

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2023-2024 Regular Session

AB 2780 (McKinnor)
Version: June 26, 2024
Hearing Date: July 2, 2024
Fiscal: Yes
Urgency: No
ME

SUBJECT

Carrier of Passengers Act of 2024

DIGEST

This bill creates the Carrier of Passengers Act of 2024.

EXECUTIVE SUMMARY

While Congress has failed to pass comprehensive immigration reform, the California Legislature has taken steps to better protect its undocumented residents. California has a recent legacy of protecting its immigrant residents and providing opportunity for their socioeconomic advancement and equal justice through legislation.

In total contrast to California's values, Governors of other states vilify immigrants and have subjected immigrants to busing programs to transfer them out of state. The Governor of Texas has boasted about his busing plan, whereby he contracts with transportation providers to ship immigrants out of Texas.¹ The intent behind AB 2780 is to ensure cities and counties and organizations that help immigrants are given information that allow for the coordination of services for immigrants as soon as they are transported into the locality in California. It is inhumane to deliver human beings to a new city that is willing to offer assistance and instead of coordinating with the city, choose to callously abandon immigrants there. This bill simply requires coordination between the transporter of passengers who are likely to seek emergency shelter and other immediate services upon arrival and the locality where the vulnerable population is being transported to. This coordination will allow organizations, such as the sponsors of this bill, and localities in California to be better prepared to welcome immigrants into their communities and provide them with the dignity and assistance they deserve.

This bill is sponsored by the California Insurance Commissioner Ricardo Lara and the Coalition for Humane Immigrant Rights. The Committee did not receive timely

¹ Office of the Texas Governor Greg Abbott. "Operation Lone Star Sends Over 500 Migrant Buses To Sanctuary Cities." June 23, 2023. <https://gov.texas.gov/news/post/operation-lone-star-sends-over-500-migrant-buses-to-sanctuary-cities> [As of June 27, 2024.]

opposition to the bill. AB 2780 passed the Senate Energy, Utilities and Communications Committee with a vote of 14 to 1.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Prohibits the federal government from returning to their home countries people whose life or freedom would be threatened because of the alien's race, religion, nationality, membership in a particular social group, or political opinion. (8 U.S.C. § 1231(b)(3).)
- 2) Provides for the protection of people who have fled persecution on account of race, religion, nationality, political opinion, or membership in a particular social group. (UN General Assembly, *Universal Declaration of Human Rights*, Dec. 10, 1948, 217A(III), Art. 14.)
- 3) Protects all asylum seekers by prohibiting the federal government from returning to their home countries people who have fled persecution on account of race, religion, nationality, political opinion, or membership in a particular social group. (8 U.S.C. §1101(a)(42)(A).)
- 4) Provides that youth may have temporary protection from deportation and work authorization for two-year periods, as specified. (See Janet Napolitano, June 15, 2012 policy memorandum announcing the DACA program)²
- 5) Provides that victims of certain crimes may obtain immigration relief through a Victim of Crime Visa (U-Visa) and victims of human trafficking may obtain immigration relief through a Victim of Trafficking Visa (T-Visa). (8 U.S.C. § 1101(a)(15)(U); 8 U.S.C. § 1101(a)(15)(T).)
- 6) Provides immigration relief that relies on a state's interest in the welfare of children by providing for Special Immigrant Juvenile Status where a state determines that reunification with one or both of the immigrant's parents is not viable due to abuse, neglect, abandonment, or similar basis found under state law and that it would not be in the child's best interest to return to their home country. (8 U.S.C. § 1101 (a)(27)(J).)
- 7) Defines "Charter-party carrier of passengers" under the Public Utilities Code Section 5360 as [enter definition]

² Department of Homeland Security, *Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children*, June 15, 2012, available at <https://www.dhs.gov/xlibrary/assets/s1-exercising-prosecutorial-discretion-individuals-who-came-to-us-as-children.pdf> [as of June 18, 2024].)

