947,
1st Ex Sess.,
Ch 12

SEC. 35. Section 381 of said code is amended to read:

Fee for
operator's
or chauffeur's
license

381. Fee for Operator's or Chauffeur's License. Upon application for an operator's or chauffeur's license, or renewal thereof, there shall be paid to the department a fee of two dollars (\$2). The surrender of a valid operator's license shall entitle a qualified person to receive a chauffeur's license upon application for the unexpired period of said operator's license without additional fee or cost. The payment of the fee for an operator's or chauffeur's application shall entitle the applicant to three examinations within a period of six months.

The terms "operator's license" and "chauffeur's license" as used in this section include all licenses of every kind issued under Division 4 of this code.

SEC. 35.5. Section 9654 is added to the Revenue and Taxation Code, to read:

Credit
against
motor
vehicle
transportation
license
tax

9654. For 1948 and each year thereafter, each operator shall be allowed a credit against the taxes imposed by this part in the amount of $33\frac{1}{3}$ percent of all amounts which he has paid during the year under Section 372 of the Vehicle Code as registration fees on motor vehicles used by him in operations the gross receipts from which are taxable under this part.

See also
Stats 1947,
Ch 781

SEC. 36. Section 10452 of the Revenue and Taxation Code is amended to read:

Refunds,
etc

10452. All money in the Motor Vehicle Transportation Tax Fund, except such amounts as are necessary for the administration of this part, which amounts shall be made available by executive order of the Director of Finance, with the written consent of the Governor, shall, upon order of the Controller, be drawn therefrom for the purpose of making refunds under this part or be transferred to the Highway Users Tax Fund.

Amounts
made avail-
able by
executive
order

SEC. 36.2. Such amounts as are made available by executive order pursuant to Section 10452 of the Revenue and Taxation Code for the administration of the Motor Vehicle Transportation License Tax Law during the 1947-1948 Fiscal Year shall be deemed to be in abatement of any appropriation made by the Budget Act of 1947 from the General Fund that is available for the administration of said law.

Stats 1947,
Ch 486

See also
Stats 1947,
Ch 781

SEC. 36.5. Section 10456 is added to the Revenue and Taxation Code, to read:

10456. The Controller shall make transfers to the Highway Users Tax Fund at the same time as transfers to said fund of moneys received under the Motor Vehicle Fuel License Tax Law are made. Time for transfer of money

SEC. 37. Section 372 of the Vehicle Code is amended to read:

372. Weight Fees for Commercial Vehicles. (a) In addition to the registration fee specified in Section 370, there shall be paid fees as set forth in this section for the registration of every vehicle of a type subject to registration used or maintained for the transportation of persons for hire, compensation or profit or designed, used or maintained primarily for the transportation of property. Weight fees for commercial vehicles

(b) For any electric vehicle designed, used or maintained as described in subdivision (a) hereof fees shall be paid for registration according to the following schedule:

Unladen Weight	Fee
(1) Less than 6,000 lbs.-----	\$36.00
(2) 6,000 lbs. or more but less than 10,000 lbs.-----	72.00
(3) 10,000 lbs. or more-----	96.00

(c) For any motor vehicle having not more than two axles and designed, used or maintained as described in subdivision (a) hereof, other than an electric vehicle, fees shall be paid for registration according to the following schedule:

Unladen Weight	Fee
(1) 3,000 lbs. to and including 4,000 lbs.-----	\$10.00
(2) 4,001 lbs. to and including 5,000 lbs.-----	20.00
(3) 5,001 lbs. to and including 6,000 lbs.-----	30.00
(4) 6,001 lbs. to and including 7,000 lbs.-----	40.00
(5) 7,001 lbs. to and including 8,000 lbs.-----	50.00
(6) 8,001 lbs. to and including 9,000 lbs.-----	60.00
(7) 9,001 lbs. to and including 10,000 lbs.-----	70.00
(8) 10,001 lbs. to and including 11,000 lbs.-----	80.00
(9) 11,001 lbs. to and including 12,000 lbs.-----	90.00
(10) 12,001 lbs. to and including 13,000 lbs.-----	100.00
(11) 13,001 lbs. to and including 14,000 lbs.-----	110.00
(12) 14,001 lbs. and over-----	120.00

(d) For any motor vehicle having three or more axles or for any trailer, semitrailer, pole or pipe dolly, or other dolly designed, used or maintained as described in subdivision (a) hereof other than an electric vehicle, fees shall be paid for registration according to the following schedule:

Unladen Weight		Fee
(1)	2,000 lbs. to and including 3,000 lbs -----	\$8.00
(2)	3,001 lbs. to and including 4,000 lbs.-----	15.00
(3)	4,001 lbs. to and including 5,000 lbs.-----	30.00
(4)	5,001 lbs. to and including 6,000 lbs.-----	45.00
(5)	6,001 lbs. to and including 7,000 lbs.-----	60.00
(6)	7,001 lbs. to and including 8,000 lbs.-----	75.00
(7)	8,001 lbs. to and including 9,000 lbs.-----	90.00
(8)	9,001 lbs. to and including 10,000 lbs -----	105.00
(9)	10,001 lbs. to and including 11,000 lbs.-----	120.00
(10)	11,001 lbs. to and including 12,000 lbs.-----	135.00
(11)	12,001 lbs. to and including 13,000 lbs.-----	150.00
(12)	13,001 lbs. to and including 14,000 lbs.-----	165.00
(13)	14,001 lbs. to and including 15,000 lbs.-----	180.00
(14)	15,001 lbs. and over-----	200.00

Tax Levy

SEC. 38. Sections 29, 30, 31, 35, and 37 of this act, inasmuch as they provide for a tax levy, and this section shall, under the provisions of Section 1, Article IV of the Constitution, take effect immediately; provided, however, that Sections 29 and 30 shall become operative July 1, 1947, and provided further that Sections 31, 35, and 37 shall become operative January 1, 1948, and shall apply with respect to the operation or registration of vehicles on or after that date.

Operative date

SEC. 39. Sections 1 to 18, inclusive, of this act shall become effective on the ninety-first day following the adjournment of this session of the Legislature, but shall not become completely operative until January 1, 1948, it being the intention of the Legislature that the changes in allocation of funds, and the purposes for which they may be expended shall take effect as of that date, but that the administrative work necessary to enable such changes to be effected in an orderly manner on said date be performed prior thereto.

Operative date

SEC. 40. Sections 19 to 28, inclusive, and 36 and 36.5 of this act shall become effective on the ninety-first day following the adjournment of this session of the Legislature, but shall not become fully operative until January 1, 1948, it being the intention of the Legislature that the changes in depositing and distribution of funds effected by these sections shall apply after January 1, 1948, and that in the meantime these sections must be effective in order to permit such administrative action as will be required to make them fully operative on January 1, 1948.

Determination and apportionment by Controller

SEC. 41. The State Controller shall determine the amount of money received during the period July 1, 1947, to January 1, 1948, as a result of the increases in tax rates made by this act. The amount of new money so determined by the Controller shall be apportioned by him under the provisions of the law as amended by this act during the month of January, 1948. During said period July 1, 1947, to January 1, 1948, the Controller shall apportion, transfer and distribute moneys received under the tax rates heretofore existing as provided by the law prior to the enactment of this act.

