

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 298

Introduced by Assembly Member Pan

February 12, 2013

An act to amend Section 12804.9 of, and to add Division 16.2 (commencing with Section 37000) to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 298, as amended, Pan. ~~Vehicles: license plates.~~ *Vehicles: farm vehicles: federal compliance.*

Under existing law, the Department of the California Highway Patrol is required to regulate the safe operation of certain vehicles, including specified commercial motor vehicles, and adopt regulations that are designed to promote the safe operation of those vehicles regarding, among other things, controlled substances and alcohol testing of drivers by motor carriers, hours of service of drivers, inspection, and maintenance. Existing law requires that hours-of-service regulations for drivers of those vehicles be consistent with the hours-of-service regulations adopted by the United States Department of Transportation.

Under existing law, a vehicle with a gross vehicle weight rating of less than 26,000 pounds may be operated without a commercial driver's license under certain circumstances, including when it is operated by a farmer or an employee of a farmer and used exclusively in the conduct of agricultural operations.

Existing federal law, the Moving Ahead for Progress in the 21st Century Act, defines covered farm vehicles, in part, as vehicles that are operated by farm or ranch owners or operators, transport to or from

a farm or ranch agricultural commodities, livestock, machinery, or farm supplies, and may be over 26,000 pounds under certain circumstances. Under existing law, covered farm vehicles, and individuals who operate those vehicles, are exempt from federal requirements relating to commercial driver’s license standards, drug testing, medical certificates, hours of service for drivers, and vehicle inspections, repair, and maintenance, as specified. The act also exempts, during planting and harvest seasons, an individual who is transporting agricultural commodities or farm supplies to locations that are within 150 air miles from the source of those commodities or distribution point of those supplies, as specified, from federal requirements relating to hours of service for those drivers.

This bill would exempt covered farm vehicles, defined pursuant to federal law, from state laws relating to commercial driver’s license standards, drug testing, medical certificates, hours commencing of service for drivers, and vehicle inspections, repair, and maintenance to conform to federal law. This bill would additionally exempt, during planting and harvest seasons, a driver who is transporting agricultural commodities or farm supplies, as specified, from state laws relating to hours of service of drivers to conform to federal law.

~~Existing law, subject to exceptions, requires the Department of Motor Vehicles to, upon registering a vehicle, issue the owner 2 partially or fully reflectorized license plates. Existing law also authorizes the department to issue a variety of specialty license plates, as specified~~

~~This bill would express the intent of the Legislature to enact legislation authorizing the issuance of an agriculture license plate.~~

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

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

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

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

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

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

1 Transportation. The report shall be on a form approved by the
 2 department. In establishing the requirements, consideration may
 3 be given to the standards presently required of motor carrier drivers
 4 by the Federal Motor Carrier Safety Administration.

5 (B) The department may accept a federal waiver of one or more
 6 physical qualification standards if the waiver is accompanied by
 7 a report of a nonqualifying medical examination for a class A or
 8 class B driver’s license, or class C driver’s license with a
 9 commercial endorsement, pursuant to Section 391.41(a)(3)(ii) of
 10 Subpart E of Part 391 of Title 49 of the Code of Federal
 11 Regulations.

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

15 (b) In accordance with the following classifications, an applicant
 16 for a driver’s license shall be required to submit to an examination
 17 appropriate to the type of motor vehicle or combination of vehicles
 18 the applicant desires a license to drive:

19 (1) Class A includes the following:

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

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

24 (C) A trailer bus.

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

26 (2) Class B includes the following:

27 (A) Except as provided in subparagraph (H) of paragraph (3),
 28 a single vehicle with a gross vehicle weight rating of more than
 29 26,000 pounds.

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

32 (C) A bus except a trailer bus.

33 (D) A farm labor vehicle.

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

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

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

40 (3) Class C includes the following:

1 (A) A two-axle vehicle with a gross vehicle weight rating of
2 26,000 pounds or less, including when the vehicle is towing a
3 trailer or semitrailer with a gross vehicle weight rating of 10,000
4 pounds or less.

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

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

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

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

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

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

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

29 (G) (i) A vehicle or combination of vehicles with a gross
30 combination weight rating or a gross vehicle weight rating, as
31 those terms are defined in subdivisions (j) and (k), respectively,
32 of Section 15210, of 26,000 pounds or less, if all of the following
33 conditions are met:

34 (i)

35 (I) Is operated by a farmer, an employee of a farmer, or an
36 instructor credentialed in agriculture as part of an instructional
37 program in agriculture at the high school, community college, or
38 university level.

39 (ii)

40 (II) Is used exclusively in the conduct of agricultural operations.

