

AMENDED IN SENATE JUNE 30, 1997
AMENDED IN ASSEMBLY APRIL 7, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1257

Introduced by Assembly Member House

February 28, 1997

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1257, as amended, House. Vehicles: commercial vehicles: inspections: *weight limit*.

Existing

(1) *Existing* law requires the Department of the California Highway Patrol to inspect, at least every 25 months, every terminal, as defined, of any motor carrier who, at any time, operates any of specified commercial vehicles. *A motor carrier is required to schedule an inspection with the department for those vehicles, as prescribed. As used in that law, commercial vehicles are described as combinations of vehicles where the gross vehicle weight limit of the towing vehicle exceeds 10,100 pounds.* Existing law authorizes the department to establish and implement an incentive program to encourage truck terminal operators to attain continuous satisfactory compliance ratings.

This bill would *revise the description of combinations of vehicles to include a towing vehicle with a gross vehicle*

weight limit of 10,000 pounds, rather than 10,100 pounds, not including a pickup truck. Because this would expand the scope of an existing requirement, the violation of which would be a crime, the bill would impose a state-mandated local program. The bill would also modify the incentive program specified above by, among other things, conditioning certain parts of that program on the agreement by the motor carrier to accept random, unannounced inspections by the department.

(2) 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: ~~no~~-yes.

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

1 SECTION 1. Section 34501.12 of the Vehicle Code is
2 amended to read:

3 34501.12. (a) Notwithstanding Section 408, as used in
4 this section and Sections 34505.5 and 34505.6, “motor
5 carrier” means the registered owner of any vehicle
6 described in subdivision (a), (b), (e), (f), or (g) of
7 Section 34500, except in the following circumstances:

8 (1) The registered owner leases the vehicle to another
9 person for a term of more than four months. If the lease
10 is for more than four months, the lessee is the motor
11 carrier.

12 (2) The registered owner operates the vehicle
13 exclusively under the authority and direction of another
14 person. If the operation is exclusively under the authority
15 and direction of another person, that other person may
16 assume the responsibilities as the motor carrier. If not so
17 assumed, the registered owner is the motor carrier. A
18 person who assumes the motor carrier responsibilities of
19 another pursuant to subdivision (b) shall provide to that
20 other person whose motor carrier responsibility is so



1 assumed, a completed copy of a department form
2 documenting that assumption, stating the period for
3 which responsibility is assumed, and signed by an agent
4 of the assuming person. A legible copy shall be carried in
5 each vehicle or combination of vehicles operated on the
6 highway during the period for which responsibility is
7 assumed. That copy shall be presented upon request by
8 any authorized employee of the department. The original
9 completed departmental form documenting the
10 assumption shall be provided to the department within 30
11 days of the assumption. If the assumption of responsibility
12 is terminated, the person who had assumed responsibility
13 shall so notify the department in writing within 30 days
14 of the termination.

15 (b) (1) A motor carrier may combine two or more
16 terminals for purposes of the inspection required by
17 subdivision (d) subject to all of the following conditions:

18 (A) The carrier identifies to the department, in
19 writing, each terminal proposed to be included in the
20 combination of terminals for purposes of this subdivision
21 prior to an inspection of the designated terminal pursuant
22 to subdivision (d).

23 (B) The carrier provides the department, prior to the
24 inspection of the designated terminal pursuant to
25 subdivision (d) a written listing of all its vehicles of a type
26 subject to subdivision (a), (b), (e), (f), or (g) of Section
27 34500 which are based at each of the terminals combined
28 for purposes of this subdivision. The listing shall specify
29 the number of vehicles of each type at each terminal.

30 (C) The carrier provides to the department at the
31 designated terminal during the inspection all
32 maintenance records and driver records and a
33 representative sample of vehicles based at each of the
34 terminals included within the combination of terminals.

35 (2) If the carrier fails to provide the maintenance
36 records, driver records, and representative sample of
37 vehicles pursuant to subparagraph (C) of paragraph (1),
38 the department shall assign the carrier an unsatisfactory
39 terminal rating and require a reinspection to be
40 conducted pursuant to subdivision (h).



1 (3) For purposes of this subdivision, the following
2 terms have the meanings given:

3 (A) "Driver records" includes pull notice system
4 records, driver proficiency records, and driver
5 timekeeping records.

6 (B) "Maintenance records" includes all required
7 maintenance, lubrication, and repair records and drivers'
8 daily vehicle condition reports.

9 (C) "Representative sample" means the following,
10 applied separately to the carrier's fleet of motortrucks
11 and truck tractors and its fleet of trailers:

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

22
23 (c) Each motor carrier who, in this state, directs the
24 operation of, or maintains, any vehicle of a type described
25 in subdivision (a) shall designate one or more terminals,
26 as defined in Section 34515, in this state where vehicles
27 can be inspected by the department pursuant to
28 paragraph (3) of subdivision (a) of Section 34501 and
29 where vehicle inspection and maintenance records and
30 driver records will be made available for inspection.

