

AMENDED IN SENATE SEPTEMBER 10, 1999

AMENDED IN ASSEMBLY MAY 6, 1999

AMENDED IN ASSEMBLY APRIL 14, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 602

Introduced by Assembly Member ~~Torlakson~~ Florez

February 19, 1999

~~An act to amend Section 35790.1 of, and to add Section 35790.3 to, the Vehicle Code, relating to transportation. An act to amend Sections 1682.3 and 1682.4 of, and to add Section 1682.6 to, the Labor Code, and to amend Section 23116 of, and to add Sections 31405 and 31406 to, the Vehicle Code, relating to vehicles.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 602, as amended, ~~Torlakson~~ Florez. ~~Manufactured homes; pilot car operators~~ Farm labor vehicles.

(1) Existing law, for purposes of laws governing farm labor contractors, specifies that the term 'farm labor contractor' includes any day hauler, as defined.

This bill would exclude day haulers from that definition of 'farm labor contractor.' The bill would prohibit a person from acting as a day hauler unless the person has obtained a license to act as a day hauler, as specified, and would prohibit the Labor Commissioner from issuing a license, or renewing a license to act as a day hauler until specified conditions are met, including the payment of an unspecified license fee.

(2) Existing law prohibits a person driving a pickup truck or a flatbed motortruck on a highway from transporting any person in or on the back of the truck, or from riding in or on the back of a truck or flatbed motortruck being driven on a highway, but specifies that those provisions do not apply if the person in the back of the truck is being transported in an enclosed camper or camper shell that prevents the person from being discharged.

This bill would delete the exemption to that prohibition for persons being transported in an enclosed camper or camper shell, thereby expanding the scope of an existing crime and creating a state-mandated local program. The bill would also exempt any person transporting one or more persons in the back of a truck or flatbed motortruck owned by a farmer or rancher, if that vehicle is used exclusively within the boundaries of lands owned or managed by that farmer or rancher, including the incidental use on a highway, as provided.

(3) Existing law requires the Department of the California Highway Patrol to adopt regulations designed to promote the safe operation of farm labor vehicles, as described, including, vehicular design, equipment, passenger safety, and seating. Existing law also prohibits any person from driving any farm labor vehicle, as described, unless there is displayed therein a specified certificate issued by the department stating, among other things, that the vehicle complies with applicable regulations relating to construction, design, and equipment.

This bill would prohibit any person from being transported in a farm labor vehicle that does not have all passenger seating positions in compliance with specified federal regulations.

The bill, on and after January 1, 2002, would prohibit any person from installing a seat or seating system in a farm labor vehicle unless that seat or seating system is in compliance with specified federal regulations.

The bill would require that every farm labor vehicle be equipped at each seating position with a Type 1 or Type 2 seat belt assembly, as defined in specified federal regulations, that is anchored to the vehicle with seat belt assembly anchorages that comply with specified federal regulations. The owner of a farm labor vehicle would be required to maintain all



required seat belt assemblies and seat belt assembly anchorages in good working order for the use of passengers.

The bill would prohibit any person from operating a farm labor vehicle on a highway unless that person and all passengers in the vehicle are properly restrained by a seat belt assembly that conforms with these provisions.

The provisions set forth in (3) would become operative on January 1, 2002.

Because a violation of the provisions in (3) would be a crime, the bill would impose a state-mandated local program by creating new crimes.

(4) 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.

~~Existing law establishes specific conditions and specifications applicable to the movement of manufactured homes that are 14 feet to 16 feet in total width, and specifically prohibits the Department of Transportation from issuing a permit to move a manufactured home that is in excess of 14 feet in total width unless the department determines that all of those specified conditions and specifications have been met. For these purposes, existing law also requires the department, in cooperation with the Department of the California Highway Patrol, or the local authority, to require pilot car or special escort services for the movement of any manufactured housing unit pursuant to these provisions.~~

~~This bill, in addition, would require the department, in cooperation with the Department of the California Highway Patrol, to establish a voluntary program for training the operators of pilot cars, that escort these manufactured homes transported on state highways, in traffic safety control techniques. The department would be required to begin the program no later than July 1, 2000, and would be authorized to charge a fee for developing and providing the traffic safety control training under the program.~~

~~The bill also would authorize the party responsible for transporting the manufactured home to select either the~~



