

**ASSEMBLY BILL**

**No. 306**

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**Introduced by Assembly Member Lowenthal**

February 12, 2013

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An act to amend Section 34620 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 306, as introduced, Lowenthal. Vehicles: motor carrier.

Existing law requires every motor carrier of property to comply with specified safety, permit, and liability insurance regulations and to pay the fees required by these provisions. Existing law also prohibits a motor carrier of property from contracting or subcontracting with, or otherwise engaging the services of, another motor carrier of property, until the contracted motor carrier of property provides certification of compliance with safety inspection, certificate, permit, and financial responsibility requirements. A violation of these provisions is a crime.

This bill would additionally prohibit a motor carrier of property or broker of construction trucking services from allowing a vehicle to be retrieved from or delivered to its premises by a motor carrier of property, until the contracted motor carrier of property provides the above-described certification of compliance. By expanding the scope of a crime, this bill would impose a state-mandated local program.

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.

Vote: 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 34620 of the Vehicle Code is amended  
2 to read:  
3 34620. (a) Except as provided in subdivision (b) and Section  
4 34622, a motor carrier of property shall not operate a commercial  
5 motor vehicle on any public highway in this state, unless it has  
6 complied with Section 34507.5 and has registered with the  
7 department its carrier identification number authorized or assigned  
8 thereunder, and holds a valid motor carrier permit issued to that  
9 motor carrier by the department. The department shall issue a  
10 motor carrier permit upon the carrier’s written request, compliance  
11 with Sections 34507.5, 34630, and 34640, and subdivisions (e)  
12 and (h) of Section 34501.12 for motor carriers listed in that section,  
13 and the payment of the fee required by this chapter.  
14 (b) A person shall not contract with, or otherwise engage the  
15 services of, a motor carrier of property, unless that motor carrier  
16 holds a valid motor carrier of property permit issued by the  
17 department. A motor carrier of property or broker of construction  
18 trucking services, as defined in Section 3322 of the Civil Code,  
19 shall not contract or subcontract with, *or allow a vehicle to be*  
20 *retrieved from or delivered to its premises by*, or otherwise engage  
21 the services of, a motor carrier of property, until the contracted  
22 motor carrier of property provides certification in the manner  
23 prescribed by this section, of compliance with subdivision (a).  
24 This certification shall be completed by the contracted motor carrier  
25 of property and shall include a provision requiring the contracted  
26 motor carrier of property to immediately notify the person to whom  
27 they are contracted if the contracted motor carrier of property’s  
28 permit is suspended or revoked. A copy of the contracted motor  
29 carrier of property’s permit shall accompany the required  
30 certificate. The Department of the California Highway Patrol shall,  
31 by regulation, prescribe the format for the certificate and may make  
32 available an optional specific form for that purpose. The certificate,  
33 or a copy thereof, shall be maintained by each involved party for  
34 the duration of the contract or period of service plus two years,  
35 and shall be presented for inspection at the location designated by

1 each carrier under Section 34501.10, immediately upon the request  
2 of an authorized employee of the Department of the California  
3 Highway Patrol.

4 SEC. 2. No reimbursement is required by this act pursuant to  
5 Section 6 of Article XIII B of the California Constitution because  
6 the only costs that may be incurred by a local agency or school  
7 district will be incurred because this act creates a new crime or  
8 infraction, eliminates a crime or infraction, or changes the penalty  
9 for a crime or infraction, within the meaning of Section 17556 of  
10 the Government Code, or changes the definition of a crime within  
11 the meaning of Section 6 of Article XIII B of the California  
12 Constitution.

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