

AMENDED IN ASSEMBLY APRIL 22, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 463

Introduced by Assembly Member Tran

February 24, 2009

An act to amend Section 32000.5 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 463, as amended, Tran. Vehicles: hazardous materials.

Existing law generally requires a motor carrier who directs the transportation of an explosive and a motor carrier who directs the transportation of a hazardous material, who is required to display specified placards, and a motor carrier who transports for a fee more than 500 pounds of a certain type of hazardous materials, to be licensed in accordance with the Vehicle Code, unless that code or regulations adopted pursuant to that code specifically exempt the motor carrier from the licensing requirements. Existing law prohibits the Department of the California Highway Patrol from issuing a license to transport hazardous materials to a motor carrier unless each terminal from which hazardous materials carrying vehicles are operated is in compliance with the Biennial Inspection of Terminals Program and is currently rated satisfactory. Existing law requires the department to adopt rules and regulations that provide for a temporary license to transport hazardous materials for motor carriers who, within the previous 3 years, have not been issued an unsatisfactory rating for specified inspections.

This bill would ~~require the department to issue~~ *provide that those provisions do not prevent the department from issuing* a new or initial license to transport hazardous materials to a motor carrier that applies

for a license to transport hazardous materials and that, within the previous 3 years, has been issued an unsatisfactory rating as a result of specified inspections, if the motor carrier has corrected the unsatisfactory rating before applying for the license to transport hazardous materials.

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 32000.5 of the Vehicle Code is amended
2 to read:

3 32000.5. (a) A motor carrier who directs the transportation of
4 an explosive and a motor carrier who directs the transportation of
5 a hazardous material, who is required to display placards pursuant
6 to Section 27903, and a motor carrier who transports for a fee in
7 excess of 500 pounds of hazardous materials of the type requiring
8 placards pursuant to Section 27903, shall be licensed in accordance
9 with this code, unless specifically exempted by this code or
10 regulations adopted pursuant to this code. This license shall be
11 available for examination and shall be displayed in accordance
12 with the regulations adopted by the commissioner.

13 (b) (1) Except as provided in Section 32001, this division shall
14 not apply to a person hauling only hazardous waste, as defined in
15 Section 25115 or 25117 of the Health and Safety Code, and who
16 is registered pursuant to subdivision (a) of Section 25163 of the
17 Health and Safety Code or who is exempt from that registration
18 pursuant to subdivision (b) of that section.

19 (2) A motor carrier that is transporting a hazardous waste and
20 is required to display placards pursuant to Section 27903 shall
21 comply with all provisions of Section 32001 except paragraph (3)
22 of subdivision (c) of that section.

23 (c) This division does not apply to implements of husbandry,
24 as defined in Section 36000.

25 (d) This division does not apply to the hauling of division 1.3
26 explosives classified as special fireworks or to division 1.4
27 explosives classified as common fireworks by the United States
28 Department of Transportation if those fireworks are transported
29 by a motor carrier under the authority of, and in conformance with,
30 a license issued to the motor carrier by the State Fire Marshal
31 pursuant to Part 2 (commencing with Section 12500) of Division

1 11 of the Health and Safety Code. In that case, a copy of the license
2 shall be carried in the vehicle and presented to a peace officer upon
3 request.

4 (e) (1) The department shall not issue a license to transport
5 hazardous materials to a motor carrier unless each terminal from
6 which hazardous materials carrying vehicles are operated is in
7 compliance with Section 34501.12 and is currently rated
8 satisfactory.

9 (2) The department shall adopt rules and regulations that provide
10 for a temporary license to transport hazardous materials for a carrier
11 who, within the previous three years, has not been issued an
12 unsatisfactory rating as a result of an inspection conducted pursuant
13 to Section 34501, 34501.12, or 34520.

14 (3) It is the intent of the Legislature that a carrier's license to
15 transport hazardous materials should not be unreasonably hindered
16 as a result of the department's verification and issuance process.

17 (f) ~~The department shall issue~~ *This section does not prevent the*
18 *department from issuing* a new or initial license to transport
19 hazardous materials to a motor carrier that applies for a license to
20 transport hazardous materials and that, within the previous three
21 years, has been issued an unsatisfactory rating as a result of an
22 inspection conducted pursuant to Section 34501, 34501.12, or
23 34520, if the motor carrier has corrected the unsatisfactory rating
24 before applying for the license to transport hazardous materials.