~~Department of the California Highway Patrol operating the lead escort vehicle and a pilot car operator, who is trained and certified under the program described above, operating the rear escort vehicle, or the Department of the California Highway Patrol when pilot car or special escort services are required.~~

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 35790.1 of the Vehicle Code is~~
2 ~~SECTION 1. Section 1682.3 of the Labor Code is~~
3 ~~amended to read:~~
4 ~~1682.3. “Farm labor contractor” includes any “day~~
5 ~~hauler.” (a)“Day hauler” means any person who is~~
6 ~~employed by a farm labor contractor to transport, or who~~
7 ~~for a fee transports, by motor vehicle, workers to render~~
8 ~~personal services in connection with the production of~~
9 ~~any farm products to, for, or under the direction of a third~~
10 ~~person.~~
11 ~~(b) No person shall act as a day hauler unless both of~~
12 ~~the following conditions are met:~~
13 ~~(1) The person has obtained a license to act as a day~~
14 ~~hauler that is issued by the Labor Commissioner.~~
15 ~~(2) The license issued pursuant to paragraph (1) is in~~
16 ~~full force and effect.~~
17 ~~(c) The Labor Commissioner shall, by regulation,~~
18 ~~provide a means of issuing duplicate licenses if an original~~
19 ~~license is lost, or in any other appropriate instance.~~
20 ~~SEC. 2. Section 1682.4 of the Labor Code is amended~~
21 ~~to read:~~
22 ~~1682.4. “Farm labor contractor” does not include a~~
23 ~~either of the following:~~
24 ~~(a) A commercial packing house engaged in both the~~
25 ~~harvesting and the packing of citrus fruit or soft fruit for~~
26 ~~a client or customer.~~
27 ~~(b) A day hauler that is solely involved in the~~
28 ~~transportation of agricultural workers. If a day hauler is~~
29 ~~responsible for any duty listed in subdivision (b) of~~



1 Section 1682, with the exception of transportation duties,
2 that day hauler shall be licensed as a farm labor
3 contractor.

4 SEC. 3. Section 1682.6 is added to the Labor Code, to
5 read:

6 1682.6. (a) The Labor Commissioner shall not issue a
7 license to any person permitting that person to act as a
8 day hauler; or renew that license, until all of the following
9 conditions are satisfied:

10 (1) The person has filed a written application for a
11 license on a form prescribed by the Labor Commissioner
12 that is subscribed and sworn to by the person.

13 (2) The person has paid to the Labor Commissioner a
14 license fee of _____ dollars (\$_____) plus a filing fee
15 of ten dollars (\$10). However, where a timely application
16 for renewal is filed, the ten dollar (\$10) filing fee is not
17 required.

18 (3) The person demonstrates in a driving performance
19 and written examination an essential degree of
20 knowledge of the current safety laws regarding passenger
21 transportation.

22 (b) The Labor Commissioner shall consult with the
23 Department of the California Highway Patrol and the
24 Department of Motor Vehicles in preparing this
25 examination and the appropriate educational materials
26 pertaining to the matters included in the examination,
27 and may charge a fee of not more than _____ dollars
28 (\$_____) to cover the cost of administration of the
29 examination.

30 (c) The Labor Commissioner may renew a license
31 without requiring the applicant for renewal to take the
32 examination specified in paragraph (3) of subdivision (a)
33 if the Labor Commissioner finds that the applicant meets
34 all of the following criteria:

35 (1) The applicant has satisfactorily completed the
36 examination during the immediately preceding two
37 years.

38 (2) The applicant has not been found to be in violation
39 of any applicable laws or regulations, including, but not



1 *limited to Division 6 (commencing with Section 12500)*
2 *Division 6 of the Vehicle Code during the preceding year.*

3 *SEC. 4. Section 23116 of the Vehicle Code is amended*
4 *to read:*

5 23116. (a) No person driving a pickup truck or a
6 flatbed motortruck on a highway shall transport any
7 person in or on the back of the truck.

8 (b) No person shall ride in or on the back of a truck or
9 flatbed motortruck being driven on a highway.

10 (c) Subdivisions (a) and (b) do not apply if the person
11 in the back of the truck is secured with a restraint system.
12 The restraint system shall meet or exceed the federal
13 motor vehicle safety standards published in Sections
14 571.207, 571.209, and 571.210 of Title 49 of the Code of
15 Federal Regulations.