SEC. 41.5. Sections 1.6, 1.7 and 1.8 shall become effective on the ninety-first day following the adjournment of this session of the Legislature, but shall be first operative in respect to the fiscal year beginning July 1, 1948, it being the intention of the Legislature that the procedure specified in said sections shall govern for said and succeeding fiscal years. Operative date

SEC. 41.6. All sections of this act, other than those mentioned in Sections 38, 39, 40 and 41.5, shall become effective and operative on the ninety-first day following adjournment of this session of the Legislature. Effective date

SEC. 42. If any provision of this act, or the application thereof to any person or circumstance is held invalid, the remainder of the act, or the application of such provision to other persons or circumstances, shall not be affected thereby. Invalidity

SEC. 43. The Legislature hereby declares that this act is enacted in furtherance of the policy and purpose of Article XXVI of the Constitution. Legislative declaration

SEC. 44. This act shall be known and may be cited as the Collier-Burns Highway Act of 1947. Short title

CHAPTER 12

An act to amend Sections 381 and 382 of the Vehicle Code, relating to drivers' licenses and duplicate fees and making an appropriation.

[Approved by Governor June 23, 1947. Filed with
Secretary of State June 23, 1947]

In effect
immediately

The people of the State of California do enact as follows:

SECTION 1. Section 381 of the Vehicle Code is amended to read: See also
Stats 1947,
1st Ex.
Sess., Ch. 11

381. Fee for Operator's or Chauffeur's License. Upon application for an operator's or chauffeur's license there shall be paid the department a fee of two dollars (\$2) and upon an application for the renewal of an operator's or chauffeur's license there shall be paid the department a fee of two dollars (\$2). For the purposes of this section every application for an operator's or chauffeur's license shall be deemed to be an original application unless the applicant can establish that he has held a valid California operator's or chauffeur's license within a period of one year prior to the date of application. The payment of the fee for an operator's or chauffeur's application shall entitle the applicant to three examinations within a period of six months. A qualified person shall be entitled to the issuance of a chauffeur's license for the unexpired period of said operator's license without additional fee, upon application and surrender of the operator's license. Fee for
operator's
or chauffeur's license

The terms "operator's license" and "chauffeur's license" as used in this section include all licenses of every kind issued under Division 4 of this code.

SEC. 2. Section 382 of said code is amended to read as follows:

Fees for
duplicate:

382. Fees for Duplicates. Upon application for duplicates as permitted under this code, the following fees shall be paid:

- (a) For a duplicate certificate of ownership or registration card or equipment identification receipts \$1.00
- (b) For any duplicate license plate or plates or substitute plate or plates, or equipment identification plate for the same vehicle----- \$1.00
- (c) Upon an application for a duplicate operator's or chauffeur's license----- \$0.50

Appropriation

SEC. 3. The sum of seventy-five thousand dollars (\$75,000) is hereby appropriated to the Department of Motor Vehicles from the Motor Vehicle Fund in augmentation of Item 225 in the Budget Act of 1947 to carry out the provisions of this act.

Tax levy

SEC. 4. This act, inasmuch as it provides for a tax levy shall, under the provisions of Article IV, Section 1, of the Constitution, take effect immediately and shall become operative July 1, 1947.

CHAPTER 13

An act to amend Section 374 of, and to add Sections 512 and 543 to, the Streets and Highways Code, relating to state highways.

In effect
September
23, 1947

[Approved by Governor July 8, 1947. Filed with
Secretary of State July 8, 1947.]

The people of the State of California do enact as follows:

SECTION 1. Section 374 of the Streets and Highways Code is amended to read:

Route 74

374. Route 74 is from:

(a) A point on Route 8 near the Napa Y to Route 7 near Cordelia via Vallejo and Benicia including a connection from Vallejo to Route 7 near the Carquinez Bridge.

(b) (a) above near M and East Second Street to East Fifth and C Streets, in Benicia.

Route 212

SEC. 3. Section 512 is added to said code, to read:

512. Route 212 is from the Nevada-California State line in the southern portion of Pahrump Valley to Route 23, near Freeman.

SEC. 4. Section 543 is added to the Streets and Highways Code, to read:

Route 230

543. Route 230 is from Route 172 to Route 173 via Indiana Street in Los Angeles County.

Law
applicable to
Route 212

SEC. 5. Section 600 of the Streets and Highways Code shall be applicable to the route added to the State Highway System by Section 3 of this act, the same as if said route had been added by the Collier-Burns Highway Act of 1947.

CHAPTER 14

An act to add Sections 147, 148, 149, 150, and 151 to the Streets and Highways Code, relating to state highways.

[Approved by Governor July 8, 1947. Filed with
Secretary of State July 8, 1947.]

In effect
September
23, 1947

The people of the State of California do enact as follows:

SECTION 1. Section 147 is added to the Streets and Highways Code, to read:

147. The department is authorized and empowered to provide for, finance and construct such mass transportation facilities as are required for loading and unloading of passengers carried on motor coaches or busses operated by common carriers of passengers for hire in urban or suburban service.

Mass
transporta-
tion loading
and unload-
ing facilities

SEC. 2. Section 148 is added to said code, to read:

148. The department may enter into contracts with any transportation company, city, county, public corporation, district, or political subdivision, for the financing, construction and use of such mass transportation facilities. Any such contract shall provide for the reimbursement to the department of such sums as it may expend to construct such mass transportation facilities by requiring as a condition to the use of such facilities that each user pay the department such sums based upon use or otherwise as may be agreed upon. The department may enter into additional contracts with additional users of such mass transportation facilities.

Contracts for
facilities

No contract authorized by this section shall be valid until approved by the Public Utilities Commission. Expenditures made under Section 147 and this section by the department shall be limited so that the outstanding amount invested in such mass transportation facilities shall not at any time exceed the sum of one million dollars (\$1,000,000).

SEC. 3. Section 149 is added to said code, to read:

149. Any contract made under Section 148 may be modified by mutual consent of the parties thereto. In the event any contract is entered into for payment for the use of such additional facilities by additional users, the parties to any previous contract may modify the same to adjust the reimbursement of the additional cost among all users.

Modification
of contracts

SEC. 4. Section 150 is added to said code, to read:

150. A contract between the department and any transportation company under Section 148 shall authorize the use of both the freeway and the mass transportation facilities thereon to which it relates. During the effective period of such contract, which shall not exceed 35 years, no franchise for the use of such freeway shall be required by any city of such company.

Use of
freeway,
etc

SEC. 5. Section 151 is added to said code, to read:

151. The department may make such regulations as may be required in the interests of public safety governing the use of any express highway or additional facilities constructed as

Regulations

provided in this article for the purpose of loading or unloading of passengers.

Scope of
article

Nothing in this article or in this section shall be construed to authorize the operation of any vehicle in violation of any provision of the Vehicle Code or to deprive the Public Utilities Commission of any authority now or hereafter vested in it to regulate public motor carriers of passengers.

CHAPTER 15

An act to amend Sections 7401, 7406, 8101, 8102, and 8103 of, and to add Section 8103.5 to, the Revenue and Taxation Code, relating to motor vehicle fuel license taxes, to take effect immediately.

In effect
immediately

[Approved by Governor July 9, 1947. Filed with
Secretary of State July 10, 1947.]

The people of the State of California do enact as follows:

SECTION 1. Section 7401 of the Revenue and Taxation Code is amended to read:

Exempt
transactions

7401. The provisions of this part requiring the payment of license taxes do not apply to any of the following:

(a) Natural gasoline distributed to a duly licensed distributor under such regulations as the board may prescribe.

(b) Motor vehicle fuel exported from this State by the distributor or delivered by the distributor to any vessel clearing from a port of this State for a port outside of this State and actually exported from this State in the vessel.

