

AMENDED IN ASSEMBLY APRIL 17, 2013

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 298**

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**Introduced by Assembly Member Pan**

February 12, 2013

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An act to amend Section ~~12804.9 22877~~ of, and to add Division 16.2 (commencing with Section 37000) to, the Vehicle Code, relating to ~~vehicles; the Government Code, relating to the Rural Health Care Equity Program.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 298, as amended, Pan. ~~Vehicles: farm vehicles: federal compliance.~~ *Rural Health Care Equity Program.*

*Existing law, until July 3, 2010, or earlier upon a specified finding, established the Rural Health Care Equity Program for the purpose of funding the subsidization and reimbursement of premium costs, deductibles, coinsurance, and other out-of-pocket health care expenses paid by state employees of State Bargaining Unit 5 living in rural areas, as defined. Existing law provided for funding and reimbursement provisions for purposes of the program. Existing law provided that the program would be operative only to the extent that funding was provided in the annual Budget Act or another statute and solely for the benefit of employees of State Bargaining Unit 5.*

*The bill would reestablish the Rural Health Care Equity Program until January 1, 2015, or to an earlier date upon a specified finding, and would extend the benefits to all employees and annuitants living in rural areas. This bill would provide that the program would be*

*operative only to the extent that funding is provided in the annual Budget Act.*

~~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.~~

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 22877 of the Government Code is  
2     amended to read:

3     22877. (a) As used in this section, the following definitions  
4     shall apply:

5     (1) “Coinsurance” means the provision of a health benefit plan  
6     design that requires the health benefit plan and state employee *or*  
7     *annuitant* to share the cost of hospital or medical expenses at a  
8     specified ratio.

9     (2) “Deductible” means the annual amount of out-of-pocket  
10     medical expenses that a state employee *or annuitant* must pay  
11     before the health benefit plan begins paying for expenses.

12     (3) “Program” means the Rural Health Care Equity Program.

13     (4) “Rural area” means an area in which there is no  
14     board-approved health maintenance organization plan available  
15     for enrollment by state employees *or annuitants* residing in the  
16     area.

17     (b) (1) The Rural Health Care Equity Program is hereby  
18     established for the purpose of funding the subsidization and  
19     reimbursement of premium costs, deductibles, coinsurance, and  
20     other out-of-pocket health care expenses paid by eligible employees  
21     *or annuitants* living in rural areas that would otherwise be covered  
22     if the state employee *or annuitant* was enrolled in a board-approved  
23     health maintenance organization plan. The program shall be  
24     administered by the Department of ~~Personnel Administration~~  
25     *Human Resources* or by a third-party administrator approved by  
26     the Department of ~~Personnel Administration~~ *Human Resources* in  
27     a manner consistent with all applicable state and federal laws. The  
28     board shall determine the rural area for each subsequent fiscal  
29     year, at the same time that premiums for health maintenance  
30     organization plans are approved.

31     (2) Separate accounts shall be maintained within the program  
32     for all of the following:

33     (A) Employees, as defined in subdivision (c) of Section 3513.

34     (B) Excluded employees, as defined in subdivision (b) of Section  
35     3527.

1 (C) *State annuitants.*

2 (c) Moneys in the program shall be allocated to the respective  
3 accounts as follows:

4 (1) The contribution provided by the state with respect to each  
5 employee, as defined in subdivision (c) of Section 3513, who lives  
6 in a rural area and is otherwise eligible, shall be an amount  
7 determined through the collective bargaining process.

8 (2) The contribution provided by the state with respect to each  
9 excluded employee, as defined in subdivision (b) of Section 3527,  
10 who lives in a rural area and is otherwise eligible, shall be an  
11 amount equal to, but not to exceed, the amount contributed pursuant  
12 to paragraph (1).

13 (3) *The contribution provided by the state with respect to each*  
14 *state annuitant who lives in a rural area, is not a Medicare*  
15 *participant, resides in California, and is otherwise eligible, shall*  
16 *be an amount not to exceed five hundred dollars (\$500).*

17 (4) *The contribution provided by the state with respect to each*  
18 *annuitant who lives in a rural area, resides in California,*  
19 *participates in a supplemental Medicare health benefit plan, and*  
20 *is otherwise eligible, shall be an amount equal to the Medicare*  
21 *Part B premiums incurred by the annuitant, not to exceed*  
22 *seventy-five dollars (\$75) per month. The program may not*  
23 *reimburse for penalty amounts.*

