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## New California Laws for 2009

Every year the State Legislature passes and the Governor signs hundreds of new laws that may impact repair shops and small business. Below is a summary of a few key measures that take effect January 1, 2009.

**Cell Phone Use.** Since July 1, 2008, drivers have been required to use hands free device while talking and driving. Beginning January 1, 2009, text based communication while driving is prohibited as well.

**Auto Body Repairs.** Prohibits insurers from capping paint and material charges for automobile repairs.

**Temporary Employees.** Wages for employees of temporary services shall be paid weekly or daily if work is less than 90 days.

**Temporary operating permits restricted.** The DMV will restrict permits to allow more time to obtain smog certificates. Under the law, extensions will cost \$50.00 and are only allowed if the vehicle has been tested at a smog station and failed. The extension can be no more than 60 days from the date of registration is due.

**Family and Medical Leave Act.** Families with active military personnel may now be eligible for up to 12 weeks of FMLA leave if their situation meets one of the new qualifying exigencies: short notice deployment, attendance at official military events or activities, arranging or providing childcare, attending school or daycare meetings, handling financial and legal matters, and rest and recuperation visits when the soldier is on leave.

**Special Interest License Plates.** A new Gold Star Family special license plate will be available to family members who have had family killed in the line of duty while serving in the Armed Forces during wartime or military operations.

**Invalid Employee Waivers.** Execution of any release of employee account wages due is null and void. The language reads: For purposes of this section, execution of a release includes requiring an employee as a condition of being paid, to execute a statement of hours he or she worked during a pay period which the employer know to be false.

**Passport Cards for Identification on I-9.** The Departments of State and Homeland security have begun to issue “passport cards” which may be used as a “List A” document to verify employment in accordance with the I-9 form.

**Unlicensed Car Dealers.** The new law allows law enforcement officers to impound vehicles that are being sold by unlicensed dealers.

**Counterfeit Clean Air Stickers.** This new law will make it a crime to forge, counterfeit, or falsify a Clean Air Sticker. These stickers are currently issued by the DMV to certain low emission vehicles and permit vehicles with these stickers to be driven in the HOV lane.

**New DUI Laws.** Any person who is on prohibition for a DUI conviction cannot drive with a blood alcohol level of .01 percent. The new law authorizes law enforcement to issue a notice of suspension and impound the vehicle.

**San Joaquin Valley Air Pollution Fee.** In an effort to fund programs to reduce vehicle emissions, vehicle owners who register their vehicles in San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, and Tulare Counties and Valley portions of Kern County will be assessed an air quality fee of \$6.00.

**Definition of Motorcycle.** This new law deletes the existing weight limitation of 1,500 pounds, removes a separate definition for electrically powered vehicles and will allow fully enclosed 3-wheeled motor vehicles to use carpool lanes.

**Smoking in a Car with Minor.** Smoking while driving, even if pulled over on the side of the road is illegal if a minor child is traveling with you.

**GPS Device.** A GPS device can no longer be placed anywhere inside the car, but if it is secured on the windshield it must be limited to the five inches on the lower left or seven inches on the lower right of the windshield.

**San Francisco Employers.** San Francisco employers with 20 or more employees are required to provide commuter benefits to employees who work at least 10 hours per workweek within the geographic boundaries of San Francisco.

**Buying a Car out of State.** If you buy a car outside of California and plan on bringing it into the state within 12 months of making the transaction, you are required to pay a use tax that makes up for the missed sales tax.