

AMENDED IN ASSEMBLY MARCH 22, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1749

Introduced by Assembly Member Pan

February 17, 2012

~~An act to amend Section 471 of the Vehicle Code, relating to vehicles.~~
An act to amend Section 36101 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1749, as amended, Pan. ~~Vehicles: pickup truck: definition.~~
Vehicles.

Existing law exempts farm trucks and farm trailers from vehicle registration requirements, under specified circumstances.

This bill would additionally exempt a motor vehicle specifically designed for, and used exclusively in, an agricultural operation for the purposes of carrying walnuts, or returning empty from carrying walnuts, that is operated by a farmer, an employee of the farmer, or a contracted employee of the farmer, and that is only operated on a highway between one part of a farm to another part of that farm or from the first point of processing and return.

~~Existing law, except as specified, defines a pickup truck as a motor truck with a manufacturer's gross vehicle weight rating of less than 11,500 pounds, an unladen weight of less than 8,001 pounds, and which is equipped with an open box-type bed not exceeding 9 feet in length.~~

~~This bill would also define a "pickup truck" as a motor truck with a manufacturer's gross vehicle weight rating of less than 11,500 pounds, an unladen weight of less than 8,001 pounds, and which is equipped with a flatbed not exceeding 9 feet in length that is designed and~~

operated by a farmer or rancher, or his or her employee, for use in the conduct of agricultural operations:

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

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

1 SECTION 1. Section 36101 of the Vehicle Code is amended to
2 read:

3 36101. The following farm vehicles are exempt from
4 registration, if they have and display an identification plate as
5 specified in Section 5014, and the vehicles shall not be deemed to
6 be implements of husbandry and they shall be subject to all
7 equipment and device requirements as if registered:

8 (a) A motor vehicle of a size so as to require a permit under
9 Section 35780 owned and operated by a farmer, designed and used
10 exclusively for carrying, or returning empty from carrying, feed
11 and seed products of farming, and used on a highway between one
12 part of a farm to another part of that farm or from one farm to
13 another farm.

14 (b) A vehicle equipped with a water tank owned by a farmer
15 and used exclusively to service his or her own implements of
16 husbandry.

17 (c) A water tank truck that is owned by a farmer, not operated
18 for compensation, and used extensively in the conduct of
19 agricultural operations, when used exclusively ~~(1) for sprinkling~~
20 *either of the following purposes:*

21 (1) *Sparkling* water on dirt roads providing access to agricultural
22 ~~fields or (2) transportation fields.~~

23 (2) *The transportation* of water for irrigation of crops or trees.

24 (d) (1) A cotton module mover, as defined in Section 36012.

25 (2) In order to maintain the exemption from registration granted
26 under this subdivision for a truck tractor, when combined with a
27 semitrailer, the owner of that truck tractor shall not operate it during
28 the exemption period in ~~any~~ a manner other than as a cotton module
29 mover, as defined in Section 36012, and shall do all of the
30 following:

31 (A) Register the vehicle with the department before operating
32 it as a commercial motor vehicle.

1 (B) Apply to the department on a yearly basis for ~~any~~ a renewal
2 of the exemption from registration.

3 (3) Exemption from registration under this subdivision does not
4 exempt a truck tractor, when combined with a semitrailer, operating
5 as a cotton module mover pursuant to Section 36012 and this
6 subdivision from the applicable safety requirements of this code
7 or ~~any~~ a regulation adopted pursuant to ~~any~~ a statute, including,
8 but not limited to, equipment standards, driver licensing
9 requirements, maximum driving and on-duty hours provisions, log
10 book requirements, drug and alcohol testing, maintenance of
11 vehicles, and ~~any~~ a driver or vehicle ~~standards~~ *standard* specified
12 in Division 14.8 (commencing with Section 34500).

13 (4) Truck tractors exempt from registration under this
14 subdivision are subject to the fees imposed under Sections 9250,
15 9250.8, and 9250.13, and to any other vehicle fees that are imposed
16 by statute on or after January 1, 1998, that are deposited in the
17 Motor Vehicle Account.