24 ~~(3)~~

25 (5) If an eligible employee enters or leaves service with the state  
26 during a fiscal year, contributions for the employee shall be made  
27 on a pro rata basis. ~~A similar computation shall be used for anyone~~  
28 ~~entering or leaving the bargaining unit, including a person who~~  
29 ~~enters State Bargaining Unit 5 by promotion during a fiscal year.~~

30 (d) Each fund of the State Treasury, other than the General  
31 Fund, shall reimburse the General Fund for any sums allocated  
32 pursuant to subdivision (c) for employees whose compensation is  
33 paid from that fund. That reimbursement shall be accomplished  
34 using the following methodology:

35 (1) On or before December 1 of each year, the Department of  
36 ~~Personnel Administration~~ *Human Resources* shall provide a list  
37 of active state employees who participated in the program during  
38 the previous fiscal year to each employing department.

39 (2) On or before January 15 of each year, each department that  
40 employed an active state employee identified by the Department

1 of ~~Personnel Administration~~ *Human Resources* as a participant in  
2 the program shall provide the Department of ~~Personnel~~  
3 ~~Administration~~ *Human Resources* with a list of the funds used to  
4 pay each employee's salary, along with the proportion of each  
5 employee's salary attributable to each fund.

6 (3) Using the information provided by the employing  
7 departments, the Department of ~~Personnel Administration~~ *Human*  
8 *Resources* shall compile a list of program payments attributable  
9 to each fund. On or before February 15 of each year, the  
10 Department of ~~Personnel Administration~~ *Human Resources* shall  
11 transmit this list to the Department of Finance.

12 (4) The Department of Finance shall certify to the Controller  
13 the amount to be transferred from the unencumbered balance of  
14 each fund to the General Fund.

15 (5) The Controller shall transfer to the General Fund from the  
16 unencumbered balance of each impacted fund the amount specified  
17 by the Department of Finance.

18 (6) To ensure the equitable allocation of costs, the Director of  
19 the Department of ~~Personnel Administration~~ *Human Resources* or  
20 the Director of Finance may require an audit of departmental  
21 reports.

22 (e) *For any sums allocated pursuant to subdivision (c) for*  
23 *annuitants, funds, other than the General Fund, shall be charged*  
24 *a fair share of the contribution provided by the state in accordance*  
25 *with the provisions of Article 2 (commencing with Section 11270)*  
26 *of Chapter 3 of Part 1 of Division 3. On or before July 31 of each*  
27 *year, the Department of Human Resources shall provide the*  
28 *Department of Finance with the total costs allocated for annuitants*  
29 *in the previous fiscal year. The reported costs may not include*  
30 *expenses that have been incurred but not claimed as of July 31.*

31 (f) *Notwithstanding any other law and subject to the availability*  
32 *of funds, moneys within the program shall be disbursed for the*  
33 *benefit of eligible annuitants. The disbursements shall either*  
34 *reimburse the annuitant, if not a Medicare participant, for some*  
35 *or all of the deductible incurred by the annuitant or a family*  
36 *member, not to exceed five hundred dollars (\$500) per fiscal year,*  
37 *or reimburse the annuitant, if a Medicare participant, for Medicare*  
38 *Part B premiums incurred by the annuitant, not to exceed*  
39 *seventy-five dollars (\$75) per month. The program may not*  
40 *reimburse for penalty amounts. These reimbursements shall be*

1 *provided by the Department of Human Resources. Notwithstanding*  
 2 *any other law, any annuitant who cannot be located within a period*  
 3 *of three months and whose disbursement is returned to the*  
 4 *Controller as unclaimed is ineligible to participate in the program.*

5 (e)

6 (g) Notwithstanding any other law and subject to the availability  
 7 of funds, moneys within the program shall be disbursed for the  
 8 benefit of eligible employees. The disbursements shall subsidize  
 9 the preferred provider plan premiums for the employee by an  
 10 amount equal to the difference between the weighted average of  
 11 board-approved health maintenance organization premiums and  
 12 the lowest board-approved preferred provider plan premium  
 13 available under this part, and reimburse the employee for a portion  
 14 or all of his or her incurred deductible, coinsurance, and other  
 15 out-of-pocket health-related expenses that would otherwise be  
 16 covered if the employee and his or her family members were  
 17 enrolled in a board-approved health maintenance organization  
 18 plan. These subsidies and reimbursements shall be provided as  
 19 determined by the Department of ~~Personnel Administration~~, *Human*  
 20 *Resources*, which may include, but is not limited to, a supplemental  
 21 insurance plan, a medical reimbursement account, or a medical  
 22 spending account plan.