(c) Motor vehicle fuel distributed, or delivered on the order of the owner, to a distributor who has furnished bond and security in the maximum amount prescribed by Section 7454 and who has established to the satisfaction of the board that this bond, together with property to which the lien imposed by Section 7871 attaches, is sufficient security to assure payment of all license taxes as they may become due to the State from him under this part.

(d) Motor vehicle fuel sold to the United States armed forces for use in ships or aircraft, or for use outside this State.

Every distributor claiming an exemption shall report the exports, sales or distributions to the board in such detail as the board may require; otherwise the exemption granted in this section shall be null and void and all the fuel shall be considered distributed in this State subject fully to the provisions of this part.

SEC. 2. Section 7406 of the said code is amended to read:

Fuel sold
to con-
tractors

7406. The provisions of Section 7401, as they read prior to their amendment in 1947, exempting motor vehicle fuel sold to the Government of the United States from the measure of the license tax imposed hereunder shall not apply to any motor vehicle fuel sold to contractors purchasing such fuel either for

their own account or as the agents of the United States for use in the performance of contracts with the United States.

SEC. 3. Section 8101 of said code is amended to read:

8101. The following persons who have paid a license tax ^{Tax} for motor vehicle fuel, either directly or to the vendor from ^{refunds} whom it was purchased, or indirectly by the adding of the amount of the tax to the price of the fuel, shall be reimbursed and repaid the amount of the tax:

(a) Any person who buys and uses the motor vehicle fuel for purposes other than in motor vehicles operated upon the public highways of the State.

(b) Any person who exports the motor vehicle fuel for use outside of this State. Motor vehicle fuel carried from this State in the fuel tank of a motor vehicle is not deemed to be exported from this State.

(c) Any employee of the United States who buys the motor vehicle fuel and uses it exclusively in the transportation of rural free delivery mail and special delivery mail.

SEC. 4. Section 8102 of said code is amended to read:

8102. The claimant of a refund shall present to the Controller a claim supported by the original invoice showing the purchase. The claim shall state the total amount of the fuel purchased, the fact that the claimant has paid the price of the fuel, and the manner and the equipment in which the claimant has used the fuel. The claim shall not be under oath but shall contain, or be accompanied by, a written declaration that it is made under the penalties of perjury. ^{Claim for refund}

SEC. 5. Section 8103 of said code is amended to read

8103. The Controller, upon the presentation of the claim and the invoice, shall cause to be paid to the claimant from the license taxes collected under this part an amount equal to the license taxes collected on the motor vehicle fuel in respect to which the refund is claimed. ^{Payment of refund}

SEC. 6. Section 8103.5 is added to said code, to read:

8103.5. Any person who wilfully makes or subscribes to a claim for refund under this article which he does not believe to be true and correct as to every material matter, shall be guilty of a felony, and upon conviction thereof shall be subject to the penalties prescribed for perjury by the Penal Code. ^{Penalty for false claim}

SEC. 7. This act, inasmuch as it provides for a tax levy, ^{Tax levy} shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately, but its provisions shall not be operative prior to July 1, 1947.

CHAPTER 16

An act to amend Sections 102, 108, 128, and 484 of, to add Division 2A, comprising Sections 139 to 139.61 inclusive to, and to repeal Sections 111, 113, 116, 117, 119, 120, 121, 122, 123, 124, 124.1, 125, 126, 135, 135.5, 135.8, 486, and 489 of, the

Vehicle Code, providing for the reorganization of the California Highway Patrol, abolishing the Division of Enforcement of the Department of Motor Vehicles, establishing a Department of Highway Patrol and prescribing its powers, duties, purposes, and functions, providing for the transfer of records and property; and to make available money for the support of said department.

In effect
September
23, 1947

[Approved by Governor July 10, 1947. Filed with
Secretary of State July 10, 1947.]

The people of the State of California do enact as follows:

SECTION 1. Section 102 of the Vehicle Code is amended to read:

Department
of Motor
Vehicles

102. Department Successor to Certain State Agencies. The department shall succeed to and is hereby vested with all of the powers, duties, purposes, responsibilities and jurisdiction now or hereafter vested by law in the Department of Motor Vehicles, the Motor Vehicle Department, the Motor Vehicle Department of California, the Division of Motor Vehicles of the Department of Finance, the Division of Motor Vehicles of the Department of Public Works, and all other state agencies of similar designation, or in the several heads, members, officers and employees of each thereof.

SEC. 2. Section 108 of said code is amended to read:

Organization
of depart-
ment

108. Organization of Department. The director with the approval of the Governor shall organize the department in such manner as he may deem necessary properly to segregate and conduct the work of the department. The work of the department is hereby divided into at least two divisions to be known respectively as the Division of Registration and the Division of Drivers Licenses.

SEC. 3. Section 128 of said code is amended to read:

Powers of
director

128. Powers and Duties of Director. (a) The director shall administer and enforce the provisions of this code relating to the Department of Motor Vehicles.

(b) The director may adopt and enforce such rules and regulations as may be necessary to carry out the provisions of this code relating to said department.

(c) The director may purchase or lease such real estate and erect such buildings as the department or any of its divisions may require, subject to the approval of the Department of Finance.

(d) Any and all leases heretofore signed by the Director of Motor Vehicles and approved by the Department of Finance for offices or other real property for the use of the Department of Motor Vehicles or any of its divisions are hereby validated, ratified, approved, and confirmed.

SEC. 4. Division 2A, comprising Sections 139 to 139.61, inclusive, is added to the Vehicle Code, to read:

DIVISION 2A. DEPARTMENT OF THE CALIFORNIA HIGHWAY PATROL

CHAPTER 1. ADMINISTRATION

139. Department Created. There is in the State Government a Department of the California Highway Patrol. Department created

139.01. Department Successor to California Highway Patrol. The department succeeds to and is vested with the duties, powers, purposes, responsibilities, and jurisdiction of the Division of Enforcement of the Department of Motor Vehicles, known as the California Highway Patrol, and of the officers and employees thereof. Successor to California Highway Patrol

139.02. Provisions of Government Code Applicable. Except as in this division otherwise provided, the provisions of Chapter 2, Part 1, Division 3, Title 2 of the Government Code shall govern and apply to the conduct of the Department of the California Highway Patrol in every respect the same as if such provisions were herein set forth at length, and wherever in that chapter the term "head of the department" or similar designation occurs, for the purposes of this division it shall mean the Commissioner of the California Highway Patrol. Applicable provisions of Government Code

139.03. Succession to Ownership of Property of California Highway Patrol. The department shall have possession and control of all records, books, papers, offices, or equipment, and all other property, real, personal and mixed, now or hereafter held for the benefit or use of the California Highway Patrol. Records, property, etc

139.04. Definitions: "Department", "Commissioner" and "Chief." Wherever in this division the word "department" occurs, it means the Department of the California Highway Patrol, "commissioner" refers to Commissioner of the California Highway Patrol, and "chief" means the Chief of the California Highway Patrol. Definitions

139.05. Meaning of Statutory Reference to California Highway Patrol. Wherever in this code or in any statute the words "California Highway Patrol" are used, they shall mean the Department of the California Highway Patrol. "California Highway Patrol"

139.06. Commissioner of the California Highway Patrol. The department is under the supervision and control of a civil executive officer, known as the Commissioner of the California Highway Patrol. Commissioner of California Highway Patrol

139.07. Appointment of Commissioner. The commissioner shall be appointed by the Governor with the advice and consent of the Senate to serve at the pleasure of the Governor, and shall have resided within the State continuously for at least five years immediately preceding his appointment. Appointment

