

ASSEMBLY BILL

No. 1758

Introduced by Assembly Member Valadao

February 17, 2012

An act to amend Section 36005 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1758, as introduced, Valadao. Vehicles: hay stack retrievers.

Under existing law, an implement of husbandry is a vehicle that is used exclusively in the conduct of agricultural operations, as specified.

This bill would include a hay stack retriever as an implement of husbandry.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

- 1 SECTION 1. Section 36005 of the Vehicle Code is amended
2 to read:
3 36005. An implement of husbandry includes, but is not limited
4 to, all of the following:
5 (a) A lift carrier or other vehicle designed and used exclusively
6 for the lifting and carrying of implements of husbandry or tools
7 used exclusively for the production or harvesting of agricultural
8 products, when operated or moved upon a highway.
9 (b) A trailer of the tip-bed type when used exclusively in the
10 transportation of other implements of husbandry or tools used

1 exclusively for the production or harvesting of agricultural
2 products.

3 (c) A trailer or semitrailer having no bed, and designed and used
4 solely for transporting a hay loader or swather.

5 (d) A spray or fertilizer applicator rig used exclusively for
6 spraying or fertilizing in the conduct of agricultural operations.
7 This subdivision does not apply to anhydrous ammonia fertilizer
8 applicator rigs which have a transportation capacity in excess of
9 500 gallons.

10 (e) (1) A trailer or semitrailer that has a maximum transportation
11 capacity in excess of 500 gallons, but not more than 1,000 gallons,
12 used exclusively for the transportation and application of anhydrous
13 ammonia, if the vehicle is either equipped with operating brakes
14 or is towed upon a highway by a motortruck that is assigned a
15 manufacturer's gross vehicle weight rating of $\frac{3}{4}$ ton or more.

16 (2) These vehicles are subject to Section 24603 if the stoplamps
17 of the towing vehicle are not clearly visible.

18 (3) For purposes of this subdivision, a combination of vehicles
19 is limited to two vehicles in tandem.

20 (f) A nurse rig or equipment auxiliary to the use of and designed
21 or modified for the fueling, repairing, or loading of an applicator
22 rig or an airplane used for the dusting, spraying, fertilizing, or
23 seeding of crops.

24 (g) A row duster.

25 (h) A wagon or van used exclusively for carrying products of
26 farming from one part of a farm to another part thereof, or from
27 one farm to another farm, and used solely for agricultural purposes,
28 including any van used in harvesting alfalfa or cotton, which is
29 only incidentally operated or moved on a highway as a trailer.

30 (i) A wagon or portable house on wheels used solely by
31 shepherds as a permanent residence in connection with sheep
32 raising operations and moved from one part of a ranch to another
33 part thereof or from one ranch to another ranch, which is only
34 incidentally operated or moved on a highway as a trailer.

35 (j) Notwithstanding subdivision (f) of Section 36101, a trap
36 wagon, as defined in Section 36016, moved from one part of a
37 ranch to another part of the same ranch or from one ranch to
38 another, which is only operated or moved on a highway incidental
39 to agricultural operations. The fuel tank or tanks of the trap wagon
40 shall not exceed 1,000 gallons total capacity.

1 (k) Any vehicle that is operated upon a highway only for the
2 purpose of transporting agricultural products and is in no event
3 operated along a highway for a total distance greater than one mile
4 from the point of origin of the trip.

5 (l) A portable honey-extracting trailer or semitrailer.

6 (m) A fertilizer nurse tank or trailer that is not self-propelled
7 and which is moved unladen on the highway and auxiliary to the
8 use of a spray or fertilizer applicator rig.

9 (n) Any cotton trailer when used on the highways for the
10 exclusive purpose of transporting cotton from a farm to a cotton
11 gin, and returning the empty trailer to such farm, except that
12 Section 5014 shall apply to such trailers.

13 (o) A truck tractor or truck tractor and semitrailer combination
14 specified in this subdivision which is owned by a farmer and
15 operated on the highways, (1) only incidental to a farming
16 operation, (2) not for compensation, and (3) for a distance of not
17 more than two miles (on the highway) each way. This subdivision
18 applies only to truck tractors with a manufacturer's gross vehicle
19 weight rating over 10,000 pounds that are equipped with all-wheel
20 drive and off-highway traction tires on all wheels, and only to
21 semitrailers used in combination with such a truck tractor and
22 exclusively in production or harvesting of tomatoes. The vehicles
23 specified in this subdivision shall not be operated in excess of 25
24 miles per hour on the highways.

25 (p) An all-terrain vehicle used in agricultural operations.

26 (q) A hay stack retriever.