

AMENDED IN SENATE MAY 26, 2000
AMENDED IN ASSEMBLY JANUARY 25, 2000
AMENDED IN ASSEMBLY JANUARY 3, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1321

Introduced by Assembly Member ~~Cardoza~~ Granlund

February 26, 1999

~~An act relating to environmental quality, and making an appropriation therefor. An act to amend Section 34501.2 of the Vehicle Code, relating to vehicles.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1321, as amended, ~~Cardoza~~ Granlund. ~~Environmental quality: University of California~~ Driving hour restrictions.

Existing law prescribes a maximum driving time of 12 hours for a driver of a truck or truck tractor within a work period. However, a driver of a tank vehicle with a capacity of more than 500 gallons transporting flammable liquid is limited to a maximum of 10 hours of driving time within a work period.

This bill, for purposes of the 10-hour limitation, would exclude the transportation of 120 gallons or less of flammable liquid residue, as defined, from the term "transporting flammable liquid."

~~Existing law establishes the University of California under the administration of the Regents of the University of California, and authorizes the university to provide instruction at various campuses throughout the state.~~

~~This bill would appropriate \$130,000 for expenditure, without regard to fiscal year, from the General Fund to the Secretary of the Resources Agency to allocate for the purpose of funding the state's costs related to the environmental review of any proposed construction of a new campus of the University of California.~~

Vote: ²/₃—majority. Appropriation: yes—no. Fiscal committee: yes. State-mandated local program: no.

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

~~1 SECTION 1. The sum of one hundred thirty thousand
2 dollars (\$130,000) is hereby appropriated for
3 expenditure, without regard to fiscal year, from the
4 General Fund to the Secretary of the Resources Agency
5 to allocate for the purpose of funding the state's costs
6 related to the environmental review of any proposed
7 construction of a new campus of the University of
8 California.~~

9 *SECTION 1. Section 34501.2 of the Vehicle Code is*
10 *amended to read:*

11 34501.2. (a) The regulations adopted pursuant to
12 Section 34501 for vehicles engaged in interstate or
13 intrastate commerce shall establish hours-of-service
14 regulations for drivers of those vehicles that are
15 consistent with the hours-of-service regulations adopted
16 by the United States Department of Transportation in
17 Part 395 of Title 49 of the Code of Federal Regulations, as
18 those regulations now exist or are hereafter amended.

19 (b) The regulations adopted pursuant to Section 34501
20 for vehicles engaged in intrastate commerce that are not
21 transporting hazardous substances or hazardous waste, as
22 those terms are defined by regulations in Section 171.8 of
23 Title 49 of the Code of Federal Regulations, as those
24 regulations now exist or are hereafter amended, shall
25 have the following exceptions:

26 (1) The maximum driving time within a work period
27 shall be 12 hours for a driver of a truck or truck tractor,
28 except for a driver of a tank vehicle with a capacity of
29 more than 500 gallons transporting flammable liquid, who



1 shall not drive for more than 10 hours within a work
2 period.

3 (A) *As used in this paragraph, “transporting*
4 *flammable liquid” does not include transportation of 120*
5 *gallons or less of flammable liquid residue.*

6 (B) *For purposes of subparagraph (A), “residue” is*
7 *the liquid material remaining after a cargo tank has been*
8 *unloaded to the maximum extent practicable through the*
9 *normal discharge opening.*

10 (2) No motor carrier shall permit or require a driver
11 to drive, nor shall any driver drive, for any period after
12 having been on duty for 80 hours in any consecutive eight
13 days.

14 (3) A driver employed by an electrical corporation, as
15 defined in Section 218 of the Public Utilities Code, a gas
16 corporation, as defined in Section 222 of that code, a
17 telephone corporation, as defined in Section 234 of that
18 code, a water corporation, as defined in Section 241 of that
19 code, or a public water district as defined in Section 20200
20 of the Water Code, may be permitted or required to drive
21 more than the number of hours specified in subdivision
22 (a) while operating a public utility or public water district
23 vehicle during the emergency restoration of service.

24 (4) Any other exceptions applicable to drivers
25 assigned to governmental fire suppression and
26 prevention, as determined by the department.

27 (5) A driver employed by a law enforcement agency,
28 as defined in Section 390.3(f)(2) of Title 49 of the Code
29 of Federal Regulations, as that section now exists or is
30 hereafter amended, during an emergency or to restore
31 the public peace.

32 (c) The regulations adopted pursuant to Section 34501
33 for vehicles engaged in the transportation of farm
34 products in intrastate commerce shall include all of the
35 following provisions:

36 (1) A driver employed by an agricultural carrier, as
37 defined in Section 3525 of the Public Utilities Code,
38 including a carrier holding a seasonal permit issued
39 pursuant to Section 3584.2 of the Public Utilities Code, or
40 by a private carrier, as defined in Section 4001 of the



1 Public Utilities Code, when transporting farm products
2 from the field to the first point of processing or packing,
3 shall not drive for any period after having been on duty
4 16 hours or more following eight consecutive hours off
5 duty and shall not drive for any period after having been
6 on duty for 112 hours in any consecutive eight-day period,
7 except that a driver transporting special situation farm
8 products from the field to the first point of processing or
9 packing, or transporting livestock from pasture to
10 pasture, may be permitted, during one period of not more
11 than 28 consecutive days or a combination of two periods
12 totaling not more than 28 days in a calendar year, to drive
13 for not more than 12 hours during any workday of not
14 more than 16 hours. A driver who thereby exceeds the
15 driving time limits specified in paragraph (2) of
16 subdivision (b) shall maintain a driver's record of duty
17 status, and shall keep a duplicate copy in his or her
18 possession when driving a vehicle subject to this chapter.
19 These records shall be presented immediately upon
20 request by any authorized employee of the department,
21 or any police officer or deputy sheriff.

22 (2) Upon the request of the Director of Food and
23 Agriculture, the commissioner may, for good cause,
24 temporarily waive the maximum on-duty time limits
25 applicable to any eight-day period when an emergency
26 exists due to inclement weather, natural disaster, or an
27 adverse economic condition that threatens to disrupt the
28 orderly movement of farm products during harvest for
29 the duration of the emergency. For purposes of this
30 paragraph, an emergency does not include a strike or
31 labor dispute.

32 (3) For purposes of this subdivision, the following
33 terms have the following meanings:

34 (A) "Farm products" means every agricultural,
35 horticultural, viticultural, or vegetable product of the soil,
36 honey and beeswax, oilseeds, poultry, livestock, milk, or
37 timber.

38 (B) "First point of processing or packing" means a
39 location where farm products are dried, canned,
40 extracted, fermented, distilled, frozen, ginned,



1 eviscerated, pasteurized, packed, packaged, bottled,
2 conditioned, or otherwise manufactured, processed, or
3 preserved for distribution in wholesale or retail markets.
4 (C) "Special situation farm products" means fruit,
5 tomatoes, sugar beets, grains, wine grapes, grape
6 concentrate, cotton, or nuts.

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