139.08. Salary of Commissioner. The annual salary of the commissioner shall be twelve thousand dollars (\$12,000). Salary

- Bond** 139.09. **Bond of Commissioner.** Before entering upon the duties of his office, the commissioner shall execute an official bond in the sum of twenty-five thousand dollars (\$25,000) to insure the faithful performance of his duties.
- General powers** 139.11. **General Powers and Duties of Commissioner.** The commissioner shall perform all duties, exercise all powers and jurisdiction, assume and discharge all responsibilities, and carry out and effect all purposes vested by law in the department.
- Organization of department** 139.12. **Organization of Department.** The commissioner shall organize the department with the approval of the Governor and may arrange and classify the work of the department and may with the approval of the Governor create or abolish divisions thereof.
- Office** 139.13. **Office of Department.** The department shall maintain its main office at Sacramento.
- Chief administrative officer** 139.14. **Administrative Officer of the California Highway Patrol.** There shall be a Chief Administrative Officer for the department to serve under the supervision of the commissioner. He shall be appointed by the commissioner subject to the approval of the Governor, pursuant to the provisions of Article XXIV of the State Constitution. He shall execute and deliver, as provided by law, an official bond in an amount to be determined by the Director of Finance.
- Same Duties** 139.145. **Duties of Chief Administrative Officer of the California Highway Patrol.** The chief administrative officer shall carry out and execute such duties with respect to the administrative affairs of the California Highway Patrol as may be specified by the commissioner.
- Chief of California Highway Patrol** 139.15. **Chief of the California Highway Patrol.** The Chief of the California Highway Patrol shall be appointed by the commissioner, subject to the approval of the Governor, pursuant to the provisions of Article XXIV of the State Constitution. He shall execute and deliver as provided by law an official bond in the sum of twenty-five thousand dollars (\$25,000).
- Duties** 139.16. **Duties of Chief of the California Highway Patrol.** The chief shall carry out and execute such duties with respect to traffic law enforcement as may be specified by the commissioner.

CHAPTER 2. POWERS AND DUTIES

- General powers of commissioner** 139.24. **Commissioner to Enforce Certain Vehicle and Highway Laws.** The commissioner shall administer and enforce Divisions 9 to 11, inclusive, of this code and shall enforce all other laws regulating the operation of vehicles and the use of the highways.
- Patrol of highways** 139.25. **Patrol of Highways Required.** The commissioner shall make adequate provision for patrol of the highways at all times of the day and night.
- Rules, etc** 139.26. **Commissioner May Make Rules and Regulations.** The commissioner may make and enforce such rules and regulations as may be necessary to carry out the duties of the department.

139.27. **Creation of Patrol Districts and Branch Offices.** Patrol districts and branch offices
The commissioner may create highway patrol districts for the efficient administration and enforcement of this code and the laws respecting the use of highways. He may establish branch offices wherever he may deem necessary.

139.28. **Establishment of Headquarters or Substations.** Headquarters or substations
The commissioner shall establish, in counties having charters, except in counties of the first or second class, headquarters or substations for the efficient performance of the duties of the department, and he may establish, in such other localities as he deems most suitable, such headquarters or substations.

139.29. **Purchase or Lease of Real Estate.** Purchase or lease of real estate
The commissioner may purchase or lease such real estate and erect such buildings as the department or any of its divisions require, subject to the approval of the Department of Finance.

139.31. **Training School to Be Established.** Training school
The commissioner shall establish a school for the training and education of the members of the California Highway Patrol, and for such other employees of the department deemed necessary, in traffic regulation, their duties, and the proper enforcement of this code and the laws respecting use of the highways. He may contract with any county, city, district, or other subdivision of the State recognized by law for the use of school facilities in the training of enforcement officers.

139.32. **Authorized Patrol Equipment.** Authorized patrol equipment
The commissioner may provide that any highway patrol vehicle shall be equipped with a stretcher and emergency first aid equipment for use in transporting injured persons.

139.33. **Seizure of Documents and License Plates.** Seizure of documents and license plates
The commissioner may take possession of and deliver to the Department of Motor Vehicles, any certificate, card, permit, license or license plate issued hereunder upon expiration, revocation, cancellation or suspension thereof or which has been unlawfully or erroneously issued.

139.34. **Accident Report Forms.** Accident report forms
The department shall prepare and on request supply to police departments, coroners, sheriffs and other suitable agencies or individuals, forms for accident reports required hereunder, which reports shall call for sufficiently detailed information to disclose with reference to a traffic accident the cause, conditions then existing and the persons and vehicles involved.

139.35. **Department to Tabulate and Analyze Accident Reports.** Department to tabulate and analyze reports
The department shall tabulate and may analyze all accident reports and publish annually or at more frequent intervals statistical information based thereon as to the number and location of traffic accidents. Based upon its findings after such analysis, the department may conduct further necessary detailed research to more fully determine the cause and control of highway accidents. It may further conduct experimental field tests within areas of the State from time to time to prove the practicability of various ideas advanced in traffic control and accident prevention.

Dissemina-
tion of
traffic acci-
dent
information

139.36. Department to Disseminate Traffic Accident Information. The department may prepare and from time to time disseminate information relating to the prevention of traffic accidents.

Peace
authority
of members
of Cali-
fornia
Highway
Patrol

139.37. Peace Authority of the Members of the California Highway Patrol. All members of the California Highway Patrol of the department shall have the power:

(a) Of peace officers provided that the primary duty of the department shall be the enforcement of the provisions of this code and of any and all other acts respecting the use or operation of vehicles upon public highways, and the members of the California Highway Patrol thereof shall not act as peace officers in enforcing any other law except

(1) When in pursuit of any offender or suspected offender,

(2) To make arrests for crimes committed in their presence or upon any highway.

(b) At all times to direct all traffic in conformance with the provisions of law, and in the event of a fire or other emergency or to expedite traffic or to insure safety to direct traffic as conditions may require notwithstanding the provisions of this code.

(c) When on duty, upon reasonable belief that any vehicle is being operated in violation of any provision of this code, to require the driver thereof to stop and submit to an inspection of such vehicle, the equipment, license plates and registration card thereon or to a test of the light or brake equipment upon such vehicle.

(d) To inspect any vehicle of a type required to be registered hereunder on a highway or in any garage or repair shop for the purpose of locating stolen vehicles and investigating the title and registration thereof.

(e) To serve all warrants relating to the enforcement of this code.

(f) To stop any vehicle in or on which is being transported on any highway any timber products, livestock, poultry, or farm produce and inspect the bills of lading, shipping or delivery papers or other evidence to determine that the operator thereof is in legal possession of the load and upon reasonable belief that the operator of such vehicle is not in legal possession thereof shall take custody of such vehicle and load and turn the same over into the custody of the sheriff of the county wherein such timber products, livestock, poultry, farm produce, or any part thereof is apprehended.

It shall be the duty of said sheriff to receive and provide for the care and safe-keeping of such timber products, livestock, poultry, farm produce or any part thereof, and immediately in cooperation with the department proceed with the investigation and legal disposition of such timber products, livestock, poultry, farm produce or any part thereof.

Any expense incurred by the sheriff in the performance of his duties under this section shall be a legal charge against the county.