18 (e) A trailer that is equipped with a plenum chamber for the
19 drying of agricultural commodities.

20 (f) Except as provided in subdivision (j) of Section 36005, a
21 trap wagon, as defined in Section 36016, that is equipped with a
22 fuel tank or tanks. The fuel tank or tanks shall not exceed 3,000
23 gallons *of* total capacity.

24 (g) A forklift truck, operated by a farmer not for compensation.
25 For purposes of this section, a hay-squeeze shall be deemed a
26 forklift.

27 (h) *(1)* A truck tractor or truck tractor and semitrailer
28 combination specified in this subdivision that is owned by a farmer
29 and operated on the highways only incidental to a farming
30 operation and not for compensation. This subdivision applies only
31 to ~~truck tractors~~ *a truck tractor* with a manufacturer's gross vehicle
32 weight rating over 10,000 pounds that ~~are~~ *is* equipped with
33 all-wheel drive and off-highway traction tires on all wheels, and
34 only to ~~semitrailers~~ *a semitrailer* used in combination with that
35 truck tractor and exclusively in the production or harvesting of
36 melons. ~~The vehicles~~ *A vehicle* specified in this subdivision shall
37 not be operated in excess of 25 miles per hour on the highways.

38 ~~The~~

1 (2) *The* Commissioner of the California Highway Patrol may,
2 by regulation, prohibit ~~the vehicles~~ *a vehicle* specified in this
3 subdivision from operating on specific routes. ~~These vehicles~~

4 (3) *A vehicle specified in this subdivision* shall not be operated
5 laden on the highway for more than two miles from the point of
6 origin and shall not be operated for more than 30 miles unladen
7 on the highway from the point of origin. ~~These vehicles~~

8 (4) *A vehicle specified in this subdivision* shall not be operated
9 for more than 15 miles unladen on the highway from the point of
10 origin, unless accompanied by an escort vehicle to the front, and
11 an escort vehicle to the rear.

12 (i) (1) A motor vehicle specifically designed for, and used
13 exclusively in, an agricultural operation for purposes of carrying,
14 or returning empty from carrying, silage that is operated by a
15 farmer, an employee of the farmer, or a contracted employee of
16 the farmer between one part of a farm to another part of that farm
17 or from one farm to another farm, on a highway for a distance not
18 to exceed 20 miles from the point of origin of the trip. This
19 subdivision does not include a vehicle that is used for the
20 transportation of silage for retail sales.

21 For

22 (2) *For* the purposes of this subdivision, “silage” includes field
23 corn, sorghum, grass, legumes, cereals, or cereal mixes, either
24 green or mature, converted into feed for livestock.

25 (j) *A motor vehicle specifically designed for, and used*
26 *exclusively in, an agricultural operation for the purposes of*
27 *carrying walnuts, or returning empty from carrying walnuts, that*
28 *is operated by a farmer, an employee of the farmer, or a contracted*
29 *employee of the farmer, and that is only operated on a highway*
30 *between one part of a farm to another part of that farm or from*
31 *the first point of processing and return.*

32 SECTION 1. ~~Section 471 of the Vehicle Code is amended to~~
33 ~~read:~~

34 471. (a) A “pickup truck” is either of the following:

35 (1) ~~A motor truck with a manufacturer’s gross vehicle weight~~
36 ~~rating of less than 11,500 pounds, an unladen weight of less than~~
37 ~~8,001 pounds, and which is equipped with an open box-type bed~~
38 ~~not exceeding nine feet in length.~~

39 (2) ~~A motor truck with a manufacturer’s gross vehicle weight~~
40 ~~rating of less than 11,500 pounds, an unladen weight of less than~~

1 8,001 pounds, and which is equipped with a flatbed not exceeding
2 nine feet in length that is designed and operated by a farmer or
3 rancher, or his or her employee, for use in the conduct of
4 agricultural operations.

5 (b) “Pickup truck” does not include a motor vehicle otherwise
6 meeting the above definition, that is equipped with a bed-mounted
7 storage compartment unit commonly called a “utility body.”