

AMENDED IN ASSEMBLY APRIL 17, 2012

AMENDED IN ASSEMBLY MARCH 15, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1516

Introduced by Assembly Member Alejo

(Principal coauthor: Assembly Member Nielsen)

*(Coauthors: Assembly Members Achadjian, Chesbro, Jeffries, Ma,
Olsen, Perea, and Valadao)*

(Coauthors: Senators Cannella, La Malfa, and Rubio)

January 13, 2012

An act to amend Sections 12804.9 and 34601 of, and to add Section 34500.6 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1516, as amended, Alejo. Vehicles: driver's license requirements: farming exemption.

(1) Existing law provides that a person with a class C license may operate a motor vehicle or combination of motor vehicles of 26,000 pounds or less when it is operated by a farmer, an employee of a farmer, or an instructor credentialed in agriculture as part of a specified instructional program, it is used exclusively in the conduct of agricultural operations, and it is not used in the capacity of a for-hire carrier or for compensation. *A violation of the requirements is a crime.*

This bill would increase the weight limit of a vehicle or combination of vehicles that the class C licenseholder eligible under this provision may operate to 28,500 pounds or less and would add a length limitation of 65 feet or less for that vehicle or combination of vehicles, *thereby revising the scope of a crime and imposing a state-mandated local*

program. The bill would also require that the vehicle combination be additionally authorize a class C licenseholder to operate a combination of vehicles with a specified gross combination weight rating and gross vehicle weight rating that meets specified operating conditions, including being operated by a farmer or an employee of a farmer and being operated within 150 miles of a farm.

(2) Existing law requires the Department of the California Highway Patrol to regulate the safe operation of certain vehicles, including carrying out a biennial inspection program. Existing law excludes certain vehicles from the definition of a commercial motor vehicle for purposes of the Motor Carriers of Property Permit Act.

This bill would exempt from regulation under these provisions and from the definition of “commercial motor vehicle” a vehicle or combination of vehicles with a gross vehicle weight rating or gross vehicle combination weight rating of 28,500 pounds or less as described in (1) above.

This bill would exclude, from that act, a pickup truck, as defined, or a vehicle that has a flatbed of less than 9 feet and meets certain conditions regarding its weight rating and operation. The bill would also exclude a combination of vehicles with a specified weight rating and a total combined length of less than 65 feet, that meets certain conditions regarding the weight rating and operation of those vehicles.

(3) 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: ~~no~~ yes.

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

- 1 SECTION 1. Section 12804.9 of the Vehicle Code is amended
- 2 to read:
- 3 12804.9. (a) (1) The examination shall include all of the
- 4 following:
- 5 (A) A test of the applicant’s knowledge and understanding of
- 6 the provisions of this code governing the operation of vehicles
- 7 upon the highways.

1 (B) A test of the applicant’s ability to read and understand
2 simple English used in highway traffic and directional signs.

3 (C) A test of the applicant’s understanding of traffic signs and
4 signals, including the bikeway signs, markers, and traffic control
5 devices established by the Department of Transportation.

6 (D) An actual demonstration of the applicant’s ability to exercise
7 ordinary and reasonable control in operating a motor vehicle by
8 driving it under the supervision of an examining officer. The
9 applicant shall submit to an examination appropriate to the type
10 of motor vehicle or combination of vehicles he or she desires a
11 license to drive, except that the department may waive the driving
12 test part of the examination for any applicant who submits a license
13 issued by another state, territory, or possession of the United States,
14 the District of Columbia, or the Commonwealth of Puerto Rico if
15 the department verifies through any acknowledged national driver
16 record data source that there are no stops, holds, or other
17 impediments to its issuance. The examining officer may request
18 to see evidence of financial responsibility for the vehicle prior to
19 supervising the demonstration of the applicant’s ability to operate
20 the vehicle. The examining officer may refuse to examine an
21 applicant who is unable to provide proof of financial responsibility
22 for the vehicle, unless proof of financial responsibility is not
23 required by this code.

24 (E) A test of the hearing and eyesight of the applicant, and of
25 other matters that may be necessary to determine the applicant’s
26 mental and physical fitness to operate a motor vehicle upon the
27 highways, and whether any grounds exist for refusal of a license
28 under this code.