139.38. Investigation of Accidents by Members of the California Highway Patrol. All members of the California Highway Patrol shall have the power to investigate accidents resulting in personal injuries or death and to gather evidence for the purpose of prosecuting the person or persons guilty of any violation of the law contributing to the happening of such accident. Investigation of accidents

139.39. Damage to Fences to Be Reported. All members of the California Highway Patrol and other peace officers engaged in enforcing traffic regulations who observe any fence along any highway, which has been damaged as a result of a traffic accident, shall promptly report same to the owner, lessee, occupant or person in charge of the property enclosed by the fence, or to the local headquarters of the department. Damage to fences

CHAPTER 3. PERSONNEL

139.51. The California Highway Patrol Personnel Enumerated. The members of the California Highway Patrol shall consist of: The commissioner, Chief of the California Highway Patrol, assistant chief, inspectors, captains, sergeants, traffic officers, and investigators. Personnel

139.52. Efficiency Ratings. The assistant chief and every inspector, captain, sergeant, traffic officer, investigator and traffic clerk duly appointed, shall be rated as to efficiency by the commissioner pursuant to civil service laws. Efficiency ratings

139.53. Rules Regarding Promotions. All appointments to the classes of chief, assistant chief, inspector, captain, and sergeant shall be made from promotional eligible lists resulting from promotional examination of persons in the next lower class. For the purposes of examinations for chief, the classes of assistant chief and inspector shall be considered equal. Promotions

139.54. Specialized Positions. Such specialized positions as shall be designated by the commissioner with the approval of the Personnel Board shall be filled pursuant to open competitive examinations held pursuant to the Government Code. Specialized positions

139.55. Workmen's Compensation. For the purpose of determining the scope of employment of any member of the California Highway Patrol under the workmen's compensation laws, any such member shall be deemed to be on duty and acting within the scope of his employment when actually exercising any of the powers or performing any of the duties imposed or authorized by law at any time during the 24 hours of the day. Workmen's compensation

139.56. Violation of Laws or Rules. Employees of the department subject to civil service who violate any provision of Section 19572 of the Government Code or any of the rules or regulations of the department shall be subject to punitive action pursuant to Section 19571 of said code. Violation of laws or rules

139.57. Assignment of Patrol Employees to Serve Outside County of Appointment. No member of the California Highway Patrol, appointed to serve in any county, shall be assigned by the commissioner for service outside said county for a longer period than one week, except: Assignment outside of county

(1) Pursuant to a request by any such employee for a transfer.

(2) As may be necessitated by temporary traffic emergencies requiring an increase in the number of patrol members in one locality or seasonal changes making expedient a decrease in the number of such members in one locality but in such latter events no assignment shall be made for disciplinary purposes.

Any such assignment, when made, shall be made by the commissioner.

Badges

139.58. Badges of Members of the California Highway Patrol. The commissioner shall issue to each member of the California Highway Patrol a badge of authority with the seal of the State of California in the center thereof, the words "California Highway Patrol" encircling said seal and below the designation of the position held by each member to whom issued.

Restriction
on issuance
of badges

139.59. Restriction on Issuance of Badge. Neither the commissioner nor any other person shall issue a badge to any person who is not a duly appointed member of the California Highway Patrol.

Examination
age limits
established

139.60. Examination Age Limits Established. Notwithstanding Section 18932 of the Government Code, the minimum age limit for any examination for the position of State Traffic Officer of the California Highway Patrol shall be 21 years, and the maximum age limit shall be 35 years. The age limits set forth herein shall not affect civil service eligible lists in effect at the time this statute becomes effective.

Impersona-
tion of
member

139.61. Impersonation of Member of the California Highway Patrol. Any person who without authority wears the badge of a member of the California Highway Patrol, or any person who impersonates such member of the California Highway Patrol with intention to deceive anyone is guilty of a misdemeanor.

SEC. 5. Section 484 of said code is amended to read:

Duty to
report
accidents

484. Duty to Report Accidents. (a) The driver of a vehicle, other than a common carrier vehicle, involved in any accident resulting in injuries to or death of any person shall within 24 hours after such accident make or cause to be made a written report of such accident to the main office or local headquarters of the California Highway Patrol, except when such accident occurs within a city such report shall be made within said 24 hours to the police department of such city.

(b) Every police department shall on or before the fifth day of each month forward every such report so filed with it during the previous calendar month, or a copy thereof, to the main office of the California Highway Patrol at Sacramento.

(c) The owner or driver of a common carrier vehicle involved in any such accident shall make a like report to the California Highway Patrol on or before the tenth day of the month following the accident.

(d) The California Highway Patrol may require any driver, or the owner of a common carrier vehicle, involved in any accident of which report must be made as provided in this

section to file supplemental reports and may require witnesses of accidents to render reports to it whenever the original report is insufficient in the opinion of the California Highway Patrol.

SEC. 6. This act shall become effective October 1, 1947.

SEC. 6.5. All persons, other than temporary employees serving in the state civil service and engaged in the performance of a function transferred to the Department of the California Highway Patrol or engaged in the administration of a law, the administration of which is transferred to said department, shall remain in the state civil service and are hereby transferred to the Department of the California Highway Patrol on the effective date of this act. The status, positions and rights of such persons shall not be affected by their transfer and shall continue to be retained by them pursuant to the State Civil Service Act, except as to positions the duties of which are vested in a position that is exempt from civil service under this act.

SEC. 7. Sections 111, 113, 116, 117, 119, 120, 121, 122, 123, 124, 124.1, 125, 126, 135, 135.5, 135.8, 486 and 489 of the Vehicle Code are repealed.

Operative
date
Transfer of
personnel.
etc

Repeals

CHAPTER 17

An act making an appropriation for support of the Department of Motor Vehicles.

[Approved by Governor July 10, 1947. Filed with Secretary of State July 10, 1947]

In effect
September
23, 1947

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated from the Motor Vehicle Fund the sum of one hundred fifty thousand dollars (\$150,000) for support of the Department of Motor Vehicles in augmentation of Item 225 of the Budget Act of 1947, to be expended during the 1947-1948 Fiscal Year.

Appropriation
Department
of Motor
Vehicles

CHAPTER 18

An act making an appropriation for support of the Department of the California Highway Patrol.

[Approved by Governor July 10, 1947. Filed with Secretary of State July 10, 1947]

In effect
September
23, 1947

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated from the Motor Vehicle Fund the sum of fifty thousand dollars (\$50,000) for support of the Department of the California Highway Patrol in augmentation of any other appropriation for support of the California Highway Patrol, to be expended during the 1947-1948 Fiscal Year.

Appropriation
Department
of California
Highway
Patrol

CHAPTER 19

An act to provide for the relocation of a portion of State Highway Route 5 in Santa Clara County, making an appropriation therefor, and declaring the urgency hereof, to take effect immediately.

In effect
immediately

[Approved by Governor July 17, 1947. Filed with
Secretary of State July 17, 1947.]

The people of the State of California do enact as follows:

Appropriation
Relocation
of portion
of state
highway

SECTION 1. The sum of two million four hundred seventy-five thousand dollars (\$2,475,000) is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to be expended by the Department of Public Works for the relocation of that portion of State Highway Route 5 in Santa Clara County as the California Highway Commission may find necessary in order to provide a practical location around and clearing the proposed reservoir of the Santa Clara Valley Water Conservation District.

