

ASSEMBLY BILL

No. 1516

Introduced by Assembly Member Alejo

January 13, 2012

An act to amend Sections 12804.9 and 34601 of, and to add Section 34500.6 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1516, as introduced, Alejo. Vehicles: driver's license requirements: farming exemption.

(1) Existing law provides that a person with a class C license may operate a motor vehicle or combination of motor vehicles of 26,000 pounds or less when it is operated by a farmer, an employee of a farmer, or an instructor credentialed in agriculture as part of a specified instructional program, it is used exclusively in the conduct of agricultural operations, and it is not used in the capacity of a for-hire carrier or for compensation.

This bill would increase the weight limit of a vehicle or combination of vehicles that the class C licenseholder eligible under this provision may operate to 28,500 pounds or less and would add a length limitation of 75 feet or less for that vehicle or combination of vehicles.

(2) Existing law also requires the Department of the California Highway Patrol to regulate the safe operation of certain vehicles, including carrying out a biennial inspection program. Existing law also excludes certain vehicles from the definition of a commercial motor vehicle for purposes of the Motor Carriers of Property Permit Act.

This bill would exempt the Department of Motor Vehicles from regulating the safe operation of a vehicle or combination of vehicles with a gross vehicle weight rating or gross vehicle combination weight

rating of 28,500 pounds or less and that is 75 feet or less in length when it is operated and used in the manner specified in (1) above. This bill would also exclude, from the definition of a commercial motor vehicle under the Motor Carriers of Property Permit Act, a vehicle or combination of vehicles with a gross vehicle weight rating or gross vehicle combination weight rating of 28,500 pounds or less and that is 75 feet or less in length when it is operated and used in the manner specified in (1) above.

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 12804.9 of the Vehicle Code is amended
2 to read:
3 12804.9. (a) (1) The examination shall include all of the
4 following:
5 (A) A test of the applicant's knowledge and understanding of
6 the provisions of this code governing the operation of vehicles
7 upon the highways.
8 (B) A test of the applicant's ability to read and understand
9 simple English used in highway traffic and directional signs.
10 (C) A test of the applicant's understanding of traffic signs and
11 signals, including the bikeway signs, markers, and traffic control
12 devices established by the Department of Transportation.
13 (D) An actual demonstration of the applicant's ability to exercise
14 ordinary and reasonable control in operating a motor vehicle by
15 driving it under the supervision of an examining officer. The
16 applicant shall submit to an examination appropriate to the type
17 of motor vehicle or combination of vehicles he or she desires a
18 license to drive, except that the department may waive the driving
19 test part of the examination for any applicant who submits a license
20 issued by another state, territory, or possession of the United States,
21 the District of Columbia, or the Commonwealth of Puerto Rico if
22 the department verifies through any acknowledged national driver
23 record data source that there are no stops, holds, or other
24 impediments to its issuance. The examining officer may request
25 to see evidence of financial responsibility for the vehicle prior to
26 supervising the demonstration of the applicant's ability to operate
27 the vehicle. The examining officer may refuse to examine an

1 applicant who is unable to provide proof of financial responsibility
2 for the vehicle, unless proof of financial responsibility is not
3 required by this code.

4 (E) A test of the hearing and eyesight of the applicant, and of
5 other matters that may be necessary to determine the applicant's
6 mental and physical fitness to operate a motor vehicle upon the
7 highways, and whether any grounds exist for refusal of a license
8 under this code.

9 (2) The examination for a class A or class B driver's license
10 under subdivision (b) shall also include a report of a medical
11 examination of the applicant given not more than two years prior
12 to the date of the application by a health care professional. As used
13 in this paragraph, "health care professional" means a person who
14 is licensed, certified, or registered in accordance with applicable
15 state laws and regulations to practice medicine and perform
16 physical examinations in the United States. Health care
17 professionals are doctors of medicine, doctors of osteopathy,
18 physician assistants, and registered advanced practice nurses, or
19 doctors of chiropractic who are clinically competent to perform
20 the medical examination presently required of motor carrier drivers
21 by the federal Department of Transportation. The report shall be
22 on a form approved by the department, the federal Department of
23 Transportation, or the Federal Aviation Administration. In
24 establishing the requirements, consideration may be given to the
25 standards presently required of motor carrier drivers by the Federal
26 Highway Administration.

27 (3) A physical defect of the applicant that, in the opinion of the
28 department, is compensated for to ensure safe driving ability, shall
29 not prevent the issuance of a license to the applicant.