29 (2) The examination for a class A or class B driver’s license
30 under subdivision (b) shall also include a report of a medical
31 examination of the applicant given not more than two years prior
32 to the date of the application by a health care professional. As used
33 in this paragraph, “health care professional” means a person who
34 is licensed, certified, or registered in accordance with applicable
35 state laws and regulations to practice medicine and perform
36 physical examinations in the United States. Health care
37 professionals are doctors of medicine, doctors of osteopathy,
38 physician assistants, and registered advanced practice nurses, or
39 doctors of chiropractic who are clinically competent to perform
40 the medical examination presently required of motor carrier drivers

1 by the federal Department of Transportation. The report shall be
2 on a form approved by the department, the federal Department of
3 Transportation, or the Federal Aviation Administration. In
4 establishing the requirements, consideration may be given to the
5 standards presently required of motor carrier drivers by the Federal
6 Highway Administration.

7 (3) A physical defect of the applicant that, in the opinion of the
8 department, is compensated for to ensure safe driving ability, shall
9 not prevent the issuance of a license to the applicant.

10 (b) In accordance with the following classifications, an applicant
11 for a driver's license shall be required to submit to an examination
12 appropriate to the type of motor vehicle or combination of vehicles
13 the applicant desires a license to drive:

14 (1) Class A includes the following:

15 (A) Except as provided in subparagraph (H) of paragraph (3),
16 a combination of vehicles, if a vehicle being towed has a gross
17 vehicle weight rating of more than 10,000 pounds.

18 (B) A vehicle towing more than one vehicle.

19 (C) A trailer bus.

20 (D) The operation of all vehicles under class B and class C.

21 (2) Class B includes the following:

22 (A) Except as provided in subparagraph (H) of paragraph (3),
23 a single vehicle with a gross vehicle weight rating of more than
24 26,000 pounds.

25 (B) A single vehicle with three or more axles, except any
26 three-axle vehicle weighing less than 6,000 pounds.

27 (C) A bus except a trailer bus.

28 (D) A farm labor vehicle.

29 (E) A single vehicle with three or more axles or a gross vehicle
30 weight rating of more than 26,000 pounds towing another vehicle
31 with a gross vehicle weight rating of 10,000 pounds or less.

32 (F) A house car over 40 feet in length, excluding safety devices
33 and safety bumpers.

34 (G) The operation of all vehicles covered under class C.

35 (3) Class C includes the following:

36 (A) A two-axle vehicle with a gross vehicle weight rating of
37 26,000 pounds or less, including when the vehicle is towing a
38 trailer or semitrailer with a gross vehicle weight rating of 10,000
39 pounds or less.

1 (B) Notwithstanding subparagraph (A), a two-axle vehicle
2 weighing 4,000 pounds or more unladen when towing a trailer
3 coach not exceeding 9,000 pounds gross.

4 (C) A house car of 40 feet in length or less.

5 (D) A three-axle vehicle weighing 6,000 pounds gross or less.

6 (E) A house car of 40 feet in length or less or a vehicle towing
7 another vehicle with a gross vehicle weight rating of 10,000 pounds
8 or less, including when a tow dolly is used. A person driving a
9 vehicle may not tow another vehicle in violation of Section 21715.

10 (F) (i) A two-axle vehicle weighing 4,000 pounds or more
11 unladen when towing either a trailer coach or a fifth-wheel travel
12 trailer not exceeding 10,000 pounds gross vehicle weight rating,
13 when the towing of the trailer is not for compensation.

14 (ii) A two-axle vehicle weighing 4,000 pounds or more unladen
15 when towing a fifth-wheel travel trailer exceeding 10,000 pounds,
16 but not exceeding 15,000 pounds, gross vehicle weight rating,
17 when the towing of the trailer is not for compensation, and if the
18 person has passed a specialized written examination provided by
19 the department relating to the knowledge of this code and other
20 safety aspects governing the towing of recreational vehicles upon
21 the highway.

22 The authority to operate combinations of vehicles under this
23 subparagraph may be granted by endorsement on a class C license
24 upon completion of that written examination.

25 (G) A vehicle or combination of vehicles with a gross vehicle
26 weight rating or gross vehicle combination weight rating, as defined
27 in subdivisions (j) and (k) of Section 15210, of ~~28,500~~ 26,000
28 pounds or less and that is 65 feet or less in length, if all the
29 following conditions are met:

30 (i) It is operated by a farmer, an employee of a farmer, or an
31 instructor credentialed in agriculture as part of an instructional
32 program in agriculture at the high school, community college, or
33 university level.