Transfer of
appropriation

Conditions re
expenditure

SEC. 2. On the effective date of this act, the State Controller shall transfer the sum hereby appropriated from the General Fund to the State Highway Fund. The said appropriation shall continue available in the State Highway Fund until specifically otherwise provided by law, provided that said appropriation shall not become available for expenditure unless within two (2) years from the effective date of this act the following things have been done: (1) The Santa Clara Valley Water Conservation District shall have made application for the approval of plans and specifications for the construction of a dam for the proposed reservoir and shall have furnished to the State Engineer therefor data concerning subsoil and foundation conditions, and shall have drilled or otherwise prospected the site, and shall have furnished such other pertinent information as the State Engineer may require, as provided in Article 1 of Chapter 5 of Part 1 of Division 3 of the Water Code; (2) the State Engineer shall have approved the plans and specifications for the proposed dam; (3) the issuance of bonds by the Santa Clara Valley Water Conservation District in an amount sufficient to construct the proposed dam and reservoir shall have been authorized at an election as provided by law.

When the foregoing things have been done the period of availability of the appropriation made by this act shall commence to run.

If any of the foregoing things are not done within said period of two (2) years said appropriation shall revert to the General Fund and on order of the State Controller shall be transferred to the General Fund.

Return of
unexpended
balance

SEC. 3. On completion of the work of relocating said portion of state highway, the amount unexpended therefor, if any, of the appropriation hereby made shall be certified by the Director of Public Works to the State Controller. Thereupon, on

order of the State Controller, the said unexpended balance shall be transferred from the State Highway Fund to the General Fund.

SEC. 4. The appropriation hereby made shall be available for the acquisition of rights of way for and the construction of the portion of said State Highway Route 5 necessary to be relocated. The relocated highway shall be constructed to the same standard as the existing highway which is being replaced by the relocation. If any betterment over and above the existing highway is provided in the plans for such relocation, the same shall be paid from moneys otherwise available in the State Highway Fund and shall not be charged against the appropriation hereby made. Said relocated highway shall be open for traffic before traffic is obstructed on the existing highway.

Construction standards, etc

SEC. 5. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Urgency

There is a critical shortage of water in the Santa Clara Valley, increased industrial, agricultural and residential requirements already having exceeded the supply of water available. It is necessary to construct a dam to impound and conserve the floods of the Los Gatos Creek to meet the needs for additional water, and this dam cannot be constructed until State Highway Route 5 is relocated. It appears that relocation of the highway will require a period of two years for completion. If this act is not made effective immediately, so that the work of relocating the highway can be commenced at once, the flood waters of the Los Gatos Creek will be lost for an additional year.

CHAPTER 20

An act to amend Section 142 of the Vehicle Code, relating to vehicles exempted from registration.

[Approved by Governor July 17, 1947. Filed with Secretary of State July 17, 1947.]

In effect
September
23, 1947

The people of the State of California do enact as follows:

SECTION 1. Section 142 of the Vehicle Code is amended to read:

142. Exemption From Registration. The registration provisions of this chapter shall not apply to any of the following vehicles:

(a) Any vehicle of a type otherwise subject to registration hereunder which is driven or moved upon a highway in conformance with the provisions of this code relating to dealers, transporters or nonresidents or under a temporary registration permit issued by the department as authorized by Section 147 hereof.

See also
Stats 1947,
Ch 246,
and Ch 10,
1947, 1st
Ex Sess
Exemption
from
registration

(b) Any vehicle of a type otherwise subject to registration hereunder which is driven or moved upon a highway only for the purpose of crossing such highway from one property to another in accordance with a permit issued by the Department of Public Works.

(c) Any implement of husbandry, whether of a type otherwise subject to registration hereunder or not, which is only incidentally operated or moved over a highway. The following shall be deemed to be implements of husbandry and shall be exempt from registration:

(1) A lift-carrier or other vehicle designed and used exclusively for the lifting and carrying of implements of husbandry, when operated or moved upon a highway.

(2) A two-wheeled trailer having no bed, and designed and used solely for transporting a hay loader.

(3) A spray rig designed and used exclusively for spraying in the conduct of agricultural operations.

(4) A nurse rig or equipment auxiliary to the use of a spray rig.

(5) A row duster.

(6) A wagon or van used exclusively for carrying products of farming from one part of a farm to another part thereof, or from one farm to another farm, and used solely for agricultural purposes, including any van used in harvesting alfalfa, which is only incidentally operated or moved on a highway as a trailer.

(7) A wagon or portable house on wheels used solely by shepherds as a permanent residence in connection with sheep-raising operations and moved from one part of a ranch to another part thereof or from one ranch to another ranch, which is only incidentally operated or moved on a highway as a trailer.

(8) A trap wagon moved from one part of a ranch to another part of the same ranch or from one ranch to another, which is only incidentally operated or moved on a highway.

The foregoing list shall be deemed as illustrative and not a list of limitations.

(d) Special mobile equipment.

(e) Any self-propelled wheel chair or invalid tricycle.

(f) Special highway construction equipment.

CONCURRENT AND JOINT RESOLUTIONS

**FIRST EXTRAORDINARY SESSION
1947**

CONCURRENT AND JOINT RESOLUTIONS

ADOPTED AT THE 1947 FIRST EXTRAORDINARY SESSION OF THE LEGISLATURE

CHAPTER 1

Senate Concurrent Resolution No. 1—Relative to joint rules.

[Filed with Secretary of State January 17, 1947]

Be it resolved by the Senate of the State of California, the Joint rules
Assembly thereof concurring, That the Joint Rules of the Fifty-seventh General Session be and the same are hereby adopted as the Joint Rules of the Legislature of the State of California for this Fifty-seventh (First Extraordinary) Session, except that paragraph 2 of Rule 13, shall be amended to provide that the charge to be made for a complete file of bills shall be ten dollars (\$10) for this extraordinary session.

CHAPTER 2

Assembly Concurrent Resolution No. 1—Relative to the recess of the Fifty-seventh (First Extraordinary) Session of the Legislature, and to the reassembling of the Legislature after said recess, and fixing the date for said recess and said reassembling.

[Filed with Secretary of State February 5, 1947]

WHEREAS, Section 2 of Article IV of the Constitution of this State requires that after the Legislature has been in session for a period not exceeding 30 days a recess must be taken by both houses for a period of not less than 30 days; and

Recess and
reassembling
of Legisla-
ture

WHEREAS, Though the Legislature has been in session on the Fifty-seventh (First Extraordinary) Session since January 13, 1947, the measures dealing with the stupendous highway program proposing expenditures of nearly three billion dollars are just now coming before the Legislature; and

WHEREAS, The Constitution requires an adjournment of at least 30 days for the Fifty-seventh (General) Session to allow Members of the Legislature time to study the budget and proposed legislation introduced and to counsel with constituents during this recess; and

WHEREAS, The highway program alone proposes expenditures far greater than have ever been considered in the history of this State or any other state in the Nation; and

WHEREAS, The Members of the Legislature believe proposed highway expenditures, totaling a sum nearly five times as great as the annual budget, deserve at least an equal amount of time for study before action is taken; and

WHEREAS, All these legislative matters; the budget, proposed highway taxes, proposed taxes for compulsory health insurance and other subjects of legislation will directly affect the finances of every person in the State of California; and

WHEREAS, Further study and consultation with constituents is certain to result in sound legislation for the best interest of every citizen in the entire State; and

WHEREAS, Any reasonable recess will cause no delay in highway improvement plans because even if approved at once, the effective date is not until July 1, 1947; and

WHEREAS, Interested individuals and groups of citizens from all parts of the State have expressed their desires to counsel with their elected representatives in the Legislature before final action is taken on these highly important and equally controversial matters of finances, health and highways; therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Fifty-seventh (First Extraordinary) Session of the Legislature of the State of California shall recess at 3 o'clock p.m. on February 5, 1947, and shall reassemble at 11 o'clock a.m. on March 3, 1947.

