

Introduced by Senator Romero

February 19, 2002

An act to amend Section 34505.9 of the Vehicle Code, relating to intermodal chassis.

LEGISLATIVE COUNSEL'S DIGEST

SB 1507, as introduced, Romero. Intermodal chassis.

Existing law authorizes an ocean marine terminal that receives and dispatches intermodal chassis, as defined, to conduct an intermodal roadability inspection program, as described, in lieu of other provisions that require every operator of certain types of vehicles to cause the vehicle to be inspected at least every 90 days, or more often to ensure safe operation. Existing law also specifies that it is a misdemeanor to operate an intermodal chassis on the highway other than to a place of repair, until all defects discovered during the inspection have been corrected.

This bill would instead require these ocean marine terminals to conduct the intermodal roadability inspection program. The inspection program would require, among other things, that any motor carrier or commercial driver who is cited for the violation of any state or federal law related to the defective condition of an intermodal chassis subject to inspection, that is not owned by that motor carrier or commercial driver, be reimbursed by the owner for specified costs. The bill would recommend that the Department of Motor Vehicles suspend the operator's motor carrier or property permit if any inspection results in an unsatisfactory rating due to conditions presenting an imminent danger to the public or due to the operator's repeated failure to inspect and repair intermodal chassis, as specified.

Because this bill would create a new crime by requiring a signature under penalty of perjury, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

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

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Section 34505.9 of the Vehicle Code is amended
2 to read:

3 34505.9. (a) An ocean marine terminal that receives and
4 dispatches intermodal chassis ~~may~~ shall conduct the intermodal
5 roadability inspection program, as described in this section, in lieu
6 of the inspection required by Section 34505.5, ~~if the terminal~~
7 ~~meets all of the following conditions of each chassis, as follows:~~

8 (1) ~~More than 1,000 chassis are based at the ocean marine~~
9 ~~terminal.~~

10 (2) ~~The ocean marine terminal, following the two most recent~~
11 ~~consecutive inspections required by Section 34501.12, has~~
12 ~~received satisfactory compliance ratings, and the terminal has~~
13 ~~received no unsatisfactory compliance ratings as a result of any~~
14 ~~inspection conducted in the interim between the consecutive~~
15 ~~inspections conducted under Section 34501.12.~~

16 (3) ~~Each intermodal chassis exiting the ocean marine terminal~~
17 ~~shall have a current decal and supporting documentation in~~
18 ~~accordance with Section 396.17 of Title 49 of the Code of Federal~~
19 ~~Regulations.~~

20 (4)

21 (2) The ocean marine terminal's intermodal roadability
22 inspection program ~~consists~~ shall consist of all of the following:

23 (A) Each time an intermodal chassis is released from the ocean
24 marine terminal, the chassis shall be inspected. The inspection
25 shall include, but not be limited to, brake adjustment, brake system
26 components and leaks, suspension systems, tires and wheels,



1 vehicle connecting devices, and lights and electrical system, *and*
2 *shall include a visual inspection of the chassis to determine that it*
3 *has not been tampered with.*

4 (B) Each inspection shall be recorded on a daily roadability
5 inspection report, which shall include, but not be limited to, all of
6 the following:

7 (i) Positive identification of the intermodal chassis, including
8 company identification number.

9 (ii) Date and nature of each inspection.

10 (iii) Signature, *under penalty of perjury*, of the ocean marine
11 terminal operator or an authorized representative *that the*
12 *inspection has been performed.*

13 (iv) *The inspector shall affix a green tag to a chassis that has*
14 *passed inspection and a red tag to a chassis that has failed*
15 *inspection. The tag shall contain the name of the inspector and the*
16 *date and time that the inspection was completed and shall be*
17 *placed in a conspicuous location so that it may be viewed from the*
18 *rear of the vehicle.*

19 (C) Records of each inspection conducted pursuant to
20 subparagraph (A) shall be retained for 90 days at the ocean marine
21 terminal at which each chassis is based and shall be made available
22 upon request by any authorized employee of the department.

23 (D) Defects noted on any intermodal chassis shall be repaired,
24 and the repairs shall be recorded on the intermodal chassis
25 maintenance file, before the intermodal chassis is released from
26 the control of the ocean marine terminal. No vehicle subject to this
27 section shall be *released to a motor carrier or* operated on the
28 highway other than to a place of repair until all defects listed
29 during the inspection conducted pursuant to subparagraph (A)
30 have been corrected and attested to by the signature of the
31 operator's authorized representative.