30 (b) In accordance with the following classifications, an applicant
31 for a driver's license shall be required to submit to an examination
32 appropriate to the type of motor vehicle or combination of vehicles
33 the applicant desires a license to drive:

34 (1) Class A includes the following:

35 (A) Except as provided in subparagraph (H) of paragraph (3),
36 a combination of vehicles, if a vehicle being towed has a gross
37 vehicle weight rating of more than 10,000 pounds.

38 (B) A vehicle towing more than one vehicle.

39 (C) A trailer bus.

40 (D) The operation of all vehicles under class B and class C.

1 (2) Class B includes the following:

2 (A) Except as provided in subparagraph (H) of paragraph (3),
3 a single vehicle with a gross vehicle weight rating of more than
4 26,000 pounds.

5 (B) A single vehicle with three or more axles, except any
6 three-axle vehicle weighing less than 6,000 pounds.

7 (C) A bus except a trailer bus.

8 (D) A farm labor vehicle.

9 (E) A single vehicle with three or more axles or a gross vehicle
10 weight rating of more than 26,000 pounds towing another vehicle
11 with a gross vehicle weight rating of 10,000 pounds or less.

12 (F) A house car over 40 feet in length, excluding safety devices
13 and safety bumpers.

14 (G) The operation of all vehicles covered under class C.

15 (3) Class C includes the following:

16 (A) A two-axle vehicle with a gross vehicle weight rating of
17 26,000 pounds or less, including when the vehicle is towing a
18 trailer or semitrailer with a gross vehicle weight rating of 10,000
19 pounds or less.

20 (B) Notwithstanding subparagraph (A), a two-axle vehicle
21 weighing 4,000 pounds or more unladen when towing a trailer
22 coach not exceeding 9,000 pounds gross.

23 (C) A house car of 40 feet in length or less.

24 (D) A three-axle vehicle weighing 6,000 pounds gross or less.

25 (E) A house car of 40 feet in length or less or a vehicle towing
26 another vehicle with a gross vehicle weight rating of 10,000 pounds
27 or less, including when a tow dolly is used. A person driving a
28 vehicle may not tow another vehicle in violation of Section 21715.

29 (F) (i) A two-axle vehicle weighing 4,000 pounds or more
30 unladen when towing either a trailer coach or a fifth-wheel travel
31 trailer not exceeding 10,000 pounds gross vehicle weight rating,
32 when the towing of the trailer is not for compensation.

33 (ii) A two-axle vehicle weighing 4,000 pounds or more unladen
34 when towing a fifth-wheel travel trailer exceeding 10,000 pounds,
35 but not exceeding 15,000 pounds, gross vehicle weight rating,
36 when the towing of the trailer is not for compensation, and if the
37 person has passed a specialized written examination provided by
38 the department relating to the knowledge of this code and other
39 safety aspects governing the towing of recreational vehicles upon
40 the highway.

1 The authority to operate combinations of vehicles under this
2 subparagraph may be granted by endorsement on a class C license
3 upon completion of that written examination.

4 ~~(G) A vehicle or combination of vehicles with a gross~~
5 ~~combination weight rating or a gross vehicle weight rating, as~~
6 ~~those terms are defined in subdivisions (j) and (k), respectively,~~
7 ~~of Section 15210, of 26,000 pounds or less, if all of the following~~
8 ~~conditions are met:~~

9 ~~(i) Is operated by a farmer, an employee of a farmer, or an~~
10 ~~instructor credentialed in agriculture as part of an instructional~~
11 ~~program in agriculture at the high school, community college, or~~
12 ~~university level.~~

13 ~~(ii) Is used exclusively in the conduct of agricultural operations.~~

14 ~~(iii) Is not used in the capacity of a for-hire carrier or for~~
15 ~~compensation.~~

16 *(G) A vehicle or combination of vehicles with a gross vehicle*
17 *weight rating or gross vehicle combination weight rating, as*
18 *defined in subdivisions (j) and (k) of Section 15210, of 28,500*
19 *pounds or less and that is 75 feet or less in length, if all the*
20 *following conditions are met:*

21 *(i) It is operated by a farmer, an employee of a farmer, or an*
22 *instructor credentialed in agriculture as part of an instructional*
23 *program in agriculture at the high school, community college, or*
24 *university level.*

25 *(ii) It is used exclusively in the conduct of agricultural*
26 *operations.*

27 *(iii) It is not used in the capacity of a for-hire carrier or for*
28 *compensation.*

29 (H) Firefighting equipment, provided that the equipment is
30 operated by a person who holds a firefighter endorsement pursuant
31 to Section 12804.11.