16 (d) *Subdivisions (a), (b), and (c) do not apply to any*
17 *person transporting one or more persons in the back of a*
18 *truck or flatbed motortruck owned by a farmer or*
19 *rancher, if that vehicle is used exclusively within the*
20 *boundaries of lands owned or managed by that farmer or*
21 *rancher, including the incidental use of that vehicle on a*
22 *highway between one part of the farm or ranch to*
23 *another part of that farm or ranch.*

24 (e) Subdivisions (a), (b), and (c) do not apply if the
25 person in the back of the truck or the flatbed is being
26 transported in an emergency response situation by a
27 public agency or pursuant to the direction or authority of
28 a public agency.

29 As used in this subdivision, “emergency response
30 situation” means instances in which necessary measures
31 are needed in order to prevent injury or death to persons
32 or to prevent, confine, or mitigate damage or destruction
33 to property.

34 ~~(e) Subdivisions (a) and (b) do not apply if the person~~
35 ~~in the back of the truck is being transported in an~~
36 ~~enclosed camper or camper shell that prevents the~~
37 ~~person from being discharged.~~

38 (f) This section does not affect requirements imposed
39 by the Labor Code or by any other state or federal law or



1 regulation regarding the transportation of employees in
2 a motortruck.

3 (g) Subdivisions (a) and (b) not apply if the person in
4 the back of the truck or flatbed motortruck is being
5 transported in a parade that is supervised by a law
6 enforcement agency and the speed of the truck while in
7 the parade does not exceed eight miles per hour.

8 *SEC. 5. Section 31405 is added to the Vehicle Code, to*
9 *read:*

10 *31405. (a) No person may be transported in a farm*
11 *labor vehicle that does not have all passenger seating*
12 *positions in compliance with Section 571.207 of Title 49 of*
13 *the Code of Federal Regulations, as that provision exists*
14 *now or may hereafter be amended.*

15 *(b) No person may install a seat or seating system in a*
16 *farm labor vehicle unless that seat or seating system is in*
17 *compliance with Section 571.207 of Title 49 of the Code*
18 *of Federal Regulations, as that provision exists now or*
19 *may hereafter be amended.*

20 *(c) This section shall apply to all farm labor vehicles*
21 *manufactured on or after January 1, 2002.*

22 *(d) This section shall become operative on January 1,*
23 *2002.*

24 *SEC. 7. Section 31406 is added to the Vehicle Code, to*
25 *read:*

26 *31406. (a) Every farm labor vehicle shall be*
27 *equipped at each seating position with a Type 1 or Type*
28 *2 seat belt assembly, as defined in Section 571.209 of Title*
29 *49 of the Code of Federal Regulations, as that provision*
30 *exists now or may hereafter be amended, that is anchored*
31 *to the vehicle with seat belt assembly anchorages that*
32 *comply with Section 571.210 of Title 49 of the Code of*
33 *Federal Regulations, as that provision exists now or may*
34 *hereafter be amended.*

35 *(b) The owner of a farm labor vehicle shall maintain*
36 *all seat belt assemblies and seat belt assembly anchorages*
37 *required under this section in good working order for the*
38 *use of passengers.*

39 *(c) No person may operate a farm labor vehicle on a*
40 *highway unless that person and all passengers in the*



1 vehicle are properly restrained by a seat belt assembly
 2 that conforms with this section.

3 (d) Subdivision (a) shall apply to all farm labor
 4 vehicles manufactured on or after January 1, 2002.

5 (e) This section shall become operative on January 1,
 6 2002.

7 SEC. 8. No reimbursement is required by this act
 8 pursuant to Section 6 of Article XIII B of the California
 9 Constitution because the only costs that may be incurred
 10 by a local agency or school district will be incurred
 11 because this act creates a new crime or infraction,
 12 eliminates a crime or infraction, or changes the penalty
 13 for a crime or infraction, within the meaning of Section
 14 17556 of the Government Code, or changes the definition
 15 of a crime within the meaning of Section 6 of Article
 16 XIII B of the California Constitution.

