

AMENDED IN ASSEMBLY MAY 5, 2016
AMENDED IN ASSEMBLY MARCH 18, 2016
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1960

Introduced by Assembly Member Lackey
(Coauthors: Assembly Members Bigelow, Dodd, and Frazier)

February 12, 2016

An act to amend Section 34501.12 of, and to add Section 34500.6 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1960, as amended, Lackey. Vehicles: Basic Inspection of Terminals program.

Existing law, the Basic Inspection of Terminals (BIT) program, makes it unlawful for a motor carrier to operate a specified type of vehicle, including, but not limited to, combination of a motortruck and a specified vehicle or vehicles that exceeds 40 feet in length when coupled together, without identifying to the Department of the California Highway Patrol all terminals, as defined, in this state where vehicles may be inspected by the department and where vehicle inspection and maintenance records and driver records will be made available for inspection. Existing law requires motor carriers to make vehicles and records available for inspection upon request by an authorized representative of the department.

This bill would exclude an agricultural vehicle from being subject to the BIT program, and would define agricultural vehicle to mean a vehicle or combination of vehicles with a gross combination weight rating or a gross vehicle weight rating of 26,000 pounds or less if

specified conditions are met, including that the vehicle is operated by certain individuals and is used exclusively in the conduct of agricultural operations.

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

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

1 SECTION 1. Section 34500.6 is added to the Vehicle Code,
2 to read:

3 34500.6. For purposes of this division, an agricultural vehicle
4 is a vehicle or combination of vehicles with a gross combination
5 weight rating or a gross vehicle weight rating of 26,000 pounds
6 or less if all of the following conditions are met:

7 (a) Is operated by a farmer, an employee of a farmer, or an
8 instructor credentialed in agriculture as part of an instructional
9 program in agriculture at the high school, community college, or
10 university level.

11 (b) Is used exclusively in the conduct of agricultural operations.

12 (c) Is not used in the capacity of a for-hire carrier or for
13 compensation.

14 (d) The towing vehicle has a gross weight rating of 16,000
15 pounds or less.

16 (e) *Is used solely in intrastate commerce.*

17 SEC. 2. Section 34501.12 of the Vehicle Code is amended to
18 read:

19 34501.12. (a) Vehicles and the operation thereof, subject to
20 this section, are those described in subdivision (a), (b), (e), (f), (g),
21 (j), or (k) of Section 34500, except an agricultural vehicle as
22 defined in Section 34500.6.

23 (b) It is unlawful for a motor carrier to operate any vehicle of
24 a type described in subdivision (a) without identifying to the
25 department all terminals, as defined in Section 34515, in this state
26 where vehicles may be inspected by the department pursuant to
27 paragraph (4) of subdivision (a) of Section 34501 and where
28 vehicle inspection and maintenance records and driver records will
29 be made available for inspection. Motor carriers shall make
30 vehicles and records available for inspection upon request by an
31 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		Representative
9	Fleet Size	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

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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, and vehicles owned or operated by an agency of the federal
37 government are not subject 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 that is subject to this section, Section 34520,
40 or Division 14.85 (commencing with Section 34600), unless the

1 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 a motor carrier's Motor Carrier of Property Permit or
22 Public Utilities Commission operating authority is suspended as
23 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.~~

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