

AMENDED IN SENATE JUNE 30, 2016

AMENDED IN ASSEMBLY APRIL 29, 2015

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~~ *Sections 34501.12, 34622, and 36305* of, and to add *and repeal* ~~Section 36013 to~~, *36103 of*, 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. *Existing law exempts a person driving or operating an implement of husbandry over a highway from obtaining a driver's license, except under specified circumstances.*

~~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.~~

This bill would, until January 1, 2020, establish a pilot program in the county of Fresno to evaluate an exemption from vehicle registration for specified farm vehicles. The bill would require applicants to meet specified requirements before participating in the pilot program. The bill would require the Department of Motor Vehicles and the Department of the California Highway Patrol to submit a report to the Legislature on or before July 1, 2018, regarding the pilot program. The bill would require vehicles participating in the program to remain subject to specified fees and requirements. The bill would prohibit a person from operating a vehicle pursuant to the pilot program unless the person has in his or her possession a valid driver’s license for the applicable vehicle type. 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 34501.12 of the Vehicle Code is amended
- 2 to read:
- 3 34501.12. (a) Vehicles and the operation thereof, subject to
- 4 this section, are those described in subdivision (a), (b), (e), (f), (g),
- 5 (j), or (k) of Section 34500.
- 6 (b) It is unlawful for a motor carrier to operate any vehicle of
- 7 a type described in subdivision (a) without identifying to the
- 8 department all terminals, as defined in Section 34515, in this state
- 9 where vehicles may be inspected by the department pursuant to
- 10 paragraph (4) of subdivision (a) of Section 34501 and where
- 11 vehicle inspection and maintenance records and driver records will
- 12 be made available for inspection. Motor carriers shall make
- 13 vehicles and records available for inspection upon request by an
- 14 authorized representative of the department. If a motor carrier fails

1 to provide vehicles and records, an unsatisfactory terminal rating
2 shall be issued by the department.

3 (1) The number of vehicles that will be selected for inspection
4 by the department at a terminal shall be based on terminal fleet
5 size and applied separately to a terminal fleet of power units and
6 trailers, according to the following schedule:

8	Fleet Size	Representative
9		Sample
10	1 or 2	All
11	3 to 8	3
12	9 to 15	4
13	16 to 25	6
14	26 to 50	9
15	51 to 90	14
16	91 or more	20

17
18 (2) The lessor of any vehicle described in subdivision (a) shall
19 make vehicles available for inspection upon request of an
20 authorized representative of the department in the course of
21 inspecting the terminal of the lessee. This section does not affect
22 whether the lessor or driver provided by the lessor is an employee
23 of the authorized carrier lessee, and compliance with this section
24 and its attendant administrative requirements does not imply an
25 employee-employer relationship.

26 (c) (1) The department may inspect any terminal, as defined in
27 Section 34515, of a motor carrier who, at any time, operates any
28 vehicle described in subdivision (a).

29 (2) The department shall adopt rules and regulations establishing
30 a performance-based truck terminal inspection selection priority
31 system. In adopting the system's rules and regulations, the
32 department shall incorporate methodologies consistent with those
33 used by the Federal Motor Carrier Safety Administration, including
34 those related to the quantitative analysis of safety-related motor
35 carrier performance data, collected during the course of inspection
36 or enforcement contact by authorized representatives of the
37 department or any authorized federal, state, or local safety official,
38 in categories, including, but not limited to, driver fatigue, driver
39 fitness, vehicle maintenance, and controlled substances and alcohol
40 use. The department shall also incorporate other safety-related

1 motor carrier performance data in this system, including citations
2 and accident information. The department shall create a database
3 to include all performance-based data specified in this section that
4 shall be updated in a manner to provide real-time information to
5 the department on motor carrier performance. The department
6 shall prioritize for selection those motor carrier terminals never
7 previously inspected by the department, those identified by the
8 inspection priority selection system, and those terminals operating
9 vehicles listed in subdivision (g) of Section 34500. The department
10 is not required to inspect a terminal subject to inspection pursuant
11 to this section more often than once every six years, if a terminal
12 receives a satisfactory compliance rating as the result of a terminal
13 inspection conducted by the department pursuant to this section
14 or Section 34501, or if the department has not received notification
15 by the system of a motor carrier operating while exceeding the
16 threshold of the inspection selection priority system. Any motor
17 carrier that is inspected and receives less than a satisfactory
18 compliance rating, or that falls below the threshold of the selection
19 priority system, shall be subject to periodic inquiries and
20 inspections as outlined in subdivision (f), and these inquiries and
21 inspections shall be based on the severity of the violations.