1 ~~(iii)~~
 2 ~~(III)~~ Is not used in the capacity of a for-hire carrier or for
 3 compensation.
 4 ~~(ii)~~ *A covered farm vehicle, as defined in Section 37002.*
 5 (H) Firefighting equipment, provided that the equipment is
 6 operated by a person who holds a firefighter endorsement pursuant
 7 to Section 12804.11.
 8 (I) A motorized scooter.
 9 (J) Class C does not include a two-wheel motorcycle or a
 10 two-wheel motor-driven cycle.
 11 (4) Class M1. A two-wheel motorcycle or a motor-driven cycle.
 12 Authority to operate a vehicle included in a class M1 license may
 13 be granted by endorsement on a class A, B, or C license upon
 14 completion of an appropriate examination.
 15 (5) (A) Class M2 includes the following:
 16 (i) A motorized bicycle or moped, or a bicycle with an attached
 17 motor, except a motorized bicycle described in subdivision (b) of
 18 Section 406.
 19 (ii) A motorized scooter.
 20 (B) Authority to operate vehicles included in class M2 may be
 21 granted by endorsement on a class A, B, or C license upon
 22 completion of an appropriate examination, except that no
 23 endorsement is required for a motorized scooter. Persons holding
 24 a class M1 license or endorsement may operate vehicles included
 25 in class M2 without further examination.
 26 (c) A driver's license or driver certificate is not valid for
 27 operating a commercial motor vehicle, as defined in subdivision
 28 (b) of Section 15210, any other motor vehicle defined in paragraph
 29 (1) or (2) of subdivision (b), or any other vehicle requiring a driver
 30 to hold any driver certificate or any driver's license endorsement
 31 under Section 15275, unless a medical certificate approved by the
 32 department that has been issued within two years of the date of
 33 the operation of that vehicle and a copy of the medical examination
 34 report from which the certificate was issued is on file with the
 35 department. Otherwise, the license is valid only for operating class
 36 C vehicles that are not commercial vehicles, as defined in
 37 subdivision (b) of Section 15210, and for operating class M1 or
 38 M2 vehicles, if so endorsed, that are not commercial vehicles, as
 39 defined in subdivision (b) of Section 15210.

1 (d) A license or driver certificate issued prior to the enactment
2 of Chapter 7 (commencing with Section 15200) is valid to operate
3 the class or type of vehicles specified under the law in existence
4 prior to that enactment until the license or certificate expires or is
5 otherwise suspended, revoked, or canceled. Upon application for
6 renewal or replacement of a driver's license, endorsement, or
7 certificate required to operate a commercial motor vehicle, a valid
8 medical certificate on a form approved by the department shall be
9 submitted to the department.

10 (e) The department may accept a certificate of driving skill that
11 is issued by an employer, authorized by the department to issue a
12 certificate under Section 15250, of the applicant, in lieu of a driving
13 test, on class A or B applications, if the applicant has first qualified
14 for a class C license and has met the other examination
15 requirements for the license for which he or she is applying. The
16 certificate may be submitted as evidence of the applicant's skill
17 in the operation of the types of equipment covered by the license
18 for which he or she is applying.

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

25 (g) The department may accept a certificate of satisfactory
26 completion of a novice motorcyclist training program approved
27 by the commissioner pursuant to Section 2932 in lieu of a driving
28 test on class M1 or M2 applications, if the applicant has met the
29 other examination requirements for the license for which he or she
30 is applying. The department shall review and approve the written
31 and driving test used by a program to determine whether the
32 program may issue a certificate of completion.

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

39 (i) A person under the age of 21 years shall not be issued a class
40 M1 or M2 license or endorsement unless he or she provides

1 evidence satisfactory to the department of completion of a
 2 motorcycle safety training program that is operated pursuant to
 3 Article 2 (commencing with Section 2930) of Chapter 5 of Division
 4 2.

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

12 *SEC. 2. Division 16.2 (commencing with Section 37000) is*
 13 *added to the Vehicle Code, to read:*

14
 15 *DIVISION 16.2. FARM VEHICLES*

16
 17 *37000. This division may be known and cited as the Federal*
 18 *Motor Carrier Safety Administration Conformance Act of 2013.*

19 *37001. The Legislature finds and declares that the purpose of*
 20 *this division is to conform state law with the federal Moving Ahead*
 21 *for Progress in the 21st Century Act (Public Law 112-141), which*
 22 *exempts covered farm vehicles and individuals operating covered*
 23 *farm vehicles from certain provisions of federal law.*

24 *37002. For purposes of this division, a “covered farm vehicle”*
 25 *means a vehicle that meets all of the following criteria:*

26 *(a) Is traveling in the state.*

27 *(b) Is operated by a farm owner or operator, a ranch owner or*
 28 *operator, or an employee or family member of a farm owner or*
 29 *operator or a ranch owner or operator*

30 *(c) Is used to transport to or from a farm or ranch agricultural*
 31 *commodities, livestock, machinery, or supplies.*

