

AMENDED IN SENATE AUGUST 16, 2016
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 Sections 34501.12, 34622, and 36305 of, and to add and repeal Section 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, until January 1, 2020, establish a pilot program in ~~the county of Fresno~~ *specified counties* 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.

This bill would incorporate additional changes to Section 34501.12 of the Vehicle Code proposed by AB 1960, that would become operative only if this bill and AB 1960 are both chaptered and become effective on or before January 1, 2017, and this bill is chaptered last.

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

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

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

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

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

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

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

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

38 (d) It is unlawful for a motor carrier to operate, or cause to be
39 operated, any vehicle ~~which~~ *that* is subject to this section, Section
40 34520, or Division 14.85 (commencing with Section 34600), unless

1 the motor carrier is knowledgeable of, and in compliance with, all
2 applicable statutes and regulations.

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

18 (f) (1) An inspected terminal that receives an unsatisfactory
19 compliance rating shall be reinspected by the department within
20 120 days after the issuance of the unsatisfactory compliance rating.

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

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

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

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

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

36 *SEC. 1.5. Section 34501.12 of the Vehicle Code is amended to*
37 *read:*

38 34501.12. (a) Vehicles and the operation thereof, subject to
39 this section, are those described in subdivision (a), (b), (e), (f), (g),

1 (j), or (k) of Section ~~34500~~ 34500, *except an agricultural vehicle*
2 *as defined in Section 34500.6.*

3 (b) It is unlawful for a motor carrier to operate any vehicle of
4 a type described in subdivision (a) without identifying to the
5 department all terminals, as defined in Section 34515, in this state
6 where vehicles may be inspected by the department pursuant to
7 paragraph (4) of subdivision (a) of Section 34501 and where
8 vehicle inspection and maintenance records and driver records will
9 be made available for inspection. Motor carriers shall make
10 vehicles and records available for inspection upon request by an
11 authorized representative of the department. If a motor carrier fails
12 to provide vehicles and records, an unsatisfactory terminal rating
13 shall be issued by the department.

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

	Fleet Size	Representative Sample
18		
19		
20	1 or 2	All
21	3 to 8	3
22	9 to 15	4
23	16 to 25	6
24	26 to 50	9
25	51 to 90	14
26	91 or more	20
27		
28		

29 (2) The lessor of any vehicle described in subdivision (a) shall
30 make vehicles available for inspection upon request of an
31 authorized representative of the department in the course of
32 inspecting the terminal of the lessee. This section does not affect
33 whether the lessor or driver provided by the lessor is an employee
34 of the authorized carrier lessee, and compliance with this section
35 and its attendant administrative requirements does not imply an
36 employee-employer relationship.

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

1 (2) The department shall adopt rules and regulations establishing
2 a performance-based truck terminal inspection selection priority
3 system. In adopting the system's rules and regulations, the
4 department shall incorporate methodologies consistent with those
5 used by the Federal Motor Carrier Safety Administration, including
6 those related to the quantitative analysis of safety-related motor
7 carrier performance data, collected during the course of inspection
8 or enforcement contact by authorized representatives of the
9 department or any authorized federal, state, or local safety official,
10 in categories, including, but not limited to, driver fatigue, driver
11 fitness, vehicle maintenance, and controlled substances and alcohol
12 use. The department shall also incorporate other safety-related
13 motor carrier performance data in this system, including citations
14 and accident information. The department shall create a database
15 to include all performance-based data specified in this section that
16 shall be updated in a manner to provide real-time information to
17 the department on motor carrier performance. The department
18 shall prioritize for selection those motor carrier terminals never
19 previously inspected by the department, those identified by the
20 inspection priority selection system, and those terminals operating
21 vehicles listed in subdivision (g) of Section 34500. The department
22 is not required to inspect a terminal subject to inspection pursuant
23 to this section more often than once every six years, if a terminal
24 receives a satisfactory compliance rating as the result of a terminal
25 inspection conducted by the department pursuant to this section
26 or Section 34501, or if the department has not received notification
27 by the system of a motor carrier operating while exceeding the
28 threshold of the inspection selection priority system. Any motor
29 carrier that is inspected and receives less than a satisfactory
30 compliance rating, or that falls below the threshold of the selection
31 priority system, shall be subject to periodic inquiries and
32 inspections as outlined in subdivision (f), and these inquiries and
33 inspections shall be based on the severity of the violations.

34 (3) As used in this section and Section 34505.6, subdivision (f)
35 of Section 34500 includes only those combinations where the gross
36 vehicle weight rating of the towing vehicle exceeds 10,000 pounds,
37 but does not include a pickup truck or any combination never
38 operated in commercial use, and subdivision (g) of Section 34500
39 includes only those vehicles transporting hazardous material for
40 which the display of placards is required pursuant to Section 27903,

1 a license is required pursuant to Section 32000.5, or for which
2 hazardous waste transporter registration is required pursuant to
3 Section 25163 of the Health and Safety Code. Notwithstanding
4 Section 5014.1, vehicles that display special identification plates
5 in accordance with Section 5011, historical vehicles, as described
6 in Section 5004, implements of husbandry and farm vehicles, as
7 defined in Chapter 1 (commencing with Section 36000) of Division
8 ~~16~~, *16 with the exception of vehicles operating in the pilot program*
9 *established pursuant to Section 36103*, and vehicles owned or
10 operated by an agency of the federal government are not subject
11 to this section or Section 34505.6.

