

AMENDED IN ASSEMBLY APRIL 23, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 995

Introduced by Assembly Member Bigelow

February 26, 2015

An act to amend Section 36101 of, and add Section 36013 to, the Vehicle Code, relating to farm vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 995, as amended, Bigelow. Farm vehicles: registration exemptions.

Existing law exempts specified farm vehicles from registration with the Department of Motor Vehicles if the vehicles have, and display, an identification plate, including a cotton module mover and a vehicle equipped with a water tank that is owned by a farmer and used exclusively to service his or her own implements of husbandry.

This bill would add onion hauling trucks to the list of farm vehicles exempt from registration, if the vehicles have and display an identification plate. The bill would define onion hauling trucks for these purposes. The bill would also require that anyone operating an onion hauling truck have in his or her possession a valid Class A license. A violation of these provisions would be punishable as an infraction.

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 36013 is added to the Vehicle Code, to
2 read:

3 36013. An “Onion Hauling Truck” is a ~~motor truck semitrailer~~
4 *specialized motor truck* that is equipped with a loading conveyor
5 belt and is designed and used exclusively to transport field
6 manufactured onions to an onion processing facility or onion
7 packing shed.

8 SEC. 2. Section 36101 of the Vehicle Code is amended to read:

9 36101. The following farm vehicles are exempt from
10 registration, if they have and display an identification plate as
11 specified in Section 5014. These vehicles also shall not be deemed
12 to be implements of husbandry, and they shall be subject to all
13 equipment and device requirements as if registered:

14 (a) A motor vehicle of a size so as to require a permit under
15 Section 35780, owned and operated by a farmer, designed and
16 used exclusively for carrying, or returning empty from carrying,
17 feed and seed products of farming, and used on a highway between
18 one part of a farm to another part of that farm or from one farm to
19 another farm.

20 (b) A vehicle equipped with a water tank owned by a farmer
21 and used exclusively to service his or her own implements of
22 husbandry.

23 (c) A water tank truck that is owned by a farmer, not operated
24 for compensation, and used extensively in the conduct of
25 agricultural operations, when used exclusively (1) for sprinkling
26 water on dirt roads providing access to agricultural fields or (2)
27 transportation of water for irrigation of crops or trees.

28 (d) (1) A cotton module mover, as defined in Section 36012.

29 (2) In order to maintain the exemption from registration granted
30 under this subdivision for a truck tractor, when combined with a
31 semitrailer, the owner of that truck tractor shall not operate it during
32 the exemption period in any manner other than as a cotton module
33 mover, as defined in Section 36012, and shall do all of the
34 following:

1 (A) Register the vehicle with the department before operating
2 it as a commercial motor vehicle.

3 (B) Apply to the department on a yearly basis for any renewal
4 of the exemption from registration.

5 (3) Exemption from registration under this subdivision does not
6 exempt a truck tractor, when combined with a semitrailer, operating
7 as a cotton module mover pursuant to Section 36012 and this
8 subdivision from the applicable safety requirements of this code
9 or any regulation adopted pursuant to any statute, including, but
10 not limited to, equipment standards, driver licensing requirements,
11 maximum driving and on-duty hours provisions, log book
12 requirements, drug and alcohol testing, maintenance of vehicles,
13 and any driver or vehicle standards specified in Division 14.8
14 (commencing with Section 34500).

15 (4) Truck tractors exempt from registration under this
16 subdivision are subject to the fees imposed under Sections 9250,
17 9250.8, and 9250.13, and to any other vehicle fees that are imposed
18 by statute on or after January 1, 1998, that are deposited in the
19 Motor Vehicle Account.

20 (e) A trailer that is equipped with a plenum chamber for the
21 drying of agricultural commodities.

22 (f) Except as provided in subdivision (j) of Section 36005, a
23 trap wagon, as defined in Section 36016, that is equipped with a
24 fuel tank or tanks. The fuel tank or tanks shall not exceed 3,000
25 gallons total capacity.

26 (g) A forklift truck, operated by a farmer not for compensation.
27 For purposes of this section, a hay-squeeze shall be deemed a
28 forklift.

29 (h) (1) A truck tractor or truck tractor and semitrailer
30 combination specified in this subdivision that is owned by a farmer
31 and operated on the highways only incidental to a farming
32 operation and not for compensation. This subdivision applies only
33 to truck tractors with a manufacturer's gross vehicle weight rating
34 over 10,000 pounds that are equipped with all-wheel drive and
35 off-highway traction tires on all wheels, and only to semitrailers
36 used in combination with that truck tractor and exclusively in the
37 production or harvesting of melons. The vehicles specified in this
38 subdivision shall not be operated in excess of 25 miles per hour
39 on the highways.

1 (2) The Commissioner of the California Highway Patrol may,
2 by regulation, prohibit the vehicles specified in this subdivision
3 from operating on specific routes. These vehicles shall not be
4 operated laden on the highway for more than two miles from the
5 point of origin and shall not be operated for more than 30 miles
6 unladen on the highway from the point of origin. These vehicles
7 shall not be operated for more than 15 miles unladen on the
8 highway from the point of origin, unless accompanied by an escort
9 vehicle to the front, and an escort vehicle to the rear.

10 (i) (1) A motor vehicle specifically designed for, and used
11 exclusively in, an agricultural operation for purposes of carrying,
12 or returning empty from carrying, silage that is operated by a
13 farmer, an employee of the farmer, or a contracted employee of
14 the farmer between one part of a farm to another part of that farm
15 or from one farm to another farm, on a highway for a distance not
16 to exceed 20 miles from the point of origin of the trip. This
17 subdivision does not include a vehicle that is used for the
18 transportation of silage for retail sales.

19 (2) For the purposes of this subdivision, “silage” includes field
20 corn, sorghum, grass, legumes, cereals, or cereal mixes, either
21 green or mature, converted into feed for livestock.

22 (j) (1) An onion hauling truck, as defined in Section 36013.

23 (2) In order to maintain the exemption from registration granted
24 under this subdivision for a motor truck, when combined with a
25 semitrailer, the owner of that onion hauling truck shall not operate
26 the vehicle during the exemption period in any manner other than
27 as an onion hauling truck, and shall do all of the following:

28 (A) Register the vehicle with the department before operating
29 it as a commercial motor vehicle.

30 (B) Apply to the department as required pursuant to Section
31 5014 for any renewal of the exemption from registration.

32 (3) Exemption from registration under this subdivision does not
33 exempt a motor truck semitrailer that is equipped with a loading
34 conveyer belt, operating as an onion hauling truck pursuant to
35 Section 36013 and this subdivision from the ~~applicable~~ safety
36 requirements of this code or any regulation adopted pursuant to
37 any statute, including, but not limited to, equipment standards,
38 driver licensing requirements, maximum driving and on-duty hours
39 provisions, log book requirements, drug and alcohol testing,

1 maintenance of vehicles, and any driver or vehicle standards
2 specified in Division 14.8 (commencing with Section 34500).

3 (4) A person shall not operate an onion hauling truck unless the
4 person has in his or her possession a valid Class A driver's license.

5 A violation of this paragraph shall be punishable as an infraction.

6 SEC. 3. No reimbursement is required by this act pursuant to
7 Section 6 of Article XIII B of the California Constitution because
8 the only costs that may be incurred by a local agency or school
9 district will be incurred because this act creates a new crime or
10 infraction, eliminates a crime or infraction, or changes the penalty
11 for a crime or infraction, within the meaning of Section 17556 of
12 the Government Code, or changes the definition of a crime within
13 the meaning of Section 6 of Article XIII B of the California
14 Constitution.

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