CHAPTER 3

Senate Concurrent Resolution No. 2—Relative to the passing of Isadore B. Dockweiler.

[Filed with Secretary of State March 5, 1947.]

Death of
Isadore B.
Dockweiler

The members of the California Legislature join today in sorrowful knowledge of the passing in February of 1947 of Isadore B. Dockweiler.

In his passing, California has lost an illustrious son, an extraordinary and exemplary citizen, whose journey through life was filled with accomplishment, with service to his country and his fellow man.

His parents settled in Southern California in 1852, and he was born in Los Angeles on December 28, 1867. He graduated from St. Vincent's College (now Loyola University) in 1887, received his masters degree there in 1889, and was admitted to the California Bar in 1889.

He became a distinguished lawyer. He was a member of the Democratic National Committee from 1916-1932. He was a devoted member of the Native Sons of the Golden West, spanning in his lifetime and that of his mother, the dramatic rise of the State of California. He championed the rights of California Indians, in recognition of which Pope Pius XI conferred

upon him the honor of membership in the Knights of St. Gregory. This is but to mention a few of his services to civic and cultural activities, which today stand as a monument to this gentle and intrepid man.

Isadore B. Dockweiler is survived by eight stalwart sons and daughters. It is fitting that there be perpetuated in the official records of the State lasting evidence of the esteem in which he was held and the sorrow which his passing has occasioned; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That when the respective houses of the Legislature this day adjourn they shall do so in tribute to Isadore B. Dockweiler, and be it further

Resolved, that the Secretary of the Senate be, and he is directed to transmit engrossed copies of this resolution to the members of the bereaved family of Isadore B. Dockweiler.

CHAPTER 4

Assembly Joint Resolution No. 1—Relative to centralized purchasing for Navy ships service stores.

[Filed with Secretary of State March 14, 1947.]

WHEREAS, Under a policy put into effect in 1946 by the Navy Department, all Navy ships service stores are now compelled to buy through a centralized Navy purchasing office in New York City; and

Purchasing
for Navy
ships service
stores

WHEREAS, The effect of this new policy is to deprive the wholesale distributors of the business they formerly engaged in and to create a new bureaucracy in a field formerly competently served by private enterprise; and

WHEREAS, Private enterprise through taxes paid by it will furnish the capital for the operation of this new system and at the same time will be rendered less able to pay taxes by reason of its operation; and

WHEREAS, There is widespread dissatisfaction among naval personnel over the quality of merchandise available to them as a result of such centralized purchasing; and

WHEREAS, This has resulted in a reduction of the profits from naval ships service stores formerly available for welfare purposes; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to return to wholesale distributors that function which they so competently performed and to eliminate centralized purchasing for ships service stores from the Navy Department; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President of the United States, to the President pro Tempore of the Senate, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States, and to the Secretary of the Navy.

CHAPTER 5

Assembly Joint Resolution No. 2—Relative to requesting the Interstate Commerce Commission to take action to equalize freight rates and eliminate discrimination therein.

[Filed with Secretary of State March 14, 1947.]

Equalization
of freight
rates

WHEREAS, On December 5, 1946, the Interstate Commerce Commission issued its decision permitting all railroads of the Country to increase their freight rates by an average of 17.6 percent, effective January 1, 1947; and

WHEREAS, The Legislature of the State of California is informed that certain railroad companies announced their intention to reduce freight rates effective March 1, 1947, on steel products from the Geneva Steel Company of Utah to West Coast points; and

WHEREAS, Immediately after the Geneva Steel Company of Utah first requested freight rate reductions in June, 1946, Kaiser Company, Inc., endorsed said requests and asked for comparable reductions on raw materials shipped from Utah to the steel plant owned by Kaiser Company, Inc., at Fontana, California, and on finished steel products shipped from Fontana to various western markets; and

WHEREAS, The continued operation of the Fontana plant, which uses western materials, is essential to the industrial development of the West; and

WHEREAS, The Legislature and the people of the State of California believe in equality for all and special privilege for none; now, therefore, be it

Resolved, by the Assembly and the Senate of the State of California, jointly, That the Legislature hereby urges the Interstate Commerce Commission take such action in respect to freight rates on raw materials shipped from Utah to the steel plant owned by Kaiser Company, Inc., in Fontana, California, and on finished steel products shipped from Fontana to various western markets as will eliminate discrimination if any there be, and that will insure fairness and equity between shippers; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit a copy of this resolution to each member of the Interstate Commerce Commission.

CHAPTER 6

Senate Joint Resolution No. 1—Relative to memorializing the Congress of the United States, in considering and acting upon the budget, to give due consideration to the need and necessity of a strong national defense, and adequate naval and military establishments.

[Filed with Secretary of State March 17, 1947.]

WHEREAS, The United States has, in the past two major world conflicts, entered the period of hostilities with military and naval facilities which were wholly inadequate for the responsibilities of national defense; and

WHEREAS, This Nation was fortunate in those emergencies to have been allied with formidable powers who proved capable of delaying the progress of enemy aggression and encroachment until our industrial might was able to forge the necessary implements of war and until our manpower could be trained in the science of modern warfare; and

WHEREAS, It is readily apparent that this Nation may not be so fortunate as to have such capable and sacrificing allies in the event of a future attack upon us; and

WHEREAS, The prudent and, in the long run, the most economical policy for the national security is the maintenance of a strong, adequately manned and efficiently trained military, naval, and air forces, and adequate establishments therefor; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Congress of the United States is hereby respectfully memorialized to exercise favorable consideration of the budget appropriations for national defense and the support and maintenance of strong, adequate, efficient military and naval forces and establishments which, by their potential effectiveness, will insure peace and security for the Nation, its territories and possessions; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the President of the United States, to the President pro Tempore of the Senate of the United States, to the Speaker of the House of Representatives of the United States, and to each Senator and Representative from the State of California.

CHAPTER 7

Assembly Joint Resolution No. 6—Relative to memorializing Congress to grant to the State of California acreage in the Presidio of San Francisco for establishing the new San Francisco State College.

[Filed with Secretary of State March 19, 1947.]

WHEREAS, It is of the utmost importance that a new San Francisco State College be established in the San Francisco

Need for strong national defense and adequate naval and military establishments

Use of Presidio acreage for new San Francisco State College

metropolitan area, for the primary purpose of training teachers and offering educational opportunities to veterans; and

WHEREAS, The housing shortage has made it impossible to acquire buildings within which to house such an educational institution, nor is there available any publicly or privately owned land upon which necessary buildings could be erected; and

WHEREAS, The present need to establish a new San Francisco State College is based upon facts which affect the welfare of the entire State. More school facilities are needed in order to grant to veterans the education to which they are entitled. More school facilities are needed to train additional teachers, so as to meet the critical need for more trained teachers in California.

San Francisco is the center, geographically, and from the point of ease of transportation to and from the city, for a large, closely populated section of the State of California; and

WHEREAS, The State of California is ready to establish a new San Francisco State College to meet these needs, if land is made available for that purpose; and

WHEREAS, There is acreage in the Presidio of San Francisco, which would appear not to be essential to the federal uses of the Presidio, and which would be most appropriate as the site for the new San Francisco State College; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That Congress is hereby respectfully memorialized to take whatever action is necessary to grant to the State of California sufficient acreage in the Presidio of San Francisco for the establishment of the new San Francisco State College; and, be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the President, the Secretary of War, the President pro Tempore of the Senate, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 8

Senate Joint Resolution No. 2—Relative to congressional support for flood control projects.

[Filed with Secretary of State April 2, 1947.]