32 *(d) Is not used in the operations of a for-hire motor carrier,*
 33 *unless the vehicle is operated pursuant to a crop share farm lease*
 34 *agreement, owned by a tenant with respect to that agreement, and*
 35 *transporting the landlord’s portion of the crops under that*
 36 *agreement.*

37 *(e) Is equipped with a special license plate pursuant to Section*
 38 *5014 or is otherwise registered with the state.*

39 *(f) Has a gross vehicle weight rating or gross vehicle weight,*
 40 *whichever is greater, that is less than 26,001 pounds, unless the*

1 *vehicle travels solely within the state or travels within 150 air*
2 *miles of the farm or ranch where the vehicle is being operated.*

3 *37003. A covered farm vehicle, and an individual operating a*
4 *covered farm vehicle, is exempt from all of the following:*

5 *(a) Any state law, including Section 12804.9 and Chapter 7*
6 *(commencing with Section 15200) of Division 6, or requirements*
7 *relating to commercial driver’s license standards that were adopted*
8 *to conform to Chapter 313 (commencing with Section 31301) of*
9 *Title 49 of the United States Code and the regulations adopted*
10 *pursuant to those provisions (Part 383 of Title 49 of the Code of*
11 *Federal Regulations).*

12 *(b) Any state law, including Chapter 7 (commencing with Section*
13 *15200) of Division 6 and Division 14.8 (commencing with Section*
14 *34500), or requirements relating to controlled substances and*
15 *alcohol use and testing that were adopted to conform to Chapter*
16 *313 (commencing with Section 31301) of Title 49 of the United*
17 *States Code and the regulations adopted pursuant to those*
18 *provisions (Part 382 of Title 49 of the Code of Federal*
19 *Regulations).*

20 *(c) Any state law, including Section 12804.9, or requirements*
21 *relating to medical certificates and physical qualifications and*
22 *examinations that were adopted to conform to Subchapter III of*
23 *Chapter 311 (commencing with Section 31131) and Chapter 313*
24 *(commencing with Section 31301) of Title 49 of the United States*
25 *Code and the regulations adopted pursuant to those provisions*
26 *(Subpart E of Part 391 of Title 49 of the Code of Federal*
27 *Regulations).*

28 *(d) Any state law, including Division 14.8 (commencing with*
29 *Section 34500), or requirements relating to hours of service of*
30 *drivers that were adopted to conform to Subchapter III of Chapter*
31 *311 (commencing with Section 31131) and Chapter 315*
32 *(commencing with Section 31501) of Title 49 of the United States*
33 *Code and the regulations adopted pursuant to those provisions*
34 *(Part 395 of Title 49 of the Code of Federal Regulations), as those*
35 *regulations now exist or are hereafter amended.*

36 *(e) Any state law, including Division 14.8 (commencing with*
37 *Section 34500), or requirements relating to vehicle inspection,*
38 *repair, and maintenance that were adopted to conform to*
39 *Subchapter III of Chapter 311 (commencing with Section 31131)*
40 *and Chapter 315 (commencing with Section 31501) of Title 49 of*

1 *the United States Code and the regulations adopted pursuant to*
2 *those provisions (Part 396 of Title 49 of the Code of Federal*
3 *Regulations).*

4 37004. (a) *A driver of a vehicle that does not meet the*
5 *conditions in Section 37003 is, during planting and harvest*
6 *seasons, exempt from any state law, including Division 14.8*
7 *(commencing with Section 34500), relating to hours of service of*
8 *drivers used by motor carriers that were adopted to conform to*
9 *Section 31136 or 31502 of Title 49 of the United States Code and*
10 *the regulations adopted pursuant to those provisions (Part 395 of*
11 *Title 49 of the Code of Federal Regulations), if one of the following*
12 *conditions is met:*

13 (1) *The driver is transporting agricultural commodities from*
14 *the source of the agricultural commodities to a location within a*
15 *150 air-mile radius from the source.*

16 (2) *The driver is transporting farm supplies for agricultural*
17 *purposes from the wholesale or retail distribution point of the farm*
18 *supplies to a farm or other location where the farm supplies are*
19 *intended to be used within a 150 air-mile radius from the*
20 *distribution point.*

21 (3) *The driver is transporting farm supplies for agricultural*
22 *purposes from a wholesale distribution point of the farm supplies*
23 *to a retail distribution point of the farm supplies within a 150*
24 *air-mile radius from the wholesale distribution point.*

25 (b) *The Secretary of Food and Agriculture shall publish a*
26 *planting and harvest season for each agricultural commodity*
27 *grown in the state. Subdivision (a) shall not be effective until the*
28 *secretary has published a planting and harvest season for that*
29 *commodity.*

30 ~~SECTION 1. It is the intent of the Legislature to enact~~
31 ~~legislation authorizing the issuance of an agriculture license plate.~~