

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1249

Introduced by Assembly Member Lackey

February 27, 2015

An act to amend Section ~~34601~~ 471 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1249, as amended, Lackey. Vehicles: ~~motor carriers~~; pickup trucks.

Existing law requires motor carriers of property to annually pay a permit fee. Existing law defines a motor carrier of property as a person operating a commercial motor vehicle for specified purposes but excludes pickup trucks from the definition of "commercial motor vehicle" for these purposes. Existing law, except as specified, defines a pickup truck as a motor truck with a manufacturer's gross vehicle weight rating of less than 11,500 pounds, an unladen weight of less than 8,001 pounds, and that is equipped with an open box-type bed not exceeding 9 feet in length.

This bill would revise the above definition to define a pickup truck as a motor truck with a manufacturer's gross vehicle weight rating of less than 11,750 pounds.

~~Existing law prohibits a motor carrier of property, as defined, from operating a commercial motor vehicle on any public highway in the state, unless it has obtained a carrier identification number in accordance with specified provisions, has registered the identification number with the Department of Motor Vehicles, and holds a valid motor carrier permit issued to that motor carrier by the department.~~

~~This bill would make technical, nonsubstantive changes to the definitions that apply to those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 471 of the Vehicle Code is amended to~~
2 ~~read:~~

3 471. A “pickup truck” is a motor truck with a manufacturer’s
4 gross vehicle weight rating of less than ~~11,500~~ 11,750 pounds, an
5 unladen weight of less than 8,001 pounds, and ~~which that~~ is
6 equipped with an open box-type bed not exceeding 9 feet in length.
7 “Pickup truck” does not include a motor vehicle otherwise meeting
8 the above definition, that is equipped with a bed-mounted storage
9 compartment unit commonly called a “utility body.”

10 ~~SECTION 1. Section 34601 of the Vehicle Code, as added by~~
11 ~~Section 14 of Chapter 500 of the Statutes of 2013, is amended to~~
12 ~~read:~~

13 34601. (a) ~~As used in this division, “motor carrier of property”~~
14 ~~means a person who operates a commercial motor vehicle as~~
15 ~~defined in subdivision (c). “Motor carrier of property” does not~~
16 ~~include a household goods carrier, as defined in Section 5109 of~~
17 ~~the Public Utilities Code, a household goods carrier transporting~~
18 ~~used office, store, and institution furniture and fixtures under its~~
19 ~~household goods carrier permit pursuant to Section 5137 of the~~
20 ~~Public Utilities Code, a person providing only transportation of~~
21 ~~passengers, or a passenger stage corporation transporting baggage~~
22 ~~and express upon a passenger vehicle incidental to the~~
23 ~~transportation of passengers.~~

24 (b) ~~As used in this division, “for-hire motor carrier of property”~~
25 ~~means a motor carrier of property as defined in subdivision (a)~~
26 ~~who transports property for compensation.~~

27 (c) (1) ~~As used in this division, except as provided in paragraph~~
28 (2), a “commercial motor vehicle” means a self-propelled vehicle
29 listed in subdivision (a), (b), (f), (g), or (k) of Section 34500, a
30 motortruck of two or more axles that is more than 10,000 pounds
31 gross vehicle weight rating, and any other motor vehicle used to
32 transport property for compensation.

1 ~~(2) As used in this division, “commercial motor vehicle” does~~
2 ~~not include any of the following:~~

3 ~~(A) A vehicle identified in subdivision (f) of Section 34500, if~~
4 ~~the gross vehicle weight rating of the towing vehicle is 10,000~~
5 ~~pounds or less.~~

6 ~~(B) A vehicle identified in subdivision (g) of Section 34500, if~~
7 ~~the hazardous material transportation does not require the display~~
8 ~~of a placard under Section 27903, a license under Section 32000.5,~~
9 ~~or a hazardous waste transporter registration under Section 25163~~
10 ~~of the Health and Safety Code, and the vehicle is not operated in~~
11 ~~commercial use.~~

12 ~~(C) A vehicle operated by a household goods carrier, as defined~~
13 ~~in Section 5109 of the Public Utilities Code, under the household~~
14 ~~goods carrier permit pursuant to Section 5137 of that code.~~

15 ~~(D) A vehicle operated by a household goods carrier to transport~~
16 ~~used office, store, and institution furniture and fixtures under its~~
17 ~~household goods carrier permit pursuant to Section 5137 of the~~
18 ~~Public Utilities Code.~~

19 ~~(E) A pickup truck as defined in Section 471, if the conditions~~
20 ~~in subparagraphs (A) and (B) are also met.~~

21 ~~(F) A two-axle daily rental truck with a gross vehicle weight~~
22 ~~rating of less than 26,001 pounds, when operated in nonecommercial~~
23 ~~use.~~

24 ~~(G) A vehicle never operated in commercial use, including a~~
25 ~~motortruck or two-axle truck tractor, with a gross vehicle weight~~
26 ~~rating of less than 26,001 pounds, when operated singly, or, when~~
27 ~~used to tow a camp trailer, trailer coach, fifth-wheel travel trailer,~~
28 ~~trailer designed to transport watercraft, or a utility trailer, never~~
29 ~~operated in commercial use. A vehicle combination described in~~
30 ~~this subparagraph is not subject to Section 27900, 34501.12, or~~
31 ~~34507.5.~~

32 ~~(d) As used in this chapter, “private carrier” means a motor~~
33 ~~carrier of property, who transports only his or her own property,~~
34 ~~including, but not limited to, the delivery of goods sold by that~~
35 ~~carrier.~~

36 ~~(e) This section shall become operative on January 1, 2016.~~

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