This bill:

- 1) Creates the Carrier of Passengers Act of 2024.
- 2) Defines the following terms for purposes of the bill:
 - a) "Carrier of passengers" means a motor carrier, passenger carrier, or charter-party carrier of passengers that operates a motor vehicle, on a commercial or for-hire basis, and engages in the embarkation and disembarkation of passengers.
 - b) "Charter-party carrier of passengers" has the same meaning as used in Public Utilities Code Section 5360.
 - c) "Disembarkation" means the physical discharge of passengers from a transportation service provided by a carrier of passengers at a geographic location within California.
 - d) "Embarkation" means the physical commencement of a transportation service provided by a carrier of passengers.
 - e) "Motor vehicle" has the same meaning as used in Public Utilities Code Section 5359.
- 3) Provides that the bill applies to any carrier of passengers operating a motor vehicle who knows or reasonably should know that the motor vehicle will be transporting, from embarkation, 10 or more passengers who are likely to seek emergency shelter and other immediate services upon disembarkation. Provides that "likely to seek emergency shelter and other immediate services upon disembarkation" may include, but is not limited to, any of the following: temporary housing or shelter; food; clothing; medical screenings.
- 4) Creates a presumption that passengers who have arrived in the United States within 30 days of embarkation are likely to seek emergency shelter and other immediate services upon disembarkation.
- 5) Requires that at least 24 hours before embarkation, a carrier of passengers shall provide an electronic notice to a designated point of contact at the governing body of the city, county, or city and county with jurisdiction at the geographic location of disembarkation.
- 6) Provides that this electronic notice required in 5), above, shall include all of the following information:
 - a) The anticipated date and time of arrival of passengers at the geographic location of disembarkation and the address of the geographic location.
 - b) The waybill or trip report, consistent with Public Utilities Code § 5381.5.
 - c) The number of passengers on the motor vehicle who the carrier of passengers knows or reasonably should know arrived in the United States within 30 days of embarkation, and, if the carrier of passengers has relevant information, the

- number of these passengers that are likely to seek emergency shelter and other immediate services upon disembarkation.
- d) A description of the motor vehicle, including the color, the license plate number, and any logo or other information printed on the exterior of the motor vehicle to assist local officials in identifying the motor vehicle.
- 7) Provides that the governing body of the city, county, or city and county with jurisdiction at the geographic location of disembarkation may designate a specific location of disembarkation within the governing body's jurisdiction.
- 8) Provides that a governing body described in paragraph 7), above, that elects to designate a specific location of disembarkation pursuant to paragraph 7) shall post notice of that location on the governing body's internet website. Provides that the carrier of passengers shall check the internet website before embarkation.
- 9) Requires the carrier of passengers to check the internet website before embarkation. Specifies that if the location of disembarkation is not posted on the internet website, the carrier of passengers may disembark at the geographic location they specify pursuant to 6), above.
- 10) Provides that if a governing body elects to designate a specific location of disembarkation and has provided electronic notice of that location or posted notice of that location on the governing body's internet website, disembarkation shall only occur at that location.
- 11) Requires that the location of disembarkation, including the city and county, shall be made known to, and agreed to by, each passenger before embarkation. Requires the notice and agreement to be done in the passenger's primary language. If the passenger is a minor then the agreement shall be done by the minor's parent or guardian before embarkation.
- 12) Prohibits a governing body from sharing, disclosing, or otherwise making accessible to any immigration authority, as defined in Section 7284.4 of the Government Code, information shared or received pursuant to this bill without a court-ordered subpoena or judicial warrant.
- 13) Provides that any of the following parties may bring a civil action seeking preventive relief, including for a permanent or temporary injunction, restraining order, or other order against the carrier of passengers, for one or more violations of this bill:
- a) The Attorney General, a district attorney, or a city attorney.
 - b) A passenger who was transported in violation of this bill.
 - c) A homeless service provider or shelter, a health care service provider, or a nonprofit social service provider that suffered a direct violation of this bill.

- 14) Provides that a carrier of passengers that violates provisions of this bill, or whose employee violates provisions of this bill, may be assessed a civil penalty of up to \$10,000 for each act of transporting a person that resulted in one or more violations of this bill. Provides that the Attorney General, a district attorney, or a city attorney may bring the action for civil penalties.
- 15) Provides that a prevailing plaintiff shall be entitled to attorney's fees and costs in any action brought pursuant to 13) and 14), above.
- 16) Provides that Article 6 of the Public Utilities Code (commencing with Section 5411) of Chapter 8 does not apply for purposes of this bill.
- 17) Specifies that the provisions of this bill do not preempt, limit, prohibit, or otherwise affect the adoption, implementation, or enforcement of any local ordinance, code, regulation, or order related to carrier of passenger transportation services, except only to the extent that the local ordinance, code, regulation, or order is inconsistent with this bill.
- 18) Specifies that any local ordinance, code, regulation, or order is not inconsistent with this bill if it affords greater protection to passengers than the requirements set forth in this bill.
- 19) Specifies that any local ordinance, code, regulation, or order that duplicates or supplements the provisions of this bill shall be construed as providing alternative remedies to those set forth in this bill, and shall not be construed to preempt, limit, prohibit, or otherwise affect this bill.
- 20) Provides that this bill shall only be implemented to the extent that implementation is consistent with federal law.
- 21) Provides that the provisions of this bill are severable and if any provision of the bill or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.
- 22) Specifies that this bill applies to all cities, including charter cities.