23 (f)

24 (h) Subject to subdivision ~~(h)~~, (j), moneys remaining in an  
 25 account of the program at the end of any fiscal year shall remain  
 26 in the account for use in subsequent fiscal years, until the account  
 27 is terminated. Moneys remaining in a program account upon  
 28 termination, after payment of all expenses and claims incurred  
 29 prior to the date of termination, shall be deposited in the General  
 30 Fund.

31 (g)

32 (i) The Legislature finds and declares that the program shall be  
 33 operated for the exclusive benefit of ~~employees of State Bargaining~~  
 34 ~~Unit 5: employees, annuitants, and family members.~~

35 (h)

36 (j) This section shall be operative only to the extent that funding  
 37 is provided in the annual Budget Act or another ~~statute and solely~~  
 38 ~~for the benefit of employees of State Bargaining Unit 5: statute.~~

39 (i)

1 (k) This section shall cease to be operative on ~~July 3, 2010,~~  
2 *January 1, 2015*, or on an earlier date if the board makes a formal  
3 determination that health maintenance organization plans are no  
4 longer the most cost-effective health benefit plans offered by the  
5 board.

6 ~~(j) Notwithstanding any other law, on and after July 1, 2009,~~  
7 ~~the benefits of the Rural Health Care Equity Program shall be~~  
8 ~~available only to employees in State Bargaining Unit 5, and shall~~  
9 ~~not be available to any other employees. Pursuant to subdivision~~  
10 ~~(f), any moneys that remain in the accounts of the program on July~~  
11 ~~1, 2009, other than moneys attributable to employees in State~~  
12 ~~Bargaining Unit 5 on that date, shall be deposited in the General~~  
13 ~~Fund. Benefits of the Rural Health Care Equity Program shall~~  
14 ~~cease to be available to employees in State Bargaining Unit 5, on~~  
15 ~~and after July 3, 2010, and any moneys remaining in the accounts~~  
16 ~~of the program shall be deposited in the General Fund.~~

17 SECTION 1. Section 12804.9 of the Vehicle Code is amended  
18 to read:

19 12804.9. (a) (1) ~~The examination shall include all of the~~  
20 ~~following:~~

21 (A) ~~A test of the applicant's knowledge and understanding of~~  
22 ~~the provisions of this code governing the operation of vehicles~~  
23 ~~upon the highways.~~

24 (B) ~~A test of the applicant's ability to read and understand~~  
25 ~~simple English used in highway traffic and directional signs.~~

26 (C) ~~A test of the applicant's understanding of traffic signs and~~  
27 ~~signals, including the bikeway signs, markers, and traffic control~~  
28 ~~devices established by the Department of Transportation.~~

29 (D) ~~An actual demonstration of the applicant's ability to exercise~~  
30 ~~ordinary and reasonable control in operating a motor vehicle by~~  
31 ~~driving it under the supervision of an examining officer. The~~  
32 ~~applicant shall submit to an examination appropriate to the type~~  
33 ~~of motor vehicle or combination of vehicles he or she desires a~~  
34 ~~license to drive, except that the department may waive the driving~~  
35 ~~test part of the examination for any applicant who submits a license~~  
36 ~~issued by another state, territory, or possession of the United States,~~  
37 ~~the District of Columbia, or the Commonwealth of Puerto Rico if~~  
38 ~~the department verifies through any acknowledged national driver~~  
39 ~~record data source that there are no stops, holds, or other~~  
40 ~~impediments to its issuance. The examining officer may request~~

1 to see evidence of financial responsibility for the vehicle prior to  
2 supervising the demonstration of the applicant's ability to operate  
3 the vehicle. The examining officer may refuse to examine an  
4 applicant who is unable to provide proof of financial responsibility  
5 for the vehicle, unless proof of financial responsibility is not  
6 required by this code.

7 (E) A test of the hearing and eyesight of the applicant, and of  
8 other matters that may be necessary to determine the applicant's  
9 mental and physical fitness to operate a motor vehicle upon the  
10 highways, and whether any grounds exist for refusal of a license  
11 under this code.