32 (I) A motorized scooter.

33 (J) Class C does not include a two-wheel motorcycle or a
34 two-wheel motor-driven cycle.

35 (4) Class M1. A two-wheel motorcycle or a motor-driven cycle.
36 Authority to operate a vehicle included in a class M1 license may
37 be granted by endorsement on a class A, B, or C license upon
38 completion of an appropriate examination.

39 (5) (A) Class M2 includes the following:

1 (i) A motorized bicycle or moped, or a bicycle with an attached
2 motor, except a motorized bicycle described in subdivision (b) of
3 Section 406.

4 (ii) A motorized scooter.

5 (B) Authority to operate vehicles included in class M2 may be
6 granted by endorsement on a class A, B, or C license upon
7 completion of an appropriate examination, except that no
8 endorsement is required for a motorized scooter. Persons holding
9 a class M1 license or endorsement may operate vehicles included
10 in class M2 without further examination.

11 (c) A driver's license or driver certificate is not valid for
12 operating a commercial motor vehicle, as defined in subdivision
13 (b) of Section 15210, any other motor vehicle defined in paragraph
14 (1) or (2) of subdivision (b), or any other vehicle requiring a driver
15 to hold any driver certificate or any driver's license endorsement
16 under Section 15275, unless a medical certificate approved by the
17 department, the federal Department of Transportation, or the
18 Federal Aviation Administration, that has been issued within two
19 years of the date of the operation of that vehicle, is within the
20 licensee's immediate possession, and a copy of the medical
21 examination report from which the certificate was issued is on file
22 with the department. Otherwise, the license is valid only for
23 operating class C vehicles that are not commercial vehicles, as
24 defined in subdivision (b) of Section 15210, and for operating class
25 M1 or M2 vehicles, if so endorsed, that are not commercial
26 vehicles, as defined in subdivision (b) of Section 15210.

27 (d) A license or driver certificate issued prior to the enactment
28 of Chapter 7 (commencing with Section 15200) is valid to operate
29 the class or type of vehicles specified under the law in existence
30 prior to that enactment until the license or certificate expires or is
31 otherwise suspended, revoked, or canceled.

32 (e) The department may accept a certificate of driving skill that
33 is issued by an employer, authorized by the department to issue a
34 certificate under Section 15250, of the applicant, in lieu of a driving
35 test, on class A or B applications, if the applicant has first qualified
36 for a class C license and has met the other examination
37 requirements for the license for which he or she is applying. The
38 certificate may be submitted as evidence of the applicant's skill
39 in the operation of the types of equipment covered by the license
40 for which he or she is applying.

1 (f) The department may accept a certificate of competence in
2 lieu of a driving test on class M1 or M2 applications, when the
3 certificate is issued by a law enforcement agency for its officers
4 who operate class M1 or M2 vehicles in their duties, if the applicant
5 has met the other examination requirements for the license for
6 which he or she is applying.

7 (g) The department may accept a certificate of satisfactory
8 completion of a novice motorcyclist training program approved
9 by the commissioner pursuant to Section 2932 in lieu of a driving
10 test on class M1 or M2 applications, if the applicant has met the
11 other examination requirements for the license for which he or she
12 is applying. The department shall review and approve the written
13 and driving test used by a program to determine whether the
14 program may issue a certificate of completion.

15 (h) Notwithstanding subdivision (b), a person holding a valid
16 California driver's license of any class may operate a short-term
17 rental motorized bicycle without taking any special examination
18 for the operation of a motorized bicycle, and without having a
19 class M2 endorsement on that license. As used in this subdivision,
20 "short-term" means 48 hours or less.

21 (i) A person under the age of 21 years may not be issued a class
22 M1 or M2 license or endorsement unless he or she provides
23 evidence satisfactory to the department of completion of a
24 motorcycle safety training program that is operated pursuant to
25 Article 2 (commencing with Section 2930) of Chapter 5 of Division
26 2.

27 (j) A driver of a vanpool vehicle may operate with a class C
28 license but shall possess evidence of a medical examination
29 required for a class B license when operating vanpool vehicles. In
30 order to be eligible to drive the vanpool vehicle, the driver shall
31 keep in the vanpool vehicle a statement, signed under penalty of
32 perjury, that he or she has not been convicted of reckless driving,
33 drunk driving, or a hit-and-run offense in the last five years.