34 (ii) It is used exclusively in the conduct of agricultural
35 operations.

36 ~~(iii) It is operated within 150 miles of a farm.~~

37 ~~(iv)~~

38 (iii) It is not used in the capacity of a for-hire carrier or for
39 compensation.

- 1 (H) A combination of vehicles with a gross combination weight
- 2 rating and a gross vehicle weight rating, as defined in subdivisions
- 3 (j) and (k) of Section 15210, of between 26,001 pounds and 28,501
- 4 pounds that meets all of the following conditions:
- 5 (i) The combination of vehicles has a total combined vehicle
- 6 length of 65 feet or less.
- 7 (ii) The gross vehicle weight rating of the towing vehicle does
- 8 not exceed 14,000 pounds.
- 9 (iii) It is operated by a farmer or an employee of a farmer.
- 10 (iv) It is used exclusively in the conduct of agricultural
- 11 operations to support the production of crops or livestock.
- 12 (v) It is operated within 150 miles of a farm.
- 13 (vi) It is not used in the capacity of a for-hire carrier or for
- 14 compensation.
- 15 (vii) The vehicles are registered in the state and operate solely
- 16 in the state.
- 17 ~~(H)~~
- 18 (I) Firefighting equipment, provided that the equipment is
- 19 operated by a person who holds a firefighter endorsement pursuant
- 20 to Section 12804.11.
- 21 ~~(H)~~
- 22 (J) A motorized scooter.
- 23 ~~(J)~~
- 24 (K) Class C does not include a two-wheel motorcycle or a
- 25 two-wheel motor-driven cycle.
- 26 (4) Class M1. A two-wheel motorcycle or a motor-driven cycle.
- 27 Authority to operate a vehicle included in a class M1 license may
- 28 be granted by endorsement on a class A, B, or C license upon
- 29 completion of an appropriate examination.
- 30 (5) (A) Class M2 includes the following:
- 31 (i) A motorized bicycle or moped, or a bicycle with an attached
- 32 motor, except a motorized bicycle described in subdivision (b) of
- 33 Section 406.
- 34 (ii) A motorized scooter.
- 35 (B) Authority to operate vehicles included in class M2 may be
- 36 granted by endorsement on a class A, B, or C license upon
- 37 completion of an appropriate examination, except that no
- 38 endorsement is required for a motorized scooter. Persons holding
- 39 a class M1 license or endorsement may operate vehicles included
- 40 in class M2 without further examination.

1 (c) A driver's license or driver certificate is not valid for
2 operating a commercial motor vehicle, as defined in subdivision
3 (b) of Section 15210, any other motor vehicle defined in paragraph
4 (1) or (2) of subdivision (b), or any other vehicle requiring a driver
5 to hold any driver certificate or any driver's license endorsement
6 under Section 15275, unless a medical certificate approved by the
7 department, the federal Department of Transportation, or the
8 Federal Aviation Administration, that has been issued within two
9 years of the date of the operation of that vehicle, is within the
10 licensee's immediate possession, and a copy of the medical
11 examination report from which the certificate was issued is on file
12 with the department. Otherwise, the license is valid only for
13 operating class C vehicles that are not commercial vehicles, as
14 defined in subdivision (b) of Section 15210, and for operating class
15 M1 or M2 vehicles, if so endorsed, that are not commercial
16 vehicles, as defined in subdivision (b) of Section 15210.

17 (d) A license or driver certificate issued prior to the enactment
18 of Chapter 7 (commencing with Section 15200) is valid to operate
19 the class or type of vehicles specified under the law in existence
20 prior to that enactment until the license or certificate expires or is
21 otherwise suspended, revoked, or canceled.

22 (e) The department may accept a certificate of driving skill that
23 is issued by an employer, authorized by the department to issue a
24 certificate under Section 15250, of the applicant, in lieu of a driving
25 test, on class A or B applications, if the applicant has first qualified
26 for a class C license and has met the other examination
27 requirements for the license for which he or she is applying. The
28 certificate may be submitted as evidence of the applicant's skill
29 in the operation of the types of equipment covered by the license
30 for which he or she is applying.

31 (f) The department may accept a certificate of competence in
32 lieu of a driving test on class M1 or M2 applications, when the
33 certificate is issued by a law enforcement agency for its officers
34 who operate class M1 or M2 vehicles in their duties, if the applicant
35 has met the other examination requirements for the license for
36 which he or she is applying.