22 (3) As used in this section and Section 34505.6, subdivision (f)
23 of Section 34500 includes only those combinations where the gross
24 vehicle weight rating of the towing vehicle exceeds 10,000 pounds,
25 but does not include a pickup truck or any combination never
26 operated in commercial use, and subdivision (g) of Section 34500
27 includes only those vehicles transporting hazardous material for
28 which the display of placards is required pursuant to Section 27903,
29 a license is required pursuant to Section 32000.5, or for which
30 hazardous waste transporter registration is required pursuant to
31 Section 25163 of the Health and Safety Code. Notwithstanding
32 Section 5014.1, vehicles that display special identification plates
33 in accordance with Section 5011, historical vehicles, as described
34 in Section 5004, implements of husbandry and farm vehicles, as
35 defined in Chapter 1 (commencing with Section 36000) of Division
36 ~~16~~, *16 with the exception of vehicles operating in the pilot program*
37 *established pursuant to Section 36103*, and vehicles owned or
38 operated by an agency of the federal government are not subject
39 to this section or Section 34505.6.

1 (d) It is unlawful for a motor carrier to operate, or cause to be
2 operated, any vehicle which is subject to this section, Section
3 34520, or Division 14.85 (commencing with Section 34600), unless
4 the motor carrier is knowledgeable of, and in compliance with, all
5 applicable statutes and regulations.

6 (e) It is unlawful for a motor carrier to contract or subcontract
7 with, or otherwise engage the services of, another motor carrier,
8 subject to this section, unless the contracted motor carrier has
9 complied with subdivision (d). A motor carrier shall not contract
10 or subcontract with, or otherwise engage the services of, another
11 motor carrier until the contracted motor carrier provides
12 certification of compliance with subdivision (d). This certification
13 shall be completed in writing by the contracted motor carrier in a
14 manner prescribed by the department. The certification, or a copy
15 of the certification, shall be maintained by each involved party for
16 the duration of the contract or the period of service plus two years,
17 and shall be presented for inspection immediately upon the request
18 of an authorized employee of the department. The certifications
19 required by this subdivision and subdivision (b) of 34620 may be
20 combined.

21 (f) (1) An inspected terminal that receives an unsatisfactory
22 compliance rating shall be reinspected by the department within
23 120 days after the issuance of the unsatisfactory compliance rating.

24 (2) When a motor carrier's Motor Carrier of Property Permit or
25 Public Utilities Commission operating authority is suspended as
26 a result of an unsatisfactory compliance rating, the department
27 shall not conduct a reinspection for permit or authority
28 reinstatement until requested to do so by the Department of Motor
29 Vehicles or the Public Utilities Commission, as appropriate.

30 (g) A motor carrier issued an unsatisfactory terminal rating may
31 request a review of the rating within five business days of receipt
32 of the notification of the rating. The department shall conduct and
33 evaluate the review within 10 business days of the request.

34 (h) The department shall publish performance-based inspection
35 completion data and make the data available for public review.

36 (i) This section shall be known, and may be cited, as the Basic
37 Inspection of Terminals program or BIT program.

38 (j) This section shall become operative on January 1, 2016.

39 *SEC. 2. Section 34622 of the Vehicle Code is amended to read:*
40 34622. This chapter does not apply to any of the following:

1 (a) Vehicles described in Section 5004 or 5011, and those that
 2 are exempt from vehicle registration ~~fees~~. *fees with the exception*
 3 *of vehicles operating in the pilot program established pursuant to*
 4 *Section 36103.*

5 (b) A household goods carrier transporting used office, store,
 6 and institution furniture and fixtures under its household goods
 7 carrier permit pursuant to Section 5137 of the Public Utilities Code.

8 *SEC. 3. Section 36103 is added to the Vehicle Code, to read:*

9 *36103. (a) Notwithstanding any other law, the Department of*
 10 *the California Highway Patrol and the Department of Motor*
 11 *Vehicles shall establish a pilot program in the County of Fresno*
 12 *to evaluate exemption from vehicle registration for a motor vehicle*
 13 *designed and used exclusively for carrying, or returning from*
 14 *carrying, agricultural or farming products, and used on a highway*
 15 *between one part of a farm to another part of that farm, or from*
 16 *one farm to another farm, for a distance of no more than 20 air*
 17 *miles. The following requirements shall be met before participation*
 18 *is allowed in the pilot program:*

19 (1) *Operation on the highway is only incidental to a farming*
 20 *operation and not for hire or compensation.*

21 (2) *The vehicle displays a special identification plate issued*
 22 *pursuant to Section 5014.*

23 (3) *The applicant obtains a carrier identification number issued*
 24 *by the Department of the California Highway Patrol, pursuant to*
 25 *Section 34507.5.*