31 (d) The department shall inspect, at least every 25
32 months, every terminal, as defined in Section 34515, of
33 any motor carrier who, at any time, operates any vehicle
34 described in subdivision (a).

35 As used in this section and in Sections 34505.5 and
36 34505.6, subdivision (f) of Section 34500 includes only
37 those combinations where the gross vehicle weight rating
38 (GVWR) of the towing vehicle exceeds ~~10,100 pounds~~
39 *10,000 pounds, but does not include a pickup truck*, and
40 subdivision (g) of Section 34500 includes only those



1 vehicles transporting hazardous material for which the
2 display of placards is required pursuant to Section 27903,
3 a license is required pursuant to Section 32000.5, or for
4 which hazardous waste hauler registration is required
5 pursuant to Section 25163 of the Health and Safety Code.
6 Historical vehicles, as described in Section 5004, vehicles
7 which display special identification plates in accordance
8 with Section 5011, implements of husbandry, as defined
9 in Chapter 1 (commencing with Section 36000) of
10 Division 16, and vehicles owned or operated by an agency
11 of the federal government are not subject to this section
12 or to Sections 34505.5 and 34505.6.

13 (e) (1) It is the responsibility of the motor carrier to
14 schedule with the department the inspection required by
15 subdivision (d). The motor carrier shall submit an
16 application form supplied by the department,
17 accompanied by the required fee. The fee, which is
18 nonrefundable, is four hundred dollars (\$400) per
19 terminal, except in the case of an owner-operator, as
20 defined in Section 3557 of the Public Utilities Code, or a
21 nonregulated motor carrier who owns, leases, or
22 otherwise operates not more than one heavy power unit
23 and not more than three towed vehicles described in
24 subdivision (a), (b), (e), (f), or (g) of Section 34500, for
25 which the fee shall be one hundred dollars (\$100).
26 Federal, state, and local public entities are exempt from
27 the fee requirements of this section.

28 (2) Except as provided in paragraph (4), the
29 inspection term for each inspected terminal of a motor
30 carrier shall expire 25 months from the date the terminal
31 receives a satisfactory compliance rating, as specified in
32 subdivision (h). Applications and fees for subsequent
33 inspections shall be submitted not earlier than nine
34 months and not later than seven months before the
35 expiration of the motor carrier's then current inspection
36 term. If the motor carrier has submitted the inspection
37 application and the required accompanying fees, but the
38 department is unable to complete the inspection within
39 the 25-month inspection period, then no additional fee



1 shall be required for the inspection requested in the
2 original application.

3 (3) All fees collected pursuant to this subdivision shall
4 be deposited in the Motor Vehicle Account in the State
5 Transportation Fund. An amount equal to the fees
6 collected shall be available for appropriation by the
7 Legislature from the Motor Vehicle Account to the
8 department for the purpose of conducting truck terminal
9 inspections and for the additional roadside safety
10 inspections required by Section 34514.

11 (4) To avoid the scheduling of a renewal terminal
12 inspection pursuant to this section during a carrier's
13 seasonal peak business periods, the current inspection
14 term of a terminal that has paid all required fees and has
15 been rated satisfactory in its last inspection may be
16 reduced by not more than nine months if a written
17 request is submitted by the carrier to the department at
18 least four months prior to the desired inspection month,
19 or at the time of payment of renewal inspection fees in
20 compliance with paragraph (2), whichever date is
21 earlier. A motor carrier may request this adjustment of
22 the inspection term during any inspection cycle. A
23 request made pursuant to this paragraph shall not result
24 in a fee proration and does not relieve the carrier from the
25 requirements of paragraph (2).

26 (f) It is unlawful for a motor carrier to operate any
27 vehicle subject to this section without having submitted
28 an inspection application and the required fees to the
29 department as required by subdivision (e) or (h).

30 (g) On and after July 1, 1992, it is unlawful for any
31 motor carrier to operate any vehicle subject to this
32 section after submitting an inspection application to the
33 department, without the inspection described in
34 subdivision (d) having been performed and a safety
35 compliance report having been issued to the motor
36 carrier within the 25-month inspection period or within
37 60 days immediately preceding the inspection period.

38 (h) (1) Any inspected terminal that receives an
39 unsatisfactory compliance rating shall be reinspected



1 within 120 days after the issuance of the unsatisfactory
2 compliance rating.

3 (2) A terminal's first required reinspection under this
4 subdivision shall be without charge unless one or more of
5 the following is established:

6 (A) The motor carrier's operation presented an
7 imminent danger to public safety.

8 (B) The motor carrier was not in compliance with the
9 requirement to enroll all drivers in the pull notice
10 program pursuant to Section 1808.1.