34 SEC. 2. Section 34500.6 is added to the Vehicle Code, to read:

35 34500.6. A vehicle or combination of vehicles with a gross
36 vehicle weight rating or gross vehicle combination weight rating,
37 as defined in subdivisions (j) and (k) of Section 15210, of 28,500
38 pounds or less and that is 75 feet or less in length, is not subject
39 to regulation by the department under Section 34500 and not
40 subject to this division if all the following conditions are met:

1 (a) It is operated by a farmer, an employee of a farmer, or an
2 instructor credentialed in agriculture as part of an instructional
3 program in agriculture at the high school, community college, or
4 university level.

5 (b) It is used exclusively in the conduct of agricultural
6 operations.

7 (c) It is not used in the capacity of a for-hire carrier or for
8 compensation.

9 SEC. 3. Section 34601 of the Vehicle Code is amended to read:

10 34601. (a) As used in this division, “motor carrier of property”
11 means ~~any~~ a person who operates ~~any~~ a commercial motor vehicle
12 as defined in subdivision (c). “Motor carrier of property” does not
13 include a household goods carrier, as defined in Section 5109 of
14 the Public Utilities Code, a household goods carrier transporting
15 used office, store, and institution furniture and fixtures under its
16 household goods carrier permit pursuant to Section 5137 of the
17 Public Utilities Code, persons providing only transportation of
18 passengers, or a passenger stage corporation transporting baggage
19 and express upon a passenger vehicle incidental to the
20 transportation of passengers.

21 (b) As used in this division, “for-hire motor carrier of property”
22 means a motor carrier of property as defined in subdivision (a)
23 who transports property for compensation.

24 (c) (1) As used in this division, except as provided in paragraph
25 (2), a “commercial motor vehicle” means any self-propelled vehicle
26 listed in subdivisions (a), (b), (f), (g), and (k) of Section 34500,
27 any motor truck of two or more axles that is more than 10,000
28 pounds gross vehicle weight rating, and any other motor vehicle
29 used to transport property for compensation.

30 (2) As used in this division, “commercial motor vehicle” does
31 not include any of the following:

32 (A) Vehicles identified in subdivision (f) of Section 34500, if
33 the gross vehicle weight rating of the towing vehicle is 10,000
34 pounds or less.

35 (B) Vehicles identified in subdivision (g) of Section 34500, if
36 the hazardous material transportation does not require the display
37 of placards under Section 27903, a license under Section 32000.5,
38 or a hazardous waste transporter registration under Section 25163
39 of the Health and Safety Code, and the vehicle is not operated in
40 commercial use.

1 (C) Vehicles operated by a household goods carrier, as defined
2 in Section 5109 of the Public Utilities Code, under the household
3 goods carrier permit pursuant to Section 5137 of that code.

4 (D) Vehicles operated by a household goods carrier to transport
5 used office, store, and institution furniture and fixtures under its
6 household goods carrier permit pursuant to Section 5137 of the
7 Public Utilities Code.

8 (E) Pickup trucks as defined in Section 471, if the conditions
9 in subparagraphs (A) and (B) are also met.

10 (F) Two-axle daily rental trucks with a gross vehicle weight
11 rating of less than 26,001 pounds, when operated in noncommercial
12 use.

13 (G) Motor trucks or two-axle truck tractors, with a gross vehicle
14 weight rating of less than 26,001 pounds, when used solely to tow
15 a camp trailer, trailer coach, fifth-wheel travel trailer, or utility
16 trailer. Vehicle combinations described in this subparagraph are
17 not subject to Section 27900, 34501.12, or 34507.5.

18 *(H) A vehicle or combination of vehicles with a gross vehicle*
19 *weight rating or gross vehicle combination weight rating, as*
20 *defined in subdivisions (j) and (k) of Section 15210, of 28,500*
21 *pounds or less and that is 75 feet or less in length, if all the*
22 *following conditions are met:*

23 *(i) It is operated by a farmer, an employee of a farmer, or an*
24 *instructor credentialed in agriculture as part of an instructional*
25 *program in agriculture at the high school, community college, or*
26 *university level.*

27 *(ii) It is used exclusively in the conduct of agricultural*
28 *operations.*

29 *(iii) It is not used in the capacity of a for-hire carrier or for*
30 *compensation.*

31 (d) For purposes of this chapter, “private carrier” means a motor
32 carrier of property, who transports only his or her own property,
33 including, but not limited to, the delivery of goods sold by that
34 carrier.