

AMENDED IN SENATE MAY 9, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 306

Introduced by Assembly Member Lowenthal

February 12, 2013

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

LEGISLATIVE COUNSEL'S DIGEST

AB 306, as amended, 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~~, *property* until the contracted motor carrier of property provides the above-described certification of compliance, *except as provided*. 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~~ *Except as provided in subdivision (c),* a motor
18 carrier of property or broker of construction trucking services, as
19 defined in Section 3322 of the Civil Code, shall not contract or
20 subcontract with, or allow a vehicle to be retrieved from or
21 delivered to its premises by, or otherwise engage the services of,
22 a motor carrier of property, until the contracted motor carrier of
23 property provides certification in the manner prescribed by this
24 section, of compliance with subdivision (a). This certification shall
25 be completed by the contracted motor carrier of property and shall
26 include a provision requiring the contracted motor carrier of
27 property to immediately notify the person to whom they are
28 contracted if the contracted motor carrier of property’s permit is
29 suspended or revoked. A copy of the contracted motor carrier of
30 property’s permit shall accompany the required certificate. The
31 Department of the California Highway Patrol shall, by regulation,
32 prescribe the format for the certificate and may make available an
33 optional specific form for that purpose. The certificate, or a copy

1 thereof, shall be maintained by each involved party for the duration
2 of the contract or period of service plus two years, and shall be
3 presented for inspection at the location designated by each carrier
4 under Section 34501.10, immediately upon the request of an
5 authorized employee of the Department of the California Highway
6 Patrol.

7 *(c) A person licensed pursuant to the Collateral Recovery Act*
8 *(Chapter 11 (commencing with Section 7500) of Division 3 of the*
9 *Business and Professions Code) may deliver or retrieve a vehicle*
10 *to or from the premises of a motor carrier of property without*
11 *providing certification of compliance with subdivision (a).*

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