26 (4) *The applicant obtains a motor carrier permit issued pursuant*
 27 *to Section 34620 or 34621.*

28 (5) *The applicant agrees to conduct periodic inspections,*
 29 *pursuant to Section 34505.5, of vehicles participating in the pilot*
 30 *program.*

31 (6) *The employer of the driver enrolls in the Department of*
 32 *Motor Vehicles pull-notice system for the purpose of providing*
 33 *the employer with a report showing the driver's current public*
 34 *record as recorded by the department and any subsequent*
 35 *conviction, failure to appear, accident, driver's license suspension,*
 36 *driver's license revocation, or any other action taken against the*
 37 *driving privilege if the vehicle requires a class A, class B, or class*
 38 *C license with a hazardous materials or any other applicable*
 39 *endorsement required by Section 15278. An owner or family*

1 member who drives the vehicle shall be enrolled as if he or she
2 were an employee.

3 (b) On or before July 1, 2018, the Department of the California
4 Highway Patrol and the Department of Motor Vehicles shall report
5 to the Legislature on the status and effectiveness of the pilot
6 program, including, but not limited to, a description of the number
7 of vehicles enrolled, an evaluation of the loss of registration
8 funding attributable to the program, and a description of collisions
9 involving vehicles enrolled, enforcement issues, and safety issues.
10 A report submitted pursuant to this subdivision shall be submitted
11 pursuant to Section 9795 of the Government Code.

12 (c) This section shall remain in effect only until January 1, 2020,
13 and as of that date is repealed, unless a later enacted statute, that
14 is enacted before January 1, 2020, deletes or extends that date.

15 SEC. 4. Section 36305 of the Vehicle Code is amended to read:

16 36305. (a) The driver of any implement of husbandry shall
17 possess a valid class C driver's license when operating a
18 combination of vehicles at a speed in excess of 25 miles per hour
19 or towing any implement of husbandry as specified in subdivision
20 (d), (e), or (j) of Section 36005.

21 (b) Notwithstanding Section 36300, a person shall not operate
22 a vehicle pursuant to the pilot program established in Section
23 36103 unless the person has in his or her possession a valid
24 driver's license for the applicable vehicle type.

25 SEC. 5. No reimbursement is required by this act pursuant to
26 Section 6 of Article XIII B of the California Constitution because
27 the only costs that may be incurred by a local agency or school
28 district will be incurred because this act creates a new crime or
29 infraction, eliminates a crime or infraction, or changes the penalty
30 for a crime or infraction, within the meaning of Section 17556 of
31 the Government Code, or changes the definition of a crime within
32 the meaning of Section 6 of Article XIII B of the California
33 Constitution.

34 SECTION 1. ~~Section 36013 is added to the Vehicle Code, to~~
35 ~~read:~~

36 ~~36013. An "Onion Hauling Truck" is a specialized motor truck~~
37 ~~equipped with a loading conveyor belt that is designed and used~~
38 ~~exclusively to transport field manufactured onions to an onion~~
39 ~~processing facility or onion packing shed and that travels on a~~

1 highway for a distance not to exceed 20 miles from the point of
2 origin of the trip.

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

4 ~~36101. The following farm vehicles are exempt from~~
5 ~~registration, if they have and display an identification plate as~~
6 ~~specified in Section 5014. These vehicles also shall not be deemed~~
7 ~~to be implements of husbandry, and they shall be subject to all~~
8 ~~equipment and device requirements as if registered:~~

9 ~~(a) A motor vehicle of a size so as to require a permit under~~
10 ~~Section 35780, owned and operated by a farmer, designed and~~
11 ~~used exclusively for carrying, or returning empty from carrying,~~
12 ~~feed and seed products of farming, and used on a highway between~~
13 ~~one part of a farm to another part of that farm or from one farm to~~
14 ~~another farm:~~

15 ~~(b) A vehicle equipped with a water tank owned by a farmer~~
16 ~~and used exclusively to service his or her own implements of~~
17 ~~husbandry:~~

18 ~~(c) A water tank truck that is owned by a farmer, not operated~~
19 ~~for compensation, and used extensively in the conduct of~~
20 ~~agricultural operations, when used exclusively (1) for sprinkling~~
21 ~~water on dirt roads providing access to agricultural fields or (2)~~
22 ~~transportation of water for irrigation of crops or trees:~~

23 ~~(d) (1) A cotton module mover, as defined in Section 36012:~~

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

30 ~~(A) Register the vehicle with the department before operating~~
31 ~~it as a commercial motor vehicle:~~

32 ~~(B) Apply to the department on a yearly basis for any renewal~~
33 ~~of the exemption from registration:~~