12 (2) (A) Before a class A or class B driver's license, or class C  
13 driver's license with a commercial endorsement, may be issued  
14 or renewed, the applicant shall have in his or her driver record a  
15 valid report of a medical examination of the applicant given not  
16 more than two years prior to the date of the application by a health  
17 care professional. As used in this paragraph, "health care  
18 professional" means a person who is licensed, certified, or  
19 registered in accordance with applicable state laws and regulations  
20 to practice medicine and perform physical examinations in the  
21 United States. Health care professionals are doctors of medicine,  
22 doctors of osteopathy, physician assistants, and registered advanced  
23 practice nurses, or doctors of chiropractic who are clinically  
24 competent to perform the medical examination presently required  
25 of motor carrier drivers by the United States Department of  
26 Transportation. The report shall be on a form approved by the  
27 department. In establishing the requirements, consideration may  
28 be given to the standards presently required of motor carrier drivers  
29 by the Federal Motor Carrier Safety Administration.

30 (B) The department may accept a federal waiver of one or more  
31 physical qualification standards if the waiver is accompanied by  
32 a report of a nonqualifying medical examination for a class A or  
33 class B driver's license, or class C driver's license with a  
34 commercial endorsement, pursuant to Section 391.41(a)(3)(ii) of  
35 Subpart E of Part 391 of Title 49 of the Code of Federal  
36 Regulations.

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

- 1 (b) In accordance with the following classifications, an applicant  
2 for a driver's license shall be required to submit to an examination  
3 appropriate to the type of motor vehicle or combination of vehicles  
4 the applicant desires a license to drive:
- 5 (1) Class A includes the following:
    - 6 (A) ~~Except as provided in subparagraph (H) of paragraph (3),~~  
7 a combination of vehicles, if a vehicle being towed has a gross  
8 vehicle weight rating of more than 10,000 pounds.
    - 9 (B) A vehicle towing more than one vehicle.
    - 10 (C) A trailer bus.
    - 11 (D) The operation of all vehicles under class B and class C.
  - 12 (2) Class B includes the following:
    - 13 (A) ~~Except as provided in subparagraph (H) of paragraph (3),~~  
14 a single vehicle with a gross vehicle weight rating of more than  
15 26,000 pounds.
    - 16 (B) A single vehicle with three or more axles, except any  
17 three-axle vehicle weighing less than 6,000 pounds.
    - 18 (C) A bus except a trailer bus.
    - 19 (D) A farm labor vehicle.
    - 20 (E) A single vehicle with three or more axles or a gross vehicle  
21 weight rating of more than 26,000 pounds towing another vehicle  
22 with a gross vehicle weight rating of 10,000 pounds or less.
    - 23 (F) A house car over 40 feet in length, excluding safety devices  
24 and safety bumpers.
    - 25 (G) The operation of all vehicles covered under class C.
  - 26 (3) Class C includes the following:
    - 27 (A) A two-axle vehicle with a gross vehicle weight rating of  
28 26,000 pounds or less, including when the vehicle is towing a  
29 trailer or semitrailer with a gross vehicle weight rating of 10,000  
30 pounds or less.
    - 31 (B) Notwithstanding subparagraph (A), a two-axle vehicle  
32 weighing 4,000 pounds or more unladen when towing a trailer  
33 coach not exceeding 9,000 pounds gross.
    - 34 (C) A house car of 40 feet in length or less.
    - 35 (D) A three-axle vehicle weighing 6,000 pounds gross or less.
    - 36 (E) A house car of 40 feet in length or less or a vehicle towing  
37 another vehicle with a gross vehicle weight rating of 10,000 pounds  
38 or less, including when a tow dolly is used. A person driving a  
39 vehicle may not tow another vehicle in violation of Section 21715.

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

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

13 ~~The authority to operate combinations of vehicles under this~~  
14 ~~subparagraph may be granted by endorsement on a class C license~~  
15 ~~upon completion of that written examination.~~

16 ~~(G) (i) A vehicle or combination of vehicles with a gross~~  
17 ~~combination weight rating or a gross vehicle weight rating, as~~  
18 ~~those terms are defined in subdivisions (j) and (k), respectively,~~  
19 ~~of Section 15210, of 26,000 pounds or less, if all of the following~~  
20 ~~conditions are met:~~

21 ~~(I) Is operated by a farmer, an employee of a farmer, or an~~  
22 ~~instructor credentialed in agriculture as part of an instructional~~  
23 ~~program in agriculture at the high school, community college, or~~  
24 ~~university level.~~

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

26 ~~(III) Is not used in the capacity of a for-hire carrier or for~~  
27 ~~compensation.~~

28 ~~(ii) A covered farm vehicle, as defined in Section 37002.~~

29 ~~(H) Firefighting equipment, provided that the equipment is~~  
30 ~~operated by a person who holds a firefighter endorsement pursuant~~  
31 ~~to Section 12804.11.~~

