

AMENDED IN SENATE JULY 1, 2013
AMENDED IN ASSEMBLY MAY 8, 2013
AMENDED IN ASSEMBLY APRIL 17, 2013
AMENDED IN ASSEMBLY FEBRUARY 7, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 64

Introduced by Assembly Member ~~Donnelly~~ Members *Donnelly and Linder*

January 7, 2013

An act to ~~amend Sections 38603 and 38604 of~~ *add Section 35400.6* to the Vehicle Code, relating to ~~vehicles, and declaring the urgency thereof, to take effect immediately:~~ *vehicles.*

LEGISLATIVE COUNSEL'S DIGEST

AB 64, as amended, Donnelly. Vehicles: ~~recreational off-highway vehicles:~~ *fifth-wheel travel trailers.*

(1) Existing law prohibits a vehicle from exceeding 40 feet in length. Existing law exempts from this prohibition specified types of vehicles, including, but not limited to, an articulated bus or articulated trolley coach that does not exceed a length of 60 feet, and a motortruck used solely as a cotton module mover that does not exceed 48 feet in length. A violation of the Vehicle Code is a crime.

This bill would additionally exempt from this prohibition a 5th-wheel travel trailer that does not exceed 48 feet in length from the foremost point of the trailer to the rear extremity of the trailer, and that does not exceed 40 feet in length from the kingpin to the centerline of the rearmost axle. The bill would require a manufacturer of a 5th-wheel

travel trailer that meets this exemption to include in the delivery documents provided to a dealer the overall length of the 5th-wheel travel trailer. The bill would permit a dealer to reject acceptance of the 5th-wheel travel trailer if this documentation is not provided. By creating a new crime, the bill would impose a state-mandated local program.

(2) 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.

~~(1) Existing law establishes rules for the operation of off-highway vehicles, including specified requirements governing the operation of recreational off-highway vehicles. A violation of these rules and requirements is a crime. Existing law prohibits a person who is operating a recreational off-highway vehicle from allowing a passenger to occupy a separate seat location not designed and provided by the manufacturer for a passenger.~~

~~This bill would make these provisions applicable only to a recreational off-highway vehicle with a model year of 2014 or later. For vehicles with a model year of 2013 or earlier, the bill would allow seats that are installed in a separate seat location not designed and provided by the manufacturer for a passenger to be occupied if the occupant of the seat is fully contained inside of the vehicle's rollover protection structure at all times while the vehicle is being operated. Because a violation of the provisions would be a crime, this bill would impose a state-mandated local program.~~

~~(2) Existing law prohibits a person from operating a recreational off-highway vehicle from riding with a passenger, unless the passenger, while seated upright with his or her back against the seatback, can grasp the occupant handhold with the seatbelt and shoulder belt or safety harness properly fastened while seated upright.~~

~~This bill would define occupant handhold for these purposes, and would require occupant handholds to be designed to allow the recreational off-highway vehicle passenger to exit the vehicle without interference from the handholds. Because a violation of these provisions would be a crime, this bill would impose a state-mandated local program.~~

~~(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.~~

~~(4) This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: $\frac{2}{3}$ -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 35400.6 is added to the Vehicle Code, to
2 read:

3 35400.6. (a) Subdivision (a) of Section 35400 does not apply
4 to a fifth-wheel travel trailer that does not exceed 48 feet in length
5 from the foremost point of the trailer to the rear extremity of the
6 trailer, and that does not exceed 40 feet in length from the kingpin
7 to the centerline of the rearmost axle.

8 (b) A manufacturer of a fifth-wheel travel trailer described by
9 subdivision (a) shall include in the delivery documents provided
10 to a dealer the overall length of the fifth-wheel travel trailer. The
11 dealer may reject acceptance of the fifth-wheel travel trailer if this
12 documentation is not provided.

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

22 SECTION 1. Section 38603 of the Vehicle Code is amended
23 to read:

24 38603. (a) A person operating a recreational off-highway
25 vehicle with a model year of 2014 or later shall not allow a
26 passenger to occupy a separate seat location not designed and
27 provided by the manufacturer for a passenger.

1 (b) Seats that are installed in a separate seat location not
2 designed and provided by the manufacturer for a passenger in
3 vehicles with model year of 2013 or earlier may be occupied by a
4 passenger if the occupant of the seat is fully contained inside of
5 the vehicle’s rollover protection structure at all times while the
6 vehicle is being operated.

7 SEC. 2. Section 38604 of the Vehicle Code is amended to read:

8 38604. (a) A person operating a recreational off-highway
9 vehicle shall not ride with a passenger, unless the passenger, while
10 seated upright with his or her back against the seatback, can grasp
11 the occupant handhold with the seatbelt and shoulder belt or safety
12 harness properly fastened.

13 (b) For purposes of this chapter, “occupant handhold” means
14 any factory or aftermarket device grasped by an occupant to
15 provide support and to assist in keeping arms and hands within
16 the recreational off-highway vehicle. The steering wheel shall be
17 considered an occupant handhold for the recreational off-highway
18 vehicle operator.

19 (c) Occupant handholds shall be designed to allow the
20 recreational off-highway vehicle passenger to exit the vehicle
21 without interference from the handholds.

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.

31 SEC. 4. This act shall become operative on July 1, 2013.

32 SEC. 5. This act is an urgency statute necessary for the
33 immediate preservation of the public peace, health, or safety within
34 the meaning of Article IV of the Constitution and shall go into
35 immediate effect. The facts constituting the necessity are:

36 In order to allow sufficient time to implement recently enacted
37 provisions of law regarding recreational off-highway vehicles, it
38 is necessary that this act take effect immediately.