34 ~~(3) Exemption from registration under this subdivision does not~~
35 ~~exempt a truck tractor, when combined with a semitrailer, operating~~
36 ~~as a cotton module mover pursuant to Section 36012 and this~~
37 ~~subdivision from the applicable safety requirements of this code~~
38 ~~or any regulation adopted pursuant to any statute, including, but~~
39 ~~not limited to, equipment standards, driver licensing requirements,~~
40 ~~maximum driving and on-duty hours provisions, log book~~

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

4 (4) ~~Truck tractors exempt from registration under this~~
5 ~~subdivision are subject to the fees imposed under Sections 9250,~~
6 ~~9250.8, and 9250.13, and to any other vehicle fees that are imposed~~
7 ~~by statute on or after January 1, 1998, that are deposited in the~~
8 ~~Motor Vehicle Account.~~

9 (e) ~~A trailer that is equipped with a plenum chamber for the~~
10 ~~drying of agricultural commodities.~~

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

15 (g) ~~A forklift truck, operated by a farmer not for compensation.~~
16 ~~For purposes of this section, a hay-squeeze shall be deemed a~~
17 ~~forklift.~~

18 (h) (1) ~~A truck tractor or truck tractor and semitrailer~~
19 ~~combination specified in this subdivision that is owned by a farmer~~
20 ~~and operated on the highways only incidental to a farming~~
21 ~~operation and not for compensation. This subdivision applies only~~
22 ~~to truck tractors with a manufacturer's gross vehicle weight rating~~
23 ~~over 10,000 pounds that are equipped with all-wheel drive and~~
24 ~~off-highway traction tires on all wheels, and only to semitrailers~~
25 ~~used in combination with that truck tractor and exclusively in the~~
26 ~~production or harvesting of melons. The vehicles specified in this~~
27 ~~subdivision shall not be operated in excess of 25 miles per hour~~
28 ~~on the highways.~~

29 (2) ~~The Commissioner of the California Highway Patrol may,~~
30 ~~by regulation, prohibit the vehicles specified in this subdivision~~
31 ~~from operating on specific routes. These vehicles shall not be~~
32 ~~operated laden on the highway for more than two miles from the~~
33 ~~point of origin and shall not be operated for more than 30 miles~~
34 ~~unladen on the highway from the point of origin. These vehicles~~
35 ~~shall not be operated for more than 15 miles unladen on the~~
36 ~~highway from the point of origin, unless accompanied by an escort~~
37 ~~vehicle to the front, and an escort vehicle to the rear.~~

38 (i) (1) ~~A motor vehicle specifically designed for, and used~~
39 ~~exclusively in, an agricultural operation for purposes of carrying,~~
40 ~~or returning empty from carrying, silage that is operated by a~~

1 farmer, an employee of the farmer, or a contracted employee of
2 the farmer between one part of a farm to another part of that farm
3 or from one farm to another farm, on a highway for a distance not
4 to exceed 20 miles from the point of origin of the trip. This
5 subdivision does not include a vehicle that is used for the
6 transportation of silage for retail sales.

7 (2) For the purposes of this subdivision, "silage" includes field
8 corn, sorghum, grass, legumes, cereals, or cereal mixes, either
9 green or mature, converted into feed for livestock.

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

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

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

18 (B) Apply to the department as required pursuant to Section
19 5014 for any renewal of the exemption from registration.

20 (3) Exemption from registration under this subdivision does not
21 exempt a motor truck semitrailer that is equipped with a loading
22 conveyer belt, operating as an onion hauling truck pursuant to
23 Section 36013 and this subdivision from the safety requirements
24 of this code or any regulation adopted pursuant to any statute,
25 including, but not limited to, equipment standards, driver licensing
26 requirements, maximum driving and on-duty hours provisions, log
27 book requirements, drug and alcohol testing, maintenance of
28 vehicles, and any driver or vehicle standards specified in Division
29 14.8 (commencing with Section 34500).

30 (4) A person shall not operate an onion hauling truck unless the
31 person has in his or her possession a valid Class A driver's license.
32 A violation of this paragraph shall be punishable as an infraction.

33 SEC. 3. No reimbursement is required by this act pursuant to
34 Section 6 of Article XIII B of the California Constitution because
35 the only costs that may be incurred by a local agency or school
36 district will be incurred because this act creates a new crime or
37 infraction, eliminates a crime or infraction, or changes the penalty
38 for a crime or infraction, within the meaning of Section 17556 of
39 the Government Code, or changes the definition of a crime within

1 ~~the meaning of Section 6 of Article XIII B of the California~~
2 ~~Constitution.~~

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