32 (E) Records of maintenance or repairs performed pursuant to
33 the inspection in subparagraph (A) shall be maintained at the ocean
34 marine terminal for two years and shall be made available upon
35 request of the department. Repair records may be retained in a
36 computer system if printouts of those records are provided to the
37 department upon request.

38 (F) Individuals performing ocean marine terminal roadability
39 inspections pursuant to this section shall be qualified, at a
40 minimum, as set forth in Section 396.19 of Title 49 of the Code of



1 Federal Regulations. Evidence of each inspector's qualification
2 shall be retained by the ocean marine terminal operator for the
3 period during which the inspector is performing intermodal
4 roadability inspections.

5 *(G) The records maintained pursuant to paragraphs (C) and*
6 *(E) shall be made available during normal business hours to any*
7 *motor carrier or driver or the authorized representative thereof*
8 *who has been engaged to transport an intermodal container on a*
9 *chassis inspected pursuant to this section from the ocean marine*
10 *terminal.*

11 *(H) Any motor carrier or commercial driver who is cited for the*
12 *violation of any state or federal law related to the defective*
13 *condition of an intermodal chassis subject to inspection pursuant*
14 *to this section, that is not owned by that motor carrier or*
15 *commercial driver, shall be reimbursed by the owner of that chassis*
16 *for the cost of that citation and any legal fees or other costs*
17 *incurred by that motor carrier or driver in defending against that*
18 *citation, provided that the defective condition was not caused by*
19 *the motor carrier or driver.*

20 *(I) Any provision contained in a contract between the*
21 *registered owner or lessee of an intermodal chassis subject to*
22 *inspection pursuant to this section and any motor carrier or any*
23 *contract between a motor carrier and another motor carrier*
24 *engaged to transport an intermodal container on a chassis subject*
25 *to inspection pursuant to this section that contains a hold harmless*
26 *or indemnity clause concerning defects in the physical condition*
27 *of that chassis shall be void as against public policy.*

28 (b) Following a terminal inspection in which the department
29 determines that an operator of an ocean marine terminal ~~utilizing~~
30 ~~the intermodal roadability inspection program~~ has failed to
31 comply with the requirements of this section, the department shall
32 conduct a reinspection within 120 days as specified in subdivision
33 (h) of Section 34501.12. ~~If the terminal fails the reinspection, the~~
34 ~~department shall direct the operator to comply with the~~
35 ~~requirements of Section 34505.5 until eligibility to utilize the~~
36 ~~inspection program described in this section is reestablished~~
37 ~~pursuant to subdivision (a).~~ If any inspection results in an
38 unsatisfactory rating due to conditions presenting an imminent
39 danger to the public safety, ~~as described in~~ or due to the operator's
40 repeated failure to inspect and repair intermodal chassis pursuant



1 to this section, the department shall immediately forward a
2 recommendation to the Department of Motor Vehicles to suspend
3 the operator's motor carrier or property permit, and forward a
4 recommendation to the Federal Motor Carrier Safety
5 Administration for administrative or other action deemed
6 necessary against the carrier's interstate operating authority,
7 pursuant to Section 34505.6 or 34505.7, ~~the department~~
8 ~~immediately shall direct the operator to comply with the~~
9 ~~requirements of Section 34505.5 until eligibility to utilize the~~
10 ~~inspection program described in this section is reestablished~~
11 ~~pursuant to subdivision (a).~~

12 (c) For the purposes of this section, the following definitions
13 shall apply:

14 (1) "Intermodal chassis" means a trailer designed to carry
15 intermodal freight containers.

16 (2) "Ocean marine terminal" means a terminal, as defined in
17 Section 34515, located at a port facility that engages in the loading
18 and unloading of the cargo of ocean-going vessels.

19 SEC. 2. No reimbursement is required by this act pursuant to
20 Section 6 of Article XIII B of the California Constitution because
21 the only costs that may be incurred by a local agency or school
22 district will be incurred because this act creates a new crime or
23 infraction, eliminates a crime or infraction, or changes the penalty
24 for a crime or infraction, within the meaning of Section 17556 of
25 the Government Code, or changes the definition of a crime within
26 the meaning of Section 6 of Article XIII B of the California
27 Constitution.