37 (g) The department may accept a certificate of satisfactory
38 completion of a novice motorcyclist training program approved
39 by the commissioner pursuant to Section 2932 in lieu of a driving
40 test on class M1 or M2 applications, if the applicant has met the

1 other examination requirements for the license for which he or she
2 is applying. The department shall review and approve the written
3 and driving test used by a program to determine whether the
4 program may issue a certificate of completion.

5 (h) Notwithstanding subdivision (b), a person holding a valid
6 California driver's license of any class may operate a short-term
7 rental motorized bicycle without taking any special examination
8 for the operation of a motorized bicycle, and without having a
9 class M2 endorsement on that license. As used in this subdivision,
10 "short-term" means 48 hours or less.

11 (i) A person under the age of 21 years may not be issued a class
12 M1 or M2 license or endorsement unless he or she provides
13 evidence satisfactory to the department of completion of a
14 motorcycle safety training program that is operated pursuant to
15 Article 2 (commencing with Section 2930) of Chapter 5 of Division
16 2.

17 (j) A driver of a vanpool vehicle may operate with a class C
18 license but shall possess evidence of a medical examination
19 required for a class B license when operating vanpool vehicles. In
20 order to be eligible to drive the vanpool vehicle, the driver shall
21 keep in the vanpool vehicle a statement, signed under penalty of
22 perjury, that he or she has not been convicted of reckless driving,
23 drunk driving, or a hit-and-run offense in the last five years.

24 ~~SEC. 2. Section 34500.6 is added to the Vehicle Code, to read:~~
25 ~~34500.6. A vehicle or combination of vehicles with a gross~~
26 ~~vehicle weight rating or gross vehicle combination weight rating,~~
27 ~~as defined in subdivisions (j) and (k) of Section 15210, of 28,500~~
28 ~~pounds or less and that is 65 feet or less in length, is not subject~~
29 ~~to regulation by the department under Section 34500 and not~~
30 ~~subject to this division if all the following conditions are met:~~

31 ~~(a) It is operated by a farmer, an employee of a farmer, or an~~
32 ~~instructor credentialed in agriculture as part of an instructional~~
33 ~~program in agriculture at the high school, community college, or~~
34 ~~university level.~~

35 ~~(b) It is used exclusively in the conduct of agricultural~~
36 ~~operations.~~

37 ~~(c) It is operated within 150 miles of a farm.~~

38 ~~(d) It is not used in the capacity of a for-hire carrier or for~~
39 ~~compensation.~~

1 ~~SEC. 3.~~

2 SEC. 2. Section 34601 of the Vehicle Code is amended to read:

3 34601. (a) As used in this division, “motor carrier of property”
4 means a person who operates a commercial motor vehicle as
5 defined in subdivision (c). “Motor carrier of property” does not
6 include a household goods carrier, as defined in Section 5109 of
7 the Public Utilities Code, a household goods carrier transporting
8 used office, store, and institution furniture and fixtures under its
9 household goods carrier permit pursuant to Section 5137 of the
10 Public Utilities Code, persons providing only transportation of
11 passengers, or a passenger stage corporation transporting baggage
12 and express upon a passenger vehicle incidental to the
13 transportation of passengers.

14 (b) As used in this division, “for-hire motor carrier of property”
15 means a motor carrier of property as defined in subdivision (a)
16 who transports property for compensation.

17 (c) (1) As used in this division, except as provided in ~~paragraph~~
18 *paragraphs (2) and (3)*, a “commercial motor vehicle” means any
19 self-propelled vehicle listed in subdivisions (a), (b), (f), (g), and
20 (k) of Section 34500, any motortruck of two or more axles that is
21 more than 10,000 pounds gross vehicle weight rating, and any
22 other motor vehicle used to transport property for compensation.

23 (2) As used in this division, “commercial motor vehicle” does
24 not include any of the following:

25 (A) Vehicles identified in subdivision (f) of Section 34500, if
26 the gross vehicle weight rating of the towing vehicle is 10,000
27 pounds or less.

28 (B) Vehicles identified in subdivision (g) of Section 34500, if
29 the hazardous material transportation does not require the display
30 of placards under Section 27903, a license under Section 32000.5,
31 or a hazardous waste transporter registration under Section 25163
32 of the Health and Safety Code, and the vehicle is not operated in
33 commercial use.

34 (C) Vehicles operated by a household goods carrier, as defined
35 in Section 5109 of the Public Utilities Code, under the household
36 goods carrier permit pursuant to Section 5137 of that code.

