

Assembly Bill No. 602

Passed the Assembly August 29, 2000

Chief Clerk of the Assembly

Passed the Senate August 25, 2000

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2000, at _____ o'clock ____M.

Private Secretary of the Governor



CHAPTER _____

An act to amend Sections 322, 23116, and 31405 of, and to add Sections 31406, 31407, and 31409 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 602, Florez. Farm labor vehicles.

(1) 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.

(2) 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, until January 1, 2007, would exempt from the seatbelt and certificate requirements a farm labor vehicle that meets a specified definition in the Vehicle Code relating to buses, meets all state and federal standards for safety and construction, and is not currently required to have seatbelts. The bill would require that, on or after January 1, 2007, any farm labor vehicle that meets those specified conditions be equipped at each passenger position with a seatbelt assembly, as specified, unless exempted from this requirement under certain regulations promulgated by the department.

The bill, on and after March 31, 2002, 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, and 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 all cutting tools or tools with sharp edges carried in the passenger compartment of a farm labor vehicle to be placed in securely latched containers that are firmly attached to the vehicle and would require all other tools, equipment, or materials carried in the passenger compartment to be secured to the body of the vehicle to prevent their movement while the vehicle is in motion. The bill would prohibit these tools, equipment, or materials from obstructing an aisle or emergency exit.

Because a violation of these prohibitions would be a crime, the bill would impose a state-mandated local program by creating new crimes.

(3) Existing law excludes from the definition of “farm labor vehicle” in the Vehicle Code any vehicle operated under specific authority granted by the Public Utilities Commission or under specific authority granted to a transit system by an authorized city or county agency.

This bill, notwithstanding the specified exclusion, would require any vehicle owned or operated by or for a public transit system that is purchased with specified



funds and is used to transport farmworkers for any farmworker transportation program to comply with specified farm labor vehicle provisions and regulations relating to annual farm labor vehicle inspection and certification, seatbelt installation, illumination of headlamps, and storage and securing of tools in passenger compartments. Because a violation of this requirement would be a crime, the bill would impose a state-mandated local program by creating a new crime.

(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.

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

SECTION 1. Section 322 of the Vehicle Code is amended to read:

322. (a) A “farm labor vehicle” is any motor vehicle designed, used, or maintained for the transportation of nine or more farmworkers, in addition to the driver, to or from a place of employment or employment-related activities.

(b) For the purpose of this section, a farmworker is any person engaged in rendering personal services for hire and compensation in connection with the production or harvesting of any farm products.

(c) “Farm labor vehicle” does not include:

(1) Any vehicle carrying only members of the immediate family of the owner or driver thereof.

(2) Any vehicle while being operated under specific authority granted by the Public Utilities Commission or under specific authority granted to a transit system by an authorized city or county agency.

SEC. 2. Section 23116 of the Vehicle Code is amended to read:



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

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

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

(d) Subdivisions (a), (b), and (c) do not apply to 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 of that vehicle on not more than one mile of highway between one part of the farm or ranch to another part of that farm or ranch.

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

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

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

SEC. 3. Section 31405 of the Vehicle Code is amended to read:

31405. (a) Except as authorized under paragraph (1) of subdivision (e), every farm labor vehicle issued an inspection certificate under Section 31401 shall be equipped at each passenger position with a Type 1 or



Type 2 seatbelt assembly, conforming to the specifications set forth in Section 571.209 of Title 49 of the Code of Federal Regulations, that is anchored to the vehicle in a manner that conforms to the specifications of Section 571.210 of Title 49 of the Code of Federal Regulations.

(b) Except as authorized under paragraph (1) of subdivision (e), the department may not issue an initial inspection certificate under Section 31401 to any farm labor vehicle that is not equipped with a seatbelt assembly at each passenger position, as described in subdivision (a).

(c) The owner of a farm labor vehicle shall maintain all seatbelt assemblies and seatbelt assembly anchorages required under this section in good working order for the use of passengers.

(d) Except as authorized under paragraph (1) of subdivision (e) or subdivision (d) of Section 23116, no person may operate a farm labor vehicle on a highway unless that person and all passengers are properly restrained by a seatbelt assembly that conforms to this section.

(e) (1) Until January 1, 2007, this section does not apply to a farm labor vehicle that meets the definition in subdivision (a) of Section 233, meets all state and federal standards for safety and construction, and is not currently required to have seatbelts.

(2) On or after January 1, 2007, any farm labor vehicle that meets the conditions set forth in paragraph (1) shall be equipped at each passenger position with a seatbelt assembly as described in subdivision (a), unless exempted from this requirement under the regulations promulgated under Section 31401.

(f) The department shall adopt regulations to implement this section.

SEC. 4. Section 31406 is added to the Vehicle Code, to read:

31406. (a) No person may be transported in a farm labor vehicle that does not have all passenger seating positions in compliance with Section 571.207 of Title 49 of



the Code of Federal Regulations, as that provision exists now or may hereafter be amended.

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

(c) This section shall become operative on March 31, 2002.

SEC. 5. Section 31407 is added to the Vehicle Code, to read:

31407. All cutting tools or tools with sharp edges carried in the passenger compartment of a farm labor vehicle shall be placed in securely latched containers that are firmly attached to the vehicle. All other tools, equipment, or materials carried in the passenger compartment shall be secured to the body of the vehicle to prevent their movement while the vehicle is in motion. Under no circumstances shall those tools, equipment, or materials obstruct an aisle or an emergency exit.

SEC. 6. Section 31409 is added to the Vehicle Code, to read:

31409. Notwithstanding paragraph (2) of subdivision (c) of Section 322, any vehicle owned or operated by or for a public transit system that is purchased with funds appropriated pursuant to Item 2660-103-0046 of Section 2.00 of the Budget Act of 2000 (Chapter 52 of the Statutes of 2000) or pursuant to Section 5309 of Title 49 of the United States Code and is used to transport farmworkers for any farmworker transportation program shall comply with the farm labor vehicle provisions contained in, and the regulations promulgated under, this chapter, relating to the following:

(a) (1) Annual farm labor vehicle inspection and certification.

(2) Following initial certification, the inspection and certification of buses designed, used, or maintained for carrying more than 15 persons, including the driver, shall be conducted during the inspection required by subdivision (c) of Section 34501.



- (b) Seatbelt installation.
- (c) Illumination of headlamps.
- (d) Storage and securing of tools in passenger compartments.

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



Approved _____, 2000

Governor