12 (d) It is unlawful for a motor carrier to operate, or cause to be
13 operated, any vehicle ~~which~~ *that* is subject to this section, Section
14 34520, or Division 14.85 (commencing with Section 34600), unless
15 the motor carrier is knowledgeable of, and in compliance with, all
16 applicable statutes and regulations.

17 (e) It is unlawful for a motor carrier to contract or subcontract
18 with, or otherwise engage the services of, another motor carrier,
19 subject to this section, unless the contracted motor carrier has
20 complied with subdivision (d). A motor carrier shall not contract
21 or subcontract with, or otherwise engage the services of, another
22 motor carrier until the contracted motor carrier provides
23 certification of compliance with subdivision (d). This certification
24 shall be completed in writing by the contracted motor carrier in a
25 manner prescribed by the department. The certification, or a copy
26 of the certification, shall be maintained by each involved party for
27 the duration of the contract or the period of service plus two years,
28 and shall be presented for inspection immediately upon the request
29 of an authorized employee of the department. The certifications
30 required by this subdivision and subdivision (b) of 34620 may be
31 combined.

32 (f) (1) An inspected terminal that receives an unsatisfactory
33 compliance rating shall be reinspected by the department within
34 120 days after the issuance of the unsatisfactory compliance rating.

35 (2) ~~When~~ *If* a motor carrier's Motor Carrier of Property Permit
36 or Public Utilities Commission operating authority is suspended
37 as a result of an unsatisfactory compliance rating, the department
38 shall not conduct a reinspection for permit or authority
39 reinstatement until requested to do so by the Department of Motor
40 Vehicles or the Public Utilities Commission, as appropriate.

1 (g) A motor carrier issued an unsatisfactory terminal rating may
2 request a review of the rating within five business days of receipt
3 of the notification of the rating. The department shall conduct and
4 evaluate the review within 10 business days of the request.

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

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

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

10 SEC. 2. Section 34622 of the Vehicle Code is amended to read:

11 34622. This chapter does not apply to any of the following:

12 (a) Vehicles described in Section 5004 or 5011, and those that
13 are exempt from vehicle registration fees with the exception of
14 vehicles operating in the pilot program established pursuant to
15 Section 36103.

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

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

20 36103. (a) Notwithstanding any other law, the Department of
21 the California Highway Patrol and the Department of Motor
22 Vehicles shall establish a pilot program in the ~~County of Fresno~~
23 *Counties of Fresno, Kings, and Madera* to evaluate exemption
24 from vehicle registration for a motor vehicle designed and used
25 exclusively for carrying, or returning from carrying, agricultural
26 or farming products, and used on a highway between one part of
27 a farm to another part of that farm, or from one farm to another
28 farm, for a distance of no more than 20 air miles. The following
29 requirements shall be met before participation is allowed in the
30 pilot program:

31 (1) Operation on the highway is only incidental to a farming
32 operation and not for ~~hire or compensation~~: *hire*.

33 (2) The vehicle displays a special identification plate issued
34 pursuant to Section 5014.

35 (3) The applicant obtains a carrier identification number issued
36 by the Department of the California Highway Patrol, pursuant to
37 Section 34507.5.

38 (4) The applicant obtains a motor carrier permit issued pursuant
39 to Section 34620 or 34621.

1 (5) The applicant agrees to conduct periodic inspections,
2 pursuant to Section 34505.5, of vehicles participating in the pilot
3 program.

4 (6) The employer of the driver enrolls in the Department of
5 Motor Vehicles pull-notice system for the purpose of providing
6 the employer with a report showing the driver's current public
7 record as recorded by the department and any subsequent
8 conviction, failure to appear, accident, driver's license suspension,
9 driver's license revocation, or any other action taken against the
10 driving privilege if the vehicle requires a class A, class B, or class
11 C license with a hazardous materials or any other applicable
12 endorsement required by Section 15278. An owner or family
13 member who drives the vehicle shall be enrolled as if he or she
14 were an employee.

15 (b) On or before July 1, 2018, the Department of the California
16 Highway Patrol and the Department of Motor Vehicles shall report
17 to the Legislature on the status and effectiveness of the pilot
18 program, including, but not limited to, a description of the number
19 of vehicles enrolled, an evaluation of the loss of registration
20 funding attributable to the program, and a description of collisions
21 involving vehicles enrolled, enforcement issues, and safety issues.
22 A report submitted pursuant to this subdivision shall be submitted
23 pursuant to Section 9795 of the Government Code.

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

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

28 36305. (a) The driver of any implement of husbandry shall
29 possess a valid class C driver's license when operating a
30 combination of vehicles at a speed in excess of 25 miles per hour
31 or towing any implement of husbandry as specified in subdivision
32 (d), (e), or (j) of Section 36005.

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

37 SEC. 5. *Section 1.5 of this bill incorporates amendments to*
38 *Section 34501.12 of the Vehicle Code proposed by both this bill*
39 *and Assembly Bill 1960. It shall only become operative if (1) both*
40 *bills are enacted and become effective on or before January 1,*

1 2017, (2) each bill amends Section 34501.12 of the Vehicle Code,
2 and (3) this bill is enacted after Assembly Bill 1960, in which case
3 Section 1 of this bill shall not become operative.

4 ~~SEC. 5.~~

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

O