COMMENTS

1. Stated need for the bill

According to the author:

Over three dozen busloads of asylum seekers and other recent immigrants have been dumped in Los Angeles alone. Busloads of vulnerable persons have also been dumped in San Diego, San Jose and Sacramento. Sometimes prior notices to local

authorities or nonprofit groups before discharging vulnerable passengers are not provided and other times these notices are inconsistent, thereby endangering the passengers and overwhelming local supportive services. Therefore, AB 2780 is looking to protect immigrants that are being sent from other states to the state of California, and that are in need of supportive services. The impact of the bill would result in a more organized and effective way in which local governments can provide assistance to immigrants being bussed to California.

2. Support

California Insurance Commissioner, Ricardo Lara, writes the following in support of this bill:

This bill would require commercial passenger transportation, prior to transporting 10 or more vulnerable passengers, to notify local authorities and follow basic requirements to ensure the safety of passengers at the point of disembarkation.

Since April 2022, the states of Texas, Florida and Arizona have contracted private transportation companies to transport over 100,000 vulnerable persons, mostly migrants from communities of color, to destinations outside of their state borders. Over three dozen busloads of asylum seekers and other recent immigrants have been dumped in Los Angeles alone. Busloads of vulnerable persons have also been dumped in San Diego, San Jose and Sacramento.

In Los Angeles, they are met by the LA Welcomes Collective, a coalition of public entities, religious organizations and nonprofits that provide food, water and clothes, as well as phone calls to family, medical screenings and legal support services. However, no prior notice is provided by these bus companies that discharge vulnerable passengers at seemingly random locations at all times of the day and night. Support services then scramble to meet the buses before passengers are released onto the streets, endangering the passengers and overwhelming local supportive services. AB 2780 is an important piece of legislation to ensure California has the proper tools and support to welcome migrants in a humane manner and with the dignity and respect migrants deserve.

California itself shares an international border, and we have more migrants within our borders than any other state. Many have escaped terrible conditions with only the clothes on their back, and we do not expect them to call ahead first. But when commercial transportation companies contract to deliver large groups of vulnerable people to California – people who any reasonable person should know will require food, water and shelter – the least we can do is require 24 hours' notice so that our public and nonprofit supportive services can prepare for them.

The Coalition for Humane Immigrant Rights, sponsor of this bill, write the following in support:

AB 2780 stems from work CHIRLA has engaged in at the local level in the Los Angeles area to support newly arrived migrants, in particular, AB 2780 seeks to ensure cities and counties receive 24-hour advance notice when outside entities are transporting individuals in need of support services to California. This bill seeks to ensure localities and partner organizations have ample time to welcome new arrivals in a just and human manner.

Under the administration of Texas Governor, Gregg Abbott, the state of Texas began sending buses of newly arrived migrants to democratically controlled states to advance a harmful anti-immigrant narrative. In particular, Texas began sending migrants to Illinois, New York and Washington D.C. A 2024 press release by Governor Abbott claimed to have sent over 105,000 migrants out of state. CHIRLA alongside our partner organizations viewed the actions carried out by the Abbott administration to be unjust and in anticipation of buses being sent to California, helped establish the Los Angeles Welcomes Collective (LAWC). The LAWC is comprised of nonprofits and local government entities with the goal of welcoming newly arrived migrants with the dignity and respect they deserve. As a leading organization of the Collective, we alongside our partners, work to identify when a bus is in route to Los Angeles, identify a location to set up support services for migrants such as food and water, medical screenings and legal services, as well as, work to connect migrants to family or friends or assist in providing additional transportation for individuals for whom Los Angeles is not their final destination. Since June of 2023, CHIRLA and the LAWC have received 39 busses from the state of Texas with bus each carrying 40-50 individuals.

Migrants who are bussed from Texas have often recently arrived and have undergone often long and treacherous journeys are immediately placed on buses with little to no support being provided to them beforehand. CHIRLA and our partner organizations work diligently to provide support services to migrants upon their arrival to Los Angeles but without advance notice, it can be challenging to coordinate the various support services needed. Welcoming organizations have received buses on weekends and holidays and at times only receive a 20-minute advance notice.