17 amended to read:

18 ~~35790.1. In addition to the requirements and~~
 19 ~~conditions contained in Section 35790 and~~
 20 ~~notwithstanding any other provision of law, all of the~~
 21 ~~following conditions and specifications shall be complied~~
 22 ~~with to move any manufactured home, as defined in~~
 23 ~~Section 18007 of the Health and Safety Code, that is in~~
 24 ~~excess of 14 feet in total width, but not exceeding 16 feet~~
 25 ~~in total width, exclusive of lights and devices provided for~~
 26 ~~in Sections 35109 and 35110, upon any highway under the~~
 27 ~~jurisdiction of the entity granting the permit:~~

28 (a) ~~For the purposes of width requirements under this~~
 29 ~~code, the overall width of manufactured housing~~
 30 ~~specified in this section shall be the overall width,~~
 31 ~~including roof overhang, eaves, window shades, porch~~
 32 ~~roofs, or any other part of the manufactured house that~~
 33 ~~cannot be removed for the purposes of transporting upon~~
 34 ~~any highway.~~

35 (b) ~~Unless otherwise exempted under this code, all~~
 36 ~~combinations of motor vehicles and manufactured~~
 37 ~~housing shall be equipped with service brakes on all~~
 38 ~~wheels. Service brakes required under this subdivision~~
 39 ~~shall be adequate, supplemental to the brakes on the~~
 40 ~~towing vehicle, to enable the combination of vehicles to~~



1 ~~comply with the stopping distance requirements of~~
2 ~~Section 26454.~~

3 ~~(e) In addition to the requirements contained in~~
4 ~~Section 26304, the breakaway brake device on any~~
5 ~~manufactured housing unit equipped with electric~~
6 ~~brakes shall be powered by a wet cell rechargeable~~
7 ~~battery that is of the same voltage rating as the brakes and~~
8 ~~has sufficient charge to hold the brakes applied for not~~
9 ~~less than 15 minutes.~~

10 ~~(d) Notwithstanding any other provision of this code,~~
11 ~~the weight imposed upon any tire, wheel, axle, drawbar,~~
12 ~~hitch, or other suspension component on a manufactured~~
13 ~~housing unit shall not exceed the manufacturer's~~
14 ~~maximum weight rating for the item or component.~~

15 ~~(e) In addition to the requirements in subdivision (d),~~
16 ~~the maximum allowable weight upon one manufactured~~
17 ~~housing unit axle shall not exceed 6,000 pounds, and the~~
18 ~~maximum allowable weight upon one manufactured~~
19 ~~housing unit wheel shall not exceed 3,000 pounds.~~

20 ~~(f) Manufactured housing unit tires shall be free from~~
21 ~~defects, have at least $\frac{2}{32}$ of an inch tread depth, as~~
22 ~~determined by tire tread wear indicators, and shall~~
23 ~~comply with specifications and requirements contained~~
24 ~~in Section 3280.904(b)(8) of Title 24 of the Code of~~
25 ~~Federal Regulations.~~

26 ~~(g) Manufactured housing unit manufacturers shall~~
27 ~~provide transporters with a certification of compliance~~
28 ~~document, certifying the manufactured housing unit~~
29 ~~complies with the specifications and requirements~~
30 ~~contained in subdivisions (d), (e), and (f). Each~~
31 ~~certification of compliance document shall identify, by~~
32 ~~serial or identification number, the specific~~
33 ~~manufactured housing unit being transported and shall~~
34 ~~be signed by a representative of the manufacturer. Each~~
35 ~~transporter of manufactured housing units shall have in~~
36 ~~his or her immediate possession a copy of the certification~~
37 ~~of compliance document and shall make the document~~
38 ~~available upon request by any member of the~~
39 ~~Department of the California Highway Patrol, any~~
40 ~~authorized employee of the Department of~~



1 ~~Transportation, or any regularly employed and salaried~~
2 ~~municipal police officer or deputy sheriff.~~

3 ~~(h) Manufactured housing unit dealers shall provide~~
4 ~~transporters with a certification of compliance~~
5 ~~document, specifying that all modifications, equipment~~
6 ~~additions, or loading changes by the dealer have not~~
7 ~~exceeded the gross vehicle weight rating of the~~
8 ~~manufactured housing unit or the axle and wheel~~
9 ~~requirements contained in subdivisions (d), (e), and (f).~~
10 ~~Each certification of compliance document shall identify,~~
11 ~~by serial or identification number, the specific~~
12 ~~manufactured housing unit being transported and shall~~
13 ~~be signed by a representative of the dealer. Each~~
14 ~~transporter of manufactured housing units shall have in~~
15 ~~his or her immediate possession a copy of the certification~~
16 ~~of compliance document and shall make the document~~
17 ~~available upon request by any member of the~~
18 ~~Department of the California Highway Patrol, any~~
19 ~~authorized employee of the Department of~~
20 ~~Transportation, or any regularly employed and salaried~~
21 ~~municipal police officer or deputy sheriff.~~