32 ~~(I) A motorized scooter.~~

33 ~~(J) Class C does not include a two-wheel motorcycle or a~~  
34 ~~two-wheel motor-driven cycle.~~

35 ~~(4) Class M1. A two-wheel motorcycle or a motor-driven cycle.~~  
36 ~~Authority to operate a vehicle included in a class M1 license may~~  
37 ~~be granted by endorsement on a class A, B, or C license upon~~  
38 ~~completion of an appropriate examination.~~

39 ~~(5) (A) Class M2 includes the following:~~

1 (i) ~~A motorized bicycle or moped, or a bicycle with an attached~~  
2 ~~motor, except a motorized bicycle described in subdivision (b) of~~  
3 ~~Section 406.~~

4 (ii) ~~A motorized scooter.~~

5 (B) ~~Authority to operate vehicles included in class M2 may be~~  
6 ~~granted by endorsement on a class A, B, or C license upon~~  
7 ~~completion of an appropriate examination, except that no~~  
8 ~~endorsement is required for a motorized scooter. Persons holding~~  
9 ~~a class M1 license or endorsement may operate vehicles included~~  
10 ~~in class M2 without further examination.~~

11 (e) ~~A driver's license or driver certificate is not valid for~~  
12 ~~operating a commercial motor vehicle, as defined in subdivision~~  
13 ~~(b) of Section 15210, any other motor vehicle defined in paragraph~~  
14 ~~(1) or (2) of subdivision (b), or any other vehicle requiring a driver~~  
15 ~~to hold any driver certificate or any driver's license endorsement~~  
16 ~~under Section 15275, unless a medical certificate approved by the~~  
17 ~~department that has been issued within two years of the date of~~  
18 ~~the operation of that vehicle and a copy of the medical examination~~  
19 ~~report from which the certificate was issued is on file with the~~  
20 ~~department. Otherwise, the license is valid only for operating class~~  
21 ~~C vehicles that are not commercial vehicles, as defined in~~  
22 ~~subdivision (b) of Section 15210, and for operating class M1 or~~  
23 ~~M2 vehicles, if so endorsed, that are not commercial vehicles, as~~  
24 ~~defined in subdivision (b) of Section 15210.~~

25 (d) ~~A license or driver certificate issued prior to the enactment~~  
26 ~~of Chapter 7 (commencing with Section 15200) is valid to operate~~  
27 ~~the class or type of vehicles specified under the law in existence~~  
28 ~~prior to that enactment until the license or certificate expires or is~~  
29 ~~otherwise suspended, revoked, or canceled. Upon application for~~  
30 ~~renewal or replacement of a driver's license, endorsement, or~~  
31 ~~certificate required to operate a commercial motor vehicle, a valid~~  
32 ~~medical certificate on a form approved by the department shall be~~  
33 ~~submitted to the department.~~

34 (e) ~~The department may accept a certificate of driving skill that~~  
35 ~~is issued by an employer, authorized by the department to issue a~~  
36 ~~certificate under Section 15250, of the applicant, in lieu of a driving~~  
37 ~~test, on class A or B applications, if the applicant has first qualified~~  
38 ~~for a class C license and has met the other examination~~  
39 ~~requirements for the license for which he or she is applying. The~~  
40 ~~certificate may be submitted as evidence of the applicant's skill~~

1 in the operation of the types of equipment covered by the license  
2 for which he or she is applying.

3 (f) ~~The department may accept a certificate of competence in  
4 lieu of a driving test on class M1 or M2 applications, when the  
5 certificate is issued by a law enforcement agency for its officers  
6 who operate class M1 or M2 vehicles in their duties, if the applicant  
7 has met the other examination requirements for the license for  
8 which he or she is applying.~~

9 (g) ~~The department may accept a certificate of satisfactory  
10 completion of a novice motorcycle training program approved  
11 by the commissioner pursuant to Section 2932 in lieu of a driving  
12 test on class M1 or M2 applications, if the applicant has met the  
13 other examination requirements for the license for which he or she  
14 is applying. The department shall review and approve the written  
15 and driving test used by a program to determine whether the  
16 program may issue a certificate of completion.~~

17 (h) ~~Notwithstanding subdivision (b), a person holding a valid  
18 California driver's license of any class may operate a short-term  
19 rental motorized bicycle without taking any special examination  
20 for the operation of a motorized bicycle, and without having a  
21 class M2 endorsement on that license. As used in this subdivision,  
22 "short-term" means 48 hours or less.~~

