

AMENDED IN ASSEMBLY APRIL 16, 2012

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2313**

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**Introduced by Assembly Member Grove**

February 24, 2012

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An act to amend Section 260 of, and to add Section 4000.39 to, 9400 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2313, as amended, Grove. ~~Vehicles: pickup trucks.~~ *Vehicles: unladen weight fees: commercial vehicles.*

Existing law excludes from the definition of "commercial vehicle," among other vehicles, passenger vehicles and house cars that are not used for the transportation of persons for hire, compensation, or profit. ~~Existing law requires the Department of Motor Vehicles, upon proper application, to issue or renew the registration of a vehicle.~~ *Existing law defines a pickup truck as a motor truck with a manufacturer's gross vehicle weight rating (GVWR) of less than 11,500 pounds, an unladen weight of less than 8,001 pounds, and that is equipped with an open box-type bed not exceeding 9 feet in length. Existing law imposes an unladen weight fee on commercial vehicles operating with an unladen weight under 10,000 lbs and weight fees for pickup trucks are calculated under these provisions.*

~~This bill would additionally exclude from the definition of "commercial vehicle" pickup trucks that are not used for the transportation of persons for hire, compensation, or profit. The bill would require the department to revise the application form for the~~

issuance or renewal of a vehicle registration to allow a person to designate whether a pickup truck will or will not be used for commercial purposes. The bill would impose an administrative penalty in an amount not to exceed \$5,000 on a person who falsely designates that his or her pickup truck will not be used for commercial purposes.

*This bill would reduce by 20% each year the unladen weight fee imposed pursuant to these provisions on pickup trucks that are not being used for the transportation of persons for hire, compensation, or profit. The bill would exempt these pickup trucks after 5 years from payment of this fee.*

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 9400 of the Vehicle Code is amended to  
2 read:

3 9400. Except as provided in Section 9400.1, and in addition  
4 to any other registration fee, there shall be paid the fees set forth  
5 in this section for the registration of any commercial motor vehicle  
6 that operates with unladen weight. Weight fees for pickup trucks  
7 are calculated under this section. Whenever a camper is temporarily  
8 attached to a motor vehicle designed to transport property, the  
9 motor vehicle shall be subject to the fees imposed by this section.  
10 The camper shall be deemed to be a load, and fees imposed by this  
11 section upon the motor vehicle shall be based upon the unladen  
12 weight of the motor vehicle, exclusive of the camper.

13 (a) For any electric vehicle designed, used, or maintained as  
14 described in this section, fees shall be paid according to the  
15 following schedule:

16		
17	Unladen Weight	Fee
18	Less than 6,000 lbs. ....	\$ 87
19	6,000 lbs. or more but less than 10,000 lbs. ....	266
20	10,000 lbs. or more .....	358

21  
22 (b) For any motor vehicle having not more than two axles and  
23 designed, used, or maintained as described in this section, other  
24 than an electric vehicle, fees shall be paid according to the  
25 following schedule:

Unladen Weight	Fee
Less than 3,000 lbs. ....	\$ 8
3,000 lbs. to and including 4,000 lbs. ....	24
4,001 lbs. to and including 5,000 lbs. ....	80
5,001 lbs. to and including 6,000 lbs. ....	154
6,001 lbs. to and including 7,000 lbs. ....	204
7,001 lbs. to and including 8,000 lbs. ....	257
8,001 lbs. to and including 9,000 lbs. ....	308
9,001 lbs. to and including 10,000 lbs. ....	360

(c) For any motor vehicle having three or more axles designed, used, or maintained as described in this section, other than an electric vehicle, fees shall be paid according to the following schedule:

Unladen Weight	Fee
2,000 lbs. to and including 3,000 lbs. ....	\$ 43
3,001 lbs. to and including 4,000 lbs. ....	77
4,001 lbs. to and including 5,000 lbs. ....	154
5,001 lbs. to and including 6,000 lbs. ....	231
6,001 lbs. to and including 7,000 lbs. ....	308
7,001 lbs. to and including 8,000 lbs. ....	385
8,001 lbs. to and including 9,000 lbs. ....	462
9,001 lbs. to and including 10,000 lbs. ....	539

(d) This section is not applicable to any vehicle that is operated or moved over the highway exclusively for the purpose of historical exhibition or other similar noncommercial purpose.

(e) The fee changes effected by this section apply to (1) initial or original registration on or after January 1, 1995, and prior to December 31, 2001, of any commercial vehicle never before registered in this state and (2) to renewal of registration of any commercial vehicle whose registration expires on or after January 1, 1995, and prior to December 31, 2001.

(f) Commercial vehicles, other than those specified in Section 9400.1, with an initial registration or renewal of registration that is due on or after December 31, 2001, are subject to the payment of fees specified in this section.

(g) *Beginning January 1, 2013, pickup trucks that are not used or maintained for the transportation of persons for hire,*

1 *compensation, or profit shall receive a 20 percent reduction in the*  
 2 *unladen weight fee calculated under this section for that year and*  
 3 *for each year thereafter. Beginning January 1, 2018, pickup trucks*  
 4 *that are not used or maintained for the transportation of persons*  
 5 *for hire, compensation, or profit shall be exempt from the fees*  
 6 *imposed by this section.*

7 SECTION 1. ~~Section 260 of the Vehicle Code is amended to~~  
 8 ~~read:~~

9 260. (a) A “commercial vehicle” is a motor vehicle of a type  
 10 required to be registered under this code used or maintained for  
 11 the transportation of persons for hire, compensation, or profit or  
 12 designed, used, or maintained primarily for the transportation of  
 13 property.

14 (b) ~~Passenger vehicles, house cars, and pickup trucks that are~~  
 15 ~~not used for the transportation of persons for hire, compensation,~~  
 16 ~~or profit are not commercial vehicles. This subdivision shall not~~  
 17 ~~apply to Chapter 4 (commencing with Section 6700) of Division~~  
 18 ~~3.~~

19 (c) ~~A vanpool vehicle is not a commercial vehicle.~~

20 (d) ~~The definition of a commercial vehicle in this section does~~  
 21 ~~not apply to Chapter 7 (commencing with Section 15200) of~~  
 22 ~~Division 6.~~

23 SEC. 2. ~~Section 4000.39 is added to the Vehicle Code, to read:~~

24 4000.39. (a) ~~The department shall revise an application form~~  
 25 ~~for the registration of, or the renewal of the registration of, a vehicle~~  
 26 ~~to allow a person to designate whether a pickup truck, if applicable,~~  
 27 ~~will or will not be used for commercial purposes.~~

28 (b) ~~A person who falsely designates that his or her pickup truck~~  
 29 ~~will not be used for commercial purposes is liable for an~~  
 30 ~~administrative penalty in an amount not to exceed five thousand~~  
 31 ~~dollars (\$5,000).~~