22 ~~(i) Transporters of manufactured housing units shall~~
23 ~~not transport any additional load in, or upon, the~~
24 ~~manufactured housing unit that has not been certified by~~
25 ~~the manufactured housing unit's manufacturer or dealer.~~

26 ~~(j) Every hitch, coupling device, drawbar, or other~~
27 ~~connections between the towing unit and the towed~~
28 ~~manufactured housing unit shall be securely attached and~~
29 ~~shall comply with Subpart J of Part 3280 of Title 24 of the~~
30 ~~Code of Federal Regulations.~~

31 ~~(k) Manufactured housing units shall be equipped~~
32 ~~with an identification plate, specifying the~~
33 ~~manufacturer's name, the manufactured housing unit's~~
34 ~~serial number, the gross vehicle weight rating of the~~
35 ~~manufactured housing unit, and the gross weight of the~~
36 ~~cargo that may be transported in or upon the~~
37 ~~manufactured housing unit without exceeding the gross~~
38 ~~vehicle weight rating. The identification plate shall be~~
39 ~~permanently attached to the manufactured housing unit~~
40 ~~and shall be positioned adjacent to, and meet the same~~



1 specifications and requirements applicable to, the
2 certification label required by Subpart A of Part 3280 of
3 Title 24 of the Code of Federal Regulations.

4 (l) Manufactured housing units shall be subject to all
5 lighting requirements contained in Sections 24603, 24607,
6 24608, and 24951. When transported during darkness,
7 manufactured housing units shall additionally be subject
8 to Sections 24600 and 25100.

9 (m) Manufactured housing units shall have all open
10 sides covered by plywood, hard board, or other rigid
11 material, or by other suitable plastics or flexible material.
12 Plastic or flexible side coverings shall not billow or flap in
13 excess of six inches in any one place. Units that are opened
14 on both sides may be transported empty with no side
15 coverings.

16 (n) Transporters of manufactured housing units shall
17 make available all permits, licenses, certificates, forms,
18 and any other relative document required for the
19 transportation of manufactured housing upon request by
20 any member of the Department of the California
21 Highway Patrol, any authorized employee of the
22 Department of Transportation, or any regularly
23 employed and salaried municipal police officer or deputy
24 sheriff.

25 (o) (1) The Department of Transportation, in
26 cooperation with the Department of the California
27 Highway Patrol, or the local authority, shall require pilot
28 car or special escort services for the movement of any
29 manufactured housing unit pursuant to this section, and
30 may establish additional reasonable permit regulations,
31 including special routing requirements, as necessary in
32 the interest of public safety and consistent with this
33 section. For purposes of this subdivision, "pilot car or
34 special escort services" means either the Department of
35 the California Highway Patrol operating the lead escort
36 vehicle and a pilot car operator, who has been certified
37 by the Department of Transportation as having received
38 and successfully completed the training required
39 pursuant to Section 35790.3, operating the rear escort



1 vehicle, or the Department of the California Highway
2 Patrol.

3 (2) The party responsible for transporting the
4 manufactured home may select either the Department of
5 the California Highway Patrol, or the Department of the
6 California Highway Patrol for the lead escort and a
7 certified escort service for the rear escort vehicle
8 whenever the pilot car or special escort services are
9 required as a condition of receiving a permit pursuant to
10 this section.

11 (p) The Department of Transportation shall not issue
12 a permit to move a manufactured home that is in excess
13 of 14 feet in total width unless that department
14 determines that all of the conditions and specifications set
15 forth in this section have been met.

16 SEC. 2. Section 35790.3 is added to the Vehicle Code,
17 to read:

18 35790.3. (a) The Department of Transportation, in
19 cooperation with the Department of the California
20 Highway Patrol, shall establish a voluntary program for
21 training the operators of pilot cars, that escort
22 manufactured homes transported on state highways
23 pursuant to Sections 35790 and 35790.1, in traffic safety
24 control techniques. The department shall develop a
25 curriculum and administer the training program so that
26 these participating escort service operators who
27 complete the training can ensure that the movement of
28 manufactured homes that exceed 14 feet in width on state
29 highways is performed in a manner that protects public
30 safety. The training program shall begin no later than July
31 1, 2000.

32 (b) The department may charge a fee for the traffic
33 safety control training, which shall be sufficient to cover
34 the actual cost of developing the training program and
35 providing the training.

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