AB 2780 is an important piece of legislation to ensure California has the proper tools and support to welcome migrants in a humane manner and with the dignity and respect migrants deserve. 24-hour advance notice would allow for local governments and nonprofits have a sufficient amount of time to coordinate support services for individuals who come to call California home. California has always proven to be a state that is inclusive and welcoming to all and AB 2780 continues California's commitment to welcoming immigrants.

3. California supports immigrants while other states vilify immigrants

While Congress has failed to pass comprehensive immigration reform, the California Legislature has taken steps to better protect its undocumented residents, providing avenues into the economic mainstream and out of the shadows. California has a recent legacy of protecting its immigrant residents and providing opportunity for their socioeconomic advancement and equal justice through legislation. Immigrants have proven to be an integral part of California's communities and essential to California's economic success.

With more than 10 million immigrants, California's great diversity is made up of many different ethnicities, cultures, and the unique experiences they bring to our state. This mosaic has been a source of innovation and economic growth. California has benefited by embracing our immigrant community and nurturing its wellbeing.

In total contrast to California's values, Governors of other states vilify immigrants and subject them to busing programs to transfer them out of state. The Governor of Texas has boasted about his busing plan.³ The intent behind AB 2780 is to ensure cities and counties and organizations that help immigrants are given information that allow for the coordination of services for immigrants as soon as they enter the locality. It is inhumane to deliver human beings to a new city that is willing to offer assistance and instead of coordinating with the city, choose to callously abandon immigrants there. It is inhumane and contrary to California values to allow for human beings to be dumped in a location they are not familiar with and where people don't speak their primary language. This bill simply requires coordination between the transporter of passengers who are likely to seek emergency shelter and other immediate services upon arrival in California and the locality where the vulnerable population is being transported to. This coordination will allow organizations such as the sponsors of this bill and localities in California to be prepared to welcome immigrants and provide them with dignity and assistance.

4. What this bill does

The provisions of this bill apply to any carrier of passengers operating a motor vehicle, as defined, who knows or reasonably should know that the motor vehicle will be transporting 10 or more passengers who are likely to seek emergency shelter and other immediate services upon arrival. The bill requires that at least 24 hours before embarkation, the carrier of passengers shall provide an electronic notice to a designated point of contact at the governing body of the city, county, or city and county with jurisdiction at the geographic location of arrival. The required electronic notice must include information such as the anticipated date and time of arrival of passengers at the

³ Office of the Texas Governor Greg Abbott. "Operation Lone Star Sends Over 500 Migrant Buses To Sanctuary Cities." June 23, 2023. <https://gov.texas.gov/news/post/operation-lone-star-sends-over-500-migrant-buses-to-sanctuary-cities> [As of June 27, 2024.]

geographic location, the address of arrival, and a description of the motor vehicle that will help local officials identify the vehicle. The governing body of the city, county, or city and county with jurisdiction at the geographic location of arrival may choose to designate a specific location of arrival within the governing body's jurisdiction. If the governing body chooses to designate a specific location of arrival then the governing body must post notice of that location on their website. The carrier of passengers is required to check the website and must arrive at the geographic location that is posted. If the governing body does not designate a location then the carrier of passengers may arrive at the location that the carrier specified. The carrier of passengers must also notify the passengers, in their primary language, of the location they will arrive at, including the city and county, and must receive agreement regarding travelling to that location from each passenger. The bill requires governing bodies to protect information about the passengers from immigration authorities.

The Attorney General, a district attorney, or city attorney may bring a civil action against a carrier of passengers that violates provisions of this bill. A civil penalty of up to \$10,000 may be assessed for each act of transporting a person that resulted in violation of this bill. The Attorney General, a district attorney, city attorney, passenger who was transported in violation of this bill, and other specified providers who suffered a direct violation of the provisions of the bill, can seek preventative relief. The bill provides attorney's fees and costs for prevailing plaintiffs.

SUPPORT

Coalition for Humane Immigrant Rights (sponsor)
Ricardo Lara, Insurance Commissioner of California (sponsor)

OPPOSITION

None received

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation: None known.

PRIOR VOTES:

Senate Energy, Utilities & Communications (Ayes 14, Noes 1)
Assembly Floor (Ayes 64, Noes 1)
Assembly Appropriations Committee (Ayes 14, Noes 0)
Assembly Communications and Conveyance Committee (Ayes 10, Noes 1)