11 (C) The motor carrier failed to provide all required
12 records and vehicles for a consolidated inspection
13 pursuant to subdivision (b).

14 (3) If the unsatisfactory rating was assigned for any of
15 the reasons set forth in paragraph (2), the carrier shall
16 submit the required fee as provided in paragraph (4).

17 (4) Applications for reinspection pursuant to
18 paragraph (3) or for second and subsequent consecutive
19 reinspections under this subdivision shall be
20 accompanied by the fee specified in paragraph (1) of
21 subdivision (e) and shall be filed within 60 days of
22 issuance of the unsatisfactory compliance rating. The
23 reinspection fee is nonrefundable.

24 (5) When a motor carrier's Public Utilities
25 Commission operating authority is suspended as a result
26 of an unsatisfactory compliance rating, the department
27 shall conduct no reinspection until requested to do so by
28 the Public Utilities Commission.

29 (i) It is the intent of the Legislature that the
30 department make its best efforts to inspect terminals
31 within the resources provided. In the interest of the state,
32 the Commissioner of the California Highway Patrol may
33 extend for a period not to exceed six months the
34 inspection terms beginning prior to July 1, 1990.

35 (j) To encourage truck terminal operators to attain
36 continuous satisfactory compliance ratings, the
37 department may establish and implement an incentive
38 program consisting of the following:

39 (1) After the second consecutive satisfactory
40 compliance rating assigned as a result of an inspection



1 conducted pursuant to subdivision (d), and after each
2 consecutive satisfactory compliance rating thereafter, an
3 appropriate certificate, denoting the number of
4 consecutive satisfactory ratings, shall be awarded to the
5 terminal, unless the terminal has received an
6 unsatisfactory compliance rating as a result of any
7 inspection conducted in the interim between the
8 consecutive inspections conducted under subdivision
9 (d). The certificate authorized under this paragraph shall
10 not be awarded for performance in the administrative
11 review authorized under paragraph (2). However, the
12 certificate shall include a reference to any administrative
13 reviews conducted during the period of consecutive
14 satisfactory ratings.

15 (2) Unless the department's evaluation of the motor
16 carrier's safety record indicates a declining level of
17 compliance, a terminal that has attained two consecutive
18 satisfactory compliance ratings assigned following
19 inspections conducted pursuant to subdivision (d) is
20 eligible for an administrative review in lieu of the next
21 required inspection, unless the terminal has received an
22 unsatisfactory compliance rating as a result of any
23 inspection conducted in the interim between the
24 consecutive inspections conducted under subdivision
25 (d). An administrative review shall consist of all of the
26 following:

27 (A) A signed request by a terminal management
28 representative requesting the administrative review in
29 lieu of the required inspection containing a promise to
30 continue to maintain a satisfactory level of compliance for
31 the next 25-month inspection term.

32 (B) A review with a terminal management
33 representative of the carrier's record as contained in the
34 department's files. If a terminal has been authorized a
35 second consecutive administrative review, the review
36 required under this subparagraph is optional, and may be
37 omitted at the carrier's request.

38 (C) Absent any cogent reasons to the contrary, upon
39 completion of subparagraphs (A) and (B), the safety



1 compliance rating assigned during the last required
2 inspection shall be extended for 25 months.

3 (3) Not more than two administrative reviews may be
4 conducted consecutively. At the completion of the
5 25-month inspection term following a second
6 administrative review, a terminal inspection shall be
7 conducted pursuant to subdivision (d). If this inspection
8 results in a satisfactory compliance rating, the terminal
9 shall again be eligible for an administrative review in lieu
10 of the next required inspection. If the succession of
11 satisfactory ratings is interrupted by any rating of other
12 than satisfactory, irrespective of the reason for the
13 inspection, the terminal shall again attain two
14 consecutive satisfactory ratings to become eligible for an
15 administrative review.

16 (4) As a condition for receiving the administrative
17 reviews authorized under this subdivision in lieu of
18 inspections, and in order to ensure that compliance levels
19 remain satisfactory, the motor carrier shall agree to
20 accept random, unannounced inspections by the
21 department.

22 *SEC. 2. No reimbursement is required by this act*
23 *pursuant to Section 6 of Article XIII B of the California*
24 *Constitution because the only costs that may be incurred*
25 *by a local agency or school district will be incurred*
26 *because this act creates a new crime or infraction,*
27 *eliminates a crime or infraction, or changes the penalty*
28 *for a crime or infraction, within the meaning of Section*
29 *17556 of the Government Code, or changes the definition*
30 *of a crime within the meaning of Section 6 of Article*
31 *XIII B of the California Constitution.*

32 *Notwithstanding Section 17580 of the Government*
33 *Code, unless otherwise specified, the provisions of this act*
34 *shall become operative on the same date that the act*
35 *takes effect pursuant to the California Constitution.*

