

Date of Hearing: April 24, 2017

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 1152 (Dahle) – As Amended March 28, 2017

SUBJECT: Vehicles: motor carriers

SUMMARY: Redefines “pickup truck” for purposes of acquiring a motor carrier permit (MCP) to mean a motortruck with a manufacturer’s gross vehicle weight rating (GVWR) of less than 16,000 pounds that is equipped with an open box-type bed not exceeding nine feet in length that may be equipped with a bed-mounted storage compartment unit commonly called a “utility body.”

EXISTING LAW:

- 1) Defines “pickup truck” as a motortruck with a manufacturers GVWR of less than 11,500 pounds, and unladen weight of less than 8,001 pounds, and which is equipped with an open box-type bed not exceeding 9 feet in length, and provides that a “pickup truck” does not include a motor vehicle otherwise meeting this definition that is equipped with a bed-mounted storage compartment unit commonly called a “utility body.”
- 2) Requires the California Highway Patrol (CHP) to regulate the safe operation of specified vehicles, including, but not limited to, the following:
 - a) Motortrucks of three or more axles with a GVWR over 10,000 pounds;
 - b) Truck tractors;
 - c) A combination of a motortruck and a specified vehicle or vehicles that exceeds 40 feet in length when coupled together;
 - d) A vehicle, or a combination of vehicles, transporting hazardous materials; and,
 - e) A commercial motor vehicle with a GVWR over 26,000 pounds or a commercial motor vehicle of any GVWR towing a trailer with a GVWR over 10,000 pounds, except combinations including camp trailers, trailer coaches, or utility trailers.
- 3) Provides that any one of the above-specified vehicles, or any motortruck of two or more axles with a GVWR above 10,000 pounds, or any other motor vehicle used to transport property for compensation is a “commercial motor vehicle,” except for the following vehicles:
 - a) A combination of a motortruck and a specified vehicle or vehicles that exceeds 40 feet in length when coupled together, if the GVWR of the towing vehicle is 10,000 pounds or less;
 - b) A vehicle, or a combination of vehicles, transporting hazardous materials, if the vehicle or combination of vehicles is not required to display a hazardous materials placard, as specified, and the vehicle or combination of vehicles is not operated in commercial use;

- c) A vehicle operated by a household goods carrier, as specified;
 - d) A pickup truck;
 - e) A two-axle daily rental truck with a GVWR of less than 26,001 pounds, when operated in non-commercial use; and,
 - f) A vehicle never operated in commercial use, as specified.
- 4) Defines “motor carrier of property” as a person who operates a commercial motor vehicle, as defined above, requires a motor carrier of property to obtain a carrier identification number from CHP, and prohibits a motor carrier of property from operating a commercial motor vehicle unless it holds a valid MCP issued by the Department of Motor Vehicles, as specified.
- 5) Prohibits a motor carrier from operating a commercial vehicle without identifying to CHP all terminals in the state where those vehicles may be inspected, and participating in CHP’s Basic Inspection of Terminals (BIT) program.
- 6) Excludes, until January 1, 2023, agricultural vehicles from the BIT program, as defined, and requires CHP and DMV to report to the Governor and the Legislature on the impact of excluding agricultural vehicles from the BIT program by January 1, 2022.

FISCAL EFFECT: Unknown

COMMENTS: Under existing law, the definition of a commercial vehicle contains several classifications of vehicle, including any vehicle regulated by CHP, any motortruck with a GVWR over 10,000 pounds, and any other motor vehicle used to transport property for compensation, but excludes certain other vehicles, including pickup trucks. Every motor carrier of property operating a commercial motor vehicle must possess a valid MCP issued by DMV. All vehicles subject to an MCP, except agricultural vehicles, must be inspected under CHP’s BIT program. Under the BIT program, motor carriers must make their vehicles and records available for inspection by CHP, with terminals issued unsatisfactory ratings inspected more frequently than non-priority, satisfactorily-inspected terminals. The MCP and BIT programs ensure that vehicles that require additional training to operate and pose greater safety concerns than smaller vehicles are properly inspected, maintained, and operated by their motor carriers.

This bill would redefine a pickup truck for purposes of the exception under the MCP program to include motortrucks with a GVWR up to 16,000 pounds that may be equipped with a bed-mounted storage compartment unit commonly called a “utility body.” According to the author, including these additional vehicles under the pickup exemption and eliminating them from the MCP and BIT programs will make it less cumbersome for owners of these vehicles who use the vehicles in their jobs.

Committee concerns: Broadening this exemption from MCP requirements would exclude many “medium duty” trucks from MCP and BIT program requirements, regardless of their status as commercial vehicles. These vehicles generally have GVWRs between 10,000 and 16,000 pounds, and can tow significantly heavier loads than a truck with a GVWR below 10,000 pounds. For example, a Ford F-450 has a GVWR of 14,000 pounds and a towing capacity of 21,000 pounds, and would be exempted from both the MCP and BIT programs under this bill.

This raises serious safety concerns. An un-permitted, un-inspected truck hauling over 20,000 pounds of product could cause a serious hazard to the safety of other motorists.

Last year, Governor Brown signed AB 1960 (Lackey), Chapter 748, Statutes of 2016, which exempted agricultural vehicles from the BIT program until 2023. The agricultural vehicles excluded by AB 1960 would include many of the types of vehicles that would be excluded by this bill. AB 1960 requires CHP and DMV to report to the Legislature on the safety impact of excluding those vehicles from the BIT program by 2022. Given that the Legislature has not yet received information on what the safety impact of that carve-out has been, it may be premature to exclude additional vehicles from MCP and BIT requirements.

Previous legislation: AB 1960 (Lackey), Chapter 748, Statutes of 2016, excluded an agricultural vehicle, as defined, from the BIT program conducted CHP.

AB 995 (Bigelow) of 2016 would have directed CHP and DMV to establish a pilot program exempting certain farm vehicles from vehicle registration requirements, as specified. AB 995 was vetoed by Governor Brown.

AB 529 (Lowenthal), Chapter 500, Statutes of 2013, revised the BIT program to include additional vehicles and establish a performance-based model for inspections.

REGISTERED SUPPORT / OPPOSITION:**Support**

None on file

Opposition

None on file

Analysis Prepared by: Justin Behrens / TRANS. /