37 (D) Vehicles operated by a household goods carrier to transport
38 used office, store, and institution furniture and fixtures under its
39 household goods carrier permit pursuant to Section 5137 of the
40 Public Utilities Code.

- 1 (E) Pickup trucks as defined in Section 471, if the conditions
- 2 in subparagraphs (A) and (B) are also met.
- 3 (F) Two-axle daily rental trucks with a gross vehicle weight
- 4 rating of less than 26,001 pounds, when operated in noncommercial
- 5 use.
- 6 (G) Motortrucks or two-axle truck tractors, with a gross vehicle
- 7 weight rating of less than 26,001 pounds, when used solely to tow
- 8 a camp trailer, trailer coach, fifth-wheel travel trailer, or utility
- 9 trailer. Vehicle combinations described in this subparagraph are
- 10 not subject to Section 27900, 34501.12, or 34507.5.
- 11 ~~(H) A vehicle or combination of vehicles with a gross vehicle~~
- 12 ~~weight rating or gross vehicle combination weight rating, as defined~~
- 13 ~~in subdivisions (j) and (k) of Section 15210, of 28,500 pounds or~~
- 14 ~~less and that is 65 feet or less in length, if all the following~~
- 15 ~~conditions are met:~~
- 16 (3) (A) *As used in this subdivision, a “commercial motor*
- 17 *vehicle” does not include a vehicle that meets either of the*
- 18 *conditions specified in subparagraphs (C) or (D).*
- 19 (B) *Notwithstanding Section 471, a “pickup truck,” for purposes*
- 20 *of this paragraph, means a motor truck with a gross vehicle weight*
- 21 *rating of 14,000 pounds or less.*
- 22 (C) *A commercial motor vehicle does not include a vehicle that*
- 23 *meets all of the following requirements:*
- 24 (i) *The vehicle is a pickup truck or the vehicle has a flatbed that*
- 25 *does not exceed nine feet in length.*
- 26 (ii) *The vehicle does not exceed its gross vehicle weight rating,*
- 27 *as defined in subdivision (a) of Section 350.*
- 28 ~~(i) It~~
- 29 (iii) *The vehicle is operated by a farmer; or an employee of a*
- 30 *farmer; or an instructor credentialed in agriculture as part of an*
- 31 *instructional program in agriculture at the high school, community*
- 32 *college, or university level.*
- 33 ~~(ii) It~~
- 34 (iv) *The vehicle is used exclusively in the conduct of agricultural*
- 35 *operations to support the production of crops or livestock.*
- 36 ~~(iii) It is operated within 150 miles of a farm.~~
- 37 ~~(iv) It~~
- 38 (v) *The vehicle is not used in the capacity of a for-hire carrier*
- 39 *or for compensation.*

1 (vi) *The vehicle is registered in the state and operates solely in*
2 *the state.*

3 (D) *A commercial motor vehicle does not include a combination*
4 *of vehicles with a gross combination weight rating of less than*
5 *28,500 pounds and a total combined length of less than 65 feet if*
6 *that combination meets all of the following conditions:*

7 (i) *The pickup truck in that combination does not exceed its*
8 *gross vehicle weight rating, as defined in subdivision (a) of Section*
9 *350.*

10 (ii) *It is operated by a farmer or an employee of a farmer.*

11 (iii) *It is used exclusively in the conduct of agricultural*
12 *operations.*

13 (iv) *It is operated within 150 miles of a farm.*

14 (v) *It is not used in the capacity of a for-hire carrier or for*
15 *compensation.*

16 (vi) *The vehicles in that combination are registered in the state*
17 *and operate solely in the state.*

18 (d) For purposes of this chapter, “private carrier” means a motor
19 carrier of property, who transports only his or her own property,
20 including, but not limited to, the delivery of goods sold by that
21 carrier.

22 *SEC. 3. No reimbursement is required by this act pursuant to*
23 *Section 6 of Article XIII B of the California Constitution because*
24 *the only costs that may be incurred by a local agency or school*
25 *district will be incurred because this act creates a new crime or*
26 *infraction, eliminates a crime or infraction, or changes the penalty*
27 *for a crime or infraction, within the meaning of Section 17556 of*
28 *the Government Code, or changes the definition of a crime within*
29 *the meaning of Section 6 of Article XIII B of the California*
30 *Constitution.*