Congressional
support for
flood control
projects

WHEREAS, The total flood control needs in California as expressed in terms of current costs of projects authorized but for which funds have not been appropriated by Congress amounts to five hundred fifty-five million dollars (\$555,000,000); and

WHEREAS, The allotment to California for the 1948 Fiscal Year for such projects recommended in the President's budget is only five million dollars (\$5,000,000); and

WHEREAS, The economic justification of the immediate construction of the more vital flood control projects in California is demonstrated by the fact that there would be an estimated annual flood control benefit of twenty-three million two hundred seventy-four thousand dollars (\$23,274,000) and the total reported flood damage for the 1937-38 winter season alone for the entire State was in excess of one hundred million dollars (\$100,000,000) ; and

WHEREAS, The President's recommended budget appropriation of five million dollars (\$5,000,000) by the United States toward the total estimated cost of the authorized flood control projects indicates that vital flood control works necessary for the development of the State of California in the protection of lives and property will, under the contemplated rate of appropriation, be long deferred and will seriously interfere with the development of this State as required for its future progress and assimilation of rapidly increasing population, because of the yearly threat of flood damage ; and

WHEREAS, All authorized flood control projects for California will cost approximately 25 percent of all authorized projects for the United States and the portion of the President's budget of one hundred eighty-nine million dollars (\$189,000,000) for flood control to be allocated to California amounts to less than 3 percent thereof ; and

WHEREAS, The State Water Resources Board is supporting for 1948 federal appropriation an amount less than California's proportionate need based on authorized projects ; and

WHEREAS, The President's budget provides principally for the continuance of flood control projects already commenced and not for commencement of authorized projects ; and

WHEREAS, If this basis for appropriation is established and continued by the Congress it will mean that because money has not been appropriated in the past for projects in California, money will not hereafter be appropriated therefor ; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Governor and the State Water Resources Board are requested and directed to vigorously present to the Congress the need of California for additional 1948 federal appropriations for authorized flood control projects ; and be it further

Resolved, That the Governor and the State Water Resources Board are requested to vigorously present to the Congress the need for those purely flood control projects in California which have been heretofore authorized but for which no moneys have yet been appropriated for construction ; and be it further

Resolved, That the Congress of the United States be memorialized to enact legislation and make appropriations as above indicated ; and be it further

Resolved, That the Legislature pledge its full support to the State Water Resources Board in taking action as above requested and directed; and be it further

Resolved, That the Secretary of the Senate forthwith transmit copies of this resolution to the Governor, each member of the State Water Resources Board, the State Engineer, the President of the United States, the President pro Tempore of the Senate and the Speaker of the House of Representatives and each Senator and Representative from California in the Congress of the United States and each member of the Appropriations Committee of the Senate and House of Representatives of the Congress of the United States.

CHAPTER 9

Assembly Joint Resolution No. 3—Relative to memorializing the President and the Congress of the United States to effect legislation which will permit the use of decommissioned hospital ships by state and city agencies.

[Filed with Secretary of State April 21, 1947.]

Use of
decommis-
sioned
hospital
ships by
state and
city agencies

WHEREAS, There exists in the State of California, as well as in numerous other states throughout the Nation, an acute and critical deficiency of hospital facilities due to an ever increasing influx of permanent residents from other areas, the return of thousands of veterans, and the necessary restrictions upon building and construction programs during the recent conflict; and

WHEREAS, The present need for adequate hospital facilities is urgent in many communities and the death toll among the aged, the sick, and the injured can only be alleviated by hospital building programs which are hampered by and subject to a critical shortage of building materials; and

WHEREAS, Several naval hospital ships are now being decommissioned and laid up as surplus, and as inactive fleet units where they can serve no immediate useful purpose; and

WHEREAS, There is an immediate solution available for many coastal communities through the use of decommissioned naval hospital ships, whose facilities and equipment are far superior in every respect to many community hospitals; therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the President and the Congress of the United States be memorialized to effect and enact legislation which will permit the temporary use of decommissioned naval hospital ships by local and state agencies during this critical period of deficiency in permanent hospital facilities, and until such time as permanent facilities can be constructed; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President of the United States, to the Secretary of the Navy, to the President pro Tempore of the Senate of the United States, to the Speaker of the House of Representatives of the United States, and to each Senator and Representative from the State of California.

CHAPTER 10

Senate Concurrent Resolution No. 3—Relative to adequate highway legislation.

[Filed with Secretary of State May 9, 1947.]

Resolved by the Senate of the State of California the Assembly thereof concurring, That a joint committee of 10 members be appointed, five of whom shall be Members of the Senate appointed by the President pro Tempore of the Senate and five of whom shall be Members of the Assembly appointed by the Speaker of the Assembly, to confer on and recommend to the Legislature adequate highway legislation comprehended within the scope of the subjects specified in Items 1 and 2 of the proclamation convening this extraordinary session.

Joint committee on adequate highway legislation

CHAPTER 11

Senate Concurrent Resolution No. 4—Relative to adjournment sine die of the First 1947 Extraordinary Session of the Legislature of the State of California.

[Filed with Secretary of State June 24, 1947.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the First 1947 Extraordinary Session of the Legislature of the State of California, which convened at 12.30 p.m. on the thirteenth day of January, 1947, pursuant to a proclamation issued by the Governor of the State of California under date of January 9, 1947, shall adjourn sine die at 12 m., June 24, 1947.

Adjournment sine die

CHAPTER 12

Assembly Joint Resolution No. 5—Relative to memorializing Congress to issue commemorative gold coins, or in the alternative, to authorize the manufacture from gold of souvenirs for California's Centennial celebrations.

[Filed with Secretary of State June 24, 1947.]

WHEREAS, The years 1948, 1949, and 1950 have been officially designated as California's Gold Discovery Centennial Year, Gold Rush Centennial Year, and California Centennial and World's Fair Year, respectively; and

Commemorative gold coins or souvenirs for California's centennial celebration

WHEREAS, These centennials commemorate the historical discovery of gold in California in 1848, the dramatic gold rush of 1849 which brought to this State the hosts of people who in the matter of months made possible the admission of the State of California to the Union in 1850; and

WHEREAS, This discovery of and mining of gold have helped shape the destiny of California and of the United States; and

WHEREAS, These centennials come as peace replaces years of bitter conflict, and it is fitting and proper that people pause and pay homage to those who in 1848, 1849, and 1850 did much to make possible one hundred years of prosperity for California and the United States; and

WHEREAS, Since gold has played so important a part in California history, it is the opinion of this legislative body that a commemorative gold coin of a denomination not over five dollars (\$5) should be issued, and authority be granted for its distribution in this State by 1948, or in the alternative, to authorize the manufacture from gold of suitable commemorative souvenirs; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President, the Secretary of the Treasury, and the Congress of the United States to take whatever action is necessary to issue a suitable commemorative gold coin of a denomination not to exceed five dollars (\$5), commemorating the centennial of gold discovery in California, and to authorize its sale and distribution in California by 1948; and, be it further

Resolved, If the Federal Government deems it inadvisable to issue and authorize the sale and distribution of such commemorative gold coin, that the Legislature of the State of California respectfully memorializes the President, the Secretary of the Treasury, and the Congress of the United States to take whatever action is necessary to authorize the manufacture from gold, and sale to the public by 1948, of suitable commemorative souvenirs; and be it further

Resolved, That the Chief Clerk of the Assembly shall transmit copies of this resolution to the President, the Secretary of the Treasury, the President pro Tempore of the Senate, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.