23 (i) ~~A person under the age of 21 years shall not be issued a class  
24 M1 or M2 license or endorsement unless he or she provides  
25 evidence satisfactory to the department of completion of a  
26 motorcycle safety training program that is operated pursuant to  
27 Article 2 (commencing with Section 2930) of Chapter 5 of Division  
28 2.~~

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

36 ~~SEC. 2. Division 16.2 (commencing with Section 37000) is  
37 added to the Vehicle Code, to read:~~

DIVISION 16.2. FARM VEHICLES

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

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

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

~~(a) Is traveling in the state.~~

~~(b) Is operated by a farm owner or operator, a ranch owner or operator, or an employee or family member of a farm owner or operator or a ranch owner or operator~~

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

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

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

~~(f) Has a gross vehicle weight rating or gross vehicle weight, whichever is greater, that is less than 26,001 pounds, unless the vehicle travels solely within the state or travels within 150 air miles of the farm or ranch where the vehicle is being operated.~~

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

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

~~(b) Any state law, including Chapter 7 (commencing with Section 15200) of Division 6 and Division 14.8 (commencing with Section 34500), or requirements relating to controlled substances~~

1 and alcohol use and testing that were adopted to conform to  
2 Chapter 313 (commencing with Section 31301) of Title 49 of the  
3 United States Code and the regulations adopted pursuant to those  
4 provisions (Part 382 of Title 49 of the Code of Federal  
5 Regulations):

6 (e) Any state law, including Section 12804.9, or requirements  
7 relating to medical certificates and physical qualifications and  
8 examinations that were adopted to conform to Subchapter III of  
9 Chapter 311 (commencing with Section 31131) and Chapter 313  
10 (commencing with Section 31301) of Title 49 of the United States  
11 Code and the regulations adopted pursuant to those provisions  
12 (Subpart E of Part 391 of Title 49 of the Code of Federal  
13 Regulations):

14 (d) Any state law, including Division 14.8 (commencing with  
15 Section 34500), or requirements relating to hours of service of  
16 drivers that were adopted to conform to Subchapter III of Chapter  
17 311 (commencing with Section 31131) and Chapter 315  
18 (commencing with Section 31501) of Title 49 of the United States  
19 Code and the regulations adopted pursuant to those provisions  
20 (Part 395 of Title 49 of the Code of Federal Regulations), as those  
21 regulations now exist or are hereafter amended:

22 (e) Any state law, including Division 14.8 (commencing with  
23 Section 34500), or requirements relating to vehicle inspection,  
24 repair, and maintenance that were adopted to conform to  
25 Subchapter III of Chapter 311 (commencing with Section 31131)  
26 and Chapter 315 (commencing with Section 31501) of Title 49 of  
27 the United States Code and the regulations adopted pursuant to  
28 those provisions (Part 396 of Title 49 of the Code of Federal  
29 Regulations):

30 37004. (a) A driver of a vehicle that does not meet the  
31 conditions in Section 37003 is, during planting and harvest seasons,  
32 exempt from any state law, including Division 14.8 (commencing  
33 with Section 34500), relating to hours of service of drivers used  
34 by motor carriers that were adopted to conform to Section 31136  
35 or 31502 of Title 49 of the United States Code and the regulations  
36 adopted pursuant to those provisions (Part 395 of Title 49 of the  
37 Code of Federal Regulations), if one of the following conditions  
38 is met:

1 ~~(1) The driver is transporting agricultural commodities from~~  
2 ~~the source of the agricultural commodities to a location within a~~  
3 ~~150 air-mile radius from the source.~~

4 ~~(2) The driver is transporting farm supplies for agricultural~~  
5 ~~purposes from the wholesale or retail distribution point of the farm~~  
6 ~~supplies to a farm or other location where the farm supplies are~~  
7 ~~intended to be used within a 150 air-mile radius from the~~  
8 ~~distribution point.~~

9 ~~(3) The driver is transporting farm supplies for agricultural~~  
10 ~~purposes from a wholesale distribution point of the farm supplies~~  
11 ~~to a retail distribution point of the farm supplies within a 150~~  
12 ~~air-mile radius from the wholesale distribution point.~~

13 ~~(b) The Secretary of Food and Agriculture shall publish a~~  
14 ~~planting and harvest season for each agricultural commodity grown~~  
15 ~~in the state. Subdivision (a) shall not be effective until the secretary~~  
16 ~~has published a planting and harvest season for that commodity.~~